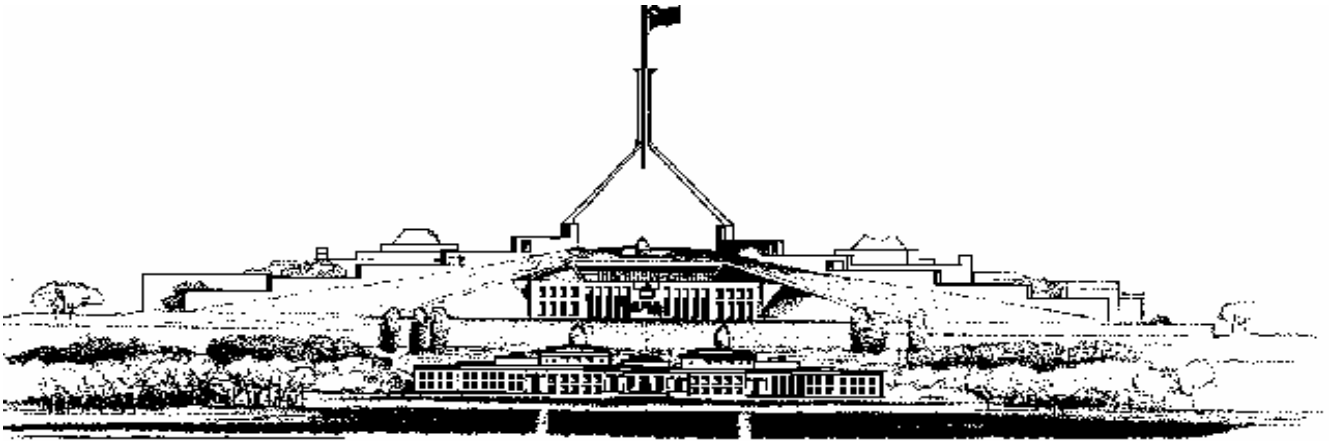




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**Senate**

**Official Hansard**

**No. 12, 2008**

**Tuesday, 11 November 2008**

FORTY-SECOND PARLIAMENT  
FIRST SESSION—THIRD PERIOD

BY AUTHORITY OF THE SENATE



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### SITTING DAYS—2008

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

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

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

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

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

*The Nationals Whip*—Senator John Reginald Williams

*Australian Greens Whip*—Senator Rachel Mary Siewert

*Family First Party Whip*—Senator Steve Fielding

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### Members of the Senate

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

Senator	State or Territory	Term expires	Party
Johnston, Hon. David Albert Lloyd	WA	30.6.2014	LP
Joyce, Barnaby Thomas Gerard	QLD	30.6.2011	NATS
Kroger, Helen	VIC	30.6.2014	LP
Ludlam, Scott	WA	30.6.2014	AG
Ludwig, Hon. Joseph William	QLD	30.6.2011	ALP
Lundy, Kate Alexandra <sup>(3)</sup>	ACT		ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2014	LP
McEwen, Anne	SA	30.6.2011	ALP
McGauran, Julian John James	VIC	30.6.2011	LP
McLucas, Hon. Jan Elizabeth	QLD	30.6.2011	ALP
Marshall, Gavin Mark	VIC	30.6.2014	ALP
Mason, Hon. Brett John	QLD	30.6.2011	LP
Milne, Christine Anne	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2014	ALP
Nash, Fiona Joy	NSW	30.6.2011	NATS
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen Shane	TAS	30.6.2011	LP
Payne, Marise Ann	NSW	30.6.2014	LP
Polley, Helen Beatrice	TAS	30.6.2011	ALP
Pratt, Louise Clare	WA	30.6.2014	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Ryan, Scott Michael	VIC	30.6.2014	LP
Scullion, Hon. Nigel Gregory <sup>(3)</sup>	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2014	ALP
Siewert, Rachel Mary	WA	30.6.2011	AG
Stephens, Hon. Ursula Mary	NSW	30.6.2014	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell Brunell	QLD	30.6.2011	LP
Williams, John Reginald	NSW	30.6.2014	NATS
Wong, Hon. Penelope Ying Yen	SA	30.6.2014	ALP
Wortley, Dana Johanna	SA	30.6.2011	ALP
Xenophon, Nicholas	SA	30.6.2014	IND

(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.

(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.

(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

#### PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party;

FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

#### **Heads of Parliamentary Departments**

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—A Thompson

## **RUDD MINISTRY**

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

**[The above ministers constitute the cabinet]**



**RUDD MINISTRY—*continued***

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

## SHADOW MINISTRY

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

**[The above constitute the shadow cabinet]**

### **SHADOW MINISTRY—*continued***

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

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*Tuesday, 11 November 2008*

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

### COMMITTEES

#### Electoral Matters Committee

##### Meeting

**Senator McEWEN** (South Australia) (12.31 pm)—by leave—I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate today to take evidence for the committee's inquiry into the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008.

Question agreed to.

#### **GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT BILL 2008**

Consideration resumed from 1 September.

##### In Committee

Bill—by leave—taken as a whole.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.32 pm)—I table two supplementary explanatory memoranda relating to government amendments to be moved in relation to the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008. The memoranda were circulated in the chamber on 28 August and 15 October 2008.

**Senator IAN MACDONALD** (Queensland) (12.33 pm)—I move opposition amendment (1) on sheet 5510:

Schedule 2, item 1, page 12 (after line 10), after subsection 10(6A), insert:

- (6B) At least one member must have knowledge of or experience in the tourism industry or another industry associated with the Marine Park.

It is now two or three months since the second reading debate on the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008, so I thought it might be useful for the chamber and for participants in the debate to recap briefly on the nature of this amendment and other amendments being proposed by the opposition. As the minister has just mentioned, the government has two amendments, relating to prohibiting geological storage operations and to the definition of fishing. Both those amendments from the government have been in response to calls by the opposition, both in this chamber and in the other place, for further work on those issues. So I am pleased to see that the government has taken the opposition's lead and addressed those two issues, and I will speak more about them later.

The opposition, whilst generally supporting this bill as being appropriate for the management of one of Australia's greatest natural icons, the Great Barrier Reef, does believe that there are some inefficiencies in the bill that need to be addressed. They are only relatively minor amendments but they would improve the operation of the bill, and we are certainly hopeful that other senators will support the amendments that we raise.

The first amendment, the one we are discussing now, relates to the new board of the Great Barrier Reef Marine Park Authority. We are suggesting in this amendment that one of the board positions be for someone who has experience in industries associated with the Great Barrier Reef. I will speak a little further on that later. Senator Joyce is considering moving an amendment on the definition of fishing, which was raised in the inquiry by the Senate Standing Committee on Environment, Communications and the Arts. By all reports coming from that committee, the existing definition came under some scrutiny, and I notice that the govern-

ment has also taken up that issue and has its own amendment.

Perhaps the most significant amendment being proposed by the opposition—and I hope it will be supported by all senators—relates to the convictions that were recorded against people breaching the green zones when the green zones were first dramatically altered and increased, back in, I think, 2004. This was an initiative of our government for all the right reasons, although many would perhaps not agree with that. It was an initiative that the then Howard government brought in to protect even greater areas of the Great Barrier Reef. This, of course, continues the coalition's very strong support for this natural icon that was initiated back, I think, in the Fraser years in declaring a marine park in the Great Barrier Reef area. The amendment is in line with the coalition's strong support for the Great Barrier Reef over many decades through legislative action, which, as I say, was initiated by the coalition government.

