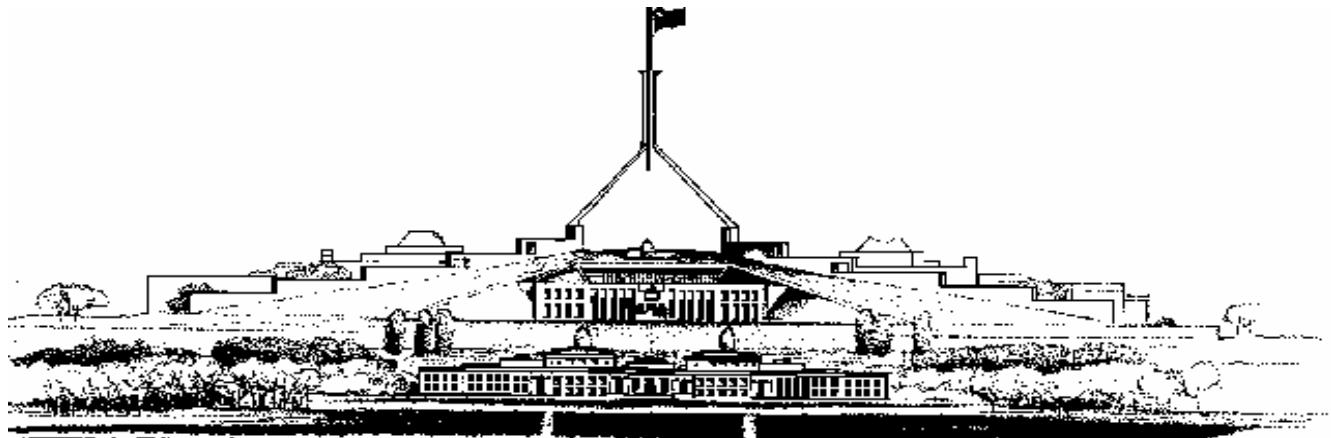




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 4, 2008

Wednesday, 14 May 2008

FORTY-SECOND PARLIAMENT
FIRST SESSION—SECOND PERIOD

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SITTING DAYS—2008

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

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

Governor-General

His Excellency Major General Michael Jeffery, Companion in the Order of Australia,
Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

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Deputy President and Chair of Committees—Senator John Joseph Hogg

Temporary Chairs of Committees—Senators Guy Barnett, Andrew John Julian Bartlett,
Thomas Mark Bishop, Carol Louise Brown, Hedley Grant Pearson Chapman,
Michael George Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot,
Hon. John Alexander Lindsay (Sandy) Macdonald, Anne McEwen, Gavin Mark Marshall,
Claire Mary Moore, Andrew James Marshall Murray, Hon. Judith Mary Troeth and
John Odin Wentworth Watson

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

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

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

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

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

Manager of Opposition Business in the Senate—Senator Hon. Christopher Martin Ellison

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 Hon. Nigel Gregory Scullion

Deputy Leader of the Nationals—Senator Hon. Ronald Leslie Doyle Boswell

Leader of the Australian Democrats—Senator Lynette Fay Allison

Leader of the Australian Greens—Senator Robert James Brown

Leader of the Family First Party—Senator Steve Fielding

Government Whips—Senators Kerry Williams Kelso O'Brien, Ruth Stephanie Webber and
Dana Wortley

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

The Nationals Whip—Senator Fiona Joy Nash

Australian Democrats Whip—Senator Andrew John Julian Bartlett

Australian Greens Whip—Senator Rachel Siewert

Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate

Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2011	LP
Adams, Judith	WA	30.6.2011	LP
Allison, Lynette Fay	VIC	30.6.2008	AD
Barnett, Guy	TAS	30.6.2011	LP
Bartlett, Andrew John Julian	QLD	30.6.2008	AD
Bernardi, Cory ⁽⁵⁾	SA	30.6.2008	LP
Birmingham, Simon John ⁽⁶⁾	SA	30.6.2008	LP
Bishop, Thomas Mark	WA	30.6.2008	ALP
Boswell, Hon. Ronald Leslie Doyle	QLD	30.6.2008	NATS
Boyce, Suzanne Kay ⁽¹⁾	QLD	30.6.2008	LP
Brandis, Hon. George Henry, SC	QLD	30.6.2011	LP
Brown, Carol Louise ⁽⁴⁾	TAS	30.6.2008	ALP
Brown, Robert James	TAS	30.6.2008	AG
Bushby, David Christopher ⁽⁹⁾	TAS	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Carr, Hon. Kim John	VIC	30.6.2011	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2008	LP
Colbeck, Hon. Richard Mansell	TAS	30.6.2008	LP
Collins, Jacinta Mary Ann ⁽¹⁰⁾	VIC	30.6.2008	ALP
Cormann, Mathias Hubert Paul ⁽⁸⁾	WA	30.6.2011	LP
Conroy, Hon. Stephen Michael	VIC	30.6.2011	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2008	LP
Crossin, Patricia Margaret ⁽³⁾	NT		ALP
Eggleston, Alan	WA	30.6.2008	LP
Ellison, Hon. Christopher Martin	WA	30.6.2011	LP
Evans, Hon. Christopher Vaughan	WA	30.6.2011	ALP
Faulkner, Hon. John Philip	NSW	30.6.2011	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 ⁽²⁾	VIC	30.6.2008	LP
Fisher, Mary Jo ⁽⁷⁾	SA	30.6.2011	LP
Forshaw, Michael George	NSW	30.6.2011	ALP
Heffernan, Hon. William Daniel	NSW	30.6.2011	LP
Hogg, John Joseph	QLD	30.6.2008	ALP
Humphries, Gary John Joseph ⁽³⁾	ACT		LP
Hurley, Annette	SA	30.6.2011	ALP
Hutchins, Stephen Patrick	NSW	30.6.2011	ALP
Johnston, Hon. David Albert Lloyd	WA	30.6.2008	LP
Joyce, Barnaby	QLD	30.6.2011	NATS
Kemp, Hon. Charles Roderick	VIC	30.6.2008	LP
Kirk, Linda Jean	SA	30.6.2008	ALP
Lightfoot, Philip Ross	WA	30.6.2008	LP
Ludwig, Hon. Joseph William	QLD	30.6.2011	ALP
Lundy, Kate Alexandra ⁽³⁾	ACT		ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2008	LP
Macdonald, Hon. John Alexander Lindsay (Sandy)	NSW	30.6.2008	NATS
McEwen, Anne	SA	30.6.2011	ALP

Senator	State or Territory	Term expires	Party
McGauran, Julian John James	VIC	30.6.2011	LP
McLucas, Hon. Jan Elizabeth	QLD	30.6.2011	ALP
Marshall, Gavin Mark	VIC	30.6.2008	ALP
Mason, Hon. Brett John	QLD	30.6.2011	LP
Milne, Christine	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2008	ALP
Murray, Andrew James Marshall	WA	30.6.2008	AD
Nash, Fiona Joy	NSW	30.6.2011	NATS
Nettle, Kerry Michelle	NSW	30.6.2008	AG
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen	TAS	30.6.2011	LP
Patterson, Hon. Kay Christine Lesley	VIC	30.6.2008	LP
Payne, Marise Ann	NSW	30.6.2008	LP
Polley, Helen	TAS	30.6.2011	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Scullion, Hon. Nigel Gregory ⁽³⁾	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2008	ALP
Siewert, Rachel	WA	30.6.2011	AG
Stephens, Hon. Ursula Mary	NSW	30.6.2008	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2008	AD
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell	QLD	30.6.2011	LP
Watson, John Odin Wentworth	TAS	30.6.2008	LP
Webber, Ruth Stephanie	WA	30.6.2008	ALP
Wong, Hon. Penelope Ying Yen	SA	30.6.2008	ALP
Wortley, Dana	SA	30.6.2011	ALP

- (1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Santo Santoro, resigned.
- (2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
- (3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
- (4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
- (5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.
- (6) Chosen by the Parliament of South Australia to fill a casual vacancy vice Jeannie Margaret Ferris, died in office.
- (7) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Amanda Eloise Vanstone, resigned.
- (8) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Hon. Ian Gordon Campbell, resigned.
- (9) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Hon. Paul Henry Calvert, resigned.
- (10) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Robert Francis Ray, resigned.

PARTY ABBREVIATIONS

AD—Australian Democrats; 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—D Kenny (Acting)

RUDD MINISTRY

Prime Minister	Hon. Kevin Rudd, MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion	Hon. Julia Gillard, MP
Treasurer	Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate	Senator Hon. Chris Evans
Special Minister of State, Cabinet Secretary and Vice President of the Executive Council	Senator Hon. John Faulkner
Minister for Trade	Hon. Simon Crean MP
Minister for Foreign Affairs	Hon. Stephen Smith MP
Minister for Defence	Hon. Joel Fitzgibbon MP
Minister for Health and Ageing	Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs	Hon. Jenny Macklin MP
Minister for 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
Minister for Human Services and Manager of Government Business in the Senate	Senator Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry	Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism	Hon. Martin Ferguson AM, MP

[The above ministers constitute the cabinet]

RUDD MINISTRY—*continued*

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

SHADOW MINISTRY

Leader of the Opposition	Hon. Brendan Nelson MP
Deputy Leader of the Opposition and Shadow Minister for Employment, Business and Workplace Relations	Hon. Julie Bishop MP
Leader of the Nationals and Shadow Minister for Infrastructure and Transport and Local Government	Hon. Warren Truss MP
Leader of the Opposition in the Senate and Shadow Minister for Defence	Senator Hon. Nick Minchin
Deputy Leader of the Opposition in the Senate and Shadow Minister for Innovation, Industry, Science and Research	Senator Hon. Eric Abetz
Shadow Treasurer	Hon. Malcolm Turnbull MP
Manager of Opposition Business in the House and Shadow Minister for Health and Ageing	Hon. Joe Hockey MP
Shadow Minister for Foreign Affairs	Hon. Andrew Robb MP
Shadow Minister for Trade	Hon. Ian Macfarlane MP
Shadow Minister for Families, Community Services, Indigenous Affairs and the Voluntary Sector	Hon. Tony Abbott MP
Shadow Minister for Agriculture, Fisheries and Forestry	Senator Hon. Nigel Scullion
Shadow Minister for Human Services	Senator Hon. Helen Coonan
Shadow Minister for Education, Apprenticeships and Training	Hon. Tony Smith MP
Shadow Minister for Climate Change, Environment and Urban Water	Hon. Greg Hunt MP
Shadow Minister for Finance, Competition Policy and De-regulation	Hon. Peter Dutton MP
Manager of Opposition Business in the Senate and Shadow Minister for Immigration and Citizenship	Senator Hon. Chris Ellison
Shadow Minister for Broadband, Communications and the Digital Economy	Hon. Bruce Billson MP
Shadow Attorney-General	Senator Hon. George Brandis
Shadow Minister for Resources and Energy and Shadow Minister for Tourism	Senator Hon. David Johnston
Shadow Minister for Regional Development, Water Security	Hon. John Cobb MP

[The above constitute the shadow cabinet]

SHADOW MINISTRY—*continued*

Shadow Minister for Justice and Border Protection; Assisting Shadow Minister for Immigration and Citizenship	Hon. Chris Pyne MP
Shadow Special Minister of State	Senator Hon. Michael Ronaldson
Shadow Minister for Small Business, the Service Economy and Tourism	Steven Ciobo MP
Shadow Minister for Environment, Heritage, the Arts and Indigenous Affairs	Hon. Sharman Stone MP
Shadow Assistant Treasurer and Shadow Minister for Superannuation and Corporate Governance	Michael Keenan MP
Shadow Minister for Ageing	Margaret May MP
Shadow Minister for Defence Science, Personnel; Assisting Shadow Minister for Defence	Hon. Bob Baldwin MP
Deputy Manager of Opposition Business in the House and Shadow Minister for Business Development, Independent Contractors and Consumer Affairs	Luke Hartsuyker MP
Shadow Minister for Veterans' Affairs	Hon. Bronwyn Bishop MP
Shadow Minister for Employment Participation and Apprenticeships and Training	Andrew Southcott MP
Shadow Minister for Housing and Shadow Minister for Status of Women	Hon. Sussan Ley MP
Shadow Minister for Youth and Sport	Hon. Pat Farmer MP
Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Cabinet Secretary	Don Randall MP
Shadow Parliamentary Secretary Assisting the Leader of the Opposition in the Senate and Shadow Parliamentary Secretary for Northern Australia	Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for Health	Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Education	Senator Hon. Brett Mason
Shadow Parliamentary Secretary for Defence	Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Infrastructure, Roads and Transport	Barry Haase MP
Shadow Parliamentary Secretary for Trade	John Forrest MP
Shadow Parliamentary Secretary for Immigration and Citizenship	Louise Markus MP
Shadow Parliamentary Secretary for Local Government	Sophie Mirabella MP
Shadow Parliamentary Secretary for Tourism	Jo Gash MP
Shadow Parliamentary Secretary for Ageing and the Voluntary Sector	Mark Coulton MP
Shadow Parliamentary Secretary for Foreign Affairs	Senator Marise Payne
Shadow Parliamentary Secretary for Families and Community Services	Senator Cory Bernardi

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Wednesday, 14 May 2008

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

**TELECOMMUNICATIONS
(INTERCEPTION AND ACCESS)
AMENDMENT BILL 2008**
Second Reading

Debate resumed from 13 March, on motion by **Senator Ludwig**:

That this bill be now read a second time.

Senator BRANDIS (Queensland) (9.31 am)—The primary purpose of the Telecommunications (Interception and Access) Amendment Bill 2008 is to extend the operation of network protection provisions which are due to expire on 13 June 2008. It will also propose some technical amendments to the Telecommunications (Interception and Access) Act. The principal act prohibits the interception of telecommunications but also provides for interception by law enforcement and security agencies under warrant if the Attorney-General is satisfied that the telecoms system is being used by a person reasonably suspected of engaging in activities prejudicial to security.

Recent advances in technology have made it possible to communicate without a message passing over the telecommunications system—for example, storing emails or text messages in draft without sending them, swapping SIM cards and so on. These are known as stored communications. In 2004 the coalition government introduced interim legislation to permit security and law enforcement agencies access to stored communications using a normal search warrant as opposed to a telecommunications interception warrant.

In March 2005 the then government commissioned a report by Anthony Blunn to

review the regulation of access to telecommunications. His report, which was tabled on 14 September 2005, recommended legislation dealing with access to telecommunications data. In 2006 the coalition government introduced legislation responding to the first tranche of the Blunn report recommendations, the 2006 act. This provided for a warrant regime for access to stored communications. In 2007 the second phase was enacted, implementing a two-tier access regime for access to historic and real-time data.

The provisions of the current legislation which are acceptable to the opposition are the proposed amendments to sections 5F(3) and 5G(3), which have an existing sunset provision of 13 June 2008. The bill proposes that this be extended until 12 December 2009. These are provisions which provide for exemptions to the general prohibition on the interception of telecommunications for Commonwealth and state law enforcement and security agencies. They contain the so-called network protection provisions. These provisions are necessary because automated systems to screen communications for viruses may constitute a technical breach of the prohibition on interception under the T(IA) Act. There is a risk that network administrators may incidentally intercept communications in the performance of that important function.

The Blunn report recognised that an exemption would permit the incidental interception of communications in the course of developing new technologies but recommended that access by law enforcement and security agencies without warrant should be permitted where it is necessarily incidental to the protection of data systems or the authorised development of new technologies or interception capabilities. The need is recognised for more comprehensive legislation to deal with this issue. Under the extended sunset provision, 20 Commonwealth and state

agencies will have access exemptions, in the limited circumstances to which I have referred, until the end of 2009.

There are a number of technical amendments. Item 3 proposes to amend the T(IA) Act to allow a device based warrant—that is, for a particular telecommunications device used or likely to be used by a person to intercept communications from multiple devices. The 2006 amending act used the example of a person using multiple SIM cards in a mobile phone in quick succession to attempt to thwart interception, and other methods can be imagined. I note that these warrants are to be used only as a second-tier measure—that is, only if it would not be practicable to intercept the telecommunications services used or likely to be used by the person in respect of whom the warrant is issued. There are also consequential amendments.

The 2006 and 2007 amending acts resulted in some duplication in notification and reporting requirements. These are not controversial. I note that there were amendments proposed by the Senate committee that reviewed this legislation which have been accepted by the government, and the opposition welcomes the government's concessions in that regard. These provide for, firstly, the requirement to identify multiple devices in device based named person warrants rather than for the warrants to extend presumptively to any device used or likely to be used by a person and, secondly, the removal of the power retrospectively to extend a warrant to devices not identified in the warrant. The opposition commends the work of the committee in this regard. The recommendations were unanimous. I make particular mention of the work of my friend and colleague Senator Guy Barnett in the committee.

In conclusion, the extension of the sunset clauses and the technical amendments does not create new powers for security and law

enforcement agencies, but the network protection provisions do allow exemptions in limited circumstances'. The opposition recognises the complexity of the technical and privacy issues that arise in this area and urges the government to come forward with a legislative solution well before the 2009 sunset date. Having said that, and with the concessions the government has made to the recommendations of the Senate committee, the opposition will be supporting the bill.

Senator BARNETT (Tasmania) (9.37 am)—Like the shadow minister, Senator George Brandis, I stand to speak in support of the Telecommunications (Interception and Access) Amendment Bill 2008 and also to commend to the Senate the Senate Standing Committee on Legal and Constitutional Affairs report on this legislation, which notes seven recommendations at the back. I note that the government has taken those recommendations on board. I thank the government for acknowledging the work of the committee and for taking those recommendations on board. It is really appreciated and it highlights the importance of the work of the Senate and the Senate committees. It was a unanimous report and it was released in May, just a short time ago. Senator Patricia Crossin chaired the committee and I was the deputy chair. The committee included Senator Andrew Bartlett, Senator Mary Jo Fisher, Senator Annette Hurley, Senator Linda Kirk, Senator Gavin Marshall and Senator Russell Trood. Senator Bob Brown was a participating member, as was Senator John Hogg.

I want to commend to the Senate the submissions made to that committee by 14 submitters: the Law Council of Australia; the New South Wales Council for Civil Liberties; the Office of New South Wales Privacy Commissioner; the Attorney-General's Department; the Victorian Privacy Commissioner; ASIO, which made a confidential submission; the Office of the Privacy Com-

missioner; the Castan Centre for Human Rights Law; Victorian Police; the Australian Privacy Foundation, which also made a supplementary submission; Electronic Frontiers Australia; the Australian Federal Police; Tasmania Police; and the Queensland Police Service. All of those submissions were very much appreciated by the committee. The committee took on board those submissions, as well as the submissions of the witnesses who appeared before our committee, to come up with the seven recommendations. We had to balance the importance of protecting privacy and privacy rights with the importance of ensuring appropriate law enforcement measures and the operation by those various law enforcement agencies so that they can do their job. That is the role of Senate committees and the Senate—to improve the legislation wherever possible. It is a very good example of where it is working and working well.

The bill sought to amend the Telecommunications (Interception and Access) Act 1979, and its primary objective was to protect the privacy of individuals who use the Australian telecommunications system. The act makes it an offence to intercept communications or to access stored communications other than in accordance with the provisions of the act. There were three main amendments set out in the bill. The first was the extension of the sunset date for the network protection provisions. I think there was unanimous support for that being done. The second was the 'clarification'—that is the word used by the government department—that a device based named person warrant gives the authority to intercept multiple telecommunications devices, and that additional devices not identified when the warrant was issued may be added. Now, of course, that objective has changed and the government has seen fit not to proceed with that particular objective but rather to wait until they can,

with due consideration, come up with a better form of words, a better form of amendments, so that we can get consent and agreement through the Senate for such legislation. The third and final amendment was the removal of mandatory requirements for state interception agencies to provide copies of warrants and revocation instruments to state ministers, and for the ministers to forward these to the Attorney-General's Department. Basically, that means to make it voluntary for relevant state ministers, for emergency services or for police to use their own discretion in that regard.

I want to note that the committee reviewed and used the previous efforts and past reports of the Senate Legal and Constitutional Affairs Legislation Committee when it was chaired by Senator Marise Payne, who I again commend in the Senate for her leadership of that committee over many years and for the reports that were prepared by that committee. The committee, in this instance, has produced a report that is consistent with past Senate Legal and Constitutional Affairs Legislation Committee reports and recommendations. We have also tried to be consistent with the Blunn report. Senators will recall that in 2005 the Howard government appointed Anthony Blunn AO to undertake a review of the regulation of access to communications under the T(IA) Act. Mr Blunn found that from a privacy point of view, uncontrolled access is simply not satisfactory. In his report of 2005, on page 59, he said:

An access regime should be established which provides appropriate protections and prevents backdoor use and access to obtain content.

That is referred to in our Senate committee report. In terms of the background and in terms of a telecommunications device and technology generally, things are changing and changing fast. A terminal device that is capable of being used for transmitting or receiving a communication over a communica-

cations system is a telecommunications device and it includes things such as a computer and a computer terminal, a personal digital assistant and a mobile telephone handset. They can be used to access more than one telecommunications service. For example, it is a simple matter to change a SIM card in a mobile phone or, in fact, for the user to use more than one mobile phone. Examples were put to our committee where over a dozen mobile phones and over a dozen SIM cards had been used. Law enforcement agencies want to do their job and do it well, and they want to be able to ensure that they cover the field.

That was where the legislation was heading, and we had to weigh that up to ensure that we got a proper balance between allowing law enforcement agencies to do their job, and do it effectively, and the privacy measures, because third parties could certainly be impacted by these new measures through no fault of their own—for example, because they used a certain computer terminal or a certain mobile phone that was used by the suspect concerned. So their interests need to be properly protected. The government's explanatory memorandum sets out that:

... interception agencies are required to provide copies of warrants and revocations to the Secretary of the Commonwealth Attorney-General's Department, who in turn provides them to the Commonwealth Minister ...

In chapter 3 of the report we talk about the sunset dates and we make a recommendation there that is consistent with the Blunn report. In recommendation 1, we say that we need to get 'a balance between individual privacy rights and network protection requirements'.

In chapter 4 we talk about the device based named person warrants. Most of the witnesses who appeared before the committee raised concerns in relation to the proposal in the bill to permit devices to be added to a warrant after it had been issued and without

further reference to the issuing authority. This is an area where we made a number of recommendations, and I am pleased to say that the government has acceded to those recommendations and has removed the concerns about adding devices to those warrants retrospectively—that is, after a warrant has been issued. I think that is a good move. It certainly ensures that the privacy of the individual will be protected.

In the report we made the point that 'allowing interception agencies to add additional devices to a device-based named person warrant without further referral to an issuing authority' was a major change to the bill. It was not, as the government had initially said in its second reading speech and in its explanatory memorandum, simply a matter of clarification. It was a significant change, and the government has seen fit not to proceed down that track, which is certainly appreciated. One of the conclusions we reached in the report was:

The committee is not convinced, however that an issuing authority can adequately consider potential interference with the privacy of any person(s), and also consider the other factors against which this should be balanced, if it is unaware of the identity of the devices that an interception agency may add subsequently to a device-based named person warrant.

We made that clear and we put that in a recommendation, and it has been noted. I also want to refer to the conclusion regarding accountability, where we said:

In regards to the accountability mechanisms internal to interception agencies, the committee commends the work done by interception agencies to improve their processes and accountability mechanisms.

From the submissions from Tasmania Police, the Queensland Police Service and others, it seemed quite clear that the law enforcement agencies are trying to get it right and are trying to keep up with changing technology and

changing reforms. The committee also noted the importance of maintaining ‘independent scrutiny should agencies be authorised to add devices to a warrant, except in exceptional circumstances’. That was certainly taken into account in our report and in the government’s response.

I particularly appreciate the submissions from the Law Council of Australia, the New South Wales Council for Civil Liberties and Electronic Frontiers Australia. They made a lot of important submissions on the issue of privacy and reporting arrangements. You will see in the report that, with regard to reporting arrangements, the committee recommended that the bill be amended to insert a requirement that the annual report in relation to the bill incorporate additional information. That was recommended on the basis of the privacy of the individual—those third parties that may be affected—to require there to be an open, transparent and accountable arrangement where that reporting is put in place and becomes public information. I have referred to the removal of the mandatory arrangement for state ministers to report accordingly, and that is outlined in chapter 5 of the committee’s report. In chapter 6 we touched on some other issues and recommended that there should be an independent review of the act within three years. We also made further recommendations regarding reviews of the legislation.

I want to take this opportunity to thank the secretariat of the committee, Peter Hallahan and his team, for the work that they have done. I appreciate the long hours that are put in in pulling together a report like this in a very short time frame. The government had a sunset clause in the previous legislation and they and the Senate committee had to act swiftly. We delivered the report a week or two ago, and this legislation is now a priority for the government. The coalition supports the move to have this legislation reviewed

and passed. I, together with Senator Brandis and the other members of my committee, support the legislation.

Senator BARTLETT (Queensland) (9.50 am)—In following on from Senator Barnett, I might say that that is a nice beard, Senator Barnett—a very distinguished look. You risk being mistaken for me even more, though, if you are not careful! The Telecommunications (Interception and Access) Amendment Bill 2008 and, most importantly, the amendments that have been circulated by the government and the committee report that Senator Barnett has just referred to are further examples of the essential work of Senate committees. It is work that is mostly unsung, so I think it is important to sing about it—not literally, people will be relieved to know, but to highlight it and note its importance. In many cases it should really be unsung; it is simply getting down to the nitty-gritty of legislative detail and assessing what its actual impact will be and whether or not what is actually in the legislation before us matches the explanations given to us by the executive wing of government.

The government contends that the main purpose of this bill is to amend the Telecommunications (Interception and Access) Act 1979 to extend by 18 months the operation of the network protection provisions which are due to sunset on 13 June—just a month away. For this reason, we were asked back in March to consider the bill time critical. The government initially sought to have it included in the non-controversial legislation list at that time. It was asserted that the remainder of the bill implements a number of ‘minor yet important technical amendments’ and that it ‘contains no new powers for security or law enforcement agencies in relation to telecommunications interception, stored communications or access to data, but the bill ensures that these agencies have the nec-

essary tools to combat crime in this age of rapid technological change'.

Before speaking to the substantive aspects of the bill, I would like to say something on behalf of the Democrats and, in particular, on behalf of the party spokesperson in this area, Senator Stott Despoja, who has some amendments that will be discussed in the committee stage. It is important to reflect on the attitude that the new government is displaying towards legislation affecting national security. While this legislation is not as huge as some of the other legislation on national security and related issues, it is still part of that same continuum. It is a concern to the Democrats that, on the first occasion that the new government has turned its mind to any form of legislation that impacts on Australia's national security regime, we once again get this time-critical mantra being used. I accept the sunset provisions are time critical but the other provisions were not and are not. These provisions have simply been tacked on. When the government said that they were all time critical and that the bill was non-controversial—it contained no new powers and these were just minor amendments—some far too familiar and very concerning bells rang for me. It is the same approach that the previous government used to take in this area.

I reflect here on the detailed debate of an amendment bill in 2006 to the Telecommunications (Interception and Access) Act 1979. That bill—the Telecommunications (Interception and Access) Amendment Bill 2006—has same name as the bill before us. The debate on the 2006 bill was carried over three days in the Senate chamber. At that time, the ALP opposition moved a series of amendments to the bill which focused on the ALP's concern that the legislation did not adequately protect individual privacy, particularly in relation to B-party warrants. Senator Ludwig, the then shadow minister for justice

and customs, carried the debate on the legislation for the Labor Party. In his third reading contribution to the bill, he said:

The position we have now got to is that the government has voted down sensible amendments which came out of the committee process.

...

It is unfortunate that this government has not picked up the amendments that Labor has proposed, safeguards which would have struck the right balance. It really comes down to a lazy Attorney-General, who has not had the opportunity to look at the recommendations, to bring forward amendments and to argue for them in here.

...

The government could have picked up our recommendations during this debate. They have not. Therefore, they have not struck the right balance. Privacy is not sufficiently protected so far as B-party intercept warrants are concerned.

That was the Labor Party position expressed in this chamber in 2006 in their amendments to the bill; yet, four months into government, the Labor Party, in bringing forward this bill, have revisited the previous legislation and have suggested that it is a time-critical debate that could be put through in a non-controversial way. They initially made no attempt to address the numerous concerns that they themselves had expressed with the legislation in 2006.

As part of being balanced, I should indicate that the difference here is that the Labor government has picked up some of the concerns raised in the committee inquiry and is putting forward amendments to reflect some of those concerns. Thankfully, after the Democrats referred this bill to the Senate Standing Committee on Legal and Constitutional Affairs for inquiry, the legislation before us emerged. It is clear from the nature and extent of submissions received by the committee and, indeed, from the committee's conclusions in their report, that the amendments proposed by the original bill were far from

minor or just technical. Indeed, the chair concluded that the amendments in relation to device based warrants proposed to remove an important, existing safeguard and refuted the assertion by the Attorney-General's Department that the current bill merely clarifies the intention of the 2006 bill.

The government has belatedly acknowledged some of the effects of this bill by the amendments that it is now proposing—and that should be acknowledged. That also reflects the importance of the Senate committee process—not widespread headlines but just focusing on the facts, getting submissions from people that have expertise in the area and filtering through the evidence to look at the actual impacts of the legislation. That evidence included submissions from law enforcement officers, who have to deal with the daily reality of wrestling with fast-changing technology and all of the different competing issues that have been reflected on in previous contributions. The committee heard evidence from the law enforcement officers, which is important, and I acknowledge the different perspectives there. By simply doing that, the committee was able to significantly improve the legislation and also to go forward in a much more informed way.

On a more personal level, apart from the alarm bells that ring when I hear statements from ministers that legislation contains 'minor technical amendments'—and I discover when I look at them that they are not minor—there is another statement by ministers that always concerns me, and that is: 'We are just making changes to reflect what was the parliament's original intention.' This occurred when the previous amendment bill was passed a few years ago. Frankly, as a parliamentarian, I resent being told what my intention is and, in particular, being told what the Senate's intention is by ministers who are not part of Senate. This statement is simply ludicrous. I know that you could have

a whole lot of legal argument about what the phrase 'the parliament's intention' means and does not mean.

However, in simple, real-world language, to try and suggest that a law that has a particular set of words was passed by the parliament and that the parliament's actual intention was to adopt something completely different is, I think, bordering on dishonesty, frankly—and that is being polite. It is a lazy phrase to use and it is one that, to me, always suggests that there is something dodgy going on. I am not saying that there is something dodgy going on here, but it is my automatic response when I hear that justification being used that the parliament actually meant to do this a few years ago and somehow or other the parliament just got it wrong, and now we are just doing what the parliament really wanted to do back then but we could not get it right at the time. Unless there is very compelling evidence to back up those sorts of statements, I would suggest that they are more likely to be misleading rather than factual. It is disappointing to see that sort of justification put forward.

The government can argue all it wants about what the government's intention at the time was, but I think it is very dodgy to argue what the parliament's intention was in regard to the final legislation passed. It is particularly dubious, given that the government now arguing this was not the government from a couple of years earlier. The wording in the act, whilst there are some inconsistencies within it as it currently exists, is quite clear in not permitting what is being proposed by this legislation. Whether or not what was being proposed by this legislation is a good or a bad thing is a separate matter.

This is actually the third time in as many years that this act has been amended. On each previous occasion the Democrats, the Greens and the Labor Party, as then opposi-

tion, expressed serious concern about the operation of the act and the lack of privacy safeguards. To try and seek to rush through a series of amendments and label them time critical without revisiting those concerns is unfortunate. We do consider that the act, as a whole, still requires significant amendment in some of those areas which are not addressed by this bill. We do urge the government to consider some of those wider issues as a matter of urgency.

Notwithstanding those views, we do understand the government does find itself in the position where aspects of the legislation enacted by the former government and passed by the previous parliament are due to expire, and thus there is an imperative that parts of this bill are passed expeditiously. Sections 5F(2) and 5G(2) are subject to sunset clauses, and will cease to have effect in June this year. Items 1 and 2 in schedule 1 of the bill seek to extend these sunset provisions by a further 18 months. The Democrats agree with the committee's conclusion that extension of the sunset provisions under subsections 5F(2) and 5G(2) of the act should be allowed to pass without amendment. We also support the committee's recommendation that any further legislation to address network protections provisions should include a thorough and considered response to achieving a balance between individual privacy rights and network protection requirements.

However, the Democrats are concerned that progress in relation to a permanent legislative solution has not progressed beyond a draft discussion paper. According to evidence provided to the committee inquiry, that has not yet been circulated outside the Attorney-General's Department. We consider that such progress is unacceptably slow. You put in place sunset clauses to provide some idea of when the task is meant to be completed. To have made such little progress when the sunset clause is about due to expire is of

concern. We do urge the government to work towards a permanent solution to this issue as fast as possible.

We also note that there are still, undoubtedly, uncertainties surrounding the application of the act to organisations other than law enforcement and intelligence agencies that do not have the benefit of an exemption. As Electronic Frontiers Australia stated during the committee inquiry:

Simply put, it seems now that ASIO, the police and anticorruption agencies may be able to legally filter viruses and spam from their incoming email but there is a good chance that organisations in the private sector and indeed governmental organisations not specifically provided for in the legislation may be committing an offence by doing that.

The Democrats note recent comments from the Attorney-General that indicate the department is developing a solution to this problem, and we consider that any uncertainties surrounding the application of the act to non-exempt organisations should be addressed as a matter of urgency. If clarifying legislation is required, it should be developed commensurate with the permanent legislative solution in respect of law enforcement and intelligence agencies.

The device based named person interception warrants were introduced by the 2006 bill, which I have referred to already. During the committee inquiry into that amending bill the Democrats considered that there was significant uncertainty surrounding the ability to uniquely identify communications devices and recommended that the provisions of that 2006 bill relating to device based warrants be delayed until it was possible to determine the full scope of their operation. We note the concern expressed still by privacy and civil liberties groups, as reflected in the committee's report on this occasion, regarding the continued uncertainty in relation to unique identifiers. We support the committee's rec-

ommendation to implement recommendation 3.2.5 of the Blunn report and support priority being given to developing a unique and indelible identifier of the source of telecommunications.

However, we consider that the implementation of that recommendation from the Blunn report should be a condition precedent to access to telecommunications via device based warrants. The Blunn report did not recommend the introduction of device based warrants, but rather that priority be given to developing a unique and indelible identifier of the source of telecommunications and emphasising that as a basis for access. Accordingly, the Democrats still have strong reservations about allowing any expansion of the device based warrant regime. We consider that to allow the development and expansion of the device based warrant regime before the development of a unique and indelible identifier is to risk putting the cart before the horse.

While the government's amendments are a significant improvement on the original form of the bill, they are also a stopgap measure and not one that the Senate should condone as a matter of course or as a permanent solution. On the one hand, the amendments will require that only devices that are identified in the warrant can be subject to interception; on the other hand, provisions remain in the act, such as section 16(1)(a) and 60(4)(a), which contemplate situations where a device has not been identified but is nonetheless subject to surveillance.

By its own admission, the government is leaving the door open to revisit this legislation at a later date to achieve its original aims—which may or may not have been the parliament's original aims—in relation to device based warrants. It is a messy way of legislating, caused by the government's effort in tacking these amendments on to the

time critical sunset provision amendments. That is the only reason why we are dealing with those issues at the same time.

Notwithstanding these significant reservations, the Democrats will not oppose the government's amendments that had been circulated to the amending legislation, on the basis that they improve the privacy protections in the original bill considerably. The Democrats also welcome the committee's consideration of this bill in light of Australia's international obligations. We support the committee's recommendation that the government commission an independent review of the operation of the act within three years and that the act be amended to provide a statutory requirement for independent review every five years. However, we see no reason why the latter amendment should be delayed and we have circulated an amendment to achieve this aim immediately. We also support the committee's conclusion that a summary statement in the explanatory memorandum of consistency with international obligations, in lieu of an express right to privacy under Australian law, would be a useful guide when considering any further legislative amendments.

In reality, like previous amendments to this act, this bill amounts to an incremental expansion of the telecommunications monitoring powers of the Commonwealth. As a result, there is a significant risk that the powers of law enforcement and security agencies under the act could breach the privacy rights of Australian citizens. As such it is appropriate, in the Democrats' view, that there be an independent umpire to balance necessary, lawful and proportionate access by law enforcement agencies to telecommunications data with the public's right to communicate free from surveillance. They are competing principles and they are difficult to reconcile—I accept that. But I think that having an independent umpire to consider some of

those balances is an important part of the mix.

The Democrats note that, in relation to the area of listening devices, a model can be found in my own state of Queensland, where a public interest monitor is authorised under the Police Powers and Responsibilities Act 2000 to intervene in applications for listening device warrants and to monitor and report on the use and effectiveness of the warrants. We see merit in adopting the Queensland public interest monitor model to improve accountability. I am sure that Senator Ludwig would not want in any way to reflect poorly on his own state government's legislation in that area.

Finally, in circumstances where there are competing views from government and key stakeholders, it is the role of the Senate to analyse the legislation carefully and recommend any appropriate changes. I urge the government to ensure that we do not slip back into what we have seen too often, particularly in the last three years or so, with legislation being rushed through unnecessarily or components of amendments that are time critical being tacked onto others that are not as a mechanism to try to curtail adequate examination of amendments to law.

However, again, it should be emphasised, particularly due to the efforts of the Democrats in getting this bill referred to a committee rather than being put through as non-controversial, that a number of deficiencies in this bill have been identified through the committee process and the government has moved from its original position. It should always be acknowledged when that happens, particularly when the government members of the committee are part of that process. It is encouraging that the committee and its new chair have operated effectively in scrutinising the legislation and recommending amendments to government—which, again,

has not always happened as clearly as I would have liked in the past. I do think the committee's report also contains some valuable components for the government for further consideration.

Senator NETTLE (New South Wales) (10.10 am)—The primary concern that the Australian Greens had with the Telecommunications (Interception and Access) Amendment Bill 2008 was with the ability to add new devices that could be intercepted without the need to get a warrant for that particular device. The reason we had that concern was that we can envisage a whole range of different circumstances where this might be problematic. One example that particularly comes to mind for me is the idea of somebody who is having some form of their telecommunications monitored and who might use a library computer. There are a whole range of other people who could also use that library computer. It is a problem if you are able to add additional devices that people use for communication and expand the interception that occurs without having to get a warrant to say, 'This is why we think we need to be able to intercept the communications that this person has when they use that library computer.' It is fair enough if you have a legitimate reason to monitor them while they are using that computer but not, potentially, if everyone who is using that computer has their communications monitored. We are not saying that that was necessarily going to occur, but it is one of the scenarios that could have occurred. That was the primary concern that we had in relation to this bill.

I appreciate the work of organisations such as the Law Council, Electronic Frontiers Australia, who was mentioned, and also the New South Wales Council for Civil Liberties in pointing out the difficulties with what was originally proposed in relation to this bill and the expansion of interception powers. The New South Wales Council for

Civil Liberties in particular gathered together some really useful information for the Senate inquiry and for general discussion on this issue on the number of interceptions of telephone communications that currently occur in Australia. They made international comparisons that showed that a telephone in Australia is 23 times more likely to be bugged than a telephone in the United States. It is perhaps quite stark for the public to hear about and to understand that in the United States you only get your telephone communications intercepted if a judge approves it. That is not the case in Australia. I think those international comparisons are important for the public debate and the public understanding about what we have seen, particularly since September 2001, with incremental increases—not always incremental either—in the security powers that we give to intelligence organisations in relation to monitoring the activities of Australian citizens and others living in Australia. I think that has been a really helpful contribution. I want to acknowledge, as everyone has said, that it is pleasing to see the government amendments that address this particular issue, which was the central concern that the Greens had in relation to this bill.

I want to particularly acknowledge those organisations like the Law Council and the Council for Civil Liberties that have been part of the community pressure and that have been campaigning on this issue. We have certainly been hearing from them for a long time and have been involved in discussions with them for some time. I think it is worth acknowledging the contributions that they make to the public debate, whether it be through those figures and statistics about the way that telecommunication interception happens in Australia in a far more frequent way than it does in many other countries, including the United States, or in other areas. It is important to understand those differ-

ences as well as the potential consequences for people using a public library and the other people who will have their communications monitored if we simply add on more and more devices without having to get a warrant in each instance. These are the potential areas of difficulty that you get. That is what we need to be dealing with here. We have all seen instances of enthusiastic intelligence operatives gathering a whole range of different pieces of information. We may have different views—I am sure we do have different views in here!—about what is appropriate and at what level, but it is a concern that the community has and that the government has. That is why it is pleasing to see these amendments, as I understand them. Perhaps the minister can outline some more detail for us in relation to these amendments and the fact that now we are not going to see the situation where you can just add on more devices without having to get a warrant. That was our particular concern.

The whole reason we have the telecommunications interception issue that we have is that people's communication is an issue of privacy—it is a significant issue around people's liberties and freedoms—and should only be intervened in in extraordinary circumstances where that is deemed to be appropriate. That is why we have the system that we have. When you make exemptions to that and say, 'We can monitor your communications without a warrant,' it has got to be in extraordinary circumstances. Our view was that, in the previous form of this bill and how we originally saw it, it was not extraordinary circumstances at all but allowed for there to be extra things. That is why, as I understand these amendments, it is pleasing for them to indicate that you will need a warrant if you are going to add another device onto the monitoring system. That is why we have the monitoring system—it is something people are concerned about.

People think they can have a conversation with their friend and it is a conversation precisely of that nature: with their friend, not with a whole range of other organisations that might happen to be listening in. It is a fundamental principle that people hold dear in this country and all around the world. We need to be careful. We have a responsibility to ensure that those exemptions are in extraordinary circumstances. That is why I am pleased to see this set of government amendments that—I think I understand them correctly—address that central concern that we had. You should not be just adding on devices where interception can occur without needing a warrant. That has the potential to spread the net far wider in terms of the number of people and the innocent communications and citizens who are caught up in this—whether they be family members, other people using the computer in the public library, other people using that email address, other people using that mobile or whatever it may be.

Let's target our communications, let's target any interception that occurs to those people of whom there genuinely needs to be interception and let's ensure that we have stringent safeguards in place to ensure that that occurs. There are other examples, as I say. The judges are the people who approve them in the United States. That is not the case here in Australia. The figures from the Council for Civil Liberties say that, of the 3,287 warrants sought in the year to June 2007, only seven were rejected. I think that is useful information for the public to be aware of to get an understanding of how the existing telecommunications interception system operates in this country. Where governments are making arguments to expand that system, I think it is fundamentally important that the public understand how the system currently operates and the potential for the expansion to occur. I want to ac-

knowledge the work of those organisations involved in the Senate committee process, involved in highlighting this issue so that the bill was sent to a committee, so that we have got it to the point it is at now in relation to these government amendments.

Senator LUDWIG (Queensland—Minister for Human Services) (10.17 am)—in reply—I would like to thank those senators who contributed to the debate this morning. Before replying specifically to the matters raised, I would like to address the findings of the Senate Legal and Constitutional Affairs Committee in their report on the Telecommunications (Interception and Access) Amendment Bill 2008, which was tabled out of session on Tuesday, 6 May. Let me begin by thanking the committee for its work in examining the bill and all those who contributed to the inquiry. I know the Attorney-General also appreciates the efforts of the committee in reporting in time to enable to consideration of the bill in this session.

In relation to the proposal to extend the network protection provisions, I note that the committee accepted the need to develop a full legislative solution to the issue. Recommendation 1 of the report stresses the need for a thorough and considered response to achieving a balance between individual privacy rights and network protection requirements. The government agrees with and accepts this recommendation. I would add that part of the reason for seeking the current extension is the considerable legal and technical complexity of developing such a solution. However, I am advised by the Attorney-General that the development of a proposal is well advanced and there is the intention to move to wider public consultation in the very near future.

Recommendation 2 addresses the issue of unique identifiers as the basis for device based named person warrants and returns to

a point made previously by the committee: the importance of ensuring that devices to be intercepted under a warrant can be accurately identified. The government accepts the recommendation that priority be given to ‘developing a unique and indelible identifier of the source of telecommunications’. Several further points should be made, though, in this area. First, it is important to note that such identifiers in fact do already exist. These include individual mobile equipment identifiers, commonly known as IMEIs, and media access controls, commonly known as MAC addresses. The fact that these may occasionally be inaccurate as a result of illegal tampering does not invalidate the device based regime any more than a forged drivers licence, for instance, invalidates the state licensing system for driving motor vehicles. Second, agencies and carriers take measures to check that the device identified on a warrant is correctly associated with the person of interest. If a mistake is made and material is inadvertently collected from the wrong person, the law already requires that the material be immediately destroyed. Third, the government continues to work with the telecommunications industry and international organisations to improve the reliability of the unique identifiers. These measures are supported by offences in the Criminal Code that penalise tampering with telecommunications equipment.

Recommendations 3 and 4 also deal with device based named person warrants. The bill as introduced proposed to allow a device based named person warrant to permit the interception of multiple devices as well as to allow intercepting agencies to add further devices to the warrant as they are identified. While the committee appreciated the operational rationale for these proposals, they did not agree to the second aspect—the adding of additional devices after a warrant is issued without independent oversight. The commit-

tee took the opportunity to emphasise the importance of maintaining the direct role of issuing authorities in authorising any interception. Accordingly, recommendations 3 and 4 proposed an alternative emergency warrant regime. The government appreciates the efforts of the committee in developing this practical alternative. However, I am also mindful that enacting the recommendation would involve some complex drafting as well as consideration of various administrative and operational issues. Given the time constraints that exist, particularly associated with this legislation, this is not something that can be done within the current bill. As such, the government accepts the recommendation for further consideration. In the meantime, the government has sought to introduce amendments to the bill that remove the provisions allowing agencies to add devices to device based named person warrants. We do that in good faith to ensure that the matter can be more fully addressed.

Recommendation 5 seeks additional reporting for device based warrants. The government accepts this recommendation and has introduced amendments to the bill that provide for separate reporting on the two categories of named person warrants—those that are service based and those that are device based. A new provision also requires reporting on the number of devices intercepted under named person warrants. However, I note that the second part of the recommendation relates to reporting of the number of devices added by agencies after a warrant is issued. It is not necessary to consider this at this point, given the government’s amendments that I referred to earlier.

Finally, recommendations 6 and 7 of the report propose an independent review of the T(IA) Act within three years but with the legislative amendment to require further review every five years. The government accepts this recommendation for further con-

sideration. It is certainly true that the pace of technological change continues to require legislative amendments to the interception regime, and it is not a bad thing for an independent reviewer to periodically reassess the state of the regime as a whole. However, I would take the opportunity to point out that the act has been regularly reviewed, with seven Senate committee legislative inquiries and four independent reviews all in the space of the past nine years. I think I participated in, if not all, the majority of the Senate committees.

I now turn to several specific matters raised in the debate today. I note that Senator Brandis seeks to ensure that any future legislative solution that we may bring forward be brought forward in sufficient time for it to be ably dealt with prior to the sunset provision. As I said in the address-in-reply, it is one of those matters that we hope to bring forward well in advance of the time.

In respect of Senator Guy Barnett, I note that he is now chair of the committee. I appreciate his role as chair and for being—in a similar way to Senator Payne—diligent in his work in this area. It is complex, it is technical and it does require a measure of responsibility to ensure that we balance the needs of the rights and privacy of individuals with the requirements of national security and the requirements of the law enforcement agencies in this area.

I thank Senator Bartlett, and I note the criticism he has raised. I understand Senator Bartlett's interest in this area; it has extended equally with mine for some years. Senator Bartlett raised a couple of matters in respect of the unique identifiers. Recommendation 2 is that priority be given to developing a unique and indelible identifier of the source of communication as a basis for access. The 2006 amendment act did introduce a regime for access to communication based on

unique identification numbers within the device based named person warrant regime, so it is there. I note also that tampering with device based identifiers is an offence, as I have said. The Attorney-General's Department does continue to work with a broad range of stakeholders, both nationally and internationally, to improve the robustness of the unique identifiers.

In respect of the second matter that Senator Bartlett raised, which dealt with the network protection, there is, in the government's view, no uncertainty about the application of the T(IA) Act to network protection. Under the T(IA) Act, there are a range of network protection activities, such as automated filtering and blocking of emails. Organisations can and do protect their networks without breaching the prohibition on interception. However, it is recognised that changes in technology have caused the T(IA) Act to apply in situations that were not anticipated when the legislation was enacted. This does have the effect of creating a somewhat arbitrary distinction between different types of network protection activities. I am not in a position to know all the details of individual companies or organisations that undertake different forms of network protection, but in those specific matters the Attorney-General's Department is happy to work with those organisations or individuals who may have concerns about their current practices to ensure that they fall within the general law and do not breach the T(IA) Act itself. Those matters can be pursued. More broadly, I thank Senator Bartlett for his contribution. As I have noted, he has continued to have a significant interest in this area and continues to challenge this area.

In respect of Senator Nettle, there are two matters that I detect that she has raised, and I note them from previous times. One of them relates to comparison with the US. In response to that—and it is a difficult area, I

accept; with any comparison of statistics it is usually best to ensure that we are comparing apples with apples and oranges with oranges, to use a well-worn cliche—the statistics I am aware of appear to indicate that the use of telecommunications interception by Australian authorities on a per capita basis is greater than that of our American counterparts. It is not true to claim that Australians are intercepted more than Americans. Direct comparisons between the Australian and US statistics can be misleading, because legislative controls on lawful interception differ widely between jurisdictions. US laws do not require reporting on warrants in the same manner as Australian laws. I am informed that US laws allow one warrant to authorise the interception of services for more than one person and multiple services for each person—for instance, where it becomes possible to identify criminal associates of the original suspect. This does result in fewer statistical returns than under Australian law, which allows a warrant to authorise the interception of a single telecommunications service or the service of one named person only.

I also note that Australia also reports on the total number of services which are intercepted under named person warrants—information which is not reported in the US. Additionally, the statistics published in the US do not include interceptions undertaken pursuant to the Foreign Intelligence Surveillance Act, which covers matters dealing with national security. Australian law enforcement agencies do not have this discretion and therefore all interceptions must be reported. Therefore I only urge, when making comparisons between Australia and the US, that you take those matters into account. They can provide a misleading summary that is not helpful in the debate more broadly.

In terms of innocent parties—a point that you raised, Senator Nettle, and I also acknowledge that you have continued to have a

strong interest in protecting privacy in this area—the T(IA) Act contains several provisions to protect the privacy of innocent third parties, including explicit consideration by the issuing authority of how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant. An issuing authority may impose conditions or restrictions on the warrant, requiring revocation of a warrant or ceasing interception of a particular service or device where the basis for the warrant no longer exists, and strict guidelines around the secondary use and disclosure of information obtained under an interception warrant, particularly strict destruction requirements which require that any record which is no longer required or not relevant to the investigation is destroyed. It does have regular, independent inspection by the relevant Commonwealth or state ombudsman for the destruction of records. With those matters, I will conclude.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator BARTLETT (Queensland) (10.32 am)—I move Democrat amendment (1) on sheet 5478 circulated in the name of Senator Stott Despoja on behalf of the Australian Democrats:

(1) Page 2, (after line 11), after clause 3, insert:

4 Review of operation of Act

(1) The Minister must cause an independent review of the operation of this Act to be completed at the end of every five years, with the first review due for completion on 30 June 2013.

I think I have notified all the whips, but just to make sure everybody is clear: all of the other circulated amendments from the Democrats that are on the running sheet I will not be proceeding with. They were sent

around back in March when it looked like we might not get a committee review of this. We have had the committee review, so things have moved on. This single amendment is based on committee recommendation No. 7. I think Senator Ludwig has addressed this to some extent and has pre-empted the fabulous argument I am about to put forward, and he has rejected it before he has heard it on the basis of committee recommendation No. 7, which recommended the insertion of a statutory requirement for the act to be independently reviewed every five years. While the committee recommended the review requirement be inserted via separate legislation, the Democrats do not see any reason why it could not be inserted now.

This is the third time the act has been amended in as many years, and those amendments have dealt with controversial aspects such as B-party warrants, which I should repeat the ALP, when in opposition, had significant issues with at the time; expansions in the definition of 'enforcement agency' allowing an unprecedented number of organisations access to communications information—there were difficulties in defining exactly what telecommunications data is and therefore what law enforcement agencies are able to access; access to prospective, real-time telecommunications data and location information which, combined with the emergence of many new technologies threatens to act as an alternative surveillance mechanism; and further examination of device based warrants. As a result, it is not clear if an appropriate balance has been struck between necessary, lawful and proportionate access to telecommunications by law enforcement agencies on the one hand and the public's right to communicate free from surveillance on the other. The risk to personal privacy is increased in the committee's words 'in lieu of an express right to privacy under Australian law' and by the lack of any

formal human rights instrument in Australia. Clearly, a comprehensive and independent review would be the best way to determine whether the correct balance has been maintained.

It is clear in the Democrats' view that we need an urgent audit of the powers that are available under the act as a follow-up to the Blunn review, which was completed in 2005—that was nearly three years ago. Mr Blunn stated in his report:

It is inevitable that there will be further reviews. Indeed given the rate of changes within the industry and within society more generally I believe that there is a strong case for regular reviews, say at three yearly intervals.

This amendment opts to implement the committee's recommendation for review within five years rather than the shorter three-year period suggested by Mr Blunn, although a strong alternative can be easily made to support an immediate review followed by recurring reviews every five years. The Office of the Privacy Commissioner is also of the view that the operation of the act should be subject to overall independent review at least every five years due to the number of amendments to interception legislation in recent years and the resulting incremental expansion in powers.

Senator Ludwig, the minister representing the government, pointed out that there have been a number of reviews—Senate committee reviews and others. I think he said seven; I might not be right, but it was a significant number, anyway. I accept that but I think it is worth pointing out that the Senate committee inquiry we have just had was not a review of the totality; it was a review of a specific set of amendments. There is a real risk when you slice down and look at particular areas in a timely and critical fashion that you can risk not seeing the forest for the trees. I think this amendment seeks to have a review of the forest—the totality of how it operates—and

have that regularly required in an independent way through the statute. That is the purpose behind it, and I think it is a meritorious one. I will leave my remarks there.

Senator LUDWIG (Queensland—Minister for Human Services) (10.37 am)—The government will not be supporting the Democrats amendment. The significant reasons for that were dealt with in the reply. The Democrats indicated that they had additional concerns. The primary purpose of the Telecommunications (Interception and Access) Amendment Bill 2008 is to extend the network protection sunset provisions by 18 months to allow a longer term solution to be implemented, recognising of course that the opposition have also sought that that be brought on well before the sunset provision expires.

In line with recommendation 1 from the substantive Senate committee report, any proposed amendments to the network protection provisions will aim to balance network protection requirements and individual privacy rights. Additionally, the government have undertaken to accept for further consideration recommendation 6 and 7 of the substantive Senate committee report for an independent review of the T(IA) Act within three years together with legislative amendments to require further review every five years. I think that adequately addresses issues raised by Senator Bartlett in his amendment. It would provide further complications if the government were to accept the nature of the review outlined in Senator Bartlett's amendment. I think Senator Bartlett accepts that it is a complex and technical area. It will require the government to put its shoulder to the wheel to provide a legislative solution and provide it in a timely manner to allow those parties who have an interest in this area to examine it to ensure it balances the rights of the privacy concerns of individuals and the requirements of law en-

forcement agencies to legitimately target criminals and ensure that they are brought to justice, and to safeguard our national security interests, which are of concern to this government. We want to ensure not only that we strike the right balance but also that our law enforcement agencies are ably equipped to deal with the complex and technical issues and deal with criminals who continue to pursue things down every avenue available to avoid detection.

With those short words, I understand Senator Bartlett's interest. However, I want to comment on one last matter. As Senate committees have come forward over time and dealt with each individual piece of legislation, I think it is not fair to say that they have not been drawn on the past history of committee reports in a more holistic way to examine this area, notwithstanding that there has been a range of external reviews that have looked into this particular area.

Question negatived.

Senator LUDWIG (Queensland—Minister for Human Services) (10.40 am)—I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber today.

Chair, I am at the indulgence of the participants in the debate today as to whether government amendments can be moved in a block.

The CHAIRMAN—I might ask the other participants in the debate whether they are happy with Senator Ludwig seeking leave to move the amendments in a block.

Senator Brandis—We have no objection.

The CHAIRMAN—There seems to be no objection in the chamber. Senator Ludwig, please proceed along the normal lines. We can always divide them and put individual issues separately.

Senator LUDWIG (Queensland—Minister for Human Services) (10.41 am)—by leave—I move government amendments (1) to (15) and (17) to (21) on sheet RB375:

(1) Clause 2, page 2 (table item 8), omit the table item, substitute:

8. Schedule 1, items 38 and 39	The day on which this Act receives the Royal Assent.
9. Schedule 1, item 39A	At the same time as the provision(s) covered by table item 3.
10. Schedule 1, items 40 to 43	The day on which this Act receives the Royal Assent.
11. Schedule 1, item 43A	1 July 2008. 1 July 2008
12. Schedule 1, items 44 to 46	The day on which this Act receives the Royal Assent.
13. Schedule 1, item 46A	1 July 2008. 1 July 2008
14. Schedule 1, items 47 and 48	The day on which this Act receives the Royal Assent.
(2) Schedule 1, items 3 to 5, page 3 (lines 13 to 22), omit the items, substitute:	

3 Subparagraph 9A(1)(b)(ii)

After “telecommunications device”, insert “or particular telecommunications devices”.

4 Paragraph 9A(1A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

5 Subsection 9A(1A) (note)

After “telecommunications device”, insert “or telecommunications devices”.

- (3) Schedule 1, item 6, page 3 (lines 26 and 27), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.
- (4) Schedule 1, item 6, page 3 (line 28), after “sufficient to identify the”, insert “telecommunications device or”.
- (5) Schedule 1, item 7, page 3 (line 31) to page 4 (line 2), omit the item, substitute:

7 Subsection 9A(3)

After “telecommunications device”, insert “or telecommunications devices”.

- (6) Schedule 1, items 8 to 10, page 4 (lines 3 to 11), omit the items, substitute:

8 Subparagraph 11B(1)(a)(ii)

After “telecommunications device”, insert “or particular telecommunications devices”.

9 Paragraph 11B(1A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

10 Subsection 11B(1A) (note)

After “telecommunications device”, insert “or telecommunications devices”.

- (7) Schedule 1, item 11, page 4 (lines 15 and 16), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.
- (8) Schedule 1, item 11, page 4 (line 17), after “sufficient to identify the”, insert “telecommunications device or”.
- (9) Schedule 1, item 12, page 4 (lines 20 to 22), omit the item, substitute:

12 Subsection 11B(3)

After “telecommunications device”, insert “or telecommunications devices”.

- (10) Schedule 1, items 13 and 14, page 4 (lines 23 to 28), omit the items, substitute:

13 Paragraph 16(1)(aa)

After “telecommunications device”, insert “or telecommunications devices”.

14 Paragraph 16(1A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

14A Paragraph 16(2)(a)

After “telecommunications device”, insert “or telecommunications devices”.

14B Paragraph 16(2)(b)

Omit “that device”, substitute “the device or devices”.

- (11) Schedule 1, item 20, page 5 (line 33) to page 6 (line 1), omit “any telecommunica-

- tions device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.
- (12) Schedule 1, item 20, page 6 (line 2), after “sufficient to identify the”, insert “telecommunications device or”.
- (13) Schedule 1, item 21, page 6 (lines 4 and 5), omit the item, substitute:
- 21 Subparagraph 46A(1)(d)(ii)**
- After “telecommunications device”, insert “or particular telecommunications devices”.
- (14) Schedule 1, items 23 to 25, page 6 (lines 8 to 16), omit the items, substitute:
- 23 Subsection 46A(1) (note)**
- After “telecommunications device”, insert “or telecommunications devices”.
- 24 Subparagraph 46A(2)(a)(ii)**
- After “telecommunications device”, insert “or particular telecommunications devices”.
- 25 Subsection 46A(3)**
- After “telecommunications device”, insert “or telecommunications devices”.
- (15) Schedule 1, item 31, page 7 (lines 19 and 20), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.
- (17) Schedule 1, item 35, page 8 (lines 10 to 12), omit the item, substitute:
- 35 Paragraph 60(4)(aa)**
- After “telecommunications device”, insert “or telecommunications devices”.
- (18) Schedule 1, item 37, page 8 (lines 15 to 17), omit the item, substitute:
- 37 Paragraph 60(4A)(b)**
- After “telecommunications device”, insert “or telecommunications devices”.
- (19) Schedule 1, page 8 (after line 23), after item 39, insert:
- 39A Paragraph 60(5)(b)**
- After “a particular device”, insert “or particular devices”.
- (20) Schedule 1, page 9 (after line 4), after item 43, insert:
- 43A Paragraph 100(1)(ec)**
- Repeal the paragraph, substitute:
- (ec) in relation to all named person warrants issued during that year on application made by each agency or authority:
- (i) the total number of telecommunications services intercepted under those of the warrants that did not authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
- (ii) the total number of telecommunications services intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
- (iii) the total number of telecommunications devices by means of which communications were intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
- (21) Schedule 1, page 9 (after line 10), after item 46, insert:
- 46A Paragraph 100(2)(ec)**
- Repeal the paragraph, substitute:
- (ec) in relation to all named person warrants issued during that year:
- (i) the total number of telecommunications services intercepted under those of the warrants that did not authorise the interception of communications made by means of a telecommunications device

- or telecommunications devices identified in the warrant; and
- (ii) the total number of telecommunications services intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
 - (iii) the total number of telecommunications devices by means of which communications were intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and

The government opposes item 31 in schedule 1 in the following terms:

(16) Schedule 1, item 31, page 7 (line 25) to page 8 (line 3), subsection 59A(3) **to be opposed**.

The CHAIRMAN—I note that (16) on sheet RB375 is separated out because it opposes a schedule of the legislation.

Senator LUDWIG—Thank you, Chair. Amendment (1) relates to the commencement provisions in schedule 1 of the bill and provides that items 38 to 43 and 44 to 48 commence on the day the act receives royal assent. Item 39A, in relation to the device based named person warrants, will commence on proclamation to ensure the necessary amendments to the Telecommunications (Interception) Regulations 1987 are made prior to the commencement. Items 43A and 46A, in relation to the new reporting requirements for the named person warrant regime, will commence on 1 July 2008 to allow the required administrative process to be implemented.

Amendments (2) to (10) relate to the device based named person warrants issued to

the Australian Security Intelligence Organisation and amend the bill to remove the provisions that enable ASIO to add a device to a device based named person warrant after it is issued. Consequent technical amendments have also been made to the proposed provisions in the bill that enable device based named person warrants to be issued in relation to multiple devices to require all devices to be identified in the warrant. These amendments provide clarity and certainty to law enforcement and security agencies and telecommunications carriers with obligations under the act, and respond to issues raised during the Senate consideration of the bill. Amendments (11) to (19), in relation to the device based named person warrants issued to law enforcement agencies, ostensibly do the same thing.

The CHAIRMAN—Senator Ludwig, I assume you are not dealing with (16), or are you just talking to it?

Senator LUDWIG—I intend to talk to it just to deal with it. I thought (16) would then be separated out and voted on separately.

The CHAIRMAN—We are separating it out.

Senator LUDWIG—Amendments (11) to (19) amend the bill to remove the provisions that enable law enforcement agencies to add a device to device based named person warrants after they are issued. As I indicated, they do a similar thing to what the previous ASIO amendment did. They are consequent technical amendments that have also been made to the proposed provisions of the bill that enable the device based named person warrant to be issued in relation to multiple devices to require all devices to be identified in the warrant. And they do provide the certainty to law enforcement and security agencies and telecommunication carriers of obligations under the act and respond to those

matters that were raised during the Senate committee consideration of the bill.

Finally, amendments (20) and (21)—additional reporting requirements for named person warrants—impose a requirement for separate statistical reporting on the number of services intercepted under service based named person warrants and device based named person warrants and reporting on the total number of devices intercepted. These amendments will ensure that statistical information is available and provide greater transparency, further strengthen the extensive reporting provided by the Telecommunications (Interception and Access) Act 1979 and address the recommendations made by the Senate committee. I have moved those amendments together, but the question for (16) will be dealt with separately.

Senator BRANDIS (Queensland) (10.46 am)—Can I just indicate on behalf of the opposition that we will be supporting these amendments. They adopt recommendations of the Senate committee which were generated from the opposition and from cross-bench parties, and we think they improve the legislation.

Senator NETTLE (New South Wales) (10.46 am)—In my initial remarks I talked about concerns in relation to being able to add additional devices to be tapped or intercepted without needing a warrant and my understanding is that these amendments remove the situation that I expressed concern about. Therefore the Greens are happy to support these amendments, but I want to ask Senator Ludwig to confirm that for me on the record.

Senator LUDWIG (Queensland—Minister for Human Services) (10.47 am)—That is correct, Senator Nettle.

Senator BARTLETT (Queensland) (10.47 am)—For the record, the Democrats support these amendments. As has been

stated, they reflect the committee recommendations and I put on the record again that the benefit of Senate committee inquiries is precisely this purpose, particularly when they are able to come up with unanimous reports. It is worth noting and praising the contribution of government senators and the government chair of this committee, Senator Crossin. It is the way it should be but it does not always happen, so it is worth noting when government chairs and government members of a committee are happy to support and propose recommendations to amend legislation. I also point out the Democrats' role in referring it to inquiry in the first place, rather than flicking it through on a non-controversial basis. It does highlight that the initial suggestion, which may have been made unknowingly, that these were just minor technical amendments that did not introduce new powers and that they just reflected the parliament's original intent from 2006, were simply wrong. It may have been an innocent mistake, but they were wrong. It is a reminder that we should not take those sorts of statements at face value.

On indulgence, it may be my final opportunity and I have noted Senator Ludwig's comments a couple of times about my ongoing interest in this area. I thought it worth putting on the record, given the broader political context of the next month or two, the longstanding interest of a number of people from the Democrats over many years in privacy and related issues, going back at least to Senator Janine Haines in the 1980s through to Senator Stott Despoja and a number of others in between. Given the wider context, I thought I would note the contribution of many people from the Democrats in giving a particular priority and focus to this issue over a number of years. I am sure others will continue to do so and I wish them well in their task because it is a complex area. It is one of those areas where you do have competing

principles, each of which has a lot of validity to them. Striking the right balance is important. The more people can drain away some of the political rhetoric which can impose itself in this area and obscure some of the complexities that actually lie underneath, the better. That is where Senate committees, at their best, can do a really good job. I think these amendments, which have come out of that process, are a reflection of that.

Senator NETTLE (New South Wales) (10.50 am)—I just want to say that, while we are acknowledging lots of people, let us acknowledge the Law Council, the New South Wales Council for Civil Liberties and Electronic Frontiers Australia, who were part of the community campaign to get all of those politicians that we have just talked about to make these improvements happen.

The CHAIRMAN—The question is that government amendments (1) to (15) and (17) to (21) on sheet RB375 be agreed to.

Question agreed to.

The CHAIRMAN—The question is that schedule 1, item 31, subsection 59A(3) stand as printed.

Question negated.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator LUDWIG (Queensland—Minister for Human Services) (10.51 am)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK) BILL 2008

Second Reading

Debate resumed from 19 March, on motion by **Senator Carr**:

That this bill be now read a second time.

Senator BIRMINGHAM (South Australia) (10.52 am)—It is a pleasure to speak on the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008, the first piece of legislation relating to the government’s proposed national broadband network. I and all members of the coalition recognise the fundamental importance of broadband and effective delivery of broadband to Australians across the diversity of our country, in metropolitan and country areas. We recognise its importance to our economic development and to ensuring that Australia prospers now and into the future. We know that broadband and effective communications policies will play a very important role in Australia’s future and in ensuring that we enjoy the same type of economic growth and economic benefits that Australia has enjoyed so much over the last decade. That is why it is so important that we get this process right—that the new Rudd government gets communications policy right. In particular, it needs to get the process surrounding the national broadband network right, because Australia’s future and our economic sustainability into the future will very much depend on correct policy parameters in these important areas.

Our concerns lie in the rushing of this process and the risk that it will not be right and that we will see billions of dollars in taxpayers’ money squandered to get a less than satisfactory public policy outcome for all Australians. We believe it is important to be judicious in the expenditure of the public

funds that have been put on the table here. A figure of \$4.7 billion was plucked by the then Rudd opposition, and this legislation is now being rushed through just so that it can be spent and they can meet their election promise as quickly as possible, regardless of the implications of this for good communications policy along the way.

Government funds in sectors where the private sector is at play should be invested where there is a clear market failure. That should be the overriding priority for where government funds are expended. The concern with the approach adopted by the government is that it is not focusing on where market failures may exist. Far from it; it is throwing \$4.7 billion at a broad and sweeping proposal that does not target the likelihood of market failures in regional Australia. In fact, it probably pushes regional Australia to the end of the queue, so that the likely development of broadband may be hastened in metropolitan Australia at the expense of areas that commercially would not otherwise have been delivered. The market failure may exist in regional Australia. It probably will not exist in metropolitan Australia, where commercial providers have already been working to deliver such services.

I commend to the Senate and to the Minister for Broadband, Communications and the Digital Economy the *Australian Financial Review* editorial of 22 April, which talks of the risk of the Rudd government enacting:

... a policy blunder with anti-competitive consequences ... simply to fulfil some lazy election rhetoric by using a taxpayer-funded sledgehammer to crack a phoney broadband crisis. The “crisis” is gradually being fixed—at least in built-up areas—by competitive investment in fast broadband services ...

We are seeing the delivery of services into metropolitan areas and yet we have seen the government kill off the chance of early delivery of services, through the OPEL con-

tract, to areas that were underserviced. We are seeing the government ignore market failure that may exist and simply proceeding with the policy that it did on the run to get a great headline in the lead-up to an election. It wants to ensure that it can rush it through and claim to have implemented this policy, knowing that the long-term consequences for Australia could be very severe.

As the *AFR* editorial goes on to state:

There is no justification for the rush, apart from politics, and no evidence of market failure sufficient to justify a government intervention on the scale proposed.

It is a damning indictment of the government’s approach here and it certainly highlights the fact that this government is hell-bent on delivering its election promises, regardless of whether they will produce the right outcomes for Australia.

This bill in particular relates to the release of information for the building of the national broadband network, information that is critical for the request for proposals that the minister has released. We accept that clear information is important for those who are going to bid to be involved in this process. It is critical—and that information is largely locked up and held, as we know, by one major carrier, Telstra.

The request for proposals issued by the government states, in section 6.2.1:

The Government intends to make available to proponents network information it considers necessary for the development of proposals.

That of course is a very reasonable approach. This legislation provides a framework for that. It does not actually tell us, though, what information is to be provided. This legislation simply provides the framework for the minister to issue an instrument, or instruments, that will mandate and require telecommunications carriers to provide certain information.

The problem with this is the timing with which it is occurring. Here we are in the Senate on 14 May debating this bill, but the request for proposals went out more than a month ago, on 11 April. Prospective tenderers were given until only 25 July to put their proposals in. That means that, by the time this bill passes and the minister issues his instrument and the consultation period that applies to that instrument passes, we will have seen information provided to telecommunications carriers possibly—or probably—less than two months before they were due to provide proposals and tenders for \$4.7 billion worth of government funding.

Quite clearly, this advantages just one player in the market—Telstra—as the holder of most of the information that would be required to put in a substantive proposal. Telstra has all that information at hand already. No doubt it is already effectively working on its proposal in the very short time frame the government have provided for. Other potential bidders are having to wait, having to second-guess what information may be there. They will have to scramble at the end of the process to try to get their proposals together in time, based on the information that is provided. Other bidders will be at a great disadvantage compared to Telstra. The government are looking for a truly competitive proposal through this process. They should be ensuring equity in the treatment of all prospective bidders. They are not. They are failing in that regard because they are giving a very clear advantage to one bidder above all other bidders by ensuring that that bidder has all the information currently at their disposal and other bidders do not.

The G9 consortium, led by Optus—a likely bidder in this and one that you would hope the government wants to have bidding because otherwise the process will be seen to have dramatically failed if indeed the government does not see the second major tele-

communications carrier in Australia put in a bid—recently called on the government to extend the bid deadline by five months. This would ensure that all parties actually have the opportunity to assess the information provided and to put in a comprehensive bid. The government appears to be ignoring such a request. It remains hell-bent on putting politics before policy on this issue. This is of great concern to the opposition. It is a concern that we believe needs to be considered by the government to ensure that it can get an effective policy in place if it goes down this pathway.

We have a range of other concerns with this proposal. We are particularly concerned with the gag order that the government appears to have applied to players in the market. This is a gag order that had implications for the Senate inquiry that was conducted into this bill. Section 11.1.1 of the request for proposal states:

Except with the prior written approval of the Commonwealth, Proponents should not make a statement, issue any document or material or provide any other information for publication in any media, concerning this RFP, the proposal evaluation, the acceptance of any Proposal, commencement of negotiations, creation of a shortlist, or notification that a Proponent is a preferred Proponent.

This is a remarkable gag applied to public comment on this issue. It is outrageous that the government is seeking to gag telecommunications carriers in this way. It demonstrates that the government is trying to fly under the radar of any scrutiny or any real criticism of the processes at hand.

The gag order created additional problems in the assessment of this bill by the Senate committee. We saw very limited submissions made to the Senate committee. Feedback provided to the opposition was that, not surprisingly, telecommunications companies and others were concerned about airing their

grievances about the processes the government is applying because of the gag provisions that have been put in place. They were concerned that airing such grievances might ensure that they were disadvantaged and that, potentially, they were breaching those provisions. One has to question why it is that the government feels the need to have such a broad-sweeping confidentiality provision that it appears to inhibit all aspects of debate in such a critical public policy area. The government needs to explain why it is imposing this gag and it needs to explain why it is trying to stop bidders from exercising reasonable public criticism of the process.

In contrast to all of the restrictions placed on companies bidding in this process, the government is looking at giving itself maximum flexibility and freedom. Indeed, we have had the rather bizarre situation of the minister indicating that the government will be willing to accept non-compliant bids. This adds further confusion in an already very confused public policy area. We have a request for proposals that is more like a request for policy in that it does not outline any clear conditions as to the regulatory or structural framework. In fact, it invites submitters to tell the government what they think the regulatory and structural framework should look like. So we will have bidders putting in all manner of proposals, based on their impression of the ideal regulatory and structural framework. They will be putting in proposals based not on an equitable assessment of that framework but on their position on what the framework should be. It is a ludicrous proposition that you should not sort out what the ideal regulatory framework should be before you go out and invite—

Senator Conroy—Are you listening to yourself? You should write your speeches down.

Senator BIRMINGHAM—Minister, I do not need to read my speeches off the laptop, unlike you. I am quite happy to come here and mount arguments, highlight the flaws in the public policy process the government is applying to this broadband legislation—and those flaws are great. As I was saying, companies will be putting in their bids with quite possibly multitudes of proposed regulatory frameworks. This is because the government will not work out what the ideal regulatory framework is before inviting those proposals.

Senator Conroy—Yes. That's the purpose. That's the intent. That's the idea.

Senator BIRMINGHAM—The minister is saying that that is the purpose. We are all very happy for the minister to want to get the regulatory framework right. It is perfectly reasonable to seek comment from industry on what that regulatory framework should be. What is not reasonable is to expect industry to simultaneously bid on an unknown regulatory framework. That is what the minister is asking industry to do.

Senator Conroy—Yes.

Senator BIRMINGHAM—He is asking industry to bid for \$4.7 billion of public funds on an unknown regulatory framework. The minister is saying, 'Yes', that is right. The minister wants industry to bid on an unknown regulatory framework.

Senator Conroy—Yes.

Senator BIRMINGHAM—It is a ludicrous proposal. I am pleased to see that the minister acknowledges it and recognises it as such. Australia needs a broadband policy that will deliver the lowest cost broadband in the future to the maximum number of people at the highest speed. There are no guarantees that this process is going to do it, because we have no idea of the regulatory framework that will be applied and we have no idea of what approach the minister is going to take to structural separation. We have no idea of

just how the minister intends to actually deliver this policy. The reason we have no idea is that it appears that the government has no idea. That is why the government has asked for all manner of contributions from all over the place, simultaneously, across an extremely short time frame—because it has no idea. It is asking others to help make the policy up and at the same time it is looking to dish out the dollars to deliver the policy.

The *AFR* editorial that I quoted earlier highlighted that little would be lost and much could be gained by taking a little longer and doing some more work to get the market structure and the policy right. The government may even find that it does not need to throw \$4.7 billion of taxpayers' funds at it. That is the crux of the matter—this government rushing in on an election promise and not considering whether it really is valid to actually be spending the money and the funds that it has outlaid. We have the unusual situation of the government announcing in the budget last night new investment funds for broadband and infrastructure purposes yet at the same time seeking to raid funds set up to benefit regional communities to fund this policy. In another piece of legislation we have the unusual situation of the government wanting to abolish the Communications Fund set up by the previous government—wanting to raid that fund, which was set up specifically for regional players and for regional delivery of services—and instead spend the money on this broad, unknown policy objective that will most likely put regional users at the end of the line. At the same time the government is saying that it is going to put more money aside for broadband in future years. So it is raiding the regional fund and not delivering for regional areas when apparently it has money for broadband in this year's budget and future budgets.

A question for the minister in this process is: why are the government not taking those funds that they have identified for broadband and infrastructure and committing them to the delivery of this policy, rather than raiding the Communications Fund that is there specifically for regional Australia? That is a question that I hope the minister very clearly answers in the debate on the other piece of legislation.

Senator Conroy—I think you are very confused.

Senator BIRMINGHAM—Minister, I think unfortunately you are very confused. I think unfortunately you do not have a policy framework for this, you do not have a regulatory framework and you are asking the public to simply trust you and believe you when you say that the \$4.7 billion will be spent wisely. You have given no clear assessment of why that is the figure that is required. You have given no clear assessment of how you are going to achieve open access, fair competition and a reasonable regulatory regime that is appropriately enforced. Indeed, in your expert panel, you have shut out the ACCC from playing a key role—the people we would expect to actually be delivering and regulating the right framework for delivery of this policy.

There are many questions that the government have left unanswered in this policy and many questions that are left unanswered in the release of their request for proposal. Their main problem is that they are rushing this. That is the most outrageous thing here. They should be giving carriers fair time to put in fair bids to ensure they get the best possible outcome for all Australians, not risking us blowing billions of dollars to end up with the worst possible of all outcomes—less competition, higher prices—*(Time expired)*

Senator RONALDSON (Victoria) (11.12 am)—I congratulate Senator Birmingham on his speech because he eloquently detailed the issues that we have with the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008.

Senator Conroy—Faster broadband.

Senator RONALDSON—In some respects I do not know whether I feel sorry for Senator Conroy or not but it is either a poisoned chalice that he has created for himself—

Senator Conroy—Have you checked your computers?

Senator RONALDSON—Minister, if you want to have a sensible debate about this we can do so and I am happy to do so. If you would like to take other courses, they can be accommodated as well.

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I think we might try for the sensible debate. So perhaps, Minister, you could restrain yourself for a while and see how we go.

Senator RONALDSON—I am a little surprised that the minister, within 30 seconds, is playing very silly games. As Senator Birmingham has quite rightly said, this is an apparent election commitment. The Prime Minister has apparently reduced Senator Conroy's responsibilities to nothing other than delivering this. But this is a complete and utter political sham in which the minister himself, as Senator Birmingham quite rightly indicated, has excluded all those people that propriety would indicate should be included in this decision-making process—the Productivity Commission, the ACCC and Infrastructure Australia. I will say more about that later on.

This bill amends the Telecommunications (Interception and Access) Act 1979 to provide for information to be provided by tele-

communications carriers to the Commonwealth so that this information can be provided to companies who intend to submit a tender for the creation of Labor's national broadband network election commitment. The government has promised to connect 98 per cent of the Australian population to high-speed broadband internet services by the rollout of a new national fibre-to-the-node network. Despite the lack of detail surrounding the government's proposal, the only certainty is that Labor is willing to spend \$4.7 billion of taxpayers' money on a broadband plan but has no idea what the money will buy.

This bill recognises that considerable fibre based broadband infrastructure already exists and that any plan to extend the fibre based network is more likely to involve adding additional segments to the current network—a matter that appears to be lost on the minister. For bidders to be able to submit credible tenders, a level of disclosure about what currently exists is required, particularly regarding existing Telstra assets. This requirement has been pressed by non-Telstra proponents, including the G9 consortium. NBN tenders require technical information about certain aspects of the existing fixed network in order to develop and cost their bids, which are due by 25 July.

This bill would insert a new part 27A into the act. Part 27A would set out a scheme for the provision of information as specified by the minister in a disallowable instrument and for protection of the information is provided by carriers. The bill itself says very little about the secure provision of information, only to pave the way for yet-to-be-outlined instruments which basically give the minister the scope to demand sensitive information from telecommunications carriers about their existing network infrastructure—and literally on a whim. Neither does the bill provide any detail or clarity as to how confidential infor-

mation will be protected from misuse long term after the bid process.

The minister made an earlier threat that, if telcos did not provide information about existing network infrastructure, he would legislate to make them. Despite a willingness by companies to provide information on a voluntary basis with appropriate safeguards in place—which could have been negotiated—the minister quickly pressed forward to deliver on this legislative threat. The minister's willingness to intervene in the telco sector at the first hint of noncompliance is a worrying sign from a new and inexperienced government, as a key factor for bidders is the future regulatory framework. This exercise could very well be more about the government desperately trying to get hold of information in a belated bid to educate itself about the real status of broadband in this country.

Despite Labor's negative and disingenuous campaign to talk down existing broadband services, they were well aware that things were nowhere near as bleak as portrayed by them. In a recent report from *Commsday*, the Information Technology and Innovation Foundation—a respected bipartisan US think tank—ranked Australia an extremely credible 12th out of 30 OECD countries in relation to broadband. The report looked at issues such as average download speeds, prices and access. Australia is ranked ahead of the UK, the US, Germany and Italy. It also found that government policy intervention had very little impact on rankings. I am sure the minister would be highly unlikely to attack anything that the *Commsday* report handed down in relation to these matters.

The demand for telecommunications carriers to detail all of their existing infrastructure and private investment highlights how competition and market forces are driving significant fibre deployment and the rollout

of higher speed broadband networks. Last week Telstra, which holds the vast majority of existing fixed-line broadband information, handed over to the Department of Broadband, Communications and the Digital Economy material relating to the network, including details about existing exchanges, pillars and distances through ducts *et cetera*—material which would assist proponents in costing and developing their bids.

Telstra has long proposed the use of a confidentiality deed, which it believes would protect its interests and the information exchange process. The use of such deeds is quite common in the sharing of sensitive corporate information but, for some unknown reason, the minister has been unwilling to go down this path—despite Telstra's voluntary compliance. Instead, the minister is happy to set an unrealistic bid deadline, fully aware that potential bidders are yet to have access to crucial information to assist them to develop their proposals. It seems the minister is deliberately trying to make this as complicated and time consuming as possible, so that he will have someone else to blame when he does not meet his ridiculous, self-imposed project deadlines. All Australians should be concerned about a government that rushes to spend \$4.7 billion worth of taxpayer funds. In a letter to telcos, Senator Conroy claimed that this legislation would provide strong safeguards to protect confidentiality and allow national security and other concerns raised by some carriers to 'be addressed if necessary'. These concerns are not explained in the bill.

The opposition has made it clear from the outset that it has no intention of unduly delaying the government in relation to developing its vague national broadband proposal but will not sit silently as the government embarks down a deeply flawed path that is potentially at odds with the national interest. If the government cannot get its act together

and turn its broadband sound bytes into substantive and credible public policy, it has nobody to blame but itself. The opposition is committed to assisting the government in making its shambolic NBN process workable and will do so by moving some important amendments. The bill as it stands raises more questions than it answers.

Disturbingly, the government is doing all it can to obstruct the opposition from fully examining this bill in its bid to ensure that it is enhanced. As referred to by Senator Birmingham, the government has used its numbers on the Senate Standing Committee on Environment, Communications and the Arts to water down the inquiry into this bill. As a result of government imposed gag provisions in the NBN, national broadband network, request for proposals, those companies who are considering submitting a bid have been reluctant to make submissions to the inquiry. It is understood that companies and other industry experts would nevertheless be willing to provide evidence if called to do so, but this move was blocked by the government's numbers on the committee. So much for transparency in government and, quite frankly, so much for openness in government!

The opposition is committed to doing all it can to ensure that this bill is a clear and detailed piece of legislation that assists with the exchange of existing broadband infrastructure information but at the same time provides adequate safeguards in relation to how this information is used. The first priority is to progress the voluntary provision of this information, with the government including a deed that provides the necessary protections. If this can be achieved, the legislation could exclude from the ministerial instrument power under clause 55(3)(1)(c) those carriers who have complied with a voluntary request. This would encourage and reward

voluntary provision, which would in turn facilitate a timely NBN process.

Those who voluntarily provide the requested information should receive the statutory protections in the legislation. Encouraging voluntary provision of information with the appropriate confidentiality and security safeguards, including a legally binding deed between the government and the provider, would be preferable. This way the information is more likely to be provided on a timely basis and therefore not delay the NBN tender. The government's argument that legislation is required to rope in any carriers who are not willing to provide the information voluntarily and to provide certainty in terms of the confidentiality and security requirements is undermined by the complete lack of specificity in the bill and detail about intended instruments.

The opposition has previously highlighted how the provision of information revealing the actual locality of critical telecommunications infrastructure has very significant law enforcement, national security and commercial consequences. A number of other possible enhancements to the legislation, which would largely reflect normal confidentiality agreements, would be those concerned with limiting the scope of information requests, the use of material provided, redress where inappropriate disclosure causes harm and the way in which material disclosed is handled by recipients. Labor argues that these considerations will be addressed in the yet-to-be-disclosed instruments. We argue that these concerns are central to the purpose of the bill and are too important to be left to future subordinate regulation. I have already stated that the opposition have made it clear from the outset that we have no intention of unduly delaying the government in developing its national broadband proposal, but we will be moving amendments to make the legislation workable.

Senator Conroy—Do you want to circulate them?

Senator RONALDSON—They have been circulated. Minister, you had an opportunity to address, with common sense, this proposal and to bring forward what I acknowledge was a pre-election proposal. But, by failing to have adequate consultation, by debasing the committee process, which Senator Birmingham has referred to, we are effectively frightening off those who might have made a constructive contribution to this matter. We are excluding those who should form part of it. In my view, Minister, you have made this a political process as opposed to what you described as a nation-building process. Why would you exclude Infrastructure Australia from a process that you say is a nation-building process? Why would you do that? Why would you remove the ACCC from that process? Why would you remove the Productivity Commission from that nation-building process? I will tell you the one reason why you are doing it. It is because you have foolishly made this a political process. You have foolishly made this a political outcome and not what you would describe as a nation-building outcome. At least, with our amendments, we are giving you the opportunity to make this thing work—to get from you what you would have got had you bothered to consult properly.

Did you bother to consult in relation to the amendments that you apparently intend moving, Minister? You did not consult. You have refused to consult. You have abused the committee process. As you well know from your discussions with the shadow minister, we came to this process with the offer of support. We came to this process saying to you, ‘If you want to make it work, we’ll assist you to make it work.’ We came to you and said, ‘You used that committee process to obtain information from carriers and others and we will assist you in meeting this

ridiculous deadline that either you have set for yourself politically or your leader has set for you—your December 2008 deadline.’ You put the deadline in place for delivery and then you had to come back and put in place a time frame—an unworkable time frame—to meet a so-called political imperative.

Quite frankly, Minister, if you are serious about nation building, if you are serious about delivering this sort of infrastructure, why don’t you stop playing politics with this process and start engaging with those who are able to assist you in delivering on this deadline? It is virtually an unworkable deadline, but the opposition members on that committee were happy to facilitate the process. The speech by Senator Birmingham indicated to you quite clearly that we were prepared to assist you in this process. Mr Billson, from the other place, has made it quite clear that he was prepared to assist you in this process. But you refused to consult. You refused to bring in those who could have assisted you. You have refused to bring in the ACCC, Infrastructure Australia and the Productivity Commission to make this ridiculous time frame, which you have imposed for political reasons, workable. We are prepared to assist you to do that. We have some sensible amendments—

Senator Conroy—Where are they?

Senator RONALDSON—which have been circulated. They are sensible amendments which you could take up now; they would add some meat to this legislation. Apparently, you had amendments yesterday afternoon. Did you have the courtesy, Minister, to let the shadow minister know about those amendments? Did you bother to pick up the phone and say, ‘Here are the amendments’? Did you bother to include Mr Billson in this process to make it better? Why didn’t you pick up the phone, Minister, and

tell him that you had some amendments and then have some discussion with him? Why don't you make everyone part of this process to make it work? If you were serious about helping those who will benefit from this sort of infrastructure, wouldn't you want the best outcome? And wouldn't the best outcome be to use the Senate committee system? Wouldn't the best outcome be to use an opposition that have quite clearly said to you, 'We are prepared to facilitate this process'? Wouldn't you do that?

Senator Barnett—Why didn't they do it?

Senator RONALDSON—The very question is, as Senator Barnett said: 'Why didn't they do it?' The reason they did not do it is that this is a political process, not an infrastructure development process. That is the question that you must answer. We have offered you the opportunity to make this workable. We gave you a very large olive branch, the sort of olive branch that you are not prepared to extend to us when we are in government. We actually believe that infrastructure is important; you believe the politics are important, and you have played that game. I have circulated amendments standing in my name, which I will move at the committee stage.

Senator BARNETT (Tasmania) (11.30 am)—I stand to support my colleagues Senator Ronaldson and Senator Birmingham and the coalition's position with respect to this Telecommunications Legislation Amendment (National Broadband Network) Bill 2008. Senator Ronaldson has made some very important points, and the key one is this: that politics has come before policy. Nowhere is this point more important than it is in Tasmania. I want to make the point that in Tasmania we are in dire need of a broadband solution. Currently, we have one wholesale provider to the state—Telstra—and we are being poorly served in this monopoly situa-

tion in Tasmania. Internet speeds in Tasmania are up to 20 times slower than on the mainland. How is that for fairness and equity across the country?

Senator Conroy—What have you done about it?

Senator BARNETT—Senator Conroy, you have been making the clear point that there should be equal services across the country, including in rural and regional parts of Australia. Tasmania is missing out on that particular broadband guarantee. It is not happening: internet speeds are up to 20 times slower than on the mainland. It is cheaper to move information between Victoria and California than it is between Victoria and Tasmania. How about that? How absurd! How ridiculous! How unfortunate!

Senator Conroy—It is your fault!

Senator BARNETT—We want that fixed; we want that changed. As a result, I will be holding a summit in Tasmania of key stakeholders on the broadband issue. I am into solutions, Senator Conroy, and you know that. The coalition is into solutions; that is why these amendments have been circulated in the name of Senator Ronaldson. That summit will be held at a date to be agreed in the next few weeks. We will be seeking solutions from a range of the key stakeholders. I have had feedback over the last many weeks that it is getting worse, not better. I made that clear via videolink to 200-odd guests—a capacity crowd at the Launceston Casino—at a federal budget breakfast this morning which I organised with KPMG. Invited guests included the federal member for Bass, Jodie Campbell; Chris Bowen, the Assistant Treasurer; and the shadow Treasurer, Malcolm Turnbull. There will be a crisis meeting in the next few weeks, at a time to be agreed, to address this broadband issue.

Senator Conroy—You caused the crisis!

Senator BARNETT—A lot of people are very upset and concerned in Tasmania, and it is not just businesspeople. Senator Conroy, your representation, your involvement, would be most welcome. I can personally advise you that you are welcome to attend that meeting and make it very clear to Tasmanian stakeholders and businesspeople how you intend to find a solution. Tasmanians want to be treated like our city cousins on the mainland in Melbourne and Sydney. Labor's proposal does not have a solution. I call not only on Senator Conroy but also on the federal Labor member for Bass and the Labor Party in Tasmania to explain to Tasmanians how they will upgrade the state's woeful bandwidth capacity in a timely manner. The coalition government had a fully funded solution: the OPEL network, which would have been up and running by July 2009. The OPEL network was a partnership, as colleagues know, between Optus and Elders, and would have provided much-needed competition in the Tasmanian market.

The ALP, both in opposition and in government, publicly committed to honouring the contract between the Commonwealth and OPEL. However, on 2 April 2008—just last month—the Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, who is opposite me here in the chamber and is listening carefully to these points that are being made, announced that he had cancelled the OPEL contract, claiming that OPEL had failed to meet the terms of the contract. Senator Conroy claimed at the time that the OPEL network would only cover 72 per cent of identified underserved premises—less than the 90 per cent minimum required by the contract. Let me make it clear that OPEL insists Senator Conroy's decision was based on flawed departmental advice, which is why he must publicly release both OPEL coverage data and his department's coverage analysis, for

independent comparison and verification. Put it on the table—let us find out exactly where the facts lie.

The shadow minister has been referred to—Bruce Billson. He is doing a sterling job in standing up for what is right, for trying to get a solution not only in Tasmania but across the country. I commend the shadow minister, Bruce Billson, for his leadership and efforts to try and get a solution. It is interesting to note that he said that the OPEL project would have seen the installation of 1,361 WiMAX base stations in 97 electorates across Australia, as well as the installation of ADSL2+ equipment in 312 telephone exchanges and the rollout of 15,000 kilometres of fibre backhaul. He also said that Labor MPs across regional, rural and remote Australia, whose electorates were going to greatly benefit from the OPEL network, must explain why they supported its termination and how the government plans to deliver high-speed broadband services to them by the middle of 2009—despite not having an alternative plan. Well, where are we now? We are nearly in the middle of 2008.

In the Tasmanian seat of Bass alone, held by the federal member Jodie Campbell, there are an estimated 5,371 underserved premises. The electorate was set to receive nine new WiMAX base stations and OPEL ADSL2+ equipment in five telephone exchanges. Currently, the Tasmanian broadband market is monopolised by Telstra, as I indicated earlier. I am not saying that is any fault of Telstra—it is just the fact: they have the monopoly. The OPEL network promised to introduce competition. But, with OPEL being axed, and with the 'solution' that the federal ALP have put forward not due until 2012, the only timely hope for affordable and fast broadband in the state is for the Tasmanian government to finish negotiations with CitySpring, the owner of the Basslink fibre-optic cable. It is a disgrace that we have a

second fibre-optic cable across the Bass Strait lying dormant—in fact, it has been dormant for nigh on five years now and has not yet been commercialised. Goodness gracious me! How are we running the state? How are we running the country under federal and state Labor? It is not good enough. People coming from a business background, or any sort of background, know that you cannot go sitting on these arrangements for five years. It has been five long years and they have not undertaken the appropriate negotiations! Of course people are frustrated and upset in Tasmania. The stakeholders are very angry, and no doubt they will continue to express their views until they get a solution. And I will be working with them, shoulder to shoulder with the Tasmanian Liberal Senate team, to see if we can sort this out as soon as possible—and, indeed, with Will Hodgman, the Leader of the Opposition in Tasmania. I know he is very keen that these matters be sorted out as soon as possible.

The Tasmanian taxpayers are paying \$2 million a year to CitySpring—literally, it seems to me, in terms of broadband, for nothing. Nothing has happened! Could the Tasmanian Labor government please make it clear what their future intentions are and how they are going to solve this? They do not understand the true cost of our lack of broadband. It is not just about being able to stream YouTube videos or download games. It is about vital government services, especially in the areas of health and education. They can take advantage of high-bandwidth applications to improve services. This is about moving forward into the 21st century in the technology age that it is. And it is moving fast. The Tasmanian state government are sitting on their hands, and they have been for too long. It is not only businesses that are affected here. It is people in health,

education, the community sector and across the board.

It is clear that at the moment businesses are paying a very real and high cost. In a media release, Digital Tasmania, a grassroots community action group, quoted a Tasmanian entrepreneur, Gary Price. The media release said:

Gary Price is an event producer who ran a successful small business in Sydney before moving to Tasmania nearly 10 years ago. He now operates The Grange Conference and Meeting Centre.

As many of you know, that is in Campbell Town, a wonderful little town with a can-do attitude in the northern midlands of Tasmania. The media release continues, quoting Gary Price:

“I own and run a brand new function centre in Campbell Town. Part of my original business plan for this new complex called for the provision of high speed internet and 2-way video conferencing.”

Mr Price was disappointed to discover that due to the high costs of connecting to Tasmania, his ISP could only deliver a lower speed ADSL1 connection.

“I still don’t have 2-way video conferencing but at least I can supply a basic internet connection into my conference rooms.”

He views high speed broadband as an essential element of his business.

“We will host close to 1000 meetings here in 2008. Most are Government and corporate clients. A high-speed internet connection into meeting rooms is now a standard part of corporate presentations.”

Mr Price fears that with ISPs now pulling out of providing high speed ADSL2+ in Tasmania his chances of being able to obtain 2-way video conferencing are even more remote.

Digital Tasmania said this in a media release on 5 May 2008—less than 10 days ago.

Along with Digital Tasmania, I would like the Tasmanian Labor Treasurer and the Tasmanian government to answer the following

three questions: when will capacity be available on the Basslink fibre-optic cable for ISPs and other large commercial data users? When will capacity be available on the fibre-optic network laid with the gas pipeline for ISPs and other large commercial data users? What is the location of the points of presence that the Connect Tasmania Core provides? Those are some key questions. No doubt there are many other questions that the stakeholders want to put to the Tasmanian government and the federal Labor government. They want answers and they want them fast. We cannot keep waiting.

The ALP needs to explain to the people of Tasmania how it plans to provide decent broadband access to the state in a reasonable time frame. The OPEL proposal might not have been perfect but it promised to be running by mid next year, which is in stark contrast to the ALP's proposed network, to be running by 2012. It also promised competition, with at least two wholesalers servicing our state. I understand there are two known tenders for the ALP's fibre-to-the-node network. I assume that Telstra will be at least one of those likely to secure it, but that remains to be seen. I think it is a reasonably fair assumption. I stand to be corrected. But it will not break the monopoly situation. It will give Telstra little incentive, in my view, to improve the Tasmanian situation before the more lucrative mainland capital cities and will see Tasmania continue to be a broadband backwater. I stand to be corrected, and perhaps Telstra can make it clear to me and the other stakeholders that that is not the case. I know they try hard and they make an effort. I commend Noel Hunt in Tasmania and Michael Patterson, who does an excellent job in Northern Tasmania representing Telstra Country Wide. They put in a big effort. They work hard. I commend them for what they do. But it is a big concern for stakeholders in Tasmania. We cannot afford

another five years of Labor inaction on this matter.

Senator BOSWELL (Queensland) (11.44 am)—I join this debate because I have some concerns about the broadband future in Australia. I make this contribution because the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 is certainly required. The importance of the bill cannot be underestimated in the quest to deliver Australia-wide the most efficient and best value for money national broadband network for the taxpayers' dollar.

The bill does not argue how the money should be raised to build a national broadband network. It does not argue about how the technology should be delivered. Instead this bill legislates for carriers to provide information so that other bidders can put forward a competitive bid, taking into consideration the assets that are to be used. The bill recognises that considerable fibre based broadband infrastructure already exists and that any plan to extend the fibre based network is more likely to involve adding additional segments to the current network.

For bidders to be able to submit tenders that are credible, a level of disclosure about the assets that currently exist is required. This requirement has been pressed by non-Telstra proponents, including the G9 consortium. I do not know why Senator Conroy, who is so very close to Telstra, did not tell them to get off their backsides and deliver the information that the G9 component of the bid wanted. I think it is a sad day in Australia when an important piece of telecommunications infrastructure such as a national broadband network, with only two months until bids close, has to have such a piece of legislation debated to stop the schoolyard nondisclosure of information about the status and assets of our own telecommunications system.

It is a sad day too when, despite the lack of detail surrounding the government's proposal, the only certainty is that Labor is willing to spend \$4.7 billion of taxpayers' money on a broadband plan but has no idea what the money is going to buy. And \$2 billion of that \$4.7 billion was knocked out of the Future Fund that was there to guarantee any future developments or increases in technology to rural and regional Australia, where the market would not work because of lack of people. The National Party fought very hard for that \$2 billion. In fact, it was part of our agreement to support the sale of Telstra that the \$2 billion be allocated to guarantee that rural Australians were not left behind, as they were when we came into government 12 years ago.

When we came into government 12 years ago we had a steam driven telecommunications system in rural Australia. In fact, one of the ironies of it was that a station could talk to the cottage next door, 50 yards away, and it was a long-distance call. I do not ever want to see that happen again. In our 12 years in government we remedied so many of the failures of the telecommunications system. To guarantee it would never happen again, we put \$2 billion into a telecommunications Future Fund, which this government could not keep its hands off and has raided. But that is a matter for another debate.

As my colleagues have commented, the government are rushing into a major policy blunder with anti-competitive consequences in order to fill an election program. If they do not get this tender process for the national broadband network right then we are going to be in serious trouble. I am concerned that this legislation, even if it is rushed through with the greatest of efficiency, will only give the competitors two months to gain the information required to put forward a reasonable bid on such a major communications infrastructure project as this. Surely this bid-

ding process is important enough that, if this legislation goes through, an extension of time should be provided. There has to be an extension of time. I call on the minister, Senator Conroy, who seems to have slipped his mooring and is out of the chamber at the moment, if he is serious about this, to provide that.

You do not just go and buy a network off the shelf. It has to be designed. It has to be structured. The minimum it will cost is \$4.7 billion. It will probably go to \$11 billion when the telcos put in their money. Let us say it is \$8 billion. You cannot just design and put forward a tender to the government in two months, and you certainly cannot do it if you do not have the information. If the minister is serious about competition and serious about having a network with competition in it, then he has to realise his first port of call should be to one of the engineers in his department. He should ask him: 'What is a reasonable time to design a network right across Australia that will deliver broadband to 98 per cent of the people?' If his highly qualified engineer is right, honest, and prepared to give strong advice then I am sure that he would say, 'Minister, I don't think two months is time enough to deliver such an intricate piece of infrastructure.'

So we have \$4.7 billion of infrastructure and two months to put forward a bid that will cover the whole of Australia. The documents say the winning tender will have to build a national broadband network providing 98 per cent of premises with speeds of 12 megabits a second. Fibre-to-the-node or fibre-to-the-premises technologies are specified, along with open-access arrangements that allow all service providers access to the network on equivalent terms.

I read an editorial in the Financial Review of 22 April which I agree with. It said that it all sounds very procompetitive but, as the

article points out, the reality is that Telstra starts with a huge advantage. The first advantage is a technical advantage, because, if a fibre-to-the-node network is to be built, the builder of the network will have to interconnect with Telstra's copper network at about 20,000 local nodes. Telstra owns the copper network and has the commercial information on where the nodes are, the age of the nodes and their condition. National broadband network tenderers require technical information about certain aspects of the existing fixed network in order to develop and cost their bids, which are due by 25 July. It is now 14 May and we have about two months to go.

This amendment bill sets out a scheme for the provision of information specified by the minister in a disallowable instrument and for the protection of the information that is provided by the carriers. But the bill itself says very little, only enough to pave the way for the yet to be outlined instruments, which basically gives the minister the scope to demand, on a whim, sensitive information from Telstra about their existing network and their infrastructure. I have seen several examples in the past of telcos being forced to provide information, and I must say that, if a telco has the choice of providing the information in an easy-to-read way or in a hard-to-read way, they will invariably go for the hard way. I have seen examples of rooms full of useless information being provided with the important and relevant documents intermingled amongst them, where it takes months and months to sift out what you are looking for.

To ensure that competitors are allowed an opportunity to provide a credible bid, it is important, firstly, that the information is made available, but it is also important that the nature of the information made available is both on time and relevant. The bill does not provide any detail or clarity as to how confidential information will be protected from misuse. The minister has previously

threatened that, if telcos did not provide information about existing network infrastructure, he would legislate to make them. Now we have the legislation in front of us, so obviously the minister has failed at the first hurdle. Telstra have thumbed their nose at him, so he has done the thing that he is required to do: bring forward this legislation. This must be the first straw in the wind that there is an element of noncompliance from telcos, and these are very worrying signs as to how negotiations are progressing with the bidding war. Telstra are not going to make it any easier for G9 to have any advantage, even a fair advantage—and we have seen this happen time and time again. They will play this out in the courts; they will play it out any way they can to extend the time and to block and obfuscate any information that has to be delivered. The coalition is going to support this bill, but it is going to put forward some very good amendments that will take up some of the issues I have enunciated in my speech.

We want to see a competitive bidding process to ensure that taxpayers are getting the best value for their dollar. We are concerned that, due to the rushed nature of the government's process, they will not get the best quality bids available. I say again: to put forward a bid of around \$8 billion, \$9 billion, \$10 billion or \$11 billion in two months is impossible. I have had to do bids for government from time to time on paintbrushes, garbage bins and very minor things like that. Of course, they are not complicated, but it takes two or three weeks to even put in a bid for something very simple, yet here we are with the most complex bid on the most complex piece of infrastructure ever to be introduced in Australia and the minister has said that you can do it in two months. It is impossible. We have to question your motive, Minister. Are you making sure that your mates in Telstra are going to get this bid? Are you

being fair dinkum? I say that because you were very, very close to Telstra in the last election—in fact, it was almost on your campaign team. I want to know whether the two months you are allowing for this bid is just some sort of window-dressing to say: ‘I tried and the G9 couldn’t put in a competitive bid because I didn’t give them time. But I tried. I was tough; I even threatened Telstra and I even moved legislation. That would bring them into line.’ If you are fair dinkum you know that you cannot do this in two months. You cannot do it. You know that. Anyone in your department—and I presume you have some very highly qualified engineers there—will tell you that you cannot do it. It is just impossible to do it.

I say to you, Minister: you are playing with a lot of money. You are playing with \$2 billion worth of money that you stole from regional Australia. You took it; you raided our Future Fund.

Senator Sterle interjecting—

Senator BOSWELL—You took \$2 billion. If the legislation goes through, and I hope it does not—you took \$2 billion away from rural and regional Australia to transfer it to providing infrastructure for the cities.

Senator Sterle interjecting—

The ACTING DEPUTY PRESIDENT (**Senator Hutchins**)—Order! Senator Boswell, please continue.

Senator BOSWELL—Thank you for the protection, Mr Acting Deputy President.

The ACTING DEPUTY PRESIDENT—I have to call Senator Sterle into line sometimes!

Senator BOSWELL—I have said that we would like to see a competitive contract, and we do not think we are getting one. This is potentially one of the largest tenders in Australia’s history, and the concern is that for a highly technical, high-cost bid there seems to

be very little time for competitors to gain the information required to put in a bid. It is also important that the national broadband network has the environment in place where competition will flourish once it is established. I want you to listen to this, Minister, because this is important: we certainly do not want to see another CDMA network situation, where everyone had open access to the network until Telstra twisted your arm and you shut it down. In this case it is the copper wire network, and it creates a Telstra monopoly. We do not want to see a monopoly; we want to see open access. In the case of CDMA, which was open access, when it was transferred to G3 everyone got shut out, including Australia’s most remote rural dwellers.

Senator Conroy—You are amazing!

Senator BOSWELL—It was amazing—the phones of 13,000 people, including Aboriginal communities and flying doctors who had phones that worked on the CDMA, were made redundant; the most remote Australians you disadvantaged.

The whole point of a deregulated telecommunications industry was to encourage competition, whether that be through bidding for major projects or the competitive retailing of products. The rushed nature of this process does not hold us in good stead when it comes to competitive bidding for the national broadband network. We in the coalition are committed to doing all we can to ensure this bill is a clear and detailed piece of legislation that assists with the exchange of existing broadband infrastructure information but, at the same time, provides adequate safeguards in relation to how this information is used and that there be competition. I am terrified that what happened to CDMA will happen if this is not a strong bid. OPEL, which spent millions of dollars, got wiped out by your say-so.

This is probably the first time in the history of Australia—it might happen in Nigeria or Zimbabwe—where an incoming government is not honouring the commitments of the previous government. The G9 consortium were asked to go and whistle in the wind for all the money that they spent on putting a bid together. That sort of thing discourages anyone putting in a bid. These bids are expensive; they cost huge amounts of money. On a whim you just wiped the last one out, and that has never been heard of in the history of Australia. I suppose it is the new way the government are going to work, because they have done the same thing with the Regional Partnerships project.

I got diverted. We want broadband that works. We want broadband that will deliver to 98 per cent of the people. You say you can deliver it; I say you cannot do it in two months. The challenge is yours, and I hope that you will forget your politics, forget your commitments to Telstra because they assisted you in the last election and play the game straight down the line.

Senator FIELDING (Victoria—Leader of the Family First Party) (12.03 pm)—We are talking about the national broadband network and information for the tender. To put it in perspective for Australians: this is as significant as the building of the Snowy. This is significant, just as it was to send a man to the moon. This network for Australia is something that we are going to live with for 20, 30 or 40 years. It is like the old telephone system that we have got by on until now. This is a huge piece of public infrastructure—\$4.7 billion is being set aside for it. It is of national importance. It is important for this country and it is a decision that should not be rushed.

I have sat in this place for the last couple of years hearing how bad the coalition was at rushing things through, and guess what? It

was bad. Now, at the first turn, we are potentially going to see a rushing through of a tender of \$4.7 billion of government money that is a significant project—as I said, as significant as the Snowy was for Australia. This is a significant project, and I am concerned that the tender process may not be making sure that everybody who wants to bid has a fair go. Australia is a country where we need to make sure that we protect the notion of a fair go, especially with such a nation-building project as the national broadband network.

It is interesting to hear Senator Boswell from the Nationals starting to whinge and complain. I never heard those same whinges when the coalition rushed things through in the last couple of years. The fact is: the Nationals sold out the bush when they sold Telstra, so to have them complaining today about rushing things through and talking about looking after and protecting ordinary Australians in rural and regional areas is outrageous.

I appeal to the government to extend the tender. I am looking for an extension of time for the tender to make sure that anyone who wants to tender for the national broadband network has the necessary information to put a fair dinkum tender in, because this project is too important to be rushed. It is too important not to make sure that people have enough information to put in a fair dinkum bid. I will also be looking at the regulatory areas to make sure that consumers, ordinary Australians, are not going to be ripped off down the line because the national broadband network is a monopoly network. There is no use building two of them, so obviously it has to be a monopoly—it would be a waste of money building two of them. Given that it will be a major piece of infrastructure—it is the backbone; it is huge and everybody will to have use it—we need to make sure we have got the right regulatory conditions around it with the ACCC looking at the pric-

ing, and we will be looking at that as we move forward.

I want to place on the table today that Family First wants an extension to the tender process to make sure that, once people have got this information, they can put in a fair dinkum bid to make sure that we get the best price infrastructure and the best infrastructure for this nation for the next 20, 30 or 40 years.

Senator RONALDSON (Victoria) (12.07 pm)—by leave—I move the second reading amendment standing in my name:

At the end of the motion, add “but the Senate condemns:

- (a) the Government’s disorganised and unprofessional fibre to the node process overseen by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), where interested parties are keen to proceed but are impeded by the Government’s lack of sound public policy; self-imposed ridiculous timeframes; absence of regulatory, access, pricing, competition and network architectural guidance; inability to articulate governance, structural and public expenditure requirements; and failure to understand the proper and durable role of the private and public sector in the provision of key infrastructure;
- (b) the sidelining of the Australian Competition and Consumer Commission (ACCC), Productivity Commission and Infrastructure Australia from what is increasingly appearing to be a purely political process;
- (c) the Government’s failure to acknowledge the existence of significant fibre-based broadband infrastructure assets;
- (d) the Government’s failure to provide detail about the operative ‘instruments’;
- (e) the Government’s exposure to risk of information ‘seekers’ and ‘respondents’

about the lack of specific information about key safeguards, assurance and requirements;

- (f) the unprecedented and heavy-handed intervention despite a willingness of telcos to cooperate and existing ACCC and commercial information gathering and sharing processes;
- (g) the multiple breaches of the Commonwealth’s own procurement requirements, the Auditor-General’s August 2007 Better Practice Guide *Fairness and Transparency in Purchasing Decisions – Probity in Australian Government Procurement* and the sound principles of fairness, transparency, probity and value for money; and
- (h) the lack of a consumer advocate and ‘last mile’ expertise on the Minister’s experts panel”.

Senator ALLISON (Victoria)—Leader of the Australian Democrats) (12.08 pm)—The Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 provides for specified information to be provided by the telecommunications carriers to the Commonwealth so that it can be disclosed to companies considering bidding for the national broadband network, which is worth, as we all know, \$4.7 billion in public funds. The Democrats are broadly supportive of the government’s proposal to roll out a high-speed fibre based broadband network over the next five years. It is certainly better than the Howard government’s proposal. But there are question marks over how this will work in delivering a competitive and cooperative telecommunications environment. Telstra, as we all know, has done its level best for many years now to thwart competition—in fact, certainly well before it was even privatised—and to resist regulation. If the government does not get this right, the country could be captive to monopolistic behaviour in an ongoing sense.

The history of telecommunications has been anything but cooperative and competitive. The Mexican stand-off over the last 12 years between the last government and Telstra effectively delayed progress on high-speed broadband for at least two years. There has been enormous growth in the Australian market for broadband. Three and a half million or so households now use broadband and 80 per cent of businesses are connected. However, the price for high-speed broadband—that is, two megabits plus per second—is still too high to produce more rapid uptake of these services. Less than 25 per cent of Australians have connection speeds that are greater than one megabit per second. That of course compares very poorly with Europe, where most people are on services faster than three megabits per second—12 times faster than what most Australian users have access to.

Affordability is a more important factor than speed in the success or otherwise of broadband. According to Budde Communication, uptakes of between 60 and 80 per cent can only be reached with access prices of around \$40 a month. Proposals that have been mooted so far have been much higher than that. So we do accept the need for government intervention and investment, and indeed this is what the Australian Democrats have been calling for for many years. We need fast internet access and email to provide e-health, tele-education, smart meters and the like, which have enormous scope for cost efficiency and better service delivery in this country. This investment in broadband should return to this country in terms of productivity.

But the government does need to get the policy right and make sure that this money is not wasted. As has already been said here, we are talking about an enormous amount of money—one of the biggest investment platforms in many, many years. We are suppor-

tive of course of the provisions of the bill. Competitive bids will be crucial to getting the best out of this \$4½ billion and will depend on players other than Telstra getting access to the necessary information for full fibre-to-the-node network architecture.

I am pleased to say the government has taken on board at least some of the recommendations made by the Senate Standing Committee on Environment, Communications and the Arts, but I need to point out that it did not bother to distribute its amendments to us. So I will be looking forward to the minister's explanation for them. I thank the opposition for briefing us on its amendments. So far I see no reason to not support them, but, as always, I will be listening to the debate.

The government's panel of experts does not seem to me to be expert enough or broad enough for an exercise of this scale and importance. As always, there needs to be a strong focus on accountability with so much money involved.

Senator JOYCE (Queensland) (12.12 pm)—It is an unfortunate day when we start moving towards the removal of the \$2 billion that was set aside to look after regional Australia. That was something that we fought hard for, something the National Party fought tenaciously for over a long period of time. It was something that went backwards and forwards to Queensland. It was something that we initially said we would never support until we got what we were looking for. After an immense amount of negotiations we did get that—we got the \$2 billion trust fund. But people should understand that the interest from that fund was to go towards the delivery of better telecommunications outcomes for regional Australia. I think about \$480 million this year would have been available for the delivery of new mobile

phone towers, new optic fibre and a whole range of different outcomes.

But that money has been taken away from regional Australia. That money has been stripped away from those on the margins and replaced by this ridiculous proposal by Labor. They are going to give a toolbox for the 21st century and computer access for every school—as long as they have broadband, and some regional areas do not have that. We are trying to get this program out to them, but they are taking away the mechanism for the actual delivery of the funds to do that. And to do what? It will become part of a bigger corpus of funds that, ultimately, will just supply broadband back to major metropolitan centres.

There is a very indeterminate time frame on what Labor are intending to do in the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008. It is another one of their promises into the never-never. Despite what Senator Fielding from the one-member Family First Party said, far from selling out the bush, the National Party fought tooth and nail for the bush over a long period of time. What we will see here—and it should go on the record—is the delivery of a Labor Party outcome which will deliver nothing for regional Australia. In the process, they managed a peculiar type of arrangement where they have started sidestepping the ACCC and have cuddled up extremely closely to Telstra. In fact, I would have to say that the riding instructions almost seem to be coming directly from Telstra to the minister. This an arrangement par excellence as the minister is basically at their beck and call. He has sold his soul and now he is getting his policy from what will be a monopoly in the marketplace—that is, Telstra.

We all know what happens when you end up in a place where the market is dominated

by a monopoly—that is, a very bad outcome for all consumers. This will be an especially bad outcome for regional consumers. In promoting the OPEL platform, which the Labor Party has gotten rid of, we were trying to promote a greater sense of dynamism and competition and a greater diversity in the marketplace so that people were treated fairly. But that has also been removed. So the Labor Party has not only defrauded regional Australia by taking away regional Australia's \$2 billion trust fund that was to give regional Australia a better outcome but also delivered a monopoly back to regional Australia. It is a monopoly which we can do very little about in the future because we do not have the powers in the Trade Practices Act to properly deal with it. The minister has also conformed to Telstra's requests, especially on access regimes. It is a peculiar outcome that the minister has been unable to stand up and deal with a proper delivery of competition by finalising the access complaints that have been outstanding from the other competitors in the telecommunications market.

Where is this actually going to lead us? History will show that it was the National Party that went in to bargain for a better outcome for regional Australia—whether it was for a network reliability framework, the customer service guarantee, the universal service obligation, the \$2 billion trust fund or the returns that were going to be deemed at the 30-day bank bill rate, which would have delivered about \$480 million this year. To completely contradict what Senator Fielding said, the form of that was lifted from the National Heritage Trust of Australia Act. He really does not have any idea of the complexities and years of negotiations that went into this legislation and the outcomes that were delivered on behalf of regional Australia. At the end of the day, regional Australians were very happy with the fact that we had gone in to bat for them.

They knew that the National Party had to go into bat for them because they knew that the former Minister for Finance, Kim Beazley, had already said in 1985 that he was going to sell Telstra. We know that the current Minister for Broadband, Communications and the Digital Economy, Senator Conroy, said in October 2005 that the ownership of Telstra was not the issue. We also know that the Labor Party still has the power right now to take the shares that are currently by default still in public ownership and quarantine them, but it chooses not to. We know that the Labor Party, if it truly believed in the public ownership of the asset, has the capacity to buy it back if it wishes. But it does not. This clearly shows to the Australian people that the Labor Party was always going to sell Telstra. It started the ball rolling. What we in the National Party had to do was deal with the cards that were before us. The Labor Party was always going to sell Telstra. We knew that our coalition partners had as a policy structure the desire to sell Telstra, so we had to make do with the cards that were before us. With those cards that were before us we tried to deliver the best outcome that we possibly could. We really did have in mind the people of regional Australia when we did it.

Today, what is going to happen is that that outcome, that sense of keeping regional Australia connected to broadband and to a comparable position in telecommunications, is going to be stripped away. They are going to be left with yet another example of how the Labor Party just goes to the most marginalised and, from those who have the least, takes what they have off them. It is just like the removal of the Regional Partnerships program. This is the type of attitude that we are going to get from the Labor Party. This is the new Labor that we have now—the desertion of pensioners, the removal of the Regional Partnerships program, the isolation of

regional Australia by the removal of a communications program that was there to assist and leave a body of money so that we could deal with these particular interests.

Is the minister going to leave an open line to the people out in Beulah, Longreach, Isisford or Tamworth? When things go wrong, are they going to call you up and are you going to look after them? Are you going to look after them like you did with the switch off of the CDMA network, where you just rolled over because you got the call from the policy gurus at Telstra who said, ‘You’re beholden to us’? That is the sort of delivery we are going to get from the minister from now on. That is the sort of corporate government for monopolies outside this building which will determine the agenda of the minister that we have here at the moment. That is going to be a very sad and peculiar outcome. The switch off of the CDMA network was amazing. That really showed regional Australia where this minister is and where his heart lies. One minute he wakes up and says, ‘The CDMA network is not up to scratch; therefore, you have to keep it so that Telstra complies with their agreement that they would keep the CDMA network open till there was an equivalent or better service from Next G.’ Then, out of the blue and without providing any empirical evidence, he decides that everything is fine now and he is going to switch it off. Where did the evidence come from? I suggest that it came out of Telstra’s head office. That is where that evidence came from—like every other part of this policy delivery that has now infected the Labor Party on telecommunications.

So we are about to lose the \$2 billion that we set aside for investment in bringing a sense of fairness and equivalence to the people of regional Australia. It is about to go. This will be snuck through here today. It is going to go because the Labor Party are going to reinvest back into the areas where the

service already exists, where the market could have provided the service. Who is going to be left out? The people they always leave out, the people of regional Australia. I hope the message goes loud and clear to the people in some of those new regional seats they hold, such as the seat of Flynn, that this is the sort of service you are going to get from a Labor Party government. This is what you got when you voted for them. Maybe some of those 250 or so people who were the difference in the vote in Flynn are starting to wonder whether, if they had voted in a different direction, they could have protected some of the services that they had.

Maybe the people in the seat of Leichhardt are going to start to scratch their heads and wonder why they delivered to Canberra a Labor government that is now deserting them. Maybe some of the people in some of the other regional seats are going to start to wonder why they gave a vote to a Labor Party senator. These are the sorts of questions that are clearly delivered in black-and-white form when the Labor Party—as it is doing right now, as it is going to do today—deserts regional Australia by the desertion of a fund that was specifically set up not to give a sense of largesse but to attempt to deliver some approximate sense of equality to all Australians. That is what you have got to be now: a government for all Australians, not just a government for those who are not pensioners and those who live in metropolitan cities but a government for all. This is a clear sign that the new Labor Party is really just a party for the middle class and the metropolitan cities.

Senator STERLE (Western Australia) (12.24 pm)—I seek leave to incorporate Senator Wortley’s speech.

Leave granted.

Senator WORTLEY (South Australia) (12.24 pm)—*The incorporated speech read as follows—*

Mr President, I rise to speak in support of the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008.

I do so because the Rudd Labor Government is serious about broadband serious about its commitment to deliver high-quality, accessible and affordable broadband to Australians from across our land whether city-dwellers or regional, rural or remote residents.

This legislation is the foundation on which a new, top-quality, accessible, national broadband network can be built.

We are serious about making up lost ground on broadband just as we are serious about addressing the mess left by more than 11 years of neglect when it comes to a range of infrastructure. The widespread availability of high-speed broadband has many benefits for Australian families and businesses.

Indeed, fast, reliable broadband is essential for our society: for families, for education, for medicine and health, for small business, and for the economy.

We have been left the same legacy of neglect in the areas of climate change and water foreign aid reconciliation between indigenous and non-indigenous Australians the list goes on.

Our nation has suffered because of the Howard years when it comes to housing affordability when it comes to job security and workers’ rights and when it comes to humane treatment of refugees.

There are many more areas I could mention.

However, my words are not about doom and gloom. Rather, the dark days the politics of self-interest and greed are behind us.

Now, with a new government one ready to look forward and strive for better, brighter times for everyone rather than a privileged few we can make progress.

As this Government has shown since taking office last November—and in its first budget just this week—that it is serious about tackling the issues which matter most to Australians.

We are serious about getting the job done and we need to be there's a lot of ground to make up.

This government has committed up to \$4.7 billion for the new broadband network to reach 98% of Australians.

This Network, which will be built over five years from this year, will deliver a minimum of 12 megabits per second over fibre-to-the-node or fibre-to-the-premises structures.

It will support top-quality voice, data and video services and, at last, allow genuine competition in the telecommunications sector.

It is a big deal—rivaling the Snowy Mountains Hydro Scheme in terms of national significance—and requires a strong, sure and enduring commitment from the government.

That's exactly what we're making.

We've been criticised for introducing legislation enabling us to use the \$2 billion Communications Fund for the network's regional rollout.

But if, like the previous government, we were only using interest earned from the fund for this massive project, it would take 35 years to match our \$4.7 billion broadband plan.

Indeed, the former government talked long and loud about broadband but did little.

When it did come up with plans, there were promises made these schemes would never have delivered.

Meanwhile, Australia dropped further and further behind the rest of the world—we were ranked only mid-range out of countries surveyed by the OECD.

Still, the coalition came up with proposal after proposal, none of which stood the tests of time and effectiveness.

The plan the former government finally decided to take to the Australian people at last year's election—for broadband delivery through the OPEL consortium—has since been axed in the interests of regional Australia.

That move was based on the assessment of the Department of Broadband, Communications and the Digital Economy, which showed OPEL networks would cover only 72% of under-served

premises—falling well short of the 90% required under the consortium's own contract.

In contrast, the Rudd Labor Government is backing rural and regional Australia.

We are showing our support to people without access to a metro-comparable broadband service and those living in so-called metropolitan "black spots" by pledging \$270.7 million over four years to the safety net known as the Australian Broadband Guarantee.

The ABG will also give the 2% of Australians who are likely to miss out on coverage under the National Broadband Network access to better broadband services.

By backing the ABG until 2012—and making improvements to the program in response to industry and consumer feedback—this government is showing it is serious about leaving no-one behind when it comes to broadband.

The ABG runs parallel to the National Broadband Network, which will service 98% of Australians with their broadband needs.

This government has looked at the whole picture when it comes to Internet access and, in a further budget commitment, has announced a plan to create a safer on-line environment for children.

Aspects of this plan include overhauling the existing online safety website; developing a new web site specifically for children; providing education resources and a dedicated cyber-safety helpline; and expanding the terms of reference for the Cyber-Safety Consultative Working Group to include all aspects of cyber-safety.

However, tackling the complex area of cyber-safety is a little like putting the cart before the horse for those Australians who don't even have decent access to broadband connections.

This Bill has been to the Senate Standing Committee on Environment, Communications and the Arts of which I am a member for consideration.

Various stakeholders have made submissions on the Bill, the committee has made recommendations and amendments have been drawn up.

This legislation is another example of this government's ambitious agenda its commitment to building a better, fairer, more knowledgeable Australia and its urgency to make up for lost time.

Like our ratification of the Kyoto Protocol, the national apology and many initiatives already delivered or in the process of development, this Bill will usher in a new chapter for Australia.

It is a chapter in which we take our rightful place in the world, an equal, progressive, forward-looking partner with other nations, especially our near neighbours and allies.

Therefore I commend this Bill to the Senate.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.24 pm)—I rise to conclude the debate. I want to thank all those who have made a contribution. I did have a quite lengthy response, going through some of the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008, but due to the time I will restrict my remarks to just responding to a number of individual queries.

Senator Birmingham, the new senator for Optus, ran all of the Optus-G9 lines about the process. Senator Ronaldson stood up and, surprisingly, ran all of the Telstra lines. There is only one problem: usually a party only has one position. You cannot actually have both. I invite you to have a conversation and decide which team you are barracking for, because you cannot actually barrack for both of them at the same time. It does look a little inconsistent. Senator Boswell became the senator for OPEL.

Senator Barnaby Joyce decided to join the debate, and I did enjoy his sterling defence of the Communications Fund. It was nothing to do with this bill, but it was a sterling defence of the fund that he himself, in public, described as a slush fund. If you want to talk about the Communications Fund, we look forward to that debate, because Senator Barnaby Joyce willingly, openly and gleefully described the Communications Fund as nothing more than a slush fund. The Liberal Party conceded it to him because they wanted his vote, but he folded on the sale of Telstra, so

it was disappointing. After promising not to sell Telstra, Senator Joyce, you broke your word to the people of Queensland and you are now paying the consequence. But that is something for your conscience to live with.

Probably the most disappointing part for Senators Boswell and Joyce is that they did not have the courage to stand up to Senator Minchin and the Liberal Party over their proposal, their quite far-sighted proposal, in the Page foundation report, to build a fibre-to-the-node network—in fact a fibre-beyond-the-node network—in regional Australia. If only you had stuck to your guns, if only Senator Nash and Senator Joyce, who helped write that report, had stuck to their guns and stood up to the Liberal Party at the time, you might have had a telecommunications policy going into the last election to be proud of, not one about which Bruce Scott has said, ‘Thank goodness you got rid of OPEL.’ ‘Thank goodness’!—your own side is celebrating the fact that the OPEL contract did not go ahead. So the National Party did not have the courage to stand up to the former government. And the dinosaurs are slowly disappearing—you will not get a chance to vote for the National Party in the next election. There is some new conservative party you are working on. Senator Joyce, I am not sure whether you are going to be in the Lib-Nats, the Nat-Libs, the Conservatives or whatever.

Senator Sterle—They’re probably Nibs.

Senator CONROY—Nibs.

Senator Joyce—Mr Acting Deputy President, I rise on a point of order on relevance. How does a discussion on internal party politics in Queensland have anything to do with the carriage of the legislation that the minister is attempting to provide some sort of peculiar excuse for?

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—There is no point of order.

Senator CONROY—It has been a very wide-ranging debate, beyond many measures to do with this bill, but I appreciate that Senator Joyce is particularly sensitive on this issue, so I will desist.

There was another point—nothing to do with the bill, but I thought I should respond to it—about CDMA raised by Senator Joyce and Senator Boswell. Senator Boswell suggested that we had rolled over. There is only one problem with the position that you keep taking on CDMA, and that is: you wrote the licence condition. If you wanted more things in the licence condition that I was legally required to enforce, you should have stood up to the Liberal Party and required the former minister to include them. You failed miserably. I enforced your licence conditions on CDMA.

The ACTING DEPUTY PRESIDENT—Senator Conroy, you should address your remarks through the chair.

Senator CONROY—I accept your admonishments.

The ACTING DEPUTY PRESIDENT—I appreciate your cooperation. Thank you.

Senator CONROY—In terms of the CDMA network, if the National Party senators who want to bleat about it now had had the courage maybe they would not be sliding into irrelevance—but I am ranging widely. I want to respond to one particular point from Senator Allison. I say quite genuinely, Senator Allison, that I appreciate your point as to concern about the panel of experts. I say quite genuinely to you that you are the only person in Australia to have raised that issue. This has been considered to be a panel of genuine telecommunications experts and genuine business experts in the telco sector. Throughout the sector I have received no

other criticism as to the make-up of the panel. But I appreciate your contribution. As I said, I am very conscious that if we do not move to the committee stage shortly we are unlikely to be able to pass this bill, so I will finish my comments there and look forward to the committee stage.

Question agreed to.

Original question, as amended, agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator RONALDSON (Victoria) (12.31 pm)—by leave—I move amendments (1) to (8) on sheet 5477:

- (1) Schedule 1, page 4 (after line 15), after item 10, insert:

10A Section 7

Insert:

voluntary disclosure arrangement has the meaning given by section 531FA.

- (2) Schedule 1, item 11, page 4 (line 23), omit “A carrier”, substitute “An eligible carrier”.
- (3) Schedule 1, item 11, page 5 (after line 17), at the end of the text box in section 531A, add:
 - If a carrier enters into a voluntary disclosure arrangement:
 - (a) information subject to the voluntary disclosure arrangement may be disclosed or used only as specified in the arrangement; and
 - (b) the carrier is exempt from compulsory disclosure of any information under this Part where voluntary disclosure information provided wholly or substantially amounts to compliance with a direction issued by the Minister.
- (4) Schedule 1, item 11, page 5 (after line 22), after the definition of *authorised information officer* in section 531B, insert:

eligible carrier means a carrier other than a carrier in relation to which section 531FA applies.

- (5) Schedule 1, item 11, page 8 (line 1) to page 9 (line 5), omit “carrier” (wherever occurring), substitute “eligible carrier”.
- (6) Schedule 1, item 11, page 10 (line 10), omit “**Carriers**”, substitute “**Eligible carriers**”.
- (7) Schedule 1, item 11, page 10 (line 12), omit “**Carriers**”, substitute “**Eligible carriers**”.
- (8) Schedule 1, item 11, page 10 (lines 15 to 24), omit “carrier” (wherever occurring), substitute “eligible carrier”.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.31 pm)—We will not be supporting the opposition amendments. I would go into a detailed reason but I am conscious of the time so I will not.

Senator RONALDSON (Victoria) (12.32 pm)—I will explain why I think the government should be supporting these amendments. This is a definition issue, and I am a little surprised that the government opposes these. If you look at the integrity of this process, these amendments, which seek to clarify and change the definition from ‘carrier’ to ‘eligible carrier’, make absolutely perfect sense: for only those who are involved in this process to be given the opportunity to participate in the details and the provisions of this particular bill. In my view, it would be totally unreasonable for carriers, in the widest sense, to have access to sensitive commercial information, which they could have quite simply by giving some indication that they were dealing themselves into the process. Were they to do that then they would have the opportunity to get access to that information. I think that for the integrity of the process, and to address and to firm up those matters that the minister is seeking to address in other parts of the government’s amendments and in the bill itself, this would be an entirely appropriate group of amendments to be accepted. I think that it would provide for those that I am sure the minister is hoping will be active participants

in this process, to actually enable the tender process to have integrity and a large number of players. I would have thought that, considering the quickest way to ensure that they were active participants in this process and indeed that this matter would be dealt with expeditiously in line with the government’s own July deadline, you would want to maximise the confidence of those who will be legitimately tendering by indicating to them that the integrity of the process will be maximised, not undermined, by the definition of ‘carrier’ versus ‘eligible carrier’. I would encourage the government to review the decision to oppose this because I think it does actually support the integrity of their own bill.

Question agreed to.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.35 pm)—I table a supplementary explanation memorandum relating to the government amendments to be moved to this bill, the memorandum having been circulated in the chamber on 13 May 2008, and I seek leave to move government amendments (1), (6), (7), (8), (10), (11), (12), (13) and (14) on sheet PN285 together. We have pulled out government amendment (9):

Leave granted.

Senator CONROY—I move:

- (1) Schedule 1, item 11, page 5 (line 1), after “disclosed”, insert “or used”.
- (6) Schedule 1, item 11, page 11 (lines 7 to 9), omit subsection 531G(1), substitute:
 - (1) If a person has obtained protected carrier information in the person’s capacity as an entrusted public official, the person must not:
 - (a) disclose the information to another person; or
 - (b) use the information.
- (7) Schedule 1, item 11, page 11 (line 10), after “prohibition”, insert “of disclosure”.

- (8) Schedule 1, item 11, page 13 (after line 37), after subsection 531G(3), insert:
- (3A) Each of the following is an exception to the prohibition of use in subsection (1):
- (a) the information is used for the purposes of the consideration by the Cabinet of:
 - (i) a matter preparatory to the publication of a designated request for proposal notice; or
 - (ii) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (iii) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (iv) a matter that is ancillary or incidental to a matter referred to in subparagraph (i), (ii) or (iii);
 - (b) the information is used for the purposes of the consideration by the Minister of:
 - (i) a matter preparatory to the publication of a designated request for proposal notice; or
 - (ii) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (iii) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to
- an invitation set out in a designated request for proposal notice; or
- (iv) a matter that is ancillary or incidental to a matter referred to in subparagraph (i), (ii) or (iii);
 - (c) the information is used for the purposes of advising:
 - (i) the Cabinet; or
 - (ii) a Minister; or
 - (iii) a Secretary of a Department; about:
 - (iv) a matter preparatory to the publication of a designated request for proposal notice; or
 - (v) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (vi) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (vii) a matter that is ancillary or incidental to a matter referred to in subparagraph (iv), (v) or (vi);
 - (d) the information is used for the purposes of the Australian Security Intelligence Organisation, the ACCC or the ACMA giving advice to:
 - (i) the Commonwealth; or
 - (ii) a Minister; or
 - (iii) a committee established under the executive power of the Commonwealth;

in relation to:

 - (iv) a matter preparatory to the publication of a designated request for proposal notice; or

- (v) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (vi) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (vii) a matter that is ancillary or incidental to a matter referred to in subparagraph (iv), (v) or (vi);
 - (e) the information is used for a purpose specified in the regulations;
 - (f) the information is used for the purposes of:
 - (i) giving advice to an authorised information officer in relation to action to be taken by the officer under section 531H; or
 - (ii) assisting an authorised information officer in relation to the exercise of the officer's powers under section 531H;
 - (g) the information is used for the purposes of:
 - (i) enabling an authorised information officer to make a decision under section 531H; or
 - (ii) enabling an authorised information officer to disclose the information under section 531H;
 - (h) the carrier who gave the information to an authorised information officer has consented to the use of the information;
 - (i) the information has been made publicly known by:
 - (i) the carrier who gave the information to an authorised information officer; or
 - (ii) a person authorised by the carrier to make the information publicly known;
 - (j) the use is authorised by or under a law of the Commonwealth, a State or a Territory.
- (3B) Paragraph (3A)(e) ceases to have effect at the end of the period of 12 months beginning on the day on which this subsection commenced.
- (10) Schedule 1, item 11, page 15 (line 30), at the end of subsection 531J(1), add "or a decision to use information under subsection 531G(3A)".
- (11) Schedule 1, item 11, page 15 (line 34), after "531H(1)", insert "or a decision to use information under subsection 531G(3A)".
- (12) Schedule 1, item 11, page 16 (lines 2 to 4), omit subsection 531K(1), substitute:
- (1) If a person has obtained protected carrier information in the person's capacity as an entrusted company officer of a company, the person must not:
 - (a) disclose the information to another person; or
 - (b) use the information.
- (13) Schedule 1, item 11, page 16 (line 5), after "prohibition", insert "of disclosure".
- (14) Schedule 1, item 11, page 17 (after line 2), after subsection 531K(2), insert:
- (2A) Each of the following is an exception to the prohibition of use in subsection (1):
- (a) the information is used for the purposes of:
 - (i) the consideration by the company of whether to make a submission in response to an invitation set out in a designated request for proposal notice; or
 - (ii) the preparation of a submission by the company in response to an invitation set out in a designated request for proposal notice; or
 - (iii) if the company has made a submission in response to an invita-

- tion set out in a designated request for proposal notice—the consideration by the company of whether to vary the submission; or
- (iv) if the company has made a submission in response to an invitation set out in a designated request for proposal notice—the preparation by the company of a variation of the submission;
- (b) the carrier who gave the information to an authorised information officer has consented to the use of the information;
- (c) the information has been made publicly known by:
- (i) the carrier who gave the information to an authorised information officer; or
 - (ii) a person authorised by the carrier to make the information publicly known;
- (d) the use was authorised by or under a law of the Commonwealth, a State or a Territory.

I understand that these amendments are being supported without (9) in.

Senator Ronaldson—That is indeed so, yes.

Senator CONROY—I thank the opposition for their support.

Question agreed to.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.36 pm)—I will now move to the next block. I will be moving amendment (4) separately. I now move government amendment (2) on sheet PN285, which I understand is also being supported by the opposition:

- (2) Schedule 1, item 11, page 5 (lines 20 to 22), omit the definition of *authorised information officer* in section 531B, substitute:

authorised information officer means:

- (a) the Secretary of the Department; or
- (b) a Deputy Secretary of the Department; or
- (c) an individual:
 - (i) who is an SES employee in the Department; and
 - (ii) whose duties relate to the National Broadband Network Task Force; or
- (d) a person for whom an appointment as an authorised information officer is in force under section 531M.

Question agreed to.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.36 pm)—by leave—I move the two outstanding amendments, being (9), which goes to schedule 1, item 11, and also (4), on sheet PN285, which I understand the opposition are opposing:

- (4) Schedule 1, item 11, page 7 (before line 32), before paragraph (a) of the definition of *protected carrier information* in section 531B, insert:
- (aa) any information that was given by a carrier to an authorised information officer during the period:
 - (i) beginning on 27 February 2008; and
 - (ii) ending 12 months after the commencement of this Part;
- where, after the information was given, an authorised information officer gave the carrier a written undertaking, on behalf of the Commonwealth, that:
- (iii) after the commencement of this Part, the information would be treated as protected carrier information for the purposes of this Part; and
 - (iv) the information would not be disclosed by an authorised information officer before the commencement of this Part; or

- (9) Schedule 1, item 11, page 14 (after line 3), after subsection 531G(4), insert:
- (4A) An entrusted public official is not required to give a carrier an opportunity to be heard in relation to a decision to use information under subsection (3A).

The TEMPORARY CHAIRMAN
(Senator Moore)—The question is that amendments (9) and (4) be agreed to.

Senator RONALDSON (Victoria) (12.37 pm)—The opposition opposes these amendments. I am mindful of the time that is left open to us. We oppose amendment (4) because we believe that our amendment (9) is far stronger, superior and comprehensively deals with the voluntary protected carrier information. We are probably dealing with a bit of them together.

Had the integrity of the process in relation to the voluntary information been included in the first place, we probably would not have needed this bill because that would, on its own, have provided the integrity of the process that the minister was trying to attain. That is why we have argued from day one that this bill was not necessary to the extent that the minister has himself required a legislative instrument to deal with something that we think could have been dealt with on a voluntary basis, which would have provided the information that his government wanted and the protection for the industry, which then would have willingly provided the information that would have been required by the government and the panel et cetera to make a rational and informed decision.

In some respects the government has almost, in a timing sense, fallen on its own sword. I do not want, as I say, to delay the process, but we do oppose government amendment (4). We do not think it goes far enough. We do not think it deals effectively with the effective use application sanction

for misuse of information as our amendment (9) does.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (12.39 pm)—It would be helpful if both the minister and the opposition member could explain the differences between and the reasons for these amendments. I ask this because we have only received them both this morning and have not had the time to work through them adequately. And it is the normal practice in this place, as I understand it, for there to be arguments put for amendments as they are being tabled. I have no idea whether the opposition's amendment is superior to the government's, so it would be helpful if the government sold its amendment somewhat.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.40 pm)—I appreciate the point you are making. The reason for speed at the moment is that, as they have the numbers, the opposition intend to put in some amendments that the government does not agree with. This will require the bill to go over to the other place and then be bounced back. If we do not complete that either now or, at the latest, tomorrow—tomorrow morning will be a difficult time since, as you would know, often there is no government business in the morning—the actual bill will not pass. If this bill does not pass it will seriously jeopardise the capacity for the tender to take place. We do not sit again until quite late in June, and that will seriously derail the process.

I apologise for the brevity of the discussion here, but we believe our amendments adequately cover the issues that were raised by the Senate committee. We have a genuine disagreement with the opposition about it, but we believe we have crafted amendments which genuinely are strong enough to deal with the issues raised in the Senate commit-

tee. Unfortunately, as I said, time is precious. To facilitate the tender process, we need to get this bill through to the other place so that it can then come back for further debate. I am not sure if that truly solves your problem—I suspect it may not—but we are hampered by the timetabling at the moment.

Senator RONALDSON (Victoria) (12.42 pm)—I am not entirely sure why I am speaking to the government's amendment! But from any reasonable reading of the two amendments, clearly the opposition's amendment in relation to this matter strengthens the integrity of everything that underpins this bill. We have gone further than the government because we did not think the government were providing the appropriate level of protection for voluntary information. If you read our amendment you will see that it strengthens that. And we are a bit surprised that the government have not taken the opportunity to support this amendment which, in a perverse way, will lead to a far greater inflow of the information that they, the expert panel and others require to make a decision. Indeed, if you do not strengthen this particular aspect of it, there is a very real risk that the information will not be provided in a timely sense, or without some considerable stick, because of the concerns of the carriers—now described as 'eligible carriers'. That is the reason why we believe our amendment strengthens this bill and will speed the process up. We think the government's amendment, perversely, will actually hinder the process.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (12.43 pm)—The opposition amendments are opposed because they are technically flawed; they are unnecessary because they are already covered by a number of government amendments, as I have already said; and they do not actually appear to guarantee provision of sufficient informa-

tion voluntarily. They actually fall into the trap of some providers. But, then, that is not a surprise.

Senator RONALDSON (Victoria) (12.44 pm)—I am a bit surprised that, at this late hour, the minister is making this description of these amendments, because clearly that is not and could not be and will not be the situation. The issue with the government's amendments from the outset has been that they do not provide the appropriate levels of protection that we believe are fundamental to this bill. Our amendments are well drafted and they achieve what is required.

Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being 12.45 pm, I call on matters of public interest.

Foreign Policy

Senator TROOD (Queensland) (12.45 pm)—I rise to speak on a matter of the gravest public interest: Australia's foreign policy. We have heard a great deal about this since the Rudd government came to office in November, and there have been two broad themes. The first, predictably enough, is a kind of consistent, carping criticism of the Howard government's foreign policy. I had some differences with aspects of that foreign policy, but by any measure it established a distinguished period of achievement. I could spend the time that I have in this debate listing those achievements. If, God forbid, the Rudd government were to remain in office for 11 years, I think it would be hard pressed to point to a level of achievement as distinguished as the Howard government's foreign policy.

The second theme is the Rudd government's foreign policy agenda. This is very grand. After nearly six months in office, we have a pretty good idea and a pretty clear

understanding of the intentions of the Rudd government in relation to foreign policy. It is a very big agenda, very big indeed. It seems to be directed towards taking Australia to the world. Anywhere there is a problem, a challenge or an issue, the Rudd government—presumably the Minister for Foreign Affairs or the Prime Minister himself—will be there to try and lend a hand. One can gain a flavour of how big this agenda is by looking at last night's budget papers. If we look at the portfolio budget statements for the Department of Foreign Affairs and Trade and the agency strategic overview on page 15 and the next 3½ pages, we can see a long list of activities that the Department of Foreign Affairs and Trade is expected to undertake during this government's period in office, including:

The department will ... work to strengthen political and economic engagement with Europe and pursue a new partnership with the European Union ...

...

The department will lead whole-of-government efforts to combat international terrorism ...

...

The department will work to re-energise the international non-proliferation, disarmament and arms control regimes.

...

... the department will contribute to the launch of a post-2012 global agreement on climate change.

And so it goes on—a long list of activities which the department is expected to undertake. The obvious question for the government, and for all of us, is: how is DFAT going to undertake these activities? With the resources it has available, how is it going to achieve all that is expected of it? The equally obvious answer is that it is not going to achieve all that is expected of it—or perhaps we should say, more correctly, that the departmental staff, being conscientious and

professional as they are at all times, will struggle to achieve even a modest part of the agenda that the Rudd government has set for them—because the reality is that last night's first Rudd government budget gives virtually nothing to DFAT to undertake its core responsibilities and functions. In fact, the funding base of the department will actually decline over a period of time.

This is not a new problem. I have been talking about this issue since I arrived in this place in 2005. The Rudd government's triumph in its first budget is to drive the funding of foreign policy to a new low. DFAT's operational budget has been declining, and the Rudd government has achieved a new low. In 1990, operational funding for the department was 0.11 per cent of GDP. During the Howard years, it was sustained at around 0.08 to 0.09 per cent of GDP. This was in the context of a rapidly growing economy, so it was a significant commitment of resources. Now, in the 2008-09 budget, funding for DFAT's operations has reached a new and historic low of 0.07 per cent of GDP.

If we look at the detail in the budget we can see how dire the situation is for the department. If we look at page 49 of the portfolio statement, where the forward estimates are laid out, we can see that the last Howard budget had an estimate of \$926 million for the department's operations. The first Rudd budget estimates a figure of \$920 million, a decline of \$6 million. By 2010-11, that figure will have declined to \$900 million. We are going backwards. In a period of rising inflation, in a period of increasing GDP with an expanding foreign policy agenda, the Rudd government is actually causing the department administering our foreign policy to go profoundly backwards in terms of its financial resources.

If we look at output 1, we see that this is the core of DFAT's functions; it is the engine room of Australia's foreign policy. This is the place where we find reference to policy development, trade expansion, representational activities—all the things that we know to be absolutely fundamental to the conduct of a serious foreign policy. It is a very forlorn picture indeed. The 2008-09 estimates in fact provide a modest increase in funding of about \$23 million, but it is about 3.9 per cent of the budget for this particular output. With inflation rising at about 4.2 per cent, the department is actually going backwards with this output. By the end of the year it will have less money than it had in the budget year 2007-08. What is more alarming is that the estimates for staffing of the department in this area have declined by 13 per cent—a reduction of around 305 staff.

Public diplomacy is an area of growth in almost every foreign ministry of comparable interest around the world. Canada, the United Kingdom and the United States are all expanding their public diplomacy activities. Indeed, last year the Senate Standing Committee on Foreign Affairs, Defence and Trade produced a report, *Australia's public diplomacy: building our image*, in which we closely investigated the state of Australia's public diplomacy. The committee recommended an increase in funding—and I interpose here to say that the government has still to respond to that Senate report.

The government, perhaps intuitively, has responded to the report by allocating an increase in funding—another \$20 million—to public diplomacy, but it is almost all related to the Shanghai exposition. If you take out the \$20 million there is no further expansion, no further funding for public diplomacy in this particular budget. So we are not making any progress on this fundamentally important area of foreign policy.

DFAT's budget has now reached a state of chronic underfunding. It is so serious that, as dedicated and as professional as they are, the DFAT staff are under unsustainable pressure to fulfil their responsibilities. It is not just about having fewer cocktail parties or encouraging ambassadors to live in shabbier residences or having fewer cars in diplomatic convoys or things of that kind. The declining resources will have a serious impact on Australia's national interests, on the representation functions of the foreign service, on protecting Australians through consular activities, on policy development and analysis, on trade expansion and market access and, critically, on intelligence gathering. In other words, the government is failing in the performance of every important function that relates to the conduct of Australia's foreign policy, its place in the world and its responsibility for protecting Australia's national interest.

The Minister for Foreign Affairs has commissioned an internal review of DFAT's outcomes, priorities and resources. Whatever that review might deliver, whatever that review might produce, it will have been an abject failure and a complete waste of time if it does not result in a substantial increase in DFAT funding. I call upon the Rudd government to take the matter of foreign policy seriously. Forget the rhetoric. Forget the creative 'middle power diplomacy'—whatever that might mean. Focus attention on the thing that needs to be attended to—that is, the declining resources of the Department of Foreign Affairs and Trade. It needs to be allowed to do its job properly. At the moment, the policy settings will not elevate Australia's foreign policy to the place where the Rudd government rhetoric wishes it to be; rather, it will result in the emasculation of Australia's foreign policy and, more importantly and more seriously, it will pro-

foundly compromise Australia's national interest.

Volunteering

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (12.57 pm)—I rise today to speak about a very important matter, and that is the Rudd government's commitment to sponsoring and supporting more than five million Australian volunteers who keep our societies going every day. This week is National Volunteer Week, which has been celebrated annually since 1988. The theme this year is 'Volunteers change our world'. I think that is a very appropriate theme. I have not yet had a chance to survey members and senators about their own volunteering contributions, but I know that every one of them is in regular touch with voluntary organisations in their electorates or among their constituencies. I know they appreciate the work that is being done.

There are people everywhere working in a voluntary capacity—protecting our homes during summer bushfire seasons, delivering Meals on Wheels, organising local sports, coordinating cultural and community groups and protecting our local wildlife and our heritage. They also perform countless other activities, many of which are much less visible in our society. I am thinking about court support workers, neighbourhood coordinators, literacy and language tutors, night vans and night patrols, mentors, champions, advocates, carers and counsellors—all giving their time and expertise in a voluntary capacity.

On Monday I had the pleasure of launching National Volunteer Week in Adelaide for Volunteering South Australia and Volunteering Northern Territory, in conjunction with Volunteering Australia. Adelaide's Rundle

Mall was a fantastic venue for the launch, where we were literally surrounded by representatives of South Australia's diverse and dynamic volunteering community. I used that opportunity to say thank you on behalf of all Australians and the Australian government to all our volunteers. I say sincerely that volunteers do change our world. Voluntary organisations and key bodies such as Volunteering Australia and the state and territory volunteering bodies also need to be congratulated and acknowledged for the professional and innovative leadership that they are providing to our volunteer workforce.

The government is committed to working with them and with the wider not-for-profit sector to promote volunteering and to encourage future generations to get involved. We have seen a very different range of volunteering approaches in recent years, particularly with respect to grey nomads. There are many new opportunities for episodic and virtual volunteering. Many young people are involved in virtual volunteering—for example, tutoring disadvantaged students online or translating documents for AMES or refugees. These are just two examples of how young people and those who are perhaps not able to have face-to-face contact can make a voluntary contribution.

The best figures that we have in Australia are from the ABS, in 2006, which show that 5.2 million Australians, or about 34 per cent of the Australian adult population, participate in some kind of voluntary work. Officially, they give 713 million hours of their time to the community every year. Officially, these volunteering hours are valued at around \$40 billion to our economy. Here in Australia we have a satellite account for the not-for-profit sector that provides these measures and is part of the implementation of the United Nations *Handbook on non-profit institutions in the system of national accounts*. This is a procedure that has been developed and is

being promoted around the world to increase the visibility of the third sector. It informs researchers and assists policymakers to gain a much more coherent and systematic picture of the scope, structure, composition and fiscal base of this important set of institutions on a regular basis. We need to be able to provide systematic comparative data on volunteering, which is a critical component of our social inclusion agenda and involvement. It is a project of the International Labour Organisation and will be discussed at a forthcoming international conference of labour statisticians, at which Australia will be represented.

The launch of National Volunteering Week on Monday also gave me the opportunity to unveil Volunteering Australia's National Survey of Volunteering Issues for 2008. This is a very important document, which is the culmination of the survey that VA undertook on voluntary work across the nation. As well, I launched the Australian government's report *Volunteering in Australia: changing patterns in voluntary work 1995-2006*. It, too, provides very useful guidance on how we should and could engage with volunteers and make the best use of the work that they do. We will also work very closely with the state based volunteering resource centres and Volunteering Australia to make sure that by this time next year we are very close to having a national volunteering strategy. I have been travelling across the country and hearing about the challenges for organisations supporting, managing, training and accrediting volunteers, and we want to make a difference in that regard so that we can celebrate the work that our volunteers do.

One of the challenges that we have in doing this is to understand what is volunteering. This is quite difficult because many people who volunteer do not consider that this is what they are doing. They think what they are doing in their communities is part of

being a good friend or a good neighbour or a good citizen. It is certainly part and parcel of Australia's 'fair go' mentality.

I think that the official statistics very much underestimate the extent to which Australians are volunteering. Last week I attended a hearing of the House of Representatives Standing Committee on Family, Community, Housing and Youth's roundtable, which was set up to consider what we can do to support our volunteers and to understand the contribution that volunteers make to our community organisations. This week I was able to announce \$5 million in funding for voluntary resource centres across Australia to continue the excellent work that those centres are doing—supporting and training our volunteers. This \$5 million will go to ongoing support for them and will expand the number of volunteer centres that can continue operating across the country. As well, from 1 July this year we are expanding our \$64 million Volunteer Grants Program, and that is going to enable another 6,000 not-for-profit organisations to provide assistance to their volunteers to purchase equipment—sporting items, for example—and, most importantly, for the first time, to help reimburse fuel costs, which in the current climate is going to be a great help. It was actually one of the issues in Volunteering Australia's national survey that volunteers identified as preventing them from volunteering.

The purpose of our national framework for volunteers, which we will be working on with state and territory organisations over the next year, will be to address the issues of consistency in accreditation and skills transfer across state and territory borders. This is an issue that has been raised very much by the volunteers themselves, particularly by grey nomads, who may have to have police checks or working with children checks, which may not be recognised from one state or territory jurisdiction to another. They find

that very frustrating, but it is just as frustrating for the organisations who want to draw on their skills and have to wait for a complicated regulatory process—it often takes three or four weeks to get those clearances. That is very frustrating for all concerned.

The final important issue that I would like to raise is that volunteering is a very genuine and appropriate pathway to employment. The idea that we can provide volunteers with accredited skills is something that is very important to our government, so the accreditation of certificates II and III in volunteering and the rollout of training in volunteering across organisations is something that we want to see happening very quickly. It is a fantastic curriculum that has been accredited. I recommend it to any community organisation that is looking at volunteer management structures and the regulatory obligations that volunteer management committees have to their own volunteers such as workers compensation, insurance, occupational health and safety and child protection.

These are just some of the initiatives that are happening in the world of volunteering. It is an important part of our social inclusion agenda. Every day, volunteers are working at the front end of service delivery. They are doing the things that many of us cannot do ourselves. We admire them, we support them and we celebrate them. Indeed, they are changing the world.

Venezuela and Brazil

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.07 pm)—I want to report on the parliamentary travel trip that I have just made with my partner, Paul Thomas, to Venezuela and Brazil. It was an intense couple of weeks and I came away with four main conclusions, the first of which is that there is a very strong case for us to reopen our embassy in Venezuela. Australia had an embassy in Caracas,

the capital, which has seven million people, until it was closed by the Howard government in 2002. Venezuela maintains an embassy in Canberra. Now, the only Australian embassies on the huge South American continent are in Brasilia, the capital of Brazil, and in Santiago, Chile. Absurdly, the last government closed our embassy in Venezuela but kept open the High Commission in tiny Trinidad and Tobago in the nearby Caribbean Sea.

Compare Australia's presence with that of Canada, which has 14 embassies in resource-rich South America and Central America, including an impressive modern multistorey building in Caracas's commercial centre. Until 2002, Australia's embassy occupied one floor of the Canadian building, but now Canada looks after Australia's interests.

Venezuela is oil rich, with a highly educated elite and a strengthening democracy. Its President, Hugo Chavez, was one of few world leaders with the gumption to publicly contest the mistakes and exported violence of the current US presidency—though George W Bush is now recognised as a failure by most of his fellow Americans. Some people estimate Venezuela's oil reserves to be the largest in the world. They account for 30 per cent of the country's economic output. Venezuela has huge mineral and water resources as well as enormous agriculture and tourism potential. In 2006-07 Australia exported \$21.929 million worth of goods and services to Venezuela. That puts Venezuela at 93rd on the list of Australia's export partners. Australia imported \$3,013,000 worth of goods and services from Venezuela, which puts Venezuela even further down the ranking at 126th among Australia's import partners.

Due to the Chavez government's popular—and that is what all the opinion polls show—concentration on helping the millions

of poor people on the land and in Caracas's huge barrios, or slums, the small but highly educated richer class are emigrating. At the Canadian embassy, where I had talks with Ambassador Perry Calderwood, I met two young engineers, one male and one female, who were emigrating to Canada. They told me that the countries of choice for their graduate friends are Canada and Australia but that Canada's frigid winters make Australia the real choice. Yet Australia has no embassy in Venezuela, so Canada wins and Australia loses.

There is growing interest in Venezuela from Australians, which would also be fostered by us having an embassy there. Venezuela has the world's highest waterfall, the fabulous Angel Falls. It has stunning national parks and wildlife, a colourful cultural mix and history, and world-class art collections. The downtown museum of art in Caracas is simply the best collection of artworks I have ever seen. It includes works by Van Gogh, Picasso, Monet and Venezuelan artists that elsewhere one can only dream about.

Caracas also has a reputation for urban violence and after-hours dangers—you are told to take your rings off and not to go out after a certain hour. It is just like Washington and Houston. An embassy there would make doing business, as well as simply visiting this beautiful country, a much brighter prospect for Australians. The Rudd government should undo the mistake made by the former Minister for Foreign Affairs, Alexander Downer, and re-establish our embassy in Caracas.

In that city I held talks with members of the Chavez government. I was aided by Brisbane scientist and former resident of Caracas Coral Wynter and the Vice-President of the Latin American parliament, Dr Carolus Wimmer. The major topic of these talks was Ingrid Betancourt. I will come to her shortly.

I am grateful to the Venezuelan embassy in Canberra and its charge d'affaires, Nelson Davila, for assistance in arranging these meetings and facilitating my visit to Caracas. The Venezuelan government provided a car and driver.

I met the President of the Permanent Commission of Foreign Relations for the National Assembly, Mr Roy Daza. He explained the difficulty in progress with Ingrid Betancourt's release since the Colombian government's invasion of Ecuador in March. I also met with the secretary for Asia and Oceania in the Department of Foreign Affairs, Maria Elizabeth Rodriguez, and then with Queenslander David McLachlan-Karr, who is the United Nations' Resident Coordinator in Venezuela.

That brings me to Ingrid Betancourt. A former Colombian Greens senator, she is in her seventh year as a hostage of the guerillas of the Forces for Armed Revolution of Colombia, FARC, in the jungles of southern Colombia. I am a friend of Ingrid's. Her speech on the need for courage and truth in the dangerous and corrupt world of politics brought thunderous applause when she addressed the first Global Greens conference in Canberra in 2001. A copy of that speech has been circulated, and I seek leave to have the document incorporated in *Hansard*.

Leave granted.

The document read as follows—

LATIN AMERICA - THE OPPORTUNITY OF THE GREENS - INGRID BETANCOURT

Ingrid Betancourt (Colombia) helped found Oxigeno Verde in 1998 and was elected to the Senate; she will be the Greens presidential candidate in 2002.

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PAPER PRESENTED AT GLOBAL GREENS 2001

Thirty years ago an ecological or environmental conscience arose in the world as a civic expres-

sion of concern for the future of humanity and of the planet. From there Green Parties were born. Today, the environmental current is strong enough to pose a serious political challenge in the face of the dramatic failure of the dominant neoliberal alternative.

At a time when our societies have fallen into the abyss of self-destruction, economic apartheid and the dictatorship of profits, the Greens turn out to be the only ones proposing a new social contract and a new economic model. Fortunately this current of thought is achieving its ideological maturity at the moment when humanity's survival is at stake.

In this global meeting of Greens, it is important to look at all the political scenarios that are being debated: Do not let us think of what we have not achieved, but of what we can do and what we can do and what we must achieve. Let us not list our weaknesses but rather claim our strengths. What links us as the Green leaders' generation is to give battle and to win it. What we want is not justification for 'not to make', but leadership to change the course of history.

We are not entitled to be a marginal political option. Neither can we satisfy ourselves with being support forces for the construction of temporal political majorities. We should aim for power and obtain it. We cannot undervalue ourselves—the world looks at us and expects big things from us. That is the reality. We are flying the modern flag of the new humanism. Our fight is for the salvation of the planet. It is for the survival of the whole of humanity, its history, its dignity, its accumulated cultural richness, its diversity. This is our new frontier. It is an immaterial, universal, more dramatic frontier than the conquest of the new world or than man's first step on the moon. To reach it we do not depend upon our physical or technological effort but on our moral resistance.

If the great people of history defeated adversity, if those who changed the course of events did so although they were predicted to fail, if it is true that faith moves mountains and that David conquered Goliath, then our fight should be victorious. To defend the right to live, today as in the past, implies heroism, temper and courage. Let us not deceive ourselves. To be Green in this millennium, we have to take on the uniform of the new

samurai, to defend our values, our principles, our ideals, above everything, even above our own life, because without those values, without those principles, without those ideals, life becomes a condemnation.

We should understand the essence of what we are outlining to the world. The salvation of the planet, the right to live, is nothing else than a fight for values. These values are ones that we human beings all share, regardless of the colour of our skin or of the name that we give to our God. And because they are essential values, they are not negotiable. To outline a new economic order, a new social pact, is not a utopia. It is simply the basic thing, the minimum thing to continue working as societies in a globalised world. I say this with force and with anguish because I feel that we cannot waste any more time. We still have time to stop the self-destruction that is imposed on us. But this depends on our will, on our character, on our commitment, and not on what power they choose to grant us.

The first thing that we should defeat is our own scepticism. We will win more quickly to the extent that we are able to communicate certainties to the multitudes. This is a modern confrontation where information is strategic and it will be won first with ideas. In this context, it is important to analyse what is happening in the world.

Everywhere people are looking to recover political power that has been usurped by the dominant classes allied to international capital. Their method of government is bribery, traffic in influence and secret deals that neutralise civic control. That is why our fight as Green parties needs to restore democracy and combat corruption. Only by changing political practices will we be able to stop the irrationality and greed of our rulers, and be able to impose on our managers the ethics of sustainable development.

If President Bush in the USA has decided to ignore the Kyoto agreement on climate change, the reason must be sought in the deficiencies of the democratic system of that country. A system that allows political campaigns to be financed by private companies, instead of by the state, creates a dependence which is ethically inadmissible for any democratic government. This political practice in turn generates unequal access to power and

stifles other political alternatives. Only those who can pay can choose the government. Democracy is kidnapped by those who can buy a spokesman and impose their wishes contrary to what the majority wants.