When the zones were increased, a fairly dramatic enforcement and penalty arrangement came into place. There were some quite substantial fines and the offences were treated as criminal offences. There were quite substantial fines—ranging anywhere from \$500 up to, I think, some at \$60,000—but, as well as that, the convictions gave criminal records to those convicted. In many cases, these were mums and dads out fishing with the kids in the wrong area. They were fined quite substantially but, in addition to that, they had a criminal record which many found in years to come would inhibit them in certain ways. One person at the inquiry gave evidence that his application for insurance had been treated differently because, when he was answering a question, he had to indicate that he had a criminal record. There were other instances of people travelling overseas who had trouble getting visas be-

cause they had to disclose that they had a criminal record. And there were many other instances that were brought to the attention of senators. I particularly acknowledge Senator Boswell, who has been on this case for some time, as have I—and I know Senator Fielding and Senator Xenophon have been concerned about these issues as well.

The then government, after a couple of years of this legislation, realised that this was really using a sledgehammer to crack a nut—as they say—and realised that, whilst the fines were appropriate, the having of a criminal record was quite inappropriate for this type of offence. So the then government changed the arrangements so that on-the-spot fines could be issued. These infringement notices then became the norm, and the infringement notices issued to offenders still involved very substantial fines. So there was a real penalty involved. But, with the use of infringement notices, there was no criminal record on the offenders—most of whom, as I say, were family people out for a day fishing in the Great Barrier Reef who went into the wrong zone, either deliberately or innocently, and that attracted a substantial fine, and no-one argues about that. So the criminal conviction matter was dealt with by the infringement notices.

So, post 14 December 2006, most of the people breached for conflicting the green zone laws got this infringement notice and paid a fine but there was no criminal record. Those who had been convicted under the old legislation—between 1 July 2004 and 14 December 2006—were left with the monetary penalty and, in addition, they had a criminal conviction recorded against them. The coalition—through approaches from the recreational and commercial fishing industry and through, as I say, a lot of good work done by Senator Boswell, amongst others—brought this matter to notice, and the previous government indicated in 2007 that it



would legislate to remove the criminal convictions of those people convicted between 1 July 2004 and 14 December 2006. This was agreed to not only by the coalition but also by the Labor Party, the then opposition. The then opposition spokesperson, Senator O'Brien, in, I think, Townsville, when approached regarding this issue, said on behalf of the then Labor opposition—and I am sure Senator Boswell will quote his words later, but they are well recorded—'We should have a bipartisan approach to this; we should both adopt the same thing.'

*Senator Boswell interjecting—*

**Senator IAN MACDONALD**—Well, more than that, Senator Boswell. He gave the clear impression that the Labor Party was at one with the coalition in addressing this issue. Unfortunately, the then government was not in a position to amend the law when the parliament resumed after the election. We thought and hoped that the current government would honour its election commitment to change the law, but it has not done so. We have inquired about it at estimates on a number of occasions, and I and a lot of other people have written a lot of letters to the government about it, but it has found a deaf ear with the government. So, as a way of implementing not only what the coalition promised but also what the Labor Party promised before the election, we have come up with an amendment.

That is the background to the amendments that are going to be moved by the opposition. I just want to deal briefly now with the amendment before the chair, which relates to at least one member of the board having knowledge of or experience in the tourism industry or another industry associated with the marine park. Appointments have been made to the board, as it now stands, by the current minister. An Aboriginal person, Melissa George, has been appointed—and

that appointment is appropriate. Mr Russell Beer, a solicitor from Cairns, has also been appointed to the board. He is a very significant businessperson in Cairns, in Far North Queensland, and he has had a role in government advisory committees previously and is involved with Advance Cairns, which is a sort of business-commercial and government promotion bureau in the Far North Queensland area—and that is quite an appropriate appointment.

But neither of the appointees, as far as I am aware—and I do not know either of them terribly well personally—has any direct experience with the Great Barrier Reef. I assume Mr Beer, as a solicitor in Cairns—and I once used to practise that profession in North Queensland myself—would be doing things related to the Great Barrier Reef, but his principal activity is commercial law, which I understand he does very well. But I think the board would benefit by having someone on the board who had direct experience in relation to the Great Barrier Reef.

Our amendment says 'the tourism industry or another industry', and that could be a fishing industry, a boating industry or anything that has a relationship to the reef. I would certainly like to have someone nominated by the Association of Marine Park Tourism Operators considered by the minister as an appointee to the board. I say that because the Association of Marine Park Tourism Operators—a very good organisation—are very responsible people who understand that their future depends on keeping the Barrier Reef in a very pristine condition. In fact, they already spend a lot of their own money dealing with the crown-of-thorns starfish and in many other ways enhancing the unique experience that is the Great Barrier Reef.

There are very substantial monetary benefits to Australia from tourism activity on the Great Barrier Reef. Many thousands of Aus-

tralian are employed by the tourism activities along, across, near and adjacent to the Great Barrier Reef. The administration of the marine park would be better served if we could be assured that there would always be someone there who had some direct experience on the reef. I understand that these are not representative bodies—at least, I understand that that is the government's position; it was certainly the previous government's position. They are not representative board members. They do not represent anyone in particular. They are there because of their experience and expertise, as board members, related to the Barrier Reef. But it would certainly benefit the administration of the authority if there was someone there who had a direct and constant association with the reef, an understanding of what is happening day by day, week by week and month by month, an understanding of how the reef acts and an understanding of the importance of the industries that are associated with the reef.

I guess the government would say, 'Well, look, we'll consult widely and we'll appoint people to the reef.' That is the prerogative of the government. But I think that this amendment would ensure that the government, when picking whomever they like, at least would pick someone who has that direct experience and direct connection with the reef. I urge all senators to support this amendment. It has no cost and is otherwise unexceptional as an amendment, but I think it would improve the bill before us.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (12.47 pm)—I would like to touch on the amendment that has just been put forward—dealing with the industry representative—but I also want to touch base on something else that was shared just before about the convictions of some people up in Queensland, which was alluded to by Senator Macdonald. To remind people of this issue, there were at least 115 and up

to 324 fishermen who were deemed to be criminals by the previous federal government for innocently dropping a fishing line in waters that were part of the Great Barrier Reef Marine Park. I think everybody accepts that copping a fine for straying into the Great Barrier Reef Marine Park green zone is fair enough, but there was nothing really fair about these hundreds of fishermen having a criminal record against their name. If they did the same thing today they would not have a criminal record. So we have here a situation in which people were previously caught under a law that was not right and in December 2006 it was changed—

**Senator Boswell**—Who changed it?

**Senator FIELDING**—I will take the interjection. In actual fact it was the Howard government that changed it.

**Senator Boswell**—It was me.

**Senator FIELDING**—Let me continue if I may. Family First has supported all the attempts by these fishermen to clear their names and has spoken out on their behalf to highlight the injustice of their situation. Family First raised the issue directly with the then Prime Minister, John Howard, last year and then with the current Prime Minister, Kevin Rudd, this year. Family First raised it with the then Minister for Justice and Customs, Senator Johnston, and then with the Minister for Home Affairs, Bob Debus, this year. Earlier this year Family First also moved a couple of motions in support of the fishermen.

To deem these people as criminals is an outrageous act. These people have had a stain on their reputation, which has compromised their ability to have the freedoms that others have when they travel, and sometimes even to get a job, due to putting a fishing line in the wrong area. These are average blokes, average Australians. They are recreational fishermen. Grandad has taken the kids out to

dangle a line and pass the time with the family or a group of mates in a tinny—many people can relate to that—and they have made a genuine mistake. As I alluded to before, the Howard government acknowledged that it had made a mistake in December 2006 and fixed the problem by downgrading the offence to an infringement, with a \$1,100 fine. But the issue here, the injustice that it is not a fair go, is that fishermen still carry the mark of their conviction. It has not been removed, and they still pay the price for the Howard government's mismanagement of the issue.

Family First supports the amendment that will be coming up a bit later, which will see that the fishermen have their criminal convictions spent. We were originally going down the process of a pardon, but can fully understand that a spent conviction effectively does the same thing. So I can understand that that is perhaps a cleaner way of doing it. Moving the amendment here later on is certainly a good way of going forward if it has the support of the coalition. Basically, a spent conviction will remain invisible to all, and removing the stain from the lives of these fishermen will be a great relief to many. I also think that, when you can realise that a mistake has been made and you clean it up, it shows that this is a fair Australia. It is a pity it has taken so long. The fishermen have had this hanging over their heads for quite a while. I make it quite clear that I will be supporting the amendment which will come up later and which will see the convictions for these fishermen as being spent, and I support giving these fishermen back their lives.

With regard to the amendment put forward here—as to industry representation—the problems and the hassles that we have had with these criminal convictions show that it would make sense to have more industry

representation. Family First will be supporting that amendment as well.

**Senator SIEWERT** (Western Australia) (12.52 pm)—I will deal with each amendment as they come up, rather than taking a lot of time now on each amendment, which I will only repeat later. The Greens will not be supporting this amendment, which deals with the industry representative. The amendment gives one industry-specific representation on the authority. I know that the opposition suggests that an Indigenous person has representation. The Indigenous representation is specifically on the authority because of their knowledge and experience of Indigenous issues. That is particularly important for management of such an important area. This authority is not a representative body but a merit based body. We do not believe that there is justification for picking out the tourism industry for representation on this body. Everybody else will be there on the basis of merit except the tourism industry person, who will be there because they are a representative.

If we are going to a merit based body, we do not believe that it is appropriate to be mixing the two. We believe that there is nothing to stop a person with industry experience from being appointed to the authority under the current arrangements. The authority will be undertaking extensive consultation processes, which, if carried out properly, will be sufficient to ensure that the point of view of the tourism industry and other industries will in fact be taken into account. So we do not support the tourism industry being made a special representative on the board. We believe that the process outlined in the current bill is appropriate to deal with the merit based authority. Having said that, we do strongly support the appropriateness of having on the authority an Indigenous person with special knowledge and experience on Indigenous issues relating to the

park. We specifically believe that it is important that we do have that knowledge and experience on the board. We will not be supporting the opposition's amendment.

**Senator BOSWELL** (Queensland) (12.55 pm)—This legislation will bring a tragic saga to a close. This started out as a tragedy and I hope that we can salvage something out of the legislation by passing the amendment that Senator Ian Macdonald and I have moved. To go back a few pages on this, it started off with GBRMPA deciding that they wanted 25 per cent of the Great Barrier Reef for biodiversity regions called regional area programs and then upping that to 33 per cent. I do not blame GBRMPA altogether; we were in government, we made the mistake and we are trying to fix it up today—admittedly six or seven months later, but we are going to achieve that by the fact that Senator Xenophon and Family First, I believe, are going to support this amendment.

We started off saying that the legislation was going to cost \$1.5 million or maybe, rounded up, \$2 million—but \$255 million later! That is what it has cost this government to buy out the fishermen, to pay the net makers, to reimburse the boat builders, to reimburse the outboard motor people and to reimburse the people who process the fish. That is an overrun of \$253 million. If you were running a business, Senator McLucas, what would you do to an accountant who came to you and said, 'This is going to cost \$3 million' but then it cost \$255 million? You would sack him on the spot, and I would say that he deserved it. Unfortunately, this is what happened with GBRMPA. GBRMPA told the government that it was going to cost about \$2 million. We know that there will always be a bit of an overrun on these things, but \$255 million! That is what the Howard government was in the hole for and it paid out.

One of the things that we did find out when the legislation went through was that people were going to have a criminal conviction imposed on them. On 7 July 2004, I raised this matter in the coalition party room and we got the criminal convictions changed to infringement notices. So people received a good hefty fine but they were not burdened with a criminal conviction. That left in limbo the people who had been convicted between 1 July 2004 and 14 December 2006. The amendment moved by Senator Ian Macdonald is trying to repair the damage.

It looks as though this amendment has the support of Senator Xenophon, who is always open to look at things openly and correctly; and the senator from Family First. So it looks as though this is going to go through—and I welcome it, because I went out and campaigned on this just before the last election. Just before the last election I went into the Prime Minister's office and said, 'This is a nonsense; this is wrong—it is morally wrong to convict these people.' He agreed and he gave me a set of words that said we would fix it up if we were re-elected. Well, out on the campaign trail I went, as you do, about explaining your policies to the people. I was quite clear. I said, 'If we are re-elected we will repair this damage to those people who have a criminal conviction.' Not to be outdone, Senator Kerry O'Brien, then shadow minister, said of the Howard government that it was holding fishermen's votes to ransom. And he announced that it was 'beyond the pale'. An article in the *Townsville Bulletin* said:

"Frankly, it is an indictment on this government—

the Howard government—

that they are prepared to play politics about the issues," Mr O'Brien said. "Those who have been convicted have had these convictions sitting against their names for some time. Why couldn't the government act before today? ...

That is a fair question. It went on:

Mr O'Brien said an elected Labor government was also sympathetic to overturning the criminal records of the 324 fishermen convicted for the offence. "This is about correcting the initial mistake, and we would take the bipartisan position on that" he said.

I would be very interested to hear Senator McLucas, because I do not think the government is going to honour Senator O'Brien's commitment. I do not think it will. If it does then I will be the first to stand up and congratulate Senator McLucas for seeing the light. She does come from Cairns and she does represent these 324 fishermen who have been convicted. She has an office in Cairns. I know many of these people would have called on her and explained the wrongness of this decision. If she is representing North Queensland she will stand up and say, 'Senator Boswell, you are wrong. The Labor Party is prepared to back this amendment moved by you and Senator Macdonald.' I hope that is right. I think you are basically a very fair sort of a woman.

**Senator McLucas**—Only basically?

**Senator BOSWELL**—Well, I will unqualify that: you are a responsible person. That statement will be tested by the decision you take on this legislation. But I will be the first person to congratulate you when you say that you support this amendment.

I also want to take into consideration some of the evidence that was given by GBRMPA to our committee. I am shorthand-ing this, but GBRMPA said, 'Look, we're not going to fine people straight away. We'll warn them. If they've got a GPS or a plotter with a downloaded zoning map on board, we'll fine them. If they attempt to flee when we approach, we'll fine them. If they attempt to obscure vessel registration numbers when surveillance flights pass or if they're fishing within a metre of a sign advising that fishing

is not permitted in the area, we'll fine them. And if they overreach their bag limit, we'll fine them. Only when these things happen will we take the step of fining these people.' Well, that is blatantly untrue. In the submission of GBRMPA, that was untrue. Then GBRMPA said, 'Don't worry about a criminal offence; it's not going to make all that much difference.' GBRMPA said, when the matter of insurance was raised, that it would not prevent insurance being issued unless the conviction raised questions about moral character. They told the committee:

We have similar advice from the Department of Foreign Affairs and Trade that the Australian Passport Office has advised that criminal convictions are not a basis for revoking or refusing the granting of a passport.