This logic of paying for political campaigns to obtain favours from the powerful generates such questionable decisions as forcing the countries of the third world to open their agricultural markets while the USA and the European Community compete unfairly through subsidies to their producers. This practice is also the culprit in my country where drug traffickers can make laws in their favour by financing the political campaigns of presidents and legislators. All over the world we see this syndrome creating autistic democracies and leading governments to make indefensible decisions because they are beholden not to those who vote but to those who pay. While this is tolerated, while we accept these game rules as democratic, while as Greens we do not face up to this type of political practice, we are condemned to see that the most vital things are not a high priority.

To be Green is therefore to demand real democracy, not just to conform to its rites and formalisms. To be Green implies that we practise politics in the noblest sense of the word, not just through making speeches or in symbolic actions, but in fighting for access to power, for independence in power, and for using power responsibly so as to give it back to the people, to the citizens. When we become comfortable, lower our guard and lose the coherence of being Green in order to gain power, we stop being the alternative. Then we run the risk that others steal our ideas but, instead of applying them, file them.

As much as we have to confront difficulties, we also have to be aware of the opportunities presenting themselves. Across the planet, the fruit of globalisation, which is the empowerment of economic elites, is being put on trial. A long road has been travelled from the middle of the twentieth century until today and we no longer accept dictatorship as a lesser evil when social and economic stability is obtained by violating the fundamental rights of citizens. But there is more to be done.

Before our eyes we are seeing people react against the imbalances and distortion of power

today. Our testimony from Latin America is of nothing less than a democratic and peaceful rebellion against so-called 'democracy' in favour of real democracy. For example:

In Mexico the will of the people, more than a party, was able to put an end to 70 years of subjection under the dictatorship of the Partido Revolucionario Institucional (PRI).

Venezuela elected a head of state of popular origin who, independent of other considerations, defeated one of the most corrupt and entrenched political elites of the continent in an open and peaceful democratic contest.

Peru, after an immense popular mobilisation, was able to banish a corrupt dictator disguised as a statesman who until recently was presented as the model to imitate in the fight against terrorism and for economic development.

Ecuador in the last three years has been the scene of an immense Indigenous mobilisation that overthrew a president who proposed to save the economy by dollarisation and economic adjustment.

Chile and Argentina are beginning to clarify the truth of the military dictatorships that sowed the seeds of apparent economic and social order but watered them with the blood and the pain of many citizens.

What is happening in Latin America does not guarantee real ideological change. The experience of the Mexican Green Party, which worked with Vicente Fox (now president) in the presidential campaign but is excluded from power, must cause us all to think deeply and join them in solidarity.

The fact is that neoliberal models of public and economic administration are being rejected by people round the planet. As long as the operating balance of neoliberalism is the enrichment of a billion citizens at the expense of the exploitation and impoverishment of the other five billion, we will be witnessing deep political crisis. It is said that crises are opportunities. This is a historical opportunity that we cannot waste.

The change in direction of the state must also mean a new economic model. We need to imagine and propose mature and feasible alternatives to the status quo. As Green parties, it is our job to present a global platform with a new economic model and a new social pact. The new economic

model should look fundamentally to setting up true economic democracy at the international level. This implies changes to the structures of multilateral organisations and the establishment of decision-making rules where countries are weighted proportional to their population and not their monetary wealth. Only so can we discuss equitably the rules of international trade which we are willing to adopt.

More than free trade, we want fair trade. This implies the creation of alternative markets to bring the consumer closer to the producer, and ensuring that the values which generate trade are the quality of the product and the sustainability of its production methods, including the dignity of the workers employed.

We also need to change the way wealth is generated, based on virtual flows of capital whose growth does not depend on real productivity but on speculative capacity. Our responsibility is to propose a financial model which stimulates employment-generating investment instead of accounting tricks.

As Green parties we have to design national policies to achieve true economic democracy. The proposals of Amartya Sen to liberate the productive forces of the people through a mix of taxes, tariffs, budgetary allocations and credits opens the space for the new economic order we are looking for. We should be the students of the informal economy, giving it the importance it deserves. In current circumstances, the priority is employment. Through employment we can correct the structural inequalities in society. For us, the development of micro-enterprises and small and medium industry is strategic.

Employment has more dignity as it becomes better qualified. So, we should be the defenders of investment in education, science and technology and not be satisfied with technological transfers that often, unfortunately, result in a form of neo-colonialism. The science we promote should recognise and take advantage of the sustainability of natural and cultural diversity.

We should consolidate networks for the free transfer of information to feed the new model. If we are presented with free trade as the economic solution, we should demand the free transfer of knowledge, with payment that allows a fair return

on the investment in science and technology but not the generation of monopolies of the knowledge.

Instead of the privatisation of state and public services, which expropriates social value for the benefit of private capital, we should propose new forms of stock democratisation and business ownership in which strategic alliances are formed among consumers, workers, private capital and the state. Again we must avoid creating monopolies.

All this should allow us to defend a new social contract where peace results from a new ethic encompassing human beings, other living beings and nature. The state should exist to generate social harmony, more directly related to indicators of collective happiness. This should re-open consideration of the priorities of public administration, in particular favouring a bigger investment in securing the needs of life ahead of budgets for arms and war.

As Greens parties we have travelled a long and fruitful road. This global conference should be above all an instrument to take stock of our possibilities and strengths. Delegations of 70 countries have come to Australia in an act of recognition for the founders of the Green party in Tasmania who identified the keys of political thought for the third millennium in a visionary way.

We must be ambitious for the sake of humanity. If today we congratulate ourselves on the number of Green legislators, Green ministers and Green activists, our goal for tomorrow must be no less than to govern the destinies of nations so that the Green dream, that dream of the new generations, becomes reality. Let us aim that the meeting of Green parties in the year 2011 allows us to demonstrate the success of our actions by the presence of numerous Green heads of state.

We must make ourselves ready for this. We are gathered today as the Green leaders of each one of our nations. It is our responsibility to aspire to and achieve the highest responsibility in the state in each one of our countries, or to prepare the way for those who will make it in the future. The future will be Green! This is how we will make it so!

Back in Colombia, after Canberra, Ingrid Betancourt publicly excoriated both the FARC guerilla leaders and the Colombian authorities when most others were silent. In February 2003 she was kidnapped at gunpoint by the FARC. At the Global Greens conference in Sao Paulo I met with Ingrid's husband, Juan Carlos, and Senator Luis Eladio Perez, a fellow Colombian who was held captive for four years with Ingrid. Senator Perez gave the conference a harrowing account of Ingrid's suffering at the hands of FARC. For the past 18 months, after a daring escape bid with the senator—and she went and got the FARC representatives when he fell too ill to continue—Ingrid has remained chained to a tree like a captive animal.

There are hundreds of other FARC captives, including three American businessmen. I call on the Rudd government to join President Sarkozy of France, the Swiss, Spanish and other European governments and the Red Cross to raise the international efforts to end the hostages' suffering. Firstly, support should be given to the Chavez government's efforts to negotiate with FARC, which led to the release of six prominent prisoners, including former Senator Perez, in March of this year. Secondly, pressure should be brought to bear on President Uribe of Colombia to cease bombing the areas where Ingrid is held and to negotiate her release. It was the Colombian army's invasion of Ecuador earlier this year and the killing of the FARC negotiator and deputy commander Raoul Reyes which led to the FARC closing off talks. Without Uribe's action, Ingrid Betancourt would now be free.

In Sao Paulo, at the Global Greens conference, Ingrid Betancourt was made Honorary President of the Global Greens. That conference followed the first conference, here in Canberra, which adopted a world charter which lays out the principles and policy foundations for Greens around the world.

The four pillars of Greens policy are social justice, peace, democracy and saving the earth's living environment. The second Global Greens conference was held in Sao Paulo, Brazil, which has a population of 21 million to 35 million. It is one of the three biggest conurbations on the planet. The conference attracted representatives from 87 countries.

The Australian Greens motion to establish a Global Greens information centre and secretariat was adopted unanimously. The Australian Greens offered to host this global office in our country. There will be a proving-up process over the coming months as the working plan for the office is agreed, hopefully by the end of March 2009. If all comes to pass as expected, it is likely the global office will be set up here in Canberra. However, we will also explore options in the state and territory capitals. I expect the secretariat will become a hub of international exchange as Greens parties grow stronger this century. It will draw visitors, no doubt including young interns, from around the world. Its aims include breaking down language barriers and rapidly exchanging news on Greens policies, legislation, research and, of course, electoral successes or appointments at all levels of government from provincial, national and regional to the global governance of the United Nations.

At the conference I flagged a much greater world interest in global democracy and governance in coming decades. Here, the Greens are taking a lead. World affairs are dominated by the global reach of multinational corporations and financial and market institutions. Global democracy and the interests and rights to a say of the earth's seven billion citizens should catch up, take over and get back the governance of the world's future. I expect the Global Greens information centre will meet approval here in Australia, including support from non-government

organisations and business interests across the board. It is an exciting prospect for our country as well as for the world's Greens. It was a great outcome from Sao Paulo, and we can look forward to the centre flourishing over the coming decades and contributing to our world's wellbeing in an age of rapid climate change, bewildering investment in armaments, inexcusable poverty amongst unbelievable riches and the real prospects of food shortages, oil depletion, global pandemics and economic turbulence, as well as the prospect of greater human welfare than ever before.

Finally, that brings me to Iguacu Falls. The Brazilian and Argentinian authorities have moved, impressively, to allow and facilitate 1.2 million tourists each year to visit what is perhaps the world's most splendid waterfall. Iguacu, 1,000 kilometres southwest of Sao Paulo, is simply a stunning part of the world's natural domain. Since I first visited the falls in 1994, a railway and kilometres of steel walkways have been built on the Argentinian side. Two trains, looking a little like Australia's sugar cane trains, carry 100 visitors each to the 1.2-kilometre walkway which takes them over the upper Iguacu River to the lip of the greatest part of the falls, Gargantua or the Devil's Throat. These little trains are slow, safe and open-sided but roofed. There are three stations: at the visitor's centre and car park, at the walk centre and at the Devil's Throat walkway. The rail line has a maintenance road beside it for the use of pedestrians. It is a very narrow gauge. It is a perfect mode of national park access to minimise environmental impacts and to begin and end the visitors' experience with a relaxed and comfortable transport experience. It has great potential for Australia's most popular natural attractions.

The Iguacu River is a west-flowing tributary of the south-flowing Parana River, which adds its flow, eventually, to the River

Plate and the Atlantic Ocean. In the 1980s, the giant Itaipu Dam across the Parana obliterated the Guaira Falls, which carried seven times the flow of the Iguacu. The Guaira were the world's most voluminous cataracts. The Itaipu Dam, which also displaced 40,000 indigenous locals, piggybacks on the Iguacu Falls tourism publicity like a cane toad on a waterlily. The fact that the great majority of visitors to Iguacu leave the much-promoted Itaipu Dam off their agenda is testimony to the human bond with nature which is central to ecotourism. Australia's political leaders who are backing Gunns' pulp mill in Tasmania are ignoring this reality and the best interests of human wellbeing in its widest and deepest dimensions. The long-term economic and employment consequences will be substantial.

Speaking of Gunns, the corruption of environmental processes by Tasmania's Labor authorities has a dreadful parallel in Brazil. The Amazon's largest tributary, the 1,700-kilometre long Madeira River, which rises in Bolivia, is threatened by a series of dams and hydroelectric schemes with globally significant consequences. Besides thousands of indigenous people again being driven from their homelands, the heart of one of the world's greatest concentrations of animal, bird and fish habitats will be obliterated. The largest fish migrate 4,000 kilometres up the Amazon and Madeira rivers each year—about 19 kilometres a day. When the Brazilian environment ministry, despite huge corporate and government pressure, reported these concerns, President Lula sacked the ministry's entire leadership team. On 9 July last year, the environment minister, Marina Silva, granted a licence with 33 conditions for the dam builders to go ahead to tender stage, with huge construction and financial consortiums lining up. I will be presenting progress reports to the Senate on this disastrous scheme and I call on the Australian

government to support worldwide environmental consensus to save the mighty Madeira River.

As our Lan Chile plane flew home across the Andes at night, a bronzed new moon hung low over the South American continent. I thought of Ingrid Betancourt, chained by her leg to a tree in the jungle. I hope she too could see that moon and that one day her noble and humane spirit will be freed from the violent and inhumane politics which now hold her hostage.

Child Abuse

Senator KIRK (South Australia) (1.22 pm)—I rise this afternoon to inform the Senate of the findings of two reports about child sexual abuse in South Australia and to raise issues around child protection in the wider community more generally. The first report is that of the Children in State Care Commission of Inquiry, which investigated allegations of sexual abuse and death from criminal conduct and which was presented to the South Australian parliament on 31 March 2008. The second is the Children on the APY Lands Commission of Inquiry, a report into sexual abuse, which was presented to the parliament of South Australia on 30 April 2008. Both of these inquiries were headed by a former justice of the Supreme Court, the Hon. EP Mullighan QC.

Commissioner Mullighan and his team began the Children in State Care Commission of Inquiry in November 2004. They conducted some 809 hearings of alleged victims of sexual abuse, heard from general and expert witnesses and received hundreds of written submissions. During the course of the inquiry a considerable body of evidence was received that pointed to sexual abuse of many Aboriginal children living in communities in the Anangu Pitjantjatjara Yankunytjatjara lands—known as the APY lands—in the far north-west of South Australia. These

children from the APY lands were not actually in state care, so, as a consequence, a separate inquiry was established to specifically look into allegations of sexual abuse in these outback communities.

The state care inquiry reports on allegations of sexual abuse and death from criminal conduct in South Australia dating from the 1930s right through to 2002, and it is these findings in relation to sexual abuse that I will be focusing on in my time here today. Before the inquiry there were 406 males and 386 females who came forward and made nearly 1,600 allegations of sexual abuse against individuals. After looking at relevant records the inquiry found that, of these people, a total of 242 could be confirmed as having been children in state care at the time of the alleged abuse. Here is one person's story which, I warn senators before I begin, is very disturbing. This particular woman told the inquiry that, as a young child and soon after her mother died, she had been placed in care at a Catholic church-run institution which held around 130 children in the mid to late 1950s. She alleges that a man, who she believes may have been a priest, started to sexually assault her soon after her arrival at the orphanage. She said that a nun took her to a room on the ground floor where the man put her face down on a table, lifted her dress, removed her undergarments and sexually assaulted her. He allegedly told her that she was worthless, that she deserved to be treated in this way and that she should never tell anyone because no-one would ever believe her. She said that she bled badly. The man returned her to the nun, who then put her to bed. This woman told the inquiry that this abuse occurred possibly twice a week over some time and would follow a similar pattern. Sometimes the nun who took her to the man would beat her and she would try to run away only to be taken back again. This woman did not tell anyone about the abuse at

the time because she thought that she would not be believed. She recalled that she felt: 'So lost, so lonely, so sad, so worthless. I cried every day. I cried myself to sleep every night. I used to go off into the toilet any time and I would just sob.'

Most of the people who said that they disclosed sexual abuse as children were not believed. Many witnesses also told the inquiry about the effects of child sexual abuse on them as adults. One person who came forward said: 'I just wish it had never happened; that's all. That's all I've got to say. I don't think people realise how much it really plays on your mind. It's not so bad when you are in your 20s but, you know, you get older and it plays on your mind a lot. It still does. I reckon it's a lot worse.'

Commissioner Mullighan said that he had substantial evidence to suggest that the victims who gave evidence to the inquiry were, in fact, just the tip of the iceberg. Also, these incidents and this problem are not simply of the past. In July 2007, just last year, 16 children living in residential units were identified as frequent absconders who were considered to be at high risk from sexual exploitation.

The APY lands inquiry, also headed by Commissioner Mullighan, took evidence from Anangu men and women, service providers and government staff. It established that the incidence of child sexual abuse on the APY lands is widespread. There was substantial evidence of sexual abuse and it was established that more than 140 children in a community of about 1,000 had been subjected to this kind of abuse. The full extent of the abuse could not be established as there were no disclosures made by victims of sexual abuse themselves, due in part to a high level of violence in the communities and also the fear that exists in these communities, as

well as the consequences of telling what really happened.

We know that child sexual abuse is more widespread than even these two harrowing reports suggest. Inquiries in other states have uncovered similar allegations. We know that sexual abuse has occurred not just against children in state care or children in Indigenous communities; amongst the community at large, up to one in four girls and one in seven boys are sexually abused. However, 31 per cent of respondents in a recent Australian study stated that they would not believe children's stories about being abused. So denial of the truth of what is happening to our children is not limited to the state care system and remote communities; it applies to our society at large. The two reports that I have referred to contain story after story of abuse and a culture—our culture—of failure to believe disclosures, failure to read the signs of severe trauma in both perpetrators and victims, and failure to respond appropriately. At so many levels in our society, we have been turning a blind eye, denying the truth and seriousness of the situation, and consequently not dealing with it effectively.

So what is going to happen in response to the findings of these two significant inquiries? In South Australia, Premier Mike Rann has committed to making a formal apology to the children who were in state care who had been mistreated. During the course of his inquiry, Commissioner Mullighan said that many people described how helpful it was to have someone in authority acknowledge and believe them, when in the past no-one had believed them when they were abused as children. An apology would demonstrate that the parliament believes that abuse did in fact happen to these children in state care and that the parliament as an institution takes some responsibility for the fact that this happened. As a society, if we believe that we have a responsibility for what has occurred

in the past, we will support measures to promote recovery, provide protection and prevent future abuse. If we fail to take serious action, the benefits of the revelations of the Mullighan inquiry and others like it will not be realised and the iceberg will simply submerge again only to resurface later on down the track as an even bigger problem.

The South Australian government has already committed to addressing some of the recommendations of these inquiries, including posting extra police, social workers and child protection workers and building a new police station and additional housing for workers and residents on the APY lands, in partnership with the Rudd Labor government. The state government has also committed extra funding to the Director of Public Prosecutions to prosecute cases of child abuse and has said that in the coming weeks it will make further announcements in relation to the recommendations. The recommendations include a number of prevention and early intervention measures. Prevention and early intervention programs for children in state care and for all children are very limited throughout Australia. Child protection services are struggling to cope as it is, with high numbers of notifications and the 39 per cent increase in the number of children in care in just the last four years.

A campaign was launched this year by Child Wise. The name of the campaign is 'Speak Up'. Child Wise is an Australian charity that is dedicated to the prevention of child abuse. Child Wise's helpline has been inundated with calls, predominantly from parents seeking support to act upon their children's verbal or behavioural disclosures of child sexual abuse. This experience suggests to us that, if we give the opportunity for children and their carers to have a voice, to be believed by people in authority, we will in fact have to deal with huge numbers of victims who have been suffering in silence.

Given that only about three per cent of children ever disclose their abuse, parents, carers and teachers must be educated so that they can look out for the warning signs and know how to respond to them.

The financial and resource implications for governments accepting responsibility for sexual abuse of children in state care, assisting with the recovery and protection of victims of abuse, providing opportunities for the rehabilitation of perpetrators, prosecuting perpetrators and preventing future abuse are substantial. There are substantial financial and resource implications; however, a commitment must be made today in order to protect both present and future generations of our children. We need to own the extent and the seriousness of sexual abuse of our children in and out of state care. It is only by creating an environment that allows the horrors of child sexual abuse to surface that we will own the enormity of the problem and respond to it.

Budget

Senator HUMPHRIES (Australian Capital Territory) (1.35 pm)—Although this is not the subject of my remarks to the Senate today, I do want to take the opportunity to associate myself with the call made a moment ago by Senator Kirk for there to be an apology to those children who were abused in state institutions in Australia in recent decades. Having been a member of the Senate Standing Committee on Community Affairs inquiry into that issue, I believe that that apology is richly deserved, and I hope that the Australian government will be able to consider that call very seriously.

I want to talk today about the federal budget that was brought down last night and indicate in which ways I feel that this budget has failed the Australian community by, more than anything else, failing to determine a clear direction for where Australia should

go in terms of the preservation of the extraordinarily good economic position in which we find ourselves today. This budget is a confused budget in that it fails to give a clear indication of what principles guide it. It wants to look tough on spending, but in fact this budget spends at record levels. It says that it wants to provide relief to working families, but in many ways the by-products of this budget and the decisions leading up to it place further pressures on working families. It wants to reject the record of the previous government but many of the new programs that it rolls out are nothing more than coalition programs that have been slightly reshaped and rebadged.

We have to ask ourselves: what are the principles that this budget tries to use to take the budget process into the future? Let us examine a few of those. We are told that we cannot go on as before, spending irresponsibly. That is from Mr Swan's speech last night. The problem that we have with this assertion is that it runs counter to so much that we hear day in, day out—and we have heard it day in, day out—from Labor senators in this place. The day that Mr Tanner, the then opposition spokesperson on finance, put out a media release accusing the Howard government of spending too much, of irresponsibly expending public money, I went back to the *Hansard* and checked through what had been said about spending in both houses of the federal parliament by Labor members and senators. In that one day, calls from Labor members and senators for expenditure commitments amounted to at least \$2 billion. Mr Tanner was saying that too much was being spent by the Commonwealth government and Labor members and senators were saying that it needed to spend more.

If we think back over the last few years, the recurring theme of Labor members in opposition was: 'The government is not

spending enough on education; it is not spending enough on health; higher education is suffering; the environment needs more expenditure et cetera.' We were spending, program by program, too little; but, overall, we were spending too much. If someone can explain to me how that works, I would be very grateful. But that confusion is here in this budget as well. The government talks about stopping irresponsible spending but, in fact, it spends at record levels. This is, as far as we can tell, the highest spending budget ever. No budget has ever spent so much money. It has done so partly by cutting back programs of the former government and partly by significantly increasing taxation levels. This is the first budget in a long time that has actually introduced new taxes—taxes, I might say, that were not clearly signalled to the Australian community in the lead-up to the 24 November election last year.

It is true that the new government have cut some \$15.2 billion of Commonwealth programs that were the brainchild of the former federal government; but, in their place, they have put \$30 billion worth of new programs on the table. They are not the restrained expenditure custodians that they claim to be. They have maintained a surplus. I would have to say that it would be pretty hard not to maintain a surplus, given the inheritance from Peter Costello. But we have to ask ourselves: what is the future when the government have such a strong adherence, even in their first budget—the budget that is supposedly to fight inflation—to high levels of expenditure? The government say that they want to keep inflation down, but this budget increases taxes on alcohol, cars, health insurance and energy. Those things all have an inflationary effect. It is very hard to see how inflation can be brought down in the long term if the government take that kind of approach. We know that they have a highly

inflationary industrial policy that they are presently rolling out.

The government say that they are in favour of low debt. That is very good to hear, and there is no significant debt added by this budget, I am pleased to say. But it is a concern that state governments are dramatically increasing the Australian community's level of debt. The Victorian budget last week lifted debt in that state from \$2.3 billion to \$9.5 billion by 2011-12. Western Australia is also dramatically lifting debt in that state to \$11.4 billion—tripling it in the space of the next four years. The Northern Territory and the ACT are also raising their debt levels, and the other states have yet to bring down their budgets. This is a worrying sign of what long-term Labor budgeting is all about. We need to watch that very carefully.

I want to close by making some comments about the effect of the budget on the ACT. The Labor Party has long purported to be a friend of the national capital, but decisions of recent months have to throw that claim into some doubt. The budget last night trimmed a significant number of Public Service jobs. This is not particularly transparent in the budget papers, but we estimate some 3,200 civilian Public Service jobs are axed in this budget. There is also the imposition of the two per cent efficiency dividend on government agencies. It is worth remembering that Labor, when in opposition, said that the efficiency dividend of 1¼ per cent was lazy budgeting, it was badly targeted and it did not give people the chance to distinguish good programs from poorly run programs. Labor have now upped it to 3¼ per cent. How does that work out?

There are cuts to the planning of Canberra: \$12.8 million over five years to the Griffin Legacy and \$15.8 million to the National Capital Authority. We should all be proud of this national capital, but we cannot

be proud of it if it is not well planned and does not look like an outstanding national capital. I think the cuts that have been proposed are heading in the direction of reducing the quality of planning in the national capital.

Finally, it is worth recording that this budget fails to deliver on a promise that was made by the government when it was in opposition: to provide relief to Australian families with respect to higher petrol and grocery prices. There is nothing in the budget to provide that relief. In fact, a number of decisions made by the government, effectively through extra taxation to push up other costs for Australian families, are going to push them in the other direction. It will be worth looking very carefully at whether Australian families are any better off, even with the tax cuts that were announced last night, given Labor's failure to act on those particular promises.

Budget

Senator BERNARDI (South Australia) (1.44 pm)—I rise, essentially, to talk about nothing—and I do so in the specific context of 'A show about nothing', which went to air for the final time in 1998 on this day: the *Seinfeld* show. Many people here would be familiar with *Seinfeld* and would recognise many of the self-absorbed, vain and indignant characters who appeared in it. They created a flurry of activity where none was required, and it was mostly a waste of time. It was a very popular show.

The Australian people could be forgiven for thinking that *Seinfeld* has started up in Australia once again. For the last six months, we have had our very own version of it—that is, the Rudd Labor government. I say that because for six months—or nearly six months—we have had a flurry of activity about nothing. There have been any manner of headlines and there have been all sorts of

inquiries—outrages about a number of issues that have arisen. What they have done in all of that has actually achieved nothing.

It came to a spectacular climax last night with the presentation of the budget. Nothing new was in the budget last night. We had the familiar characters, of course. I guess Mr Rudd would be Jerry Seinfeld, and I could probably see Treasurer Swan as George Costanza, because the only thing they did was talk about what they had already done for the last six months. There was very little in new announcements last night—in fact, we could have saved the Australian public a whole lot of wasted air time by just leaking the actual budget speech. Most of the material that actually came through had already been announced previously, and was rebadged existing coalition policies.

In a number of areas, such as disability, there has been a redirection of funds from the disability assistance package through to the Commonwealth-State Territory Disability Agreement—that was already announced. The utilities allowance had already been announced. The National Disability Strategy is a new program that had not been announced—and I commend it—but the problem is that the \$7.7 million over four years is not new money. It is coming out of the existing FaHCSIA department.

The \$100 million for ageing carers had already been announced. The carers bonus—which caused this government so much angst so early in the year—was only a single-year measure, from my reading of the budget papers, and they have failed to commit to the continuation of that through the budget papers. This leaves carers in a state of distress, and they are certainly raising that in a number of press releases that have come across my desk today.

There is respite brokerage for older carers as well. The problem we have with some of

these announcements is that the funding has now gone directly from a Commonwealth oriented focus, from non-government organisations or organisations that can actually deliver services, to a very clearly dysfunctional, inefficient state government service delivery system. I say that because, in the numerous consultations I have had with organisations supporting those with disabilities and their carers, they have all raised with me the difficulties they have experienced within the state systems. In the state systems, under the current CSTDA, the service providers are also the funding providers for a lot of non-government organisations, and I think this raises a serious concern. Effectively, you have the person who is going to be providing the money providing a competitive service also.

This government promised to fast-track the CSTDA after an extension late last year. In fact, the first extension was in about June last year, when the state Labor governments refused to negotiate and walked out after 20 minutes with the previous government. In December, it was re-announced there would be a further extension until June. Disappointingly, because it was identified as a priority and a fast-track requirement for this government, it was flushed out through the press that this agreement still has not been reached and will be extended once again, leaving people in limbo. There was a much-vaunted \$1 billion contribution to the CSTDA, of which—of course—\$900 million was simply the reallocation of the previous government's promises.

We have, effectively, a budget about nothing. It is a budget in which paper has been shuffled and funds have been reallocated to suit an agenda which is not really in the public interest. It is an agenda that is in the interests of specific target markets of the Labor Party. I say that because, in the public interest, we want to ensure that there is a strong

commitment to families, we want to ensure that our most disadvantaged people are actually looked after, we want to make sure that there are jobs available and we want to ensure that we have efficient, open and transparent government operations. None of those things are taking place under this government.

In my own state of South Australia, there are any number of concerns. The government boasted of—or inherited, I should really say—a surplus of around \$20 billion, and proudly boasted last night they were going to have \$21.7 billion in surplus and they were going to earmark that for infrastructure. Infrastructure is, of course, a commendable project, but we have to recognise that this allocation of funds can only come on the back of the work done by the previous government, in which various funds were set up—not least of all to pay off Labor's historic \$96 billion debt that we inherited as a former government. We set up funds to ensure the solvency of funding public sector superannuation, we organised the Higher Education Endowment Fund, we organised a Communications Fund, and some of these have been raided already or attempted to be raided by this administration—the Future Fund, as I mentioned. They are plopping some of the money into another fund and badging it all as their own. But they have failed miserably to support any number of areas with this \$21 billion surplus.

Let me touch on a few of those areas that are relevant to my state of South Australia. Mr Rudd made a number of promises. He made a promise that Defence health clinics would be built in Edinburgh and Elizabeth North. The outcome? It is a broken promise. The centres are being provided in other states but the clinics promised for Edinburgh and Elizabeth North have been cancelled. There was a promise of \$500 million for South Road. I did not see much mention of the

\$500 million figure in the budget, but there is a figure of \$12.6 million in planning funds in this budget. So there is only a shortfall of \$487.4 million. There was a commitment for \$451 million towards Adelaide's Northern Expressway. Unfortunately, it falls a little short there—about \$391 million short, because only \$60 million appears in this budget. There was a promise of \$7 million for the Victor Harbor Road, but only half a million dollars has been allocated for planning funds in this budget. There was \$10 million identified among the promises of the Rudd campaign for teaching and clinical training infrastructure at Flinders Medical Centre. I cannot find any reference to funding in the current budget papers. There was \$160 million promised for a desalination plant in the upper Spencer Gulf. I cannot find any funding for this in the budget papers. And on it goes: lots of community organisations miss out. They were counting on this money and very important infrastructure projects.

This government has claimed to have already delivered on its election promises. The reality is that the budget shows a whole host of broken promises. That is why I say that this is really a budget about nothing. It is a budget about spin—in fact, this government is all about spin, and manufacturing issues and areas of contention to divert the focus away from some of the failings that have already become so apparent. The budget falls flat in so many areas. Carers and people with disabilities in this country deserve far better. I say that because the direct transfer of funds from the disability assistance package to the states and territories effectively symbolises that this government is washing its hands of delivering disability services to those who are the most vulnerable in our society. This budget pours millions of dollars into inefficient state and territory governments that have consistently failed to deliver important

services. National Disability Services said today that this year's budget 'was never likely to be the one that brought home the bacon for the disability sector'. I ask you: if you can't bring home the bacon for the most vulnerable in our community when you are running a \$21.7 billion surplus, when can you do it? It is the cause of very great concern to those who are amongst the most vulnerable in our society. I would hope that in future budgets there will be more substance and less spin, because the Australian people deserve a great deal better.

Budget

Senator STERLE (Western Australia) (1.55 pm)—I would like to contribute to some of the commentary that I have sat here and listened to over the last half hour from senators opposite. I must say how very, very disappointing it is to hear the commentary coming from the opposition. For the first time in 12 years a budget was delivered from savings and will be met by savings, not by throwing out bundles and buckets of money as the previous government did to get elected at any cost. No matter the sensibility, no matter the durability, no matter the ability to fund into the future, the previous government's approach to the budget was to just throw it out, announce it and look no further than the next election.

Senator Bernardi interjecting—

Senator STERLE—You, Senator Bernardi, through you, Mr Acting Deputy President, are being very mischievous, as are your colleagues, in your comments.

The week before last I had the privilege of being in that wonderful part of Australia called the Pilbara—with which you, Mr Acting Deputy President Lightfoot, are very familiar. The Pilbara has generated bucketloads of wealth for this country. No less than \$28 billion came out of the federal seat of Kalgoorlie in royalties to Canberra for the year

2005-06. Where did that money go? It did not go back into the Pilbara in infrastructure, whether it be hard or soft. I take my hat off to the Prime Minister, Mr Rudd, in committing to Infrastructure Australia to fix up that gross situation we found ourselves in as a country in greatly underinvesting in our infrastructure. Senator Bernardi and senators opposite have the audacity to sit there and belittle the Rudd Labor government and the budget that was delivered last night by the Treasurer. I take my hat off to the Treasurer. What a wonderful budget! I praise the Treasurer. It has been left up to the Rudd Labor government to fix up the misdemeanours of 12 years of Howard conservative rule, of throwing money at anything that would get them through to the next election.

Senator Abetz interjecting—

Senator STERLE—Senator Abetz, welcome to the debate! I look forward to hearing your comments, Senator Abetz. If the last three years, the time I have been in this chamber, are any indication, I am sure the rhetoric from Senator Abetz will not change. If you have no value to add to this conversation, the best advice I could give to senators opposite is that it is probably better to keep your heads low because, when you look at the commentary coming from the media this morning, you will see no less than Heather Ridout from the Australian Industry Group and Mr Henderson from the Australian Chamber of Commerce and Industry praising the Rudd Labor government's budget. It is delivering. I ask senators opposite to take note: however long you may find yourselves sitting on that side, Mr Rudd and Mr Swan delivered on election promises—not 'core' promises, not 'non-core' promises. Election promises were all funded and committed to.

I will go back to the issue of the Pilbara. I would like to talk about all the money that has come out of that region. I listened to a

speech from Senator Eggleston yesterday. He even strengthened my belief that that area of Australia, which generates so much wealth for the Commonwealth, has been absolutely raped and pillaged over the years.

When we talk about Infrastructure Australia being needed to fix up the bottlenecks, whether they be at our ports or on our roads, they were created by those opposite when in government and were major factors in putting upward pressure on interest rates. At least the Rudd Labor government is taking the steps to place Australia's future in very safe hands with a very fiscally responsible budget that was delivered in this great parliament last night. On that note, I will cease my remarks.

QUESTIONS WITHOUT NOTICE Budget

Senator COONAN (2.00 pm)—My question is to the Minister for Human Services, Senator Ludwig. Minister, why did last night's budget break the Prime Minister's promise to carers that their bonus payments would be made permanent?

Senator LUDWIG—Thank you for the question in respect of the carers bonus. The question should be directed to the Minister for Families, Housing, Community Services and Indigenous Affairs, so in directing it to Human Services you have in fact directed it to the wrong portfolio, which is what I expect from you, Senator. It seems to be one of those areas where you have also—

Senator Minchin—Mr President, I rise on a point of order. I wonder if you could ensure that the minister follows standing orders by directing his remarks through you and not directly to the senator.

Senator Faulkner—Mr President, on the point of order: it would also be reasonable to expect the questioner to direct the question to the right minister.

The PRESIDENT—Senator Faulkner, that is a totally different point of order to the one that Senator Minchin raised. Senator Ludwig, I would remind you that all questions and answers must be addressed to the chair.

Senator Minchin—Have you had time to pick up the brief?

Senator LUDWIG—As I was saying, it had been directed to the wrong portfolio. Insofar as Senator Coonan wants the Human Services portfolio to answer the question that should have been directed to the repping minister—that is Senator Evans in respect of a question in the portfolio of Families, Housing and Community Services—if Senator Coonan wants the human services minister to address that in a general sense and then seek additional and further information from the relevant minister and/or the relevant repping minister, then I can do so. I will provide some broad comment, or, if Senator Coonan could indicate with a nod that she got it wrong and would prefer Senator Evans, who is the repping minister—

The PRESIDENT—Order! Senator Ludwig, the question has been asked of you. You can choose to answer it or not to answer it. It is entirely up to you. I give you the call, and you must make that decision.

Senator LUDWIG—As I was saying, I can answer in a general sense and then refer the matter on. The budget introduced a range of means testing, because we believe that it is the responsible thing to do. This government understands there is a problem with inflation. This government does understand that, unlike the opposition, who do not seem to appreciate the fact that we have a problem with inflation. Unlike the opposition, we know that prices—

Senator Coonan—Mr President, on a point of order: the point of order was that—

Government senator—You got it wrong!

Senator Coonan—Is Senator Ludwig seriously suggesting that the bonus payment is means tested?

The PRESIDENT—Senator Coonan, that is not a point of order. You may use that as a debating point, but that is not a point of order.

Senator LUDWIG—As we said, we have delivered on the election commitments we made prior to the election. We have delivered on this election commitment. So far as I can find additional information, I will then provide that to Senator Coonan, but I remind her that it is best to ask the appropriate reping senator in the future.

Senator COONAN—Mr President, I ask a supplementary question. Quite frankly, Senator Ludwig's performance here is nothing short of embarrassing, not knowing even the most general information about a policy. Will the minister guarantee that carers will continue to be paid, or will Australia's most vulnerable families be forced to rely on nothing more than Labor government spin?

Senator LUDWIG—As I said, the commitment has been honoured. It has been a clear commitment that has been made and honoured. The opposition has failed to appreciate that this government honours its commitments, unlike the opposition.

Budget

Senator JACINTA COLLINS (2.05 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister inform the Senate how the government's budget is supporting Australia's working families?

Senator CHRIS EVANS—I thank Senator Collins and welcome her back. I congratulate her on being capable of asking the right minister a portfolio related question. It shows her experience will be useful. Perhaps she could pull Senator Coonan aside later

and brief her on the correct procedures. It is an important question, because what last's night budget did was deliver to working families. It delivered in spades to working families to help them with the economic pressures under which they find themselves. More importantly, it actually delivered exactly on the Labor government's promises made at the last election—it delivered on our commitments to the Australian public. I know those opposite are unfamiliar with such a strategy, but, when the Prime Minister said to working families he would deliver, he did in last night's budget. All the measures we went to the election with were delivered in full.

People have noticed a very different approach in government. They have noticed that this government is committed to delivering on its commitments, and it has delivered on those commitments to assist working families in this period of high inflation. They know that this government inherited high inflation from the previous government, they know that is feeding in to their interest rates and they know that they want support in difficult times. We gave that support by delivering on a major priority of fighting inflation. The budget was focused on fighting inflation. The very large surplus that we delivered last night will assist in the fight against inflation and will assist in keeping downward pressure on interest rates.

People in Australia, working families in Australia, understand that that is the most important thing government can do—fight inflation and keep downward pressure on inflation—because they know any other gains they make from wage increases or increasing benefits will be eaten away if inflation is not controlled. What Australian people also know is that we made a commitment to deliver a package of support to Australian working families—a package of measures designed to assist them. We know they are

under financial pressure, we know they are dealing with increased prices, we know they are dealing with soaring fuel prices and we know that is putting enormous pressure on family budgets. That is why the Australian government's budget last night was directed at assisting those people through the delivery of the personal income tax cuts worth \$46 billion over the next four years to boost take-home pay and offer extra incentives to work and improve skills.

The tax cuts we promised were delivered, and they were delivered to middle and lower income earners. Unlike the Howard government's tax cuts, which were always directed at the top end of town, these tax cuts go to people on middle and lower incomes, who need the assistance. They also will get the education tax refund to help them with the costs of educating their kids. That 50 per cent education tax refund will go a long way towards assisting them in meeting the costs of educating their kids. The 50 per cent childcare tax rebate is another huge initiative to assist those people with children in child care. It provides more financial assistance and allows partners to return to work knowing that they have affordable child care. A range of other measures, like the Teen Dental Plan, the first home saver accounts, the fairer Medicare levy surcharge and the national Fuelwatch scheme, are all designed to assist working families in meeting the demands on them with rising costs as a result of the inflation left to the Rudd Labor government. The budget delivered for working families. (*Time expired*)

Alcohol Abuse

Senator COLBECK (2.09 pm)—My question is to Senator Conroy, the Minister representing the Treasurer. Can the minister confirm that the massive \$3.1 billion tax hike from the sale of premixed drinks is built on a substantial increase in consumption of these

drinks that exceeds the industry's own growth projections for ready to drink sales even before the tax was applied?

Senator CONROY—The government announced some weeks back that it would restore the excise on ready to drink alcoholic beverages to the spirits rate that previously existed. This reverses the previous government's decision in 2000 to tax these drinks like full-strength beer rather than full-strength spirits. The evidence is crystal clear that excise is an effective measure in reducing alcohol consumption. International experience backs this up. The revenue raised through this measure will also assist in funding new prevention activities, which we really need if we are serious about better long-term health outcomes.

This is just one part of a national strategy to tackle the binge drinking epidemic among young Australians. This strategy also includes \$14.4 million for community level initiatives to confront the culture of binge drinking, particularly in sporting organisations, and \$20 million to fund advertising that confronts young people with the costs and consequences of binge drinking.

Additional excise revenue will be raised because those who drink alcopops will pay a higher level of excise per drink—70 per cent more. That is where the additional revenue comes from. The Treasury costings assume that consumption of alcopops will decrease relative to what it would be if not for this measure. This is a reduction of 42 million 375 ml bottles in 2008-09. That is, the measure is expected to reduce but not reverse the growth in RTD consumption. The inflationary impact is expected to be negligible.

We need to rein in binge drinking amongst young Australians. Those opposite may not take this seriously, but those on this side do. The evidence tells us that alcopops consumption is highly responsive to price, especially

for younger people. That is why we were initially pleased to read that this effort would receive support from everyone in both chambers. On the day we announced this measure the Leader of the Opposition said:

The proposed increase in the excise on alcopops is something that will be supported by us ...

Now, just a few days later, the opposition leader has completely reversed his position. He is now describing this measure as 'the outrageous half a billion dollar tax binge on ready-mixed drinks'. Dr Nelson, as the former president of the AMA, is now at odds with himself and the entire health community in denying this evidence. (*Time expired*)

Senator COLBECK—Mr President, I ask a supplementary question. Senator Conroy still has not addressed the question of how the projections in the budget exceed even the industry's projections in growth of RTDs prior to the tax being applied.

Senator CONROY—I think if the senator had listened to the answer he would have heard that I absolutely addressed that issue. What the opposition, those on the other side, have to address is how one day they can be completely supportive of it but, a few days later, they are completely opposed to it. What sort of health policy are those opposite engaged in when one day, yes, the next day, no? How cheap and opportunistic!

Binge drinking is a serious issue in the community. The government are taking it seriously, and that is why we have introduced this measure. Those opposite are standing there completely humiliated by the actions of their own leader—a flip, a flop; we have seen it before. It is not the first time in the last 24 hours and it will not be the last as those opposite are struggling to find relevance. (*Time expired*)

Higher Education

Senator MARSHALL (2.15 pm)—My question is to the Minister for Innovation,

Industry, Science and Research, Senator Carr. Can the minister inform the Senate about the government's new investments in higher education and what they will mean for Australia's universities and research?

Senator CARR—I thank Senator Marshall for his question, and it follows his long-standing interest in matters to do with innovation, industry, science and research. This is a great day for Australian higher education. This is a great day for innovation and research. Last night's budget pulls money from the Higher Education Endowment Fund and the budget surpluses of 2007-08 and 2008-09 to create an \$11 billion Education Investment Fund. There will also be scope to add money from surpluses beyond 2008-09 to this pot.

The Education Investment Fund will be used to support and innovate universities, vocational education and training institutions, research facilities and research organisations. It will transform our capacity to build skills and create new knowledge. Disbursements from this fund will begin in 2009-10 after the government has completed its review of the higher education system and the national innovation system. To address immediate needs, however, the budget also includes \$500 million for a Better Universities Renewal Fund. This is a special allocation for the years 2007-08 and it will be used to improve teaching, research and student facilities. Priority will be given to investing in ICT, laboratories, libraries, student study spaces, teaching spaces and student amenities.

We are investing in higher education infrastructure because we need to meet the challenges of the future and we are investing in the people who will help build this country's future. That is why this budget includes \$238 million over four years to double the number of undergraduate scholarships; \$209 million over four years to double the number

of Australian postgraduate awards; \$562 million over four years to reduce HECS fees for new students of maths and science; \$63 million over four years to refund HELP repayments to maths and science graduates working in related occupations, including teachers; and \$10 million over four years for researchers in business to help small and medium-sized firms develop and commercialise their ideas. Then there is \$326 million over four years to establish the Future Fellowships scheme, which will enable 1,000 mid-career researchers to undertake major research projects.

For 11 years, we have seen those opposite try to dumb down Australia. They have neglected education. They have punished innovation and they have scorned new ideas. This country is now paying the price. In the latest world competitive rankings, for instance, the IBM Business School shows that we have slipped from sixth in 2006 to 12th in 2007. The report shows that the biggest challenge this country faces is in boosting higher education, boosting skills, encouraging innovation and investing in infrastructure. Australia under the Rudd Labor government at last has a government ready to meet these challenges. For anyone who cares about this country's future, it is an important matter and it has not come a moment too soon. *(Time expired)*

Health

Senator WATSON (2.19 pm)—My question is directed to the Minister representing the Minister for Health and Ageing, Senator Ludwig: can the minister confirm the government will make a saving of \$37.3 million by not proceeding with the Tasmanian health services infrastructure plan?

Senator LUDWIG—I thank the opposition for their question in respect of this. In terms of the specifics of the question, I am happy to take it on notice and provide a response as the repping minister for this area. I

can also say, in terms of providing information on where the funding goes, we—that is, the government—are building the health services after 11 years of neglect so that money can be utilised in a \$10 billion health and hospital fund, which is one of the single biggest investments in health infrastructure ever; \$3.2 billion in health and hospital reform, including \$600 billion to slash elective surgery waiting lists; and \$275 million to establish GP superclinics in local communities.

Senator Abetz—Mr President, I rise on a point of order. The minister was given a very specific question by Senator Watson. It related to a saving of \$37.3 million by not proceeding with the Tasmanian health infrastructure plan, and the minister was asked simply to confirm it. For the minister to tell us about everything else that may or may not be in the health budget is possibly of interest but completely irrelevant to the very specific question as to whether or not the minister can confirm the savings.

Senator Ian Macdonald—You must know that, Joe.

The PRESIDENT—Order, Senator Macdonald! I am trying to respond to the point of order. Senator Ludwig, I did detect at the beginning of your answer that you said you would take the details of the question on notice, and you are now expanding outside of that. I would remind you of the question.

Senator LUDWIG—Thank you. The answer was encompassing a response to a question about funding for Tasmania. The federal government will redirect the money into other health programs in the Tasmanian health system. The \$37.3 million included \$16 million for the Launceston General Hospital. The government will spend the money on an integrated care centre at the Launceston General Hospital in patient and health related community transport and on an

oncology service for the north and north-west. That is where the money will be directed. If I can provide any additional information in respect of that, I will seek that from Minister Roxon and provide a response to Senator Watson.

Senator WATSON—Mr President, I ask a supplementary question. Minister, you explain that the money will be spent, but I refer you to page 360 of Budget Paper No. 2, where it states, ‘This measure will provide savings of \$37.3 million over five years.’ If it was going to be redirected, were the Tasmanian people notified before the election of this saving or redirection?

Senator LUDWIG—As much as I can answer that, it is usual practice—and I think the opposition did this when they were in government—that matters relating to the budget are announced on budget night; they are not usually advised prior to that. What we did say prior to the election was that we would meet our election commitments but that the detail of those specific matters would be available from 7.30 on Tuesday night for people to read and examine.

I am pleased to see Senator Watson has read Budget Paper No. 2. I am sure he has also looked at all the other commitments in the health portfolio that will assist Tasmanians more broadly. As I was saying, those health issues go to bringing total investment in health and ageing to over \$50 billion for the first time, unlike the opposition when they were in government—*(Time expired)*

Budget

Senator BOB BROWN (2.25 pm)—My question without notice is to the Minister representing the Treasurer, Senator Conroy. I note that the tax cuts in the budget will deliver the Prime Minister and the Treasurer \$116 a week in extra take-home pay within two years. Minister, why couldn’t the government afford one measly dollar extra in

take-home pay for Australia’s one million pensioners, the working people of this country over the last half century?

Senator CONROY—I thank the senator for that question. The budget measures announced last night put fairness and integrity back into the income support and tax system. They do this by targeting assistance to those in need and by improving payment delivery. It is now clear that those opposite suddenly believe in welfare for all.

Senator Abetz—He’s on your side.

Senator CONROY—I am actually referring to those opposite quite deliberately. The Rudd government believe that these measures should be targeted to those who need them the most. In last night’s budget, the government announced several reforms to improve the fairness and integrity of the tax and transfer systems. In the budget, we delivered all of our election promises.

Senator Ronaldson—Mr President, I rise on a point of order. I think Senator Brown would want me to ask you to ask the minister to get back to the question as to why there was not one single cent extra in this budget for pensioners.

The PRESIDENT—Senator O’Brien, on the same point of order?

Senator O’Brien—Mr President, on the same point of order: firstly, the introductory remarks of Senator Conroy are quite in order. It is common for ministers to be allowed to include some preliminary comments in dealing with the question. Secondly, the question concerned matters relating to tax. They were the numbers, as I recall, that Senator Brown referred to, and Senator Conroy is dealing with tax. I would have thought that was entirely in order.

The PRESIDENT—On the point of order, the minister is allowed to expand on his answer by preliminary statements. It is true

that the question was asked about tax. It was also asked about the Prime Minister and the Treasurer. I would remind the senator of the question.

Senator CONROY—As I was saying, this government has delivered on all its election commitments. The government understands that age pensioners are under financial pressure. The cost of the basics like food, petrol, gas and electricity just keeps going up. Food prices have risen 2.1 per cent in the last quarter and 5.7 per cent over the year—that would be the year those opposite were in government. Unlike those opposite, we understand there is an inflation problem. Unlike those opposite, who cannot quite make their minds up, we are responsible economic managers committed to fighting inflation. We understand the pressure inflation puts on seniors as they try to get by.

We understand the pressure. That is why we are delivering our election commitments and providing extra support to seniors. This includes an increased utilities allowance from \$107.20 to \$500 a year and an increased telephone allowance for those with an internet connection from \$88 to \$132 from the fortnight beginning 20 March. The first quarterly instalment of these payments was made in March and another is due in June. These increases are ongoing and are locked in for the future. Plus, we are working to deliver our commitment to index pensions for age pensioner households by whichever living cost index is higher—that is, the consumer price index or male average weekly earnings. We are also pursuing reciprocal transport concessions for state senior card holders, to be in place by 1 January 2009. These measures are a start, but more needs to be done. The recent Senate inquiry into cost of living pressures—*(Time expired)*

Senator BOB BROWN—Mr President, I ask a supplementary question. Of course,

there is not a measly dollar. I refer to a letter I have had today from a Tasmanian pensioner saying, ‘We have to look at the groceries, not buy them,’ and: ‘No meat, I can’t afford that. No entertainment, that’s out all together.’ The letter goes on: ‘Operation on eyes—\$2680. Because I couldn’t afford medical benefits I had to save for months.’ It concludes, ‘This is what you call a starvation diet.’ I ask the minister again how he can justify the tax cuts for the wealthy, including \$116 for the Prime Minister and Treasurer, but not one measly dollar in income to the pensioners?

Senator Chris Evans—That is just not true. There is a \$500 utility allowance, as promised.

Senator CONROY—That is right; we have delivered our election promises. Senator Brown may choose to ignore the facts, but those are the facts. As I was saying, the recent Senate inquiry into the cost of living pressures on older Australians, which was initiated by Labor last year, called for an examination of the adequacy of the age pension. The tax review the government has announced will examine how the Australian social support system provides for future economic security, including for older Australians. We have seen a health package. We have seen a package for public hospitals. All of these measures benefit age pensioners. So let us be clear: we have delivered on our commitments. We have said that this is not the end of the story. We are not going to have Senator Brown or those opposite misrepresent this government. We have delivered on our promises absolutely 100 per cent. *(Time expired)*

Automotive Industry

Senator MINCHIN (2.33 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Could Senator Carr inform the Senate

what modelling has been done on the impact on Australia's three remaining car manufacturers of the huge, 30 per cent, \$555 million increase in the so-called luxury car tax? Which Australian-made cars are now going to be even further out of the reach of Australia's working families as a result of the rise in the tax and how many automotive jobs will be lost because of the tax hike?

Senator CARR—Senator Minchin, as you are aware, the luxury car tax is a taxation measure and that is of course a question which should have been directed to Senator Conroy.

Senator Minchin—Mr President, I rise on a point of order. Maybe Senator Carr does not realise it, but he is actually responsible for the Australian automotive industry. I know he is not across his responsibilities, but he is responsible for the Australian automotive industry. It is perfectly proper for me to ask him, as the minister responsible for the Australian automotive industry, about the impact of his government's policies on the Australian automotive industry. If he cannot answer it, he should resign from his portfolio.

The PRESIDENT—I listened to the point of order and in fact it is true that the question was about the car industry and the effect on the car industry. But the minister can choose to answer the question or not.

Senator CARR—I am happy to answer the question. I will say this about Senator Minchin: he is one of the few senators on that side of the chamber who actually has an interest in the Australian automotive industry. He is one of the few senators on that side who actually understands what it means to the Australian economy to have a sustainable automotive industry. It is certainly not the view of the official representative for innovation on the coalition side. He is one of the few senators who understands how important

the automotive industry in this country is to Australian manufacturing or to the nearly 70,000 Australians that depend upon the sustainability of this industry to ensure their livelihoods. This is an industry that provides high-skill, high-wage jobs to this country. But all we hear from the opposition is constant attack upon this industry.

Senator Minchin—Mr President, I rise on a point of order. I am always wary of backhanded compliments from Senator Carr. The question was actually about what modelling has been done on the impact on the automotive industry, which Senator Carr says he is a defender of. What modelling has been done on the impact of his government's policies on that industry? Could he answer the question?

Senator Faulkner—Those are the nicest things that have ever been said about you!

Honourable senators interjecting—

The PRESIDENT—Order! We will not continue until there is order in the chamber. Senator Carr, I remind you of the question.

Senator CARR—Thank you very much, Mr President. I was invited to make comments on the Australian automotive industry. I am taking this opportunity because—Senator Minchin is quite right—I am a strong defender of the Australian automotive industry, unlike the coalition, which is more than prepared to see the automotive industry, particularly in Senator Minchin's state, face serious pressure. We have not heard a word from the official spokesperson for the opposition on the future of the car industry. We have not heard one statement in defence of the Australian automotive industry. All we have heard from them is constant attacks, constant running down of this industry. What we hear today is an attempt, once again, to belittle the Australian automotive industry.

This government has increased the luxury car tax from 25 per cent to 33 per cent, con-

sistent with the government's objectives to be fiscally responsible. This of course will have an impact on higher income earners. This is a tax on luxury cars. The opposition once again demonstrates that it is committed to ensuring the wealthier are millionaires. This is an opposition that provided welfare for millionaires, and it wants to criticise this Labor government, this good Labor government, for introducing a measure to increase—

Opposition senators interjecting—

The PRESIDENT—Order! Senator Carr, have you finished?

Senator CARR—No. Once again I remind you, Mr President, that I was invited to comment on these matters, and, in the manner of the invitation, I am. I have been asked to comment on the luxury car tax, which enhances a longstanding progressive element of the indirect taxation system. The luxury car tax only affects the most expensive 10 per cent of passenger vehicles. The top luxury cars are taxed more than the lower priced luxury cars. The luxury car tax on a Holden Statesman will be increased by less than \$500, while the tax on a Porsche will increase by—(*Time expired*)

Senator MINCHIN—Mr President, I ask a supplementary question. I put it to the minister—it is actually a fact and I would like his response to this—that his own hand-picked Bracks automotive inquiry is currently modelling the benefits of actually lowering the luxury car tax. What is your answer to that proposition, minister?

Senator CARR—The Bracks review is examining all aspects that are affecting the competitiveness of the automotive industry. It is a wide-ranging review. It is a review undertaken in circumstances where the Australian automotive industry is facing acute challenges. The review will be examining a range of matters. The terms of reference are

sufficiently broad to allow any consideration of these taxation issues, and not just the taxation questions but the issues with regard to tariff and non-tariff barriers to the export of Australian automobiles. The review will provide an opportunity for the entire industry to have a say. I look forward to the opposition's response to that review and I look forward to their support for the Australian automotive industry. I look forward to their support in this chamber.

Budget

Senator MARK BISHOP (2.41 pm)—My question is to Senator Conroy, in his capacity representing the Treasurer. Can the minister explain to the Senate how the budget will address the inflation challenge facing the Australian economy? What measures has the government put in place to reduce the financial pressure on working families?

Senator CONROY—I thank the good senator for his question. This budget marks the beginning of a new era of responsible economic management. The opposition left this government with a serious inflation problem. We now have the highest domestic inflation in 16 years. Headline inflation recently hit 4.2 per cent and underlying inflation is running at a similar pace. The former government neglected warnings from the Reserve Bank and Treasury that their spending policies were fuelling inflation. The current opposition do not understand that high inflation is a drag on growth, it distorts investment and it erodes the living standards of families.

The Rudd government, however, has made fighting the war on inflation and addressing cost-of-living pressures a priority. This is the responsible budget that Australia needs at this time of high inflation at home and international turbulence abroad. The budget will fight inflation and deliver for

working families on a number of fronts. The Rudd government has delivered a strong budget surplus of \$21.7 billion for 2008-09, 1.8 per cent of GDP. This is the largest budget surplus as a proportion of GDP since 1999-2000 and the second highest in 35 years. It honours and exceeds the 1.5 per cent target set by the Rudd government in January without relying on revenue windfalls.

A strong budget surplus ensures that fiscal policy is playing its part to take pressure off inflation and that the heavy lifting is not left to the Reserve Bank. This surplus is built on a disciplined approach to spending. After years and years of short-term political bribes and profligate and irresponsible spending, this government has restored a disciplined approach to spending. Growth in real spending has been reined in to 1.1 per cent in 2008-09. This is the lowest real growth rate in nine years. It is significantly lower than the four per cent growth in spending over the preceding four years. That is right—four per cent growth delivered by those opposite.

In this budget, spending and taxation have been reprioritised to meet the needs of modern Australia and to assist working families under pressure. This budget delivers a \$55 billion working families support package across tax, child care and education expenses. The budget tips the scales back in favour of working families, who are the backbone of the Australian economy. The government is putting the fairness back into the tax and benefits system to ensure assistance is directed to where it is most needed. With the tax cuts and child care and education initiatives, a typical family—*(Time expired)*

Budget

Senator ABETZ (2.46 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. How

does the abolition of the highly successful and cost-effective \$700 million Commercial Ready program assist Australian industry and small business to innovate and grow jobs?

Senator CARR—It was never any secret that this budget was going to be very tough. It was never any secret—except, I am sorry to say, to the opposition—that we had a major inflationary problem in this country. We had members of the opposition telling us that inflation was a fairytale. We had this expectation that we should go on providing assistance and various other measures to millionaires, that we should not be cutting spending and that we should not be undertaking measures to ensure that we could improve the economy of this country.

What we have is a budget that contains disciplinary tax savings. It contains measures that demonstrate our commitment to fiscal responsibility, our commitment to modernising government spending, putting downward pressure on spending and ensuring that we put pressure on inflation. We understand that inflation is in fact real and that it does hurt working families. I will say this to the chamber: closing Commercial Ready was a very tough call, but it will allow us to get on with the job of implementing a new, streamlined set of programs, following the Review of the National Innovation System. All existing commitments under Commercial Ready—that is, \$200 million over four years—will be met. All regional AusIndustry offices, which of course were established under Commercial Ready funding, will remain open. This is a budget which is about reordering priorities.

Senator Abetz—Away from innovation.

Senator CARR—I note Senator Abetz's interjection. I note that he supported the Productivity Commission when it said that there were too many projects funded under Commercial Ready which would have proceeded without funding assistance. Do you still hold

that view? Do you still hold that view in support?

The PRESIDENT—Senator Carr, I suggest that you address your remarks through the chair.

Senator CARR—A very reasonable point, Mr President. I ask, Mr President, is it the case that the opposition supports Senator Abetz when he attacks the AiG and Heather Ridout for supporting this budget? The AiG said:

By more than offsetting new spending with savings and by running a large surplus, the Government has adopted a responsible approach, which should be helpful in addressing inflation.

Senator Abetz responded to that endorsement by saying that Heather Ridout and the AiG would have a lot of explaining to do to its members. Is that the official position of the opposition?

The government clearly are in the business of reordering priorities. We have initiated new, multibillion dollar commitments to climate change programs. We are using three-quarters of the savings from the Commercial Ready program in the period 2008-09, which will go into clean business programs—which of course is fulfilling an election commitment. These programs, which include Climate Ready, support innovation in water recycling, waste recovery, small-scale renewable energy, green building materials and efficient energy use in appliances. Our Climate Ready grants will match company spending on research and development on proof-of-concept and commercialisation activities, and they will do that on a dollar for dollar basis. Funding for that program will begin in July. *(Time expired)*

Senator ABETZ—Mr President, I ask a supplementary question. As I cannot move an extension of time for the minister, I will ask a supplementary question. Doesn't this reckless decision to abolish the Commercial

Ready program make a mockery of the minister's much-vaunted Review of the National Innovation System, headed by Dr Terry Cutler? Was Dr Cutler consulted prior to these cuts being made? Hasn't this review in fact received hundreds of submissions, including calls to expand the Commercial Ready program? For example, does not the Australian biotechnology organisation AusBiotech describe this Liberal government initiative as 'highly successful, cost-effective and the preferred form of government support'? Why are all these people wrong and the minister so right?

Senator CARR—The government is pursuing very tough fiscal discipline. We are imposing upon ourselves a very tough regime. This is one of those decisions. This is a decision which I think will have to be acknowledged by all concerned as a very tough decision. However, this provides opportunities for new programs, in terms of innovation, which are being pursued by the department: some \$240 million of new programs to ensure that climate change programs are available to assist industry in adapting to the new conditions, some \$200 million with regard to the Enterprise Connect centres, a researchers in business program; in total, support for some \$917 million worth of new projects. *(Time expired)*

Indigenous Communities

Senator BARTLETT (2.52 pm)—My question is to Senator Evans, Leader of the Government in the Senate and Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs. Minister Macklin's budget statement on closing the gap between Indigenous and non-Indigenous Australians detailed \$425 million of new budget measures. Of this amount, \$330 million is one year's spending for the ongoing Northern Territory intervention and the remaining \$95 million, spread over four

years, is for new Indigenous programs and for Indigenous people across the rest of Australia. Does the minister believe that this small amount is a sufficient base from which to start closing the gap and meeting the laudable goals that the government has set for itself?

Senator CHRIS EVANS—I thank Senator Bartlett for his question and acknowledge his long-term interest in Indigenous issues. The government has made an enormous contribution to Indigenous disadvantage in this budget. It is, in a sense, a second step, given the funding announcements we made prior to the budget immediately on coming to office. It allocates over \$1.2 billion in new funding for Indigenous policy initiatives since we came to office. So, between what we already had announced and the budget, there is \$1.2 billion in new funding for Indigenous policy. The senator correctly refers to ambitious targets for improving Indigenous life expectancy, child mortality, educational attainment and employment, but I think it is about time that Australia set ambitious targets in these areas. Without targets we do not measure progress and, while the setting of targets puts huge pressures on the government, on the bureaucracy and on all Australians, unless we set those ambitious targets we will not make progress.

This budget is a big investment in the campaign to close the gap between Indigenous and other Australians. It is a national priority. In 2008-09, we have continued each and every initiative started under the Northern Territory intervention. The funding for the first year of the NTER included initial implementation and logistical costs, which are now complete. We made additional commitments to the Northern Territory since coming to office. We have committed over \$660 million to the Northern Territory through our election commitments and initiatives started under the Northern Territory

emergency response. These include nearly \$100 million to provide 200 new teachers to the Northern Territory, almost \$30 million for three Indigenous boarding colleges and almost \$70 million to keep rolling out income management across the Northern Territory. We have also committed over \$550 million to important programs which will operate across the country, such as over \$56 million to improve literacy and numeracy programs for all Indigenous students and over \$100 million for child and maternal health initiatives. There has also been \$90 million allocated to create 300 jobs for Indigenous rangers in remote and regional Australia.

These are all commitments aimed at the national goal of closing the gap in life expectancy and other key measures between Indigenous Australians and other Australians. This budget reflects that priority of the government. I think it reflects a growing national commitment from all sides of politics, from the community and from business, that we have to do something about the appalling conditions that Indigenous people find themselves in. We have to set ambitious targets and we have to commit wholeheartedly to that. I know that the minister, Ms Jenny Macklin, is the right person for that job. She is enormously committed. She has great energy and she has made a really good start. I do appreciate the support we have had from the opposition and I do appreciate the support we have had from the minor parties because, as I have said for many years now—and I held the portfolio for a while in opposition—unless there is a broad consensus in the Australian community, unless there is a commitment on behalf of all of Australia to addressing Indigenous disadvantage, we will not get there. If it is a partisan political debate, we will not make progress, so I think that it is important that we all get behind the initiatives. This budget is a very good contribution to starting that process. It reflects

commitments that we made being honoured, and those commitments will continue to be reflected in further budgets. *(Time expired)*

Senator BARTLETT—Mr President, I ask a supplementary question. I thank the minister for his answer and I certainly fully support the government's decision to set targets and commit itself to targets. The reason I am raising these questions is to question the prospects of meeting them on the basis of the funding that has been provided. Accepting what the minister has said about the pre-budget announcements, is it not the case that the majority of that funding was also dedicated to the Northern Territory intervention? And, without in any way dismissing the importance of increasing resources to the Northern Territory, is it not also the case that the minister's own document detailed in table 2 that the numbers, both in the rate and in actual numbers of children with substantiated child abuse notifications is dramatically higher in both New South Wales and Victoria? Does the minister believe that there is a case for expanding the resources provided for Indigenous people in communities in those areas as well, rather than have a disproportionate amount of the available extra new funding provided solely to the Territory?

Senator CHRIS EVANS—Thank you, Senator Bartlett, for the supplementary question. First of all, I do not think the figures in Budget Paper No. 2 actually include all the initiatives that have been targeted at Aboriginal disadvantage. As you well know, a whole range of measures come through other programs. It seems to me that your central point is: are we focusing on the Northern Territory to the exclusion of other Indigenous communities? The answer to that is clearly no. A whole range of policies that this government is pursuing go to the heart of Indigenous disadvantage. They include, obviously, a whole range of health initiatives that are being rolled out across Australia, and in my view

one of the most fundamental is our commitment to early childhood education, preschool education and child care. I think what we have failed to do in the past was to intervene early in supporting Indigenous families, waiting until kids were at school— *(Time expired)*

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

**QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS**

Disaster Assistance

Community Sports Facilities

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (3.00 pm)—I seek leave to incorporate two answers to questions raised by Senator Bob Brown and Senator Bernardi.

Leave granted.

The answers read as follows—

SENATOR BOB BROWN—CRISIS RESPONSE CENTRE—ADDITIONAL INFORMATION

Further to my answer of yesterday, Senator Brown's question can be best addressed in the broader context of disaster response arrangements already in place in Australia and the region.

As I noted yesterday, Australia has shown a great deal of capability to quickly mobilise civilian and military resources to respond to humanitarian crises. AusAID has responsibility for managing Australia's overseas aid program, including humanitarian assistance to overseas countries after disasters. This includes coordinating with Emergency Management Australia, and, as necessary, other government departments and agencies, to deliver financial, technical and physical assistance.

Australia is also a strong participant in a number of regional initiatives, including through the Association of South East Asian Nations and the ASEAN Regional Forum. Just two weeks ago Australia and Indonesia hosted a major ASEAN Regional Forum disaster relief exercise involving 25

countries with the aim of enhancing regional capacities to cooperate in response to natural disasters. This is in addition to Australian support for, and cooperation with, international disaster relief efforts, including through the United Nations Office for the Coordination of Humanitarian Affairs.

Of course, the tragedy of the current situation in Burma is that the country's government refuses to allow access by qualified international humanitarian relief experts. As the Prime Minister said in the House yesterday, Australia is continuing to work with its friends and partners in the region to press the Burmese government to improve on their response to the crisis, which has been demonstrably inadequate.

I note the press release issued by Senator Brown yesterday that he has also written directly to the Prime Minister on this matter.

I understand the Prime Minister has now received this letter and will provide Senator Brown with a considered response in due course.

RESPONSE TO A QUESTION TAKEN ON NOTICE FROM SENATOR BERNARDI ON MARCH 18 2008 REGARDING THE GOVERNMENT'S SPORTS COMMITMENTS

Answer to the question is as follows:

The information relating to the Government's commitments to upgrade local communities' club facilities is all on the available public record.

The total cost of these commitments exceeds \$100 million. These facilities include:

Adelaide North East Hockey Club pitch and facility upgrade
 Bathurst Cricket Club
 Blackwood Football Club
 Bungendore Swimming Pool Upgrade
 Campbelltown Stadium upgrade
 Cook Park Soccer grounds- spectator seating
 Gawler Soccer Club
 Helensburgh Netball Club
 Capstone Netball Complex
 Mt Gravatt Youth and Recreation Club
 Palm Island, Community Sports Field
 Penrith Valley Sports Centre – Resurface courts

Redlands United Soccer Club
 Rokeby Cricket Club

Surf Lifesaving Education Program, NSW Central Coast Tuncurry/Foster Football Club

**QUESTIONS WITHOUT NOTICE:
 TAKE NOTE OF ANSWERS**

Budget

Senator JOHNSTON (Western Australia) (3.00 pm)—I move:

That the Senate take note of answers given today to questions without notice relating to Budget 2008-09.

One of the things that I want to stress in taking note of answers given today to questions about the budget is that a good budget, as we have seen in 10 consecutive years under Mr Costello, achieves three things: firstly, it is fiscally responsible; secondly, it focuses upon assisting those who are most in need; and, thirdly, it provides a vision for the future. This budget, as delivered by Treasurer Swan, increases expenditure by \$34 billion over the next five years—and this is under the umbrella of Mr Swan fighting the inflation dragon. Thirty-four billion dollars is one of the greatest pieces of government expenditure this country has ever seen, on top of a \$22 billion surplus, which is almost entirely delivered by the efforts of the previous Howard government.

Taxes are increased in this budget by \$19 billion. If that is not inflationary, I do not know what possibly could be. But, worse than that, unemployment is increased by 134,000. One hundred and thirty-four thousand might not sound like much when you say it quickly, but it is bigger than the crowd at the grand final at the MCG in September. It is a hell of a lot of people. I also note that not only is unemployment increased by this budget but also, hidden away in Budget Paper No. 1 on page 2-5, interest rates are foreshadowed to increase into 2009. I will quote

the words on page 2-5 of Budget Paper No. 1:

The unemployment rate is forecast to rise to 4¾ per cent by the June quarter 2009, as conditions in the labour market ease. This reflects an easing in non-farm GDP growth due to slower global growth, tighter credit conditions and higher interest rates.

Higher interest rates are foreshadowed into 2009. Those famous working families that this budget seeks to protect ought to realise that they are well and truly in the sights of a failed fiscal policy by Treasurer Swan.

This budget throws fuel on the flames of inflation. Food and petrol prices will increase. The head of the School of Taxation at the University of Sydney, in commenting on Labor's new \$2.5 billion tax on crude oil concentrate, said:

Last night they—

Labor—

brought in a tax on condensate ... So that's quite significant. So that'll feed through to petrol prices.

I repeat: 'That will feed through to petrol prices.' It is absolutely outrageous that we would see \$2.5 billion raised through removing the exemption on condensate from fuel excise. Richard Ellis, from the Petroleum Production and Exploration Association, said that the 'goalposts have been shifted without any consultation'. This is a plundering of oil and gas projects in Western Australia. Oil and gas exploration is under assault by this government to the tune of \$2.5 billion. This year it was estimated that that measure would raise only \$500 million. Prior to the election, the Labor Party had a policy which said that they would defend energy security in Australia. To impose a tax on companies that are seeking to find oil for Australia is a completely ridiculous way to go about securing Australia's energy future. It is an absolute disgrace.

This budget fails the fiscal responsibility test. It talks about \$40 billion being spent on the Future Fund, a \$22 billion surplus, increasing spending by \$34 billion, raising \$2.5 billion from oil and gas condensate exemptions, but not one cent has been given to pensioners. I think it is an absolute scandal that, in all of this spending—\$34 billion—not one red cent has been given to people who have an extremely fixed source of income on a week by week or month by month basis. *(Time expired)*

Senator WEBBER (Western Australia) (3.06 pm)—This budget delivers in a way that budgets brought down by those opposite never did. This budget actually delivers on the Labor government's election commitments. We do not differentiate between core and non-core promises. We took a series of commitments to the Australian people, and this budget is the down payment that delivers on each and every one of our commitments. The budget that was delivered last night by Treasurer Swan is about building a strong economy, maintaining as strong an economy as possible, for the working families of our nation. It is also a budget for the long term. It is not a short-term, electoral cycle fix; it is a budget for the long term.

It is a budget that is built around taking the rewards of the once-in-a-lifetime boom in states like my home state of Western Australia to ensure that future generations get to benefit from that boom—that is, that the money from that boom is not just put into a short-term political fix but delivers in the long term for future generations. It is a budget that, as I said, rightly targets Australia's working families. It actually delivers on the commitments that we made to those working families in November last year. It delivers on increasing the childcare rebate and it pays it to those working families in a timely manner. The rebate goes up by some 20 per cent and is paid quarterly. You do not

get paid only 30 per cent perhaps years down the track anymore. This government understands the financial pressure that working families are under and is doing what it can to assist them in that. It is a budget that delivers on increasing the childcare rebate and delivers it to families when they need it most. It delivers on the commitment that we made to increase the baby bonus and delivers it to working families—not the multimillionaires that live in parts of Perth or Sydney but to hardworking Australian families that are under financial pressure. They are quite rightly the focus of this government's energies and efforts.

It is a budget that delivers on the tax cuts that we promised the Australian people. No core and non-core promises for us—every commitment that we took to the Australian people and that we made to them in November last year, we are starting to deliver on. But what this budget also does is to make sure that every new dollar of spending by this government on its priorities—on the priorities that it took to the Australian people and on which they gave us the mandate to deliver—is actually matched by spending cuts. By doing that and by ensuring that we carry on a very large surplus, this budget also makes sure that the government joins the Reserve Bank in the fight against inflation. For too long, the Reserve Bank has had to grapple with that incredible problem—the pressure that it puts on working families—all on its own. Where were those opposite? They were out there throwing money all around the countryside in a most irresponsible manner to try to buy themselves out of a problem.

This is a long-term plan from this government. It is a good budget. It is a sound budget. As I said, it starts to deliver on each and every one of our election commitments. To prove that it is a budget for the long term, last night Treasurer Swan announced the es-

tablishment of three new funds that will help to address the long-term challenges in the Australian community and in the Australian economy. It will take the income that we are making from the resource-rich states like my own and put it into the Building Australia Fund, which will actually help us address those long-term infrastructure needs and infrastructure bottlenecks in Australia. It will put money into the Education Investment Fund so that we can ensure that our education sector is well resourced and supported and so that we can continue to train young Australians and prepare them for the jobs of the future rather than just provide a short-term fix.

The budget sends a very clear signal that we are going to put our shoulder to the wheel and work with the state and territory governments to try to address the massive challenges in our health system. *(Time expired)*

Senator EGGLESTON (Western Australia) (3.11 pm)—Senator Webber said that the Labor Party is going to govern for all Australians. One group they are not governing for is the people of regional Australia, yet the wealth of Australia is very largely produced in the regions by the farming community and the minerals sector. This budget has demonstrated more than anything else in Labor's record so far that Labor's focus is basically on their metropolitan base—the western suburbs of Sydney. There are a lot of seats there, but I assure you that you do not see too many farmers or rural people there.

Senator Forshaw—There's a bit of a focus on Bennelong!

Senator EGGLESTON—I am sure that Bennelong is very important. Now Labor has won Bennelong, Bennelong will do very well. But I will tell you what will not do very well: the regional seats in Queensland and WA. They will not do very well, while Bennelong will prosper. The 2008 budget has

seen some of the most valuable funding programs and support programs for regional and rural communities axed by this metro-centric government. For example, the Regional Partnerships program has been axed. One hundred and sixteen projects which had been approved by the coalition prior to the election will not be going ahead. These projects include community centres, hospitals, meeting halls, sporting facilities, surf rescue boats and even support for the Royal Flying Doctor Service, which is a vital service to people in rural and remote areas of Australia.

In the agricultural sector, other programs have been axed. In fact, in total, some \$334 million of programs for the agricultural sector have been axed in this budget—the ‘Bennelong budget’, we might call it. These programs include the Agriculture Advancing Australia program—which itself included Advancing Agricultural Industries, a \$33 million program that has been cut; the FarmBis program, a \$37.1 million cut; and the Farm Help program, a \$97.14 million cut. Other programs cut include the Growing Regions program, which the coalition created to fund infrastructure projects in growing regional communities. In addition, the New Industries Development Program was also cut, which is a big blow to regional food producers and processors—and it might even affect the people of Bennelong if they cannot get their vegetables.

An important program which Labor has not replaced is the coalition’s broadband program. Our \$959 million OPEL program was designed to bring fast broadband to all Australians. It simply has not been replaced. All that Labor has done is extend the \$271 million Broadband Guarantee, which is not going to do what the OPEL program would have done in terms of providing broadband services throughout this country.

We have just heard from the previous speaker that Labor is committed to good health services. I would just like to quote the president of the Rural Doctors Association of Australia, who said in a press release today:

The Rural Doctors Association of Australia (RDAA) is extremely disappointed that the Rudd Government has largely ignored the health needs of rural communities in its first budget, with very little additional funding allocated to get rural health off life support and increase the number of health professionals in rural and remote Australia.

He goes on to say:

Of great concern to RDAA is the fact that a crucial, cost-effective rural rescue package put forward by RDAA and the AMA to get, and keep, more doctors in rural Australia has not been funded.

Need I say more about Labor’s commitment to improved health services in rural Australia?

Kevin Rudd has proved himself to be a true son of the ALP—a metrocrat, focused on Labor’s support base in metropolitan Australia. Yet, as I said, the wealth of Australia comes from the country, and it is time that Mr Rudd and the ALP paid due recognition to that fact and to the needs of regional Australia. It will never happen under this government because this government is a metropolitan-focused and based government.

Senator FORSHAW (New South Wales) (3.16 pm)—We have just heard three senators in the taking note debate—all three of them from Western Australia. One of them got the arguments absolutely correct—that was Senator Ruth Webber. The two other senators from that great state of Western Australia were completely wrong. Looking around the chamber, I am assuming we will have a third coalition senator from Western Australia speaking after me.

As much as I love the state of Western Australia, this was a budget for all Australians—wherever they live, wherever they

work, wherever they raise their families. A budget for all Australians is something that we have not seen in this country for 12 years. It is a budget that recognises the financial pressures that working families are under and delivers for them.

It is a budget that is fiscally responsible. I go back to Senator Johnston's remark when he opened up this debate. He said that one of the important features of a budget has to be fiscal responsibility. Fancy having that said from the opposition who, when they were in government, presided over 12 interest rate rises in a row. This from an opposition that, when they were in government, presided over the biggest explosion of government spending; over the biggest increases in levels of household debt, personal debt and mortgage debt ever in the history of this country. They presided over the highest level of the current account deficit ever in this country, yet they have the hide to talk to us about fiscal responsibility. If they had been fiscally responsible, we would not have the inflation crisis in this country that this government has inherited and has had to address.

The other aspects that were raised by the honourable senators from the opposition were about looking after families. If there is one thing that this budget does, it is to look after Australian families. This has already been referred to by Senator Webber. We have made improvements for families in respect of access to childcare. We have made improvements in education. We have ensured that people on \$50,000 to \$100,000 are no longer considered to be on high incomes, therefore having to pay the Medicare surcharge. I could go on and on. There is a whole raft of them—page after page of improvements that will assist working families in this country who are being hardest hit by the inflationary crisis and by the other pressures that are coming both domestically and internationally.

The other aspect, of course, is about planning and building for the future. I was trying to think of one regional project—one national project of any significance—that was commenced and built under the previous government, and I could only think of one. It was a regional project—the Alice Springs to Darwin railway line. It was the only one I can think of in the 12 years. We have established, of course, the \$20 billion Building Australia Fund.

Senator O'BRIEN—There was the Beaudesert Rail!

Senator FORSHAW—The Beaudesert Rail—yes, the regional partnership rort. That train never even ran. We have the \$20 billion Building Australia Fund, the \$11 billion Education Investment Fund and the \$10 billion Health and Hospitals Fund—all about planning and building for the future.

If you read all the commentaries from the various spokespersons from right across the spectrum of organisations in this country—from the NRMA, to the students, to health, to welfare, to defence, to business and the union movement—all are complimenting this government. I do not have time to read them all out, but they are all listed in today's *Canberra Times*. I finish with a comment, because it was raised by Senator Eggleston, that was made by David Crombie from the National Farmers Federation. He said:

The federal budget addresses major challenges Australian agriculture must overcome to provide food for Australians and the world—a changing climate, chronic skills shortages, inefficient transport and communications networks, and water reform.

This is a great budget for farmers. (*Time expired*)

Senator LIGHTFOOT (Western Australia) (3.21 pm)—I will not use much of my time to rebut that which the speakers on the other side have said about previous coalition

governments but to say this: after the Howard government, Australians have never been better off. They have never been wealthier. There have never been more people in employment. We had never been debt free. We do not now have that yoke of 11 per cent unemployment around our neck that the previous Labor government created; or the \$10 billion Beazley black hole that we inherited when we came into government in 1996; or the \$97 billion debt that we had, which we abolished during the time that we were here; or the 10 per cent inflation rate that we had when we came into government; or the 22 per cent interest rates that we had under Labor.

Senator Forshaw—That was when Howard was the Treasurer!

Senator LIGHTFOOT—It does not matter what you say. The spin you put on it would make Goebbels blush. If he could read what you have said today, the Goebbelsian propaganda that has come out of here would make Goebbels blush. They say the budget is committed to ‘slaying the dragon of inflation’ and yet the first element in trying to keep inflation under control—

Senator Forshaw—Mr Deputy President, I rise on a point of order. I am loath to interrupt the senator but I was just thinking about this. I do not worry at all about most of what comes from the other side but I think to describe what other senators have said in this place as ‘Goebbelsian propaganda’ goes a bit beyond the pale. I would ask Senator Lightfoot to withdraw that remark because it is offensive.

Senator LIGHTFOOT—‘Goebbelsian’ is a term that is often expressed for someone who amplifies propaganda, or ‘spin’, as it is called today. It is quite an acceptable term. It is meant to be insulting because, to insult the people of Australia with this type of talk is Goebbelsian.