That is completely untrue. For GBRMPA to take a position which can be so blatantly shot down they must think we are a bunch of village idiots over this side of the chamber. We were given evidence that on both these issues their position was completely wrong. What did happen was people who took their grandson out in a tinnie got fined \$1,000. They did not know that they were in a zone; they did not have any GPS on the boat. They did not have any way to find out. They acknowledged that they may have been in the wrong place, they started their outboard motor, pulled their line up and went away—but they got fined \$1,000 for taking their grandson out. That is the case of Mr Alfio Maccarone from Innisfail, Senator McLucas—very near Cairns. Then there was the case of Peter Summerville, who went out fishing with his wife and was fined \$1,200 and got a criminal conviction. His wife was fined \$840 and got a criminal conviction. It is totally unfair. We have tried to change it. Today is the day that we can put this behind us and remove those criminal convictions from people's lives.

One of the most powerful submissions we had was from a young guy who worked

around people's homes cutting lawns, doing duties and so forth. He said, 'This is influencing my life.' He and his brother came down from Cairns to go fishing and they put the boat in at Innisfail, or somewhere similar. 'We thought,' he said, 'that the Barrier Reef Marine Park was out where the Barrier Reef was. We fished about half a mile offshore. We put the anchor out and within half an hour someone came and told us we were fishing in the Barrier Reef Marine Park green zone. I now have a criminal conviction. I have a young family. If I leave this job I will never be able to get another job.' He was quite worried. He was a pest exterminator and he did other jobs around people's houses. He said, 'How would people like me to be going through their house exterminating pests if they knew that I had a criminal conviction?' And yet GBRMPA said, 'Don't worry about a criminal conviction. It is not going to affect your passport, your insurance or anything else.' Yet we have direct evidence given to us that all these things are taken into consideration. Senator Macdonald raised the question of a businessperson—a swimming pool manufacturer—who was not able to get insurance. He was going through the insurance process and he found that when it came to the question of possession of a criminal conviction he had to say, 'Yes, I have.' Their response was, 'Well, sorry. We will ring you; don't you ring us.' So he was rejected. So, today is the day I hope the entire parliament can join with us—every senator: whether Green, Independent, Labor, National or Liberal—and support this amendment in order to right what was blatantly wrong and to remove the criminal convictions from most of these people. Some of the more severe ones we will not be able to get to, but we will remove the criminal conviction from every amateur fisherman and from most of the professionals.

**Senator XENOPHON** (South Australia) (1.09 pm)—In relation to the proposed amendment that Senator Boswell has spoken of regarding spent convictions, I can indicate my support for it for these reasons: following discussions with the minister's office—which I found very useful—and, of course, with the opposition and from representations I received, it seemed that there clearly was an intent to change the law on 14 December 2006. It was an acknowledgement that the earlier law allowing for convictions had, in a sense, gone too far; that there was a concern that individuals were left with the stain of a criminal conviction and that it was causing significant distress to many of those who had received a conviction. There was a debate as to what the appropriate level was—whether it should be \$2,000, \$5,000 or \$10,000. It seems that a limit of \$5,000 would deal effectively with recreational fishers by and large, but anything beyond that would be going more into the realm of the commercial fisher. It is not, though, a perfect solution. There was an alternative suggestion that there should be a pardon by the government in relation to these convictions. That, to me, seems to be an extreme solution for the problem. There was a discussion about retrospective expunging of the convictions. That does not seem to be appropriate. The convictions will be spent in any event under legislation, but what is being proposed here allows for an acceleration of the time frame for the convictions to be spent. Given the legislative change on 14 December 2006, given indeed what the then opposition said in the lead-up to the last election about this whole issue, I think this is an appropriate way forward.

In relation to the other amendment on the composition of the board, I agree with Senator Siewert that it is appropriate that there be an Indigenous representative. That is entirely appropriate, and it is important. In relation to the amendment moved by Senator Mac-

donald, I have one significant reservation with it. I do not have a problem with there being a representative of the tourism industry; because I think the tourism industry knows that for it to thrive in that area it needs to have an environmentally sustainable, very viable, marine park. I think they have a vested interest in facilitating all that can be done to ensure that outcome. I do take issue with the reference to 'or another industry'. That would give the minister the discretion to appoint someone from, for instance, the fishing industry, and I think there could well be a real conflict of interest there. If it were to be limited to the tourism industry, I would be amenable to that amendment. I note that this is still an appointment to be made with the authority of the minister, and so there is still significant ministerial discretion. I just do not feel comfortable with that discretion being extended to an industry other than the tourism industry because I can see a potential conflict of interest if the fishing industry were to be invited onto the board.

**Senator IAN MACDONALD** (Queensland) (1.13 pm)—I want to briefly respond to Senator Siewert's issues. Senator Siewert said, quite rightly, that it was important to have an Indigenous person on the board. As I initially indicated, it is a government amendment. It is in the government's bill and it is being supported by the opposition. I also mentioned Melissa George as an appropriate appointment. Senator Siewert acknowledges that that person has knowledge and experience of the Barrier Reef and of cultural issues relevant to it so she, for that reason amongst others, supports it. But why does the same not apply, Senator Siewert, in relation to the tourism operators? Again, they have the actual knowledge and experience and, as Senator Xenophon has just said, the pristine state of the Barrier Reef is perhaps more commercially important to the tourism

industry than it is to anyone else. The tourism industry would have as much interest as even the most ardent environmentalist in making sure the reef is properly managed.

Again, as Senator Xenophon points out, these are ministerial appointments. It is not the industry appointing someone. It is up to the minister. The minister has discretion. There can be five people on the board—a chairman and up to four others. There is currently a total of only four, but it can be five. I think it is appropriate that one of those five board members should be an Indigenous person and that another should have real and direct knowledge and experience of the Great Barrier Reef. It is up to the minister to appoint whomever he likes. Senator Siewert said that the authority would be consulting before the appointment. Of course, it is not the authority who appoints the board members; it is actually the minister. Sure, the minister will consult. It is entirely within his discretion, as I understand it. But this amendment will require that, of the five people whom the minister has to pick, one will be an Indigenous person and another will have direct involvement in and knowledge of industries on the reef.

Taking into account what Senator Xenophon said, and subject to a short consultation with my colleagues in the chamber, I indicate that I could amend my amendment by deleting the words 'or another industry'. The amendment would read:

At least one member must have knowledge of or experience in the tourism industry associated with the Marine Park.

I will think about that. Perhaps it does not even need the words 'associated with the Marine Park'. I will give notice of an alteration to my amendment by deleting the words 'or another industry' in the hope that it may encourage Senator Xenophon to vote for the amendment.

**The TEMPORARY CHAIRMAN (Senator Mark Bishop)**—Senator Macdonald, are you foreshadowing an amendment or moving an amendment to your amendment?

**Senator IAN MACDONALD**—I am in the committee's hands as to how I procedurally go about this. I thought I just had to indicate that I wanted to amend my proposed amendment by deleting those words. As to how I technically go about that, I seek the advice of the chair.

**The TEMPORARY CHAIRMAN**—The amendment is before the chair. It will be put in due course. If you seek to amend the amendment before the chair, you need to seek leave to do so.

**Senator IAN MACDONALD**—Thank you, Mr Temporary Chairman. I will do that shortly.

**Senator SIEWERT** (Western Australia) (1.17 pm)—I want to address a couple of issues there. Senator Macdonald, I am sorry if the remarks I made before sounded as though I thought the authority would be consulting before someone was appointed. That is not the point I am trying to make. When the authority makes decisions and considers important issues, it will consult widely—in other words, it will of course consult those who use the park. My argument is that you do not need someone with specific experience or expertise on the board of the authority because they will be consulted when these decisions are being made.

I believe there is a vast difference between the knowledge and experience that an Indigenous person brings to the park and someone who has a vested interest in it. I am probably going to upset some people in the tourism industry with these remarks, but some in the tourism industry are more exploitative than others. Unless you are going to define this person as being a certain type

of tourist operator, it will be left up to the government to decide who that person will be and what sort of experience they will bring to the board. Some in the tourism industry are quite exploitative of the natural environment; others, of course, are very good and protect the natural environment. I think they bring a range of experience that the authority can consult when making its decisions. I do not believe it is appropriate to have on the authority a representative who has a vested interest in the tourism industry. You know very well that, next minute, we will have on the phone the mining industry and the fishing industry also wanting to be represented on the authority. We Greens do not believe that is appropriate. As I said, we believe that having an Indigenous person appointed as a member of the authority is important, because of their special relationship with the reef, and we support that in the bill. We do not support the amendment because we do not believe it is appropriate to have industry represented on this authority, but they will be consulted through the process. I want to clear that up for Senator Macdonald, and I apologise if it came across in another way.

**Senator IAN MACDONALD** (Queensland) (1.20 pm)—I seek leave to amend my amendment by omitting the words 'or another industry'.

Leave granted.

**Senator IAN MACDONALD**—I say to Senator Siewert: yes, you certainly will upset tourism operators—you are quite correct on that—by suggesting that they are anything but absolutely 100 per cent supportive of the marine park. As I have indicated before, even if they were not that way inclined, their commercial interests would demand that they look after the reef because that is what they actually make their money from.



I have learnt a fair bit about the Barrier Reef over the years, and I cannot think of a tourism industry on the reef that would cause damage to it. The operators take boats out on the reef. They spend their own money, with some government support, on picking up the crown-of-thorns starfish so that in the areas where they take their dive platforms for tourists to go swimming there are pristine reefs. As I said, they spend a lot of money on sending divers down to physically pick up starfish one by one. That is only a drop in the ocean, one might say, but it is certainly something that they do. They are also very particular about any material being thrown overboard from the boats.

I just cannot think of any tourism organisation along the Barrier Reef that would in any way do anything that would damage the reef. They are even very careful about human waste in Barrier Reef waters. They talk about it with their customers. They are very particular. I am desperately trying to think of any industry along the Barrier Reef that could cause damage—even those operating island resorts. Why do you go to a Barrier Reef island resort? Because it is pristine. The reef is there; there are clean beaches; there is native flora and fauna on the islands. They are particularly involved in that.

Again—if I can convince the Greens, although I am hopeful it will not be necessary—it is the minister's appointment. At the moment he can appoint anyone. All we are saying is that one of the five has to be someone who has direct and immediate experience on the reef. We are putting that forward because we think it will enhance the ability of the authority to properly manage the reef. So I would again urge support.

**Senator SIEWERT** (Western Australia) (1.23 pm)—The 'tourism industry' is a very broad definition. Are hotel operators, resort owners and developers tourism operators? I

think I heard Senator Macdonald imply that they were tourism operators, so the term 'tourism industry' is very wide. I would be reluctant, for example, for a developer to class themselves as part of the tourism industry because they are building a hotel. Are charter boat operators part of the 'tourism industry'? As we know, some of those people have actually been convicted—I am not going to stray into an argument about the offences—under this legislation.

**Senator Boswell**—No, they have not.

**Senator SIEWERT**—Yes, they have been; commercial operators have been. If they are charter boat operators, are those commercial operators, whether they be tourism operators or fishers, classed as being part of the 'tourism industry'? This definition is very broad. I am very reluctant to support the amendment when it has such a broad definition because I do not think it is appropriate that developers, who potentially are going to exploit the Barrier Reef, be on the authority. That is one of a number of reasons that we have some concerns about the amendment. We will not even support the amendment that removes 'or another industry' because it is too broad and we are concerned about the protection of this very important ecosystem which is facing a number of threats. We do not believe that it is appropriate to have the tourism industry represented on the board. We do believe it is important that they are consulted and we believe that if process is followed they will be consulted appropriately in the management of the reef.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.25 pm)—In my contribution I want to focus specifically on this amendment. Many other speakers have talked about a range of issues, and I understand the motivation for doing that, but I am going to address the amendment—as

amended, in an interesting piece of policy development—which goes to the question of the membership of the board of the authority.

The government does not support the proposal moved by Senator Macdonald to allocate one extra position on the board to a person who has knowledge or experience of the tourism industry associated with the marine park. It is interesting to note that we debated a similar issue when I was sitting over there and Senator Macdonald was sitting over here. It was around the question of whether or not we needed an Indigenous person on the board. It was, I think, at the end of 2006. The argument from the government at the time was that you did not need anybody with specific experience; you needed generalists who were interested in the long-term management of the authority. I differ with that in terms of Indigenous representation because Indigenous people are the only people who can represent Indigenous interests. That is why at the time I advocated that there be a specific position for an Indigenous person on the board. That has occurred, and Senator Macdonald now says that it is with the support of the opposition. It is a slight rewriting of history, I suppose, but that is not the point we are arguing.

At that time, the government—Senator Macdonald's government—did not try to move that there be on the board a person with tourism or other industry expertise, and one would wonder why. The answer is very straightforward: because the then government did not think it was appropriate. Senator Abetz actually made a very important contribution. He said:

... if we start picking and choosing with the Great Barrier Reef Marine Park Authority, which has such a large and extensive range of interests associated with it, I daresay we could get a list with over a hundred different categories and classifications on it ...

It is not often that I agree so strongly with Senator Abetz, but I suppose in this case he was making a good policy point and I think that policy point stands. He went on to say:

... tourism is clearly vitally important, the various rural sectors on land that might have an impact on the reef, the building sector, a whole range of scientific sectors and climate change experts. Quite frankly, the list could go on. In my own portfolio area of fisheries, undoubtedly there would be recreational fishing interests, commercial fishing interests—the list could go on.

Senator Abetz was absolutely correct then and he is still right now. We appoint people to the board of the Great Barrier Reef Marine Park Authority on the basis of the contribution that they can make to the ongoing management of the park. When we were in opposition there were a number of excellent members of the board. I think the two most recent appointments are persons who will continue the tradition of providing good management advice to the authority for its ongoing work. We do not need specific interest groups to be represented, because there are other, very broad-ranging ways in which not only the tourism industry but in fact all industries that are associated with the reef are consulted.

We have four reef advisory committees providing direct engagement of key stakeholders on the issues of tourism and recreation, fishing, water quality and coastal development, and conservation and heritage. So there is a reef advisory committee which goes directly to tourism and recreation. We have 11 local marine advisory committees, LMACs, in regional areas right up and down the coast. We also have regional offices of the Great Barrier Reef Marine Park Authority in Cairns, Townsville and Mackay.

The government is also establishing an advisory body, as recommended by the 2006 review. That process will allow engagement with all sorts of industries, including the

tourism industry. As I said, we have two excellent appointments, Melissa George from Townsville and Russell Beer from Cairns. As Senator Macdonald quite rightly said, Mr Beer is a solicitor in commercial law who is extremely well regarded in the north, not only in Cairns but also in Townsville, with well-known solicitors MacDonnells Law. He is very well regarded and extremely well connected in the business community and a person whose appointment I very much support.

So this amendment is not required. We simply do not need to quarantine one spot on the authority board for one particular industry. Senator Abetz got it right then. It was the right policy then; it remains the right policy. For consistency's sake, I suggest that the now opposition stick with the policy that they had then because, as I said, Senator Abetz was right.