The DEPUTY PRESIDENT—Senator Lightfoot, I do not want to split hairs on this one. I really think it might be better if you withdraw the remark. There is another connotation to that word that goes to the regime it was associated with. I understand the intention of what you are trying to get across but I think it might be easier just to withdraw it.

Senator LIGHTFOOT—I will defer to you, Mr Deputy President, and I withdraw. I did not realise that those on the other side who have inherited the Treasury benches were so thin-skinned. But let me read from those papers that more often than not support the Labor Party people and their causes. The left-leaning daily of Melbourne, the *Age*—sometimes compared with the UK *Guardian*—said about the budget:

... this is not the nutcracking budget that Peter Costello brought down in his first years as treasurer.

That was written by Malcolm Maiden. And again from Tim Colebatch of the *Age*:

Is it economically responsible? You bet. Visionary? Not really. Will it ... solve any of Australia’s problems? No.

What about the *Australian*? The *Australian* is a very good daily—perhaps the best daily that Australia has, nationally or state-wise. Jennifer Hewett in the *Australian* said that the ‘Spending slayer’ is ‘more a prodger’. Again the *Australian* refers to ‘Swan lite’—the latter aspect of that phrase referring to Swan light beer, not a bad beer from Western Australia—with the headline ‘Swan lite on inflation measures’. It is a good play on words. Again in the *Australian* Lenore Taylor writes that ‘Wayne Swan ... morphs into a Dickensian Fagin’. Again from the *Australian*: ‘Jobless queues to grow in hard times’. That was from David Uren, who inherited the name of a very famous Labor minister from this parliament some years ago. The

Australian editorial today is entitled ‘Swan-lite effort comes up short’ and it states:

It is a ... budget that draws heavily from the work of Mr Costello and lacks courage both on reform and in deep cuts to spending.

To quote the *Sydney Morning Herald*:

Swan is out to curb inflation but is he creating a monster he can’t control?

And again:

Swan ... talks tough ... yet it is a budget that actually squibs the fight.

And again, the editorial headline in the *Sydney Morning Herald* reads: ‘A budget that is all about appearances’. It goes on to say, ‘The first surprise is that there were so few surprises.’ The ultimate paragraph in the editorial of the *Sydney Morning Herald* says:

Overall, the budget bears all the signs of having been put together by image makers, not economic managers. It ticks neatly every box Labor set up for itself during the election, and goes not a step further. That is why it looks complacent. Perhaps it is true that Australia has never had it so good. In his first budget, though, Mr Swan may have just made it harder for things to stay that way.

The budget actually hurts those people who have made it, people like myself, who came from very modest backgrounds. And other people who came from modest backgrounds and have made it are now being sort of segregated out. I do not like to use the term ‘Robin Hood’, but they are being robbed to give to the poor. It is all incentive to be poor these days. This is what you have stepped out on. There is not much incentive to go for it, to have a go. This is the most wonderful country, and I am afraid that the incentive is not there.

The big mistake with the budget is that profligate spending is already part of the ethos of this government. Spending is 1.1 per cent greater than it was last year, which equals hundreds of millions if not billions of

dollars more. How can you curb inflation if you are a big spender? The Labor governments that I have lived under in the 50 years that I have been in this party were not good in handling the till. The lesson has been learnt: keep the Labor Party away from the federal till; they are not a good combination.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.29 pm)—I wish to comment on the answers from Senator Conroy, the Minister representing the Treasurer, to my questions about the failure of the government last night to increase pensions in the budget. Senator Conroy said that the budget reforms will deliver to those who are most in need. That underlines the failure of the government to realise the terrible financial circumstances that so many pensioners in Australia are in. It is simply not true that the budget delivers to those who are most in need. The tax cuts will deliver \$31 billion over coming years principally, and disproportionately, to people who are already wealthy and do not need it the most at all. However, those pensioners who are on \$273 a week get not one measly dollar increase in that income under the budget. Sure, there are new indexation arrangements, but they will perhaps lead to marginally increased pensions down the line when everybody else who is earning an income, certainly those people on higher incomes, will outstrip them enormously again.

I am really concerned for pensioners. The Greens have been campaigning for some years for an increase in pensions while noting that since 1993 there has been no real increase in the pensions being delivered to more than one million Australians, the senior members of the working families of this country, who have been left out of the budget. Sure, there are one-off payments for telecommunications and power bills and a \$500 one-off payment, as we saw in the last couple of Howard and Costello budgets. But

these are not going to give pensioners the assurance that they can budget to live reasonably in a world of rapidly rising food costs, transport costs, rental costs and health costs, to name just a few.

In my supplementary question I quoted from a letter from a Tasmanian pensioner who is now 79 and will be 80 next February. This pensioner pointed out that they twice had operations on their eyes—maybe it was for cataracts—and it cost them \$2,680. In their own handwriting, they said:

Because I couldn't afford medical benefits, I had to save for months.

This pensioner said that they go to the grocery store and can only look at most of the things on the shelves because they cannot afford to buy them. They cannot afford meat, they cannot afford petrol, they cannot afford tyres and they certainly cannot afford to have their car serviced—let alone a new hot-water system or repairs to their hot-water system or new clothes, shoes or spectacles. This senior Australian said:

It would be nice to get a gardener to get rid of the weeds, but that's out of the question. It's what I call a starvation diet.

This pensioner is not alone in this. I have had many handwritten letters from pensioners all over this country outlining their budgets, and today on talkback radio the phones have been running hot with calls from pensioners. I find it quite extraordinary that the opposition is not leading the charge on this. I ask the opposition to consider this matter because many Liberal Party and National Party voters are affected. In opposition, maybe you will be freer to take up the cudgels to get a fair go for pensioners in this country.

I was amazed that last night, in a budget from a social justice Labor government, there was not even a \$1 increase for pensioners, who are living under extraordinary pressure. Simple things like going to the pictures

or buying gifts for family, let alone going to visit grandkids or other members of the family, become out of reach for pensioners. Do those of us who are on high incomes understand what that means? There is a disjunction between the body politic and these million-plus Australians who are in so much need. Senator Conroy was wrong to say that those most in need are being helped by this budget. Those most in need include these pensioners—indeed, a good many carers have been left out of this budget.

I appeal to the government to review this situation urgently. Pensioners are hurting. The pensioners union is calling, as a starting point, for the singles pension to be increased from 59 per cent of the pension for couples to 66 per cent. The Greens have been campaigning for a \$30 to \$100 a week increase. That could be facilitated simply out of this current round of tax cuts, and you would have change left over. There is a \$27 billion budget surplus, so the country has enormous potential at the moment to give something to pensioners. I appeal to the government to look at this very serious hardship that is being visited upon so many Australians needlessly. *(Time expired)*

Question agreed to.

NOTICES

Presentation

Senator Allison to move on the next day of sitting:

That the Senate—

- (a) notes that the week beginning 11 May 2008 is International Myalgic Encephalomyelitis/Chronic Fatigue Syndrome and Fibromyalgia Awareness Week;
- (b) recognises that:
 - (i) these conditions can strike at any time and affect children as well as adults,
 - (ii) sufferers of these conditions experience abnormal levels of exhaustion which

- often stops them from working, studying or socialising, and
- (iii) the cause of these conditions is currently unknown and there is no single diagnostic test to accurately diagnose them; and
- (c) calls on the Government to:
- (i) support research into encephalomyelitis, chronic fatigue syndrome and fibromyalgia, and
 - (ii) adequately support non-government organisations that provide support, education, and resources to consumers, the community, health professionals and policy makers about the encephalomyelitis/chronic fatigue syndrome and fibromyalgia.

Senator Allison to move on the next day of sitting:

That the Senate—

- (a) notes that:
- (i) throughout Australian hospitals, patients are managed in mixed gender wards and that assault, trauma and violence are too often perpetrated on women patients in acute inpatient facilities,
 - (ii) a survey on assaults on women while being treated as inpatients in public hospitals shows that 27 per cent of female patients questioned (N=117) had experienced broadly defined physical assault, 63 per cent had experienced verbal assault and 58.5 per cent felt intimidated and unsafe in the inpatient unit,
 - (iii) many male patients are admitted to hospital because their behaviour (due to their illness) is often disinhibited or aggressive,
 - (iv) many female patients have sexual abuse histories and hence fare very badly in this environment, and
 - (v) women patients cannot lock the doors to their hospital rooms for treatment

safety reasons and so feel totally vulnerable; and

- (b) calls on the Government to raise with the states, as a matter of urgency, the need to re-designate acute psychiatry inpatient units to have 'women-only areas' and/or separate male and female wards, as is the case in many other countries, for the safety and privacy of women in these settings.

Senator Faulkner to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes. Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008.

Senator Heffernan to move on the next day of sitting:

- (1) That the time for the presentation of the report of the Select Committee on Agricultural and Related Industries be extended to 16 October 2008.
- (2) That the resolution of appointment of the Select Committee on Agricultural and Related Industries be amended to provide for participating membership, as follows:

After paragraph (2), insert:

- (2A)(a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
- (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
- (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the com-

mittee if a majority of members of the committee is not present.

Senator Kirk to move on the next day of sitting:

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007 be restored to the *Notice Paper* and that consideration of the bill resume at the stage reached in the 41st Parliament.

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

That the Senate—

- (a) notes the continuing human rights crisis in Tibet and restrictions on entry to areas in Tibet by journalists, international observers, aid agencies and foreign diplomats;
- (b) welcomes the informal talks between the Chinese Government and representatives of the 14th Dalai Lama on 4 May and 5 May 2008 in Shenzhen, China and the agreement to hold a seventh round of the China-Tibet dialogue;
- (c) encourages both parties to work sincerely towards a peaceful and mutually agreeable resolution of the China-Tibet issue;
- (d) welcomes the forthright statements by the Prime Minister (Mr Rudd) during his recent trip to China, both in public and in private talks with the Chinese Premier (Wen Jiabao) and President (Hu Jintao), on the need for constructive dialogue;
- (e) appreciates the Prime Minister's commitment to being a *zhengyou*, or a 'true friend', to the Chinese leadership and his willingness to raise challenging issues including Tibet; and
- (f) requests the Government to actively support and monitor the progress of the China-Tibet dialogue and offer its good offices to help bring about a positive outcome.

Senator Minchin to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Defence, no later than 4 pm on Thursday, 19 June 2008, the red folder brandished by the Minister which he claims contains details of 'problematic' defence procurement projects.

Senator Ludwig to move on the next day of sitting:

That, on Thursday, 15 May 2008:

- (a) the routine of business from 8 pm shall be:
 - (i) Budget statement and documents—responses by party leaders,
 - (ii) government business, and
 - (iii) adjournment;
- (b) divisions may take place after 4.30 pm; and
- (c) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 and the Social Security and Veterans' Entitlements Legislation Amendment (One-Off Payments and Other Budget Measures) Bill 2008.

Senator Fielding to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to require unit prices of grocery products sold by measure, weight or volume to be displayed, and for related purposes. Unit Pricing (Easy comparison of grocery prices) Bill 2008.

Senator Milne to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Renewable Energy (Electricity) Act 2000 to support the greater commercialisation of renewable energy technologies, and for related purposes. Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (3.35 pm)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Social Security and Veterans' Entitlements Legislation Amendment (One-Off Payments and Other Budget Measures) Bill 2008, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

SOCIAL SECURITY AND VETERANS'
ENTITLEMENTS LEGISLATION
AMENDMENT (ONE-OFF PAYMENTS AND
OTHER BUDGET MEASURES) BILL

Purpose of the Bill

The bill addresses certain urgent Budget measures. It provides for 2008 one-off payments for older Australians and carers. It also introduces a portability period for holders of concession cards, allowing cards to remain valid during short-term absences of the cardholders from Australia.

Reasons for Urgency

The one-off payments for older Australians and carers are to be made by the end of June 2008. Because of the large customer group, payments will be staggered over the last weeks of the financial year. In keeping with arrangements for one-off payments in previous years, customers need to be advised in late May 2008 about the 2008 one-off payments. Passage in the week commencing 13 May 2008 would enable this established timetable to be met again this year.

The beneficial concession card measure requires a substantial system build by Centrelink. While this will proceed in anticipation of passage, Centrelink will need to know by early to mid-May 2008 if the legislation is not likely to pass by the anticipated commencement date of 1 July 2008, or it may be too late to cancel the system changes.

Senator Watson to move on 17 June 2008:

That ASIC Class Order [CO 07/753], made under paragraphs 601QA(1)(a), 911A(2)(l),

1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001*, be disallowed.

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

That the Senate—

- (a) expresses its deep sorrow and condolences at the massive destruction and loss of life and trauma suffered by people affected by the earthquake in southwest China; and
- (b) hopes the rescue services have maximum success and that suffering is minimised by the rapid assistance from the Chinese people and the international community.

Senator Milne to move on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) the closure of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) wool scour at Belmont in Victoria will impact on thousands of Australian individuals, small businesses and a number of large Australian companies,
 - (ii) the CSIRO scouring plant is vital infrastructure to businesses, researchers and enterprises associated with the Australian speciality fibre industries (ultra and superfine wools, coloured wool, cashmere, mohair, alpaca and commercial processors) and small lot wool processors, and
 - (iii) it is the only scour in Australia commercially scouring small lots and coloured fibre and its closure will threaten the viability of industry members and force others offshore for processing; and
- (b) calls on the Government to ensure that the CSIRO scouring plant is not decommissioned and, if privatised, is required to prioritise research and development and provide ongoing long-term access to scouring services in Victoria for the speciality fibre industries and small lot wool processors.

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

That the Senate—

- (a) recognises the massive destruction of cyclone Nargis in Burma; and
- (b) calls on the Burmese authorities to urgently remove all impediments to international aid and assistance for all those who are suffering.

Senator Milne to move on the next day of sitting:

That the Senate—

- (a) notes that:
 - (i) the Commonwealth Radioactive Waste Management Act 2005 and the Commonwealth Radioactive Waste Management Legislation Amendment Act 2006 facilitated the Howard Government's plan to develop a Commonwealth radioactive waste dump in the Northern Territory, and,
 - (ii) prior to the federal election, the Australian Labor Party committed to repealing this legislation, if elected; and
- (b) calls on the Government to:
 - (i) announce the schedule for the repeal of this legislation and notify all affected communities and stakeholder organisations, and
 - (ii) repeal all sites proposed or nominated under the legislation for the Commonwealth radioactive waste facility, including Muckaty, which was nominated by the Northern Land Council.

COMMITTEES

Selection of Bills Committee

Report

Senator O'BRIEN (Tasmania) (3.39 pm)—I present the fourth report of 2008 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator O'BRIEN—I seek leave to have the report incorporated in *Hansard*.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT No. 4 OF 2008

- (1) The committee met in private session on Tuesday, 13 May 2008 at 4.15 pm.
- (2) The committee resolved to recommend— That the *provisions* of the Reserve Bank Amendment (Enhanced Independence) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 31 May 2008 (see appendix 1 for a statement of reasons for referral).
- (3) The committee resolved to recommend— That the following bills *not* be referred to committees:
 - A New Tax System (Family Assistance) (Improved Access to Baby Bonus) Amendment Bill 2008
 - Australian Energy Market Amendment (Minor Amendments) Bill 2008
 - Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008
 - Customs Amendment (Strengthening Border Controls) Bill 2008
 - Customs Legislation Amendment (Modernising) Bill 2008
 - Export Market Development Grants Amendment Bill 2008
 - Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008
 - Freedom of Information Amendment (Open Government) Bill 2003 [2008]
 - Health Insurance Amendment (90 Day Pay Doctor Cheque Scheme) Bill 2008
 - Military Memorials of National Significance Bill 2008
 - National Commissioner for Children Bill 2008
 - Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Bill 2008

- Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential Amendments) Bill 2008
- Quarantine Amendment (National Health Security) Bill 2008
- Statute Law Revision Bill 2008
- Sydney Airport Demand Management Amendment Bill 2008
- Tax Laws Amendment (2008 Measures No. 1) Bill 2008
- Tax Laws Amendment (2008 Measures No. 2) Bill 2008
- Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008.

The committee recommends accordingly.

- (4) The committee deferred consideration of the Trade Practices (Creeping Acquisitions) Amendment Bill 2007 [2008] to its next meeting.

(Kerry O'Brien)

Chair

14 May 2008

Appendix xx

Proposal to refer a bill to a committee

Name of bill(s):

Reserve Bank Amendment (Enhanced Independence) Bill 2008

Reasons for referral/principal issues for consideration

To inquire into the effect of the bill upon the independence of the Reserve Bank, the relevance of the amendments to increasing the credibility of the Reserve Bank's monetary policy decisions and whether the amendments will reduce inflationary pressures. Also to inquire into any perverse effects that might be caused by the bill.

Possible submissions or evidence from:

Market economists - Saul Eslake, Alan Oster, Bill Evans etc, Treasury, Reserve Bank, academics - eg Adrian Pagan

Committee to which bill is referred:

Economics Committee

Possible hearing date:

Possible reporting date(s): 20 May 2008

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 69 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to music education, postponed till 17 June 2008.

General business notice of motion no. 70 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to a pilot medical scheme to prescribe heroin, postponed till 15 May 2008.

General business notice of motion no. 72 standing in the names of the Leader of the Australian Democrats (Senator Allison) and Senator Murray for today, relating to disclosure of information by charities, postponed till 15 May 2008.

General business notice of motion no. 73 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to smoking in films, postponed till 15 May 2008.

**COMMONWEALTH ELECTORAL
(ABOVE-THE-LINE VOTING)
AMENDMENT BILL 2008**

First Reading

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

That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918 to repeal provisions relating to group voting tickets and provide for preferential above-the-line voting, and for related purposes.

Question agreed to.

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

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.42 pm)—I move:

That this bill be now read a second time.

I seek leave to table the explanatory memorandum and to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

Senate voting, by proportional representation, was agreed by Parliament in 1949. At a full Senate election, twelve Senators are elected from each of the six states and two from each of the territories: a total of 76. At a usual half-Senate election, each state elects six Senators and the territories two: a total of 40.

This bill covers both full and half Senate elections and aims to improve the democratic outcome of all elections.

Above-the-line voting for the Senate was introduced in 1984 to address the problem of increasing informal votes. While this was an easier alternative for voters, the cost has been that the decision on preferences was removed from the voter and given to the party which the voter first selects.

The Commonwealth Electoral Act requires each party or group contesting elections to provide the Australian Electoral Commission with a paper indicating how preferences will flow if a voter chooses that party or group by voting for it above the line.

This bill removes that requirement from the party or group and returns to the voter the sole obligation to allocate preferences. The voter is advantaged because she or he decides the flow of preferences and directly chooses who is next elected if her or his vote is not used, in full, to elect the party or group of first choice.

There would no longer be competition, inducement or cross-dealing by parties or groups over

preferences, nor public uproar about preference ‘deals’.

These amendments to the Commonwealth Electoral Act enhance democracy. They provide voters full control of the destiny of their vote and consequently, the make-up of the Senate.

I commend the bill to the Senate

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

Leave granted; debate adjourned.

BUSINESS

Consideration of Legislation

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.42 pm)—I move:

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Plastic Bag Levy (Assessment and Collection) Bill 2002 be restored to the *Notice Paper* and that consideration of the bill resume at the stage reached in the 40th Parliament.

Question agreed to.

COMMITTEES

Australian Crime Commission Committee Meeting

Senator HUTCHINS (New South Wales) (3.43 pm)—I move:

That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 June 2008, from 3.30 pm to 7 pm, to take evidence for the committee’s inquiry into the Australian Crime Commission Amendment Act 2007.

Question agreed to.

Foreign Affairs, Defence and Trade Committee

Extension of Time

Senator O'BRIEN (Tasmania) (3.43 pm)—At the request of Senator Bishop, I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on Australia's involvement in peacekeeping operations be extended to 26 June 2008.

Question agreed to.

**Community Affairs Committee
Meeting**

Senator O'BRIEN (Tasmania) (3.44 pm)—At the request of Senator Moore, I move:

That the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 15 May 2008, from 3.30 pm to 7.15 pm, to take evidence for the committee's inquiry into the Alcohol Toll Reduction Bill 2007 [2008].

Question agreed to.

**Finance and Public Administration
Committee
Reference**

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.45 pm)—At the request of Senator Murray, I move:

That the following matters be referred to the Finance and Public Administration Committee for inquiry and report by the first sitting Thursday of August 2008:

- (a) the *Lobbying Code of Conduct* issued by the Government;
- (b) whether the proposed code is adequate to achieve its aims and, in particular, whether:
 - (i) a consolidated code applying to members of both Houses of the Parliament and their staff, as well as to ministers and their staff, should be adopted by joint resolution of the two Houses,
 - (ii) the code should be confined to organisations representing clients, or should be extended to organisations which lobby on their own behalf, and
 - (iii) the proposed exemptions are justified; and
- (c) any other relevant matters.

Question agreed to.

CAPITAL PUNISHMENT

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.45 pm)—I move:

That the Senate calls on the Minister for Foreign Affairs (Mr Smith) to seek the abandonment of the death sentence, including that on Australian citizen Ms Jasmine Luong in Vietnam.

Question agreed to.

**DEBT2HEALTH SWAP WITH
INDONESIA**

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.46 pm)—I move:

That the Senate—

- (a) notes the Government's pre-election promise of a \$75 million 'Debt2Health' swap with Indonesia which would allow Indonesia to benefit from additional funding from the Global Fund to Fight AIDS, TB and Malaria; and
- (b) urges the Government to significantly increase overseas aid funds for the treatment and prevention of tuberculosis.

Question agreed to.

VOLUNTEERS

Senator SIEWERT (Western Australia) (3.46 pm)—I seek leave to amend general business notice of motion No. 74 standing in my name as circulated in the chamber.

Leave granted.

Senator SIEWERT—I move the motion as amended:

That the Senate—

- (a) notes that the week beginning 12 May 2008 is National Volunteer Week, which celebrates the contribution of Australia's 5.4 million volunteers who annually contribute an estimated 700 million hours of unpaid work;
- (b) acknowledges the role of volunteers in supporting the Australian economy and

- enriching Australian society in their work as carers, counsellors, educators, sporting coaches, school canteen workers, and through their participation in a wide range of community organisations; and
- (c) calls on Australian governments to:
- (i) ensure that volunteers are properly protected in their workplaces, and
 - (ii) support volunteers by addressing the barriers to their participation in voluntary activities.

Question agreed to.

CONDOLENCES

Mr Jack Gibson OAM

Senator HUTCHINS (New South Wales) (3.47 pm)—I, and also on behalf of Senator Forshaw, move:

That the Senate—

- (a) notes with great sadness the passing of ‘supercoach’ Mr Jack Gibson, OAM, one of Australia’s greatest rugby league coaches, on 9 May 2008;
- (b) recognises and applauds the tremendous contribution that he made to Australian sport and his achievements as a rugby league player, coach and commentator;
- (c) notes his success in winning five premierships as a first grade coach – back to back victories with Eastern Suburbs in 1974 and 1975 and three in a row with Parramatta between 1981 and 1983;
- (d) notes his significant and commendable work with charitable organisations; and
- (e) expresses its deep and sincere condolences to his family and the rugby league community.

Question agreed to.

40TH ANNIVERSARY OF THE BATTLE OF FIRE SUPPORT BASES CORAL AND BALMORAL

Senator PARRY (Tasmania) (3.47 pm)—At the request of Senator Minchin, I move:

That the Senate—

- (a) notes that 12 May to 6 June 2008 is the 40th anniversary of the battles of Fire Support Bases Coral and Balmoral in South Vietnam in 1968;
- (b) notes the 1st Australian Task Force played a key role in the success of Operation Toan Thang but the battles resulted in heavy casualties including the death of 26 Australian soldiers and 99 wounded; and
- (c) remembers and acknowledges the valuable contribution of Australian service personnel during these battles.

Question agreed to.

COMMITTEES

Electoral Matters Committee

Reference

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.48 pm)—I move:

That the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008 be referred to the Joint Standing Committee on Electoral Matters as a particular part of its inquiry into all aspects of the 2007 Federal Election.

Senator PARRY (Tasmania) (3.48 pm)—by leave—I move:

At the end of the motion, add “for inquiry and report not before June 2009”.

Question agreed to.

Original question, as amended, agreed to.

EDUCATION FUNDING

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.49 pm)—I move:

That the Senate—

- (a) notes the comments by the Minister for Education (Ms Gillard) that she is considering extending the Federal Government’s method of funding private schools on a socioeconomic basis to the public school system;

- (b) recognises the limitations of this model, as evidenced by the fact that 51 per cent of non-government schools receive more money than they are entitled to on the basis of their socioeconomic status (SES) score and that many issues affect the resourcing needs of schools, aside from socioeconomic status; and
- (c) urges the Government to commit to ensuring that any changes to funding models for public schools:
 - (i) guarantee that no school will lose money, as was promised when the SES model was introduced for private schools funding,
 - (ii) takes into account the proportion of students who have special learning needs as a result of:
 - (A) intellectual or physical disabilities,
 - (B) learning difficulties or disabilities,
 - (C) a language background other than English,
 - (D) Aboriginal or Torres Strait Islander background,
 - (E) geographic isolation, and
 - (F) disruptive behaviour, and
 - (iii) raise the level of per capita funding for primary schools to that of secondary schools in recognition of the importance of early learning.

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.50 pm)—by leave—I ask that the Green's support for Senator Allison's motion be noted.

The ACTING DEPUTY PRESIDENT—That will be noted.

5TH MINISTERIAL CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Senator MILNE (Tasmania) (3.50 pm)—I move:

That the Senate—

- (a) notes that:
 - (i) in March 2005, at the 5th Ministerial Conference on Environment and Development (MCED) held in Seoul, representatives from 52 member and associate member countries of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) embraced the approach of Environmentally Sustainable Economic Growth (Green Growth),
 - (ii) a green growth approach requires that environmental and ecological consideration must be integral to policy planning to ensure long-term economic and social viability, and economic growth should not be measured in gross domestic product alone but also in a set of eco-indicators,
 - (iii) the MCED adopted a Regional Implementation Plan for Sustainable Development in Asia and the Pacific 2006–2010 and the Seoul Initiative on Sustainable Economic Growth (Green Growth),
 - (iv) UNESCAP's member and associated countries have repeatedly confirmed their commitment to green growth since 2005 and have requested that the UNESCAP Secretariat continue to act as a catalyst for a conducive environment for green growth through developing the conceptual and analytical framework and by providing capacity building support to governments,
 - (v) the green growth approach has become prominent in the region and has received highest political acceptance by heads of state of UNESCAP member states and, in February 2008, the Secretary-General of the United Nations noted that the world is on the cusp of 'the age of green economics', and
 - (vi) Australia signed the regional implementation plan but has since failed to attend green growth policy dialogues

and Seoul Initiative Network on Green Growth forums; and

(b) calls on the Government to:

- immediately re-engage with UNESCAP's initiatives to promote green growth principles in our region, and
- send delegates from the Department of the Treasury and the Department of the Environment, Water, Heritage and the Arts to future relevant meetings.

Question put.

The Senate divided. [3.55 pm]

(The President—Senator the Hon. Alan Ferguson)

Ayes.....	9
Noes.....	<u>51</u>
Majority.....	42

AYES

Allison, L.F.	Bartlett, A.J.J.
Brown, B.J.	Fielding, S.
Milne, C.	Murray, A.J.M.
Nettle, K.	Siewert, R. *
Stott Despoja, N.	

NOES

Adams, J.	Barnett, G.
Bernardi, C.	Birmingham, S.
Bishop, T.M.	Boswell, R.L.D.
Brandis, G.H.	Brown, C.L.
Bushby, D.C.	Campbell, G.
Carr, K.J.	Chapman, H.G.P.
Colbeck, R.	Collins, J.
Cormann, M.H.P.	Crossin, P.M.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Forshaw, M.G.	Heffernan, W.
Hogg, J.J.	Humphries, G.
Hurley, A.	Hutchins, S.P.
Johnston, D.	Kemp, C.R.
Kirk, L.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
Mason, B.J.	McEwen, A.
McGauran, J.J.J.	McLucas, J.E.
Moore, C.	O'Brien, K.W.K.
Parry, S. *	Payne, M.A.

Polley, H.	Ronaldson, M.
Sherry, N.J.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.B.	Watson, J.O.W.
Webber, R.	

* denotes teller

Question negatived.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.59 pm)—by leave—The government would have been willing to support the motion of Senator Milne in relation to the Ministerial Conference on Environment and Development, had it not been limited to delegates from Treasury and the Department of the Environment, Water, Heritage and the Arts. The government has a strong interest in promoting green growth in the Asia-Pacific region. An amendment was proposed that would have broadened the terms of the motion to take a whole-of-government approach. It would have given the Department of the Environment, Water, Heritage and the Arts a coordinating role while allowing the flexibility to involve a range of officials from relevant agencies. Senator Milne was not willing to allow such flexibility and was unwilling to amend her motion in this way. Instead, she preferred a more prescriptive approach, which the government considered impractical; hence our vote against such a motion.

WAR

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.00 pm)—I move:

That the Senate calls on the Prime Minister (Mr Rudd) and future Prime Ministers to refrain from engaging Australia in war without first gaining the agreement of the Australian Parliament.

Question put.

The Senate divided. [4.02 pm]

(The President—Senator the Hon. Alan Ferguson)

Ayes.....	9
Noes.....	<u>53</u>
Majority.....	<u>44</u>

AYES

Allison, L.F.	Bartlett, A.J.J.
Brown, B.J.	Fielding, S.
Milne, C.	Murray, A.J.M.
Nettle, K.	Siewert, R. *
Stott Despoja, N.	

NOES

Adams, J.	Barnett, G.
Bernardi, C.	Birmingham, S.
Bishop, T.M.	Boswell, R.L.D.
Brandis, G.H.	Brown, C.L.
Bushby, D.C.	Campbell, G.
Carr, K.J.	Chapman, H.G.P.
Colbeck, R.	Collins, J.
Cormann, M.H.P.	Crossin, P.M.
Eggleston, A.	Ellison, C.M.
Faulkner, J.P.	Ferguson, A.B.
Fierravanti-Wells, C.	Fivefield, M.P.
Fisher, M.J.	Forshaw, M.G.
Heffernan, W.	Hogg, J.J.
Humphries, G.	Hurley, A.
Hutchins, S.P.	Johnston, D.
Joyce, B.	Kemp, C.R.
Kirk, L.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
Mason, B.J.	McEwen, A.
McGauran, J.J.J.	McLucas, J.E.
Moore, C.	O'Brien, K.W.K. *
Parry, S.	Payne, M.A.
Polley, H.	Ronaldson, M.
Sherry, N.J.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.B.	Watson, J.O.W.
Webber, R.	

* denotes teller

Question negatived.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (4.07 pm)—by leave—I would like to make a short statement on the issue on which the Senate has just voted. Senators who have been in the chamber for a long time will not be surprised that I make the point, as I have done on many other oc-

casions, that this is one of those general business notices of motion that is so critical—

Senator Bob Brown—Mr President, I cannot hear Senator Faulkner.

The PRESIDENT—Could I please have some order on my left. Senator Faulkner cannot be heard.

Senator FAULKNER—I was making the point that, on very many occasions in this chamber, I have pointed out what a blunt instrument a formal general business notice of motion is, particularly when deciding issues of such critical importance as those contained in the motion Senator Brown has just moved. I think we would all acknowledge—I certainly would acknowledge—what an important issue this is. It is so important that it is a matter that warrants not a vote in the Senate but the capacity for amendment to the motion before the Senate and serious and proper debate and consideration. If ever a case can be made about the importance of these procedures then certainly it is true in relation to this particular motion.

I would say that the government takes the view that the decision to conduct and sustain military operations is a function of executive government. It is also fair to say that the era of neat declarations of war for conflicts between uniformed and organised forces of two or more sovereign and recognised nation states is thankfully an era that is largely of the past. But the truth is that the nature of security and military threats in the current era is such that military responses need to be flexible and rapid, and they obviously need to be able to occur within a matter of hours, not days or weeks. It is true also, as I know that each and every senator in this chamber is aware, that the Australian Defence Force has elements on standby to meet contingencies on foreign shores, and their notice-to-move time is less than what could be ex-

pected for the conduct of a motion on the issue to deploy—let alone the time it might take to debate such a matter, even if the parliament were sitting.

These are the sorts of issues that, on motions like this, need to be examined and explored. I do not for one moment underestimate or underestimate the significance of the issue that we have debated, but for very many years—since the mid-1990s—I have drawn the attention of this chamber to my concern about using this sort of procedure on issues of significance like this. I wanted to reinforce those substantive points in relation to the issue that the motion addresses and also the process points in relation to this particular matter.

It is of course the view of the government that governments are elected to govern and to provide leadership across the spectrum of executive function, as all senators know. But military operations, particularly in the current era, require decisive and clear direction from the executive. It is these sorts of issues that really should be explored in a debate like this. I am concerned about the use of such a blunt instrument and I reinforce the comments I have made previously on many occasions about the inappropriateness of this mechanism for such a serious matter being dealt with before the Senate.

Senator ELLISON (Western Australia) (4.11 pm)—by leave—Committing Australia to war is perhaps one of the most serious decisions the government of the day can make. The opposition agrees with what the government has just said. General business notices of motion are not really the appropriate way to deal with such serious issues. Any requirement that the government should obtain the permission of the parliament before committing Australia to war is an issue that should be the subject of substantial and considered debate. Certainly, the opposition

would say that these sorts of matters are best dealt with by processes other than simply putting up a general business notice of motion.

As Senator Faulkner has pointed out, from time to time through this process we have touched on issues such as the death penalty and other matters of equal severity and we have indicated on those occasions that we do not believe it is appropriate that they be dealt with in this way. In no way does that mean that the opposition understates or underestimates the importance of the issue; it is the very importance of this matter that requires it to be dealt with by way of substantial and considered debate. I think that this issue should not be dealt with by way of a general business notice of motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.13 pm)—by leave—I generally concur with the remarks that this deserves a much more serious and long-term debate. It is a very important matter when a nation goes to war. As we all know, the President of the United States cannot commit that nation to war without first going to both houses of the Congress. That, simply, is what is being sought in this motion. That said, the fact is that the government and the opposition both see this as a serious matter but have not brought it in any other form before the Senate, or indeed the House of Representatives, in living memory.

However, remedy is at hand. Senator Andrew Bartlett from the Democrats has before the Senate now a bill which does deal with this matter at some very considered length. I have written to Senator Bartlett today to say that, if it is not dealt with before 1 July, I commit to carrying on his excellent bill to ensure that the debate that we have just heard called for by both sides, the government and the opposition, will indeed take place in the Senate. So I ask both the government and the

opposition to look at that bill from Senator Bartlett seriously. It canvasses many of the difficulties that we have just heard about. It is a serious piece of legislation and it will bring serious debate to the Senate. Like Senator Bartlett, I do not agree that a Prime Minister should have the sole power to commit this country to war. It should be a matter for the parliament.

Senator BARTLETT (Queensland) (4.15 pm)—by leave—I would briefly like to indicate the Democrats concurrence, not surprisingly, with what Senator Bob Brown has just said. I support his suggestion that people look closely at the Democrats bill. I should say for the record, to put the Democrats bill in wider context, that it is actually an issue that was first raised as long ago as 1981 by former Democrat Senator Colin Mason from New South Wales, and it has been raised many, many times since. So it is an issue that has been on the Senate's agenda for a little while. Whilst the world has changed since then, as Senator Faulkner said, I think that is more reason than ever to examine the issue, as Senator Brown suggested.

COMMITTEES
Scrutiny of Bills Committee
Report

Senator ELLISON (Western Australia) (4.16 pm)—I present the third report for 2008 of the Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills *Alert Digest* No. 3 of 2008, dated 14 May 2008.

Ordered that the report be printed.

Senator ELLISON—I move:

That the Senate take note of the report.

I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

The statement read as follows—

SENATE STANDING COMMITTEE FOR THE SCRUTINY OF BILLS TABLING STATEMENT

In tabling the Committee's *Alert Digest* No. 3 of 2008, I would like to draw Senators' attention to several provisions in the Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008 that are to apply retrospectively.

The provisions relate to:

- the Guide to the Assessment of Rates of Veterans' Pensions, which is prepared by the Repatriation Commission; and
- a Statement of Principles made by the Repatriation Medical Authority.

Both of these documents are legislative instruments under the Legislative Instruments Act 2003. That Act provides that such legislative instruments take effect from the date on which they are registered under the Act.

However, provisions in the Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008 provide that these documents may take effect from an earlier date.

In respect of the Guide, it will take effect from the day that the Minister approves it, while the Statement of Principles will take effect from the date of notification in the *Commonwealth Government Gazette*. As such, these instruments may apply retrospectively.

As a matter of practice, the Committee draws attention to any bill that seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people.

The explanatory memorandum to the Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008 states that by overriding provisions in the Legislative Instruments Act, 'the rights of a person could be affected so as to disadvantage that person.' Thus it recognises that these provisions may indeed be detrimental to some people.

Unfortunately, the only justification provided in the explanatory memorandum for this detrimental retrospectivity is that the provisions preserve the effect of the existing sections of the Veterans' Entitlement Act 1986. No explanation is pro-

vided for why this retrospective application is required.

This approach fails to recognise that the world can change a lot in a relatively short space of time. Just because the Parliament approved an approach in the past, does not mean that they approve of it now.

Amending an Act provides the executive and the Parliament with an opportunity to critically review the provisions of that Act to ensure that they meet current standards of good practice. Unfortunately this opportunity rarely seems to be grasped by the Executive.

Time and time again, bills come before the Committee that include provisions that breach the Committee's terms of reference. Instead of providing a justification for these provisions, the explanatory memoranda simply state that the provisions are consistent with an existing approach in that or another Act.

This is not an acceptable justification for provisions that may, for example, apply retrospectively to the detriment of those affected. Such provisions need to be justified in their own right.

In the case of the Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008, there may be very good reasons as to why these instruments should commence prior to their registration under the Legislative Instruments Act. Unfortunately the Committee, and the Parliament, has not been made privy to these reasons.

The Committee has sought the Minister's advice as to the rationale for requiring these instruments to take effect from the date of ministerial approval or publication in the *Commonwealth Gazette*. Pending the Minister's advice, I draw Senators' attention to the provisions as they may be considered to trespass unduly on personal rights and liberties.

I would also like to note that the Committee has commented on the Australian Crime Commission Amendment Act 2007 in this Alert Digest. The Committee did not get the opportunity to consider this bill during the previous Parliament as it was introduced and passed in the last sitting week prior to the Parliament being prorogued. In keeping with the Committee's role of considering all

bills that come before the Parliament and noting that the Act is currently being considered by the Parliamentary Joint Committee on the Australian Crime Commission, the Committee has included its comments on the Act in this *Digest*.

I commend the Committee's *Alert Digest* No. 3 of 2008 and Third Report of 2008 to the Senate.

Question agreed to.

Public Accounts and Audit Committee Statement

Senator HOGG (Queensland) (4.17 pm)—On behalf of the Joint Committee of Public Accounts and Audit, I table a statement on the draft budget estimates for the Australian National Audit Office for 2008-09 and seek leave to incorporate the statement in *Hansard*.

Leave granted.

The statement read as follows—

On behalf of the Joint Committee of Public Accounts and Audit I present this report on the draft budget estimates of the Australian National Audit Office. This is a requirement of the *Public Accounts and Audit Committee Act 1951*, and reflects both the Committee's status as the Parliament's audit committee, and the Auditor-General's status as an independent officer of the Parliament.

The Audit Office's revenue from government in 2007-08 was \$63.4 million. The Auditor-General has advised that estimated revenue from government for 2008-09, excluding some new funding to audit major Defence acquisitions, will be just under \$62 million. This includes the 3.25 percent efficiency dividend being applied to all public sector agencies in this year's budget.

The Auditor-General advised the Committee that he had sought additional funding in the 2008-09 budget of some \$13.7 million over five years, with an ongoing amount of \$2.9 million annually. This funding was to be applied in three areas. First, the Audit Office sought \$6.5 million to conduct an annual review of major Defence capital equipment projects.

By way of background, the Committee recommended in late 2006 that the Audit Office be

funded to annually review progress in major Defence capital equipment projects, in a manner similar to a review conducted by Great Britain's National Audit Office. This recommendation arose from the Committee's inquiry into financial reporting and equipment acquisition at the Department of Defence and Defence Material Organisation, following a series of critical reports by the Auditor-General on individual projects.

The recommendation made by the Committee was similar to one previously made by the Senate, and which the Audit Office had unsuccessfully sought funds for in previous budgets. We made this recommendation because we believed there would be considerable benefit from ongoing early review of Defence equipment acquisition projects, and that the modest funding sought by the Audit Office should be considered in light of the substantial savings that may accrue from better management of these capital projects.

The Committee is pleased that the Government has agreed to provide \$1.5 million annually to the Audit Office, from 2009-10 onwards, to conduct the Defence capital equipment projects report, with initial funding of \$750 000 in this year's budget.

The Committee notes that the Audit Office has not received the full \$1.5 million it had sought in this year's budget, nor has it been reimbursed \$500 000 in funds it had sought towards the funds it spent on preparatory work in 2007-08. However, the funding that has been provided will at least enable the Audit Office and DMO to proceed with confidence on this annual process. The Committee looks forward to reviewing a trial report on nine Defence projects, which is likely to be tabled later this year.

The Audit Office also sought just over \$6 million over four years, and \$1.4 million ongoing annually, to audit more comprehensive government financial reporting following the introduction of a new accounting standard. In brief, the new standard creates a different reporting framework for the Australian Government from the 2008-09 financial year onwards. Amongst other things the standard provides for the preparation, and audit, of General Government Sector statements. This will be the first time that such statements have been audited. The new standard aims to achieve a

single set of government reports which are auditable, comparable between jurisdictions, and directly comparable to relevant budget statements.

While these are welcome developments, the Audit Office has not received any additional funding to undertake its statutory obligations in relation to the new standard. There will be a significant increase in audit workload arising from the new General Government Sector financial statement, and the Audit Office will need to become skilled in auditing statements incorporating information which was not previously required.

The Audit Office also sought a one-off amount of just under \$1.1 million for additional work resulting from the abolition of four government Departments in December 2007. The *Financial Management and Accountability Act* requires that financial statements be prepared for the former Departments, so that there is an appropriate accounting for their functions. The Audit Office had therefore sought funding to conduct "close down" financial statement audits for the abolished Departments.

While this request was unsuccessful, the Committee notes that the Department of Finance has proposed that the abolished Departments be dealt with in the notes to the financial statements for those Departments that have taken over the relevant functions, rather than separate "close-down" statements for the former agencies. The impact on the Audit Office's budget might therefore not be as great as feared, but the Auditor-General will monitor the situation and may seek additional funds if necessary.

Finally, and most importantly, the Auditor-General also wrote to the Government to propose that the Audit Office's funding be placed on a more sustainable long-term footing, by indexing its budget to the rate of growth in the public sector. This reflects the reality that growth in the Audit Office's resource base has lagged well behind growth in the public sector over the past decade. Between 1998-99 and 2007-08 the Australian Government's combined revenue and expenditure increased by 49.5 percent in real terms. In the same period, the Audit Office's expenditure on financial statement auditing increased by only 11.5 percent in real terms, while spending on performance auditing actually decreased by 4.5 per-

cent in real terms. This mismatch obviously challenges the Audit Office's capacity to provide comprehensive oversight of the public sector.

In the interim, the Auditor-General put forward a short-term proposal to adjust the Audit Office's funding by \$5 million over four years, which would have effectively negated the additional two percent efficiency dividend applied in this year's budget. This funding would have been directed to continued development of the Audit Office's Better Practice Guides, and a continued focus on areas it has previously identified, through its performance audits, as having a strong flow-on benefit for public sector administration, in particular contract and project management.

The Committee notes that these proposals for a more sustainable long-term funding base have not been supported at this time. The overall impact of these decisions on the Audit Office has been a 3.25 percent reduction in base funding, in addition to being obliged to absorb the significant new audit responsibilities mentioned earlier.

The Auditor-General has advised that he has taken steps to limit the impact of the budget reduction, including closely reviewing the Audit Office's corporate expenditure on a line-by-line basis. Despite this, the budget reduction will limit the Audit Office's capacity to deliver to the same level in its audit work. This will be reflected in the following ways:

- First, the Audit Office's capacity to conduct detailed checking in its annual audits of agencies' financial statements will be reduced, at a time when new accounting standards are being implemented. The Audit Office will instead look to a multi-year view for system assurance where appropriate; it will place more reliance on management assurance processes within the audited agency; and it will limit any growth in its IT audit capacity.
- Second, the number of performance audits and Better Practice Guides the Audit Office can produce will also be reduced. The target for performance audits has been reduced from 51 to 45 for 2008-09, while the annual target for Better Practice Guides has been reduced from four to three.

These budget pressures come at a time when the Audit Office is facing staff turnover in excess of 25 percent due to high demand for the accounting and auditing skills possessed by its staff; price pressures – including for contract audit services – greater than the indexation levels applied to its resource base; and limited cash reserves. The Committee notes advice that the Audit Office will invest modestly in staff learning and development, and systems and methodologies, to ensure that it develops its staff and is able to continue to produce high-quality work.

To the extent that the Auditor-General's direct appropriation for 2008-09 is sufficient for him to discharge his statutory responsibilities, the Committee endorses the budget proposed for the year ahead. However this endorsement comes with significant reservations.

As noted, the proposed budget will necessitate a reduction in the Audit Office's discretionary audit work program. While the Audit Office will of course design its work program to fit within available resources, we do not believe that the Parliament is well-served by this.

The Committee believes that the Audit Office cannot continue to consistently deliver the outcomes expected of it by the Parliament, the Australian community and its agency clients on its existing funding base. Going forward, it is imperative that we reach agreement on a long-term sustainable funding model, given the importance of the Audit Office being progressive in its approach to its audit role. Both the Auditor-General and the Committee Chair have written to the Prime Minister on this matter.

The Audit Office is the front line in ensuring government accountability and probity, and in creating an environment where corruption has limited opportunity to arise. In the Committee's experience, the modest budget of the Audit Office should be seen as a cost-effective mechanism for curbing waste and excess, and identifying areas for better administration on behalf of the Parliament and the Australian community.

**Appropriations and Staffing Committee
Report**

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I present the 46th report of the Standing Committee on Appropriations and Staffing on the estimates for the Department of the Senate 2008-09.

Ordered that the report be printed.

Membership

The ACTING DEPUTY PRESIDENT (Senator Chapman)—The President has received a letter from a party leader seeking variations to the membership of committees.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.19 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Appropriations and Staffing—Standing Committee—

Appointed—Senator Sherry

Community Affairs—Standing Committee—

Appointed—Participating member: Senator Collins

Economics—Standing Committee—

Appointed—Participating member: Senator Collins

Education, Employment and Workplace Relations—Standing Committee—

Appointed—Participating member: Senator Collins

Environment, Communications and the Arts—Standing Committee—

Appointed—Participating member: Senator Collins

Finance and Public Administration—Standing Committee—

Discharged—Senator Forshaw

Appointed—Senator Collins

Foreign Affairs, Defence and Trade—Standing Committee—

Appointed—Participating member: Senator Collins

Housing Affordability in Australia—Select Committee—

Appointed—Participating member: Senator Collins

Legal and Constitutional Affairs—Standing Committee—

Appointed—Participating member: Senator Collins

Privileges—Standing Committee—

Appointed—Senator Collins

Procedure—Standing Committee—

Appointed—Senator Ludwig

Regional and Remote Indigenous Communities—Select Committee—

Appointed—Participating member: Senator Collins

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Participating member: Senator Collins

Scrutiny of Bills—Standing Committee—

Appointed—Senator Collins

State Government Financial Management—Select Committee—

Appointed—Participating member: Senator Collins.

Question agreed to.

CROSS-BORDER INSOLVENCY BILL 2008

FINANCIAL SECTOR LEGISLATION AMENDMENT (REVIEW OF PRUDENTIAL DECISIONS) BILL 2008

Returned from the House of Representatives

Messages received from the House of Representatives returning the bills without amendment.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)

AMENDMENT (ASSESSMENTS AND ADVERTISING) BILL 2008
LANDS ACQUISITION LEGISLATION AMENDMENT BILL 2008
OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

First Reading

Bills received from the House of Representatives.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.20 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the *Notice Paper*. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.21 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT (ASSESSMENTS AND ADVERTISING) BILL 2008

The National Classification Scheme operates to classify the content of a range of entertainment media and provide important information to consumers about that content.

The Classification (Publications, Films and Computer Games) Amendment (Assessments and Ad-

vertising) Bill 2008 contains two areas of reform to classification procedures. First, it changes the way the Classification Act deals with the advertising of unclassified product and, second, it changes the classification procedures for box sets of television series that are released for sale or hire.

The Bill makes these amendments to improve the operation of the National Classification Scheme and to respond to the ever-changing technological environment for entertainment media.

The first initiative is part of a package of reforms which, together with amendments to State and Territory legislation, will replace the prohibition on advertising unclassified films and computer games with a new scheme that will allow advertising, subject to conditions. Those conditions will be set out in a new Commonwealth instrument. The new advertising scheme was developed following public consultation on a discussion paper and has been the subject of discussions with State and Territory Censorship Ministers.

The package of reforms will update the definition of advertisement to explicitly include advertising on the Internet, and to exclude what is commonly known as product merchandising such as clothing. This recognises where consumers get their classification information from.

Currently there is a prohibition on advertising unclassified films and computer games. A limited number of exemptions is available for cinema release products. The increasing risk of piracy and rapid advances in technology has led to products being available for classification very close to their release date. The current system therefore causes difficulties for marketing of classifiable products. In light of these changing circumstances, it is no longer tenable to prohibit the advertising of unclassified material.

This Bill enables a legislative instrument to set conditions on advertising unclassified films and computer games. The instrument will establish a strong new advertising message advising consumers to:

Check the Classification.

The public expects, if a film is advertised before a film at a cinema, or on a DVD, that it will be suitable for the audience for the feature they have

chosen to see. The same applies to advertisements accompanying computer games. So the instrument will permit unclassified films and computer games to be advertised only with films or computer games likely to be of the same or higher classification.

The instrument will establish an industry-based self assessment scheme whereby the likely classification of an unclassified film or computer game is assessed when advertising together with classified films or computer games. The instrument will introduce a stronger commensurate audience rule so that advertisements for films likely to be classified 'PG' may no longer be screened to an audience for a 'G' film.

The new scheme contains safeguards to ensure that audiences will not be confronted by advertisements for material likely to be classified at a higher level than the product they've chosen to view or play. For example, the Classification Act will be amended to enable applications to be made to the Classification Board for an assessment of the likely classification of an unclassified film or computer game in difficult cases or where it is not cost effective for industry to self-assess. Other safeguards include giving the Director the power to revoke an assessor's status or, in serious cases, bar a distributor from accessing the scheme for up to three years. These powers are designed to deter users from abusing the system or making lax or inadequate assessments. Decisions by the Director to revoke an assessor's status or bar someone from using the scheme will be reviewable by the Administrative Appeals Tribunal.

Further safeguards include initial and annual training for individual assessors, random and complaints-based auditing of advertising material and retaining existing powers which allow the Director to 'call in' advertisements.

The second initiative contained in this Bill is amendments to the classification procedures for films that are compilations of episodes of a television series that has already been broadcast in Australia. This Bill enables a television series assessment scheme to be established. Under the new television series scheme a person appropriately trained and authorised may provide a report and a recommendation to the Classification Board to assist them in their classification of a box set of

episodes of a television series. The Classification Board will retain responsibility for classifying the film. But its consideration will be assisted by the assessment of an authorised assessor.

To provide flexibility to respond to changing technology, and the increasing capacity of storage devices, the details of the scheme will be included in a legislative instrument.

The television series assessment scheme also contains safeguards to ensure the integrity of the classification system and consistency of advice to consumers. These include requiring the Board to revoke classifications in specified circumstances such as when the assessment on which the classification was based was highly unreliable. For example, an assessment may have lacked enough information about classifiable elements, or been misleading, incorrect or grossly inadequate.

In addition, the Director has a power to revoke, in specified circumstances, an assessor's status. In serious cases, the Director has the power to bar a person from being an assessor for up to three years, or bar an applicant from using the television series assessment scheme for up to three years. These powers are permissive, and only exercisable under certain conditions. They are designed to deter users from abusing the system or providing lax or inadequate assessments of additional content. Decisions by the Director to revoke an assessor's status or bar an assessor or applicant from using the scheme may be reviewed by the Administrative Appeals Tribunal.

These amendments have been developed in response to concerns expressed by industry about the application of the existing laws in light of developing technology and changing marketing imperatives. The purpose of this proposal is to reduce the cost to industry and to streamline the classification process for the Classification Board.

The amendments contained in this Bill will ensure the National Classification Scheme continues to serve both industry and the public well – responding to the needs of the rapidly evolving world of entertainment media but providing reliable classification information for consumers.

LANDS ACQUISITION AMENDMENT BILL 2008

This bill makes a number of important amendments to the Lands Acquisition Act 1989.

The amendments proposed in the bill update the Act to:

- enable Commonwealth Mining Regulations to be promulgated;
- apply penalties to breaches of the Act with respect to mining that are commensurate with Commonwealth Criminal Law Policy;
- make the Act more efficient by giving the Minister for Finance and Deregulation the power to initiate claims and making the Minister for Finance and Deregulation responsible for an administrative function;
- eliminate an inconsistency by making the Cocos Islands land administration exempt from the Act, consistent with Christmas Island and Norfolk Island Acts;
- to reduce the duplication of tabling of commercial, in the market transactions; and
- repeal the redundant Lands Acquisition (Defence) Act 1968.

The amendments in relation to mining will enable the promulgation of Commonwealth Mining Regulations for the administration of mining on Commonwealth land. In particular, it will enable State and Territory legislation to be applied in a manner consistent with Commonwealth policy.

The amendments also empower the Federal Court to have jurisdiction in matters arising under such regulations. The amendments ensure the judicial and review process are consistent throughout the Act.

The amendments provide for a penalty regime for breaches of the regulations under the Act that is in line with the Commonwealth's Criminal Law Policy. The amendment imposes a maximum penalty of 50 penalty units for an individual and 250 penalty units for a body corporate for breaches of regulations made under the Act.

The process of promulgating Commonwealth Mining Regulations will entail extensive consultation and agreement with States and Territories.

Enabling the Minister for Finance and Deregulation to initiate an offer of compensation to an interest holder without a claim being made promotes efficiencies and fairness in the application of the Act.

This will also expedite the compensation process and ease financial and administrative burdens in relation to compulsory acquisitions.

The proposal will avoid delays to settlement of compensation in relation to acquisitions and provide certainty to the Commonwealth on its financial exposure.

The amendment provides that, in the absence of a claim for compensation, the Minister for Finance and Deregulation must wait twelve months from the date of acquisition before making an offer.

The Minister for Finance and Deregulation will also be able to initiate an offer of compensation for losses arising from the Commonwealth's activities on the land to be acquired prior to the acquisition, regardless of whether or not the acquisition proceeds.

In relation to offers from the Minister for Finance and Deregulation, the rights of recipients of offers to review processes under the Act are preserved.

The amendment exempting land on the Cocos Islands from the Act will correct an anomaly. Dealings in land on Cocos Island under the Cocos (Keeling) Islands Act 1955 has, by reason of oversight, not been made exempt from the Act. The amendment would bring the administration of land on Cocos Islands in line with land administration on Christmas Island and Norfolk Island, without the intervention of the Act.

The amendment which removes the tabling of commercial acquisitions on market of an interest in land reduces duplication and administrative burdens. Accountability and transparency of commercial acquisitions is provided by AusTender, which makes public commercial acquisitions of property by the Commonwealth. AusTender has a standard of transparency and accountability equivalent to that of tabling in Parliament.

This amendment brings the acquisition of land in line with the Commonwealth Procurement Guidelines. This amendment accords with initiatives to reduce red tape in Government administration. It

creates efficiencies by reducing duplication and associated administrative costs.

The amendment dealing with the substitution of the Attorney-General with the Minister for Finance and Deregulation in connection with cancelling and amending title documents relating to land held in trust, creates further efficiencies, by bringing the administrative functions of the Act within the responsibility of the Minister for Finance and Deregulation.

The Act presently enables the Attorney-General to cancel and amend titles to land when land is held in trust and the public purpose for the land is varied.

As the Minister for Finance and Deregulation has the responsibility for administering the Act, having the Minister for Finance and Deregulation assume that role from the Attorney-General will streamline the process and promote greater efficiencies.

The repeal of the Lands Acquisition (Defence) Act 1968 eliminates redundant legislation. This legislation was created in order to acquire public parkland in New South Wales. This acquisition has long since passed and the Lands Acquisition (Defence) Act 1968 can now be repealed. This amendment would update Commonwealth legislation.

I commend the bill to the Senate.

OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

Mr President, I move that this Bill be now read a second time. This Bill was introduced during the last sitting of Parliament and was passed by the Senate, but not by the House prior to Parliament being prorogued. Given the important, but technical nature of the amendments, I am now pleased to reintroduce it into the Senate.

Senators would be aware that the Offshore Petroleum Act 2006 received Royal Assent on 29 March 2006. The Offshore Petroleum Act was a rewrite of the Petroleum (Submerged Lands) Act 1967, which has been the primary legislation for the administration of Australia's offshore petroleum resources for 40 years. The Offshore Petroleum Act is a more user-friendly enactment that

will reduce compliance costs for governments and the industry.

This Amendment Bill has three elements. Firstly to clarify provisions to ensure they operate the way that was intended, to make some technical corrections and a minor policy change. Secondly, a policy change repealing section 327 which gives the Minister certain emergency powers in the Bass Strait. Finally, to convert geodetic data references of the area descriptions in the Act from Australian Geodetic Datum to the current the Geodetic Datum of Australia.

Mr President, I would now like to take Senators through some of the key measures contained in the Bill.

The Bill ensures that the duration of certain production licences remains unchanged. While it was the intention that production licences due for their first renewal be renewed for 21 years, the effect of amendments made in 1998 to the Petroleum (Submerged Lands) Act is that licensees on their first renewal are entitled to licences of an indefinite duration. This error has been corrected in the Offshore Petroleum Act. These amendments ensure that the licensees, who renewed their production licences for the first time since 1998 but before the Offshore Petroleum Act comes into force, will have the indefinite term licences they are entitled to.

The Bill also clarifies the definition of 'coastal waters'. The Offshore Constitutional Settlement provides that the States and the Northern Territory have control over the 'coastal waters' adjacent to their land territory. These coastal waters are 3 nautical miles from a 'baseline'; this is essentially the low water mark of the coast. These amendments ensure that the baseline that the 'coastal waters' are measured from is the correct 3 nautical mile baseline.

The Bill also proposes a minor policy change and repeals section 327 which allows the Minister to exercise his emergency powers in the Area to be Avoided, offshore Victoria in the Gippsland Basin. The Minister has never exercised these powers. The section is proposed to be repealed because a more comprehensive and broader security regime has been implemented under Maritime Transport and Offshore Facilities Security Act 2003.

The amendments to the datum are part of the Government's Australia Spatial Data Infrastructure Program. Amendments made to the Petroleum (Submerged Lands) Act in 2001, paved the way for the move to the Geocentric Data of Australia, known as GDA94. GDA94 is essentially a response to increased use of the Global Positioning System for surveying, navigation and similar purposes. It is important to note that there will be no shift in the position in any petroleum title area as a result of the changes.

The Bill incorporates the conversion of all of the points describing the 'offshore areas' in Schedules 1 and the 'area to be avoided' in Schedule 2.

I commend the Bill to honourable Senators.

Debate (on motion by Senator Carr) adjourned.

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

**INDIGENOUS EDUCATION
(TARGETED ASSISTANCE)
AMENDMENT (2008 MEASURES No. 1)
BILL 2008**

**SOCIAL SECURITY AND VETERANS'
AFFAIRS LEGISLATION
AMENDMENT (ENHANCED
ALLOWANCES) BILL 2008**

**DEFENCE LEGISLATION
AMENDMENT BILL 2008**

**TRADE PRACTICES AMENDMENT
(ACCESS DECLARATIONS) BILL 2008**

**WORKPLACE RELATIONS
AMENDMENT (TRANSITION TO
FORWARD WITH FAIRNESS)
BILL 2008**

**THERAPEUTIC GOODS AMENDMENT
(POISONS STANDARD) BILL 2008**

SKILLS AUSTRALIA BILL 2008

**HIGHER EDUCATION SUPPORT
AMENDMENT (VET FEE-HELP
ASSISTANCE) BILL 2008**

SCREEN AUSTRALIA BILL 2008

**SCREEN AUSTRALIA AND THE
NATIONAL FILM AND SOUND
ARCHIVE (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS)
BILL 2008**

**NATIONAL FILM AND SOUND
ARCHIVE BILL 2008**

**APPROPRIATION BILL (No. 3)
2007-2008**

**APPROPRIATION BILL (No. 4)
2007-2008**

**INFRASTRUCTURE AUSTRALIA
BILL 2008**

**TRADEX SCHEME AMENDMENT
BILL 2008**

Assent

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the bills.

**COMMONWEALTH GRANT SCHEME
GUIDELINES No. 1**

Motion for Disallowance

Senator MASON (Queensland) (4.22 pm)—I move:

That Amendment 2 to the Commonwealth Grant Scheme Guidelines No. 1, made under section 238-10 of the Higher Education Support Act 2003, be disallowed.

Put simply, the coalition is seeking the Senate's agreement to disallow these regulations in order to reinstate the very important national governance protocols that applied to universities and other higher education providers up until the making of these regulations by the Minister for Education, Ms Gil-

lard. These national governance protocols were developed in consultation with the higher education sector. They stipulate various requirements for a best practice regime for university governance. Indeed, at the compliance date at the end of August last year universities and higher education providers were complying with the requirements of the national governance protocols.

The issue is very simple: it is about continuing the accountability of universities to the minister, and through the minister to parliament, for the expenditure of billions of taxpayer dollars every year. What is not at issue is the reintroduction of the higher education workplace relations requirements. As honourable senators would be aware, AWAs and, therefore, higher education workplace relations requirements cannot be reintroduced at Australian universities because that type of workplace agreement does not now exist in Australian law. I am not a very good lawyer, but subordinate legislation cannot create legal architecture for a law that does not exist.

By way of background, the Commonwealth Grant Scheme Guidelines No. 1 introduced certain conditions for universities to receive increased levels of Commonwealth funding—2.5 per cent in 2005, five per cent in 2006 and 7.5 per cent in 2007. In February of this year the Minister for Education, Ms Gillard, amended the Commonwealth Grant Scheme Guidelines No. 1 to remove the conditions for additional Commonwealth funding. The effect of this motion, if passed by the Senate this afternoon, will be to disallow Ms Gillard's February changes to the regulations and to restore compliance with the national governance protocols as a condition for providing additional funding to Australia's universities.

Ms Gillard's change to regulations to remove the funding conditions has been an

interim measure, as the minister is currently seeking to amend the Higher Education Support Act 2003 to remove altogether the principle of conditionality of funding. I know the debate occurred this morning in the House of Representatives, and I suspect that the debate on the bill will be with us very shortly—perhaps as early as tomorrow.

The opposition believes that the national governance protocols are playing an important role in the management of our universities and should be retained. They were introduced in 2004 following the recommendation of the *Higher education at the cross-roads* review conducted by the then Minister for Education, Science and Training, and now Leader of the Opposition, Dr Nelson. But they also echo recommendations of various reviews of higher education at both the federal level and the state level going back at least 15 years. The purpose of the protocols is to apply some corporate governance—which is, Mr Acting Deputy President Chapman, an issue I know interests you—standards to university governing bodies, which of course administer moneys from the Commonwealth.

The protocols, for example, deal with the size of governing bodies so that they are efficient and manageable, or deem the members of governing bodies to be trustees so that they act in the best interests of the university as opposed to acting as a representative of a specific constituency they otherwise represent. For example, the guidelines refer to:

Protocol 1: the higher education provider must have its objectives and/or functions specified in its enabling legislation.

Protocol 2: the higher education provider's governing body must adopt a statement of its primary responsibilities, which must include:

a) appointing the vice-chancellor as the chief executive officer of the higher education provider—

and so on and so forth. This is a compliance list of best governance practice for Australia's universities. I actually have some experience of this, and I know Senator Carr does as well. Both of us served for a couple of years, I think, on the council of the Australian National University. While I would like to believe that I made some worthwhile contribution, I think it is fair to say that I learnt more from the ANU council than they learnt from me. I was more an enthusiastic amateur than a director of a company. What has happened, and what has been done in consultation with the universities, is the building up of governance protocols to better manage universities.

I might add I thought that Senator Carr's role in the ANU council was distinguished. But, again, I was representing the government and Senator Carr was then representing the opposition—we were representing certain interests outside the university. Part of the aim of the governance protocols is to ensure that it is only people who have the interests of the university at heart that are members of the university's governing body. So people that represent, for example, the government, the opposition or indeed trade unions or big business should no longer be on the council simply by virtue of being members or representatives of a certain interest group. Those days are over.

Removing these protocols as a condition of increased funding would remove the incentive absolutely for universities to strive for and to excel in best practice. It is absolutely imperative that universities, which receive billions of dollars in public funding, manage that money in the most professional way that they can. It is also imperative that the people of Australia, who provide the funding through their taxes, can rest confident that their money is being spent in the most professional way.

Furthermore—and this is important—universities are themselves supportive of these protocols. Let me quote from the University Chancellors Council-Universities Australia joint submission to the review of national governance protocols last year. It says:

The view of the Chancellors and Vice Chancellors is that the existing National Governance Protocols have worked well and that little variation is needed at this stage.

Secondly, it goes on to say:

It is clear, however, that the effect of the Protocols has been positive overall and has prompted improvements in a number of areas, including in some cases the induction and continuing instruction of members of governing bodies. They have also been helpful in clarifying the respective roles of governing bodies and the executive in the governance framework.

Finally, in case this is raised in debate this afternoon, on the question of if the protocols have had any negative impacts on universities, the chancellors and vice-chancellors had this to say:

Not of any significance. They have increased the costs to Universities of compliance. However, to this point, Chancellors and Vice Chancellors have not seen this as a matter of major concern.

So let me make this clear once again: the opposition does not oppose the government's attempt to remove funding conditions as they relate to the industrial relations requirements that I mentioned before. It has clearly happened with the removal of AWAs as a lawful form of workplace agreement. But I understand that the National Tertiary Education Union have engaged in a bit of a scare campaign. I was looking at their press release before and they said:

If this disallowance motion is successful, about \$300m of university funding will once again be made conditional on universities complying with the controversial Higher Education Workplace

Relations Requirements (HEWRRs) and National Governance Protocols.

That is wrong. Dr Carolyn Allport, National President of the National Tertiary Education Union, said today:

While the Coalition is claiming its objective is to maintain the governance protocols, if it is successful in its disallowance motion next Wednesday the effect will be to immediately reinstate both the HEWRRs—

that is, the workplace relations reforms—(effectively WorkChoices for universities) and the National Governance Protocols.

As I mentioned, I am not a good lawyer, but that is plainly wrong. The industrial relations reforms, the AWAs for universities, are impossible now because the legal architecture for their reintroduction does not exist. I think the legal term in relation to this regulation, the reference to industrial relations and the higher education workplace relations reforms, would be otiose—in other words, irrelevant.

Quite simply, old Work Choices AWAs cannot be reintroduced because they no longer exist. Universities cannot offer a type of workplace agreement that does not exist in law. It is as simple as that. I know Mr Smith, the shadow minister, the member for Casey, made this very clear back in March of this year. He has been at pains to make it quite clear to the government and indeed to the higher education community that this has nothing to do with the reintroduction of AWAs at universities. This is all about ensuring that the national governance protocols remain and that those governance protocols are a condition of further revenue for universities.

But this scare campaign about Work Choices and industrial relations is merely a distraction from the fact that the government seeks to remove all accountability mechanisms from university funding. Furthermore

and moreover, this disallowance motion would not be necessary if Ms Gillard, the Minister for Education, had not jumped the gun and decided to change regulations back in February, instead of waiting to amend the act, which is currently for debate in the House of Representatives.

In conclusion, I will not hold up the Senate any further this afternoon but will simply say that the coalition is concerned to ensure that the national governance protocols are reinstated in the regulations. What this will do for Australian universities is ensure that they partake of best practice and that Australians can feel comfortable that there is accountability in the university sector.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (4.34 pm)—Senator Mason has given us an insight into his experiences on the Australian National University Council, and I appreciate his reminiscences. I would have to agree with him that our performances were very different. Nonetheless, Senator Mason, I am disturbed that the coalition are so out of touch and so locked into the past that they choose to proceed with a disallowance of this type and then try to suggest to this chamber that they are not really about reintroducing AWAs; they are only interested in the national governance provisions of the previous government’s regulations with regard to the operations of universities.

The truth is that the regulations that he speaks of lock together the national governance protocols with the higher education workplace relations requirements for publicly funded and private providers with approved national priority places. That is set out in the relevant regulations at 7.15—with regard to the national protocols, for instance—and 7.12, which goes to the industrial relations matters. The industrial relations provisions of the regulations which

were contained within the national governance protocols were an integral part of the coalition's approach to the mismanagement of universities. The simple facts in life were this: when in government the coalition took the view that universities were not to be trusted, they could not be relied upon to manage their own affairs, they should not be treated as autonomous academic institutions and they should be micromanaged by the minister.

In essence, the coalition believed that the intellectual elite of this country were hostile to them and that they were to have their capacity to exercise their responsibilities as persons running our national academic institutions circumscribed by the Big Brother of the Liberal Party education ministry. They took the view that university vice-chancellors could not be trusted because they would end up with a sweetheart deal with the NTU. Senator Mason is a former academic. I do not know what scarred him so badly or what terrified him so badly that his whole psychology has been warped by the experience. It is tragic that this sort of frustration has led to such a distorted view of public policy. We have seen it with many of the others and Senator Abetz is a classic example. His experience as a student politician, a failed student politician, led him to the view that universities were places of sin—

Senator Mason—They are for some.

Senator CARR—Senator Mason, perhaps you could enlarge on that, because there are obviously other aspects of this debate that I have not fully appreciated. What we have here is an attempt by the coalition to try to slide out from their preoccupation with the past, their obsession with a hostility towards universities and academics and their obsession with ensuring that they stick their fingers in wherever they can to try to prevent—

Senator Joyce—It is getting more sordid by the moment.

Senator CARR—Well, he has talked about his evil experiences at universities, and I look forward to him explaining exactly what they were. We have seen a pattern emerge right through the Liberal Party front-bench of being scarred while at university and taking out their frustrations when in government. We are seeing the continuation of that pattern right now.

We understand that the Liberal Party experimented with many things. We understand that they experimented in their youth with various drugs of addiction. We know their gambling addiction is part of it. Of course their greatest drug of addiction has been the AWA. They are obsessed with trying to control working people's lives. They are obsessed with ensuring that the government intervenes in the workplace in such a way as to limit the capacity of reasonable people to enter into negotiations about their working conditions. They are unable to actually show some basic respect for people's capacity to organise their own lives.

What we have seen here is just how out of touch the opposition remain. They are out of touch with working Australians. They are simply locked into the past. They have lost their way and have no way of finding a way forward that gets them past their obsessions. Australians made it perfectly clear on 24 November last year that their choices did not involve Work Choices. The coalition failed to hear that message. They failed to understand that wages and conditions should not be wound back by draconian measures that saw our academic institutions, our universities, treated as wayward children, to be corrected by the know-all's on the other side who had bad experiences when they were young boys.

What we have is a situation where the next generation of Australian workers know that they are entitled to do better than the previous generation. They are entitled to have job security. They are entitled to enjoy better conditions than their parents received. They are entitled to opportunities that allow them to negotiate the future for themselves. This is a message that the Australian people have understood and directed to this parliament, but it is not a message that the coalition benches have heard. They simply do not understand that the Australian people do not want the continuation of Work Choices.

The interim leader of the coalition, Dr Nelson, acknowledges that it was a big mistake to try and reinstate the 19th century law of master and servant in the 21st century. He says he will not repeat the mistake. What is Senator Mason doing in here today?

Senator Mason—I'm talking about university governance.

Senator CARR—You should not believe a word from them when they try to tell you that this proposition is just an administrative matter. 'We are not really interested in returning to Work Choices. We simply want these new protocols where we tell the universities how to manage their affairs, where we say that universities are not entitled to ensure that enterprise negotiations are run on a proper basis.'

I heard Senator Mason. I am sure senators here would find this to be true: they have an obsession with Work Choices. You can hear their moans at night when they dream about Work Choices, because they thought it would be here forever. What people are entitled to know is that this proposition is simply an attempt by the Liberal Party to reintroduce Work Choices by stealth. The government wants to get rid of the higher education workplace relations requirements, which were part and parcel of the national protocols

for higher education. These measures of course were an expression of the Howard government's hostility towards and paranoia about universities and their hostility towards academics, whom they regarded as the intellectual elites of this country. They forced universities to impose Work Choices and AWAs on campuses and to accept the extraordinary notion that they should be treated as if they were some sort of junior high school—that the minister for education in the Commonwealth should act as a traditional director of education used to in state governments. Anyone who dared to defy these edicts was to have their funding threatened. Their funding was to be cut if they did not respond to the extraordinary obsessions of the Liberal Party.

This government's approach is entirely different. We take the view that we ought to trust and we ought to respect universities. We ought to respect the people who are building the skills and who are creating the knowledge for the future of this country. More than that, we take the view that universities are critical to this nation's future. That is why we are making such a massive commitment to higher education in this year's budget. Universities should be subject to the same industrial relations laws as every other institution in the country. But that is not the view of the Liberal Party. Their view is that they should treat them like junior high schools used to be treated in the 1950s.

We say that universities should be free to run their own affairs and respond to the needs of the communities that sustain them. What we want to see is more diversity in higher education, not less. We want to ensure that there is academic freedom and we want to ensure that there is institutional autonomy. We want to ensure that we respect the rights of our researchers to actually get on with their jobs. That is why we are working with the sector to develop the best practice ap-

proach to university governance. That is why we are negotiating mission based funding compacts that recognise each university's unique circumstances while holding all universities accountable for the delivery of agreed outcomes. That is why we are moving to revise the Commonwealth Grant Scheme guidelines and to amend the Higher Education Support Act to get rid of the previous government's punitive higher education industrial relations requirements, which were embedded in the national governance protocols. Universities Australia, the body that represents all the universities in this country, fully supports the government's reforms. It points out that our universities achieve most when they are able to get on with doing their job, when they are able to undertake their proper function as autonomous academic institutions.

Amendments to the legislation will be debated in due course in this chamber. The minister for education wants to repair the guidelines that currently exist and, of course, this disallowable instrument is seeking to obstruct our capacity to do that. The motion that has been brought before the chamber by Senator Mason proposes a flat refusal to accept the judgement made by people of this country last November. It is a case of purely ideological bloody-mindedness. It is symptomatic of an opposition bereft of new ideas and wedded to their old ways. It is very much time that the people opposite me here weaned themselves off Work Choices once and for all. It is time they admitted their addictions to these distorted views, which were in fact a very, very dangerous drug. It is time they understood that they do not fool anyone by trying to pretend that the national governance protocols do not embed the principles of Work Choices.

Senator Mason—Oh, that is a furphy!

Senator CARR—Senator Mason, you do not fool anyone when you are imbibing from a bottle concealed in a brown paper bag. No-one can help you if you do not want to help yourself.

Senator STOTT DESPOJA (South Australia) (4.48 pm)—I rise on behalf of the Democrats to debate the disallowance motion moved by Senator Mason that is before us. The Democrats will not be supporting the disallowance. The amendment to which this disallowance motion actually refers had the practical effect of removing the expectations that the universities would implement the national governance protocols and of course the higher education workplace relations requirements, or HEWRRs as we refer to them, which were brought in, as we have heard, by the previous government. Both the HEWRRs and the protocols clearly attempt to set governance and workplace relations procedures in universities according to the ideology of the previous government. Senator Mason is nodding along.

Senator Mason—I am just smiling.

Senator STOTT DESPOJA—I am not sure if that is because this is hardly surprising coming from me as the higher education spokesperson for the Australian Democrats or whether you are agreeing with the fact that these were ideologically driven policy reforms under the former government. Initially, universities were offered a financial bonus and incentive for complying with those particular processes, and that is one thing. But of course, as we recall, the previous government soon turned the bonus that was offered into a penalty for noncompliance, which had the effect of bringing in a much more paternalistic approach. The HEWRRs are basically Work Choices for universities. So Senator Carr has a point when he talks about this being the last vestiges of Work Choices, which I thought, inci-

dentially, the coalition had decided to get rid of.

Senator Carr—No, they haven't.

Senator STOTT DESPOJA—Well, perhaps we could be forgiven for thinking that the coalition are a little confused as to whether they do or do not agree with or believe in Work Choices anymore. But my understanding from the shadow minister for education is that they are pursuing this motion to retain the protocols. That is what it is about. It is about the protocols, not the HEWRRs. But of course the HEWRRs are caught up in that as well. Clearly the opposition have the numbers to pass this motion. There is no question about the numerical realities in this place, of which we are all aware. The coalition have the numbers to pass this motion. So today we are appealing to members on the crossbenches, such as Senator Fielding and perhaps some within the ranks of the coalition, to very closely consider the impact and the implications of the disallowance motion before us today.

I gather that the coalition will move an amendment during the debate on the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008 to remove reference to the HEWRRs from the legislation but keep the protocols in place. I trust that Senator Mason will explain in further detail if this is not going to be the case. On that basis, quite rightly, Senator Mason has addressed the protocols issues today. I will seek to address the issue in my remarks.

I begin by drawing attention to something which I suggest to Senator Mason—if I may, Mr Acting Deputy President—was somewhat of a misrepresentation. It is one thing to quote institutions and universities who may have benefited from or had positive com-

ments about the protocols process, but the statement that came from Universities Australia, representative of all the universities in this nation, on Tuesday, 13 May—yesterday—says very clearly:

In relation to the National Governance Protocols, which could also be removed by this change to the Higher Education Support Act, it is the view of Universities Australia's Vice Chancellors and Chancellors that members of governing bodies of universities should not be subject to more prescriptive requirements than apply to directors of bodies governed by corporation law.

My understanding is that they are quite happy—or they accept—that the protocols can and will be removed under this government.

Senator Mason—No.

Senator STOTT DESPOJA—I think, Senator Mason, you will have the opportunity to respond, if you have not used all your time.

Senator Mason—I will.

Senator STOTT DESPOJA—I am sure you will. Mr Acting Deputy President, it is like the gang's all here really, isn't it? It is the usual suspects on this issue. I had no idea of the extent of your ANU involvement, Senator Mason, although I do know—

Senator Carr—He's got more to tell us! He's got a lot more to tell us!

Senator STOTT DESPOJA—But some of us are aware of his former role as an academic. I would have thought someone with such a close association with the university sector, particularly in Queensland, would have been at the forefront of the fight for institutional and academic autonomy. Having said that, it is a bit like we are living in an alternative reality at the moment, just looking at the motion and the principles behind it. There is a lot of irony in this place at the moment. With this motion and the legislation to which it refers, we have got the Labor

Party at the forefront, it seems, of arguing for institutional autonomy and reduced red tape and, on the other hand, we have now got the coalition calling for a prescriptive, big government approach.

It is an irony that the previous government was the only one in the OECD to reduce funding for higher education over the period of 1995 to 2004 and yet at the same time felt inclined to dictate terms to the higher education sector, arguably more than any preceding government. The level of interference in institutional and academic autonomy and the amount of ministerial discretion afforded to the minister for higher education under the previous government was unprecedented, quite extraordinary.

I also find it ironic that the previous government campaigned for universities to become more diverse but then instituted generic rules of governance for the entire sector. It is quite something that a political party which frequently claims that government does not know best and should get out of the way as much as possible would support regulations that seem to do the exact opposite.

My party is uncomfortable with an approach that tries to enforce a governance model upon universities and then—and this is even worse—penalises them if they fail to comply. It suggests that universities somehow cannot be trusted to manage their own operations in a way that is beneficial to themselves and the nation. We need to remember that universities, while dependent on public funding—and we have all seen how that has been drastically reduced proportionally over many years—are operating in what I thought the Liberals would find attractive, and that is a so-called competitive market. They have a vested interest, presumably, in self-improvement. They do not have to have it dictated to them.

I acknowledge that some universities have said that the protocols process has in fact improved their system of governance. That is welcome. I make two points following that. Firstly, if the protocols have done their job, why does the opposition insist on their being retained? Why does the opposition feel they need to be retained now if they have had the impact that the opposition desired them to have? Secondly, how can the opposition be so certain that the governance rules laid out in the protocols are so right for each and every university that a financial penalty should be imposed if they are not adopted?

Despite the positive feedback from some universities about the protocols, the sector is broadly opposed to their retention because they subject universities to a very prescriptive formula. I support the principle that universities should be accountable for the public funding they receive, but I believe this could be handled in a much more sensible and better manner than through the blunt instrument that is the national governance protocols.

We should be focused on the outcome we want for our investment of public money, not the process. Presumably that outcome is a successful, well-managed and accountable university institution. How the university achieves that, in the main, is going to be up to them. In fact, prescribing specific governance rules could actually reduce the opportunities for university governance bodies to explore their own innovative and diverse ways of running their organisations.

The government ought to approach this as an investor. I think that, of all the protocols, No. 10(c) offers a useful model in this regard. It stipulates that the university:

... documents a clear corporate and business strategy which reports on and updates annually the entity's long-term objectives and includes an annual business plan containing achievable and measurable performance targets and milestones.

That contains all the government needs to know.

The university could establish a business plan, with targets and milestones, that was agreed to by the Commonwealth. It would then report against those each year and the government would make a determination on future funding agreements on the basis of how well those milestones had been met. So there would be a specific formula—target, goal, whatever it may be—that was designed by the university institution itself. This, or a similar approach, would be focused on the outcome, and that clearly would be university performance. It would not and should not, in my view, be concerned with how the universities go about achieving those goals.

It will be interesting to see how the concept of ‘university compacts’, to be instituted by the Rudd government, will operate and what it actually involves. Will it focus on an approach similar to the one that I have outlined? We do not know the detail at this stage, and many of us look forward to getting some detail of that. I am not sure if the government even knows the detail on the university compacts at this stage. But it is certainly an interesting idea. It could encourage excellence—

Senator Carr—Yes, it will.

Senator Mason interjecting—

Senator STOTT DESPOJA—while allowing universities to achieve it in different ways, which would be a good result. I hear some guffaws on the opposition side. I just want to make it very clear: when it comes to higher education issues, I will judge either side on their merits. I do not give praise to either side lightly on issues of higher education. I do not give it unless they deserve it. I am willing to state on record that the Democrats believe the compacts idea is an interesting one. Of course we would like to see more

detail and of course we would love to hold you to account if that process is not good.

Senator Carr—If you’re here.

Senator STOTT DESPOJA—I am not sure if I will be here personally to do that, Senator Carr, but I will probably be snapping at your heels from somewhere else. The issue of higher education has followed me through the Senate, but it was a passion long before. Nonetheless, I do have an interest in seeing that we have quality higher education, well-funded education and accessible education in this country, and hence the reason for many of my concerns with the previous government. But I was always happy to acknowledge where they did some good things, too—when they did them.

Even if the protocols are to be retained, there is no reason or justification to attach a financial penalty to universities for noncompliance. Universities may very well respond favourably to advice from government on improving governance. It is something which vice-chancellors are currently discussing among themselves, as I understand it. But the national governance protocols have too much of the big stick about them and, for that reason, we do not support this disallowance motion before us today.

I heard the minister refer to some of the budget measures as indicative of a commitment by the new government—the Rudd government—to supporting higher education. I want to put on record that, of course, we support any money that goes into the sector—whether it is for capital works, teaching and research or ‘student amenities’, although I do not know exactly what that will mean in the context of the budget. But when this government wants to be serious about an education revolution, it has to include in the budget and other policy measures a commitment to removing the barriers to participation in education, specifically at the higher

education level—and that clearly means fees and charges—and, of course, it has to invest in student income support. If it does not, its criticism of the former government means nothing.

Student income support was one great lost opportunity in this budget. Through you, Madam Acting Deputy President: I suspect that Minister Carr knows that, because I know that he and I have had many debates about these issues over the years. You cannot have an education revolution without removing barriers. You cannot have an education revolution without investing significantly in the human capital, not just in the capital infrastructure. You cannot have an education revolution when you have interference in institutional and academic autonomy that is unprecedented. The government's intention through the legislation that we will be debating—maybe not tomorrow morning, Senator Mason; I do not know at this rate—over the remaining sitting weeks of this Senate period has worthwhile objectives. We look forward to supporting those objectives.

I am disappointed to see this last-minute attempt to salvage some aspect of the previous government's higher education policy come at us—particularly from Senator Mason, who I thought would know better. Nonetheless, we will not be supporting this disallowance. To hark back to the dark days of institutional interference in higher education is something that I would have thought the former government would want to leave behind. It is embarrassing. It is unnecessary. It is undesirable and it is anti-intellectual. That is something that characterised aspects of that government.

Senator Mason interjecting—

Senator STOTT DESPOJA—
Absolutely! The idea, Senator Mason, that universities, on whom we are relying to be part of this education revolution, need to be

not mollycoddled but punished into improving their governance seems quite extraordinary to me. Nonetheless, the Democrats will not support the motion before us. While we are in this place and we are debating higher education legislation, which is due in the next couple of weeks, we will be attempting to hold this government to account in the same way that we attempted to with the previous government.

Senator NETTLE (New South Wales) (5.03 pm)—The Australian Greens will also not be supporting this disallowance moved by Senator Mason. I have to say that I am actually disappointed to see it. On 24 November, I thought we saw the end of what was, I think, a very black era in terms of this country's history. We have heard a lot from the new Prime Minister about his commitment to education. I have a lot of criticisms about whether or not that is a genuine commitment to education—and public education in particular—but I did hope that we would see no more of the sorts of attacks on universities that we saw from the previous government.

HEWRRs, the higher education workplace relations requirements, were a classic example of that. There were many. We saw, over the range of changes that the former government made to higher education, more meddling in the activities of universities and schools as well—you cannot get your money unless you have a flagpole. There was a quite extraordinary level of intervention going on by government education ministers who wanted to say exactly what happened in our educational institutions. The now Leader of the Opposition had a particular criticism about a cappuccino course at a particular higher education provider. Whether that related to his own culinary tastes or what he thought should go on in higher education, he wanted to have a say in it. The level of intervention that the former government sought to

have in the higher education sector was quite extraordinary. I had really hoped that those dark days had passed.

That is why it is so disappointing that we are in here having to have this debate about reintroducing that kind of interference into the operations of higher education institutions and universities in this country. The disallowance motion that we are dealing with today deals with the two aspects: the higher education requirements and the governance issues. I just want to make a few comments in relation to the higher education requirements. The argument that we heard from Senator Mason was, 'This will not reintroduce HEWRRs because AWAs are no longer in the system.' HEWRRs, the higher education workplace relations requirements, were not just about AWAs. That was the first and primary point on which many of us focused because of the concerns we have around removing the ability of employees to work and collectively bargain together to get the best conditions in their workplace.

But the higher education workplace relations requirements also went to other issues in terms of the role of the unions in the negotiating and bargaining process in a university environment. Personally, and on behalf of the Australian Greens, I think there is a really important role that the unions can and do play in the negotiation of wages and conditions for staff in universities. I think it is a fundamentally important role and it should be recognised by the government. That was one of the things that the HEWRRs did. They not only talked about bringing AWAs and Work Choices into the university system but also sought to diminish the role of trade unions in the workplace.

I remember the University of New England, in Armidale, in my home state, where, as a result of these requirements, the union had to operate out of a campervan in the car

park. They had been kicked out of their office space at the university because it was trying to meet the HEWRR requirements. The union can play a very important role on behalf of academic and general staff in relation to not just wages and conditions but also grievance procedures. There are a whole raft of different measures that are important workplace standards where the union can play an important role. The argument that this is not about reintroducing HEWRRs and Work Choices into universities because AWAs do not exist is spurious, because HEWRRs are broader than just AWAs. You might have your argument about whether or not you are a good lawyer and what is going on with AWAs, but the higher education workplace requirements were far broader than simply dealing with the issue of AWAs. They sought to remove many of the things that academic and general staff were able to do, and those things are fundamental and important rights for employees in any workplace.

We are talking about universities in particular here and what they need in order to improve their workplace conditions, salaries and wages, as well as a whole range of other areas, including, as I said, grievance procedures and standards. Another part of the workplace requirements went to the issue of pattern bargaining. Let us take as an example a university academic who wants to transfer to another institution. Significant differences exist among universities in terms of the kind of remuneration academics receive. I do not think there is a problem with having some standards in academic pay levels. This makes sense not just within an institution but across the board because it allows for cross-fertilisation of academics from a range of different higher education institutions. Benefits can come from these people participating across the higher education sector, but this was one of the aspects that HEWRRs sought

to remove. There are benefits for the staff and the universities from having standards in the pay scale. There will always be some arrangements with individual academics that will be different. This is the whole debate about AWAs and how that occurs, but there are actually some benefits that come from having standards across the board.

I think it is disingenuous for Senator Mason to say that we are not going to put Work Choices back into unis, because this is not just about AWAs. So much more in the higher education workplace relations requirements was about diminishing the role of academic and general staff and about diminishing their say in their working environment. What is so important about their working environment is that it is a university, and we are talking about quality education. This is the other issue that I want to go into generally. I have many problems with governance issues, and I will go into some of those as well. The governance protocols and, indeed, the HEWRRs, were not designed to improve the quality of education in institutions, but I think that should be fundamentally important. Yes, they dealt with other aspects, and some of those aspects are important, but at the centre of how we reform these institutions should be improving the quality of education in that institution and how that institution is able to engage with the students who attend it, the academics who do research in it and others who work in it. The governance protocols—

Senator Mason—What about fiscal accountability?

Senator NETTLE—That is what I am saying. It is not the only thing, but I think it needs to be central to the way in which it operates. I did not see that in relation to many of the former government's changes but just in the two that we are talking about

today—the higher education requirements and governance.

Senator Mason, you said at the beginning of your remarks today that the governance protocols had been developed in consultation with the higher education sector. I do not think that is a genuine representation. You may have a slightly different perspective on what the higher education sector incorporates and therefore that consultation. I remember reading many submissions. I remember going to universities. I visited almost every university in this country and talked with people there about the higher education review—the Nelson review as it was called—and the implications of that for universities. There were submissions; there were Senate inquiries. Many of the issues which those Senate inquiries dealt with, particularly in relation to governance, were about the role of academics, staff and students on university councils. For me, this is what is important about a university council. Arguments can be made, and you have started to make some of them already, such as: you are on the ANU board and are representing the government, Senator Carr is representing the opposition, the unions are representing themselves and businesses are representing themselves.

That is an argument that can be made and we can debate the detail of that, but that is an argument, as you defined it, about interest groups. That is an entirely different argument from that of the role of academic staff, general staff and students on a university council. A university exists because of the staff and the students at that institution. It is fundamentally important that they are able to be involved in the governing body—the council that makes decisions about how that organisation operates. You can make your argument about government, opposition, unions and business, but I separate that entirely from the argument about the absolutely important role

that academic and general staff and students have to play on university councils.

Part of the impact on institutions from the one-size-fits-all approach of these governance protocols was to diminish the number of representatives from the student body and the staff body, whether they were academic or general. Whatever arguments you might have about financial governance or fiscal responsibility, having representation of students and staff on university councils is important, and it must be ensured. I was not aware that it was part of UNESCO's recommendations concerning the status of higher education teaching personnel where they talk about the right of university staff and students to be actively engaged in and critique the functioning, management and governance of higher education institutions, including their own. I see it as fundamental. I was not aware that that was the level at which it had been adopted by the 1997 general conference of UNESCO. I think that is fundamentally important to how the governance of universities needs to operate.

The Greens' criticism around the national protocols of governance is that they are part of a corporatisation of universities. There are various different financial arguments for that, but I do not see the corporatisation of a university as being about improving necessarily the quality of the education that is provided at that university. There are all sorts of arguments about that—they are a big entity; the way in which they operate; the management of them—but I think central to their operations needs to be the quality of the education. I do not think it is just about governance. We have seen a range of other changes. Calling somebody the CEO is bringing a different approach to the way in which that university operates.

If we are interested in the quality of education, if that is the driving motivation, then

that is about ensuring that there is adequate funding, research facilities, support, access, and support for students in order to have that institution able to thrive and really provide quality education and to ensure that students are not working so many hours a week that they are not able to get the benefits of a quality education. They are the sorts of things that we need to ensure are there, rather than changing the name of the vice-chancellor to CEO. If we are interested in higher education as the fundamentally important premise behind improving the quality of the education reform that is made in the sector, that needs to drive it, and much of the change that we saw elsewhere was not about driving that. It was a privatisation, a corporatisation. Indeed, we see that of course with the funding, and others have made comment about the reduction in funding that happened under the Howard government. Really it just removes your ability to produce quality education, but I think some of these structures are similarly not designed to improve the quality of the education.

So, for a whole range of those reasons—whether it be about the right of employers and their workplaces to come together and the union to play a role there that is fundamentally important, in order to ensure that we are about improving the quality of university institutions and the education that occurs there and ensuring that staff and students have a voice—I really hoped we could see the end of not just the higher education workplace requirements but the government's protocols in their current format. That is because I see them as about diminishing all of those things: the voice of students; the voice of staff; the rights of academic and general staff about negotiating their wages and conditions; and the corporatisation of our universities, rather than the flourishing of quality higher education in this country. I thought we had seen the end of those dark

days. I am really disappointed to have to be here representing the Greens to say we are going to have to vote against these changes we thought we had already gotten rid of, but we will vote against them again today.

Senator MASON (Queensland) (5.17 pm)—I thank Senator Carr, Senator Stott Despoja and Senator Nettle for their contributions to the debate. For the first time in eight years, I was nearly rendered speechless but, believe me, I have recovered my composure and I am back. In terms of history—it just want to touch on this—it was the coalition governments post World War II that created the great Australian university system. Whatever Senator Carr might think about the Liberal Party, the National Party, the coalition and universities, I do not think he could call Sir Robert Menzies or Sir Paul Hasluck anti-intellectual and anti-university. They actually established Australia's great university system. I just thought I would mention that for the record.

I pick up the point made by Senator Carr, touched on by Senator Nettle and also by Senator Stott Despoja, about Work Choices. This debate has nothing to do with the reintroduction of Australian workplace agreements in Australian universities. That is a legal impossibility. You cannot introduce by a regulation the architecture for the reintroduction of agreements that cannot be offered under Australian law. The capacity to offer AWAs in Australian law no longer exists. So let us just cut out the furphy, the misrepresentation, that this is some sort of backdoor mechanism to reintroduce AWAs into the Australian university system.

Secondly, in relation to Senator Nettle's points about unions and so forth being involved potentially in the governing bodies of universities, I understand her point, but the protocols specifically address this point. The protocols deem the members of governing

bodies of universities to be trustees so that they act in the best interests of the university, as opposed to as a representative of a specific constituency they might otherwise represent. Again, the ANU Council is a good example, where I represented the government and Senator Carr the opposition. Whether it is big business, trade unions or whatever, what the protocols demand is that everyone acts as a trustee of the university and acts in the best interests of the university and not as a representative of some other specific constituency.

Whether it be politicians or parliament in the short term, whether it be trade unions or indeed big business, that is not the point. This is all about the accountability of the expenditure of public money, billions of dollars a year, by Australian universities. That is why these national governance protocols were introduced. That is why the Australian university system helped draft them. That is why they found them useful, and that is why most of them have been complied with. This is all an absolute furphy. This is a backdoor mechanism for the trade union movement to become part of university governance bodies. I have not heard the university vice-chancellors get up in some chorus and say, 'We welcome that.' They do not welcome that at all, and neither does the Australian public. These national governance protocols are all about the accountability to the minister, to the Australian parliament and to the Australian people for the expenditure by Australian universities of billions of taxpayer dollars per year. It is that simple.

I look forward over the next few days to whenever the debate comes up about the substantive bill, because I will be making these points again, perhaps even more earnestly. But I am a bit disappointed with Senator Carr trying to roll the issue of Work Choices in with national governance protocols, in either a misunderstanding of or an

incapacity to understand the distinction between the two issues. It is a great disappointment, and I am delighted on behalf of the opposition to be able to move this disallowance motion.

Question put:

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

The Senate divided. [5.25 pm]

(The Acting Deputy President—Senator A McEwen)

Ayes.....	34
Noes.....	<u>33</u>
Majority.....	<u>1</u>

AYES

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Birmingham, S.	Boswell, R.L.D.
Boyce, S.	Brandis, G.H.
Bushby, D.C.	Chapman, H.G.P.
Colbeck, R.	Coonan, H.L.
Cormann, M.H.P.	Eggleston, A.
Ellison, C.M.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Humphries, G.	Johnston, D.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, J.A.L.
Mason, B.J.	McGauran, J.J.J.
Parry, S. *	Patterson, K.C.
Payne, M.A.	Ronaldson, M.
Scullion, N.G.	Troeth, J.M.
Trood, R.B.	Watson, J.O.W.

NOES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G.
Carr, K.J.	Collins, J.
Conroy, S.M.	Crossin, P.M.
Fielding, S.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
McEwen, A.	McLucas, J.E.
Milne, C.	Moore, C.
Murray, A.J.M.	Nettle, K.
O'Brien, K.W.K. *	Polley, H.

Sherry, N.J.	Siewert, R.
Stephens, U.	Sterle, G.
Stott Despoja, N.	Webber, R.
Wong, P.	

PAIRS

Ferguson, A.B.	Marshall, G.
Macdonald, I.	Faulkner, J.P.
Minchin, N.H.	Evans, C.V.
Nash, F.	Wortley, D.

* denotes teller

Question agreed to.

ROAD USER CHARGE DETERMINATION 2008 (No. 1)

Motion for Disallowance

Senator SCULLION (Northern Territory—Leader of the Nationals in the Senate) (5.29 pm)—I move:

That the Road User Charge Determination 2008 (No. 1), made under the Fuel Tax Act 2006, be disallowed.

This government made a lot of noise during the election campaign about reducing the costs for working families—just as we have heard them say over the last few days. I think it is appropriate that Australia has focused on a couple of Labor's promises and a couple of the assertions that they made throughout the election campaign and before the budget, particularly the assertion that they are all about reducing pressure on Australian families. When I came to this place a little while ago and we debated the Interstate Road Transport Charge Amendment Bill 2008, it was very disturbing to find that that legislation in fact does absolutely the opposite thing. It is very unfortunate for Australians that the Labor Party's actions have certainly not matched their rhetoric.

One of the very earliest actions of this government was to overhaul the registration charges that apply to the trucking industry by introducing the Interstate Road Transport Charge Amendment Bill 2008. My colleagues and I have some concerns over the

changes imposed by the legislation. We are specifically concerned about the significant increases in the registration charges for heavy transport. These increases fall heavily on productive multicombo vehicles—B-doubles and B-triples. People who live in the northern parts of Australia or those areas where much of the road transport takes place would recognise that these are a part of everyday life, because they are the most efficient way to transport goods around Australia. I will just give an example of the outrageous nature of these registration charges. The B-doubles are going to increase from a bit over \$8,000 to \$14,340—no small amount. That of course includes a multicombo prime mover charge of \$7,050. B-triple charges will skyrocket to over \$20,340—and, again, that is with the \$7,050 multicombo prime mover charge. This is a government who committed to increasing productivity, so it absolutely beggars belief that it would then come into this place and target and penalise the most productive end of the transport industry.

Additionally, this government is applying a formula that mysteriously links increases in registration charges not to CPI but to the cost of improving and maintaining roads. With any other cost, we would simply say, 'We need to index this to CPI,' because that is the normal and reasonable thing to do, but these increases in charges are being indexed to the cost of repairing and maintaining roads. And, as you would know, Madam Acting Deputy President, the cost of repairing roads is in fact linked to the cost of oil. Bitumen is the primary ingredient and that is of course linked very closely to the cost of oil—which has also skyrocketed. It is almost a double jeopardy situation for those people who are relying on the transport industry to deliver goods and those people who are part of that transport industry itself.

But the increase in the registration charges is not what I am actually challenging in this disallowance motion today. In addition to increasing the vehicle registration charges, the government has increased excise tax on diesel fuel from 19.633c per litre to 21c per litre, and it has linked further tax increases to the same formula used for vehicle registration charges. In other words, indexation of the fuel excise is back. That concerns me a bit. It seems to me that those on the other side have tried to sneak this through. I thought they were the ones who were saying that they would ensure that fuel prices would go down—yet the first thing they do when they come into this place is introduce a piece of legislation to put the price of fuel up. There is no mystery to that. That is exactly what this legislation seeks to do. It seeks to put the price of fuel up.

The Prime Minister, Mr Rudd, has said: 'I will get fuel prices down. In the budget, I will make sure that fuel prices go down.' And here we have a piece of legislation before us that says: 'Senate, we want you to pass this legislation so that we can put fuel prices up.' It absolutely beggars belief! The original indexation of fuel excise was introduced by the Keating government and was then abolished by the Howard government in 2001—a seven-year absence. It is now back and it is pegged to a formula that will lock in a tax grab even bigger than the CPI. It is linked to these very esoteric issues about the price of oil and that sort of stuff that actually links this to the cost of roads.

The government could have introduced this tax increase in a number of ways, but they have chosen to do it almost on the sly by introducing, on 13 March 2008, a regulation under the Fuel Tax Act 2006. One would normally expect those opposite to have some sort of a major fanfare. There would normally be trumpets and often small children are involved. There would normally be a lot

of cameras and the press are normally encouraged to attend. There would also normally be plenty of media statements about ‘this wonderful piece of legislation we are rolling out’. We are starting to get used to the spin of government. Instead, almost like a bunch of Senate ninjas, they have decided to creep into this place hoping it will somehow slip under the radar. But I am happy to say that those on this side are alive and awake, and we are very much onto the Labor Party in this matter. If Labor thought that they could sneak this past us, they have another think coming.

This is a highly significant decision by the Rudd government. One of its first acts of office is to try to sneak in a new tax that will increase at a greater rate than the cost of living. Of course, as we often have to do in this place, we have to ask ourselves: who will pay for it? Initially, the sector responsible for moving 75 per cent of Australia’s domestic freight—those who drive the nation’s 365,000 trucks, many of whom are struggling small business operators—will be the ones who will pay for it. The government claims to be concerned about working families and claims to be concerned about small business. Well, truckies have families too. Trucks and the people who operate them are the essence of a small business. Would it have been too much for the government to agree that Australia’s truck drivers have concerns that are every bit as legitimate as those of other small businesses?

I have come across truckies across Australia who are struggling with rising costs. There is one trucking company I know of that uses over a million litres of diesel a month. The extra cost on this million litres of diesel is nearly \$14,000. That is \$150,000 a year at a time when they are already stretched. That kind of money could go a long way, and anyone in small business would recognise that huge impost that in

many cases will send people under. The owner of this trucking company has estimated that the total cost of the diesel hike and the registration charges increase will be in the neighbourhood of \$1 million annually. We are not talking budgets here; we are talking about, effectively, a small business. I do not know what sort of small businesses could possibly cop along the side of the head a sudden million dollar bill out of left field and survive. The margins of those trucking companies and organisations that I have had a bit to do with are getting slimmer and slimmer every day, and, as I said, it is going to take very little to tip them over the edge. I think this is a bit of a bulldozer. It will not take anywhere near as much as this to do that. This particular individual employs 250 people—250 families. Indeed, many have already been forced to leave the industry or have already gone broke through other issues.

Unfortunately, the plight of the truckies does not seem to be of any interest to the Labor Party, or to the Transport Workers Union, which has been conspicuous in its silence on an issue that will impact on truckies across Australia. I wonder if there are any Labor senators in the chamber who are members of the TWU. If so, I would invite them to join us and stand up to protect Australian truck drivers.

Senator Boswell—Conroy.

Senator SCULLION—I know, and I note that Senator Conroy has stuck his claw in the air. I am glad that you have confessed to that, Senator. In fact, I understand you were once an industrial officer—perhaps not a truck driver; we have Sterlie for that. But that is terrific stuff, and I am sure that you worked very hard in that post. And I am sure that many of the people you once worked for would appreciate you putting your shoulder to the wheel once again, Senator. As a former

TWU operative, I want to know if you are going to be standing up for transport workers by defying the Prime Minister and opposing this tax hike on diesel. And, if you do, I will welcome your support, because it will be the first time that you have shown me and the rest of Australia that you are fair dinkum.

The ACTING DEPUTY PRESIDENT (Senator McEwen)—Through the chair, Senator Scullion.

Senator SCULLION—If you do not, well, so much for defending working families. The costs associated with this tax hike are not going to stop here; Australians will also pay. The increased costs will be passed on to the consumer. You cannot expect the trucking companies to bear the weight of this on their own. How will those costs be passed on? Every time you buy a loaf of bread, every time you buy a litre of milk, every time you buy a box of cornflakes, every time you buy something that is shipped by a truck, you will feel the impact of this tax grab. I cannot believe that the Rudd government would increase a tax when so many Australians are hurting. Every time I listen to Kevin Rudd, the Prime Minister, he is talking to me about driving down the cost of groceries. Here we have before us a piece of legislation that quite patently works in the opposite direction—that is putting prices up. Has he managed to deal with economics 101, because that excise actually pushes up inflation? This is an inflationary piece of legislation. It just beggars belief that at this time after a budget and after all the chest beating about dealing with inflation, here we are dealing with an inflationary piece of legislation.

Do senators remember the Prime Minister's promises about putting down grocery prices and putting down the prices of diesel and petrol? Raising diesel taxes is going to put upward pressure on inflation. I am not

really sure exactly where the Prime Minister is on this but perhaps someone should give him a quick ring and remind him of what is happening in the Senate today.

Worse still, truck drivers and consumers across Australia will be hit with higher costs and no guarantee that the tax rise will mean a single metre of asphalt on Australian roads. There is a thing called a hypothecated tax. I had to rush over to Senator Colbeck a little while ago to bring that word to mind. It is effectively a tax that is taken off people and is hypothecated directly to something. But there is no guarantee of that in this matter. The money is going to go straight to state Labor governments and, given their very poor track record in project managing just about anything, there is no way they are actually going to improve transport infrastructure with the extra money. So here we have again Robin Rudd stealing from Australians and giving to the states and territories. We are seeing it time and time again. They have only been here six months. He is certainly the busiest robber we have had here for a while.

The fuel tax pay-off to the Labor states and territories will rise, and this is a very important number; this is just startling. The fuel tax pay-off will rise from \$1.146 billion in 2007-08 to \$1.226 billion in 2010-11—an increase of \$80 million. So we steal from the truckies and we give it to our Labor mates. I do not understand what that is about. Every single Australian, when they hear this, should be deeply ashamed of being involved in anything that takes from truck drivers and gives to state and territory governments. All in all, increasing diesel excise will hurt struggling Australian truckies. It is going to put the pinch on Australian families when they go to the shops and it is going to put upward pressure on inflation. It will do all of these things without providing any guarantees that Australia's highways will see a sin-

gle cent of this. For all of these reasons, I ask the chamber to support me in disallowing this regulation.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (5.43 pm)—Because there are a number of issues on an important bill that we need to try and facilitate this evening, I have shown my speech to the shadow spokesman and to the whip and I seek to incorporate my remarks.

Leave granted.

The speech read as follows—

I rise to oppose the disallowance of the Road User Charge Determination 2008 (No.1) made under the Fuel Tax Act 2006.

The Coalition's motion to disallow this instrument and its previous decision to block amendments to heavy vehicles charges under the Federal Interstate Registration Scheme in this place will:

- threaten safety on our roads;
- fragment heavy vehicle registration charges around the country;
- and set back the case of progressive economic reform.

In opposing the increase of the Road User charge for heavy vehicles from 19.633 to 21 cents per litre, the Coalition has put at risk reforms which would see increased productivity for the trucking industry flow on to the Australian economy.

State Governments and the public are reluctant to wear the increased cost of road damage and infrastructure strengthening attributable to heavier and larger trucks transporting freight on our roads.

This is why successive governments and a number of key heavy vehicle industry groups, including the Australian Trucking Association, support the principle that heavy vehicles must pay their way.

This reform commenced in 2004 when the former Prime Minister released a Government White paper which committed the Commonwealth to reform of fuel excise and registration charges.

The 2006 Productivity Commission study into Road and Rail Infrastructure Pricing found under-

recovery of infrastructure costs occurs in the heavy vehicle industry.

In April 2007 COAG required the Australian Transport Commission to devise a new charges determination for implementation on 1 July 2008 that:

- fully recovers infrastructure costs from the heavy vehicle industry,
- ends cross-subsidisation between heavy vehicle classes
- indexes charges to ensure costs continued to be recovered.

The National Transport Commission conducted a rigorous analysis of road expenditure and proposed a Determination which fully recovered infrastructure costs from the industry.

This was achieved through amendments to the Road User Charge recovered through Fuel Excise and amendments to Commonwealth, state territory registration charges.

That Determination was unanimously adopted by Australian Transport Ministers on 29 February 2008.

The registration charges would have decreased charges for smaller heavy vehicles, had smaller increases for other heavy vehicles, and larger increase for very large heavy vehicles, such as B Doubles which had been previously cross-subsidised.

The Government decided to complement the package with a \$70 million safety and productivity package.

The package would fund trials of technologies that electronically monitor a truck driver's work hours and vehicle speed, construct more heavy-vehicle rest stops, and strengthen bridges.

That package will now be delayed as its implementation is inexorably linked to the implementation of this determination and the registration changes. Safety and productivity measure will now be delayed.

Operators of small heavy vehicles will now not get the registration reductions as proposed by the bill. They will continue to cross-subsidise B Doubles, who by independent costing currently don't pay their fair share of infrastructure costs.

The Opposition has muddied the water of this debate by claiming Road User Charge represents a reintroduction of fuel excise tax indexation.

Nothing could be further from the truth.

The Fuel excise that motorists pay is currently and remains at 38.143 cents a litre.

However heavy vehicle operators, including operators of B doubles get a rebate so they only pay 19.633 cents per litre.

Heavy vehicle operators pays a lower rate of fuel excise than the drivers of motor car.

Amending the Road User Charge to 21 cents per litre simply delivers cost recovery.

The Road User Charge is part of the heavy vehicle cost recovery mechanism and the Opposition knows this.

In fact, the Opposition put in place the Road User Charge system.

This Opposition motion, if successful, would prevent cost recovery from the vehicles that do the most damage to our roads.

It perpetuates current unfair cross subsidies and provides a disincentive to the sorts of productivity improvements the economy needs to contain inflation.

The opposition is directionless and has lost its way. I urge members to vote against the disallowance.

Senator BOSWELL (Queensland) (5.44 pm)—It is most extraordinary that a former union representative of the Transport Workers Union does not take this opportunity to get up and defend his government.

Senator O'Brien—He has.

Senator BOSWELL—He put his speech down and used the excuse that we are running out of time. With due respect, that is a bit of a coward's way of avoiding getting up and speaking. If you want an extension of time, I am sure this side of the politics will give it to you.

Senator O'Brien—Madam Acting Deputy President, I rise on a point of order. I believe that the senator has reflected on the

minister with that comment, and I ask you to ask him to withdraw it.

Senator Johnston—Madam Acting Deputy President, it was not a reflection on the minister; it was a general description of conduct.

The ACTING DEPUTY PRESIDENT (**Senator Anne McEwen**)—Senator Boswell, your comments are verging on being unparliamentary. I suggest you mind your language in this debate.

Senator BOSWELL—I do not want to be unparliamentary, Madam Acting Deputy President. If Senator Conroy has taken offence then I withdraw it, but it is extraordinary that a former representative of the TWU would not be prepared to put his position openly in the Senate. Nevertheless, let us go forward. I am certainly going to support my colleague on this motion to disallow the road user charges because they are totally unfair. This instrument brings back fuel excise indexation. The day after the Rudd government's first budget the coalition opposition has to act to stop fuel excise indexation. This is the day after we heard that this budget has got to be an attack on inflation. Well, the people who are attacking inflation are on this side of the parliament. One of the great achievements of the coalition government was to bring to a stop the rise and rise of fuel excise and fuel prices, because of their impact on working families and inflation. Yet Labor are now bringing those back, so we have to ask: where are the great economic conservatives and inflation fighters of last night? They have gone down at the first hurdle. They have swapped sides in this chamber. It is the coalition opposition who are acting with prudent concern for working families and the economy by moving to disallow this instrument, not Labor.

The indexation of fuel excise was introduced by the Keating government. The Rudd

government is bringing it back for the road transport industry, but the Rudd version uses a formula that will lock in a greater tax take than there was under the old CPI method. In February the Australian Transport Council agreed to a revised set of charges that will apply to Commonwealth registered heavy vehicles. These charges will be used as reference fees by the states and territories on their own heavy vehicles. In other words, this debate is about what costs are imposed upon Australia's road freight industry. The costs have a direct effect not only on many small business truck operators and their productivity but also on the final price paid by consumers for the goods being transported—in particular, food. In addition, there are environmental concerns. It is important to get the policy settings right to provide incentives for lower emission vehicles, and Labor fail again on that issue.

The two key elements of the charge structure that apply to the road freight sector are registration fees and the diesel fuel excise system, which is known as the road user charge system. The heavy vehicle registration charges contain significant increases to be implemented over three years from July 2008. Hopefully, the Senate will offer enough support to stop this situation. The key feature is the way in which the government will determine these charges by applying an annual road cost adjustment formula. This formula will be a particularly expensive formula for Australia's road freight industry due to the rising cost of materials associated with road construction and maintenance. This means that registration costs are going to go up at a higher rate than the CPI. Close to 70 per cent of Australia's truckies, and all of those at the heavier end of the industry, are going to be paying more tax. This means that there will be a rise in costs associated with road expenditure that will eventually flow through to consumers. Productivity is

affected because the costs agreed to by the Australian Transport Council fall heavily on highly productive multicombo vehicles such as B-doubles and B-triples. For example, the registration charge for a B-double will increase from \$8,041 to \$14,340, including the prime mover charge of \$7,050. The B-triple charge will skyrocket to \$20,340, including the prime mover charge of \$7,050.

One of the first actions of the government when it came into power in parliament was not the taking of a lot of initiatives for rural and regional Australia but the imposition of this very substantial increase in charges on the most efficient sector of the road freight industry. The government's fee structure will reduce the incentive for operators to use highly productive vehicles. Operators will be inclined to stick with semitrailers, which are less efficient. You have got to take into consideration the concerns about greenhouse gases and climate change. The government has agreed to a change in the charge arrangements that will actually encourage more greenhouse gas emitting vehicles to be on the road.

At its February meeting the Australian Transport Council decided to increase the road user charge, or diesel excise, from 19.633c per litre to 21c per litre. This occurs by reducing the amount of rebate going to on-road diesel users. Most importantly, this fuel excise increase will be indexed using the same formula that is used for heavy vehicle registration charges. Seventy-five per cent of Australia's domestic freight is moved on our roads by truck, but the Rudd Labor government has just raised transport charges on many of the country's 365,000 trucks that are operated by small businesses. Those businesses will be the first to suffer by being slammed with increased charges. But it will not stop there. The charges will be passed on through higher consumer costs for everyday items that people need to buy—food, grocer-

ies, medicines and clothing—and for building, water tanks and all kinds of products.

The government have espoused that they want cheaper groceries and have promised the Australian electorate that they would have cheaper groceries, but this will have the opposite effect. This is inflationary and this is pushing the cost of groceries up. It does not matter how many commissions or committees you hold, what advice you give to the ACCC or whether you have a grocery ombudsman, it will not make the slightest bit of difference—you have implemented a policy which is going to increase the price of groceries and the price of fuel.

We have a government here saying, 'We're going to do something about rising prices,' and then they slug a new tax that raises the cost of getting groceries to the markets and to the consumers. Labor state and territory governments' revenue will rise substantially as a result of the increased fuel tax and registration charges with the annual revenue stream to Labor governments growing by \$168 million. The fuel tax taped to Labor states and territories will rise from \$1.146 billion in 2007-08 to \$1.226 billion in 2010—an increase of \$80 million. The increase in heavy vehicle registration charges will push up the tax take for Labor state and territory governments from \$638 million to \$727 million in the same period—an increase of \$88 million.

Once again, the Labor federal government is acting as a bagman for the state Labor governments. The state governments spend and spend, borrow and spend, mismanage their health, education, roads and water. 'But don't worry fellas, we're coming to the rescue. The federal Labor government will help you raise revenue and fill your coffers.' The government have even put billions of dollars of taxpayers' money towards delivering infrastructure projects which the state govern-

ments have failed to provide. COAG—the council of Australia's state and federal Labor governments—will sit down and divide the booty amongst themselves. The biggest winners from last night's budget are the state Labor governments. The new COAG Reform Fund is especially designed to channel funding to the states. Labor have dealt themselves billions of dollars to keep themselves in power for as long as the federal taxpayers' moneys last. Talk about political market power. We certainly saw it here last night.

The worst flaw in the Rudd government's road user charge scheme is that the money collected from the registration or the fuel excise does not have to be spent on better roads, road maintenance or transport infrastructure for heavy trucks. It just goes into a fund that is then transferred to the state Labor governments. There is no guarantee that any of this money will be spent on roads. Who suffers the most from these increases? It is the people that are the farthest from the marketplace: regional and rural Australians. They are the ones who are bearing the brunt of Labor's increased charges and decreased commitments to rural and regional Australia.

We are a big country. We cover a huge geographical area. The government have a responsibility for those hardworking Australians who live thousands and thousands of miles from here. We want them to live a decent life with access to basic goods at a fair price. It is no wonder we want, and we will move, a disallowance motion. If ever there was a piece of legislation that deserved to be disallowed, this is it. This Senate would be totally irresponsible if it did not move a disallowance motion to this piece of legislation that is going to penalise rural and regional Australians more than any other Australian. Everyone will go in the net, but the ones that live furthest from the market will be affected the greatest. This regulation fails that responsibility and should be disallowed. I will have

great pleasure in supporting the disallowance motion moved by my colleague.

Senator McGAURAN (Victoria) (5.57 pm)—I am inspired by the previous speakers. I too want to express why I would also vote for this disallowance motion. We will be disallowing it, just as we disallowed the legislation. Senator Boswell summed it up in just one sentence before he sat down: ‘If ever there was a piece of legislation to date of this six-month-old government that ought to be rejected and disallowed, it is this,’ because this legislation and the regulation accompanying it, as the previous speakers have said, was introduced in February. Just picture that: three months in government, their first sitting of parliament and the Labor government have reverted to kind. We should have seen the signals then—in fact, we did because we rejected the legislation—when, in the first session of parliament after being elected, the Labor government lifted the taxes. They went straight to the pockets of the most vulnerable. This was the time they were raging at their highest, at their peak against the previous government’s so-called expenditure and the inflationary pressures. This was the time that they were wringing their hands for the working family, the working Australian, the ordinary Australian. It was in February that they tried to bring in these increased taxes. This was the time that they were wringing their hands with regard to the increased interest rates. Three months in, the first session back, they introduced a new tax upon the truck drivers of Australia: people whom two senators across there—perhaps even the third one—all once represented. They introduced a new tax.

Since the government handed down the budget yesterday, we know it is very much to their liking. It is old Labor all over again. They have not only increased the taxes on diesel but, I stress, they have also indexed them. In yesterday’s budget they increased

the taxes on alcohol, energy, computers, software, fringe benefits, so-called luxury cars, passports, visa applications and the costs of private health. Labor, reverting to kind, have been a high-taxing government in their first six months. But the extraordinary thing is that, within their first two months, they decided to slug truck drivers and the trucking industry of Australia and index the taxes. To what advantage? As the previous speakers have pointed out quite clearly, the initial costs will be absorbed by the 360,000 trucks on our roads that transport some 75 per cent of Australian products. But, of course, there will be a knock-on effect for consumers. What was the point of the Labor Party establishing a grocery inquiry, when all the time they could not restrain the knock-on effect that will increase grocery prices and have an inflationary effect and even have an effect on interest rates? Within their first few months of government they have implemented an inflationary policy against the very people they claim to represent. Do they think the independent truck drivers are rich? Are they above the threshold?

This is really saying something, but, even after reading the devil in the detail in yesterday’s budget, I believe this is probably the worst piece of legislation this government have yet put forward, because in every single way it betrays their public spin. The government gloss things over. It is not for nothing that we call them spin merchants, fakes, hypocrites and phoneys; we have got the evidence right here in this legislation. Within two months of taking government they have not only increased taxes but also increased the most inflationary taxes upon the very people over whom they wring their hands. The knock-on effect, we know, is going to go right to the supermarket shelf. How could it not? We have 365,000 trucks on the road, driven by independent truck drivers and small business people, which cart 75 per cent

of the produce. Of course, this affects the rural sector as much as anyone else. It affects not just the working family and the small business person, the truck driver; it affects the rural sector too—the regional areas that depend so much on the truck drivers who deliver the groceries.

What is the point and the effect of this? The federal government caved in to their state colleagues. That is their idea of ending the blame game. The end point of the blame game is that none of them will blame each other for increasing taxes. There is no assurance of, and no guarantee about, the revenue, which in the first year was \$80 million but is now indexed. Probably not a cent of it will go to state roads. That is the state governments' form; we know that. There is no assurance that this new tax and the indexation of diesel will go towards state roads. You can pretty much be assured that it will not, given the state governments' form.

The bottom line of the government was not so much yesterday, when we saw, with their increased taxes, the old Labor coming to the fore. It was spotted in February this year, when they tried to introduce this disgraceful legislation—and they are still clinging onto it now. I register my objection and my support for the disallowance motion.

Question agreed to.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.00 pm)—by leave—Mr Deputy President, under the standing orders I ask that the names of all government senators be noted as being opposed to the motion.

**TELECOMMUNICATIONS
LEGISLATION AMENDMENT
(NATIONAL BROADBAND NETWORK)
BILL 2008**

In Committee

Consideration resumed.

Senator RONALDSON (Victoria) (6.05 pm)—There is some debate about whether this matter was going to get on at this stage.

Senator Conroy—It was completed, I thought.

Senator RONALDSON—I do not think it has been completed. As Senator Conroy knows, we have been discussing a large number of matters. I can see by the look of anxiety on his face that he is very anxious to get this thing dealt with, and I accept that. I have 15 minutes in which to speak on this, which I am happy to do. You can make some phone calls while I am speaking. I will continue my 15-minute discussion.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.06 pm)—Senator Ronaldson, I am happy to take your advice on making that call, but the key decision is not what happens today but what will happen tomorrow. We will only bring the key decision on tomorrow if we actually pass it today. Nothing is changed by us facilitating and getting these amendments. If you pass your amendments and defeat ours, nothing changes, because the key decision is what you intend to do tomorrow, which I am happy to have a discussion about. It will facilitate the passage of a number of other bills that also have to be passed if we complete the committee stage. I am happy to make that phone call, but it does not change anything as to whether or not we pass these amendments.

Senator RONALDSON (Victoria) (6.07 pm)—There has been some discussion as to whether these matters could be dealt with tomorrow and be back here by tomorrow afternoon. I think there has been some advice from the clerks, but there have been further discussions between the Manager of Opposition Business and the Manager of Government Business in relation to these matters.

From recollection, we were discussing earlier government amendments (4) and (9) and whether the opposition's amendments were of greater strength than the government's. I prosecuted the case and pleaded that they were. We were discussing the voluntary disclosure aspects of this legislation.

Opposition amendment (9), which is probably best to refer to, comprehensively deals with voluntary disclosure information, a process that if followed correctly would have made this piece of legislation redundant. The amendment deals with the 'effect, application and sanction for the use and tight control of sensitive corporate information voluntarily given by carriers to the government'. Our amendment (9) also ensures the even-handed treatment of both voluntary and non-voluntary information. The opposition opposes government amendment (4) because it does not go far enough. But, in the spirit of a constructive practice, we do offer, with goodwill, our amendment (9), which we believe goes significantly further.

Government amendment (9) is not accepted because the opposition believe that it actually removes natural justice outcomes for public officials, carriers and trusted officials, which may follow if they are required to make an adverse decision. It looks as though this provision is designed to shut down any recourse, and that is simply not acceptable. There must be an appeal mechanism or, at the very least, an explanation as to the decision, particularly when the decision could adversely affect their bid. We do not believe that there is an appropriate level of natural justice associated with the provisions of this bill. We do not think it is fair, particularly for public officials and others. Sometimes they will be required to make adverse decisions and we think in that regard this amendment should be agreed to.

As I said earlier on, the opposition oppose government amendment (4) because we believe that our amendment (9) is far superior. It comprehensively deals with the protected carrier information that is handed to the government on a voluntary basis. Our amendment effectively deals with the use and application of this information, and sanctions for the misuse of this information, whereas the government's amendment is, at best, flowery and does not address sanctions. We believe that the government's amendment, born of a committee process that we insisted upon, has not adopted the recommendation as desired.

The opposition are opposing both of the government's amendments on that basis. As I said earlier this afternoon, I think they are good amendments that could reasonably be accepted by the government to make this legislation better. I had hoped that our contribution in the committee, in the other place and in here today would have been viewed as constructive to make this a better piece of legislation and to assist the government in addressing its imperatives with this process. As I said before, we accept that it was an election commitment. But we believe that, even though it was an election commitment, it does not mean that it should go without an unfettered review by either the appropriate committee or the parliament itself. That is why we are suggesting that these two amendments be opposed and that the government should effectively substitute our amendment.

Obviously, on many occasions there is the requirement for opposition, government and minor parties to agree to matters that will make legislation better. The Leader of the Democrats approached me earlier on in relation to some suggested amendments to, I think, from recollection, opposition amendment (16). They were sensible contributions to making this process better. That is why,

despite what we might read and what we might sometimes hear, the process works and these chambers work. There are contributions from everyone involved in the process that will make it better. What concerns me is that there is a level of stubbornness in relation to this matter. The government clearly want this legislation through. We accept that they have gone down a path—we do not believe it was a path they were required to take; we believe they could have gone down the deed path or the voluntary information path and achieved the very outcome that they wanted. They did not need to go down this legislative path. This could have been done quite easily. Senator Conroy, I presume you have finished your phone call. I am talking while you get an opportunity to do other things, but I will continue to get to the 15 minutes.

Senator Conroy—I will happily fill in for you while you make a phone call.

Senator RONALDSON—I will do so in a second. What we have said is that we believe there was another path the government could have taken with the use of deeds, the sort of deeds that would have given the government the confidential information that they required, and which would have enabled a cross-flow of information without the regulatory path. It was not required.

We are talking in generalities about both the bill—I accept that—and some of the amendments. I return to amendments (4) and (9). We oppose them. We do not believe that they add to this bill. In fact, we believe that our substitute for paragraph (9) would actually strengthen that. I will go and do as Senator Conroy has just done, and I assume that he will hold the floor for me for a certain period of time.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.17 pm)—I think it is

appropriate right now to stress to those opposite the importance of this bill. If this bill does not proceed and get passed by the parliament—let me be clear about this—the RFP will be stalled. It is that simple. If we do not pass this bill, the government's election commitments to deliver broadband will be stalled in the Senate by the coalition. You have the right, you have the numbers, for another few months. But I cannot be clearer on this: the RFP will not be able to proceed without the information that this bill delivers. You will have stalled the bill. Australians will be receiving second-rate broadband services because of the coalition, because coalition senators have made a decision to filibuster and play chicken over this bill. We have made it clear that, while we accept the good intent of the amendments, we believe our amendments (4) and (9) meet the concerns of the Senate committee. We do not believe we need to go further in the way that Senator Ronaldson and the opposition amendments are suggesting. There is another amendment, or two, from the opposition, which we will not be accepting. It goes to how the ministers should conduct themselves and, while I appreciate as always the advice of my friend Mr Billson, the member for Dunkley, on this one, we will choose to thank him but say no. Let me be clear: if the opposition insist on their amendments, the bill will be stalled and the broadband tender will be stalled. If the opposition filibuster their way through this evening, as they are doing at the moment, the bill will be stalled. So let me be clear, Senator Ronaldson, because I appreciate you have been doing good work, that if—

Government senators interjecting.

Senator CONROY—No, be fair. He does occasionally do good work. Let me be clear: if the bill does not pass this chamber tonight, then it will be almost impossible for the clerks to process the paperwork. It is not about goodwill or no. If the opposition insist

tomorrow on their amendments, the broadband tender will be stalled, because no-one can build the network without this information. It is critical. We are going through the motions of passing a bill through parliament because this is critical. You cannot build the network without this information. I cannot be clearer. It is on the opposition's head if this bill does not pass the parliament by tomorrow evening. They will be solely responsible for stalling the broadband project—a key election commitment that we were elected to deliver. You would be blocking and stalling a bill, so be under no illusions about the consequences of what you are considering. I hope we will have some new information and we may be able to facilitate the passage—and Senator Ronaldson may inform us—but be under no illusions: you will be stalling the broadband roll-out and the contract and the tender if you insist on your amendments or do not pass this bill through this chamber before 6.50.

Senator RONALDSON (Victoria) (6.21 pm)—I am utterly amazed that we have been across this chamber trying to facilitate some discussions and, while I am out making a phone call as a follow-up to Senator Conroy's phone call, I am accused of filibustering. If you want me to filibuster, Senator Conroy, I will, but do not come into this chamber and accuse me of filibustering when you and I had an agreement that we would have some discussions between the shadow minister, you and me. Do not give me that rubbish about filibustering. I will stay here all night if that is the way you want to play the game, my friend. If you want to talk about whose fault this is, I will talk about it. We will get these amendments through and you can have your bill, but do not come into this chamber with that sort of rubbish.

I do not mind being accused of filibustering when I am filibustering, but when I have an agreement with one of your colleagues

then it is an entirely different matter. I expect an apology from the Minister for Broadband, Communications and the Digital Economy. If he is half decent then he will do it.

Let us have a look at who is responsible for this legislation. The legislation was introduced into this chamber on 20 March. It was referred to a committee for investigation. It is now Wednesday. What happened yesterday? If this is so urgent, why was it not discussed yesterday? Why didn't you bring it on for debate yesterday? And what did we have today? What legislation did we deal with this morning? Was this desperately urgent legislation—which apparently we are holding up—the first item of government business? No, it was not. The Telecommunications (Interception and Access) Amendment Bill 2008 was the first item of business. So let's not talk this rubbish about filibustering and let's not talk this rubbish about urgency. If you were serious about this, Minister, you would have brought it on yesterday. When were your government amendments circulated? This morning.

Senator Conroy—Yesterday.

Senator RONALDSON—Sorry, yesterday. And when did the committee report? When were the committee discussions finalised?

Senator Conroy—Friday.

Senator RONALDSON—Do not give me that rubbish. Minister, you could not even get amendments finalised until last night. The only person who will wear the outcome of this is you. You are the one who put in place a convoluted political process. You are the one who was not prepared to consult. You are the one who closed down the committee that would have given you the answers to make this legislation better.

I am advised by the shadow minister that he will facilitate this process tonight and that he will do so despite your actions—despite

your inability to communicate with him. It is quite remarkable, is it not, when you had something that is so desperately urgent, that you did not have the good grace to pick up the phone last night and say to him: 'These are the amendments that we intend moving. Will you help me facilitate this process?' Did you have the gumption to pick up the phone and say that? No, you did not. So do not come in here weeping crocodile tears about who is responsible for this legislation.

We have done everything possible to assist you in this process. It is your problem if this legislation does not get through by tomorrow. It is your problem when you—not this chamber, not the coalition, not the Australian Democrats, not the Greens and not Family First—have imposed a deadline. You put this date in yourself and you are the one who is madly running around trying to accommodate that. So do not come in here and accuse us of trying to stop this process. We will do it to get you out of a situation of your own making.

You know and I know that if this does not come back until June—when it should come back, after it has had appropriate consideration—it will leave you insufficient time to get contracts finalised. So we will facilitate your process. But you introduced this into this chamber on 20 March. You were the one who refused to take note of the committee. You were the one who tried to close down the process. You were the one who was 'so concerned' about this that you did not bring this matter on for debate until today. We sat yesterday and you had every opportunity to bring this matter on for debate then. You had the opportunity to bring this urgent bill on before another bill that was dealt with this morning. So do not come in here and accuse the non-government parties of in any way interfering with this legislative program of yours. We will accommodate it because the people who are involved in this process de-

serve it, not because the Australian Labor Party or you as minister in any way deserve the accommodation that you are being given.

What I am going to do in the next 20 minutes is move the coalition's amendments without intimate discussion, because we will facilitate the process. We will take at face value the advice given to us by the clerks that this cannot be done tomorrow. We have important amendments to move, some of which are supported, I understand, by the Australian Democrats. You have not yet asked them whether they are prepared to facilitate this farcical process that you have put in place. The Leader of the Australian Democrats may not be as accommodating as I am; I do not know the answer to that. But we will not debate these amendments because you need to have this legislation through by 6.50 tonight. You are so disorganised, Minister, that half an hour ago you were talking about providing some time tomorrow morning to get this dealt with. You do not even understand the processes of this place. You did not take advice. You came to us 15 minutes ago on your hands and knees saying: 'We need to get this through tonight; otherwise, it will not go through'—and then you have the gall to stand here and accuse us of not assisting the process! You have performed some incredible stunts in your day but this is absolutely right up there with them. The only good thing about this debate is that we do not have the computer!

I will expect your personal apology after this, because you know as well as I do that I am owed it. I am, however, going to facilitate this by moving these amendments through. We will have this out of here by 6.50 tonight—depending, of course, on the view of the Leader of the Democrats, Senator Allison, and whether she is prepared to accommodate that. I do not know the answer to that. But we will not be accused of holding up a process that you have bungled from day

one. This is all of your making. I think that you can probably send the shadow minister, Mr Bruce Billson, a very big thankyou note, because if it were not for him accommodating your bungles you would not be in a position to let these contracts out to tender when you want to do so.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.30 pm)—Could I thank Mr Billson and Senator Ronaldson—

Senator Ronaldson interjecting—

Senator CONROY—We will get to that in a moment, Senator Ronaldson. Could I thank them for facilitating the passage of this legislation. It is an important piece of legislation to the government. It was an important election promise, and we appreciate the opposition's forbearance on this in a tight time frame. Unfortunately, Senator Ronaldson, you came back into the chamber halfway through a sentence, so you did not actually hear the entire discussion.

Senator Ronaldson interjecting—

Senator CONROY—You were on the phone and you did not hear the entire discussion, to be fair to you. I appreciate that you may have misheard what the discussion was. I am not going to further that. If any offence was taken, I withdraw and apologise, because that was not the intent.

Senator Watson—That's the first time!

Senator CONROY—Thank you, Senator Watson; I appreciate your interjection as always. That was not the intent, but we welcome the opportunity. As I have indicated, the government do not believe that the intended opposition amendments actually do what they believe them to do. Therefore we believe that we should support our amendments, and we intend to press ahead with them. I appreciate that Senator Allison is probably in a complete fog at this point and

wondering what has been going on. We appreciate your forbearance, Senator Allison, and, if we can facilitate any information coming your way as quickly as we can, we hope to do so.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (6.32 pm)—I am not in a fog; I have just been ignored for the last day or so. Senator Conroy, you did not bother to let me know what your amendments were. As I said earlier, the opposition at least did that. In fact, they went beyond that and came around and gave me a briefing; you did not. Were I to be someone who was interested in payback, I would just simply support all of the opposition's amendments without even hearing an explanation. That is what I gather we are talking about now. We are going to finish in time for this bill to be taken to the House of Representatives—is that correct? It is good to hear about that finally. That means that there will be no debate on the amendments themselves, so I do not really have any option but to go with what I can see to be a sensible approach. If you think these amendments from the opposition will not work then, frankly, that is your bad luck. If we are not going to have a debate in the chamber and you are not going to bother to brief me on your amendments and why they are preferable to the opposition's then that is a problem you have to deal with, I am afraid. If there is to be no debate, that is okay by me. We will just get on and I will support the opposition's amendments, as I said.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.33 pm)—If I could just respond to that point: I am advised by my office that we did offer a briefing to at least your office and we possibly spoke to you directly earlier in the week. Maybe it was your office that we spoke to. I am not trying to in any way suggest anything untoward,

but we actually think that we offered a briefing.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (6.34 pm)—It is my understanding that a briefing was offered, but it was on the bill and not on the amendments. I did not know anything about the amendments until this morning. I think we would have said, as we usually do, that the Senate has its own processes for dealing with bills. Normally I would not say that we needed a briefing on the bill. But if it was a briefing on the amendments then you did not manage to get that across. Maybe that was a fault in my office, but it was not conveyed to me that this was about amendments that were not dealt with in the inquiry. We all have access to the report of that inquiry and, whilst I was not a participant in that hearing, I did read that report carefully and I know what it was about. There may have been a mix-up, Senator Conroy, but, as I understand it, no offer of a briefing on amendments came through in the last 24 hours.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.35 pm)—We circulated the amendments yesterday. I believe it was a briefing on the bill, but we did actually circulate the amendments yesterday. The briefing would probably have incorporated that. Maybe we did not specifically say that it would incorporate that. If there was a fault at our end, I accept responsibility for it. I am not trying to cast aspersions on your office. No offence is intended. The amendments actually respond to the committee recommendations. If there was a problem at our end, I apologise.

Senator RONALDSON (Victoria) (6.35 pm)—Just very quickly, our end had problems as well in relation to the lack of briefings. I sympathise with Senator Allison’s

position because the opposition was in exactly the same position.

The TEMPORARY CHAIRMAN (Senator Barnett)—The question is that government amendments (9) and (4) on sheet PN285 be agreed to.

Question negated.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.36 pm)—by leave—I move government amendments (3) and (5) on sheet PN285:

(3) Schedule 1, item 11, page 7 (after line 30), after the definition of *entrusted public official* in section 531B, insert:

matter preparatory to the publication of a designated request for proposal notice includes a matter preparatory to the publication of a variation of a designated request for a proposal notice.

(5) Schedule 1, item 11, page 10 (after line 4), at the end of section 531D, add:

(3) For the purposes of subsection (1), it is immaterial whether the notice was published before or after the commencement of this section.

Senator RONALDSON (Victoria) (6.36 pm)—The opposition will not be opposing these amendments.

Question agreed to.

Senator RONALDSON (Victoria) (6.37 pm)—I move opposition amendment (9) on sheet 5477:

(9) Schedule 1, item 11, page 11 (after line 4), at the end of Division 2, add:

531FA Voluntary disclosure of information

When section applies in relation to a carrier

(1) This section applies in relation to a carrier (a *volunteering carrier*) if, whether before or after the commencement of this Part, the volunteering carrier has entered into an arrange-

ment with the Commonwealth (a *voluntary disclosure arrangement*), whether by way of contract, confidentiality deed or other documentary form, which provides for volunteering carriers' information (*volunteered information*) to be disclosed to:

- (a) companies making or considering the making of submissions in response to an invitation set out in a designated request for proposal notice; and/or
- (b) the Commonwealth in connection with a designated request for proposal notice.

Effect of voluntary disclosure

- (2) If a person has obtained volunteered information pursuant to a voluntary disclosure arrangement, the person must not disclose that information to any other person where that disclosure would be or would result in a breach by any person of the voluntary disclosure arrangement.
- (3) To avoid doubt, a reference to a voluntary disclosure arrangement includes a reference to undertakings given by way of contract, confidentiality deed or other documentary form to the volunteering carrier by a person receiving information pursuant to the arrangement.

Offences and civil penalties

- (4) Subsection (2) is a *civil penalty provision* in its application to a person other than a person who has obtained the volunteered information in the person's capacity as an entrusted public official.
- (5) For the purposes of subsection (4), if conduct is engaged in by an employee, agent or officer of a corporation or partnership acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the conduct must also be attributed to the corporation or partnership.

- (6) If a person has obtained volunteered information in the person's capacity as an entrusted public official pursuant to the voluntary disclosure arrangement, section 70 of the *Crimes Act 1914* has effect in relation to the information as if the person were a Commonwealth officer.

This, of course, has been a matter of some debate over the last hour or so, so I do not intend speaking any further to it.

Question agreed to.

Senator RONALDSON (Victoria) (6.38 pm)—by leave—I move opposition amendments (10) to (14) on sheet 5477:

- (10) Schedule 1, item 11, page 11 (after line 9), after subsection 531G(1), insert:
 - (1A) If a person has obtained protected carrier information in the person's capacity as an entrusted public official, the person must not use the disclosed information for any other purpose whatsoever except for the preparation of proposals for the National Broadband Network.
- (11) Schedule 1, item 11, page 16 (after line 4), after subsection 531k(1), insert:
 - (1A) If a person has obtained protected carrier information in the person's capacity as an entrusted company officer of a company, the person must not use the disclosed information for any other purpose whatsoever except for the preparation of proposals for the National Broadband Network.
- (12) Schedule 1, item 11, page 17 (lines 4 to 11), omit “subsection (1)” (wherever occurring), substitute “subsections (1) and (1A)”.
- (13) Schedule 1, item 11, page 17 (after line 23), after paragraph 531L(1)(c), insert:
 - (ca) the Court is satisfied that the conduct of an entrusted company officer can be attributed as a liability to the company after considering the following factors:

- (i) the actual or apparent scope of the entrusted company officer's employment; or
 - (ii) the actual or apparent authority of the entrusted company officer's employment; and
- (14) Schedule 1, item 11, page 17 (lines 29 and 30), omit subsection 531L(2), substitute:
- (2) Subsection (1) applies to:
 - (a) an entrusted public official in the same way as it does to an entrusted company officer; and
 - (b) an agency of the Commonwealth as it does to a company.
 - (3) An application under subsection (1) may be made at any time within 6 years after the contravention occurred.

Question agreed to.

Senator RONALDSON (Victoria) (6.38 pm)—I move opposition amendment (15) on sheet 5477:

- (15) Schedule 1, item 11, page 18 (lines 25 to 27), omit subsection 531P(1), substitute:
- (1) The Minister must, by legislative instrument, make rules relating to the storage, handling or destruction of protected carrier information before the Commonwealth receives any protected carrier information.

This amendment seeks to ensure that the protected carrier information is not left lying around a Commonwealth department, a minister's office or in the possession of entrusted officers who might have had access to the information. The insistence that the minister makes rules for the storage, handling and destruction of protected carrier information absolutely ensures the minister is responsible for the protection regime and its rigorous nature. Amendment 15 is a well thought through security matter that ensures network information is only used for the NBN process and not for other government projects that may seek to nationalise Australia's telecommunications networks or seek to add

additional licensed carrier conditions for the political gain of any government.

Question agreed to.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.40 pm)—I move government amendment (15) on sheet PN285:

- (15) Schedule 1, item 11, page 17 (after line 30), at the end of section 531L, add:
- (3) If:
 - (a) protected carrier information was given to an authorised information officer by a carrier; and
 - (b) the Federal Court is satisfied that an entrusted company officer of a company has contravened subsection 531K(1) or (3) in relation to the information; and
 - (c) the Court is satisfied that the carrier has suffered loss or damage as a result of the contravention; and
 - (d) the Court is satisfied that:
 - (i) the entrusted company officer was an employee or agent of the company; and
 - (ii) the entrusted company officer's conduct was within the entrusted company officer's actual or apparent authority as an employee or agent of the company;
 - the Court may, on the application of the carrier, make an order that the Court considers appropriate directing the company to compensate the carrier.
 - (4) An application under subsection (3) may be made at any time within 6 years after the contravention occurred.
 - (5) Compensation is not payable to a company under both:
 - (a) subsection (1); and
 - (b) subsection (3);
 - in respect of the same contravention of subsection 531K(1) or (3).

Question agreed to.

Senator RONALDSON (Victoria) (6.40 pm)—I move opposition amendment (16) on sheet 5477:

(16) Schedule 1, item 11, page 19 (line 17), at the end of Part 27A, add:

Division 4—Ministerial advisory process

531R Purpose of Division

The purpose of this Division is to provide for processes to:

- (a) ensure rigorous, independent and transparent advice is provided to the Minister in relation to the National Broadband Network.
- (b) ensure proper expert advice is included in the process mentioned in paragraph (a); and
- (c) guarantee public information about the National Broadband Network.

531S Expert Panel

- (1) An Expert Panel to examine, consult and provide advice to the Minister in relation to proposals and tenders for the National Broadband Network is established by this section.
- (2) The Expert Panel will provide rigorous, independent and transparent advice to the Minister to ensure that any decision, action or any transaction that may be undertaken as part of or related to the National Broadband Network Program is determined objectively and reflects a sound, principled, robust and durable involvement of the Commonwealth.
- (3) The Minister must seek the advice of the Expert Panel on the evaluation of proposals for the National Broadband Network in relation to all the matters in subsection (4).
- (4) The Expert Panel is to examine, publicly consult and provide advice to the Minister, with that advice to be publicly released within 7 days of being provided to the Minister, in relation to:

- (a) options in relation to the nature, scope, cost and the potential benefits of credible forms of government intervention required to achieve the Government's stated public policy objectives;
- (b) the identification of existing assets and opportunities for improved performance and efficiencies, determination of priorities for action according to need and future forecasts, the planning of future public and private investments and the mechanisms to drive investment to where it is needed, and the establishment of a sound and complementary best practice public policy framework;
- (c) the formulation and administration of the public policy framework within which the National Broadband Network proposal is to operate;
- (d) the role, impact and any proposed variation to the telecommunications industry regulatory framework relevant to National Broadband Network proposals;
- (e) requirements and actions that contribute to optimising the competitive tensions of the National Broadband Network tender process and which facilitate accurately designed and costed proposals;
- (f) the adherence of the tender process to the better practice guidance and advice of the Auditor-General and the principles of fairness, transparency, probity and value for money;
- (g) the implications of proposed actions, decisions and public funding on consumer choice, costs and protection, competition, private investment, inflation and national productivity;
- (h) the role of government and its relationship with the private sector and existing private investment in the telecommunications sector;

- (i) the nature of any compensation or other remedies required to address any detriment, economic loss or disadvantage to consumers, property holders, businesses and related interests;
- (j) the future role, operation and responsibility for any network infrastructure likely to be rendered redundant, underutilised or excess to requirement as a result of National Broadband Network decisions and actions;
- (k) the interaction with and revision of community service obligations and subsidies for services to disadvantaged areas and consumers;
- (l) any dispute arising from the operation of this Act including but not limited to:
- (i) the formulation, content and administration of instruments created under this Act;
 - (ii) the type, scope and presentation of information required to facilitate a competitive bid process;
 - (iii) the handling, availability and use of protected information;
 - (iv) the situation where a carrier believes it has wholly or substantially voluntarily satisfied a requirement to produce protected carrier information demanded in an instrument;
 - (iv) the nature, conclusions and public release of the advice provided to the Minister by the expert panel.
- (5) The Expert Panel is to be provided with such assistance as it requires from Commonwealth Government agencies and departments.
- Note: Better practice in guidance paragraph (4)(f) refers to the August 2007 report of the Auditor-General entitled "Fairness and Transparency in Purchasing Decisions (Probity in Australian Government Procurement) and Commonwealth Procurement Guidelines".
- 531T Appointment of the Expert Panel**
- (1) Members (including the Chair) of the Expert Panel are to be appointed by the Minister by written instrument.
 - (2) In making appointments under subsection (1), the Minister must ensure that:
 - (a) he or she is satisfied that each member has knowledge of, or experience in, a field relevant to the objectives of the National Broadband Network;
 - (b) the Expert Panel is capable of objectively and competently evaluating and recommending a sound, principled, robust and durable involvement of the Commonwealth in the National Broadband Network;
 - (c) the analysis by the Expert Panel of possible options for Commonwealth involvement is rigorous, independent and transparent;
 - (d) the Expert Panel comprises members with expertise including but not limited to:
 - (i) public policy formulation and evaluation;
 - (ii) technical expertise including network architecture, interconnection and emerging technology;
 - (iii) regulatory framework, open access, competition and pricing practice;
 - (iv) private sector telecommunications wholesale and retail business experience;
 - (v) contemporary broadband investment, law and finance;
 - (vi) network design, technical option and functionality of the 'last mile' link to premises;
 - (e) specified appointees include:

- (i) the Australian Competition and Consumer Commission chairperson or delegate;
- (ii) the Productivity Commission chairperson or delegate;
- (iii) the Infrastructure Australia chairperson, nominee or senior executive;
- (iv) a consumer interest advocate selected from nominations provided by the Australian Telecommunications Users Group;
- (v) the Secretary of the Department of Treasury;
- (vi) the Secretary of the responsible Minister's department;
- (vii) any other expertise the Minister considers necessary to ensure value for taxpayer money;
- (f) the Expert Panel will comprise a majority of appointees with private sector expertise;
- (g) the Expert Panel is provided with such assistance as it requires from Commonwealth Government agencies and departments.

531U Interdepartmental and multi-agency committee

- (1) The Minister may establish an interdepartmental and multi-agency committee to examine, consult and provide advice to the Minister.
- (2) The interdepartmental and multi-agency committee membership is to comprise, but is not limited to, senior representatives from:
 - (a) the Australian Competition and Consumer Commission;
 - (b) the Productivity Commission;
 - (c) Infrastructure Australia;
 - (d) the Department of Treasury;
 - (e) the responsible Minister's department;

- (f) external relevant and competent expertise consistent with that listed in paragraph 531T(2)(d).

- (3) The interdepartmental and multi-agency committee must provide advice to the Minister on any matter referred to it by the Minister consistent with the matters referred to in subsection 531S(4).

531V Disclosure

- (1) The Expert Panel must prepare and maintain minutes of its meetings and publish a form of its minutes that ensure public disclosure of its deliberations and conclusions, recognising the public interest and investment involved while respecting commercial-in-confidence considerations and national security considerations.
- (2) The Department of Broadband, Communications and the Digital Economy will work with the Attorney-General's Department and other national security agencies to deal with any national security risk or consideration in determining what material is released as part of the public disclosure of the Expert Panels deliberations, analysis and conclusions.

531W Dispute resolution

- (1) A protected network information provider or recipient may challenge the scope, content, adequacy, presentation, compliance with, safeguards and protections encompassed in the prescribed form.
- (2) Disputes are to be notified in writing to the Minister.
- (3) The Minister must cause the dispute notification to be published and referred to the Expert Panel for advice.
- (4) The Expert Panels advice in relation to the dispute, the Minister's assessment of the merit of the dispute and the Minister's final determination of the matter must be published within 3 working days of a determination being made.

531X Minister's directions

- (1) The Minister may give written directions to the Expert Panel about its role, functions and performance as set out in section 531S.
- (2) The Minister must have regard to the current telecommunications legislative and regulatory environments and the role, function and determinations of the Australian Competition and Consumer Commission in giving directions under subsection (1).
- (3) Directions given by the Minister under subsection (1) must be of a general nature only.
- (4) The Minister must cause any direction he or she gives under subsection (1) to be published and notified to prospective bidders within 3 working days of the direction being given.
- (5) The Minister must not give directions about the content of any advice that may be given by the Expert Panel.
- (6) The Expert Panel must comply with any direction given by the Minister under subsection (1).
- (7) A direction given by the Minister under subsection (1) is a legislative instrument.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (6.40 pm)—I move, on behalf of the Democrats, an amendment to that amendment:

Omit subparagraph 531T(2)(e)(iv), substitute:

- (iv) business and domestic consumer interest advocates;

The reason for the Democrat amendment to the opposition amendment is to remove the words ‘the Australian Telecommunications Users Group’ as a nominated participant on the expert panel and substitute it with what I think is a broader and better representation—that is, the words ‘business and domestic consumer groups’. ATUG represents business groups, whereas I consider that on this

expert group there should also be some advice from domestic users. ATUG only represents half of the consumer groups concerned.

Senator RONALDSON (Victoria) (6.42 pm)—We support the Democrat amendment. I think it is a sensible amendment. Our amendment aims to supplement the expert panel with additional expertise and rigour, placing greater emphasis on the development of good public policy—not this rushed sham of a job the minister presented to the Senate today.

Senator Sterle—How can you say that and keep a straight face?

Senator RONALDSON—We can drag it on, or you can just let me get through and read this stuff so it is on the record. It doesn’t worry me. I’m happy to wait until 6.50.

Senator Sterle—No, you’re not.

Senator RONALDSON—I’m not? I’ll perhaps be the judge of that. The amendment ensures rigorous, independent and transparent advice is provided to the minister in relation to the national broadband network, while ensuring proper expert advice is included in the process and a public guarantee about the information is provided to Australians about the national broadband network. This process needs further objective analysis, and the opposition will deliver this analysis through this amendment. The exclusion of the Productivity Commission, the ACCC and the government’s own Infrastructure Australia from any advisory capacity and scrutiny of the bid process and tenders is absolutely absurd.

The opposition believes that if the government is going to spend \$4.7 billion of taxpayers’ funds then no amount of rigour in the analysis of the project is too much. The opposition understands that the minister’s career hangs on his ability to deliver what he has promised. I should repeat that, because it is absolutely, entirely true—the opposition is

keen to ensure that the process is not held to ransom by the minister's career but delivers value for taxpayers' funds and does not push the price of broadband out of the reach of working families. There are deep concerns with the process as it stands, including the role and the make-up of the minister's expert panel. It is manifestly inadequate in guiding a broadband project of such scale and complexity that potentially involves the spending of up to \$4.7 billion in public funds.

Of concern is the lack of key involvement of bodies, as I said before, such as the ACCC, the Productivity Commission and Infrastructure Australia, which I note is the body established by the government to prioritise infrastructure projects of national importance. The expert panel needs to adequately reflect the nature of this project, and the minister must seek advice from the expert panel on a broad range of critical issues outlined in section 4. The expert panel is to be provided with necessary assistance from the Commonwealth agencies and departments to ensure they can provide the best possible advice to the minister. The tender process must also be conducted in strict compliance with advice from the Auditor-General in relation to the principles of fairness, transparency, probity and value for money.

The TEMPORARY CHAIRMAN (Senator Barnett)—The question is that the Democrat amendment moved by Senator Allison to opposition amendment (16) be agreed to.

Question agreed to.

The TEMPORARY CHAIRMAN—The question now is that opposition amendment (16) on sheet 5477, as amended, be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (6.46 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

DOCUMENTS

The DEPUTY PRESIDENT—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

Migration Act 1958: Section 486O

Senator BARTLETT (Queensland) (6.48 pm)—I move:

That the Senate take note of the document.

This is a response from the Minister for Immigration and Citizenship, Senator Evans, to the Ombudsman's reports. The report details the people who have been in immigration detention for prolonged periods of time. I want to emphasise the importance of being able to note these documents in the chamber and detail what is in them because these documents—and indeed the two previous ones that I have not spoken to for reasons of time limitations and have deferred for later—have been tabled precisely because of amendments made by this parliament to enable greater scrutiny of the processing of applicants for refugee visas or protection visas within Australia. Frankly, it is fairly pointless for the parliament to continue to pass amendments and put in place components within legislation requiring huge numbers of documents to be tabled in this place if, when they are, there is never any opportunity to note the fact that that has happened and examine and put on the record what is in them. It is a corollary of the parliament and the Senate putting in place requirements for reporting that there is an opportunity for the

parliament to note what is in those reports. In so doing in this case, I again note the positive sense of urgency from the new minister for immigration, Senator Evans, with regard to people in long-term detention.

The particular response that I am speaking to that has been tabled today relates to the Commonwealth Ombudsman's report, which is the next document and which I will also speak to. It covers 47 people who have been locked up in immigration detention for more than 12 months, in many cases for more than two years. These are people who have not committed any crime, have not been accused of any crime, who are purely people who do not have a regularised immigration status, and yet have been in effect jailed for years.

Senator Evans to his great credit has indicated great dissatisfaction about the fact that there continue to be people in detention for prolonged periods and, indeed, has put a time line on himself to respond and try and deal with these people. As he said here, of the 47 people that were referred to in the Ombudsman's report, 34 of them were in immigration detention when he announced his own personal ministerial review of long-term detainees on 12 March this year, with a goal to resolving those issues at the end of April. The other 13 had already been released from immigration detention. He states that, subsequent to the commencement of his review on 12 March, six of those 34 have had their immigration status resolved and, at this stage, 28 of those 34 remain in detention. An announcement regarding his consideration of these cases will be made very shortly.

The minister has not quite met his deadline, but he obviously is intending to come as close to it as possible. I think he deserves credit for putting in that transparency, rather than the weasel words we tend to hear from ministers of all persuasions and from all levels of government: 'at the soonest possible

available opportunity', 'in the fullness of time', 'as quickly as possible', or 'in the foreseeable future'. He actually put a deadline on himself. The fact that he might not meet that is worth noting but not a reason for criticism as long as there is still a clear intent to deal with it very quickly.

With regard to the number of immigration detention cases that have been resolved, one way or another, the minister noted in the report that the majority of them received positive outcomes—they have been given visas and are now able to contribute and be part of the Australian community in an ongoing way. I think that needs to be noted, given some of the wider debate around the minister's use of his discretion in recent times. But it is still a disgrace that our Migration Act requires people, let alone enables them, to be locked up for very long periods of time, without their having committed any offence.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Senator Bartlett, your time has expired.

Senator Bartlett—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Migration Act 1958: Section 486O

Senator BARTLETT (Queensland) (6.54 pm)—I move:

That the Senate take note of the document.

This is the Immigration Ombudsman's report that I referred to previously that actually details all of those people who have been in prolonged immigration detention and who have not been reported on previously. I should say a few things. Firstly, the very fact that these reports are tabled is a result of the determination of some people within the Liberal Party a couple of years ago to say enough was enough and that we needed to do something about the number of people who were being locked up for far too long with-

out proper scrutiny. Mr Georgiou, the member for Kooyong, is the most well-known of those, but there were a number of others. It is because of their efforts—and some others who bolstered the work in the preceding years—that this material is available to us. It is an immensely valuable resource and is important right here and now in terms of looking at the circumstances of the people involved. It is a fairly thick document with lots of words, but all of those words deal with individual human beings who, in many cases, have suffered enormously as a direct consequence of the laws that were passed by this place over preceding decades and that still stand to this day.

Being aware of this is one thing, having more transparency with reports being provided to the parliament and spoken about, is another; but more action is still required. Again, it is worth while and beneficial that the new minister has committed himself to action to resolve these things. Resolution does not always mean giving a person a visa. In the previous Immigration Ombudsman's report I spoke to, the minister noted that in some of the cases he examined he was not satisfied there were strong compassionate or humanitarian claims that warranted his intervention and therefore he consented to their removal, and the person was removed. That is the outcome for a number of people. Frankly, in many cases it would be far better for everybody—the taxpayer, the Australian community, advocates and the detainee themselves—if the whole issue could be resolved much more quickly. If they are going to end up being removed, they should be removed from Australia much earlier for their own wellbeing and for everybody else's wellbeing. That is the situation we need to move towards. I certainly hope that we do that.

It also needs to be emphasised that the Immigration Ombudsman's report before the

Senate reinforces the fact that there are an enormous number of people who are still suffering in prolonged detention only because of the perversity of the detention requirements in our immigration laws. There has been some commentary in the last week or so about the negative application of the minister's discretionary powers on a high proportion of people. Understandably, some of those advocates who have supported and assisted detainees for a prolonged period of time are very upset about that. I share their distress. It is impossible for me, without individual details of each case, to pass judgement on how well the minister has exercised his discretion. But, while I appreciate and support his view that the significant number of ministerial discretion cases that are outstanding need to be resolved as quickly as possible, I urge the minister not to slip into a mindset, which could easily happen when trying to resolve a backlog, of knocking things out one after the other in a sausage machine sort of way. These cases involve human beings and it may well be in some cases that the best decision has not been made.

In this context, I want to refer to the announcement in the budget last night—it was a promise and a policy; nonetheless it is always welcome to see it affirmed—to abolish temporary protection visas. This visa class was passed by this parliament, by the Labor Party and the coalition voting together in 1999. Over the next nine years it caused immense suffering to a lot of people for absolutely no good reason. It was appalling that it was passed in the first place. It is immensely welcome that it is now being abolished. I very much congratulate the Minister for Immigration and Citizenship, Senator Evans, and the government as a whole for finally abolishing this disgraceful, iniquitous, destructive, harmful, inefficient, expensive, stupid and brutal visa category, and consign-

ing it to history. That is certainly a cause for celebration.

Questioned agreed to.

Consideration

The following government documents were considered:

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2007 to 29 February 2008. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2007 to 29 February 2008. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 13 to 35 relating to government documents were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT

(**Senator Barnett**)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Volunteers

Senator LUNDY (Australian Capital Territory) (7.01 pm)—Volunteers change our world. That is the theme for this year's National Volunteer Week, which runs from 12 to 18 May, when we recognise and thank Australia's volunteers. Official statistics tell us that more than 5.4 million Australians over 18 years of age—that is, 34 per cent of the adult population—do some voluntary work in a year, contributing an estimated 713 million hours. In addition, we could probably add all the unofficial community work of

mums and dads helping out at their kids' schools, sports and other activities, the work neighbours provide by keeping an eye on and helping elderly and ill members in the community and the work of all those who serve on the committees of myriad church, community, charity and sporting organisations.

We recognise that it is the contribution of volunteers at all levels that is at the heart of sport throughout the world—from local clubs to national governing bodies, right up to the Olympic and Paralympic Games. Sports events need officials to plan and publicise events, accept and record entries, plan competitions, recognise achievements, encourage improvements, coach, administer and record results.

Volunteers are now essential to the functioning of all sections of community life. The Universal Declaration on Volunteering, adopted by Volunteering Australia, does not overstate the importance of volunteers to our society when it says:

Volunteering is a fundamental building block of civil society.

It goes on to say:

Human values of community, caring and serving can be sustained and strengthened. Individuals can exercise their rights and responsibilities as members of communities, while learning and growing throughout their lives, realising their full human potential.

It goes on:

...Volunteering is an essential element of all societies. It turns into practical, effective action, the declaration of the United Nations that we, the people, have the power to change the world.

Volunteering of course benefits not only the recipients but also the individual volunteers. This point emerges strongly in every survey of volunteers. In the 2007 *National Survey of Volunteering Issues* undertaken by Volunteering Australia, 99 per cent of the volunteers surveyed were positive about the benefits of

their work to the community. Volunteers gain a sense of worth, of contributing and of empowerment. One example of the mutual benefit gained is the University of the Third Age, which uses qualified member volunteers to present interesting and challenging courses.

In the *National Survey of Australian Volunteers*, formal volunteering is defined as an activity which takes place in not-for-profit organisations or projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and
- in designated volunteer positions only.

Volunteering allows individuals or groups to address human, environmental and social needs and is a way in which citizens can participate in the activities of their community. It is work that is unpaid but it is not a substitute for paid work and is performed in a not-for-profit area. The principles of volunteering include that volunteers do not replace paid workers, or constitute a threat to the job security of paid workers, and that volunteering respects the rights, dignity and culture of others.

Volunteering Australia is the national peak body working to advance volunteering in our community. Its role is to represent the diverse views and needs of the volunteer sector while promoting volunteering as an activity of enduring social, cultural and economic value. The role of Volunteering Australia is to:

- provide government and organisations involving volunteers sound policy advice on matters relating to volunteering
- provide a national focus for the promotion of volunteering and its principles

- establish cooperative relationships with key national and international stakeholder organisations
- encourage the pursuit of excellence in volunteer management—

and consulting with stakeholders to ensure proper representation of the volunteering sector.

Volunteering Australia also conducts research and investigates and implements new projects. An interesting recent project has been the idea of harnessing the talents of the so-called grey nomads to benefit isolated rural communities on a volunteer basis. They use the term 'grey nomads' for senior people travelling around Australia, often spending considerable time exploring the inland and visiting outback towns. Benefits for towns include project developments using the skills, resources and talents of the grey nomads. When the grey nomads stay in those towns and communities, they bring economic benefits. Benefits to the grey nomads include learning about the local area, being part of the community and having the opportunity to contribute not just to rural life but to the overall sustainability of those communities.

Sponsor of National Volunteer Week, this year and for the past 10 years, is the National Australia Bank, and the week is also supported by the federal Department of Families, Housing, Community Services and Indigenous Affairs. As part of its sponsorship NAB has awarded prize money each year to community groups for their best practice in managing volunteers. This year will be the last of these awards from the NAB, which has announced that it will refocus its efforts to encourage its 22,000 employees to assist the community through the transfer of business and professional skills.