**The TEMPORARY CHAIRMAN (Senator Humphries)**—The question is that the amendment, as amended, be agreed to.

Question agreed to.

**The TEMPORARY CHAIRMAN**—We will move to amendments (1) to (3) on sheet 5600.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (1.32 pm)—by leave—I move amendments (1), (2) and (3) on sheet 5600:

- (1) Schedule 6, item 9, page 114 (line 26), omit “searching for, or taking, fish”, substitute “taking fish”.
- (2) Schedule 6, item 9, page 114 (line 27), omit “search for, or take, fish”, substitute “take fish”.
- (3) Schedule 6, item 9, page 114 (line 29), omit “locating of, or taking of, fish”, substitute “taking of fish”.

The issue here is a little bit complex. I dare to say that I will also be asking the minister for advice on some of the following issues.

The issues surround what I believe is not only an onerous and very prescriptive statement proposed for a certain act but also a model of prescription that could be taken into other sections of law. It could set a very dangerous precedent in Australia. I also note that the government itself is proposing an amendment to this bill. I hope that in discussing this people see it in the light of how they would feel if this was a prescription in other sections of law, even terrorism laws and laws such as that. As it stands, item 9, subsection 3(1) of the bill says:

**‘fishing** means any of the following:

- (a) searching for, or taking, fish;
- (b) attempting to search for, or take, fish;
- (c) engaging in any other activities that can reasonably be expected to result in the locating, or taking, of fish;
- (d) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
- (e) any operations at sea directly in support of, or in preparation for, any activity described in this definition;
- (f) aircraft use relating to any activity described in this definition except flights in emergencies involving the health or safety of crew members or the safety of a launch, vessel or floating craft of any description.

Although it may be put aside by the court, the inclusion of aircraft use in attempting to search for fish is an absolutely ridiculous concept. Someone could be flying over the coast, looking out of the window and saying, ‘I’m now over a green zone and I’m looking for fish,’ and they would be engaged in a criminal activity. This is prescriptive to the nth degree.

I acknowledge that the government must have seen the same thing and have put forward an amendment. The question now is, however, whether this article in this amendment to the Great Barrier Reef Marine Park

Act 1975, or the GBRMPA Act, would be relied upon for a criminal conviction or whether a criminal conviction would actually relate to something defined in the zoning plan. Which article would the courts use for the interpretation of this action? If they would use the zoning plan and not the GBRMPA Act, then unfortunately both my amendment and the government's amendment are without cause, and obviously I would therefore look for another avenue to take. The amendment proposed by me is also on behalf of other people in the opposition who have the same concerns—not so much pertaining to fishing but about an overprescriptive definition. If you allow that on one issue, you must be prepared to see it later on in law on other issues. If the court would rely upon the GBRMPA Act then it is the government's definition as opposed to mine.

I have put both definitions beside one another as a means of comparison. I see that, in the government's definition, they have certainly curtailed the initial onerous definition of item 9, subsection 3(1) with a new subsection 3(1)(c). However, in so doing, it is still talks about 'engaging in any activity in connection with taking or attempting to take fish'. I still see that as being overprescriptive. Does 'engaging in any activity in connection with' mean that, if I am on a boat with someone who, whilst on the trip, says, 'I'm going to go fishing in a green zone,' I am 'in connection with' his activity? If I am driving along with someone and unbeknownst to me they have fishing equipment in the car and intend to go fishing, am I 'in connection with' that event? The definition of being 'in connection' with 'attempting to take fish' also heads into an area that is too grey. 'Attempting to take fish', I believe, is too grey.

That leads me back to the amendment that is proposed, which basically, in summary, takes away searching for or taking fish and

puts in something substantive, which is just taking fish—the action itself. This has been taken out in lines 26, 27 and 29. In liaising with my colleagues I note it is a point where there is some comfort, and I thank Senator Brandis for his assistance on this. Basically what we are doing here is making sure that there is no room for an overzealous court to go beyond what is precisely the action. I put forward to the government first of all whether they will clearly spell out what is the requisite act on which the premise of a conviction would be based. Secondly, in going through the explanatory memorandum and trying to define it myself, I notice that they talk about the moving of the definition by the GBRMP Act in section 38CA to the interpretation section. Is the interpretation section, as noted in the explanatory memorandum on page 53 of 73, the zoning plan? I think those things need to be cleared up. If the GBRMP Act is the requisite act that will be relied on then I will continue forward with my amendment. If it is not the requisite part but it is actually the zoning plan, then neither my amendment nor the government's amendment will have any effect.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.40 pm)—I was going to give other speakers the opportunity to speak if they wanted to. In response to Senator Joyce's comment, can I say that, as the running sheet indicates, these amendments are in conflict with, and it says similar to, Senator Joyce's, but I think similar is probably a stretch. I am suggesting I will speak in favour of government amendment (1) on sheet RE380, which is the next item on the running sheet, conjointly.

The amendment that the government will be moving is in response to questions that were raised during the Senate inquiry, and it is appropriate that the government respond to those questions. Our amendment will clarify

the definition of 'fishing' in the Great Barrier Reef Marine Park and Other Legislation Amendment Bill. During the Senate debate and during the inquiry into the bill by the Senate Standing Committee on Environment, Communications and the Arts, concerns were raised about the definition. The committee recommended that the definition be reviewed with the aim of clarification. The proposed amendment to be moved by the government delivers that clarification while preserving the integrity of the regulatory scheme.

As under current legislation, under the amended definition a person can only be considered to be fishing illegally in the Great Barrier Reef Marine Park if they have taken a fish, attempted to take a fish or are engaged in activities that are clearly a constituent part of taking or attempting to take a fish from an area of the marine park that is closed to fishing. An example is using fishing equipment or a fish aggregating device in zones closed to fishing. It is and will continue to be for the prosecution to prove beyond reasonable doubt that someone has taken or attempted to take fish in an area of the marine park closed to fishing. Senator Joyce's amendments go to a so-called definition of fishing—

**Senator Ian Macdonald**—I will explain that later.

**Senator McLUCAS**—Right. Thank you. Senator Joyce's amendment goes to defining 'fishing' as not searching for but taking fish. There has been a case that has been in the media in North Queensland about a gentleman who traversed a green zone with a line out the back of his yacht. He was convicted for fishing in a marine park. You have to ask the question: why was the line hanging out the back? Was he searching for fish? I think you have to say he was. But simply because there was not a fish on the end of that line, under your proposal you could argue that he was not actually searching for fish. I think

that that would then cause there to be significant debate in the legal system, including the DPP, because you have got to include the searching for fish along with the attempting to take fish in a definition of fishing. It is a linear process. You search, you attempt and then you take. All of that process is in fact fishing. I suggest to the chamber that Senator Joyce's attempts to say that, if you are in a Qantas jet flying up to Cairns, happening to go across the reef, and you look out the window—this is what Senator Joyce has suggested, perhaps in fun—you could be prosecuted for searching for fish.

I think we have to be very careful here. We know that we are playing the game of politics and the idea is to try and get people to support you, but let us do it on the basis of fact, let us do it on the basis of what is sensible and reasonable. If I am driving down the Bruce Highway towards Fishery Falls and someone says, 'I'm going to go out in a boat today into a green zone to search for fish,' are they likely to be prosecuted? Of course not, Senator Joyce. Let us be sensible about this.

This amendment that we are proposing, which will be dealt with next, will in fact clarify, as requested by the Senate committee, the definition of 'fishing'—something that is extraordinary, for the people in the gallery, to have to define. I think we all know what it is, but we have provided that definition. Therefore, the proposal moved by Senator Joyce is not required. Senator Joyce, you asked for clarification on the interaction between the act and the zoning plan. Is that a correct characterisation of your question?