The 2008 *National Survey of Volunteering Issues* report will be released during National

Volunteer Week, this week. This national survey helps Volunteering Australia understand what issues are emerging in the sector and what factors help and hinder effective volunteering. Volunteering Australia uses this information to formulate policy positions to put to government, and also to target research and consultation.

All too often, government processes can place obstacles in the way of volunteers seeking to make a contribution to the community. Results of the 2007 survey identified some issues of concern to both volunteers and their organisations, despite the overriding positive outcomes of satisfaction in achievements and feelings of empowerment.

One major issue for volunteers and their organisations was the requirement for background checks—that is, police checks and working with children checks. Problems identified as impacting adversely on both volunteers and organisations were the lengthy processing times, the costs of the checks, the lack of transferability and the lack of access to the checks. So there is an area we can improve.

Other issues rated as having an adverse impact on volunteering were the out-of-pocket expenses incurred by the volunteers, and health and safety issues. Seniors and retirees have sometimes faced difficulties in registering as formal volunteers because organisations have concerns on the grounds of occupational health and safety and possible liabilities relating to compensation.

These concerns have also been highlighted this year in a British report which comments on the ‘wasting of the potential of volunteers in public services’. British Prime Minister Gordon Brown’s government aims to encourage the use of more volunteers in health and social care services, but the report comments that unnecessary child protection checks and other bureaucratic barriers are

wasting this potential. Obviously these checks are important, and again this points to improvements in processes to streamline these necessary checks. Clearly, according to this British report, the checks are unnecessary in many cases, such as for someone working on a hospital radio station rather than working with individual children. The report also identified ‘insurance and other legal considerations’ as inhibiting managers in their use of volunteers.

Our nation needs to foster a more positive attitude towards the use of volunteers. We know that the benefits are there. We need to find improved ways of engaging with the energy and skills that volunteers offer our wider society. Volunteering provides an opportunity to create new people-centred services. It would be wrong, and ultimately destructive, to see volunteering as a way of cutting jobs and reducing costs. That is not the principle of volunteering. Volunteers can contribute to, and impact beneficially on, public policy. They contribute to social change and wellbeing. The whole community benefits from the work of volunteers, both in terms of their direct contributions to the projects on which they work and through the wider sense of belonging, social inclusion and mutual responsibility that grows through volunteer involvement. In this National Volunteer Week I would like to extend my thanks to volunteers and honour their contribution to Australian society.

Portrayal of Girls in the Media

Senator STERLE (Western Australia) (7.11 pm)—I seek leave to incorporate an adjournment speech by Senator Polley.

Leave granted.

Senator POLLEY (Tasmania) (7.11 pm)—*The incorporated speech read as follows—*

Mr President I rise in the Senate this evening to thank Women’s Forum Australia for all the great

work they are doing at the moment, particularly with their new magazine style research paper "Faking It".

In April I had the pleasure of attending a Get Real Forum held at the University of Tasmania, hosted by Women's Forum Australia.

I feel the forum was an excellent opportunity to discuss the issue of the portrayal of girl's bodies in advertising, marketing and popular culture.

Too often, women and girls are bombarded with unrealistic images of females which can have adverse consequences on their body image, health and wellbeing.

These unrealistic images may lead to extreme dieting, depression, anxiety, and poor self esteem.

Prime Minister Kevin Rudd has stressed the importance of exposing young girls to positive images of women, focusing on their contribution to their family, community and workplace, and fulfilling goals that are important to them.

Melinda Tankard-Reist of Women's Forum Australia is a leader in exposing the dangerous trends happening in society at the moment.

She has recently expressed concern about the growing number of girls wanting to have breast implants, young teenagers seeking Brazilian waxes, and pole dancing kits for 6 year olds.

Melinda rightly states "Girls have been reduced to the sum of their body parts."

The International Journal of Eating Disorders assert that low self esteem increases the chance of developing an eating disorder.

Statistics show that approximately one in 100 adolescent girls develop anorexia nervosa.

Anorexia Nervosa is the third most common chronic illness for adolescent girls in Australia after obesity and asthma.

The incidence of Bulimia Nervosa in the Australian population is 5 in 100.

At least two studies have indicated that only about one tenth of the cases of bulimia in the community are detected.

We should be very concerned about the prevalence of eating disorders in Australia and we should be doing something about it.

Liza Berzins, researcher of eating disorders, and author of "Dying to be Thin" has stated that young girls are more afraid of becoming fat than they are of cancer, nuclear war or losing their parents.

I am concerned that we have allowed the development of a culture that is toxic to young women. Rather than being seen as human beings, equal and deserving of respect, young women are being barraged with hyper-sexualised messages that turn them into sex objects.

As I am sure many of you can appreciate, the teenage years are hard enough with all the stereotypes and blending in with the crowd without having to worry about body image.

Melinda Tankard Reist asked her readers an important question in the Courier Mail last year in March....

Why aren't we as worried about creating an environment destructive of the physical and mental health of girls as we are about greenhouse gases?

We need to protect the innocence of our young people. Earlier this week I heard reports of 11 year olds being addicted to gambling. How can we, as a responsible society, allow this to happen?

Why do we allow our young girls, 4 and 5 years old to wear bras, revealing and skimpy clothing, and t shirts plastered with inappropriate slogans.

Young girls should not be exposed to this overt sexual culture.

I wholeheartedly agree with Dr Amanda Gordon, President of the Australian Psychological Society.

There is nothing smart about having a 4 year old in a bra.

Dr Louise Newman, Director New South Wales Institute of Psychiatry has stated her concerns of the conflicting messages we are sending to the community.

On the one hand, we're telling people that children need to be protected - that paedophilia is regarded as one of the most heinous crimes - on the other hand we allow advertisers and marketers to present images and saturate our media with images that might be sexually arousing to paedophiles."

On the internet, children, usually by mistake, come across sexual and other inappropriate content.

A recent online survey of teenage girls ran by an Australian magazine found that 7 out of 10 had accessed pornography by accident on the net.

It is unacceptable that our young people are being exposed to this inappropriate material, especially considering there is growing evidence that young people's sexual practices are changing dramatically because they are imitating what they see on the internet.

In the media this week, we have heard reports of young people playing a dangerous and potentially fatal choking game. Our kids are learning about the game on the internet, watching instructional video's on You Tube.

Medical practitioners say the choking game, which is also known as the "black-out" or "knock-out" game, provides a brief feeling of euphoria for its participants brought on by cerebral hypoxia effectively oxygen being deprived from the brain.

In the United States, 82 deaths have been attributed to the game, including the strangulation of a 12 year old boy in Colorado last month.

This is dangerous material we should be protecting our children from.

Monitoring children's Internet use is very important, and we as a Government should do all we can to protect them from the dangers online.

The Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, today announced a targeted plan to create a safer online environment for Australian children.

Although the internet has opened up a world of possibilities and benefits to Australian children, it has also exposed them to continually emerging and evolving dangers that did not previously exist.

That is why the Australian Government has committed \$125.8 million to a comprehensive range of cyber-safety measures, including law enforcement, filtering and awareness, over the next four years.

Central to the Government's plan to make the internet a safer place for children is the introduc-

tion of Internet Service Provider (ISP) level filtering of material such as child pornography.

The ISP filtering policy is being developed through an informed and considered approach, including a laboratory trial, extensive industry consultation, and close examination of overseas models to assess their suitability for Australia.

I trust the measures put forward by the Rudd Labor Government will help protect the innocence of our young people.

The American Psychological Association recently found that sexually objectifying material contributes to significant harm to young women. "...there is evidence that sexualisation contributed to impaired cognitive performance in college-aged women, and related research suggests that viewing material that is sexually objectifying can contribute to body dissatisfaction, eating disorders, low self-esteem, depressive affect, and even physical health problems in high-school-aged girls and in young women.

"In addition to leading to feelings of shame and anxiety, sexualising treatment and self-objectification can generate feelings of disgust toward one's physical self.

Girls may feel they are "ugly" and "gross" or untouchable....strong empirical evidence indicates that exposure to ideals of sexual attractiveness in the media is associated with greater body dissatisfaction among girls and young women.

The Australian Childhood foundation has commented that Childhood is "shrinking", stating that we are exposing our children to adult concepts that they can't manage and are developmentally inappropriate.

Girls are told early their bodies aren't good enough - they need continual upgrade and enhancement.

We need to seriously rethink the way society is pre-sexualising young girls.

I urge the young women of Australia to stop fixating on their so called flaws. In particular, I ask that mothers talk to their daughters about chasing the illusion of a so called perfect body.

All that should matter is that we are happy and healthy.

Tasmanian Symphony Orchestra

Senator WATSON (Tasmania) (7.11 pm)—One of the ongoing joys of living in Tasmania is the ability to attend and to enjoy the delightful music presented to Tasmania by the Tasmanian Symphony Orchestra. My wife's late father, Gordon Mein, was a regular violinist with the Victorian Symphony Orchestra. Tonight I wish to pay tribute to the Tasmanian Symphony Orchestra on the occasion of its 60th anniversary.

The Tasmanian Symphony Orchestra was established in 1948 as a result of a partnership between the state government, the Hobart and Launceston city councils and the Australian Broadcasting Commission. Since 1923 an amateur orchestra, the Hobart Orchestral Society, had provided concerts for Hobart patrons. In the 1930s the ABC Tasmanian Studio Orchestra was formed and, under conductor Clive Douglas—and I can remember him—it provided live radio broadcasts on Hobart ABC radio station 7ZL.

The outbreak of the war delayed the ABC's decision to create a permanent orchestra in every state. However, the introduction of a four-concert subscription series by the augmented amateur orchestra in 1946 paved the way for the establishment of a permanent professional orchestra. The Tasmanian Orchestra (Agreement) Act of 1948 made provision for an orchestra of 24 full-time members that could be augmented to 31 players for 'concerts at popular prices' and further augmented for the presentation of subscription concerts.

The gala opening concert, a black tie event, took place at the Hobart City Hall, on 25 May 1948 in front of a capacity crowd of 3,000 thrilled patrons. The concert earned critical acclaim and was broadcast live to the mainland. Conducted by Joseph Post and with the Tasmanian-born, world-renowned pianist Eileen Joyce as soloist, the concert

proved to be an enormous success. Of course, an event of such magnitude was a prime social event in the southern capital in those days, and it was not at all unusual to wear formal attire back in the 1940s. Further concerts were given in Hobart in that year, as well as in Launceston, Burnie and Devonport. The Tasmanian Symphony Orchestra has not looked back ever since and has earned solid support from Tasmanian music lovers in the 60 years since it was established, and it continues to do so to the present day.

While it is never easy to transport and accommodate a symphony orchestra on tour, it was certainly a harder task in the 1940s, when the hotels were basic, the buses were noisy and cold, and the state of the roads was such that travelling took much longer than it does today. In many ways being in an orchestra was a far less glamorous occupation then than some would see it as being in today's society. From its earliest years the orchestra provided an annual subscription series, concerts 'at popular prices' and the ABC Concerto and Vocal Competition Tasmanian final. Youth concerts and free school orchestral concerts were also part of the performances. Subscription concerts were supplemented by summer and spring festivals, light-music festivals and specific-composer festivals. The orchestra was regarded as the pre-eminent cultural identity for the state. Special events within Tasmania were celebrated with concerts by the orchestra, including the Commonwealth Jubilee of 1951 and the Tasmanian Sesquicentenary of 1953.

Building on its roots as a studio orchestra, radio broadcasting became an essential aspect of the orchestra's profile. It became the first Australian orchestra to have a weekly radio program and from the mid-1960s concerts were broadcast on radio and television. This practice continues today.

Since its inception, the TSO has regularly toured regional Tasmania and over the past 20 years has also played frequently on the mainland, as well as overseas. The orchestra has performed well at the Festival of Perth; the Melbourne International Festival of the Arts; the Australian Festival Theatre, here in Canberra; the Brisbane Biennial; and the Adelaide Festival. In 1979 the orchestra joined the Australian Ballet to undertake a highly successful tour of Greece and also Israel. Since then it has toured many overseas countries as far away as Canada, the United States and Argentina.

The Tasmanian Symphony Orchestra has also earned a fine reputation for the quality of its recordings, which appear on the ABC Classics, Hyperion and Chandos labels. These recordings have also included many contemporary works by Australian composers, and the orchestra has been awarded several accolades for its recordings of new music, including the inaugural award for the support of Australian contemporary composition. The orchestra has also continued a strong program of community arts events right around the state, with members participating in teaching, performance and new music activities in addition to their orchestral responsibilities—congratulations to them.

Today the TSO has a full complement of 47 accomplished musicians. Its size makes it an ideal interpreter of music of the classical and early romantic periods. As it celebrates its 60 years of success, the TSO has an enviable record and a reputation as one of the world's best small orchestras. I repeat that: it is one of the world's best small orchestras. It is a source of great pride for all Tasmanians. I note that the orchestra is currently working on moving much of its concert work in Launceston from the Princess Theatre to the Albert Hall, where the acoustics are so much better. It is hoped that the grand old Albert Hall can become the new home for the TSO

in Launceston, and appropriate upgrading is proposed to allow this facility to be improved so that it offers a better concert hall in which Launceston music lovers can continue to appreciate the quality presentations that this world famous orchestra now offers.

As the orchestra plans its 61st year, I join with my fellow Tasmanians to pay tribute to the foresight of previous decision makers who took the bold step of establishing the TSO back in 1948. I wish every success to those whose present role is to continue this proud heritage. For a state with a population of less than half a million residents, we are indeed blessed with a fine cultural asset in the Tasmanian Symphony Orchestra. For this to have thrived for the past 60 years is really a testament to those inspired souls who have believed that even a small state can achieve the highest quality when people set their minds to it. As one who has had, over many years, the honour to regularly attend this orchestra's Launceston concerts and also a number of its concerts in Hobart, I do hope that the TSO will long continue to provide excellent entertainment and strongly support the growth in the appreciation of music by all Australians. I thank the Senate, and I wish the orchestra continued success.

Electoral Reform

Senator MURRAY (Western Australia) (7.20 pm)—I am expecting that tomorrow the government will introduce the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, which will be a welcome move because it will start to roll back some of the rather unattractive so-called reforms introduced by the previous government. In my adjournment speech tonight I will revisit the issue of political donations and the pressing need to protect politicians from the undue influence of donors. It is an issue on which I have been consistently active over the last 12 years be-

cause of my strong belief and my party's strong belief in the need for a comprehensive regulatory system which not only improves political governance markedly but addresses the waning faith of the wider public in politicians and the political process. It has seemed that for the major political parties it has never been the right time to tighten disclosure laws in any meaningful way. But, to be fair, Labor has previously joined the Democrats in resisting the advance to the lower standards which characterised the efforts of the previous government, and Labor's latest proposals will indeed lift standards.

Now that Labor has taken government, we are going to find out more about who gives what to whom. They are to be congratulated for that approach. The Labor government's short-term reform agenda includes revising the Howard government's huge increase in the disclosure threshold, which went from \$1,500 to over \$10,000, bringing it back to a lower figure of \$1,000. It includes banning donations from overseas. It includes doing away with multiple donations across state and territory branches of the same political party whereby separate divisions of a political party are treated as being separate for donations disclosure purposes. It includes tying the public funding of elections to verified electoral expenditures directly incurred by candidates or parties and it includes increased public scrutiny of donations by reducing a disclosure time frame to six months.

The government has embarked on an electoral reform green paper process comprising two parts: the first part will look at disclosure funding and expenditure issues and is scheduled for release in July 2008; the second part will examine a broader range of issues and contains options aimed at strengthening other areas of electoral law, including fairness, enrolment requirements and provisional voting procedures. Part 2 of

the green paper is scheduled for release in October 2008.

I trust that the second part of this reform agenda will include banning strings-attached donations. There is a view that some donors specifically tie large donations to the pursuit of specific outcomes they want achieved in their own self-interest. This is improper conduct in the formulation or execution of public policy. At its worst, it is corruption. Nowhere is a ban more urgently required than on the sea of developer money donated to all levels of government. Controversies regarding developer donations have been numerous, as have been the calls to clamp down on them, including those strongly expressed by former Prime Minister Paul Keating.

Just recently, Robert Needham, chairman of Queensland's anticorruption body, warned that local government elections could be corrupted because of the Bligh government's refusal to reform electoral donation laws. This was not a spurious claim and it certainly came from a serious person. It was based on a Crime and Misconduct Commission inquiry into the 2004 Gold Coast City Council poll, which found that the elections had been corrupted by a secret developer-backed fund. Although some cynics may find it surprising, developers themselves—at least those who are organised—have now come out in favour of a new model for political funding.

Mr Aaron Gadiel, Chief Executive of Urban Taskforce Australia, an organisation representing Australia's most prominent property developers, has recommended a blanket ban on all political party donations, those from business, from unions, from non-profit organisations and from individuals. To compensate for this funding loss, the public funding of political parties according to their electoral performance would need to be massively increased. Similar remarks and a similar approach has been taken by none other

than the New South Wales Labor Party. So there is great interest in this sort of approach. Mr Gadiel claimed his model would remove any perception of favouritism in government decision-making processes, whether at the federal, state or local level. If no reform is forthcoming, if there is no crackdown on developer donations, then political parties and individuals will continue to be implicated in assertions of conspiracy deals with them.

In my home state of Western Australia, the highly contentious developer donations issue surfaced last year in the scandals surrounding the notorious former premier and lobbyist, Brian Burke, and property developer, Australand. That issue was trawled through the Corruption and Crime Commission of Western Australia.

Moving forward to earlier this year, we have the scandal involving the Wollongong Council, in New South Wales—in fact, in that state alone, property developers have donated more than \$4 million to the Labor Party in the past three years. What is more, research carried out by the Greens found that 10 of the biggest developers paid more than \$1 million to the Labor Party while waiting on the planning minister to consider \$1½ billion worth of building works across New South Wales. This, at its least, is a blatant conflict of interest and it must not continue in any level of government. Additionally, the 2007 Australian Electoral Commission figures showed that property developers and development companies provided \$5.1 million of the \$13.9 million donated to the three major political parties. So they seem to be extremely public-spirited—or else they are getting something out of the process.

Back in November 2006, the Democrats attempted to end donations by developers when I moved a motion in the Senate. That motion went nowhere. There was no debate

and the amendment only attracted the support of the Greens. The Howard coalition government, the opposition and Family First all voted to continue the practice of developer donations. Had my motion been supported, it would have resulted in the matter being put before the Council of Australian Governments with a view to designing amendments to all federal, state and territory electoral laws prohibiting donations, loans or gifts by developers, either directly or indirectly, to candidates or political parties at any level of government across Australia. I am not a betting man, but I would wager a substantial amount of money that, if a random sample survey of the public were taken on the banning of developer donations, the response would be an overwhelming level of support. But, where the public sees a conflict of interest, most political parties only see a fundraising opportunity, and that is a sad reality for Australian democracy. It is time that it was fixed, and that is why the New South Wales Labor Party's initiatives are of particular interest. They are making a genuine attempt to address this matter from its base and to review the whole process by which politics is funded. They are to be congratulated for doing that.

The introduction of public funding for federal elections by the Hawke Labor government in 1984 was supposedly to eliminate the link between money and the taint of corruption. However, this funding has merely provided an extra pool of money for political parties to draw on. Granted, a political party requires money and resources to carry out its work, and the Democrats have no issue with those private donors who have donated in the past because of their altruistic enthusiasm for their party. However, along the way there has been a rapid growth in private donations, which have come from a narrow section of society. Too often, such donations result in trying either to buy influence or to advance

self-interest. Such people do not donate to advance democracy; in fact, they harm it. In this sense, donations become valued over grassroots involvement and they are largely viewed by the public as unsavoury and distasteful, which erodes public confidence in our political system.

On 19 February 2008, Mr Brad Pedersen, who is the President of Democracy Watch and a former Deputy Mayor of Manly, said:

The time has come to seriously confront this cancer in our political system.

...

The control of parliament by political parties riddled with donor cash should not be seen as anything less than the breakdown of fundamental aspects of our democracy.

In my view, it is only when developer or ‘strings attached’ donations are banned that we will see the start of a revival of faith in the integrity of the political system among the wider public. Should the Rudd government do so, it will be a signal, too, that federal Labor is indeed the real deal on political donations reform.

Senate adjourned at 7.30 pm

DOCUMENTS

Tabling

The following government documents were tabled:

Migration Act 1958—

Reports for the period 1 November 2007 to 29 February 2008—

Section 91Y—Protection visa processing taking more than 90 days.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.

Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 366/08 to 412/08—

Commonwealth Ombudsman’s reports.

Commonwealth Ombudsman’s reports—Government response, dated 13 May 2008.

Telecommunications (Interception and Access) Act 1979—Report for 2006-07 on the operation of the Act—Corrigendum.

Treaties—

Bilateral—

Text, together with national interest analysis—

Protocol Amending the Agreement between the Government of Australia and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income of Income of 1999, done at Pretoria on 31 March 2008.

Treaty between the Government of Australia and the Government of the United States of America concerning Defense Trade Cooperation, done at Sydney on 5 September 2007.

Text, together with national interest analysis and regulation impact statement—Agreement between the Government of Australia and the Government of the Russian Federation on Cooperation in the Use of Nuclear Energy for Peaceful Purposes, done at Canberra on 7 September 2007.

Multilateral—

Explanatory statement 1 of 2008—Amendment, adopted at London in July 2007, to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code).

Text, together with national interest analysis and annexure—International Tropical Timber Agreement, Geneva, 27 January 2006.

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Australian Research Council Act—
Approval of Proposals—Determinations
Nos—

54—Linkage Learned Academies Special Projects funding commencing in 2008.

55—Linkage International Social Sciences Collaboration commencing in 2008.

56—Federation Fellowships commencing in 2008.

Civil Aviation Act—

Civil Aviation Regulations—
Instruments Nos CASA—

214/08—Instructions – use of RNAV (GNSS) approaches by RNP-capable aircraft [F2008L01063]*.

EX22/08—Exemption – from take-off minima inside and outside Australian territory [F2008L01065]*.

Civil Aviation Safety Regulations—
Airworthiness Directives—Part—

105—

AD/A320/163 Amdt 1—Wing Trailing Edge Cable Routes [F2008L01371]*.

AD/BEECH 200/75—Tail Deicing Pneumatic Supply Tubes [F2008L01388]*.

AD/BEECH 300/22—Tail Deicing Pneumatic Supply Tubes [F2008L01389]*.

AD/BELL 205/74—Tail Rotor Blades – 2 [F2008L01397]*.

AD/BELL 212/69—Tail Rotor Blades – 2 [F2008L01398]*.

AD/BELL 412/55—Tail Rotor Blades – 2 [F2008L01399]*.

AD/DO 328/71—Wing Lower Inner Panel [F2008L01396]*.

106—AD/SMA/4—Air Inlet Manifold Hose Clamps [F2008L01368]*.

107—AD/TURBO/2—Kelly Aerospace Turbocharges [F2008L01387]*.

Customs Act—Tariff Concession Orders—

0721804 [F2008L01299]*.

0721974 [F2008L01302]*.

0800533 [F2008L01305]*.

0800534 [F2008L01306]*.

0800551 [F2008L01307]*.

Datacasting Charge (Imposition) Act—
Datacasting Charge (Amount) Amendment
Determination 2008 (No. 1) [F2008L01370]*.

Disability Services Act—

Disability Services (Eligibility — Targeted Support Services) Standards (FaHCSIA) 2008 [F2008L01372]*.

Disability Services (Eligible Services) Approval (FaHCSIA) 2008 [F2008L01381]*.

Financial Management and Accountability Act—

Financial Management and Accountability Determinations—

2008/05 – Services for Other Entities and Trust Moneys – Department of Resources, Energy and Tourism Special Account Establishment 2008 [F2008L01374]*.

2008/06 – Services for Other Entities and Trust Moneys – Bureau of Meteorology Special Account Establishment 2008 [F2008L01375]*.

2008/07 – Other Trust Moneys – Bureau of Meteorology Special Account Variation and Abolition 2008 [F2008L01378]*.

Net Appropriation Agreement for Cancer Australia [F2008L01318]*.

Higher Education Support Act—

Higher Education Provider Approval (No. 4 of 2008)—Whitehouse Institute Pty Ltd [F2008L01334]*.

Higher Education Provider Approval (No. 5 of 2008)—Leo Cussen Institute [F2008L01333]*.

National Health Act—Instruments Nos PB—

50 of 2008—Amendment declaration and determination – drugs and medicinal preparations [F2008L01382]*.

51 of 2008—Amendment determination – pharmaceutical benefits [F2008L01383]*.

52 of 2008—Amendment determination – responsible persons [F2008L01384]*.

53 of 2008—Amendment – price determinations and special patient contributions [F2008L01385]*.

54 of 2008—Amendment determination – conditions [F2008L01386]*.

55 of 2008—Amendment Special Arrangements – Highly Specialised Drugs Program [F2008L01390]*.

56 of 2008—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2008L01391]*.

58 of 2008—Determination – drugs on F1 [F2008L01392]*.

Remuneration Tribunal Act—Determination 2008/04: Remuneration and Allowances for Holders of Public Office [F2008L01340]*.

* Explanatory statement tabled with legislative instrument.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Commonwealth Fleet Management Agreement (Question No. 280)

Senator George Campbell asked the Minister representing the Minister for Finance and Deregulation, upon notice, on 13 February 2008:

With reference to the Commonwealth Fleet Management Agreement:

- (1) Can a break-down be provided of all vehicles owned or leased by the Commonwealth Government under the Fleet Management Agreement, including: (a) the total number of vehicles; (b) vehicle type (e.g. sedan, wagon etc); and (c) user (e.g. department, authority etc).
- (2) Can a copy be provided of the Fleet Management Agreement.
- (3) Under the Fleet Management Agreement, does the Commonwealth have any say over the type of vehicles that are used.
- (4) Can full details be provided of any vehicles owned or leased by the Commonwealth which are not covered by the Fleet Management Agreement.

Senator Sherry—The Minister for Finance and Deregulation has supplied the following answer to the honourable senator's question:

- (1) (a) 14,593.
 - (b) Refer attached. Please note that the industry standard is to report vehicles by "vehicle type" (e.g. passenger – small, medium, large etc) rather than "body type" (e.g. sedan, wagon, hatch).
 - (c) There are 106 agencies that utilise the Fleet Management Agreement. To provide the attached vehicle details by agency would require extensive consultation and time consuming preparation and I am not willing to allocate the resources to this task.
- (2) No. The Fleet Management Agreement contains contractually specified provisions concerning "Confidential Information of the Fleet Manager". The public release of this information is likely to cause commercial detriment to the Fleet Manager.
 - (3) No. Separate from the Fleet Management Agreement, however, the Department of Finance and Deregulation administers the following vehicle selection guidance relating to the selection of general pool vehicles:
 - Passenger motor vehicles must be either:
 - (i) made in Australia; or
 - (ii) imported by an Australian manufacturer with an engine capacity of 2000cc or less.
 - In the absence of an operational case to the contrary, vehicles deemed by the vehicle manufacturers to be performance vehicles or sports cars (including but not limited to 8-cylinder sports sedans, wagons and coupes) are excluded from selection for General Fleet (Passenger) Vehicles.
 - Four wheel drive vehicles, sports utility vehicles and light commercial vehicles are to be provided if operational conditions require. During vehicle selection, consideration should be given to Australian made alternatives. Where an operational case exists, 8-cylinder vehicles may be selected.
 - Agencies are required to obtain their motor vehicles from the Australian Government's fleet services provider.

- Where an operational case exists, these guidelines do not apply to the selection of vehicles that are to be used for law enforcement, covert or national security functions.

In addition to this, there are separate but complementary guidelines relating to the selection of vehicles for (a) Senators and Members; and (b) officers of the Senior Executive Service.

- (4) No. The centralised arrangements administered by the Department of Finance and Deregulation apply to agencies that operate subject to the Financial Management and Accountability Act 1997. There are no centralised arrangements relating to agencies operating subject to the Commonwealth Authorities and Companies Act 1997 and information relating to these agencies is not readily available.

Attachment

	PASSENGER VEHICLES (1)				SPORTS UTILITY VEHICLES (1)		LIGHT COMMERCIAL (1)				HEAVY COMMERCIAL (1)		OTHER	
	Small	Medium	Large	People Mover	Com-pact	Large (Non-Compact)	Vans	4x2 Ute/ Pick-up/ Cassis	4x4 Ute/ Pick-up/ Cassis	Light Bus	Heavy Truck	Heavy Bus	Motor-cycle, Trailer, Machinery	
<4 cyl.	4-6 cyl	>6 cyl	7+ seat-ing	Wagon, 4-6 cyl, 4WD & AWD	Wagon, 6+ cyl, 4WD & AWD		2WD	4WD		8+sea ts <3.5t GVM	>3.5t	>3.5t		
Defence (owned) (2)	106	30	1610	195	4	979	273	520	613	454	643	251	336	
Other Agencies (leased and owned) (3)	1534	1410	3364	98	170	1106	193	375	188	42	15	8	76	
Total	1640	1440	4974	293	174	2085	466	895	801	496	658	259	412	

(1) Vehicle categories are consistent with those used by the Federal Chamber of Automotive Industries (FCAI)

(2) Department of Defence's commercial (non-military) vehicle fleet.

(3) Mainly agencies that operate subject to the Financial Management and Accountability Act 1997

Aged Care
(Question No. 293)

Senator Allison asked the Minister representing the Minister for Ageing, upon notice, on 21 February 2008:

- (1) What process does the Government use to scrutinise the sales of aged care companies that receive Government payments.
- (2) How does the Government determine that key personnel in the purchasing company are suitable for providing aged care.
- (3) Does the purchaser of a company that has approved provider status for aged care have to obtain approved provider status in its own right once it has purchased an aged care facility or company; if not why not.

Senator Conroy—The Minister for Ageing has provided the following answer to the honourable senator's question:

- (1) Under the Aged Care Act 1997 the suitability of the Approved Provider is monitored in light of changes in persons that perform a decision-making or management role with the approved provider, such as Board members, senior management and Directors of Nursing. The Aged Care Act 1997 does not require prior approval or notification of the sale of aged care companies
- (2) The criteria for considering the suitability of an Approved Provider's key personnel are set out in the Aged Care Act 1997 and Aged Care Principles. These include the experience in providing aged care, the ability to provide aged care which meets the regulated standards, the commitment to the rights of the recipients of aged care and the record of financial management.
- (3) No. The Aged Care Act 1997 does not require a company that purchases a part or whole of an existing Approved Provider entity to apply for Approved Provider status as well, or regulate who holds a financial interest in an Approved Provider entity. However, changes in Directors of an Approved Provider constitute changes in key personnel. Key Personnel changes are regulated under the Aged Care Act 1997.

Chlamydia

(Question No. 294)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 February 2008:

- (1) (a) What are the most recent figures for Chlamydia notifications, by age and state, if possible; and (b) does this indicate an increase or decrease from previous years.
- (2) (a) What age groups is the pilot testing program for Chlamydia targeting; and (b) how were these age groups decided.
- (3) Can a list be provided of the projects funded under the targeted grants program, including respective funding levels and commencement and anticipated completion dates.
- (4) (a) If any of the funded targeted grants programs have been completed, what level of screening was targeted and what level was achieved; and (b) what data was collected on the prevalence of Chlamydia.
- (5) In regard to Chlamydia testing in general practice (GP) settings: (a) when did testing commence; (b) in how many settings is the testing occurring; (c) where is the testing being conducted; (d) how were locations selected; (e) what process is being used to identify participants; (f) what participation rate has been achieved; (g) are any GP settings using a systematic approach, such as sending out letters to all young female clients to ask them to come in for testing or combining testing with visits for pap screens; and (h) what results have been obtained to date.
- (6) Has the Government looked into Chlamydia screening outside the GP setting, for example by school-based screening or sporting club screening.
- (7) Has the Government looked into the need for Chlamydia education and health promotion programs.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a) The following data are from the *HIV/AIDS, Viral Hepatitis and Sexually Transmissible Infections in Australia Annual Surveillance Report 2007, National Centre for HIV Epidemiology and Clinical Research*:

Table 1 - Total number of Chlamydia Diagnosis (2006), by age and sex.

	0-4	5-14	15-19	20-29	30-39	40-49	50-59	60+	Not Reported
Male	41	64	2 575	10 689	3 568	1 355	538	145	6
Female	42	393	8 661	15 076	2 892	680	156	35	5
Total	83	458	11 258	25 822	6 479	2 040	695	181	14

* Total Diagnosis includes people whose sex was not reported.

Table 2 – Total number of Chlamydia Diagnosis (2006), by state.

	VIC	ACT	NSW	QLD	NT	WA	SA	TAS
Number	9 979	821	11 863	3 128	12 237	5 897	3 128	1 048

- (b) These data indicate an increase from previous years. In Australia in 2006, among the male population, the rate more than doubled (per 100,000) from 84.5 in 2001 to 185.1 in 2006. Among the female population the rate doubled (per 100,000) from 124.4 in 2001 to 270.0 in 2006. Increasing rates of chlamydia were reported in all states and territories.
- (2) (a) The Pilot Testing Program for Chlamydia is primarily targeting young adults 16-25 years old. Other priority target groups include Aboriginal and Torres Strait Islander people, men who have sex with men, sex workers and pregnant women.
- (b) Notifications of chlamydia are strongly age related. Just prior to this program's commencement in 2004, the highest number of chlamydia notifications for both males and females was observed in the 20-24 year age group. The next most frequent age group for females was 15-19 years.
- (3) **Attachment A** is a list of the projects funded under the targeted grants program, including respective funding levels and commencement and anticipated completion dates.
- (4) (a) and (b) Three of the programs funded under the Chlamydia Targeted Grants Program have been completed:
- the Njernda Aboriginal Corporation program screened 100 people with chlamydia cases detected in 10%. Prior to commencement of the project, no target levels of screening were identified; the Northern Territory Department of Health and Community Services, through the Alice Springs Hospital emergency department, screened 213 women of a proposed 1200 women. Of the 213 women screened, there was a chlamydia prevalence rate of 8.9%;
 - the Macfarlane Burnet Institute for Medical Research and Public Health screened 709 of a target of 1000 people through a program in local Victorian sporting clubs. A total of 28 cases of chlamydia were diagnosed.
- (5) (a) to (h) Chlamydia testing in general practice (GP) settings will commence in 2008/2009.
- (6) Under the Chlamydia Targeted Grants Program, a number of programs are being undertaken outside of the GP setting and include chlamydia screening (see Attachment A).
- (7) Under the Chlamydia Targeted Grants program, a number of programs have an education and health promotion component (see Attachment A).

Attachment A**Projects funded under the Chlamydia Targeted Grants Pilot Program – Stage 1**

Project	Organisation	Total Fund-ing (Excludes GST)	Commencement Date	Completion Date
Chlamydia education and testing for tertiary students in the ACT (the Stamp Out Chlamydia campaign)	The Australian National University	\$529 900	9 June 2006	30 April 2008
Testing Aboriginal and Torres Strait Islander women for chlamydia at the Alice Springs Hospital Emergency Department	The NT Department of Health and Community Services	\$172 803	31 August 2006	30 October 2007
Development and implementation of a mobile testing clinic for chlamydia testing in the Riverland region (South Australia)	Riverland Regional Health Service	\$234 924	13 June 2006	30 September 2008
Identifying parameters for participation in chlamydia testing programs (primarily using self-collection kits) for high risk groups in Tasmania	Department of Health and Human Services (Tasmania)	\$78 651	11 July 2006	30 June 2007
Interactive, internet-based education and information for young people using the Dolly and ReachOut websites	The University of Sydney (Cyberspace Consortium)	\$382 176	13 June 2006	30 June 2008
Development of a chlamydia education training package that can be delivered in specific settings (Darwin, Hobart and Adelaide) by sex worker peer educators	Scarlet Alliance & Australia Sex Worker Association	\$345 957	7 June 2006	30 September 2008
A community-based program of chlamydia testing and treatment in rural and regional Victoria (Sex and Sport)	The Macfarlane Burnet Institute for Medical Research and Public Health	\$151 178	20 June 2006	31 December 2007
Using the internet (chat rooms) to provide sexual health info to men who have sex with men	The Alfred Hospital	\$72 618	11 July 2006	30 June 2008
Improved chlamydia awareness and testing among Aboriginal youth in Echuca and surrounding areas	Njernda Aboriginal Corporation	\$77 273	26 June 2006	30 June 2007
Chlamydia testing for antenatal women at The Royal Women's Hospital, The Mercy Hospital for Women, Monash Medical Centre and Sunshine Hospital Project	University of Melbourne, Sexual Health Unit	\$125 801	28 June 2006	31 March 2008
	Organisation	Total Fund-ing (Excludes GST)	Commencement Date	Completion Date
Development of a mechanism for national chlamydia partner notification	University of Melbourne, Sexual Health Unit	\$208 572	28 June 2006	31 March 2008
Chlamydia testing in the Royal Perth Hospital Emergency Department	Royal Perth Hospital	\$274 446	14 June 2006	30 June 2008
Testing Aboriginal people for chlamydia in the Fitzroy Valley	Nindilingarri Cultural Health Services	\$209 539	16 June 2006	30 June 2008

Project	Organisation	Total Funding (Excludes GST)	Commencement Date	Completion Date
Trial of chlamydia testing as part of the annual health assessment at Australian Defence Force (Naval) facilities	University of QLD (Centre for Military and Veteran's Health)	\$128 510	26 June 2006	30 April 2008
Trial of a home self-collection kit for chlamydia testing in urban, rural and remote Queensland	Prince Charles Hospital and Health Service District (QLD Health)	\$314 318	24 July 2006	30 June 2008
Longitudinal study of young Australian women investigating chlamydia incidence and reinfection rates (in Victoria, NSW and the ACT)	University of Melbourne	\$757 922	28 June 2006	30 June 2008
Development and trialling of a national sexual health learning program for GPs	Australasian Chapter of Sexual Health Medicine, Royal Aust College of Physicians	\$124 600	11 July 2006	30 June 2008
Development of a chlamydia education resource for teachers, parents and young people	La Trobe University, Australian Research Centre for Sex, Health and Society	\$249 035	19 July 2006	31 December 2008
Development of an accredited education module for rural and remote GPs and other health professionals on detecting, managing and preventing chlamydia	Rural Health Education Foundation	\$227 000	30 June 2006	31 August 2007
Establishment of a national sentinel surveillance system for chlamydia (the ACCESS project).	Macfarlane Burnet Institute for Medical Research and Public Health and the National Centre for HIV Epidemiology and Clinical Research (NCHECR)	\$985 312	14 May 2007	31 May 2009

Wound Care
(Question No. 295)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 February 2008:

- (1) What data does the Government have on the prevalence of people living with chronic wounds.
- (2) What are the costs to the health system of chronic wound care.
- (3) How much funding does the Government provide for wound management aids or appliances.
- (4) What wound management technology does the Government fund.
- (5) (a) How much does the Government spend on educating the medical profession on appropriate wound management techniques; and (b) how is this funding distributed.
- (6) What steps, if any, does the Government propose to take to improve chronic wound care.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) The Department of Health and Ageing does not collect data on the prevalence of people living with chronic wounds. People with chronic wounds are cared for across a spectrum of settings including primary and ambulatory care, inpatient care and nursing homes.

- (2) Wound care services are funded by the Commonwealth Government under a range of surgical and consultation items on the Medicare Benefits Schedule (MBS). There is also a specific wound care item (Item 10996) which provides a rebate of \$10.60 for a practice nurse to provide wound care services on behalf of a GP. The fee does not include an allowance for dressings or bandages. The MBS items cover both acute and chronic wound care.

In 2006-07 there were 1 475 346 services delivered by practice nurses under MBS Item 10996 attracting benefits of \$15 543 268.

While wound care will be treated during some episodes of care in public hospitals it is not possible to distinguish, or cost, chronic wound care from acute trauma.

- (3) The Commonwealth Government subsidises a wide range of drugs, medicinal preparations and medical procedures through its PBS and MBS Schemes. Neither scheme is designed to provide financial assistance with the cost of ancillary items such as dressings and bandages. Some private health funds provide benefits for aids and appliances, depending on the policy the insured person holds. The Commonwealth Government indirectly supports this through the private health insurance rebate.

All states and territories operate aids and appliance programs to assist people with the cost and/or provision of these items in the community setting.

- (4) It is not possible, therefore, to indicate the total amount of funding provided by governments for wound management aids and appliances. The Commonwealth Government provides funding to states and territories through the Australian Health Care Agreements for public hospitals to provide inpatient and ambulatory services to all Australians, including acute and chronic wound care services.

- (5) (a) and (b) The department does not collect data on expenditure on educating the medical profession on appropriate wound management.

- (6) On 26 March 2008, the Council of Australian Governments announced the national registration and accreditation scheme for health professionals to be implemented on 1 July 2010. The scheme will ensure that the nine health professionals currently registered in all jurisdictions will have high quality, nationally consistent standards for accredited courses of study, which would include any relevant training in chronic wound care.

On 4 April 2008 the Commonwealth Government announced funding of up to \$500,000 for wound management research projects through the second round of the Encouraging Best Practice in Residential Aged Care Program. The research will identify the most effective strategies for aged care homes to implement and maintain current good practice in wound management. While some aged care homes may have wound care management education for their staff, this new research program will encourage and support ongoing education to ensure consistent development of best practice helps improve care for older Australians.

Parkinson's Disease

(Question No. 296)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 21 February 2008:

- (1) (a) What statistics does the department have on the prevalence of Parkinson's disease in Australia; and (b) how many people are affected by Parkinson's disease.
 - (2) How does the prevalence of Parkinson's disease compare to other diseases and injuries that are considered National Health Priority Areas (NHPAs), such as suicide.
 - (3) How are NHPAs determined.
-

- (4) (a) How much federal funding goes to suicide-related initiatives; and (b) how much goes to Parkinson's disease related initiatives.
- (5) How many Parkinson's disease specialist nurses are working in Australia.
- (6) (a) Is the Minister aware that United Kingdom guidelines recommend one Parkinson's disease specialist nurse for every 300 patients, which would translate to a need for 182 Parkinson's disease specialist nurses in Australia; and (b) has the Government looked into potential savings that would occur from better access to specialist nursing care.
- (7) Has the Government looked into the need for general practitioner and public education about Parkinson's disease; if so, does this include employer education.
- (8) (a) How much money does the Government direct to research into Parkinson's disease; (b) of this amount, how much is provided to look at causes, as opposed to cures and treatment models; and (c) how does this compare to other NHPAs.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a) and (b) The Australian Institute of Health and Welfare in its 2007 report, *The Burden Of Injury And Disease In Australia*, 2003, estimates the prevalence of Parkinson's Disease in Australia at 46,573 persons or 0.2 per cent of the population in 2003.
- (2) Prevalence data derived from the Australian National Health Survey of 2004–05 for the National Health Priority Areas is as follows:

Condition	Number	Prevalence rate (%)
Arthritis and osteoporosis ^a	2,244,000	11.4
Asthma	2,013,500	10.2
Diagnosed diabetes ^b	699,600	3.6
Diseases of the circulatory system ^c	3,536,600	18.0
Malignant neoplasms	338,300	1.7
Mental and behavioural problems ^d	1,718,600	8.7
Long term condition ^e resulting from injury	2,094,200	10.6

Note: survey population for calculation of prevalence rates was 19,681,500.

^a Includes the four NHPA focus conditions of rheumatoid arthritis, osteoarthritis, juvenile idiopathic arthritis and osteoporosis.

^b Includes persons reporting type 1 diabetes, type 2 diabetes, and from whom type of diabetes was not known. Studies of measured diabetes report higher figures than do studies of diagnosed (self-reported) diabetes, such as the NHS.

^c Includes heart, stroke and vascular diseases, hypertensive disease, tachycardia, haemorrhoids, varicose veins, low blood pressure.

^d Includes mood (affective) problems, anxiety related problems, and behavioural and emotional problems with usual onset in childhood/adolescence. These conditions are self-reported in the NHS, and are likely to be an underestimate of the population prevalence.

^e Conditions which have lasted or are expected to last for 6 months or more.

Source: NHS 2004-05 (ABS 2006, National Health Survey: summary of results, Australia. Cat. No. 4364.0, Tables 4, 5 and 9)

The Australian Bureau of Statistics report: *Suicides Australia*, states the occurring rate of suicide is about 1 per 10,000 population per year. There were 2,101 deaths from suicide registered in 2005, similar to the number registered in the previous year (2,098).

Australian Bureau of Statistics: Suicides Australia, Cat No: 3309.0

- (3) The National Health Priority Areas (NHPA) initiative is a collaborative effort of Commonwealth and State and Territory governments to target diseases and conditions where significant gains could be achieved in terms of costs and in the health of Australia's population.

The establishment of a new NHPA requires the agreement of Health Ministers through the Australian Health Ministers' Advisory Council (AHMAC). For a disease or condition to be considered for NHPA status, each of the following criteria must be met.

- (a) Potential for gain in health status and/or improved patient well-being;
- (b) Capacity for evaluation of health gain;
- (c) Support from all jurisdictions; and
- (d) Burden of the disease or condition.

- (4) (a) Funding of \$102 million has been allocated to the National Suicide Prevention Strategy over the 2006-2011 period; and

(b) most Commonwealth direct expenditure in relation to treatment and management of Parkinson's disease is directed through primary care and subsidised medications. It is not possible to attribute expenditure under the Medicare Benefits Schedule to particular diseases.

The Commonwealth Government provided \$19.8 million for research into Parkinson's disease for the period 2003 to 2007.

- (5) The Commonwealth Government does not hold data on Parkinson's disease specialist nurse numbers.

- (6) (a) Parkinson's Australia has provided a submission to the Commonwealth Government that includes information and recommendations regarding the UK guidelines; and

(b) the Parkinson's Australia submission is with my Department for consideration.

- (7) The Commonwealth does not fund specific education in relation to Parkinson's disease.

Through the Australian Better Health Initiative (ABHI), the Commonwealth Government will provide targeted training, education and resources to strengthen the capacity of the existing and future primary care workforce to support the self-management of chronic diseases.

In addition to ABHI, through the Sharing Health Care Initiative, the Commonwealth Government is targeting individuals with chronic diseases by funding research into innovative self-management intervention programs.

- (8) (a) and (b):

Funding for Parkinson's disease (\$ million).

Research activity type	2003	2004	2005	2006	2007
Total funding for Parkinson's disease	\$3.0	\$2.8	\$3.1	\$5.0	\$5.2
Aetiology/cause	\$0.3	\$0.3	\$0.3	\$0.6	\$0.7
Proportion of funding for aetiology related research	10%	12%	8%	11%	13%

Source: NHMRC

(8) (c)

NHMRC Funding by National Health Priority Areas 2000-2007 (\$ million)

NHPAs	2003	2004	2005	2006	2007
All Arthritis and Osteoporosis	\$11.7	\$14	\$16.9	\$18.1	\$20
Asthma	\$8	\$8.9	\$11.8	\$12.6	\$14.8
All cancer	\$68	\$72.6	\$87.5	\$99.1	\$118.5
All Cardiovascular disease	\$47.2	\$52.7	\$65.9	\$77.8	\$84.6
Diabetes	\$19.8	\$21.6	\$27.1	\$34.7	\$42.2
Injury Prevention	\$9	\$11	\$15.4	\$19.6	\$20.9
Mental Health	\$24.4	\$27.1	\$33.3	\$38.2	\$46.2
Parkinson's Disease	\$3	\$2.8	\$3.1	\$5	\$5.2

Source: NHMRC

**Schools Security
(Question No. 298)**

Senator Allison asked the Minister representing the Minister for Home Affairs, upon notice, on 21 February 2008

With regard to reports that the Australian Security Intelligence Organisation (ASIO) and the Australian Federal Police (AFP) will be involved in assessing and providing security for some schools:

- (1) What data does the Government have on the amount of money schools spend on security.
- (2) What will be the task delineation between ASIO and the AFP.
- (3) How many, and which, schools will be assessed to see if they have special security needs.
- (4) Will schools be able to nominate for a security assessment.
- (5) How much funding will be available for individual schools.
- (6) Is the Government considering the provision of funding for security to other venues, such as churches, synagogues and mosques.

Senator Ludwig—The Minister for Home Affairs has provided the following answer to the honourable senator's question:

- (1) I am advised that this information is not available.
- (2) This issue is still under consideration.
- (3) and (4) These issues are still under consideration by the Government. However, to help determine which schools might appropriately benefit from this funding, the Minister for Home Affairs has written to State and Territory Attorneys-General asking them to consult with their ministerial colleagues to identify which schools might be considered at risk in their jurisdiction. The Minister has also written to independent schools bodies advising them of this process and welcoming any views they may have.
- (5) This issue is still under consideration.
- (6) The Secure Schools Program will provide funding to assist at-risk religious, ethnic and secular schools meet their security needs. Under the National Community Crime Prevention Programme, eligible non-government and local government organisations were able to apply for funding for security-related infrastructure. All available funding under this program has now been committed.

Proposed Pulp Mill
(Question No. 299)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 21 February 2008:

Given that Gunns Limited conduct further hydrodynamic modelling before the Minister finalises approval for the commission of the pulp mill project, and if, as several independent oceanographers have highlighted, government scientists agree that the daily effluent discharge of 64 000 tonnes will adversely effect Commonwealth marine waters, ecosystems and marine migratory species, will the Minister refuse permission for Gunns Limited to start operation the pulp mill.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

Under the conditions of the approval for the pulp mill project, the mill is not permitted to operate unless I have approved the Environmental Impact Management Plan (EIMP). I will not approve the EIMP unless I am satisfied that matters of national environmental significance, including the Commonwealth marine environment and listed threatened and migratory marine species are adequately protected.

Proposed Pulp Mill
(Question No. 300)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 21 February 2008:

In regard to the assessment of the Gunns Limited pulp mill project:

- (1) Given that Professor Joy's 90-day appointment expired on 12 January 2008, who has been acting as the Independent Site Supervisor since that date.
- (2) Was Professor Joy's appointment formally extended; if not, has the Minister approved the clearance of vegetation at the mill site, which may already be taking place.
- (3) Is work in progress without a properly appointed site supervisor to monitor compliance with the conditions.
- (4) Given that, during the election campaign, the Minister described the approach taken by the former Government in regard to the mill's approval process as 'a shambles', and particularly given how little trust many Tasmanians have in the state-level regulatory process surrounding the mill, why is the Minister sticking with a federal oversight structure and team put in place during the course of a discredited approval process, by a former Government whose competence he questioned and whose Minister was under pressure to approve the mill according to a narrow interpretation of the Environmental Biodiversity and Conservation Act 1999, regardless of its actual environmental impact.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) I re-appointed Robert Joy as Independent Site Supervisor for a period of twelve months from 11 January 2008.
- (2) See answer to question (1).
- (3) No.
- (4) I have said that I would not seek to overturn or amend the decision made by the former Minister. I am confident that the Independent Expert Group of eminent scientists who are advising me and my Department on the Environmental Impact Management Plan, together with the Independent Site

Supervisor I have appointed, provide a rigorous system for advising on, and verifying the taking of action in accordance with, that plan as required by the conditions of approval.

Proposed Pulp Mill
(Question No. 301)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 21 February 2008:

- (1) Has the Minister begun to consider candidates for the permanent position of Independent Site Supervisor for the Gunns Limited pulp mill project.
- (2) Will the list of candidates be discussed with Gunns Limited prior to the final appointment; if so, will the list be made public prior to the appointment date.
- (3) When will the Minister make the appointment.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) I appointed Mr Robert Joy as Independent Site Supervisor for twelve months from 11 January 2008.
- (2) The appointment was not discussed with Gunns Limited.
- (3) Refer to my answer at (1) above.

Proposed Pulp Mill
(Question No. 302)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 21 February 2008:

In regard to the Independent Expert Group (IEG) for the Gunns Limited pulp mill project:

- (1) Has the Minister begun to consider candidates for the expansion of the IEG.
- (2) (a) Will the list of candidates be discussed with Gunns Limited prior to their final appointment; and (b) will this list be made public prior to the appointments.
- (3) When will the Minister make these appointments.
- (4) Why is the Minister continuing with an IEG assessment when the majority of its members are to be drawn from the Expert Panel, which is supposed to be a separate body from the IEG.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) No.
- (2) (a) No. (b) No.
- (3) I will consider further appointments to the IEG in the coming months.
- (4) The Chief Scientist's panel was assembled to advise the former Minister during the Commonwealth assessment and approval process. The IEG was subsequently established as part of the former Minister's approval decision, based on advice from the Chief Scientist, to advise the Minister and the Department as required and to assist in the design, approval and implementation of the Environmental Impact Management Plan.

Organ Transplants
(Question No. 306)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 February 2008:

- (1) Is the Minister aware of reports that the organs of executed prisoners in China are removed without their knowledge or consent and used for transplant purposes.
- (2) What information does the Minister have on the validity of these reports.
- (3) Has the Government investigated whether any Australian citizens have received organ transplants from executed prisoners in China; if so, what were the findings from this investigation; if not, why not.
- (4) Has the Government investigated whether Australians are involved in overseas commercial organ transplant activities; if so, what were the findings from this investigation; if not, why not.
- (5) What current laws regulate the involvement of Australians in commercial organ transplant activities in Australia and overseas.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Yes.
- (2) A Chinese Vice-Minister of Health, Huang Jiefu, publicly acknowledged in December 2005 and again in November 2006 that the sale of executed prisoners' organs was widespread in China. China's State Council announced new regulations in April 2007 (effective 1 May 2007) which ban organ trading and strengthen oversight of transplants. Trade in organs is prohibited under the new law and transplant surgery can only be conducted after obtaining the donor's informed, written consent. Although executed prisoners are not specifically covered by the new regulations, China's Ministry of Health has advised our Embassy in Beijing that prisoners would not be treated differently under the law and that informed consent would still be required.
- (3) No. The Australian Government is not aware of any information to suggest that Australian citizens have received organ transplants from executed prisoners in China to warrant such an investigation.
- (4) No. The Australian Government is not aware of any information to suggest that Australians are involved in overseas commercial organ transplant activities to warrant such an investigation.
- (5) The type of trade referenced by the honourable Senator's question would be illegal in Australia.

State and territory legislation regulates the transplantation of human organs and tissues, and prohibits a financial trade in human organs and tissues in Australia. The relevant legislation is:

Human Tissue Act 1983 (NSW),

Human Tissue Regulation 2001 (NSW),

Anatomy Act 1977 (NSW),

Human Tissue Act 1982 (Vic),

Human Tissue (Prescribed Institutions) Regulations 1997 (Vic),

Transplantation and Anatomy Act 1979 (Qld),

Transplantation and Anatomy Regulation 2004 (Qld),

Transplantation and Anatomy Act 1983 (SA),

Human Tissue and Transplant Act 1982 (WA),

Human Tissue Act 1985 (Tas),

*Anatomy Act 1964 (Tas),
Transplantation and Anatomy Act 1978 (ACT),
Transplantation and Anatomy Regulation 2001 (ACT),
Human Tissue Transplant Act (NT).*

The Attorney-General's Department has advised that Australia considers the illegal removal of human organs and tissues to be an exploitative form of people trafficking and has criminalised such conduct in compliance with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime* (Trafficking Protocol).

Australia provides for extra-territorial jurisdiction for offences involving the exploitation of trafficked and smuggled persons by removal of human organs and tissues (Divisions 73 and 271 of the *Criminal Code Act 1995* (Cth)).

The definition of exploitation in the *Criminal Code* reflects Article 3(a) of the Trafficking Protocol and includes where the exploiter's conduct causes an organ of the victim to be removed and, either the removal is contrary to the law of the State or Territory in which the organ is removed, or neither the victim nor the victim's legal guardian consented to the removal of the organ and there was no medical reason for the removal.

These offences attract a penalty of up to 20 years imprisonment and/or a fine of up to \$220,000. Higher penalties apply for trafficking offences involving children.

Paediatric Workforce Shortage

(Question No. 309)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 February 2008:

By medical speciality, does the Government have data on districts of workforce shortage; if so, is Sale in Victoria a district of workforce shortage for specialist paediatrics.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

The Government has data on districts of workforce shortage in relation to the 52 recognised medical specialities (this figure does not include all sub-specialties). In determining district of workforce shortage, doctor to population ratio is frequently used to help determine if a specialty type is in shortage in a particular area. This ratio is based on recent Medicare billing statistics. Only the Medicare billing statistics for that particular specialty are taken into consideration.

Sale is located within a rural and remote area of Australia which is considered to be a district of workforce shortage for paediatrics. It will remain a district of workforce shortage for paediatrics in the foreseeable future.

Groundwater Resources

(Question No. 310)

Senator Allison asked the Minister for Innovation, Industry, Science and Research, upon notice, on 27 February 2008:

- (1) What research, if any, is being conducted on deep groundwater mapping in Australia.
- (2) What does the Government understand to be the capacity for deep groundwater to provide fresh water supplies for agriculture and urban use in Australia.

- (3) Since 2003, what amount of funding has the Government provided for projects to lower the water table as a form of salinity mitigation.
- (4) Is it the case that drainage projects to lower the water table are now considered largely ineffective.
- (5) (a) What salinity mitigation strategy is considered most effective; and (b) what assessment has been made of the extent, from this form of salinity mitigation, of: (i) dehydration of soils, and (ii) damage to the health of soils.
- (6) (a) What research has been conducted on degraded agricultural soil mapping; and (b) what assessment has been made of the extent in compacted and/or degraded soils of: (i) loss of carbon, (ii) loss of microbes and nutrients, (iii) the reduction in the capacity for water storage, (iv) the reduction in the seepage of fresh water from soil into surface dams and river systems, (v) the reduction in deep soil water percolation, (vi) increases in surface runoff from precipitation, and (vii) salination, as caused by the concentration of soil by the lateral flow of water through degraded soil.
- (7) What research is being conducted into the science of soil health.
- (8) What involvement does the department have with Healthy Soils Australia.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) Routine mapping and characterisation of groundwater resources is mostly done by state and territory agencies, but CSIRO works closely with those agencies when requested to do so. CSIRO has been involved in assessment of groundwater resources in a number of important regions including the Howard Basin (NT); Ti Tree Basin (NT); Daly River Basin (NT); Perth (WA); Clare Valley (SA); Adelaide Plains, SA; SE South Australia; Fitzroy Basin, (Qld); Burdekin delta (Qld); Atherton Tablelands (Qld); and the Great Artesian Basin (Qld, NSW, SA, NT).
Current research includes:
 - Investigation of the Yarragadee aquifer in the Perth Basin as part of the Perth water supply strategy;
 - groundwater mapping to support the Great Artesian Basin (GAB) Sustainability Initiative. This consists of two projects within the GAB, totalling \$15.7m, which have been funded under the Australian Government Water Fund's Raising National Water Standards (RNWS) program; and
 - the National Water Commission has developed the National Groundwater Assessment Initiative (NGAI) that amongst other priorities highlights the need to examine Australia's deep groundwater resources. Details of projects under this initiative are at Table 1.
- (2) Groundwater is already supplying water in many agricultural and urban areas. However, the groundwater resources of Australia are not a vast reservoir waiting to be tapped. Rather, groundwater systems sustain many existing wetland and spring systems, and supply baseflow to many of our streams. Nevertheless, the large storage capacity of groundwater reservoirs provides an opportunity to draw down the resource during times of need.

There are significant deep groundwater resources within large sedimentary basins across Australia. These basins cover large parts of the continent and provide water for many industries and communities. Groundwater salinity varies markedly in these basins, from fresh water to brines. A sustainable yield of about 7,000 GL/yr has been identified for sedimentary basin aquifers found more than 50 metres below the land surface (Table 2).

- (3) Since 2003, CSIRO have spent \$1.5 million on dryland drainage research in Western Australia. This is the only research clearly identified as relating specifically to dryland drainage funded within my portfolio, however, a number of other portfolios may also be funding projects of this nature.
- (4) No. Evaluations of dryland drainage systems, carried out by CSIRO in the wheatbelt of Western Australia, have revealed that drains are largely effective in controlling the shallow water levels and

mitigating dryland salinity. However, disposal of drainage waters (which is saline and acidic) is a significant problem.

- (5) (a) There is a range of strategies for the mitigation of salinity. The most effective mitigation strategy is decided based on a thorough understanding of the processes controlling salinity in the area being considered. These processes vary significantly in scope and timeframe.

CSIRO considers that artificial drainage is usually the most effective salinity mitigation option in the wheatbelt of Western Australia. Drainage works for dryland salinity in Western Australia and South Australia; salt interception schemes, drainage and improved irrigation efficiency are most effective for irrigation salinity. Large scale upland revegetation can be effective in the southern and easterly parts of the Murray-Darling Basin.

- (5) (b) (i) As noted above, there is no one strategy for the mitigation of salinity and impacts of artificial drainage on drying of soils (lowering of groundwater levels) vary. CSIRO has evaluated the effectiveness of deep drainage systems in the wheatbelt of Western Australia. This research has found that a real influence or zone of effectiveness varies from more than 300 metres to less than 50 metres on each side of drain.

- (5) (b) (ii) CSIRO advises that lowering the water table, either through groundwater pumping or drains, is one viable management option. These options enable some recovery of saline soil once subsequent percolation of water through the soil carries left-over salt out of the plant root-zone and deeper down the soil profile. Calcium sometimes needs to be added to help displace salt and remediate the soil condition. In locations where revegetation is effective in lowering saline groundwater tables then the vegetation itself is also a positive factor in soil recovery helping stabilise salt scalds, contributing organic matter, and eventually enhancing soil structure.

- (6) (a) Australian Soil Resource Information System (ASRIS) provides data on the state of Australian soils. Data collection is a collaboration between the National Heritage Trust, the CSIRO and Australian States and Territories. ASRIS contains details of national mapping of soils characteristics such as carbon surfaces and can be found at http://www.asris.csiro.au/index_ie.html

In addition, CSIRO is to report on soil biodiversity as part of the next National Biodiversity Report – soil biodiversity being a good indicator of soil condition.

Research to enable the mapping of degraded soils is presently being applied through a series of new methods and programs for monitoring and forecasting soil condition and these specifically address soil acidification, soil organic carbon, soil erosion by wind and soil erosion by water.

Under its Discovery Projects and Linkage Projects schemes, the ARC is currently funding two projects related to the issue of soil mapping, with a value over their life of about \$1.2 million. However, not all aspects of these projects have a significant focus on degraded agricultural soils

Most states and territories have or have had a soil mapping program for their agricultural and rangeland soils. Table 3 shows where monitoring activity exists or is about to commence in jurisdictions.

- (6) (b) CSIRO's research on soil compaction has had major impacts on farming practices (especially for intensive irrigation). Mapping of soil compaction is not common in Australia or internationally because it is often very local in nature and readily changed by land management.

- (6) (b) (i) & (ii) CSIRO has a long track record on research into the dynamics of soil carbon, nutrients and microbes. Much of the current effort is directed towards supporting the National Carbon Accounting System and improving the sustainability of farming systems more generally.

(b) (iii) Previous research by CSIRO and other agencies has clearly indicated that compaction and other physical degradation of soils reduces the volume of soil pore space available to transmit and store water. Often the largest practical impacts of soil compaction are: (a) decreased ability of rain water to enter (infiltrate) the soil and therefore be available for use by plants, and (b) reduced abil-

ity of plant roots to proliferate through the soil and access stored water. Soil degradation can also reduce the volume of water able to be stored in soil profiles, but this is usually of less practical significance than reduced infiltration or root growth.

(b) (iv), (v) & (vi) The water balance of agricultural and forestry lands has been, and continues to be, extensively researched by CSIRO. The seepage of water from these systems of land use to groundwater systems and streams is central to major investigations into the impact of drought, climate change, and land use change on water security and salinity. These are large and complex topics of national significance.

- (7) CSIRO has provided the foundational scientific knowledge for the science of soil health in Australia. Landmark publications include *Soils: an Australian viewpoint* and *Australian soils and landscapes: an illustrated compendium*. CSIRO is currently developing a new research theme devoted to managing Australia's soil and landscape assets – research on soil health is central to this initiative.

The ARC has identified three projects (under its Discovery Projects and Linkage Projects schemes) related specifically to soils health that it is currently funding, with a value over their life of about \$1.06 million.

The CRC for Landscape Environments and Mineral Exploration (CRC LEME) undertakes some work in the soil health area. CRC LEME has been funded for seven years over the period July 2001 to June 2008 with CRC Programme funds of \$20.2 million.

Research is also being conducted in some states and territories. Examples are:

- Soil health research by the University of Western Australia and Department of Agriculture and Food WA which includes how to measure it and what it means for agriculture.
 - The 'Healthy Soils' project by the Victorian Department of Primary Industries which is funded from Commonwealth Land and Water Australia (LWA) and the Victorian State Government as part of the Healthy Soils for Sustainable Farms (HSSF) Program.
- (8) The Department of Innovation, Industry, Science and Research (DIIISR) has no direct involvement with Healthy Soils Australia. However, CSIRO has provided high-level assistance to Land and Water Australia and a range of participants involved in Healthy Soils Australia. This assistance has ranged from strategic advice and access to key networks (e.g. the Australian Collaborative Land Evaluation Program) through to practical technical information and material for publications.

Table 1
National Water Commission - Raising National Water Standards projects

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
Managed aquifer recharge	SA, NSW, QLD	Facilitating Recycling of Stormwater and Reclaimed Water via Aquifers in Australia	Project will develop a policy framework that can be adopted by the jurisdictions, an assessment tool to determine if MAR is viable in the area of interest and assess a number of areas for MAR suitability.	CSIRO	\$805,168	\$1,491,698

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
	NSW	Sustainable Groundwater Allocations in the Intake Beds of the Great Artesian Basin in New South Wales	The project will enable more informed and enhanced groundwater management in the intake beds of the Great Artesian Basin in New South Wales. It will assist in achieving GAB Sustainability Initiative outcomes of providing the continuation of access to artesian supplies and opportunities for improved management of water dependent ecosystems, particularly protection of springs, and water-remote ecosystems. The project is endorsed by the Great Artesian Basin Technical Working Group on behalf of the Great Artesian Basin Coordinating Committee due to the acknowledged status of BRS to conduct cross-border work for the benefit of all GAB states.	Bureau of Rural Sciences	\$876,000	\$1,046,000
Interconnectivity	National	Australian Hydrological Modelling Initiative: Groundwater Surface Water Interaction Tool (AHMI-GSWIT)	The aim of the project is to develop a common framework for modelling groundwater and surface water interactions in river systems.	eWater Cooperative Research Centre	\$946,279	\$2,553,000

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
Interconnectivity	National (Commissioned Project)	Mapping Potential Surface Water and Groundwater Connectivity across Australia	Funding of \$500 000 will be provided to carry out catchment scale screening to determine potential connectivity of surface and groundwater systems across Australia. The desk top study will use a connectivity index model to determine the level of connectivity along river reaches within surface water catchments. The project will provide water managers with a visual indication of the areas of potentially high connectivity within catchments, allowing them to better allocate resources to these areas. The project will link to the Australian Water Resources 2005 project by identifying areas for more detailed monitoring. An additional \$2 million will be provided through in-kind support from other governments.	Sinclair Knight Merz	\$500,000	\$500,000
Strategic aquifer characterisation	SA & NT	Allocating Water and Maintaining Springs in the Great Artesian Basin	The project will build the capacity of water managers and users to sustainably manage the impacts resulting from water allocation from Western Great Artesian Basin. Comprises 3 subprojects: Hydrogeology of the Western region of GAB; Spring flow, vertical leakage and spatial data on spring location and elevation; Land use and GAB spring dependent ecosystems	SA Arid Lands NRM Board	\$7,467,000	\$14,609,100

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
Strategic aquifer characterisation	Victoria	Improving Knowledge and Understanding of Groundwater Resources using GIS Based 3D Visualisation and Quantification Tools	Project will develop 3D models of aquifers based on data from geological mineral surveys. It will explore the opportunities and limitations of the minerals and oil industry prospecting data sets and data assessment tools for use in building a better understanding of groundwater resources and management issues. This groundwater focussed project will benefit from learning about groundwater resource mapping methods being developed or used in other parts of the world and how applicable these are to water resource management needs in Australia.	VIC Department of Primary Industries	\$600,000	\$1,200,000
NSW	Internet Groundwater Level Monitoring		The project proposes to install 180 telemetered data loggers in groundwater bores across NSW. The data will be posted on the internet in almost real time. The project seeks to improve the level of information available to water managers, water users and the community on the behaviour of groundwater systems in NSW. It will aid in the management and decision making process for the trading of groundwater and the sustainable management of groundwater.	NSW Department of Natural Resources	\$682,000	\$1,392,000

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
Strategic aquifer characterisation	NSW	Development of a 3D Geological Mapping and Database Interface to Support Inter-connected Groundwater and Surface Water Management	To develop and showcase 3D geological and hydrogeological mapping and database tools that can support management decisions concerning water allocation in areas where significant surface and groundwater resources are located. The main objective is to develop and demonstrate a software system that Catchment Management Authorities can use to bring together all the existing groundwater and surface water data into a coherent system that can then be operated by the CMAs to manage water more effectively and use as an extension tool.	Cotton Catchment Communities Cooperative Research Centre	\$492,714	\$1,042,714
	NSW	Sustainable Management of Coastal Groundwater Resources & Opportunities for Further Development	Proposed project will enable stakeholders to actively participate in the management of groundwater resources and to set benchmarks for sustainable management of groundwater quantity and quality for coast dune aquifers	Hassall & Associates Pty Ltd	\$966,000	\$1,692,000
Strategic aquifer characterisation	SA	Groundwater Allocation Planning and Management, Eyre Peninsula, South Australia (Commissioned)	The development of integrated assessment tools to plan and manage sustainable use of highly sensitive groundwater resources and apply these to the regionally significant resources of Eyre Peninsula	Eyre Peninsula Natural Resources Management Board	\$700,648	\$1,424,129
Interconnectivity	NSW	Interconnection of Surface and Groundwater Systems - River Losses from Lossing/ Disconnected Streams (Commissioned)	The project aims to further advance the understanding of the process of surface water groundwater interaction and associated water resource impacts in a national context	NSW Department of Water and Energy	\$1,389,900	\$2,405,550

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
Strategic aquifer characterisation	WA	Fitzroy River Integrated Ground and Surface Water Hydrology Assessment (Commissioned)	This project will enhance the groundwater and surface water hydrological knowledge of the Fitzroy River to support water management planning initiatives.	WA Department of Water	\$850,000	\$1,700,000
Deep groundwater potential	NT, WA, SA	National Knowledge Strategy for Assessing and Managing Palaeovalley Groundwater Resources	To develop and deliver an innovative and integrated national strategy for defining the quantities, quality, dynamics and sustainability of groundwater in palaeovalley settings across Australia.	Geoscience Australia	\$4,925,000	\$17,190,010
	NT	Northern Territory Strategic Assessment and Management of Priority/Stressed Groundwater Catchments (Commissioned)	The project will assist in developing Water Allocation Plans for the Roper River in the Mataranka area and the Northern Territory portion of the Great Artesian Basin. It will also assist in developing a water resources management strategy for the Berry Springs Dolomite aquifer	NT Department of Natural Resources, Environment and the Arts	\$400,000	\$800,000

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
	ACT	ACT Strategic Assessment and Management of Priority/Stressed Groundwater Catchments (Commissioned)	<p>The project objectives are:</p> <p>Create a catchment wide picture of groundwater characteristics across the ACT, including yield, annual recharge rate, depth to water table, transmissivity, and water quality.</p> <p>Assess the effect of annual and interannual (drought) changes on the above characteristics</p> <p>Identify areas where our knowledge is incomplete at this time. Knowledge may be constrained by spatial or temporal data gaps, or absence of particular measurements.</p> <p>Identify the potential for aquifer storage and recharge (ASR) in the urban area of the ACT. This would require characterisation of the aquifer properties that predispose them for this purpose, followed by indicative mapping of potentially suitable aquifers</p>	ACT Department of Water Resources, Territory and Municipal Services	\$155,000	\$541,000
Interconnectivity	Tasmania	Tasmania Strategic Assessment and Management of Priority/Stressed Groundwater Catchments (Commissioned)	<p>The project will assist Tasmania in integrating its groundwater databases and managing groundwater-surface water interactions in Tasmania</p>	TAS Department of Primary Industries and Water	\$525,000	\$1,055,000

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
	Queensland	Queensland Strategic Assessment and Management of Priority/Stressed Groundwater Catchments (Commissioned)	There are three sub-projects in the Queensland project: 1. Identification of source aquifers to significant springs that are dependent on groundwater from the GAB 2. Groundwater re-source assessment of aquifer systems in the Eastern Darling Downs 3. Rationalisation and extension of pressure and spring monitoring network in the GAB	Queensland Department of Natural Resources and Water	\$1,095,000	\$2,190,000
	Victoria	Victoria Strategic Assessment and Management of Priority/Stressed Groundwater Catchments (Commissioned)	The project will be testing of remote sensing technologies to measure evapotranspiration in the Campaspe Catchment and Glenelg Catchments	Vic Department of Sustainability and Environment	\$650,000	\$1,300,000
	National	National Risk Assessment - Potable Water Supply to Remote Indigenous Communities (Commissioned)	The project involves a national level risk assessment of the key factors influencing sustainable water supply to remote indigenous communities. The project has a number of components; - Establish a project steering committee to oversee project implementation; - Risk assessment covering the following areas: water source and quality; water infrastructure; community demographics; community capacity to engage on water management issues; governance; and climate changes; and Identify and describe current and anticipated water management issues based on risk assessments.	Yet to be tendered	\$600,000	\$600,000

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SENATE

Wednesday, 14 May 2008

Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
	National	Potable Water Supply to Remote Indigenous Communities - Guidelines and Best Practice Documentation Translation (Commissioned)	The project has a number of components; - Establish a steering committee to oversee delivery of the project; - Identify key documents appropriate to water planning and management in remote Indigenous communities; - Use key documents to prepare material suitable to indigenous communities; - Trial the prepared materials in a number of indigenous communities – preferably undertaken in collaboration with communities undertaking water planning processes; and - Prepare materials that can be used by communities and officials working in those communities (books/ flyers/ CDs/ etc)	Yet to be tendered	\$250,000	\$250,000

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Groundwater Assessment Plan Priority Area	State	Proponent Project Title	Description	Proponent Organisation	RNWS Funding Amount	Total Project Cost
	National	Australian Groundwater School: Notes Review and Rewrite	The key objective of the project is to ensure the 30-yr old Groundwater School delivers groundwater management education that is updated with the best available groundwater science and knowledge. The results of the project will be production of a sufficient quantity of course notes and PowerPoint presentations, reflecting the most up-to-date groundwater science and knowledge, to cover 5 yrs of Australian Groundwater Schools from 2008 onwards. Many of the activities to undertake the project have already been initiated by the listed partners but have not been able to be finalised due to lack of funding.	Australian Groundwater School	\$80,000	\$20,000
						\$24,955,709 \$55,002,201

Table 2
Principal deep groundwater resources in sedimentary basins across Australia

Sedimentary Basin	State(s)	Management Area (x1000 km ²)	Estimated Sustainable Yield (GL/yr)	Accuracy of SY Estimate	Median Salinity (mg/L)	Total Allocation (GL/yr)	Total Use (GL/yr)	%SY Used
Great Artesian Basin	QLD-NSW-SA-NT	1,669	631	±25-50%	1,000	645	549	115
Otway Basin	VIC-SA	75	1,048	±10-25	1,500	108	88	8
Sydney Basin	NSW	54	981	±50%	1,000	28	29	3
Daly-Wiso-Georgina Basin	NT-QLD	462	936	±25-50%	500	14	82	9
Perth Basin	WA	38	507	±10-25	700	255	255	50
Clarence-Moreton Basin	NSW-QLD	39	507	±50%	800	8.4	55	11
Canning Basin	WA	129	239	±10-50%	1,700	-	-	-
Murray Basin	NSW-VIC-SA	67	206	±10-50%	1,500	75	49	24
Officer Basin	WA-SA	290	182	±25-50%	10,000	-	.05	0
Gippsland Basin	VIC	20	179	±10-25%	1,600	132	125	70
Amadeus Basin	NT-WA	161	142	±25-50%	1,200	15	14	10

Sedimentary Basin	State(s)	Management Area (x1000 km ²)	Estimated Sustainable Yield (GL/yr)	Accuracy of SY Estimate	Median Salinity (mg/L)	Total Allocation (GL/yr)	Total Use (GL/yr)	%SY Used
Carnarvon Basin	WA	123	132	±25-50%	4,400	20	20	15
Eucla Basin	WA-SA	205	94	±25-50%	10,000	-	.001	0
Port Phillip Basin	VIC	5	65	±10-25%	4,600	1.5	1.3	2

Source: National Land & Water Resources Audit and AWR2005 (www.water.gov.au)

Table 3
Soil monitoring activity in Australian States and Territories

Jurisdi- ction	Indicator	Respon- sible agency	Status of monitor- ing	Scale of monitoring	Extent of monitoring	Start date/ end date	Name of info system	Where avail- able	Comments
ACT	Wind	MADD NSW DECC	Com- mencing			Jan 2008		Soil Monitor- ing Unit when ar- rangements have been made	
	Water	NSW DECC	Com- mencing	Windscreen survey of ground cover over- lain on USLE 25m pixel map	Soil moni- toring units (3 each with approx 50 points	Jan 2008	SALIS & DECC Geoda- tabase	Soil Monitor- ing Unit when ar- rangements have been made	
	SOC	NSW DECC	Com- mencing		3 Soil Monitor- ing units with 40 samples from 10 sites each	Jan 2008	SALIS	Soil Monitor- ing Unit when ar- rangements have been made	
	pH	NSW DECC	Com- mencing		3 Soil Monitor- ing units with 40 samples from 10 sites each	Jan 2008	SALIS	Soil Monitor- ing Unit when ar- rangements have been made	
NSW	Wind (Dust- Watch)	DECC	Ongoing		Being expanded to areas of NSW where wind ero- sion is an issue	2004	Dust- Watch	John Ley	From commu- nity sup- plied observa- tions

Jurisdic- tion	Indicator	Respon- sible agency	Status of monitor- ing	Scale of monitoring	Extent of monitoring	Start date/ end date	Name of info system	Where avail- able	Comments
	Wind (Road- side survey)	DECC		Within soil monitoring units. Ten soil monitoring units per CMA antici- pated.	Unknown number (not all) CMAs have wind erosion as an issue for moni- toring. See water.		Land- mapt	John Leys	From wind- screen survey
	Wind (PM10)	DECC	Ongoing				MADD	John Leys	From instru- mented dust col- lector network
	Water	DECC	Com- mencing	Soil moni- toring units (3 units each with approx 50 points per unit)		Jan 2008	EDB	DECC	Gully erosion by digital airborne imagery plus dif- ferential GPS
	SOC	DECC	Com- mencing	Soil moni- toring units (3 units with 10 sites and 4 samples per site)	5 CMAs	Jan 2008	SALIS	DECC	Field work
	pH	DECC	Com- mencing	Soil moni- toring units (3 units with 10 sites and 4 samples per site)		Jan 2008	SALIS	DECC	Field work
Qld	Wind			GU does some					Refer to Dr Grant McTainsc h GU
	Water	NRW		Research sites only					
	SOC	NRW		Research sites only			SALI	NRW	
	pH	NRW		Research sites only			SALI	NRW	
NT	Wind Water SOC pH								

Jurisdic- tion	Indicator	Respon- sible agency	Status of monitor- ing	Scale of monitoring	Extent of monitoring	Start date/ end date	Name of info system	Where avail- able	Comments
SA	Wind	SA DWLBC	Ongoing	Representa- tive transects across land zones	Agricul- tural re- gion of SA	1999 - pro- gramme to run until at least 2014	DWLBC Knowledge & Informa- tion Division – Resource Monitoring	DWLBC Knowledge & Informa- tion Division – Resource Monitoring	‘Wind- screen’ field sur- vey
	Water	SA DWLBC	Ongoing	Representa- tive transects across land zones	Agricul- tural re- gion of SA	1999 - pro- gramme to run until at least 2014	DWLBC Knowledge & Informa- tion Division – Resource Monitoring	DWLBC Knowledge & Informa- tion Division – Resource Monitoring	‘Wind- screen’ field sur- vey
SOC pH		SA DWLBC	Ongoing - updated annually		Agricul- tural re- gion of SA	1976 – ongoing	SASPAS soil analysis database	DWLBC	Re sam- pling of some long term soil pH moni- toring sites
WA	Wind	DAFWA	To com- mence 2008	Representa- tive transects	Agricul- tural zone of WA	To com- mence 2008	ASRIS- WA		
	Water	DAFWA	To com- mence 2008	Representa- tive transects	Agricul- tural zone of WA	To com- mence 2008	ASRIS- WA		
SOC	DAFWA	To com- mence 2008	Representa- tive catch- ments	Agricul- tural zone of WA	To com- mence 2008	ASRIS- WA			
pH	DAFWA	To com- mence 2008	Representa- tive catch- ments	Agricul- tural zone of WA	To com- mence 2008	ASRIS- WA			
	ACC	Half way through 3 year pro- gramme	Representa- tive areas	3 areas within the Avon Basin	2007 - 2009				
Tas	Wind	DPIW	Com- menced and ongoing	Not specifi- cally moni- tored, but inferences may made from long- term refer- ence sites (ASRIS) and representa- tive transects	Regional (300 sites state wide)	Site estab- lishment com- menced 2004, with planned indefi- nite 5 yearly monitor- ing	SCEAM	Sustainable Land Use Section, DPIW	

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Jurisdic- tion	Indicator	Respon- sible agency	Status of monitor- ing	Scale of monitoring	Extent of monitoring	Start date/ end date	Name of info system	Where avail- able	Comments
Water	DPIW	Com- menced and ongoing	Not specifi- cally moni- tored, but inferences may made from long- term refer- ence sites (ASRIS) and representa- tive transects	Regional (300 sites state wide)	Site estab- lishment com- menced 2004, with planned indefi- nite 5 yearly monitor- ing	SCEAM	Sustainable Land Use Section, DPIW		
SOC	DPIW	Com- menced and ongoing	Long-term reference sites (ASRIS) and representa- tive transects	Regional (300 sites state wide)	Site estab- lishment com- menced 2004, with planned indefi- nite 5 yearly monitor- ing	SCEAM	Sustainable Land Use Section, DPIW		
pH	DPIW	Com- menced and ongoing	Long-term reference sites (ASRIS) and representa- tive transects	Regional (300 sites state wide)	Site estab- lishment com- menced 2004, with planned indefi- nite 5 yearly monitor- ing	SCEAM	Sustainable Land Use Section, DPIW		

Jurisdic- tion	Indicator	Respon- sible agency	Status of monitor- ing	Scale of monitoring	Extent of monitoring	Start date/ end date	Name of info system	Where avail- able	Comments
VIC	Wind	DPI	On-going in its current form	<u>Last 2 years:</u> twice per year Remote sensing currently being assessed to enhance monitoring program	Agricultural areas of Mallee (Jan/March 160 geo-referenced sites are assessed in the Mallee region - representative of key Land Systems At each site estimates are made of ground cover and a visual erosion assessment is made <u>Previous 20 years:</u> Yearly roadside visual assessments - not geo-referenced	Current monitoring and associated land cover monitoring with georeferencing has only been undertaken in the Mallee region for last 2 years Previous 20 year program non - georeferenced	No formalised system - spreadsheets	Lara Wakefield (DPI Walpeup)	
Water SOC	-	DPI - research	Terminated	- 117 Soil condition monitoring sites (1995-97) – annual measurements of properties including pH, OC [Slattery et al]	Northern and North-western Vic – cropping regions	1995-97	No formalised system - spreadsheets	Custodian DPI Rutherford	
	DPI - research	Terminated		20 Soil OC monitoring sites – 2004-2007	Northern Victoria - irrigated cropping	2004-2007	No formalised system	Current GRDC project – custodian Peter Fisher (DPI, Tatura)	

Jurisdic- tion	Indicator	Respon- sible agency	Status of monitor- ing	Scale of monitoring	Extent of monitoring	Start date/ end date	Name of info system	Where avail- able	Comments
pH	DPI - research	Not currently oper- ational	Long-term Benchmark sites to as- sess pH change. In 1993, 54 former NSFP pas- ture sites (measured in 1970-72) were re- sampled for pH. Sites have transponders and can potentially be re- assessed	Pasture sites in Vic – in all regions apart from Wimmera and Mallee	1970, 1993	No for- malised system - spread- sheets	Doug Craw- ford (DPI)		
	DPI - research	Not currently oper- ational	Fenceline sites to as- sess pH changes under Victo- rian pas- tures. 107 pasture sites as- sessed in 1990's (each included a reference area – e.g. native veg, cemetery	Pasture sites across Vic – in > 450 mm rainfall zone	Early 1990s	No for- malised system - spread- sheets	Doug Craw- ford (DPI)		
	DPI - research	Not currently oper- ational	117 Soil condition monitoring sites (1995- 97). Annual measure- ments of properties including pH, SOC	Northern and North- western Vic – cropping region	1995-97	No for- malised system - spread- sheets	DPI Ruther- glen ref Slattery et al		

Childcare Services
(Question No. 311)

Senator Allison asked the Minister representing the Minister for Education, upon notice, on 27 February 2008:

- (1) (a) What percentage of long day care centres participate in the Quality Improvement and Accreditation System; and (b) of these long day care centres, what percentage undertake a self study of their quality on a yearly basis.
- (2) What percentage of long day care centres that submit self-study reports to the National Childcare Accreditation Council (NCAC) have their reports independently validated by a member of the NCAC.
- (3) (a) What is the average time that elapses between the submission of a self-study report and its independent validation; and (b) what is the longest recorded time that has elapsed between these stages.
- (4) Of the self-study reports that have been submitted for validation for long day care centres, what percentage of validations do not agree with the reports.
- (5) What percentage of long day care centres: (a) do not end up accredited; and (b) receive at least a standard level of quality across all quality areas.
- (6) Are centres obliged to show parents the results of validation visits.
- (7) Are results of self studies and validations available on the Internet to assist parents in choosing a centre.
- (8) (a) What percentage of centres have failed to meet a standard level of quality across all levels on more than one occasion, that is, they have repeatedly failed to meet the standards; and (b) are any of these centres still operating.
- (9) When did unannounced spot checks of child care services commence.
- (10) Since the commencement of these unannounced spot checks: (a) how many spot checks have been undertaken of: (i) long day care services, (ii) family day care services, and (iii) outside school hours services; and (b) for each of these service types, what percentage of services have undergone spot tests.
- (11) What is the yearly target, as a number and/or a percentage, for spot checks for each of the following types of child care services: (a) long day care; (b) family day care; and (c) outside school hours services.
- (12) What level of resources, including overall funding and the number of staff, is allocated for spot checks of child care services.
- (13) What percentage of centres have failed a spot check.
- (14) Have any spot checks identified problems that might relate to licensing regulations; if so: (a) have licensing authorities been notified and what has been the outcome of these notifications; (b) what is the timeframe that services have for fixing the source of the spot check failure; (c) are the results of spot checks publicly available; if so, how do parents access them.
- (15) What feedback has been received in relation to these spot checks.
- (16) Are there plans to formally evaluate the spot check system; if so: (a) when; and (b) how, will the spot check system be evaluated.
- (17) How was the 6 week timeframe for the unannounced validation visits decided upon.
- (18) Are there any plans to evaluate the change to unannounced validation visits; if so: (a) when; and (b) how, will the unannounced validation visit system be evaluated.