**Senator Joyce**—Yes.

**Senator McLUCAS**—The bill includes an offence of breaching the zoning plan. Under the zoning plan, fishing in certain zones is prohibited, as you are very well aware. The zoning plan defines 'fishing' as taking or

attempting to take a fish. It is this definition that is relevant in determining if an offence has been committed. The definition in the bill is only relevant once the offence has been proven. It is used in determining whether a higher penalty applies because the person was fishing using a commercial fishing boat. Does that answer your question?

**Senator Joyce**—I am considering it.

**Senator McLUCAS**—Maybe. Okay, thank you. I commend the amendment that will be moved subsequent to this one being dealt with, if appropriate, and indicate that the government will not be supporting the amendment to define ‘fishing’ in the way that Senator Joyce has done.

**Senator IAN MACDONALD** (Queensland) (1.47 pm)—I have distributed to Senator McLucas and to other senators an unsigned and undated advice from the Department of the Environment, Water, Heritage and the Arts in relation to this definition. I will seek leave at a later time for this letter to be incorporated in *Hansard* so it can be used in any future hearing, regardless of what happens to either Senator Joyce’s amendment, which the opposition support, or the government’s amendment, depending on how it is dealt with by the chamber. In our dissenting report, we indicated that if you are looking at only the green zone offences then, according to this information, the existing definition is okay. Senator Joyce’s amendment deals with the wider bill and other issues. In relation to the marine park zoning issues and offences, according to this advice, to be convicted you would use the definition of ‘fishing’ in the zoning plan, not the one in the act. That indicates that you actually have to take a plant, animal or marine product. The wider definition does not apply to offences under the zoning plan, according to this advice. After Senator McLucas has had an opportunity to confirm with the depart-

ment that this document contains their advice and that it is accurate, I will seek leave to incorporate it into *Hansard* so in the future people can have that clear explanation—which I think is along the lines of what Senator McLucas just said to the Senate.

Senator Joyce’s amendment deletes ‘searching for’, and Senator McLucas gave an example of ‘searching for’ as a line over the back of a boat going through the marine park. I refer Senator McLucas to the second part of this advice from the Department of the Environment, Water, Heritage and the Arts in relation to ‘attempting’ under the Criminal Code, which would apply to this. The offence of attempting would, I think, cover the situation spoken of by Senator McLucas, in that if you have a line over the back of a boat you would be attempting to catch a fish. Attempting to commit any sort of offence is covered by this legislation as well as by the Criminal Code.

In support of Senator Joyce’s amendment, if a marine park tourism operator is out on the reef in a glass-bottom boat and wants to show overseas visitors a big school of fish, they would use their depth sounder on board to find some and they would say, ‘We’ll stop here and this is where you can dive in and have a look.’ The government’s proposed amendment states:

Fishing means any of the following:

... ..  
 (b) engaging in an activity including searching for fish or using fishing apparatus or using fish aggregating devices in connection with the taking or attempting to take fish.

That tourism operator may run foul of that, though I think I am answering my own question because it is in connection with taking or attempting to take fish, so perhaps my example does not apply. There could be a doubt there, so perhaps what Senator Joyce

is saying is appropriate and needs to be supported.

**Senator SIEWERT** (Western Australia) (1.51 pm)—I did not wish to speak before the minister previously because I wanted to hear the minister's answer. The Greens will be supporting the government's amendment to the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008. I am just foreshadowing that. We thought the previous bill was okay but we think there was a lot of misunderstanding of the bill in the second reading debate and in committee, but the government's amendments do clarify things so we will support it. We will not be supporting Senator Joyce's amendments basically for similar reasons to that pointed out by the minister. We think you need more detail on the definition of 'attempting to fish' and the issues that Senator Macdonald was just talking about. I do think you answered your own question in terms of those activities having to relate to attempting to take fish or having the apparatus to take fish.

I also bear in mind the comments that the parliamentary secretary made—that is, that this has to be dealt with through the legal process. You have to provide evidence, and that was something that was also brought up during the committee proceedings. In fact, the briefing that the committee had prior to the committee proceedings was that all of this goes through the legal procedures. There are such things as being able to prove that people were in fact attempting to take fish or searching for fish for the purposes of taking fish.

We do not support the opposition's amendments. We will be supporting the government's amendments. We are also mindful of the fact that this matter is also linked to the issues around proving an aggravated offence, and we are mindful of the complexity of those issues. We will therefore be support-

ing the government's amendments but not the opposition's amendments.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (1.53 pm)—In the comparison of these two issues what is clearly spelt out first and foremost is that, in relation to people who go fishing, definition 9 in subsection 3(1) was completely onerous. It has now been agreed to by the government. They obviously believe that their own legislation in the first instance was onerous; otherwise they would not be changing it. I am glad to see that. But we are still left in the position where 'engaging in any activity', including searching for fish using fish apparatus or using aggregating devices that are associated with attempting to take fish, leaves us in a very grave position. With regard to the interpretation of 'any activity whatsoever', I do not know why you need to say 'including' because if it is any activity it is any activity—full stop. But, for the purpose of attempting to take fish, there is the question of attempting to take them with what prospect of success. Who is going to be the arbiter of that? I believe that good law is law that errs on the conservative side but this is erring to the expansive.

I hear Senator Siewert's and the Greens' position, but they have endorsed it in the belief of an expansive and overarching definition of an act. Once you believe in that concept, you cannot chop and change. You therefore have a position where in other legislation before this chamber you will allow the use of expansive descriptions in a law, one that not only talks about what you are doing but also talks about what you may be going to do according to the interpretation of a third party.

'Engaging in any activity' does not close that definition down—it does not say 'in any activity' and then have some sort of caveat that mitigates its connection to 'attempting to

take fish'. So any activity relating to attempting to take fish will become something that is once more revisited in papers up and down the coast. Certain people who enforce the law will be within their rights to use, if they wish, an expansive interpretation of 'attempting to take fish'. What the opposition has done, in consultation with others, is to take this down to something that leaves no shadow of a doubt as to whether you had broken the law—that when you were caught, you were caught.

I also endorse the fact that if someone is going through a green zone with a line dragging off the back of the boat they are obviously in the process of fishing. But this goes way beyond activities that could be regarded as attempting to take fish. In that regard, 'any activity' might be just having a line rolled up in the boat while going across a green zone. It is a matter of interpretation whether you are in the process of attempting to take fish simply because you have a fishing rod in the boat.

It becomes onerous when we have government erring towards being Big Brother rather than working hand in hand with people on the coast. This is a resource that has got to be shared by all. It is a tourism resource, it is a fishing resource, it is a natural heritage resource and it is a recreational resource. It is not just exclusively something that you should only be able to be involved with if you are standing on the beach looking at it. I am a bit surprised that the Greens would adopt a position where they are endorsing laws that deal not only with what you do but also with what people might perceive you might be going to do. That in due course will turn around and bite us.

**Senator XENOPHON** (South Australia) (1.59 pm)—In the 30 seconds remaining I would like to indicate that I cannot support Senator Joyce's amendment. I support the

government's position. Following the inquiry process, the government has already come a significant way in tidying up the definition of 'fishing'. My concern with Senator Joyce's amendment is that it would simply be too broad and allow for significant loopholes. For those reasons I cannot support Senator Joyce's amendment.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (1.59 pm)—I doubt that we will have time for the vote at this point. Can I say that the request from Senator Macdonald to incorporate the submission from the department to the inquiry is of course accepted. It is on the public record now, so we would be quite happy for that to be incorporated.