- (19) How many children with additional needs are currently accessing mainstream child care services.
- (20) What data are available to the department on the number of children with additional care needs that are not accessing mainstream child care services or the In Home Care programme.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

- (1) (a) All approved long day care services are required to participate in the Quality Improvement and Accreditation System (QIAS). (b) Under the current QIAS services are required to provide self study reports every 2.5 year accreditation cycle.
- (2) All self study reports submitted are reviewed by the National Childcare Accreditation Council (NCAC) and contribute to the accreditation decision.
- (3) (a) In 2008, to date, the average time that has elapsed between the submission of a Self-study Report to NCAC and the completion of a Validation Visit is as follows:

Average Timeframes from SSR Submission to Validation Visit

Long Day Care (QIAS)	5 months
Outside School Hours Care (OSHCQA)	4.3 months
Family Day Care (FDCQA)	4 months

- (b) NCAC does not retain ongoing records regarding the longest time taken between the submission of a Self-study Report to NCAC and the undertaking of a Validation Visit at the service.
- (4) It is not possible to compare Self Study Reports with Validation Reports as the level against which services are rated is different. Whilst both provide assessments of quality in the same broad areas Validation Reports use quality indicators to assess services at a more detailed level.
- (5) (a) As at 1 March 2008, 9.1 per cent of services that had completed the 5 step QIAS process were not accredited. (b) 90.9 per cent of long day care services were accredited.
- (6) and (7). Validation Reports and Self Study reports are not made available to families, however Accreditation decisions are available to the general public via the NCAC website. Long Day Care Services are required to prominently display Quality Profile Certificates which show how services performed against all Quality Areas.
- (8) (a) As at 10 March 2008, 1 per cent of services are Not Accredited for the second or more consecutive time. (b) All of these services are still operating and participating in Child Care Quality Assurance.
- (9) Unannounced spot checks of child care services were introduced in October 2006.
- (10) Percentage of Services that have Received Spot Checks:

Service Type	Spot Checks Completed as at 1 March 2008	Percentage of Services that have Received Spot Checks
Long Day Care	1006	17%
Outside School Hours Care	717	29%
Family Day Care	49	23%
Total	1772	25%

- (11) The annual spot check target for 2007-08 is 1800. Visits will be distributed proportionally to the different service types.
- (12) Overall funding provided by the Australian Government for Spot Checks in 2007-08 will be \$1.98 million (GST exclusive).
- (13) A service cannot 'fail' a Spot Check. However, if issues of concern are identified, its accreditation cycle can be shortened.

- (14) (a) A possible licensing issue has been identified during three Spot Checks. The matters have been reported to the relevant licensing authority. (b) Services cannot fail a Spot Check. However, services are expected to rectify any issues identified at the Spot Check as soon as possible. (c) The results of a spot check are not publicly available.
- (15) Limited feedback has been received in relation to spot checks. However, in broad terms it has been mostly positive.
- (16) Ongoing evaluation of the process is taking place. Reports from the NCAC are received and reviewed by the department on a regular basis, and informal feedback is received from the sector through various channels.
- (17) The 6 week timeframe for unannounced validation visits was decided upon by the Minister at the time, the Hon Mal Brough, after consultation with the sector.
- (18) The department is monitoring the impact of unannounced validation visits and a review of the process will be undertaken as part of the development of the tougher new quality standards and rating system.
- (19) According to preliminary data from the 2006 Australian Government Census of Child Care Services, the total number of children with additional needs currently accessing Australian Government approved child care services is 116,150 *, including 22,100 children with a disability, 14,300 Aboriginal, Torres Strait Islander and South Seas Islander Children, and 84,500 children from a non-English speaking background.
- * Children in multiple categories are counted once in the total number of children with additional needs
- (20) None. The 2006 Australian Government Census of Child Care Services contains no information on the number of children with additional care needs that are not accessing mainstream child care services or the In Home Care Program.

Women's Safety Agenda

(Question No. 312)

Senator Allison asked the Minister representing the Minister for Housing and the Minister for the Status of Women, upon notice, on 27 February 2008:

What are the forward estimates for each of the financial years up to and including 2009-10 for funding the Women's Safety Agenda.

- (2) Will expenditure continue at the level of the forward estimates provided in May 2006.
- (3) What percentage of the funds allocated to the Women's Safety Agenda: (a) is directed towards working with perpetrators of violence; and (b) goes to preventing domestic violence as opposed to helping survivors after violence has occurred.
- (4) Can a list be provided of the community-based organisations that have received grants as part of the Women's Safety Agenda grants program and the amount of funding that they have received, disaggregated by state and year.
- (5) For each of the financial years up to and including 2009-10, how much money is allocated to the grants for community-based organisations that are an element of the Women's Safety Agenda.
- (6) When does funding cease for the: (a) Australian Domestic and Family Violence Clearinghouse; and (b) Australian Centre for the Study of Sexual Assault.
- (7) In relation to plans for the 'Violence against Women – Australia Says No' multimedia campaign, for the next 12 months: (a) when are advertisements scheduled to be run; (b) what other activities or products will be involved in the campaign; and (c) for these other activities or products, what is the schedule for these to be released.

- (8) What percentage of the funds allocated to the Women's Safety Agenda goes towards the Mensline telephone helpline.
- (9) What percentage of calls to the Mensline telephone helpline deal with family violence as opposed to other issues.
- (10) Are conversations between callers to the helpline and counsellors recorded; if so: (a) do the recordings have unique identification numbers; and (b) are the recordings stored; if so, for how long.
- (11) Does the Government provide any funding for the White Ribbon Campaign which urges men to speak out against violence against women.
- (12) In relation to the 'Domestic Violence – Crisis Payments to victims who remain in the home' scheme: (a) how many women have accessed payments under the scheme; and (b) what is the total number of payments that have been provided to victims under the scheme.

Senator Wong—The Minister for the Status of Women has provided the following answer to the honourable senator's question:

2007-08 (,000)	2008-09	2009-10
15.014	15.114	15.449

Yes

Expenditure under the WSA in 2007-08 was largely committed prior to the election. 1.3% (\$200,000) is provided for activities solely directed towards working with perpetrators of violence. In addition, community awareness activities aim to change community attitudes that contribute to violence against women and children. These activities target both men and women aiming to prevent both perpetration and victimisation. 52.6% of funds under the Women's Safety Agenda go towards community awareness activities aimed at preventing violence against women and children. In addition, a significant proportion of community grants under this program include elements of prevention activity.

A number of projects were funded over both 2005-06 and 2006-07 and therefore have not been separated.

Projects funded in 2005-06 and 2006-07

State	Funding	Organisation	Project
NSW	\$52,900	Barnardos Auburn Children's Family Centre	Domestic Violence Counselling and Support for Culturally and Linguistically Diverse (CALD) Communities
NSW	\$66,700	Liverpool Migrant Resource Centre	Healthy Relationships Youth Kit
NSW	\$232,555	Pacific Island Women's Advisory and Support Service	Strong Families - Strong Communities
NSW	\$144,682	University of Newcastle Family Action Centre Newcastle and Hunter Region	What Can We Do? Communities Responding to Violence
NSW	\$142,500	Wilma Women's Health Centre	Silent No More
VIC	\$20,000	Eastern Centre Against Sexual Assault	Responding to Victims and Survivors of Sexual Assault with Complex Post Traumatic Stress Disorder
VIC	\$157,682	Inner South Community Health Service Melbourne	Listening to What Matters: Responding to the Voices of Women Affected by Family Violence
VIC	\$74,100	Relationships Australia	Keeping Women Safe After Separation

State	Funding	Organisation	Project
VIC	\$10,000	Women's Health West Crisis Accommodation Service	Library for CAS
VIC	\$14,000	Zonta Club of Frankston	Animal Assisted Educational and Therapeutic Activities
QLD	\$189,000	Brisbane Indigenous Media Association Cape York	Cape York Indigenous Media Project
QLD	\$43,300	Bwgcolman Future Foundation Palm Island	Palm Island 'Safer Tomorrow' Workshops
QLD	\$86,999	Gold Coast Centre Against Sexual Violence	Strength, Health and Empowerment (SHE)
QLD	\$65,000	Kyabra Community Association	Women's Narratives in Response to Domestic Violence: Research and Resources Project
QLD	\$225,800	Sisters Inside	Indigenous Women Working Together Towards SAFETY
WA	\$37,200	Incest Survivors Association Inc	Building Generations
WA	\$110,400	Pat Thomas Memorial Community House	Women and Justice
SA	\$76,039	Domestic Violence Crisis Service (SA)	Safety Resource Card
SA	\$10,000	WOWSafe: Women of the West for Safe Families	Respectful Rap
TAS	\$10,000	Magnolia Place Women's Shelter Launceston	Children's Shelters Booklets
TAS	\$250,000	Relationships Australia	Tasmanian Ways of Working Project
NT	\$47,000	Northern Territory Legal Aid Commission	Integrated Family Violence Justice Project
NT	\$31,000	Victims of Crime	Positive Ways: Indigenous Say
National	\$26,000	International Social Service Australian Branch	Learning from the Links between Domestic Violence and International Parental Child Abduction
National	\$95,390	National Rural Women's Coalition	Helping to Prevent Family Violence in Rural Australia
National	\$227,986	People with Disabilities Australia	Sexual Assault in Disability and Aged Care Action Strategy
National	\$63,500	Women with Disabilities	Development of a Resource Manual on Violence Against Women with Disabilities

Projects funded in 2007-08

State	Funding	Organisation	Project
WA	\$149,549	Women's Health Care Association	Peer Support for Women in CALD Communities
WA	\$182,000	Women's Council for Domestic and Family Violence Services (WA) Inc.	HURT
VIC	\$116,500	Centre Against Sexual Assault Loddon Campaspe Region Inc.	Bidja's Place

State	Funding	Organisation	Project
VIC	\$184,191	Migrant Information Centre (Eastern Melbourne)	Culturally Appropriate Service Responses for the Prevention and Treatment of Family Violence in Southern Sudanese Families
VIC	\$93,000	Inner South Community Health Service Inc.	It All Starts At Home
VIC	\$146,013	Bethany Community Support Inc.	Healing Families
VIC	\$79,600	Doncare: Doncaster Community Care and Counselling Centre Inc.	Doncare Angels for Women's Network (DAWN Project)
VIC	\$117,500	Family Planning Victoria Inc.	Sexual Assault service for people with an Intellectual Disability (SAID)
VIC	\$150,000	Upper Hume Community Health Service Inc.	I'm So Accident Prone (ISAP)
TAS	\$125,000	The Salvation Army (Tasmania) Property Trust	Safe from the Start
NSW	\$93,600	JewishCare	Opening Closed Doors - Addressing Domestic and Family Violence in the Jewish Community
NSW	\$125,000	Centacare Diocese of Wilcannia-Forbes	Finding Self
NSW	\$61,000	Albury Wodonga Women's Refuge Inc.	Reach Out
NSW	\$44,763	Macarthur Diversity Services Inc.	Domestic Violence Project for CALD Women
SA	\$136,250	The Salvation Army Australian Southern Territory Social Work	Strengthening Violence Intervention in South Australia
QLD	\$65,827	Redcliffe Neighbourhood Centre Association Inc.	Strengths Inside Yourself: A Healthy Relationships Program
NT	\$99,575	North Australian Aboriginal Family Violence Legal Service	Community Wellbeing, Family Safety and Caring for Children

Year	2005-06	2006-07	2007-08	2008-09	2009-10
Funding	\$1.45m	\$1.06m	\$1.97m	TBA	TBA

Funding is not allocated past 2007-08, as the new National Council will make recommendations on future priorities to be addressed under the National Plan to Reduce Violence Against Women and Children.

Current contracts expire on 30 March 2008. Negotiations are underway to extend contracts for another three years.

There are no advertisements scheduled. There are no other activities scheduled. Not applicable
Mensline telephone service is not funded under the Women's Safety Agenda.

The Mensline telephone service is not funded under the Women's Safety Agenda so this information is not available.

The helpline funded under the Women's Safety Agenda is not the Mensline helpline. Under the Women's Safety Agenda, the National Toll Free 24 Hour Domestic Violence helpline is a 24 hour confidential telephone counselling service for anyone experiencing violence. Calls are not recorded.

As part of the National Plan to Reduce Violence Against Women and Children the Government has committed \$1million over 4 years to the White Ribbon Foundation.

Funding is provided to boost White Ribbon Day education activities in rural and regional communities. From 1 January 2007 Crisis Payment was extended to people who remain in their home after removal of a family member due to domestic or family violence. For the 2007 calendar year, 1254 crisis payments were made to women. It is possible that some women received more than one payment in this period. Up to four payments per year can be provided to any individual.

Air Safety and Cabin Air Quality
(Question No. 313)

Senator Allison asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 27 February 2008:

With reference to the submissions by the Civil Aviation Safety Authority (CASA) to the Rural and Regional Affairs and Transport Committee inquiry into air safety and cabin air quality in the BAe 146 aircraft in 2000, revealing that fumes containing oil toxins such as tricresyl phosphate (TCP) have in the past leaked into the cabins of commercial aircraft, causing passenger and crew illness and the committee's recommendations that a national standard be set for checking and monitoring engine seals on all passenger commercial jet aircraft and also to the Government's response that, for economic reasons, it would wait for this to be undertaken at an international level:

- (1) Can information be provided on whether such an international standard has been created; if not, will the Minister take steps to implement such a standard in Australia?
- (2) Will the Minister consider funding a study to determine whether TCP is leaking into aircraft cabins?
- (3) What investigation, if any, has been conducted into pilot, crew and passenger illnesses considered likely to be caused by TCP leaking into aircraft cabins?
- (4) Is the Minister aware that the United States of America Academy of Scientists has recommended that aircraft interiors be regularly tested for neurotoxins such as TCP?
- (5) (a) Is the Minister aware that the Australian and International Pilots Association is co-funding research with the Royal Australia Air Force at the University of Washington to develop a blood test for neurotoxins such as TCP; and (b) will this test be used in Australia; if so, when?

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

- (1) There are international maintenance standards for checking and monitoring engine seals on all passenger commercial jet aircraft. These standards are set by the certifying authorities for the aircraft, principally the US and European safety regulators. They are followed in Australia.

There are currently no standards for air quality onboard commercial aircraft although a standard is scheduled to be released in the United States in 2008. The European Union is also developing its own standard.

CASA is monitoring developments and will consider these standards when they are finalised.

- (2) The Minister has not considered any proposals to fund a study to determine whether TCP is leaking into aircraft cabins.
- (3) CASA advises that there are a number of relevant overseas studies including:
 - An American Society for Heating, Refrigeration and Air conditioning Engineers (ASHRAE) research project 1262 "Relate Air Quality and Other Factors to Comfort and Health Related Symptoms Reported by Passengers and Crew on Commercial Transport Aircraft", which is studying a wide variety of elements of the cabin environment in relation to health.

- ASHRAE research project 1306 “Incident response monitoring technologies for aircraft cabin air quality”, in progress through 2007, is looking at the current technologies that would be appropriate for sampling episodic events of cabin air contamination.
 - ACER (Aircraft Cabin Environmental Research) and OHRCA (Occupational Health Research Consortium in Aviation) are exploring capturing episodic conditions using a cohort of flight attendants equipped with grab sampling technology to capture episodic events.
 - ACER also has a work statement to evaluate sensors for episodic and non-episodic events.
 - A United Kingdom Building Research Establishment/Aviation Health Working Group Study published in 2004, which studied cabin air quality on BAE 146 and Boeing 737-300 aircraft in response to recommendations made in the House of Lords report on Air Travel and Health with regard to in-flight measurements of air quality parameters.
 - A number of small studies have been conducted measuring volatile and semi-volatile organic compounds
- (4) I am advised that CASA is aware of this recommendation.
- (5) (a) I am advised that CASA is aware of this research.
- (b) No decision has been made as to whether this test will be used in Australia. The research is still at the laboratory level and researchers are unable to give an estimate of when it might be available for clinical use.

Seismic Surveys

(Question No. 314)

Senator Allison asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 27 February 2008:

With reference to the lack of whale sightings in 2007 at Warrnambool, Victoria:

- (1) Can the Minister rule out that seismic surveying in the area is responsible.
- (2) Was this seismic surveying approved under the Environment Protection and Biodiversity Conservation Act 1999; if so, under what conditions.
- (3) Given the fact that the impacts of seismic surveying on whales are not fully understood and that the guidelines for survey activities are not yet complete or in operation, will the current seismic surveying of the coast of south west Victoria be halted.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

- (1) Many factors could lead to variations over time in the number of whales sighted at a particular place, including changes in seasonal conditions and in the number of observations made. Seismic surveys are conducted in Australia in accordance with rigorous environmental guidelines that minimise the likelihood of such surveys having adverse impacts on whales.
- Seismic surveys have been undertaken in Australia for over 30 years. There is no evidence to suggest that properly managed seismic surveys have had a significant impact on whales in Australia.
- (2) and (3) Seismic surveying is subject to referral and consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Notices for all referral decisions are available on the Department of the Environment, Water, Heritage and the Arts website at: <http://www.environment.gov.au/epbc/notices/index.html>.
- Guidelines for interactions between offshore seismic operations and larger cetaceans have been in place since 2001.

These guidelines were reviewed in consultation with conservation groups, the oil and gas industry and Australia's best whale research scientists. Revised guidelines were released in 2007 and made available for public comment. The guidelines are expected to be finalised this year.

The guidelines represent world's best practice and the Department of the Environment, Water, Heritage and the Arts will continue to assess seismic survey proposals in line with the seismic guidelines and the requirements of the EPBC Act. This will ensure that these important surveys can continue to be conducted in a manner which is unlikely to have a significant impact on whales.

Australia-New Zealand Therapeutic Products Authority (Question No. 315)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 February 2008:

- (1) How much has been spent by the Australian Government to date on establishing the proposed Australia-New Zealand Therapeutic Products Authority (ANZTPA).
- (2) Did the department undertake a risk assessment before commencing negotiations on the joint regulatory scheme for therapeutic products; if so, did the risk assessment consider the likelihood of the New Zealand Parliament refusing to pass the necessary enabling legislation.
- (3) What action will be undertaken to analyse the issues raised by opponents of the joint agency in regard to regulatory complexity, the need for separate risk management processes for complementary healthcare products and concerns about increased costs to the community for complementary healthcare products.
- (4) (a) What alternative options or models for harmonisation are under consideration;
(b) what is the timeline for this new process;
(c) what consultation processes will be undertaken; and
(d) who will be involved.
- (5) Will any new harmonisation model include governance and standards setting for complementary medicines that separates their risk management from much higher risk medicines.
- (6) Under the proposed joint authority, would New Zealand have had to accept the obligations Australia faces as part of the free trade agreement with the United States of America, in particular, the requirement that generic pharmaceutical companies must notify drug manufacturers of their intention to enter the market with a low-cost copy of a branded drug.
- (7) Is the department aware of any negative feedback regarding the stakeholder consultations held as part of the process for establishing the trans-Tasman regulator; if so, what is the nature of this feedback.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) \$8.1m was allocated in the 2003-2004 Budget and \$2.4m in the 2006-2007 Budget for the establishment of ANZTPA (sources: Portfolio Budget Statements 2003-04, Budget Related Paper No 1.11, Budget Measures 2004-05, Budget Paper No. 2, Budget Measures 2006-07, Budget Paper No.2).
- (2) The Australian and New Zealand Governments signed a Treaty on 10 December 2003, which committed them to a framework for a joint regulatory scheme for therapeutic products. A regulatory impact analysis was prepared in 2000. This report and the text of the Treaty are available on the ANZTPA website (www.anztpa.org).

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- (3) The key opponents to the joint agency were from the complementary healthcare sector in New Zealand, which is currently an unregulated market. This is a matter for the New Zealand Government.
 - (4) At this stage negotiations with New Zealand have been postponed. The Treaty remains in place, signed but not ratified.
 - (5) See response to (4) above.
 - (6) Obligations included in the free trade agreement between Australia and the United States of America only apply to the Parties to that agreement.
 - (7) On the whole stakeholders in Australia were generally supportive of ANZTPA with most comments relating to specific aspects of the proposed joint regulatory scheme.

Virgin Blue

(Question No. 316)

Senator Allison asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 27 February 2008:

- (1) Is the Minister aware of the serious concerns raised by disability groups about the discriminatory practices of Virgin Blue in regard to air travel by people with disabilities.
- (2) Are Civil Aviation Safety Authority (CASA) regulations intended to bar travellers with disabilities from travelling on planes.
- (3) Is it the intention of CASA Regulation 14.1.2 that all air travellers with disabilities must be accompanied by an assisting person.
- (4) Is it the intention of CASA regulations that all air travellers must, without assistance, reach for, pull down and secure overhead oxygen masks (including manipulating the straps), reach for and put on life jackets, manipulate the tapes and flaps on the front and back of the life jacket and evacuate from the aircraft in an emergency.
- (5) Why do unaccompanied children, aged 5 years and above, meet the Virgin Blue independent travel criteria but people with disabilities do not.
- (6) Do all children undertaking air travel have to travel with an assisting person.
- (7) Is it acceptable that Virgin Blue refuses to make clear how its independent travel criteria are put into operation or how they can be measured by staff or individuals.
- (8) Is it acceptable that Virgin Blue requires people with a disability to buy a non-refundable ticket and that there is no guarantee that they will be able to board the flight until they arrive at the terminal.
- (9) Is it acceptable that Virgin Blue can implement a policy that effectively excludes a whole segment of the community from using its services.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

- (1) I am aware of the range of issues that have been raised by disability groups regarding access to air travel and note that all airlines operating in Australia must comply with their legislative obligations, including in respect of the Disability Discrimination Act 1992.
- (2) The air safety regulations administered by CASA, and the Civil Aviation Orders (CAO) which support them, are not intended to prevent travellers with disabilities from travelling on aircraft. The regulations require that operators have in place appropriate procedures for providing access to services for people with disabilities, and for ensuring the safety of all passengers and staff.
- (3) No.
- (4) No.

- (5) I am advised by CASA that there is no regulatory requirement related to the travel of unaccompanied minors. This is a matter for operators, consistent with their duty of care responsibilities.
- (6) No.
- (7) It is the responsibility of airlines to clearly articulate policies concerning carriage of passengers requiring special assistance, and it is the responsibility of travellers to make themselves aware of these policies and inform airlines of their needs in advance of travel.
- (8) I am advised that this is not Virgin Blue's policy.
- (9) I am advised that this is not the effect of Virgin Blue's policy.

Indigenous Communities: Land Leases

(Question No. 317)

Senator Allison asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 27 February 2008:

- (1) In regard to the introduction of 99-year leases in Aboriginal communities, is it the case that the agreements are written in English only and that local language translations are not made available to traditional owners.
- (2) Is it the case that some, or many, traditional owners cannot read or understand English; if so, does the Minister accept that this means that some, or many, traditional owners do not understand the agreements they are signing.
- (3) Is it the case that, as reported in an article in the *Northern Territory News* of 12 May 2007, 'Confusion on Tiwi land deal' (p. 14), some traditional owners of the Mantiyupwi community on the Tiwi Islands thought that they were signing a \$50 'sitting fee' form for their presence at a Tiwi Land Council meeting in May 2007 and not a 99-year lease; if so, how does the Minister respond to the signing of the lease in those circumstances.

Senator Chris Evans—The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

Only one 99 year lease pursuant to section 19A of the Aboriginal Land Rights (Northern Territory) Act 1976 is in place in relation to the township of Nguiu in the Tiwi Islands. It is in English. It was drafted during 2007 by lawyers representing the Australian Government and lawyers representing the Tiwi Land Council. The lease was the subject of a comprehensive consultation process controlled by the Tiwi Land Council. Consultation meetings at which Australian Government officials were present were held partly in English and partly in Tiwi.

The *Aboriginal Land Rights (Northern Territory) Act 1976* prohibits the grant of a lease unless and until the relevant Land Council is satisfied that the traditional owners understand the nature and purpose of the lease and, as a group, consent to it. The Tiwi Land Council was so satisfied in relation to the Nguiu lease.

Australian Government officials had no knowledge of fees being paid as sitting fees or otherwise until the allegation was raised at the Senate Estimate hearings of 28 May 2007 and later during the Supreme Court action brought by Mr Adam Kerinaiua in relation to the (then) proposed lease. Justice Southwood made the following statement in relation to this allegation "I do not accept... that the people in attendance at the meeting were offered \$50 if they signed their names endorsing the written record of the resolution passed at the meeting."

Same-Sex Couples: Legislative Changes
(Question No. 318)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts or legislative instruments, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act or instrument was amended as set out in the Same-Sex: Same Entitlements Bill 2007 [2008]:

- (a) Aboriginal Land Grant (Jervis Bay Territory) Act 1986;
- (b) Aged Care Act 1997;
- (c) Australian Meat and Live-stock Industry Act 1997;
- (d) Bankruptcy Act 1966;
- (e) Broadcasting Services Act 1992;
- (f) Civil Aviation (Carriers' Liability) Act 1959;
- (g) Corporations Act 2001;
- (h) Defence Act 1903;
- (i) Defence Force (Home Loans Assistance) Act 1990;
- (j) Defence Force Retirement and Death Benefits Act 1973;
- (k) Diplomatic Privileges and Immunities Act 1967;
- (l) Education Services for Overseas Students Act 2000;
- (m) Family Law Act 1975;
- (n) Financial Sector (Shareholdings) Act 1998;
- (o) Foreign Acquisitions and Takeovers Act 1975;
- (p) Foreign Acquisitions and Takeovers Regulations 1989;
- (q) Foreign States Immunities Act 1985;
- (r) Governor-General Act 1974;
- (s) Health Insurance Act 1973;
- (t) Higher Education Funding Act 1988;
- (u) Higher Education Support Act 2003;
- (v) Income Tax Assessment Act 1997;
- (w) Insurance Acquisitions and Takeovers Act 1991;
- (x) International Organisations (Privileges and Immunities) Act 1963;
- (y) Judges' Pensions Act 1968;
- (z) Judicial and Statutory Officers (Remuneration and Allowances) Act 1984;
- (aa) Life Insurance Act 1995;
- (ab) Members of Parliament (Life Gold Pass) Act 2002;
- (ac) Migration Regulations 1994;
- (ad) Military Rehabilitation and Compensation Act 2004;
- (ae) Military Superannuation and Benefits Trust Deed;
- (af) National Health Act 1953;
- (ag) Parliamentary Contributory Superannuation Act 1948;

- (ah) Parliamentary Entitlements Act 1990;
- (ai) Passenger Movement Charge Collection Act 1978;
- (aj) Pooled Development Funds Act 1992;
- (ak) Proceeds of Crime Act 2002;
- (al) Remuneration Tribunal Determination 2006/14: Members of Parliament—Travelling Allowance;
- (am) Remuneration Tribunal Determination 2006/18: Members of Parliament—Entitlements;
- (an) Retirement Savings Accounts Act 1997;
- (ao) Safety, Rehabilitation and Compensation Act 1988;
- (ap) Seafarers Rehabilitation and Compensation Act 1992;
- (aq) Social Security Act 1991;
- (ar) Superannuation Act 1976;
- (as) Superannuation Act 1990;
- (at) Superannuation Industry (Supervision) Act 1993;
- (au) Veterans' Entitlements Act 1986; and
- (av) Workplace Relations Act 1996.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes **(Question No. 319)**

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the Same-Sex: Same Entitlements Bill 2007 [2008]:

- (a) Aboriginal Land Grant (Jervis Bay Territory) Act 1986; and
- (b) Social Security Act 1991.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 320)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008]:

- (a) Aged Care Act 1997;
- (b) Health Insurance Act 1973; and
- (c) National Health Act 1953.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 321)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

What would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Pooled Development Funds Act 1992 was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008].

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 322)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

What would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the *Broadcasting Services Act 1992* was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008].

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes

(Question No. 323)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

What would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the *Civil Aviation (Carriers' Liability) Act 1959* was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008].

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes

(Question No. 324)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts or legislative instruments, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act or legislative instrument was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008]:

- (a) Defence Act 1903;
- (b) Defence Force (Homes Loans Assistance) Act 1990;
- (c) Defence Force Retirement and Death Benefits Act 1973; and
- (d) Military Superannuation and Benefits Trust Deed.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 325)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008]:

- (a) Diplomatic Privileges and Immunities Act 1967; and
- (b) International Organisations (Privileges and Immunities) Act 1963.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 326)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008]:

- (a) Education Services for Overseas Students Act 2000;
- (b) Higher Education Funding Act 1988; and
- (c) Higher Education Support Act 2003.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 327)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the *Same-Sex: Same Entitlements Bill 2007* [2008]:

- (a) Bankruptcy Act 1966;
- (b) Family Law Act 1975;

- (c) Foreign States Immunities Act 1985;
- (d) Judges' Pensions Act 1968;
- (e) Judicial and Statutory Officers (Remuneration and Allowances) Act 1984;
- (f) Passenger Movement Charge Collection Act 1978; and
- (g) Proceeds of Crime Act 2002.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 328)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

What would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Australian Meat and Live-stock Industry Act 1997 or legislative instrument was amended as set out in the Same-Sex: Same Entitlements Bill 2007 [2008].

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 329)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts or legislative instruments, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act or legislative instrument was amended as set out in the Same-Sex: Same Entitlements Bill 2007 [2008]:

- (a) Members of Parliament (Life Gold Pass) Act 2002;
- (b) Parliamentary Contributory Superannuation Act 1948;
- (c) Parliamentary Entitlements Act 1990;
- (d) Remuneration Tribunal Determination 2006/14: Members of Parliament—Travelling Allowance;
- (e) Remuneration Tribunal Determination 2006/18: Members of Parliament—Entitlements;
- (f) Superannuation Act 1976; and
- (g) Superannuation Act 1990.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 330)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

What would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Migration Regulations 1994 were amended as set out in the Same-Sex: Same Entitlements Bill 2007 [2008].

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 331)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the Same-Sex: Same Entitlements Bill 2007 [2008]:

- (a) Safety, Rehabilitation and Compensation Act 1988;
- (b) Seafarers Rehabilitation and Compensation Act 1992; and
- (c) Workplace Relations Act 1996.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 332)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

What would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Governor-General Act 1974 was amended as set out in the *Same-Sex: Same Entitlements* Bill 2007 [2008].

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Same-Sex Couples: Legislative Changes
(Question No. 333)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 27 February 2008:

For each of the following Acts, what would be the expected cost per annum, or the expected initial cost, if any, incurred by the Commonwealth if the Act was amended as set out in the *Same-Sex: Same Entitlements* Bill 2007 [2008]:

- (a) Military Rehabilitation and Compensation Act 2004; and
- (b) Veterans' Entitlements Act 1986.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

The Government is considering the issues raised in the Human Rights and Equal Opportunity Commission's report *Same-Sex: Same Entitlements* (and also addressed in the private senator's bill referred to by Senator Allison).

I am consulting with my Department and relevant Ministers about the implementation of these reforms, including timeframes.

Australian Broadcasting Corporation
(Question No. 334)

Senator Allison asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 27 February 2008:

- (1) Is it the case that the Natural History Unit (NHU) of the Australian Broadcasting Corporation has been closed down; if so: (a) why; (b) when was the decision made and by whom; (c) why has no announcement been made; (d) how will the work of the NHU now be undertaken; (e) for each of the past 10 years, what was the budget for the NHU; and (f) how much money will be 'saved' by the closure.
- (2) (a) For each of the past 10 years, how much funding has the NHU received from other sources; and (b) of this amount, how much was received from international broadcasters for its programs.
- (3) Will the international funding identified in paragraph (2) be lost when the NHU is closed.

Senator Conroy—The answer to the honourable senator's question is as follows:

- (1) Yes
- (a) ABC Television has restructured its commissioning of natural history programming to maximise production financing.
 - (b) This decision was made in August 2006 by the Director of Television.
 - (c) Staff was advised of the changes on 10 August 2007 by TV management.
 - (d) ABC TV will continue to commission natural history programs according to the needs of the program schedule and available resources, and has made a commitment to continue to develop and produce a slate of natural history projects each year in partnership with Australian independent producers. ABC Television anticipates that another 4 or 5 hours will be commissioned this financial year.
 - (e)
- | Year | Total Cost (\$m) | | Net Cost to ABC (\$m) | |
|--------------|------------------|--------------|-----------------------|--------------|
| | Budget | Actual | Budget | Actual |
| 1997/98 | 2.74 | 3.05 | 1.20 | 1.51 |
| 1998/99 | 2.66 | 2.62 | 1.64 | 1.60 |
| 1999/2000 | 2.95 | 2.95 | 1.46 | 1.49 |
| 2000/01 | 3.27 | 3.63 | 1.81 | 2.68 |
| 2001/02 | 2.15 | 3.18 | 1.25 | 1.02 |
| 2002/03 | 3.22 | 3.24 | 1.34 | 1.37 |
| 2003/04 | 2.13 | 2.18 | 1.55 | 1.61 |
| 2004/05 | 2.12 | 2.29 | 1.86 | 2.03 |
| 2005/06 | 2.15 | 2.09 | 1.84 | 1.80 |
| 2006/07 | 1.00 | 1.20 | 0.79 | 0.96 |
| TOTAL | 24.39 | 26.44 | 14.74 | 16.06 |
- (f) The overall cost per hour to the ABC of producing natural history projects has increased substantially. The closure of the unit does not save the ABC money. It enabled the ABC to adopt a new strategy of maximizing the value of its investment in natural history production through partnerships with independent producers, and leveraging other sources of finance. This increases the number of programs able to be produced without increasing the net cost to the ABC.
- (2) (a)
- | Year | Funding from other sources (\$m) | |
|--------------|----------------------------------|--------------|
| | Budget | Actual |
| 1997/98 | 1.54 | 1.54 |
| 1998/99 | 1.02 | 1.02 |
| 1999/2000 | 1.49 | 1.47 |
| 2000/01 | 1.46 | 0.95 |
| 2001/02 | 0.91 | 2.16 |
| 2002/03 | 1.87 | 1.87 |
| 2003/04 | 0.58 | 0.57 |
| 2004/05 | 0.26 | 0.26 |
| 2005/06 | 0.31 | 0.30 |
| 2006/07 | 0.21 | 0.24 |
| TOTAL | 9.65 | 10.38 |

- (b) Close to 100 per cent of the investment above came from international broadcasters and distributors.
- (3) No.

Clean Coal Technology
(Question No. 335)

Senator Allison asked the Minister representing the Minister for Resources and Energy, upon notice, on 27 February 2008:

With reference to reports quoting the Program Manager of the Clean Coal Centre at the International Energy Agency, Dr Geoffrey Morrison, that the majority of Australia's coal-fired power stations are too old to be retro-fitted with clean coal technology:

- (1) For each state, can a list be provided which indicates: (a) existing coal-fired power stations suitable for the retro-fitting of post-combustion capture (PCC) technology for carbon capture and storage (CCS); and (b) for each of these stations, its generating capacity.
- (2) For each state, can a list be provided which indicates: (a) existing coal-fired power stations which are not suitable for retro-fitting PCC technology; and (b) for each of these stations, its generating capacity.
- (3) What does current research indicate is possible for CCS by 2020.
- (4) (a) To date, what amount has been spent by the Government on clean coal technology; and (b) over the next 5 years, what amount has been budgeted for this purpose.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

Dr Geoffrey Morrison refers to work undertaken by the IEA Clean Coal Centre on post combustion capture (PCC) technology that suggests this technology may not be an appropriate solution for less efficient power stations. This is a reflection that less efficient plants produce more CO₂ per unit of power produced, thereby requiring a higher share of their energy output to be diverted for carbon capture and storage (CCS) operations.

According to the Intergovernmental Panel on Climate Change (IPCC), a number of factors will affect the deployment of retrofit CCS technologies, including:

- cost;
- plant efficiencies;
- availability of land for capture equipment;
- the remaining life of the plant; and
- access to storage sites.

While it is true that older plants tend to have lower efficiencies, it is economics rather than age that will most affect decision making. With carbon capture and compression needing roughly 10-40% more energy than an equivalent plant without capture, the net output of a low efficiency plant will be more greatly affected if fitted with a capture system, which will have a greater impact on the plant's competitiveness in the energy market.

The Australian Government recognises that a range of technologies will be needed to meet the different operational and technical requirements of existing and future power stations. CSIRO and others are also working to reduce the energy requirements of PCC technology and/or to develop synergies with renewable energy to provide additional energy requirements, especially during periods of peak energy demand.

Much of the work being done in Australia to develop solutions for existing power stations is based on trials at older, less efficient power stations. The Australian Government has committed to support the demonstration of PCC technology in older power stations including in lignite power stations in the La Trobe valley. The lignite coal power stations are generally the least thermally efficient coal power stations in Australia.

Oxyfuel technology, which can also be retro-fitted to existing power stations to capture and store carbon dioxide emissions, is being developed in Australia at an older, less efficient black coal power station that had previously been taken out of active service. These projects will provide strong indications of how extensively CCS technology can be applied to existing power stations in Australia.

In response to questions 1, 2 and 3, current research indicates that if these demonstrations are successful, then CCS technology could potentially be fitted to all coal power stations operating in Australia in 2020. The limiting factors will be project economics rather than project efficiency.

A data base listing details on all currently operating coal power stations in Australia is available at the Geoscience Australia website at http://www.ga.gov.au/fossil_fuel.

In relation to Question 4, since coming to office in November 2007, the Australian Government has been meeting the financial commitments of the previous Government to support clean coal technology. A review of commitments under the following programs indicates that up to \$350 million has been budgeted for expenditure over the five years commencing from 2007/08.

Coal in Sustainable Development Cooperative Research Centre (CRC)

CRC for Greenhouse Gas Technologies

CRC for Clean Power from Lignite

Asia Pacific Partnership

Low Emission Technology Demonstration Fund

Greenhouse Gas Abatement Program

Low Emission Technology Abatement Program

Coal Mine Methane Reduction Program

Carbon Capture and Storage Offshore Regulatory Framework

The Australian Government will further support the development and deployment of clean coal technologies through the National Clean Coal Initiative (NCCI). The NCCI will be underpinned by the proposed \$500 million National Clean Coal Fund (NCCF).

The NCCF will provide funding for development and demonstration of clean coal technologies to ensure Australia is commercially ready to roll out the technology by 2020.

Clean coal technologies involving CCS are still in pre-commercialisation stage, so funding from the NCCF will be aimed at scaled-up demonstration projects that have lower energy requirements and less disruption to a plant's current operations than a full scale commercial retrofit.

Australian Broadcasting Corporation

(Question No. 336)

Senator Allison asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 27 February 2008:

With reference to the former Minister's advice in July 2006, that she would consider releasing the KPMG report on Australian Broadcasting Corporation (ABC) funding, or a version of the report, following discussion with the ABC board of directors:

(1) Did the discussion with the ABC board take place; if so, when.

- (2) Will the Minister now release the KPMG report; if not, why not.

Senator Conroy—The answer to the honourable senator's question is as follows:

- (1) It is not appropriate for me to respond to questions regarding the actions of the former Minister.
- (2) I am advised that the KPMG report was a Cabinet document. In accordance with Cabinet protocol, the report is not available to the incoming Government.

Australian History Curriculum

(Question No. 337)

Senator Allison asked the Minister for Education, upon notice, on 27 February 2008:

In regard to the development of a national Australian history curriculum:

- (1) (a) What is the current process for developing the curriculum; and (b) how committed is the Minister to this process.
- (2) What is the rationale and vision behind the development of a national curriculum.
- (3) (a) What is the Minister's attitude towards consultation with state and territory education authorities on the curriculum; and (b) how will the consultation be achieved.
- (4) (a) How important is it for history teachers to be involved in the process of developing the curriculum; and (b) how will this involvement be achieved.
- (5) Given that the executive members of the History Teachers' Association of Australia and its state affiliates are busy working teachers who represent other busy working teachers, how can it be made easier for them to participate in consultation and syllabus development.
- (6) (a) In regard to both history and curriculum, how important is it to take into account the differing perspectives of states and territories; and (b) how will these differing perspectives be taken into account.
- (7) Can a proposed timeline be provided for the development of the national curriculum.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

- (1) (a) The Australian Government and the states and territories through the Council of Australian Governments have committed to developing and implementing a world-class, national curriculum in history as well as in English, mathematics and the sciences for kindergarten to Year 12. Australian history will be an important part of the national history curriculum. The Australian Government is establishing the National Curriculum Board to oversee the development of the national curriculum. The National Curriculum Board will consult widely with subject associations and other key stakeholders and harness national and international expertise in developing national curriculum. (b) The Australian Government is committed to ensuring that Australian history is included in the national history curriculum.
- (2) The rationale and vision for national curriculum is to position Australia as a global leader economically and socially. National curriculum will ensure that all young Australians are equipped with the essential knowledge, skills and capabilities to thrive and compete in a globalised world and in the information-rich workplaces of the future and to lift achievement and drive up school retention rates.
- (3) (a) States and territories will be represented on the National Curriculum Board and consulted, along with other stakeholders, in the development of national curriculum. (b) The Australian Government would expect the National Curriculum Board would conduct consultations through curriculum forums, bilaterally with education authorities and key stakeholders and with the Ministerial Council

for Education, Employment, Training and Youth Affairs. The Chair and Deputy Chair of the Board have been invited to address MCEETYA at its 17-18 April 2008 meeting.

- (4) (a) The involvement of history teachers is essential in the development of a national curriculum. The National Curriculum Board would be expected to consult with the History Teachers' Association of Australia and other stakeholders such as the Australian Historical Association and the Federation of Australian Historical Societies as it develops national curriculum in history. (b) The National Curriculum Board will determine a process for including the expertise of the above associations in developing the history curriculum.
- (5) In organising consultations, the National Curriculum Board would be expected to take into account stakeholders' obligations and commitments wherever possible.
- (6) (a) In developing national curriculum the primary focus will be on ensuring a single, world-class, national curriculum that can take Australia into the future. It is likely that states and territories already have a high degree of alignment in many areas and wholesale change would not be anticipated. (b) States' and territories' perspectives will be considered in the development of a single national history curriculum through consultations the National Curriculum Board will undertake.
- (7) The Australian Government will establish the National Curriculum Board by no later than 1 January 2009. The National Curriculum Board will oversee the development of the national history curriculum by 2010. The Council of Australian Governments has committed that all states and territories and the non-government sector will implement the national curriculum from 2011.

Maritime Labour Convention

(Question No. 338)

Senator Allison asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 27 February 2008:

- (1) Does the Government intend to ratify the International Labour Organization's Maritime Labour Convention; if so, what is the timetable for ratification.
- (2) Will the Government provide additional resources to the Australian Maritime Safety Authority so that it can effect compliance with the convention.

Senator Wong—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

- (1) The Government is considering the possibility of ratifying the Maritime Labour Convention. To that end, the Department of Education, Employment and Workplace Relations will undertake an assessment of compliance at the Commonwealth level. The assessment will provide the basis for consultations with relevant stakeholders, including the Australian Council of Trade Unions, the Australian Chamber of Commerce and Industry, the Australian Shipowners' Association, the Maritime Union of Australia, and State and Territory governments regarding possible ratification of the Convention. The consultations are expected to commence later this year.
- (2) Should the Australian Government decide to ratify the Convention resourcing will be considered as part of implementation.

Parliamentarians' Entitlements

(Question Nos 339 and 340)

Senator Ian Macdonald asked the Special Minister for State and the Minister representing the Minister for Finance and Deregulation, upon notice, on 28 February 2008 which was subsequently transferred to the Minister representing the Minister for Employment and Workplace Relations:

- (1) Under Remuneration Tribunal determinations, are members and senators holding more than one office as a parliamentary office holder entitled to additional salary for each additional office, for example, is a person who is chair of a standing committee, chair of a legislative scrutiny standing committee and a temporary chair of committees entitled to additional salary in relation to each office.
- (2) Can a list be provided of all parliamentary office holders and the additional salary each office holder receives.

Senator Wong—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Remuneration Tribunal determines additional salary for parliamentary office holders. The current Determination is 2007/17 (attached), which expresses additional salary for a group of listed offices as a percentage of the remuneration payable to a backbencher. The relevant clause of the Determination states that 'a person who holds a parliamentary office shall be paid the additional salary specified'. The practice of the House Departments, who administer the Determination, is to pay the relevant Member or Senator additional salary for each listed office held.

The Remuneration Tribunal determines remuneration for the offices themselves, rather than for the individuals holding office at any given time. The holders of the listed offices are published on the Parliament House website and/or in *Hansard*.

REMUNERATION TRIBUNAL

Explanatory Statement: Determination 2007/17

Parliamentary Office Holders – Additional Salary

- (1) The Remuneration Tribunal has inquired into and determined the additional salary for parliamentary office holders, as it is empowered to do by the Remuneration Tribunal Act 1973 (the Act). In making this determination the Tribunal has informed itself through consultation in accordance with established practice.

PART 1 – GENERAL

- (2) Clause 1.1 specifies the authority for the determination and administration matters.
- (3) Clause 1.2 sets the date of effect for this determination and revokes Determination 2006/21 in full.

PART 2 – ADDITIONAL SALARY AND RELATED MATTERS

- (4) Clause 2.1 outlines how to determine the basic salary for the purposes of this Determination.
- (5) Clause 2.2 provides that the additional salary to be paid to parliamentary office holders is specified in Table 1 of the determination.
- (6) Clause 2.3 specifies how authorities are to administer payment of the additional salary.

Authority: Sub-section 7(1) of the Remuneration Tribunal Act 1973

REMUNERATION TRIBUNAL

Determination 2007/17:

Parliamentary Office Holders – Additional Salary

This Determination governs additional salary for parliamentary office holders.

PART 1 - GENERAL

- 1.1 This Determination is issued pursuant to the Remuneration Tribunal Act 1973, sub-section 7(1), and prevails, to the extent of any inconsistency, over Schedule 4 of the Remuneration and Allowances Act 1990 (as contemplated in section 3(2) of that latter Act).
- 1.2 This Determination takes effect on and from the date of signature. It revokes Determination 2006/21 in full.

PART 2 – ADDITIONAL SALARY AND RELATED MATTERS

- 2.1 For the purposes of this Determination, the basic salary to which reference is made in Table 1 shall be the amount from time to time payable pursuant to Clause 1 of Schedule 3 to the Remuneration and Allowances Act 1990 and Regulation 4 of the Remuneration and Allowances Regulations 1999.
- 2.2 A person who holds a parliamentary office shall be paid the additional salary specified in Table 1.
- 2.3 In administering this Determination, authorities shall:
- calculate additional salary in Table 1 by rounding up to the nearest ten dollars; and
 - pay the annual benefits specified in proportion (pro rata) to the office holder's period of service during that year.

TABLE 1 RATES OF ADDITIONAL SALARY

Effective on and from the date of signature

Office	Additional salary as a percentage of the basic salary
Leader of the Opposition	85.0%
President of the Senate	75.0%
Speaker of the House of Representatives	75.0%
Deputy Leader of the Opposition	57.5%
Leader of the Opposition in the Senate	57.5%
Leader of the Third Party in the House of Representatives	45.0%
Leader of a recognised non-government party of a total of at least 5 members of Parliament, sitting in either House, not otherwise specified	42.5%
Chief Government Whip in the House of Representatives	26.0%
Chief Opposition Whip in the House of Representatives	23.0%
Deputy President and Chair of Committees in the Senate	20.0%
Deputy Speaker in the House of Representatives	20.0%
Deputy Leader of the Opposition in the Senate	20.0%
Government Whip in the Senate	20.0%
Opposition Whip in the Senate	18.0%
Second Deputy Speaker in the House of Representatives	13.0%
Government Whip in the House of Representatives	13.0%
Opposition Whip in the House of Representatives	12.0%
Leader of the National Party in the Senate	11.0%
Third Party Whip in the House of Representatives	11.0%
Whip in the Senate of a recognised party of at least 5 members not otherwise specified	9.0%
Government Deputy Whip in the Senate	5.0%

Office	Additional salary as a percentage of the basic salary
Opposition Deputy Whip in the Senate	5.0%
Whip of the Second Government Party in the Senate	5.0%
Opposition Deputy Whip in the House of Representatives	3.0%
Member of the Speaker's Panel in the House of Representatives	3.0%
Temporary Chairman of Committees in the Senate	3.0%
Third Party Deputy Whip in the House of Representatives	3.0%

Parliamentary Committees

Office	Additional salary as a percentage of the basic salary
Chair of the Joint Statutory Committee of Public Accounts and Audit	16%
Chair of the Joint Statutory Committee on Public Works	16%
Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade	16%
Chair of the Joint Standing Committee on Treaties	16%
Chair of a Joint Statutory Committee or Joint Standing Committee, not otherwise specified (except the Joint Standing Committee on the Parliamentary Library)	11%
Chair of a Senate Legislative and General Purpose Standing Committee	11%
Chair of a House of Representatives General Purpose Standing Committee	11%
Chair of a Joint Select Committee or Select Committee in the Senate or the House of Representatives	11%
Chair of an Investigating Standing Committee established by resolution of either House	11%
Chair of the Senate Standing Committee of Privileges	11%
Chair of the House of Representatives Standing Committee of Privileges	11%
Chair of the Senate Standing Committee on Regulations and Ordinances	11%
Chair of the Senate Standing Committee for the Scrutiny of Bills	11%
Chair of the House of Representatives Standing Committee on Procedure	11%
Deputy Chair of the Joint Statutory Committee on Public Accounts and Audit	8%
Deputy Chair of the Joint Statutory Committee on Public Works	8%
Deputy Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade	8%
Deputy Chair of the Joint Standing Committee on Treaties	8%
Deputy Chair of a Joint Statutory Committee or Joint Standing Committee, not otherwise specified (except the Joint Standing Committee on the Parliamentary Library)	5.5%
Deputy Chair of a Senate Legislative and General Purpose Standing Committee	5.5%
Deputy Chair of a House of Representatives General Purpose Standing Committee	5.5%
Deputy Chair of a Joint Select Committee or Select Committee in the Senate or the House of Representatives	5.5%
Deputy Chair of an Investigating Standing Committee established by resolution of either House	5.5%

Office	Additional salary as a percentage of the basic salary
Deputy Chair of the Senate Standing Committee of Privileges	5.5%
Deputy Chair of the House of Representatives Standing Committee of Privileges	5.5%
Deputy Chair of the Senate Standing Committee on Regulations and Ordinances	5.5%
Deputy Chair of the Senate Standing Committee for the Scrutiny of Bills	5.5%
Deputy Chair of the House of Representatives Standing Committee on Procedure	5.5%
Chair of the Senate Standing Committee of Senators' Interests	3%
Chair of the House of Representatives Committee of Members' Interests	3%
Chair of a Parliamentary Committee concerned with public affairs rather than the domestic affairs of Parliament not otherwise specified	3%

Energy Efficiency Opportunities Program
(Question No. 341)

Senator Allison asked the Minister representing the Minister for Resources and Energy, upon notice, on 4 March 2008:

Given that: (a) the national Energy Efficiency Opportunities program has been put in place to encourage large energy-using businesses to improve their energy efficiency; (b) participation is mandatory for an estimated 250 companies that use more than 0.5 petajoules of energy per year; and (c) the deadline for obligated corporations to submit work schedules was 31 December 2007:

- (1) How many work schedules have been submitted.
- (2) What is the level of compliance.
- (3) (a) What is the compliance standard of the work schedules submitted; (b) are they to a professional standard; and (c) have any of the companies been requested to resubmit work schedules due to a poor standard of auditing.
- (4) What level of energy savings do the submitted work plans represent.
- (5) On average, what is the percentage of savings identified.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

- (1) As at 28 March 2008, 209 Assessment & Reporting Schedules (ARSs) (referred to in the question as "work schedules") have been submitted.
- (2) As at 28 March 2008, 214 corporate groups are registered with the Energy Efficiency Opportunities Program. Therefore, the 209 ARSs that have been submitted represent 98% of corporate groups, and 99.4% of registered energy use. The Department continues to work closely with the corporate groups which have yet to submit an ARS in order to ensure their compliance with the legislation. Three of these companies have indicated they will be deregistering due to corporate changes making them no longer eligible for the program. The remaining two are expected to be received shortly.
- (3) (a) An ARS is reviewed by the delegate and is either approved if it is compliant or not approved if it is not compliant with the Energy Efficiency Opportunities legislation. Not all submitted ARS's have yet been assessed. To date, those assessed have been compliant.
- (b) The standard to which ARSs are assessed is compliance with the legislation.

- (c) At this stage of the program companies are not required to have undertaken audits or assessments. First assessments are required to have been carried out by 30 June 2008, and companies will then be required to report on these assessments by 31 December 2008.
- (4) The ARSs do not anticipate levels of energy savings. Energy savings will be identified when companies carry out their assessments.
- (5) The ARSs do not anticipate levels of energy savings. Energy savings will be identified when companies carry out their assessments.

Energy Efficiency
(Question No. 342)

Senator Allison asked the Minister representing the Minister for Resources and Energy, upon notice, on 4 March 2008:

With reference to the recommendations on energy efficiency contained in the International Energy Agency's (IEA) review of Australia's energy market and policies, *Energy Policies of IEA Countries—Australia – 2005*:

- (1) What plans are in place to address these recommendations.
- (2) What level of abatement has the National Framework for Energy Efficiency (NFEE) programs achieved to date.
- (3) Given the statements in the January/February 2008 edition of the Clean Energy Council's magazine, *EcoGeneration*, that the 'NFEE process has been hamstrung by a combination of inter-jurisdictional disputes and rivalries, a lack of senior ministerial interest, and active resistance from vested interests and sections of the bureaucracy' and that the NFEE process is failing on implementation, what actions are being undertaken to progress the NFEE implementation program (for example, increased resource levels, independent advice, improving cooperation between jurisdictions).

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator's question is as follows:

- (1) The National Framework on Energy Efficiency (NFEE) is Australia's primary policy mechanism to nationally improve energy efficiency. Decisions on NFEE proposals are made by the Ministerial Council on Energy (MCE). The recommendations of the International Energy Agency relating to energy efficiency are taken into account when developing Australian policy. The new Energy Efficiency Sub-Group of the Council of Australian Governments Climate Change and Water Working Group is also investigating energy efficiency issues.
- (2) The abatement, energy and financial savings goals of NFEE are outlined in table 1. The three measures in the right hand column are the Minimum Energy Performance Standards for appliances and equipment, the Energy Efficiency Opportunities program and commercial and residential building code regulation programs.

Table 1: Summary projected impacts of NFEE Stage 1 measures in 2015

Impact	Announced in 2004 MCE Communiqué	Projected impact of three NFEE Stage 1 measures
GDP benefits (\$m/annum)	400	380
Greenhouse gas benefits (Mt CO ₂ -e /annum)	3.6	7.8
Energy savings (PJ/annum)	50	42

-
- (3) On 13 December 2007, the MCE approved six projects for the second stage of NFEE:
- Expanding and enhancing the minimum energy performance standards (MEPS);
 - Heating, ventilation and air conditioning (HVAC) high efficiency systems strategy;
 - Inefficient lighting phase-out strategy;
 - Data gathering and analysis project;
 - Development of measures for a national hot water strategy; and
 - Government leadership through Green Leases.

ATTACHMENT A**Text of EcoGeneration article (pages 6 and 8 of January/February 2008 issue)****Building an energy efficiency target and strategy for Australia**

Clean Energy Council Policy and Research Manager, Tristan Edis, discusses the Clean Energy Council's vision for a strategy that will deliver on the Labor Government's goal for Australia to be 'at the forefront of OECD energy efficiency improvement'.

Australia lags the developed world in its energy efficiency performance. This is a product not only of low energy prices but also government complacency. Australia's domestic energy supplies of coal and gas are plentiful, secure and cheap. Unlike Japan or Europe we are not reliant on others for our energy needs. The concept of being held hostage to another country for our energy supplies is not something we have had to worry about. While we might be exposed to volatility in oil supplies, this has not been a major economic concern because our energy exports also benefit when oil prices rise.

In combination these factors have created a spirit of complacency in Australian governments that energy efficiency doesn't matter. But the coming carbon constraint will bring a significant jolt. Australia has an abundance of low carbon fuels but they will cost more than the carbon intensive fuels we have become accustomed to. No one likes rising prices, but the alternative of unmitigated climate change is far worse. This is where energy efficiency policy becomes so important. Strong energy efficiency policies can serve as a lubricant that will ease us along the path towards lower carbon energy supplies. By taking the sting out of higher electricity prices, energy efficiency will enable us to implement tighter emission caps with much less political and economic difficulties.

Right now there is no shortage of energy efficiency policies and programs at both Federal and State levels. The problem is not with the number of programs and policies, so much as how they work together to deliver an overall outcome that effectively and comprehensively taps the potential economic and environmental benefits available from energy efficiency.

Back in 2005 the International Energy Agency in its review of Australia's energy market and policies recommended that the Australian Government:

- Develop a co-ordinated energy efficiency strategy that aims to realise all the benefits of improved efficiency such as emissions mitigation, increased productivity and hence competitiveness, the advantages of delaying infrastructure investments to gain technology advancements, and enhanced energy security.
- Consider targets for improved energy efficiency on a national or sector specific basis and the appropriate means of achieving them.
- Address means of curbing peak electricity demand, for example through more cost-reflective pricing in meeting summer peaks and/or more stringent efficiency standards for peak energy consumers such as air-conditioning.
- Consolidate the different levels of energy efficiency programs to simplify them for users and/or improve their effectiveness.

Unfortunately these recommendations were never properly followed through, in spite of the joint State and Federal Government National Framework on Energy Efficiency (NFEE) process. While some val-

able work was undertaken through NFEE, the process was hamstrung by a combination of inter-jurisdictional disputes and rivalries, a lack of senior ministerial interest, and active resistance from vested interests and sections of the bureaucracy. With the election of a new government at a federal level we now have a new opportunity to make progress. The Labor Party made a number of important and innovative election commitments in the area of energy efficiency, from low interest loans to rebates and upgraded efficiency regulatory standards. Yet the most important announcement came on election eve when Labor committed to a national energy efficiency goal that “will put Australia on track to being at the forefront of Organisation for Economic Co-Operation and Development (OECD) energy efficiency improvement.”

This announcement provides the overarching target that is an essential part of a long-term energy efficiency strategy that should integrate and consolidate all the existing programs and policies and augment them where gaps exist. Dealing with the behavioural and institutional barriers to energy efficiency is complicated and messy. It is unrealistic to think it can be resolved with a single policy measure, but this cannot account for an assorted range of ad hoc, overlapping and disjointed energy efficiency policies and programs. Energy efficiency policies and programs need to be guided by an overarching target and a program for measurement and reporting against the target to inject accountability and direction.

The Clean Energy Council believes that the first step should be to convert this goal of “being at the forefront of OECD energy efficiency improvement” into a numerical target that can be measured. This target should be informed by a detailed assessment of the technological opportunities available in Australia to cost-effectively reduce energy wastage across all sectors of the economy. From there a strategy needs to be developed that will detail the policies and programs required to drive the uptake of these technological improvements and achieve the target.

This strategy must extend and expand its policy tool repertoire from what we’ve seen to date. Regulatory standards on buildings, appliances and equipment need to take a step up from the objective of just removing worst practice. The move to drive technological switching from standard incandescents to compact fluorescents provides a good example of where regulatory standards need to go in this area. In addition, it is imperative that we start to address the energy use and misuse of the vast majority of buildings that already exist and will continue to exist for many decades to come, rather than be reliant on building standards that apply only to new buildings.

However regulatory standards cannot do the job alone. Standards are extraordinarily effective but they are blunt, often far too slow in coming, and prone to strong political resistance. This means they need to be complemented with a broad-based financial assistance program that will provide support according to the implied greenhouse abatement and avoided peak demand benefits that a particular energy efficient product or service provides. This financial assistance program could wrap up the existing variety of rebates and grants available and convert them into a consolidated fund that would be open to any product or service that could demonstrate greenhouse and/or peak demand benefits. This should cover not only improvements in the residential sector, but also commercial and possibly also industrial. The program could work according to pre-set qualification benchmarks for generic goods like lighting equipment and refrigerators as well as tendering for more site-specific and customized pieces of equipment and installations.

For the financial assistance program to be effective in driving lasting change and investment it must be long-term and secure. Rebate programs running on three year budgets that are under threat each year by the expenditure review committee are a recipe for a boom-bust industry. It means businesses will lack the confidence to invest long term in human and physical capital essential to reduced costs and improved capabilities and products.

Lastly, we urgently need a concerted, national marketing and education campaign that will build understanding of and desire for improved energy efficiency. The first cab off the rank must be a building energy efficiency rating label that is visible and well promoted. The brand must be obvious to all who

enter or pass by a building, not just those that end-up signing a tenancy or purchase agreement. Social status is one of the most powerful drivers of human behaviour – far stronger than monetary motives. It should be applied productively to address the most pressing problem facing humanity.

The Clean Energy Council, in conjunction with its members, intends to actively work with the new Federal Government to see an energy efficiency strategy in place that will ‘put Australia at the forefront of OECD energy efficiency improvement’.

ATTACHMENT B**Energy efficiency recommendations from the 2005 IEA review of Australian energy policies**

- (1) Develop a co-ordinated energy efficiency strategy that aims to realise all the benefits of improved efficiency such as emissions mitigation, increased productivity and hence competitiveness, the advantages of delaying infrastructure investments to gain technology advancements, and enhanced energy security.
- (2) Consider targets for improved energy efficiency on a national or sector specific basis and the appropriate means of achieving them.
- (3) Address means of curbing peak electricity demand, for example through more cost-reflective pricing in meeting summer peaks and/or more stringent efficiency standards for peak energy consumers such as air-conditioning.
- (4) Develop stronger means of improving energy efficiency in the transport sector, in particular through vehicle taxation and fuel efficiency standards.
- (5) Consolidate the different levels of energy efficiency programmes to simplify them for users and/or improve their effectiveness.

**Energy Efficiency
(Question No. 343)**

Senator Allison asked the Minister representing the Minister for Resources and Energy, upon notice, on 4 March 2008:

Given the statement of the Minister for the Environment, Heritage and the Arts prior to the 2007 election that the Australian Labor Party was committed to a national energy efficiency goal that ‘will put Australia on track to being at the forefront of Organisation for Economic Co-operation and Development (OECD) energy efficiency improvement’:

- (1) Does this election commitment equate to a numerical energy efficiency or energy intensity target.
- (2) How will this be achieved.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question is as follows:

(1) and (2) The government does not have a specific numerical energy efficiency or energy intensity target. However, work has recently commenced under the energy efficiency sub-group (EESG) of the new COAG climate change and water working group. The EESG is tasked with developing options to accelerate uptake of energy efficiency measures. Within the development of these options consideration will be given, where appropriate, to numerical targets.

ATTACHMENT A**Text of EcoGeneration article (pages 6 and 8 of January/February 2008 issue)****Building an energy efficiency target and strategy for Australia**

Clean Energy Council Policy and Research Manager, Tristan Edis, discusses the Clean Energy Council’s vision for a strategy that will deliver on the Labor Government’s goal for Australia to be ‘at the forefront of OECD energy efficiency improvement’.

Australia lags the developed world in its energy efficiency performance. This is a product not only of low energy prices but also government complacency. Australia's domestic energy supplies of coal and gas are plentiful, secure and cheap. Unlike Japan or Europe we are not reliant on others for our energy needs. The concept of being held hostage to another country for our energy supplies is not something we have had to worry about. While we might be exposed to volatility in oil supplies, this has not been a major economic concern because our energy exports also benefit when oil prices rise.

In combination these factors have created a spirit of complacency in Australian governments that energy efficiency doesn't matter. But the coming carbon constraint will bring a significant jolt. Australia has an abundance of low carbon fuels but they will cost more than the carbon intensive fuels we have become accustomed to. No one likes rising prices, but the alternative of unmitigated climate change is far worse. This is where energy efficiency policy becomes so important. Strong energy efficiency policies can serve as a lubricant that will ease us along the path towards lower carbon energy supplies. By taking the sting out of higher electricity prices, energy efficiency will enable us to implement tighter emission caps with much less political and economic difficulties.

Right now there is no shortage of energy efficiency policies and programs at both Federal and State levels. The problem is not with the number of programs and policies, so much as how they work together to deliver an overall outcome that effectively and comprehensively taps the potential economic and environmental benefits available from energy efficiency.

Back in 2005 the International Energy Agency in its review of Australia's energy market and policies recommended that the Australian Government:

- Develop a co-ordinated energy efficiency strategy that aims to realise all the benefits of improved efficiency such as emissions mitigation, increased productivity and hence competitiveness, the advantages of delaying infrastructure investments to gain technology advancements, and enhanced energy security.
- Consider targets for improved energy efficiency on a national or sector specific basis and the appropriate means of achieving them.
- Address means of curbing peak electricity demand, for example through more cost-reflective pricing in meeting summer peaks and/or more stringent efficiency standards for peak energy consumers such as air-conditioning.
- Consolidate the different levels of energy efficiency programs to simplify them for users and/or improve their effectiveness.

Unfortunately these recommendations were never properly followed through, in spite of the joint State and Federal Government National Framework on Energy Efficiency (NFEE) process. While some valuable work was undertaken through NFEE, the process was hamstrung by a combination of inter-jurisdictional disputes and rivalries, a lack of senior ministerial interest, and active resistance from vested interests and sections of the bureaucracy. With the election of a new government at a federal level we now have a new opportunity to make progress. The Labor Party made a number of important and innovative election commitments in the area of energy efficiency, from low interest loans to rebates and upgraded efficiency regulatory standards. Yet the most important announcement came on election eve when Labor committed to a national energy efficiency goal that "will put Australia on track to being at the forefront of Organisation for Economic Co-Operation and Development (OECD) energy efficiency improvement."

This announcement provides the overarching target that is an essential part of a long-term energy efficiency strategy that should integrate and consolidate all the existing programs and policies and augment them where gaps exist. Dealing with the behavioural and institutional barriers to energy efficiency is complicated and messy. It is unrealistic to think it can be resolved with a single policy measure, but this cannot account for an assorted range of ad hoc, overlapping and disjointed energy efficiency policies

and programs. Energy efficiency policies and programs need to be guided by an overarching target and a program for measurement and reporting against the target to inject accountability and direction.

The Clean Energy Council believes that the first step should be to convert this goal of “being at the forefront of OECD energy efficiency improvement” into a numerical target that can be measured. This target should be informed by a detailed assessment of the technological opportunities available in Australia to cost-effectively reduce energy wastage across all sectors of the economy. From there a strategy needs to be developed that will detail the policies and programs required to drive the uptake of these technological improvements and achieve the target.

This strategy must extend and expand its policy tool repertoire from what we’ve seen to date. Regulatory standards on buildings, appliances and equipment need to take a step up from the objective of just removing worst practice. The move to drive technological switching from standard incandescents to compact fluorescents provides a good example of where regulatory standards need to go in this area. In addition, it is imperative that we start to address the energy use and misuse of the vast majority of buildings that already exist and will continue to exist for many decades to come, rather than be reliant on building standards that apply only to new buildings.

However regulatory standards cannot do the job alone. Standards are extraordinarily effective but they are blunt, often far too slow in coming, and prone to strong political resistance. This means they need to be complemented with a broad-based financial assistance program that will provide support according to the implied greenhouse abatement and avoided peak demand benefits that a particular energy efficient product or service provides. This financial assistance program could wrap up the existing variety of rebates and grants available and convert them into a consolidated fund that would be open to any product or service that could demonstrate greenhouse and/or peak demand benefits. This should cover not only improvements in the residential sector, but also commercial and possibly also industrial. The program could work according to pre-set qualification benchmarks for generic goods like lighting equipment and refrigerators as well as tendering for more site-specific and customized pieces of equipment and installations.

For the financial assistance program to be effective in driving lasting change and investment it must be long-term and secure. Rebate programs running on three year budgets that are under threat each year by the expenditure review committee are a recipe for a boom-bust industry. It means businesses will lack the confidence to invest long term in human and physical capital essential to reduced costs and improved capabilities and products.

Lastly, we urgently need a concerted, national marketing and education campaign that will build understanding of and desire for improved energy efficiency. The first cab off the rank must be a building energy efficiency rating label that is visible and well promoted. The brand must be obvious to all who enter or pass by a building, not just those that end-up signing a tenancy or purchase agreement. Social status is one of the most powerful drivers of human behaviour – far stronger than monetary motives. It should be applied productively to address the most pressing problem facing humanity.

The Clean Energy Council, in conjunction with its members, intends to actively work with the new Federal Government to see an energy efficiency strategy in place that will ‘put Australia at the forefront of OECD energy efficiency improvement’.

ATTACHMENT B

OECD Energy Intensity by Country 2005

Country	TPES/GDP (PPP) (toe/'000 2000\$ PPP)
Iceland	0.36
Canada	0.27
Slovak Republic	0.26

Country	TPES/GDP (PPP) (toe/'000 2000\$ PPP)
Czech Republic	0.25
Finland	0.23
Korea	0.22
United States	0.21
Australia	0.2
Poland	0.2
Belgium	0.19
Sweden	0.19
Hungary	0.18
Luxembourg	0.18
Mexico	0.18
New Zealand	0.18
Norway	0.18
Netherlands	0.17
France	0.16
Germany	0.16
Japan	0.15
Spain	0.15
Turkey	0.15
Austria	0.14
Portugal	0.14
United Kingdom	0.14
Denmark	0.12
Italy	0.12
Switzerland	0.12
Greece	0.11
Ireland	0.11

Explanation of Purchasing power parity (PPP)

Purchasing power parity (PPP) is a theory which states that the exchange rate between two countries should equal the ratio of the two countries' price level of a fixed basket of goods and services. When a country's domestic price level is increasing (i.e. a country experiences inflation), that country's exchange rate must be depreciated in order to return to PPP.

ATTACHMENT C

International energy efficiency comparisons for a 'standardised' manufacturing sector

IEA findings – Australia's manufacturing sector 'standardised' for structural differences

The IEA's report, *Energy Use in the New Millennium - Trends in IEA Countries*, shows that energy efficiency savings for the manufacturing sector between 1990 and 2004 for the IEA 19 nations¹ were estimated at 21 per cent. The rate of improvement, however, was much lower than earlier decades. Over this period Australia reduced energy use per unit of manufacturing value-added, as did all 19 IEA member nations with the exception of Spain.

An analysis of note was an examination of 'actual' and 'structural' manufacturing energy intensities across 19 IEA member nations. This analysis sought to answer the question: *to what extent can differences in the energy intensity of manufacturing industry among countries be explained by differences in their industrial structure?* The IEA sought to answer this question by calculating energy intensities for

each nation using an assumed common industry structure for each country. The results for Australia were considered striking by the IEA, who stated:

“...this approach shows that Australia’s very high energy intensity can be largely explained by the structure of its manufacturing industry, which has a high share of very energy-intensive industries. If Australia’s industry had the same structure as the average for the IEA19 countries – but kept its actual level of energy intensity in each sub-sector – the country’s aggregate manufacturing energy intensity would be reduced by 47 per cent.”

¹ The IEA 19 nations are: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom, and the United States of America.

Uranium Mining and Nuclear Energy (Question No. 345)

Senator Allison asked the Minister for Resources and Energy, upon notice, on 4 March 2008:

With reference to the former Prime Minister’s announcement on 28 April 2007 of a nuclear strategy, detailed in the press release ‘Uranium mining and nuclear energy: a way forward for Australia’, which included four work plans to increase uranium exports and to prepare for a potential expansion of the nuclear industry in Australia:

- (1) Can an update on the work plans be provided.
- (2) What budget allocation has been made.
- (3) Will the work plans become public documents.
- (4) What will be the mechanisms for public consideration.
- (5) Given that, in 2006, the then Prime Minister and the then Minister for Foreign Affairs were talking up the prospects of a uranium enrichment industry in Australia and referred to enrichment as ‘value adding’, claiming that future generations would lament the fact that we did not add value to Australian uranium, just as current generations lament the fact that we did not add value to Australian wool in the past, what are the Government’s plans, if any, in regards to uranium enrichment.
- (6) Has the Australian Secret Intelligence Service received any advice on how our near neighbours, for example Indonesia, would respond if the Government were to approve a uranium enrichment plant in Australia.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question is as follows:

- (1) The work plans have not been seen by our Government and will not be carried forward.
- (2) There has been no budget allocation made for the work plans.
- (3) The work plans were cabinet documents made by the previous Government and will not be made public.
- (4) There are no mechanisms for public consideration as the work plans are not being carried forward by this Government.
- (5) As we have stated previously, the Labor Government opposes the development of any uranium enrichment or nuclear power industry in Australia.
- (6) I am unaware of what advice may have been provided to the Australian Secret Intelligence Service.

Climate Change
(Question No. 346)

Senator Allison asked the Minister for Climate Change and Water, upon notice, on 4 March 2008:

With reference to the *Tracking to the Kyoto Target 2006* report which indicated that Australia will exceed its Kyoto target of 108 per cent of 1990 level emissions by 2010 by 6 million tonnes and the *Tracking to the Kyoto Target 2007* report which includes new 'with measures' measures announced recently by the Government:

- (1) Given that during additional estimates hearings of the Finance and Public Administration Committee in February 2008 it was confirmed that the expansion of the Mandatory Renewable Energy Target will not occur until 2010 and that this may lead to increased energy demand being met by fossil fuel generated electricity at the expense of renewable energy projects, does the Government intend to meet Australia's Kyoto target.
- (2) What are the assumptions and the abatement levels attributed to the new 'with measures' measures.

Senator Wong—The answer to the honourable senator's question is as follows:

- (1) It is important to clarify an inaccuracy in the question that has been asked. There was no confirmation that the start date "may lead to increased energy demand being met by fossil fuel generated electricity at the expense of renewable energy projects".

The Australian Government is committed to meeting its 108 per cent target under the Kyoto Protocol.

- *The Tracking to the Kyoto Target 2007* report released in February shows the policies of the Rudd Government have helped put Australia on track to meet its 108 per cent target.
- All sectors of the economy have contributed to Australia being projected to meet its target, not just the electricity generation sector.
- Investment decisions in the electricity generation sector are being made in the knowledge that the new Renewable Energy Target is commencing in 2009 and the Emissions Trading System in 2010. These two measures will provide strong incentives for investment in renewable energy projects.
- The abatement estimate for the 20% Renewable Energy Target is 4.1 Mt CO2-e [megatonne of carbon dioxide equivalent] higher per annum over the Kyoto period (2008-12) than the abatement estimate for the current Mandatory Renewable Energy Target (MRET) and Victorian Renewable Energy Target (VRET) that was included in the Projections for 2006. By 2020, abatement from the 20% Renewable Energy Target is projected to be 20.5 Mt CO2-e higher.
- Table 1 below provides additional information.

Table 1: Abatement estimates for renewable targets included in *Tracking to the Kyoto Target 2006* and *Tracking to the Kyoto Target 2007* (Mt CO2-e)

	Kyoto period average per annum (2008-12)	2020
<i>Tracking to the Kyoto Target 2006</i>		
Mandatory Renewable Energy Target	6.2	6.1
Victorian Renewable Energy Target	0.2	1.9
Total	6.4	8.0
<i>Tracking to the Kyoto Target 2007</i>		
20% RET	10.5	28.5

(2) Assumptions and abatement estimates for the Government's new measures included in Tracking to the Kyoto Target 2007 are as follows:

Table 2: Abatement from new measures (Mt CO2-e)

	Kyoto Period Average 2020 2008-2012
20% Renewable Energy Target	10.5 28.5
Phase-out of Electric Hot Water Heaters	0.1 2.5
Insulation Rebate for Rental Properties	0.1 0.2
Green Loans for Households	0.1 0.3
Enhancement of Government Energy Efficiency*	0.02 0.04
Sustainable Housing	0.03 1.3
Total abatement ¹	10.9 32.8
<i>Additional abatement over 2006 Tracking to Kyoto</i>	<i>4.1 24.8</i>

* A whole of government taskforce - known as the Inter-Departmental Committee on Government Leadership in Sustainability - will report to the Prime Minister in June on ways to reduce greenhouse gas emissions, waste, energy and water use in Government operations, as well as the sustainable use of Commonwealth land.

20 Per Cent Renewable Energy Target

See response to question 1.

Phase-out of Electric Hot Water Heaters

This initiative aims to phase-out electric hot water heaters in new and existing homes with access to reticulated natural gas by 2010. This will be implemented through new Greenhouse and Energy Minimum Standards (GEMS) for hot water heaters. This means:

- by 2010, greenhouse-intensive electric hot water systems will no longer be installed in new homes or those with access to reticulated natural gas; and
- by 2012, electric hot water systems will be phased out as replacements in both new and existing homes.

Exemptions will be made based on tank size for smaller households where gas is unavailable, and where significant physical changes would be required, such as blocks of flats.

Green Household Loans Initiative

This initiative provides low interest loans of up to \$10,000 to assist up to 200,000 households install solar, water and energy efficient products.

Insulation Rebate

The Low Emission Plan for Renters will provide a rebate of up to \$500 to help landlords install energy efficient insulation in 300,000 rental homes.

Sustainable Housing

This initiative aims to deliver more sustainable housing by making new and existing homes more energy and water efficient. It includes:

- the harmonisation of building standards between States and Territories;
- compulsory point-of-sale sustainability scorecards; and
- encouraging voluntary point-of-lease sustainability scorecards.

Enhancements to Government Energy Efficiency

Proposed enhancements to Government energy efficiency operations include:

- an increase in the current requirements for Commonwealth office buildings and leases from 4.5 star to 5 star Australian Building Greenhouse Ratings (ABGR);
- encourage all unnecessary lights in Government offices to be turned off at night and when not in use;
- require audits and energy efficiency plans for all agencies with more than 100 staff;
- ensure all appliances and equipment are the most efficient and cost effective; and
- set an objective to power Parliament House and MP electoral offices with renewable and clean energy.

¹ Some Government measures were not assessed because information was not available.

Greenhouse Emissions**(Question No. 347)**

Senator Minchin asked the Minister for Climate Change and Water, upon notice, on 4 March 2008:

Given: (a) the Government's in-principle greenhouse emissions targets, as outlined in their election policy, to achieve a 60 per cent reduction below 2000 levels by 2050; (b) at the United Nations Framework Convention on Climate Change (UNFCCC) in Bali, Indonesia in December 2006, Australia stated it supported the in-principle science-based targets of 25 per cent to 40 per cent reduction by 2020 for developed nations and at least 50 per cent reduction in global greenhouse pollution by 2050; and (c) that a 33 per cent reduction over 12 years would involve all sectors at a cost of 5 per cent of gross domestic product (or in current terms, \$50 billion a year):

- (1) (a) When will the Government adopt a target for 2020; and (b) how will this target be met.
- (2) Given that Australia's emissions are still increasing, relative to 1990 emissions, in what year will Australia's greenhouse emissions start to decrease, relative to 1990 levels.
- (3) From what sectors will these reductions come.

Senator Wong—The answer to the honourable senator's question is as follows:

- (1) (a) The Government will provide a firm indication of the medium-term emissions trajectory for the scheme before the end of the year.
(b) The target once set will be met by a range of policies including the emissions trading scheme.
- (2) The emission trajectory will be designed to place Australia on a low emission path in a way that best manages the economic impacts of transition, while assuring our ongoing economic prosperity. This trajectory will be informed by a range of inputs including the Garnaut Climate Change Review and modelling being undertaken by the Australian Treasury.
- (3) The pattern of emission reductions will depend on the final mix of policies adopted. With respect to emission reductions driven by the emissions trading system, the way that decisions are made throughout the economy will change. Companies that can easily reduce emissions will do so to avoid this cost, thereby freeing up permits for those companies who have fewer opportunities to reduce their emissions.

Mandatory Renewable Energy Target
(Question No. 349)

Senator Allison asked the Minister for Climate Change and Water, upon notice, on 4 March 2008:

With reference to the statement, during additional estimates hearings of the Finance and Public Administration Committee on 22 February 2008, that the Mandatory Renewable Energy Target (MRET) will not be expanded before 2010 and given that: (a) the MRET has been fully subscribed since 2006 and that there are approximately 7 million surplus Renewable Energy Certificates; (b) in order to drive new investment, industry requires an increase on the 2008 MRET and progressive increases in the MRET to 2020; (c) the renewable energy industry claims that delaying the expansion of the MRET will result in stalling investment; and (d) in 2005, Australian Labor Party state governments agreed to roll in state-based schemes in the event of the national target being expanded:

- (1) In line with the Government's election policy, what are the proposed annual MRETs from 2008 to 2020.
- (2) What assessment and analysis has been undertaken on the impacts to the renewable energy industry of expanding the MRET in 2008, compared to 2020.
- (3) What analysis has been undertaken on the greenhouse impacts of delaying the expansion of the MRET to 2010.

Senator Wong—The answer to the honourable senator's question is as follows:

- (1) The target to be legislated for 2020 is 45,000 gigawatt-hours. The profile of annual targets before and after 2020 will be set through the design process now underway in cooperation with states and territories through the Working Group on Climate Change and Water under the Council of Australian Governments.
- (2) To address the issue of investment uncertainty the Government has set a challenging and responsible timeline to complete design of the expanded national renewable energy target scheme by September 2008 and to put required legislation in place during early to mid 2009. The Government has also committed to allowing all renewable energy projects accredited under existing state target schemes to be eligible under the national scheme.
- (3) Implementation of the national expanded scheme is not being delayed. The timeframe outlined in my response to (2) above, is the earliest feasible timeframe, given the time required for careful design considerations and development and passage of legislation.

Climate Change
(Question No. 350)

Senator Allison asked the Minister for Climate Change and Water, upon notice, on 4 March 2008:

Given that: (a) the Government has announced that an emissions trading scheme (ETS) will be implemented by 2010; (b) there is an increased trend in individuals undertaking voluntary action to reduce their greenhouse impacts and that, in the absence of quantification or regulation, these voluntary actions will result in individuals subsidising liable ETS participants to meet the pollution reduction targets; (c) currently Kyoto Gold Standard is the only verified standard of emission reduction; (d) the Australian Competition and Consumer Commission (ACCC) has announced that it is targeting environmental market offers, such as offsets, notwithstanding its claims that the offset market is unregulated and can not be quantified; (e) in the absence of this regulation, only investment in overseas Kyoto Gold Standard projects will result in guaranteed global greenhouse gas emissions reductions; and (f) without regulation

and quantification of voluntary action, the liable polluters cap under an ETS can not be adjusted by the level of the voluntary action:

- (1) What plans are in progress to separate, regulate and quantify voluntary action markets, such as offsets, and to quantify impacts so that the ETS cap can be adjusted.
- (2) What plans are there to introduce consumer protection through regulating offset markets.

Senator Wong—The answer to the honourable senator's question is as follows:

- (1) The Australian Government recognises the importance of supporting the credibility and integrity of Australia's growing voluntary carbon market and has committed to the establishment of a national offsets standard by 31 December 2008. This commitment includes setting minimum standards for the generation, verification and retirement of offset credits.
 - The Government's Greenhouse Friendly program currently sets a defacto standard for offset and carbon neutral calculation that is well respected both domestically and internationally.
 - Experiences gained through Greenhouse Friendly, as well as lessons learnt from other domestic and international programs, will feed into the development of the national standard.
 - Progress on the standard will be dependent on future policy decisions made in relation to emissions trading scheme design particularly scheme coverage.
 - We have set a target of reducing our emissions by 60 per cent by 2050 on 2000 levels.
 - The Government will set a mid-term target drawing on the Garnaut Review and other modelling.
 - Scheme caps will be designed to place Australia on a low emissions path in a way that best manages the economic costs of transition and provides incentives to develop and invest in low-emission technologies.
- (2) Protecting the public from misleading claims is important and this is the focus of the work being undertaken by the Australian Competition and Consumer Commission (ACCC).
 - Delivery of a national standard on offsets and carbon neutrality by December 2008 will provide further clarity and transparency within the Australian voluntary carbon market.

Renewable Energy Technologies

(Question No. 351)

Senator Allison asked the Minister representing the Minister for Resources and Energy, upon notice, upon 4 March 2008:

With reference to the consultancy commissioned under the Asia Pacific Partnership (APP) on Clean Development and Climate by the department with the Electric Power Research Institute (EPRI), 'Costs and Diffusion Barriers to Deployment of Low Emission Technologies for APP' and given that:

- (a) EPRI have stated in the terms of reference that it will only consider wind and solar thermal as part of the large-scale renewable energy technologies;
- (b) of the solar thermal technologies under consideration, only troughs and towers are being considered as these are the dominant solar thermal technologies used in the United States of America;
- (c) the Australian solar thermal technologies of Big Dish and Linear Fresnel are being specifically excluded, as are geothermal and large-scale photovoltaic technology (like solar systems); and
- (d) EPRI has also stated that it will only use performance and cost data which is in the public domain, which excludes some Australian developing renewable energy technologies, some of which have received Government funding:
 - (1) What are the low emissions technologies being considered under the consultancy.

-
- (2) Why are the Australian technologies listed above being excluded from consideration.
 - (3) Is nuclear power being considered.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

- (1) The low emission technologies being considered under this APP project conducted by EPRI on the 'Costs and Diffusion Barriers to Deployment of Low Emission Technologies for APP' are:
 - Clean Coal:
 - Oxy-combustion Super Critical Pulverised Coal (SCPC), (black coal only);
 - Integrated Gasification Combined Cycle (IGCC), (will be analysed with and without CO₂ capture technologies); and
 - SCPC2.
 - Natural Gas Combined Cycle, (will be analysed with and without CO₂ capture technologies);
 - Nuclear; and
 - Renewable Energy:
 - Wind Turbine;
 - Solar Tower;
 - Parabolic Trough;
 - Hot Dry Rocks (Geothermal); and
 - Biomass
- (2) Technologies with insufficient publicly available data such as Big Dish, Solar Fresnel and Concentrating PV technologies are not being considered to ensure the transparency of the analysis and underlining assumptions.
- (3) Nuclear power is considered being considered as part of this review as it is relevant to several APP Partner countries.

Water

(Question No. 352)

Senator Allison asked the Minister for Climate Change and Water, upon notice, on 4 March 2008:

What plans and progress have been made to implement the Government's following election commitments to:

- (a) invest \$1 billion in urban desalination, water recycling and stormwater capture projects that are consistent with environmental best practice and carbon neutral;
- (b) invest \$250 million towards modernising and repairing existing water systems and infrastructure in our towns and cities;
- (c) establish a national target of recycling 30 per cent of wastewater by 2015;
- (d) invest \$250 million in direct rebates for rainwater tanks and greywater systems in households;
- (e) help households with low-interest green loans of \$10 000 so that they can more easily install water and energy efficient products, such as rainwater tanks and solar hot water;
- (f) work with industry, farmers and community groups to return water to rivers and conserve water in towns and cities; and

- (g) bring forward \$400 million in spending under the National Plan for Water Security to fast-track improvements in water efficiency and to significantly invest in key water infrastructure projects and address over-allocation.

Senator Wong—The answer to the honourable senator's question is as follows:

Implementation arrangements for Government policies are being considered in the context of the 2008-09 Budget.

On 26 February 2008, I launched the first round of water entitlement purchasing as part of the plan to restore the health of the Murray Darling Basin.

Blind or Vision Impaired Children

(Question No. 354)

Senator Allison asked the Minister for Education, upon notice, on 5 March 2008:

- (1) Does the Government recognise that, despite being designed, developed and manufactured in Australia for more than 15 years, several leading educational tools for early braille literacy, including the Mountbatten Brailler and Jot-a-Dot, have not been made available to blind or vision impaired children.
- (2) Does the Government consider it acceptable that the two devices used for early braille learning in Australian schools date from the 1830's and 1950, the Slate and Stylus and the Perkins Brailler respectively.
- (3) Will the Government ensure that the 'education revolution' is extended to children who are blind or vision impaired.
- (4) Will the program to provide a 'computer for every student' include basic assistive technology solutions for children who are blind or vision impaired.
- (5) How will the Government address the inequity in early education for children who are blind or vision impaired.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

- (1) The Commonwealth Government provides substantial funding to state and territory government and non-government education authorities, including targeted funding to support students with special needs. State and territory education authorities determine how these funds should be used. This includes decisions about the purchase of specific educational tools for students who are blind or vision impaired.
- (2) It is not appropriate for the Commonwealth Government to mandate or support any specific teaching products, including products for students who are blind or vision impaired. This is a decision for state and territory education authorities.
- (3) The Commonwealth Government is working cooperatively with state and territory government and non-government education authorities to improve educational outcomes for all students.
- (4) The Commonwealth Government is investing \$1 billion in the Digital Education Revolution to improve secondary school student access to world class information. \$900 million is being invested over four years to provide for new or upgraded information and communications technology (ICT) for secondary schools with students in Years 9 to 12. There is an additional investment of up to \$100 million over four years to contribute to the provision of high-speed fibre-to-the-premises broadband connections to schools.

The Government recognises that some students with disability may not benefit from ICT without special adaptive equipment. The program guidelines for the National Secondary Schools Computer Fund (the Fund) are flexible enough to ensure special schools and schools with large numbers of

students with disability will be able to use it to purchase the hardware for such equipment. There will also be ongoing consultation with special education and disability stakeholders throughout the implementation of the Fund to ensure the special needs of students with disability in mainstream and special schools are taken into consideration.

- (5) The Commonwealth Government's agenda for early childhood education and child care focuses on providing Australian families with high-quality, accessible and affordable integrated early childhood education and child care. The agenda has a strong emphasis on connecting with schools to ensure all Australian children are fully prepared for learning and life.

There will be ongoing consultation with special education and disability stakeholders to ensure the needs of all children with disability, including children who are blind or vision impaired, are incorporated into the work of the Office of Early Childhood Education and Childcare.

In addition, the Commonwealth Government provides targeted funding under the Non-Government Centres Support Program to improve the educational opportunities, learning outcomes and personal development of children with disability who receive services provided by non-government centres. The funding may be targeted to children with disability who are below school age to prepare them for integration into regular pre-schools, assist school aged children with severe disability by improving their access to educational programs; or assist children with disability in residential care. Over the 2005-2008 quadrennium, \$144 million will be provided under this program. Students who are blind or vision impaired benefit from this funding.

Health Workforce
(Question No. 355)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 March 2008:

With reference to proposals by the Council of Australian Government to introduce national systems of registration and accreditation for the Australian health workforce by July 2008:

- (1) Has the Government identified a final model for the registration and accreditation systems; if so:
 - (a) can a copy of the models be provided; (b) has it been agreed to by the nine health care professions included in the initiative; and (c) have all states and territories signed on to it.
- (2) Will the systems be operational by July 2008; if not, what is the new timeline.
- (3) Is the Government still committed to national registration and accreditation systems for the health workforce.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) The national registration and accreditation scheme for the health professions was agreed by COAG on 26 March 2008.
 - (a) A copy of the Intergovernmental Agreement (IGA) is available at www.coag.gov.au;
 - (b) the nine health professional groups have been involved in extensive stakeholder consultations to discuss the proposed structure of the scheme and will continue to be consulted by Health Ministers throughout the implementation process;
 - (c) the Prime Minister, Premiers and Chief Ministers have all signed the IGA.
- (2) The scheme will be implemented by 1 July 2010.
- (3) The Commonwealth and all states and territories indicated their commitment to the national registration and accreditation scheme by signing the IGA at the 26 March 2008 meeting of COAG.

Nuclear Waste Repository
(Question No. 356)

Senator Allison asked the Minister representing the Minister for Resources and Energy, upon notice, on 5 March 2008:

- (1) What is the current status of planning for a proposed national nuclear waste repository, or repositories, for: (a) low-level radioactive waste; (b) short-lived intermediate-level radioactive waste; and (c) long-lived intermediate-level radioactive waste, including reprocessed spent fuel rods from the High Flux Australian Reactor and the Open Pool Australian Lightwater research reactor.
- (2) What sites are being considered for each of these categories of radioactive waste product.
- (3) Will the Government proceed with the former Government's acceptance of the application by the Northern Land Council (NLC) for a repository to be sited at Muckaty Station in the Northern Territory.
- (4) (a) Has the proposed \$12 million grant, in consideration of the application, been paid to the NLC; if not, when will it be paid; (b) what conditions, if any, were imposed on the use of the grant; and (c) can a copy of the agreement between the Government and the NLC be provided.
- (5) (a) Has the previously announced detailed assessment of the Muckaty Station site's physical and biological suitability been completed; if not, when will this be done; if so, can a copy of the assessment be provided.
- (6) What is the time frame in which the environmental assessment will be completed.
- (7) Will the proposal be a controlled action under the Environment Protection and Biodiversity Conservation Act 1999.
- (8) How is waste proposed to be transported to the repository.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

- (1) The Australian Government is presently considering its approach to radioactive waste management in light of all the information available to it.
- (2) See answer to question (1).
- (3) See answer to question (1).
- (4) (a) \$200,000 has been paid in accordance with the agreement between the Commonwealth, the Northern Land Council and the Muckaty Aboriginal Land Trust. No other payments are due unless the nominated site is selected for a radioactive waste facility.
(b) Payments are to be used for the benefit of traditional owners of the nominated site.
(c) The site nomination agreement includes confidential information provided by the NLC, the Land Trust and the traditional owners.
- (5) No. The assessment, undertaken pursuant to a contract entered into by the previous government, is scheduled to be completed by 30 June 2008.
- (6) See answer to question (1).
- (7) Any proposal to construct a radioactive waste repository would be referred to the Minister for the Environment, Heritage and the Arts. The Minister for the Environment, Heritage and the Arts decides whether the proposal is a controlled action under the Environment Protection and Biodiversity Conservation Act 1999.
- (8) See answer to question (1).

Open Pool Australian Lightwater Research Reactor
(Question No. 357)

Senator Allison asked the Minister for Innovation, Industry, Science and Research, upon notice, on 5 March 2008:

- (1) What progress has been made towards repairing the Open Pool Australian Lightwater research reactor following its shutdown in July 2007.
- (2) What is the anticipated date of the reactor recommencing operation.
- (3) What has been the cost, so far, of lost income for: (a) nuclear medicine production; (b) neutron beam research; and (c) industrial irradiation services.
- (4) (a) What is the anticipated final amount for lost income from the reactor; and (b) will INVAP S.E. be required to pay compensation for these losses.
- (5) Have the process improvements described in the Australian Nuclear Science and Technology Organisation report, Summary – Fuel assembly design modification to incorporate a stopper – E0083, dated 19 December 2007, been implemented; if so, what is the additional operational cost of these improvements.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) The fuel assembly design which was responsible for OPAL being shut down in June 2007 has been changed to incorporate a stopper to prevent fuel plate movement. On 21 December 2007, ANSTO lodged an application with ARPANSA seeking approval of the modified fuel assembly design, and are currently awaiting approval. Repairs to the reflector vessel - which were unrelated to the shutdown and not of intrinsic safety significance – have also been completed during the shutdown.
- (2) As indicated by the Chief Executive Officer of ANSTO, Dr Ian Smith, at the 21 February 2008 Estimates hearing of the Senate (pages 64 ff), we are currently awaiting regulatory approval to do so.
- (3) (a) ANSTO has continued to supply nuclear medicines needed by the Australian community, which means that there has been no change in income. The need to import reactor-produced isotopes has, however, meant that the cost of nuclear medicine production has increased significantly. As indicated by the Chief Executive Officer of ANSTO, Dr Ian Smith, at the 21 February 2008 Estimates hearing of the Senate (pages 64 ff), the additional cost to ANSTO of importation is about \$500,000 a month.
(b) As a national research facility, we do not expect to charge most users of the neutron beam instruments. Given that, and the fact that the instruments were still under construction or commissioning at the time of the shutdown, it is impossible to estimate the cost of lost income for neutron beam research. There has been a small loss of grant income.
(c) ANSTO's revenue from silicon irradiation is normally about \$4 million p.a. No silicon ingots have been able to be irradiated since the shutdown of the reactor, meaning that lost income to date amounts to approximately \$2.7 million. ANSTO Minerals has continued to perform sample analysis for the Australian mining community, which means that there has been no change in income. The need to send those samples overseas has, however, meant that the cost of such analysis has increased significantly. The additional cost to ANSTO Minerals to date is approximately \$103,000. Lost income from neutron irradiations is estimated at around \$20,000.
- (4) (a) The likely final amount for lost income has not yet been calculated and, in any event, is contingent on the actual period the reactor is shut down.
(b) As indicated by the Chief Executive Officer of ANSTO, Dr Ian Smith, at the 21 February 2008 Estimates hearing of the Senate (pages 64 ff), the final resolution of the commercial issues sur-

rounding the shutdown has been delayed whilst both ANSTO and INVAP S.E. concentrate on returning the reactor to service. As Dr Smith also indicated, it is ANSTO's intention that INVAP S.E. be required to pay compensation.

- (5) A number of the process improvements identified in Section 6 of that report can only be implemented following permission to return the reactor to service. For the improvements instituted to date, ANSTO's current estimate of the costs is approximately \$10,000.

Mersey Hospital

(Question No. 358)

Senator Colbeck asked the Minister representing the Minister for Health and Ageing, upon notice, on 6 March 2008:

- (1) With reference to the tender being conducted on behalf of the department by Spencer Smith and Associates into the Intensive Care Unit at the Mersey Community Hospital:
 - (a) what is the background of Spencer Smith and Associates, including examples of previous similar consultancies in regional hospitals;
 - (b) when was Spencer Smith and Associates registered as a company;
 - (c) what are the professional qualifications of those undertaking the tender, including Dr Michael Smith, Associate Professor Anthony Burrell and Dr Hugh Burke;
 - (d) how many visits did the tenderer make to the hospital;
 - (e) which personnel of the hospital did the tenderer interview on site; and
 - (f) with which personnel of other health service facilities in the north and north-west of Tasmania did the tenderer meet.
- (2) Given that the tender documents provide that the tenderer must consult 'other local groups identified by the Commonwealth' in developing advice:
 - (a) which local groups were identified by the Commonwealth to the tenderer; and
 - (b) on what dates did the tenderer meet with each group.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) (a) SpencerSmith and Associates Pty Ltd is an independent consulting firm focusing on health services planning and management and clinical and non-clinical organisational review and investigation.
 - Previous similar consultancies include:
 - Clinical audit reviews and major investigations by the principal of SpencerSmith and Associates including:
 - A review of cardiothoracic services in Western Sydney;
 - Investigation of issues of patient safety related to emergency departments and Intensive Care Units in two metropolitan hospitals;
 - Review of child deaths from meningococcal disease in a metropolitan hospital; and
 - Investigation of allegations of professional misconduct in surgical patient care at a metropolitan hospital.
 - An external review of Reusable Medical and Surgical Devices in 2007 for ACT Health. The review was later extended to include a formal audit of ACT Health Sterilising Services against Australian Standards.

- A confidential review for NSW Health of the medical records of all deaths for a rural hospital for the previous ten years.
- (b) SpencerSmith and Associates was registered as a company on 22 February 2007.
- (c) The professional qualifications of those undertaking the tender are as follows:

Dr Michael Smith (Project Director)

Bachelor of Medicine, Bachelor of Surgery awarded by the University of Adelaide
Foundation Fellow of the Australasian Chapter of Palliative Medicine, Royal College of Physicians

Member of the Royal Australasian College of Medical Administrators

Associate Professor Anthony Burrell

Bachelor of Medicine, Bachelor of Surgery - University of Sydney

Bachelor of Arts - University of New England

Fellow of the Faculty of Anaesthetists, Royal Australasian College of Surgeons

Fellow of the Australian and New Zealand College of Anaesthetists (FANZCA)

Fellow of the Faculty of Intensive Care of the Australian and New Zealand College of Anaesthetists

Fellow of the Joint Faculty of Intensive Care Medicine

Dr Hugh Burke

Bachelor of Medical Science and Bachelor of Medicine, Bachelor of Surgery - University of Tasmania

Master of Health Administration, University of New South Wales

Master of Public Health, University of Sydney

Fellow, Australasian Faculty of Public Health Medicine of the Royal Australasian College of Physicians

Linda Williams

Bachelor of Health Science (Nursing)

Master Health Management

Graduate Certificate Intensive Care

Anne Maree Lea

Master of Health Service Management

Bachelor of Health Science (Nursing)

Certificate in Intensive Care Nursing

Certificate in Coronary Care Nursing

Certificate in General Nursing

Barbara Daly

Master of Health Administration

Certificate Accident and Emergency

Certificate in General Nursing

- (d) Various members of the tenderer's project team visited the hospital over three consecutive days from 26 to 28 February 2008 conducting a number of interviews and inspections during this period.

- (e) The tenderer interviewed the following personnel at the Mersey Community Hospital: Dr John Menzies, Chief Executive Officer; Anne Cabalzar, Director Nursing; Dr Evelyn Funk, Paediatrician; Dr Ahmedullah, Clinician; Dr Ian Hoyle, Dermatologist and former Director of Emergency Services and Medical Services; and Dr James Roberts-Thomson, Clinician.
 - (f) The tenderer met with the following personnel of other health facilities in the north and north-west of Tasmania: Karen Linegar, Director of Nursing Burnie Hospital (the Chief Executive Officer was on leave); Dr Scott Fletcher, Burnie Medical Centre; Professor Marcus Skinner, Burnie Hospital; ICU staff at Burnie Hospital; Paul Templar, Ambulance Services; Dr Mike Anderson, Chief Executive Officer Launceston General Hospital; ICU staff at Launceston General Hospital; and Dr Andrew Hughes, Director Tasmanian Medical Retrieval Services.
- (2) (a) The tenderer consulted the following other parties: Mr Sid Sidebottom Member of Parliament; Latrobe Mayor, Mike Gaffney; Devonport Deputy Mayor, Maurice Hill; Kentish Deputy Mayor, John Deverell; and Ian Braid, Deputy Chair, Mersey Hospital Interim Advisory Committee.
- (b) The tenderer met with the people mentioned in (2)(a) on 26 February 2008.

Overseas Trained Doctors

(Question No. 361)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 27 February 2008:

- (1) How many overseas trained doctors enter Australia every year on temporary visas.
- (2) Can the Minister confirm that overseas trained doctors entering Australia on temporary visas are not required to: (a) have their competency assessed by the Australian Medical Council (AMC) and/or (b) pass any standardised assessment process.
- (3) Can the Minister confirm that overseas trainee doctors who are permanent residents and agree to work in 'areas of need; or 'districts of workforce shortage' are also not required to: (a) have their competency assessed by the AMC; and /or (b) pass any standardised assessment process.
- (4) Given that overseas trained doctors who are permanent residents and wish to practise unconditionally are required to pass the AMC examination, when will the same standards be applied to overseas trained doctors who have entered Australia on temporary visas.
- (5) Is work still underway on the Council of Australian Governments (COAG) agreement on a national assessment system for overseas trained doctors.
- (6) Given that COAG agreed to have a national assessment system for overseas trained doctors in place by the end of 2006, why was this deadline not met.
- (7) When does the Government anticipate that the national assessment system be operational.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) 4,914 doctors entered in the 2006-2007 financial year.
- (2) The requirements currently vary from state to state.
- (3) The requirements currently vary from state to state.
- (4) 1 July 2008.
- (5) Yes.
- (6) COAG required health ministers to implement initiatives to establish by December 2006 a national process for the assessment of overseas-trained doctors. A model for a national process for the as-

essment of overseas trained doctors was developed and submitted to Health Ministers by 12 December 2006.

- (7) All jurisdictions have now begun to implement the new assessment model which will be fully implemented by 1 July 2008.

School Chaplaincy Program

(Question No. 362)

Senator Allison asked the Minister for Education, upon notice, on 11 March 2008:

With reference to the National School Chaplaincy Programme:

- (1) What are the 'regular' reports required of participating schools.
- (2) How does a school demonstrate that it has: (a) consulted with the broad school community on whether or not it should apply for funding; (b) consulted with the broad school community and established clear consensus on the demand for, role of and faith or denomination of the chaplain; (c) advised students and parents or caregivers that participation in the services provided is not compulsory; and (d) explained the opt out processes for individual students.
- (3) How and when will the program be evaluated.
- (4) Will key performance indicators be applied in schools on the performance of chaplains.
- (5) Can students opt out on their own account; if so, from what age.
- (6) Are schools required to report on the number of students opting out.
- (7) Are schools required to report on complaints made against chaplains taking advantage of their privileged position to proselytise for their denomination or religious belief; if so: (a) how many complaints of this type have been reported; (b) by whom (students, teachers, parents or staff) were they reported; and (c) what is the nature of the complaints.
- (8) Does the Government consider it appropriate for chaplains to evangelise, as defined by the Queensland Government as 'engagement and dialogue with a student/s with intent to attract to a particular faith group'.
- (9) Are schools required to report on the process or processes adopted for complaints about proselytising.
- (10) Are schools required to advise students, staff and parents of the prohibition on proselytising.
- (11) Does the Government consider it appropriate for chaplains in government schools to conduct religious instruction before whole-of-school activities, such as prayers at assemblies, graduation ceremonies, ANZAC day or the like.
- (12) Are the job descriptions issued by organisations involved in providing chaplains in schools consistent with the prohibition of proselytising.
- (13) Are schools required to report on the content of these job descriptions.
- (14) Can a copy of the Queensland-based Scripture Union's job description be provided; if not, why not.
- (15) Why do the guidelines for the program adopt opt out as opposed to opt in options.
- (16) Is it acceptable for chaplains to press students to sign a pledge that they will not have sex before marriage.
- (17) Is a school principal, parents body or chaplain organising body, or combination of these, required to vet materials provided or shown to students in class or elsewhere.
- (18) How do schools demonstrate that chaplains do not provide services that they are not qualified to provide, such as psychological or medical assessments or referrals.

- (19) What qualifications does the Government consider necessary for chaplains to hold in order to provide: (a) counselling; (b) guidance to students on issues concerning human relationships; and (c) support, in cases of bereavement, family breakdown or other crisis and loss situations.
- (20) What level of physical contact with a student does the Government consider acceptable when a student is distraught.
- (21) If confidentiality is sought by a student in his or her dealings with a chaplain, must this be respected by the chaplain.
- (22) Are chaplains required to belong to a professional body, such as the Australian College of Chaplains; if not, why not.
- (23) If a student seeks information about services related to pregnancy, is the chaplain obliged to provide information that is accurate and impartial.
- (24) If a student seeks information about services relating to same-sex attraction, is the chaplain obliged to provide information that is accurate and impartial.
- (25) Are schools required to report on the qualifications of chaplains.
- (26) Which states and which religious institutions, if any, accept the qualification of chaplains who: (a) have not passed year 12; and/or (b) do not have recognised formal post-secondary qualifications.
- (27) (a) What qualifications, if any, are required to become a chaplain; and (b) if no qualifications are necessary, what is the definition of a chaplain.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) A progress report and financial acquittal are required annually for each individual school's chaplaincy service. Provision of satisfactory reports are required prior to any further payments being made to the funding recipient.
- (2) (a) and (b) Applicants for funding under this program were required to detail the consultation process used to gauge support for their chaplaincy service and the community response to that process in the application form. Applicants were required to sign a declaration stating that they agreed to keep copies of documentation including evidence of community consultation. This information can be requested by the Department at any time.
- (c) and (d) The program guidelines require schools to make parents and students aware of the voluntary nature of the service. Applicants were required to sign a declaration stating that they agreed to keep copies of documentation including publicity material outlining the voluntary nature of the program. This information can be requested by the Department at any time.
- (3) The program will be evaluated during its second or third year. The evaluation will draw on the annual progress reports, the results from program monitoring, case studies and feedback from a survey of key stakeholders.
- (4) No.
- (5) Yes. The program guidelines state at section 1.4 that: 'It is not compulsory for students to participate. Schools must ensure that students and parents understand the voluntary nature of the Programme and have the option of whether to utilise the services of a school chaplain.' The specific process used for students and parents to 'opt out' of the services is decided by the school principal and school community.
- (6) No.
- (7) Yes. Point 9 of the Code of Conduct states that: 'While recognising that an individual chaplain will in good faith express views and articulate values consistent with his or her denomination or religious beliefs, a chaplain should not take advantage of his or her privileged position to proselytise

for that denomination or religious belief.' DEEWR must also be notified about any breaches or perceived breaches of the Code of Conduct, which specifically prohibits proselytising.

As a part of the annual progress reporting, schools will be required to report on any complaints about chaplaincy services and actions that have been taken to address these complaints.

DEEWR has been notified of one instance where a chaplain was identified as proselytising after being instructed this was not appropriate. In this instance the school and funding recipient took timely and appropriate action to remove the chaplain from the school and to notify DEEWR of their actions. DEEWR has also been advised that this chaplain will not be placed in any other school receiving funding through this program, and that the school in question will conduct further consultation with the community prior to the selection of a replacement chaplain to ensure that any concerns arising from this incident are appropriately addressed.

DEEWR has also investigated two further complaints about alleged proselytising in schools and has satisfied itself that the activities which were the subject of the complaints do not represent breaches of the program guidelines.

(8) No. Point 9 of the Code of Conduct states that: 'While recognising that an individual chaplain will in good faith express views and articulate values consistent with his or her denomination or religious beliefs, a chaplain should not take advantage of his or her privileged position to proselytise for that denomination or religious belief.'

(9) Yes. The annual progress report requires schools to provide details of any complaints about the chaplaincy service and the measures taken to address these complaints.

DEEWR must also be notified about any breaches or perceived breaches of the Code of Conduct, which specifically prohibits proselytising.

(10) No. The program guidelines require that the school community be consulted on the operation of the chaplaincy service, including on its voluntary nature, but there is no specific requirement to advise students, staff and parents of the prohibition on proselytising.

(11) This is not prohibited under the program guidelines. The program guidelines state that the role of the chaplain should be decided by the school community itself, following broad consultation. Section 1.4 of the guidelines states:

- 'There must be extensive consultation with, and support from, the broader school community, particularly parents, about the demand for and role of a school chaplain.'
- 'The choice of chaplaincy services, including the religious affiliation, is a decision for the school community.'

Item 10 of the Code of Conduct states that chaplains: 'Will not perform professional or religious services for which they are not qualified.'

(12) DEEWR does not vet individual job descriptions used for employing chaplains.

(13) No. DEEWR does not vet individual job descriptions used for employing chaplains.

(14) All Chaplains who are engaged under the National School Chaplaincy Program are bound by the program guidelines and the Code of Conduct. Please see below for the position description provided by Scripture Union Queensland.

What is the role of the School Chaplain?

The role of the Chaplain within each SU Qld Chaplaincy Service will vary. A composite list of duties follows. The following list represents the spectrum of activities in which an SU Qld Chaplain may be involved in the school and local community. No individual SU Qld Chaplain would be expected to carry out ALL or even MOST of these duties. The particular emphasis placed on any or each of these duties within each SU Qld Chaplain's role will be more clearly articulated by the

LCC of the school in which the Chaplain is employed. SU Qld Chaplains exercise all of their duties and all aspects of their roles from within a Christian framework, promoting positive Christian values. This could include:

- General Activities in the Life of the School
 - participate in school camps, excursions, sports days, speech nights, form meetings, assemblies, school committees
 - facilitate groups, events and activities with voluntary student participation, including lunch-time groups, breakfast clubs, etc
 - visit students who are absent from school (including school refusals, hospital visitation, bereavement)
 - public prayer at formal school functions
 - participate in HRE/Life Skills/Personal Development programs
 - coach sporting teams
 - assist with special needs and behaviour management programs
 - participate in and develop adventure-based learning/outdoor education program
 - provide resource support for teachers
 - facilitate parenting programs
- Pastoral Care
 - provide pastoral care and personal support for students, staff and parents of the school community within a Christian framework in cooperation with the school's Guidance Officer and other support staff
 - provide pastoral care and support following Critical Incidents
 - assist in the development and support of the school's care program
 - Relationship between local churches and the School
 - liaise between the school and local Christian churches (essential)
 - regular visits to local Christian churches (essential)
 - communicate with conviction Bible-based Christian messages in local churches
 - connect students with local Christian churches with parents'/caregivers' permission (essential)
 - publish a regular newsletter for distribution to local Christian churches and Chaplaincy supporters (essential)
 - Support and Nurture of Christian students facilitate Christian activities on school campuses with voluntary student participation (essential)
- Community Networking
 - network with support services, local Christian churches and other agencies and organizations in the local community to provide a broad range of support services to the school community
 - network with and coordinate involvement in the school by external Christian programs and organisations (eg AusLife - YFC; Cool Choices - 96.5; Youth Alive)
 - SU Qld Camps and Missions
 - facilitate and participate (with students) in SU Qld holiday camps, holiday activity programs, missions and student leadership training events
- Religious Education: Right of Entry

- An SU Qld Chaplain may be invited to be involved in a school's Religious Education (RE) program. In this event, the Chaplain participates in the RE program as a representative of a local church, not as an SU Qld Chaplain. Refer to Education Qld "Religious Instruction in School Hours" policy: <http://education.qld.gov.au/strategic/eppr/schools/scmpr021/>

Further information regarding Scripture Union Queensland can be found at www.suqld.org.au.

- (15) The guidelines for this program were developed in consultation with a range of experts and interest groups including a Reference Group comprising members from different school sectors, parent groups and chaplaincy organisations.

The guidelines clearly state that there must be broad support for a chaplaincy service by the school community before an application was submitted for funding through this program. The guidelines state that it is not compulsory for students to participate, and that the school and principal are responsible for ensuring that parents are aware of the voluntary nature of the program. The specific process used for students and parents to 'opt out' of the services is decided by the school principal and school community.

- (16) This is not a matter that is addressed by the program guidelines.

- (17) This is a matter for the school community and school principal to decide.

- (18) The suitability of the qualifications for a chaplain are a matter for the school community and school principal to determine when selecting a chaplain and deciding on the role they wish the chaplain to play at the school.

Item 10 of the Code of Conduct states that chaplains: 'Will not perform professional or religious services for which they are not qualified.' DEEWR must be notified of any breaches or perceived breaches of the Code of Conduct, which would include any inappropriate services being provided by an unqualified chaplain.

- (19) DEEWR does not provide schools with advice on specific qualifications. Professional qualifications are a matter for the school community and school principal to determine when selecting a chaplain and deciding on the role they wish the chaplain to play at the school.

- (20) and (21) Chaplains appointed under this program must sign and observe a Code of Conduct. Points 5 and 6 of the Code of Conduct state that:

'5. Chaplains should avoid unnecessary physical contact with a student, recognising however that there may be some circumstances where physical contact may be appropriate such as where the student is injured or distraught.

'6. Not put him or herself, or allow him or herself, to be placed in a compromising situation, recognising that there are circumstances where confidentiality may be sought by the child.'

- (22) The characteristics of chaplains supported by this program are determined by the school in consultation with its community.

- (23) and (24) While not specific to these circumstances, Point 7 of the Code of Conduct states: "Where information is provided about the support services available in community groups, including religious groups and in the broader community, this information must be accurate and impartial."

- (25) Yes.

- (26) DEEWR does not collect this information. The school principal and body endorsing the chaplain are responsible for ensuring that the chaplain is appropriately qualified to provide the services required by the school community.

- (27) (a) Professional qualifications are not mandatory. This is a matter for the school community to determine when selecting a chaplain. Item 10 of the Code of Conduct states that chaplains: 'Will not perform professional or religious services for which they are not qualified.'

- (b) The program guidelines provide a definition of a chaplain at section 1.5, as follows:
- ‘For the purposes of this Programme, a school chaplain is a person who is recognised:
- by the local school, its community and the appropriate governing authority as having the skills and experience to deliver school chaplaincy services to the school and its community; and
 - through formal ordination, commissioning, recognised qualifications or endorsement by a recognised or accepted religious institution or a state/territory government approved chaplaincy service. In particular circumstances, alternative endorsement arrangements may be considered.

Living in Harmony Community Projects

(Question No. 363)

Senator Nettle asked the Minister for Immigration and Citizenship, upon notice, on 12 March 2008:

With reference to funding priorities for the 2006 Living in Harmony Funded Community Projects:

- (1) What are the Australian values that funded community projects will promote.
- (2) How were these values identified.
- (3) (a) What criteria are being used to evaluate grant applications in regard to the promotion of Australian values; and (b) how were they developed.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

- (1) The Australian values promoted in the 2006 Funded Community Projects were detailed in the *2006 Living in Harmony Guidelines for Funded Community Projects* as follows:

‘The aims of the programme are to promote:

 - understanding and commitment to Australian values - such as belief in democracy and the rule of law, egalitarianism, equality, freedom of speech and religion, and a sense of fairness and a fair go;
 - mutual obligation and respect;
 - participation and a sense of belonging for everyone; and
 - celebration of our successes as Australians, particularly in integrating new arrivals into our community.’
- (2) The values had been identified over time by the community and detailed in various government publications, including the following:
 - Multicultural Australia: United in Diversity (Commonwealth of Australian 2003);
 - What it means to be an Australian Citizen (Department of Immigration and Multicultural and Indigenous Affairs 1997);
 - Values for Australian Schooling Kit 2006 (Department of Education, Science and Training); and
 - the Parliamentary Reaffirmation of October 1996.
- (3) The assessment criteria used to evaluate funded community project applications in 2006 were detailed in the *Living in Harmony Guidelines for Funded Community Projects 2006*. ‘Australian values’ formed part of Assessment Criteria 2, ‘Eligible Project’. Under the assessment criteria, applicants needed to detail how they would promote Australian values in their community. These guidelines and criteria were originally developed in 1999, the first year of grants funding under the former government’s Living in Harmony initiative.

Asylum Seekers
(Question No. 364)

Senator Nettle asked the Minister for Immigration and Citizenship, upon notice, on 12 March 2008:

With reference to the asylum seekers currently being assessed by the United Nations High Commissioner for Refugees (UNHCR) in Indonesia of which some are under the care of the International Organisation for Migration as funded by the Australian Government:

- (1) (a) If granted protection by Australia, would the asylum seekers be given permanent protection visas or temporary protection visas; and (b) if granted temporary protection visas, what would be the length of those visas.
- (2) Have the Indonesian authorities and/or the UNHCR requested that a solution be found for this group of people.
- (3) Does Australia intend to accept any of this group of people in its refugee or humanitarian intake; if so: (a) how many; and (b) in what time frame would these people be accepted.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) The type of visa granted to any people in this group who are referred to Australia by the UNHCR and whose visa applications are successful will depend on the time of grant and the outcome of my review of temporary humanitarian visas which is now in train.

Under the present arrangements which were introduced by the previous government in 2001, refugees intercepted in Indonesia who are referred by the UNHCR and have relatives in Australia are considered for Class XB Refugee and Humanitarian visas. Successful applicants who spent seven days or more en route in a country where they could have obtained effective protection are generally granted a Subclass 451 Secondary Movement Relocation (Temporary) visa, while those who did not breach this 'seven day rule' are granted a Subclass 200 Refugee visa, which is permanent.

At the end of 2006, the Australian Government also agreed to consider for resettlement around 120 Afghan and Iraqi nationals intercepted in Indonesia who had not been found to be refugees but nonetheless needed international protection owing to security concerns in their home countries. They also had relatives in Australia. Most of these people are now in Australia on three year Subclass 786 Temporary (Humanitarian Concern) visas. Those remaining will follow as soon as they have cleared mandatory health, security and character checks and been granted visas.

- (2) Apart from the groups mentioned above, no.
- (3) The Australian Government will consider for resettlement any cases from this group that are referred by the UNHCR.

Asylum Seekers
(Question No. 365)

Senator Nettle asked the Minister for Immigration and Citizenship, upon notice, on 12 March 2008:

With reference to a group of 82 asylum seekers that was previously held for processing in Nauru:

- (1) While on Christmas Island, when and how were the asylum seekers first informed that they could contact a lawyer.
- (2) What facilities were made available to the asylum seekers in order to facilitate this contact.
- (3) Did the asylum seekers express, to any departmental officers or contracted staff, a wish that they wanted to contact a lawyer or migration agent.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) Upon their arrival at the Christmas Island Immigration Detention Centre (IDC) on 24 February 2007, the 82 Sri Lankans asylum seekers were verbally informed of their right to seek access to legal representation. The asylum seekers were again reminded of this right on 25 February 2007. This information was provided by the Detention Service Provider Manager and IDC Manager through on-site Translating and Interpreting Service interpreters who were accredited by the National Accreditation Authority for Translators and Interpreters Limited. The same message was also repeated at Detainee Consultative Meetings held on 7 March 2007 and 14 March 2007.
- (2) The Sri Lankans had access to a telephone, phone cards and facsimile machine.
- (3) On 16 March 2007, 57 of the Sri Lankans wrote to the then Minister and requested access to legal representation. The Department facilitated this request. There is no record or reports of any other requests by the 82 Sri Lankans for legal assistance.

Asylum Seekers

(Question No. 366)

Senator Nettle asked the Minister for Immigration and Citizenship, upon notice, on 12 March 2008:

With reference to a group of 82 Sri Lankan asylum seekers that was previously held for processing in Nauru, what were the total costs of: (a) the charter flight to transport the asylum seekers from Christmas Island to Nauru; and (b) any charter flights to transport personnel to Nauru to facilitate the arrival of the asylum seekers.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (a) The total cost of the flight chartered to transport a group of 82 Sri Lankans from Christmas Island to Nauru in March 2007 was AU\$316,500 (GST exempt). This cost included the flight's return to Australia.
- (b) There were no other flights chartered to transport personnel to Nauru to facilitate the arrival of these asylum seekers. Any additional International Organization for Migration staff or contractors required to address the increased population in the Offshore Processing Centre travelled to Nauru on regularly scheduled commercial flights.

Asylum Seekers

(Question No. 367)

Senator Nettle asked the Minister for Immigration and Citizenship, upon notice, on 12 March 2008:

- (1) What is the current rate that the Government of Nauru charges for asylum seekers brought to Nauru for processing, including costs for visas, charges and other expenses.
- (2) What penalties or recurring payments are charged by Nauru for asylum seekers that are processed on Nauru for more than 3 months.
- (3) Since 2001, what is the total amount of visa payments made to Nauru for all asylum seekers that have been taken there for processing.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) There is no current rate that the Government of Nauru charges specifically for asylum seekers brought to Nauru for processing. All persons departing Nauru are required to pay AU\$50 departure tax.
- (2) There are no such penalties or recurring payments.

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- (3) The total amount of visa payments made to Nauru since 2001 is AU\$16,000. This amount was paid to Nauru in September 2006 for a group of eight Burmese asylum seekers. There were no visa payments made to Nauru for the remaining group of 1314 people who were accommodated at the Nauru Offshore Processing Centre since 2001.

Ms Vivian Solon

(Question No. 368)

Senator Nettle asked the Minister for Immigration and Citizenship, upon notice, on 12 March 2008:

- (1) (a) Can an itemised breakdown of the total cost incurred in the case of Ms Vivian Solon be provided, including the costs of legal fees and administrative and other related costs; and;
- (b) if any of the costs referred to in (a) are ongoing, can the costs to date be provided?
- (2) What is the total fee that has been paid to Tom Hughes QC?
- (3) What has been the total cost and staff hours required to process Freedom of Information requests and to produce subpoenaed documents relating to Ms Solon's case?

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) (a) & (b) The Commonwealth's external legal representatives have advised that as this matter is ongoing, the release of this information may prejudice the Commonwealth's legal position in relation to the resolution of the legal costs of the Arbitration.
- (2) The Commonwealth's external legal representatives have advised that as this matter is ongoing, the release of this information may prejudice the Commonwealth's legal position in relation to the resolution of the legal costs of the Arbitration.
- (3) Departmental records indicate that 135 staff hours were expended by the Freedom of Information Section in progressing Ms Solon's Freedom of Information requests. The department is unable to provide figures for the time expended by other departmental staff in supporting the FOI Section's processing of the FOI request.

The FOI Section staff hours comprise:

APS 1-3 staff:	20 hours
APS 4-5 staff:	80 hours
APS 6 staff:	20 hours
Executive staff:	15 hours
Total:	135 hours

The estimated total salary expense for the above is \$5,551.

The Department is unable to provide figures for the staff hours required to respond to the subpoena issued on behalf of Ms Solon.

Education Funding

(Question No. 370)

Senator Allison asked the Minister representing the Minister for Education, upon notice, on 13 March 2008:

Given that the report of the internal departmental review on the effectiveness of the socioeconomic status (SES) funding arrangements, Review of SES funding arrangements for non-government schools, is available on the *Sydney Morning Herald* website, will the Government now release the report publicly; if not, why not.

Senator Carr—The Minister for Education has provided the following answer to the honourable senator's question:

The review of the socioeconomic status (SES) funding arrangements for non-government schools was initiated by the previous Government as an internal review.

I am informed that the document posted by the *Sydney Morning Herald* on its website on 22 February 2008 is one in a series of draft documents relating to the review which had not been finalised by the then Minister for Education for submission to the previous Government's Cabinet.

As the document was brought into existence for the purposes of being considered by the previous Government's cabinet, it is subject to the convention that it should not be made available to the public or governments other than that which created it, except in accordance with the 30 year rule.

Abortion

(Question No. 371)

Senator Allison asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 March 2008:

- (1) Is the Minister aware of the International Planned Parenthood Federation (IPPF) Safe Abortion Action Fund, established in 2006 to support services and information to reduce unsafe abortion worldwide and to offset the fall in reproductive health funding as a result of the United States Global Gag Rule which denies family planning funds to any foreign non-government organisation that uses its own money to provide legal abortion services or counselling, gives referrals on safe abortion options, provides facts about the consequences of unsafe abortion or participates in public debate, no matter how informal, that might improve access to safe services.
- (2) Is the Minister aware that the governments of the United Kingdom, Denmark, Norway, Sweden and Switzerland have provided approximately \$15 million in funding to support the IPPF fund.
- (3) Is the Minister aware that in its first call for proposals the IPPF fund received 222 proposals totalling more than \$43 million.
- (4) How much funding does the Government currently provide to the IPPF fund.
- (5) How much funding does the Government intend to provide to the IPPF fund.

Senator Faulkner—Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) Yes
- (2) I am advised that to date, the IPPF has received US\$11.2 million but donors have committed to a total of US\$13.9 million to the Fund so far. This amount differs from the February 2007 announcement of US\$14.87 million.
- (3) I am advised that a total of 172 projects were submitted in the first call for proposals in October 2006 and that these proposals had a total value of US\$42.9 million. This figure differs from the January 2007 announcement of 222 proposals received.
- In May 2007, 45 projects were awarded 2 year grants in 32 countries totalling US\$11.1 million. The grants ranged from US\$27,038 to US\$312,588.
- (4) Under the current Family Planning Guidelines, AusAID funding is not available for activities that involve abortion training or services, research trials or activities which directly involve abortion drugs. As the Safe Abortion Action Fund's purpose is to increase access to comprehensive safe abortion services, AusAID is not able to contribute to this Fund. However, the Government is currently considering the report by the all party Parliamentary Group on Population and Development and the implications for Australia's aid program.

AusAID provides \$2.75 million in core funding to the IPPF as well as \$3 million over three years for a program in the Asia-Pacific region.

- (5) The current guidelines mean that no funding can be made available for this Fund.

Desalination

(Question No. 372)

Senator Allison asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 17 March 2008:

With reference to Proposed Action 2008/3948 for the desalination project at Wonthaggi, Victoria:

- (1) Given that the terms of reference of the Victorian Government's Environment Effects Statement are limited to the examination of the management of environmental impacts rather than the consideration of alternative water supply or demand options, will the Government consider this as a failure of the Victorian Government to examine alternatives to this highly energy intensive source of drinking water on the marine environment.
- (2) Will the scale of greenhouse emissions from the project (estimated to be 1 000 000 tonnes per annum) be considered under section 188 of the Environment Protection and Biodiversity Conservation Act 1999 as a threatening process, due to loss of terrestrial climatic habitat caused by global warming.
- (3) Does the Government intend to establish a greenhouse trigger in the Act in the manner proposed by the Australian Labor Party in its suggested amendment to the Act in 2003; if so, when; if not, why not.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) No.
- (2) It is not necessary to consider greenhouse emissions from the project under section 188 (Amending list of key threatening processes) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) as 'Loss of terrestrial climatic habitat caused by anthropogenic emissions of greenhouse gases' was listed in 2001 as a key threatening process under the EPBC Act. Greenhouse emissions from the project will be considered under Parts 8 and 9 of the EPBC Act to the extent they are relevant to the controlling provisions under the EPBC Act for the action.
- (3) The Government will be considering a possible greenhouse trigger under the EPBC Act within the context of its overall greenhouse policy response, including the development of the Emissions Trading Scheme.

Post-Traumatic Stress Disorder

(Question No. 374)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 18 March 2008:

- (1) Is the Minister aware of the international scientific research that has investigated the use of methylenedioxymethamphetamine (MDMA) as a treatment for post-traumatic stress disorder (PTSD); if so, what were the findings of this research.
- (2) Do the results of the research suggest that MDMA may be an efficacious treatment for PTSD; is so, would the Government support Australian clinical trials of pharmaceutical MDMA as a treatment for PTSD.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) I am aware of a 2002 report that was published in the *Journal of Psychoactive Drugs* that detailed a small pilot study on the use of methylenedioxymethamphetamine (MDMA) as a treatment for post-traumatic stress disorder (PTSD). The pilot study purported to be the only study into the therapeutic use of MDMA approved anywhere in the world. It was conducted in a Spanish hospital and involved only 6 patients. The study was suspended in 2002 and no further reports appear to have been published.
- (2) No, the Therapeutic Goods Administration (TGA) advises that the type of data contained in the 2002 report are insufficient by themselves to support a view that trials of the use of MDMA for treatment of PTSD are justified by existing efficacy data.

SIEV X

(Question No. 375)

Senator Milne asked the Minister representing the Minister for Home Affairs, upon notice, on 18 March 2008:

With reference to the answer provided to paragraph (4) of question no. 109 taken on notice by the Australian Federal Police (AFP) during the 2006-07 Budget estimates hearings of the Legal and Constitutional Committee and to the answer provided to question no. 113 taken on notice by the AFP during the 2006-07 additional estimates hearings of the committee:

- (1) In regard to the 'Australian officials' who viewed the North Jakarta Harbourmaster's report dated 22 Oct 2001, submitted as an attachment to the answer to paragraph (a) of question no. 113: (a) what are their names; (b) which department or agency did they represent; (c) were they the same officials who viewed 'an Indonesian National Police (INP) Report dated 24 October 2001'; if not: (i) what are the names of those officials, and (ii) what department or agency did they represent; (d) on what date did they first view the North Jakarta Harbourmaster's report dated 22 October 2001; (e) when did the AFP first become aware of the report; (f) on what date did the officials first view the Indonesian National Police (INP) report dated 24 October 2001; (g) when did the AFP first become aware of the INP report; and (h) when did the AFP first become aware of the rescue coordinates contained in the INP report.
- (2) In regard to part (d)(iv) of question no. 113 regarding the INP report dated 24 October 2001, given that the response did not answer the question: (a) on what date did the AFP request a copy of the document from the Indonesian police; (b) how was it requested, that is, was the request made verbally or in writing; and (c) if the request was made in writing, can a copy of the request be provided.
- (3) In regard to paragraph (d)(ix) of question no. 113, is the report that was viewed by Captain Johnston of the Royal Australian Navy on 25 July 2002 the same report that the AFP referred to, in the answer to paragraph (4)(a) of question no. 109, as the 'Indonesian National Police (INP) Report dated 24 October 2001'.
- (4) In regard to paragraph (e) of question no. 113, given that the answer that was provided is unclear, in that it quoted from the Department of Foreign Affairs and Trade cable of 23 October 2001, 'Indonesia: Sinking of Illegal Immigrant Vessel 0.JA25691 1049', but the question was in regard to the validation of the coordinates of the rescue position, in regard to the estimated sinking position: (a) how did the AFP validate the coordinates of the rescue position; and (b) when were they validated.

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- (5) In regard to paragraph (f) of question no. 113: (a) which document contains 'the coordinates that the SIEV X are believed to have sunk'; (b) what are coordinates; and (c) can a copy be provided of this document.
 - (6) In regard to the answers to paragraphs (h)(ii) to (v) of question no. 113 regarding the AFP's efforts to locate the vessel that rescued the SIEV X survivors: (a) what are the 'unforeseen circumstances in Jakarta' that mean that '[the question(s)] cannot be answered in the immediate future'; and (b) when is it anticipated that these questions can be answered.
 - (7) In regard to question no. 58 taken on notice during the 2002-03 supplementary budget estimates of the committee: (a) what was the 'information obtained from Indonesian National Police ...to calculate where the vessel may have foundered'; and (b) can a copy of this information be provided.
 - (8) In regard to the Indonesian Jakarta Harbourmaster's report dated 22 October 2001, did the AFP, or any other Australian agency, attempt to locate Mr Majid, the captain of the Arta Kencana 38, mentioned in the report as the captain of the vessel that brought 44 of the 45 survivors to Jakarta on 22 October 2001; if not, why not, given that the information that the Captain could provide on the rescue position could have been used to estimate the probable area of sinking; if so, can details be provided of the officials involved, what actions were undertaken and the dates these actions occurred.
 - (9) What was the earliest date that any AFP official heard, by any means, that the location of the rescue of SIEV X survivors was reported to be 07 40 00S / 105 09 00E.

Senator Ludwig—The Minister for Home Affairs has provided the following answer to the honourable senator's question:

- (1) (a) AFP holdings indicate Captain Alan Hugh Johnston – RAN (Retd.)
(b) The Royal Australian Navy.
(c) Yes
(d) This is a matter for response by the Minister for Defence.
(e) The SBS Dateline program, dated 22 May 2002, mentioned a document from the Sunda Kelapa Harbour Master containing coordinates where the survivors were picked up. AFP obtained a copy of the Harbour Masters report on 22 December 2003.
(f) This is a matter for response by the Minister for Defence.
(g) On 22 May 2002, the SBS Dateline program mentioned a document from Sunda Kelapa Harbour Master contained coordinates where the survivors were picked up.
(h) On 22 May 2002; the coordinates were publicly broadcasted on SBS Dateline program this date.
- (2) (a) A search of AFP holdings has failed to reveal what date the request was made to the INP.
(b) A search of AFP holdings has failed to reveal how that request was made.
(c) Refer to answer 2 b).
- (3) Yes.
- (4) (a) The AFP relied on the calculations of Captain Johnston (RAN), to attempt to validate the coordinates recorded on the INP report dated 24 October 2001.
(b) This is a matter for response by the Minister for Defence.
- (5) (a) Department of Foreign Affairs and Trade Cable JA 25691 of 23 October 2001 and Navy correspondence from Jakarta Post dated 28 June 2002 and 25 July 2002.

- (b) Judged to be no further south than 8 Degrees South Latitude on a direct line between Sunda Strait and Christmas Island. And rough estimate of around 7 Degrees 58 Minutes South Latitude, 105 Degrees 15 Minutes East Longitude.
 - (c) This is a matter for the Minister for Foreign Affairs and the Minister for Defence.
- (6) (a) The delay in AFP Jakarta providing this information was caused by their operational commitments to the Garuda Airlines crash in Indonesia.
- (b) AFP Canberra has now received copies of all SIEV X related documents held by AFP at Jakarta Post.

In relation to Question 6 of QoN 109.

- (ii) A search of AFP holdings has failed to reveal on what date the photograph of Captain Imam was provided to the INP.
 - (iii) A search of AFP holdings has failed to reveal what date the INP advised that it could not locate Captain Imam or his boat the Indah Jaya Makmur.
 - (iv) A search of AFP holdings has failed to reveal what date the INP advised that it could not locate Captain Imam or his boat the Indah Jaya Makmur.
 - (v) A search of AFP holdings has failed reveal when or if the AFP asked the INP to locate the vessel by this new name Gemilang Jaya 9.
- (7) (a) A search of current AFP holdings has failed to reveal the actioning officer of QoN 58, asked on 20 November 2002. The AFP is unable to identify the information obtained from the Indonesian national Police.
- (b) Refer to answer 7 a).
- (8) The AFP has attempted to locate Mr Majid.

On 7 May 2003, Federal Agent Warton sent an overseas liaison communication to AFP Jakarta Post with instructions to conduct enquiries to locate the Indonesian Captain named Mr Majid.

On 3 October 2003, Liaison Officer Jakarta, Federal Agent Kelsey, replied with an overseas liaison communication stating, "These crew and captain have not been found either. I have sent chasers to Polri re this also." Major Hero Henrieto of the (INP) Marine Police Unit, is named as the contact officer.

- (9) Refer to answer 1 h).

SIEV X (Question No. 376)

Senator Milne asked the Minister for Immigration and Citizenship, upon notice, on 18 March 2008:

With reference to the Indonesian Jakarta Harbourmaster's report dated 22 October 2001, submitted as an attachment to paragraph (a) of question no. 113 taken on notice during the 2006-07 supplementary budget estimates of the Legal and Constitutional Committee, that was viewed by 'Australian officials' in the days following the sinking of Suspected Illegal Entry Vessel X (*SIEV X*):

- (1) Did the Department of Immigration and Citizenship or any other government agency, attempt to locate Mr Majid, the captain of the Arta Kencana 38, mentioned in the report as the captain of the vessel that brought 44 of the 45 survivors to Jakarta on 22 October 2001; if not, why not, given that the information the captain could provide on the rescue position could have been used to estimate the probable area of sinking; if so, can details be provided of the officials involved, what actions were undertaken and the dates these actions occurred.

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- (2) What was the earliest date that any official of the Department of Immigration and Citizenship heard, by any means, that the location of the rescue of SIEV X survivors was reported to be 07 40 00S / 105 09 00E.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

- (1) Enquiries of officers of the Department of Immigration and Citizenship at Jakarta at that time indicate that Department of Immigration and Citizenship officers did not attempt to locate or interview Mr Majid. Any such action would have been more properly conducted by agencies that could have assisted in further search and rescue operations.
- (2) The Department of Immigration and Citizenship has no record of any officer being aware of the reported location of the rescue of SIEV X survivors as being 07 40 00S 105 09 00E prior to receipt of the honourable senator's question when asked previously on 17 July 2007 of Senator Ellison.

Prime Minister and Cabinet: State Events

(Question No. 377)

Senator Robert Ray asked the Minister representing the Prime Minister, upon notice, 18 March 2008:

With reference to page 85 of the department's Annual Report 2006-07, which states that 'in addition to State funerals, PM&C provided coordination services for 12 other events [of State]?', as eleven events were listed in the report, what was the twelfth event, not included in the list.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator's question:

Prime Minister's XI versus England cricket match (9-10 November 2006). The omission of this event was a result of a formatting error in the production process.

Proposed Pulp Mill

(Question No. 378)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 19 March 2008:

With reference to the Minister's response to question on notice no. 274 (Senate *Hansard*, 17 March 2008, p. 96P):

- (1) Why has 'green power' status been denied to the Gunns Limited's proposed pulp mill by the Office of the Renewable Energy Regulator.
- (2) Does the Government accept the decision of the regulator.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) I am informed by the Office of the Renewable Energy Regulator that no application has been received by the Regulator for accreditation under MRET from the Gunns Mill. Consequently no denial of Renewable Energy Certificates status has occurred.
- (2) No decision has been or could be made by the Regulator at this time.

Proposed Pulp Mill
(Question No. 379)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 19 March 2008:

With reference to the Minister's response to question on notice no. 275 (Senate Hansard, 17 March 2008, p. 96P), given that a careful reading of the documents referred to does not answer the question, will the Minister provide an answer to the question as specified.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

The documents available via the web address to which I referred in my answer to question on notice no. 275, tabled on 17 March 2008, provide all the information available to the Government on greenhouse emissions expected from the Gunns pulp mill.

Proposed Pulp Mill
(Question No. 380)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 19 March 2008:

With reference to the minister's response to question on notice no. 277 (Senate Hansard, 17 March 2008, p. 97P), given that the question was intended to refer to the current government rather than the previous government, can an answer to the question as put be provided.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

Question on notice no 277, put by Senator Brown, refers to matters related to the appointment of the Chief Scientist, Dr Jim Peacock, to undertake work in relation to the assessment of the Gunns pulp mill. This assessment was completed and approval given in October 2007 by a minister in the former government. Neither the present Prime Minister nor the Minister held any discussions about, nor had any role in, any aspect of Dr Peacock's involvement in that process. My tabled reply was therefore accurate.

Hospitals
(Question No. 381)

Senator Nettle asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 March 2008:

In light of concerns raised by western Sydney residents that their local hospital, Mt Druitt Hospital, appears to be under-resourced by the New South Wales Government despite the clear need for an intensive care unit and mental health facilities.

- (1) Does the Government have any plans to assist Mt Druitt Hospital to provide a broader range of services, including mental health services.
- (2) Will the Government be assisting any hospitals other than Mersey Hospital in Tasmania.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) At the Council of Australian Governments' meeting on 26 March 2008, the Commonwealth Government agreed to an immediate allocation of \$1 billion to relieve pressure for 2008-09 on public hospitals in Australia.

This will result in increased funding to all states and territories to invest in improving health care services in their respective states, including New South Wales.

The New South Wales Government is in turn responsible for planning, budgeting and service delivery decisions in relation to Mount Druitt Hospital.

- (2) The Commonwealth Government is working cooperatively with states and territories to make real and sustained improvements to public hospital service delivery in Australia.

The Commonwealth Government has announced a number of initiatives to assist hospitals in Australia, such as:

- the \$2.5 billion Health and Hospitals Reform Plan to improve the delivery of health and hospital services through GP Superclinics, the \$600m elective surgery initiative to reduce waiting times, and funding for 2 000 additional transition care places, among other initiatives;
- establishing the National Health and Hospitals Reform Commission to develop a long-term reform plan for health care; and
- an immediate allocation of \$1 billion to relieve pressure for 2008-09 on public hospitals.

Sudan

(Question No. 383)

Senator Allison asked the Minister representing the Minister for Foreign Affairs, upon notice, on 19 March 2008:

- (1) (a) Can the Minister confirm that in 2005 Australia pledged \$10 million to assist in the implementation of Sudan's Comprehensive Peace Agreement (CPA); (b) how much of that specific commitment has been delivered to date; and (c) has the money been directed to the CPA.
- (2) Does the Minister agree that the international community needs a coordinated strategy to the implementation of the CPA which is wider than settling the Darfur conflict.
- (3) Will Australia be recommitting its support for implementation of the CPA at the Sudan Donors' Conference in Paris in May 2008.

Senator Faulkner—The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

- (1) (a) Australia announced \$10 million to address Sudan's humanitarian emergency needs at the international donor's conference in Oslo on 11 April 2005.
(b) All of the \$10 million has been delivered. \$6 million was immediately provided for urgent food aid and water and sanitation needs in Southern Sudan through the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) (\$3 million each). The remaining \$4 million was provided in October 2005 and was again provided through WFP for food aid and UNICEF for emergency nutrition and health care.
(c) While Australia's funding was not specifically 'directed to the CPA', in addressing humanitarian needs in Southern Sudan, this funding contributed to the ongoing implementation of the CPA.
- (2) The United Nations Security Council adopted Resolution 1590 on 24 March 2005 establishing the UN Mission in Sudan (UNMIS) with a wide-ranging mandate to support the implementation of the CPA.
- (3) The Australian Government continues to support the CPA. No decision has been made yet on additional funding to support its continued implementation. Since May 2004 Australia has provided \$13 million in humanitarian aid for southern Sudan.

Satellite Technology
(Question No. 384)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 28 March 2008.

- (1) What is the progress of the satellite augmentation system being developed by Airservices Australia and Honeywell.
- (2) (a) Is the project still going ahead; if not, will there be a financial loss; and
- (b) If there will be a loss, will it be incurred by Airservices Australia and charged to the aviation industry or to the taxpayer.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator's question:

Airservices Australia has advised that:

- (1) Ground based augmentation of the global navigation satellite system is an important technology that will improve aviation safety and efficiency. Airservices Australia has partnered with Honeywell International Inc. on a project to research and develop this capability. The project has a number of elements and milestones. The certification and other operational approvals for the use of avionics equipment associated with the project is being progressed with the Civil Aviation Safety Authority (CASA) and the US Federal Aviation Administration (FAA).
- (2) (a) The project is being monitored and progress continually evaluated. No decision has been made to discontinue the project.
- (b) Not applicable.

Immigration and Citizenship: Voluntary Returns
(Question No. 386)

Senator Ellison asked the Minister for Immigration and Citizenship, upon notice, on 31 March 2008:

With reference to voluntary returns following an unfavourable decision on a visa application by the department, Minister or via judicial review: For each year since 2002, how many voluntary returns to country of origin have occurred when the applicant was living, at the time of the unfavourable decision: (a) in a detention facility; (b) in an alternative detention facility; (c) in community detention; and (d) out of detention.

Senator Chris Evans—The answer to the honourable senator's question is as follows:

A person may receive several negative decisions as they seek to progress their claims for stay in Australia, for example at the primary stage when a decision is initially made by an officer from the Department, at merits review of that decision, at various stages of judicial review, or at ministerial intervention. All of this information is recorded by the Department in relation to the client.

To directly respond to your question the Department would need to manually track back for each individual client their location (that is, whether they were in detention or the community, and the type of detention) at the last negative decision.

Such an exercise would be too resource intensive for the period requested, from 2002, and would require a significant diversion of the agency's resources from its normal operations.

However, the Department holds program statistics identifying the numbers of returns by departure type since 2003-04 which provides background to return rates. These are listed at 'Table A' below.

Table A:-Compliance Departures by type, by Program Year

Departure Type	PY 03/04	PY 04/05	PY 05/06	PY 06/07	PY 07/08 YTD 31/3/08
Monitored	7253	6475	4632	4433	2986
Supervised	1855	1498	978	1877	1394
Removed	3403	4305	4291	2312	1255
Criminal Deportation	15	11	3	1	2
Others	309	235	597	866	618
	12835	12524	10501	9489	6255

‘Monitored’ are those clients who have been granted a Bridging Visa E on departure grounds, purchased their own ticket and departed Australia whilst living lawfully in the community. These can be considered ‘voluntary’ departures.

‘Supervised’ refers to those clients who are escorted from detention to the aircraft and depart Australia. ‘Removed’ refers to those clients who are escorted from detention through to their arrival at the final destination country. ‘Criminal Deportation’ refers to those clients who have departed Australia as a result of a deportation order.

Census of Population and Housing
(Question No. 388)

Senator Allison asked the Minister representing the Treasurer, upon notice, on 2 April 2008:

With regard to the Census of Population and Housing conducted by the Australian Bureau of Statistics (ABS):

- (1) Does the Government consider that the question on religion which asks ‘What is the person’s religion?’ presupposes that the person has religious beliefs; if not, why not; if so, is this presupposition likely to skew the answer.
- (2) Has the ABS considered alternative wording, such as ‘Does the person practice religion? – Yes/No’ and ‘If the person practices religion, which religion?’; if not, why not.
- (3) Is it the intention of the ABS, in its collection of data on religion, to determine: (a) the number of people who practice religion; (b) the number of people who identify with a religion but do not engage in religious practice, such as prayer or attending church; and/or (c) the number of people whose only religious association is that of family background.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

- (1) The question on religion does not pre-suppose that the respondent has religious beliefs. Instructions on the form explain that answering the question is optional and that ‘no religion’ is a valid response. The religion question has been included in all censuses since 1911 and the wording of the question has remained relatively consistent.
- (2) The ABS is not considering alternative wording. Significant changes to the nature and wording of the question would impact on time series comparison, and changes to the wording would only occur if the purpose of the question changed, or aspects of the strategy were considered inappropriate for the time. Based on experience with the question in numerous censuses and related testing, and given the importance of consistency in approach over time for comparison purposes, the ABS does not consider that a change of the type proposed is warranted.

- (3) The question is designed to identify whether the person is affiliated to a religion or not, and if so, with which religion. It does not measure the degree of active participation or commitment to religions and philosophies.

International Covenant on Economic, Social and Cultural Rights
(Question No. 391)

Senator Stott Despoja asked the Minister representing the Attorney-General, upon notice, on 3 April 2008:

- (1) Is the Government engaged in the Open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- (2) What is the Government's position in relation to the protocol.
- (3) If the protocol is adopted, does the Government intend to ratify it.
- (4) Will the Government recognise the competence of the committee to develop appropriate rules of procedure to receive communications and launch inquiries rather than elaborating these principles in the text of the protocol.
- (5) Will the Government support provisions in the protocol which grant standing to non-government organisations to make submissions or file communications on behalf of individuals.
- (6) Will the Government support an 'opt in' approach to the protocol, whereby countries ratifying the protocol can be selective as to which rights are available for adjudication by the committee, or does the Government prefer an approach that recognises the universality and interdependence of all human rights by making all rights protected by ICESCR justiciable under the protocol.
- (7) Does the Government support the concept of a 'margin of discretion' as a relevant consideration in relation to the examination of a communication under the protocol.

Senator Ludwig—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) Australia participated in the fifth session of the United Nations Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Covenant). This session was held from 4 to 8 February 2008, and again from 31 March to 4 April 2008. At the conclusion of its discussions on 4 April, the Working Group agreed to transmit its final text on the Optional Protocol to the United Nations Human Rights Council for its consideration in June. During the final stages of discussions, Australia played a valuable bridge-building role, negotiating compromise positions between different viewpoints, to help develop consensus on the final text.
- (2) At the final session of the Working Group, Australia worked closely with like-minded countries, advocating for the development of a workable instrument that recognises the special characteristics of the Covenant. Australia will remain engaged in discussions on how to make the Protocol the best possible instrument for the implementation of economic, social and cultural rights.
- (3) The Government will give consideration to this issue at the appropriate time.
- (4) The final text, as drafted by the Working Group, does not prescribe rules of procedure for the Committee on Economic, Social and Cultural Rights.
- (5) The final text does not grant standing to non-government organisations to make submissions or file communications in their own right. However, non-government organisations may submit a communication on behalf of an individual or group of individuals. The final text also recognises that the Committee on Economic, Social and Cultural Rights, when examining a communication, may consult relevant documentation emanating from international organisations, including regional human rights systems.

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- (6) During the final session of the Working Group discussion, Australia did not advocate the adoption of an 'opt-in' provision, and the final text does not include such a provision. The Government is committed to the promotion of human rights and the principle of the universality of rights.
- (7) Reference to a 'margin of discretion' was not explicitly included in the final text. A provision has been included in the text that recognises that a State Party may adopt a range of possible policy measures for the implementation of the rights set out in the Covenant, and that some of those rights may be implemented in a progressive fashion.

Gambling

(Question No. 392)

Senator Bob Brown asked the Minister representing the Minister for Home Affairs, upon notice, on 3 April 2008:

With reference to the report, *Operation of the prohibition on interactive gambling advertisements*, dated in August 2007:

- (1) What was the outcome of the Australian Federal Police investigation following the complaint of 5 May 2006.
- (2) Since that time, what complaints have been received and what action has been taken.

Senator Ludwig—The Minister for Home Affairs has provided the following answer to the honourable senator's question:

- (1) On 30 August 2006 the matter was referred to the AFP for investigation. The AFP undertook an assessment of the allegations based on the AFP Case Categorisation and Prioritisation Model (CCPM). This model takes into account a number of factors including the nature of the alleged crime, the gravity and sensitivity of the matter, the effect of the criminality involved, the current investigational workload and the available resources of the AFP. Following this assessment the AFP wrote to the Department on 4 October 2006 and advised that, based on all available information, the matter would not be accepted for investigation due to resources being devoted to matters of higher priority.
- (2) No complaints have been received.

Grocery Stores and Supermarkets

(Question No. 394)

Senator Siewert asked the Minister representing the Treasurer, upon notice, on 3 April 2008:

Can the Minister provide, for each year since 1990, by state and territory, the number of grocery stores and supermarkets in Australia.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator's question:

For the period specified, the Australian Bureau of Statistics can only provide information in respect of the financial year 1991-92, when the last Retail Census was conducted. The data for 1991-92 are as follows:

State/territory	Number of supermarkets and grocery stores at 30 June 1992
New South Wales	3,343
Victoria	2,031
Queensland	1,967

State/territory	Number of supermarkets and grocery stores at 30 June 1992
South Australia	694
Western Australia	769
Tasmania	388
Northern Territory	158
Australian Capital Territory	126
Australia	9,476

Wool Industry
(Question No. 402)

Senator Milne asked the Minister for Innovation, Industry, Science and Research, upon notice, on 8 April 2008:

- (1) What is the justification for the closure of the pilot-scale scour at Laverton North in Victoria.
- (2) Why has the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Textiles and Fibre Technology division in Geelong advised its commission scouring clients to take their business offshore to Agresearch in New Zealand.
- (3) Are all CSIRO programs/services measured in terms of whether they can return large financial gains to the CSIRO.
- (4) Why is the scour processing operation closing without any adequate economic impact assessment of the associated raw and natural fibre industry, including manufacturers and fibre producers.
- (5) Will there be an assessment of the economic and social impact of the closure of the pilot-scale scour at Laverton on producers, processors and ancillary services (e.g. the alpaca, cashmere and mohair industries, coloured wool producers, ultra-fine wool producers, Cashmere Connections (a processor); Goldfields mohair farm (a processor), long tops fibre processing (a processor) and Meskills Woolworks (a processor); if so, will the assessment and its results be publicly available.
- (6) What is the Minister's position on textile and fibre industry research and development, in particular for raw and natural fibres of alpaca fleece, cashmere, mohair and coloured wool.
- (7) If the CSIRO pilot-scale scour is decommissioned where will the Australian research scouring work be conducted.
- (8) Will the Minister consider offering financial support to staff the pilot-scale scour at Laverton?
- (9) Does the Minister support value-adding Australian specialty natural fibres in Australia.
- (10) What commitment does the Minister have to consumers who want to purchase wholly Australian-made and processed products made from Australia's natural fibres.
- (11) What plans does the Minister have for supporting Australian value-adding if the CSIRO pilot-scale scour in Geelong is decommissioned.
- (12) If the infrastructure at the division is dismantled, where will it be disposed of.
- (13) Will the infrastructure at the division be released for tender; if so, how will potential buyers be notified.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) The Commonwealth Scientific and Industrial Research Organisation (CSIRO) does not have a pilot-scale wool scour at Laverton North in Victoria. CSIRO has a pilot wool processing facility at the CSIRO site in Belmont. CSIRO regularly reviews its science and underlying support mecha-

nisms to maximise impact. Under the *Science and Industry Research Act 1949* (Cwlth) CSIRO's primary function is to carry out scientific research, and it cannot justify keeping the wool scour operational for purely commercial purposes. In recent years the Belmont facility has only been available on a limited basis for scouring small lots of wool and exotic fibres such as alpaca and mohair. These commercial services helped maintain the facility for research work, but are insufficient to sustain the long term viability of the wool scour.

- (2) The CSIRO Textiles and Fibre Technology division advised its clients of alternative services as a matter of courtesy following its decision to phase out commission scouring. Commercial commission scourers are available in Australia, New Zealand and Peru.
- (3) No. As noted above, CSIRO's primary function under the *Science and Industry Research Act* is to carry out scientific research for a range of statutory purposes. CSIRO's Strategic Plan for 2007–2011 includes strategic initiatives to maintain and renew science quality and improve the organisation's capacity for scientific discovery, including through commercialisation and contract administration.
- (4) Refer to answer to question (11).
- (5) CSIRO is preparing tender documents that will make the scour available for sale to an Australian-based operation in order to move it into the private sector and thus minimise any economic impact on the rare and natural fibre industry. The industry has been asked to make a commitment to supporting the privatised operation.
- (6) The Minister supports research and development for raw and natural fibres of alpaca fleece, cashmere, mohair coloured wool through appropriate funding bodies.
- (7) CSIRO will be able to conduct Australian research scouring work with laboratory scale equipment should any be commissioned by external industry research bodies but no such research has been foreshadowed for the foreseeable future.
- (8) It is assumed that this question relates to the wool scour at CSIRO Belmont. There is no need to offer financial support to staff the scour as arrangements that have been organised to secure the immediate operation of the scour do not require additional financial support.
- (9) Yes. It is for this reason that the Minister has actively intervened to ensure that the rare and natural fibre industry continues to have access to the Belmont scour and involved them in consideration of the future operations of that scour in Australia.
- (10) See answer to question (11).
- (11) The scour is not being decommissioned: it will operate for at least another 12 months. During that period, the Minister is ensuring that the tender process for the sale of the scour will ensure the scour remains operational in Australia and is assisting the rare and natural fibre industry in ensuring that it retains access to, and maximises benefits from, the scour under commercial ownership.
- (12) Refer to the response to (5) above. CSIRO is preparing tender documents that will make the scour available for sale to an Australian-based operation in order to move it into the private sector. The rare and natural fibre industry has been asked to make a commitment to supporting the privatised operation.
- (13) Refer to the response to (5) above.

LPG Vehicle Scheme

(Question No. 412)

Senator Abetz asked the Minister for Innovation, Industry, Science and Research, upon notice, on 14 April 2008:

- (1) (a) How many grants have been paid nationally under the LPG Vehicle Scheme; and

- (b) what is the total value of the grants?
- (2) How many grants have been paid nationally under:
 - (a) the \$2000 scheme; and
 - (b) the \$1000 scheme.
- (3) For each state and territory:
 - (a) how many grants have been paid under the scheme; and
 - (b) what is the total value of the grants.
- (4) For each federal electorate:
 - (a) how many grants have been paid under the scheme; and
 - (b) what is the total value of the grants.
- (5) How much has been spent on advertising the scheme since:
 - (a) its inception; and
 - (b) 3 December 2007.

Senator Carr—The answer to the honourable senator's question is as follows:

- (1) (a) As at 31 March 2008, a total of 115,573 grants have been paid.
- (b) As at 31 March 2008, the total value of grants paid is \$230,231,000.
- (2) (a) As at 31 March 2008, the number of \$2000 grants paid is 114,658.
- (b) As at 31 March 2008, the number of \$1000 grants paid is 915.
- (3)

State/Territory	Program Total	
	Amount	Number of Grants
NT	\$438,000	219
NSW/ACT	\$45,821,000	23,007
VIC	\$102,965,000	51,739
QLD	\$18,885,000	9,477
SA	\$31,675,000	15,866
WA	\$28,087,000	14,083
TAS	\$1,925,000	963
Undefined*	\$435,000	219
Total	\$230,231,000	115,573

*where the postcode has been entered incorrectly by the applicant or may cross state boundaries

- (4) Individual grant data is not collected on an electorate basis.
- (5) (a) \$2,603,389
- (b) Nil.

Energy and Mining Sectors
(Question Nos 413 to 415)

Senator Milne asked the Minister representing the Prime Minister, the Minister for Climate Change and Water and the Minister representing the Minister for Resources and Energy, upon notice, on 16 April 2008:

- (1) Which energy or mining sector companies has the Minister met with since the Australian Labor-Party formed Government.

- (2) Which energy or mining sector companies has the department met with since Australian Labor Party formed Government.

Senator Carr—The Minister for Resources and Energy has provided the following answer on behalf of all Ministers, to the honourable senator's questions:

Since the election of the Rudd Government Ministers and departments have had regular contact with a range of companies in the energy and mining sectors.