**Senator IAN MACDONALD** (Queensland) (2.00 pm)—I seek leave to incorporate the document in *Hansard*.

Leave granted.

*The document read as follows—*

AUSTRALIAN GOVERNMENT:  
DEPARTMENT OF THE ENVIRONMENT,  
WATER, HERITAGE AND THE ARTS

The Secretary

Senate Standing Committee on Environment,  
Communications and the Arts

Department of the Senate

Via email: eca.sen@aph.gov.au.

**Inquiry into the provisions of the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008—additional information**

The following forms an addendum to the submission to the above inquiry from the Department of the Environment, Water, Heritage and the Arts and the Great Barrier Reef Marine Park Authority.

The addendum provides further clarification regarding the definition of "fishing" proposed by the bill and additional information on prosecutions for recreational fishing offences.



**Definition of "Fishing"**

To be charged for fishing in a prohibited area in the Great Barrier Reef Marine Park, a breach of the Great Barrier Reef Marine Park Zoning Plan 2003 (Zoning Plan) must be established in the first instance. The definition of fishing in the Great Barrier Reef Marine Park Act 1975 (GBRMP Act), as proposed to be amended, does not determine what is and is not a breach of the Zoning Plan and therefore an offence. This is determined exclusively by the definition of "fishing" in the Zoning Plan (which is not proposed to be amended) and through application of Criminal Code provisions relating to attempted offences.

The Zoning Plan regulates use of the various zones of the Marine Park. This includes restrictions on "fishing and collecting" in certain zones. The Zoning Plan defines "fishing and collecting" as "taking a plant, animal or marine product".

The GBRMP Act in its current form, and also as proposed to be amended, makes it an offence to engage in conduct that is prohibited under the Zoning Plan.

The Criminal Code Part 2.4 provides that "attempting" to commit an offence can itself be an offence. In this respect, the Criminal Code notes that, for a person to be guilty of attempting to commit an offence, "the conduct must be more than merely preparatory to the commission of the offence", and that whether or not this is the case is a matter of fact. It is for the prosecution to establish beyond reasonable doubt that a person attempted to commit an offence. At this point, the definition of fishing in the Act (as proposed to be amended) does not come into play. An offence will have been committed if:

- a person engages in conduct that is "fishing" (within the meaning of the Zoning Plan), in a zone where it is prohibited; or
- a person attempts (as provided for by Part 2.4 of the Criminal Code) to engage in "fishing" (within the meaning of the Zoning Plan) in zones closed to fishing

In the case of only circumstantial evidence, the court is required to draw the inference most favourable to the accused.

This would be an offence of engaging (or attempting to engage) in "prohibited" conduct (Bill Schedule 6, Item 24, 38BA).

It is only once a breach of the Zoning Plan has been established, that the definition of fishing in the Act and Bill, as proposed, is used in the classification of offences for the purposes of determining potential penalties. That is, the prosecution can seek to classify the conduct constituting the offence as "fishing" using a "commercial fishing vessel". Here, the definitions of "fishing" and "commercial fishing vessel" in the bill are applied. If these additional elements are proven beyond reasonable doubt, a person can be convicted of an "aggravated offence" (Bill Schedule 6, Item 24, 38GA). If it is not proven, the person is convicted of the "base" offence of engaging (or attempting to engage) in "prohibited" conduct (Bill Schedule 6, Item 24, 38BA).

In other words, the purpose of defining "fishing" in the Act, and reason for its scope, is to classify an offence as "aggravated" only once a breach of the Zoning Plan has already been established.

The definition of "fishing" in the Act does not extend, modify or qualify what can be considered "fishing" for the purposes of determining whether a person has engaged in, or attempted to engage in, conduct that is prohibited under the Zoning Plan. Only the definition in the Zoning Plan and application of the Criminal Code are relevant in this context.

In summary, the bill includes a definition of "fishing" carried over from the current GBRMP Act, with only one change - "processing, carrying or transshipping of fish that have been taken" has been removed from the definition. The definition in the Act and the bill as proposed is used in the classification of offences for the purposes of determining potential penalties. The offence currently is, and under the bill would continue to be, determined by the definition of fishing as described in the Zoning Plan and the application of the Criminal Code.

**Recreational Fishing Convictions**

Attached is a summary of the facts and sentencing remarks of all persons prosecuted for recreational fishing offences committed in the period 1 July 2004 to 16 December 2006. The summary is a

“Comparative Sentencing Schedule” prepared and maintained by the Commonwealth Director of Public Prosecutions (CDPP). It is provided to Magistrates and defendants by the CDPP in the context of a prosecution. Its purpose is to facilitate consistent sentencing by providing Magistrates with information on the penalties imposed in cases of similar circumstance. It is also provided to defendants in the interests of procedural fairness.

Yours sincerely,

Mike Callaghan Deputy Secretary

Progress reported.

### QUESTIONS WITHOUT NOTICE

#### Diplomatic Protocol

**Senator COONAN** (2.00 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. I refer to the leaking to the media of details of the Prime Minister’s private and confidential conversation with the United States President on 10 October. What explanation did Australia’s ambassador in the United States provide to the State Department for this false, misleading and damaging leak?

**Senator CHRIS EVANS**—I thank Senator Coonan for her question, which is very similar to the question she asked me yesterday. I think I told her all that I know about the subject yesterday, and I am not going to be able to add much to my remarks. I do not quite understand the intense interest in this issue. I have been moving through the community in the last few weeks—ethnic communities, cricket matches et cetera—and no one has actually raised this as a matter of national concern with me. Maybe I am not moving in the right circles. As I indicated yesterday, the President of the United States has consistently emphasised the importance of the G20 in its response to the global financial crisis. The Prime Minister did speak with President Bush to discuss the role of the G20 in responding to the global financial crisis. I do not think there is any accuracy in

the suggestion that the President was not fully aware of the role of the G20. As I understand it, the White House, the United States Ambassador and the Prime Minister have confirmed that the President did not make the marks that have been attributed to him in the article in question. Therefore, it seems to me that all the relevant parties have made it clear that the alleged commentary was never made and was inaccurate. The United States ambassador has said publicly that, as far as he and the American government are concerned, the matter is closed. I have no further information in relation to the role of the Australian ambassador in Washington. I can take that part of the question on notice and see if I can be more helpful to the senator, but I am not able to help her with that specific part of the question.

**Senator COONAN**—I note that Senator Evans will take on notice that part of the question that he was not able to address. Perhaps he can also take this on notice: when will the Prime Minister apologise to the United States administration for this unprofessional and undiplomatic breach of confidentiality?

**Senator CHRIS EVANS**—As I have said, all parties have confirmed that the remarks were not made and that the matter is closed. I think there is nothing further to be said on the subject.

#### Economy

**Senator HUTCHINS** (2.03 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. Can the minister update the Senate on the state of global financial markets and how the government’s approach to economic policy will help protect the Australian economy?

**Senator CONROY**—I thank Senator Hutchins for his question. As I have said on repeated occasions in this chamber, we are operating in almost unprecedented global

economic times, the likes of which we have not seen since the Great Depression. To put the global challenges that we face into context, let me quote from sections of the Reserve Bank's November *Statement on monetary policy* released yesterday:

World financial markets have come under severe stress in the period since the last *Statement*. Strains in credit markets escalated in early September, and the period since then has been marked by further large declines in equity prices and exceptional volatility across a range of markets.

Let me be clear: we have been honest and upfront that deteriorating global economic conditions will have an impact on growth and unemployment. Yesterday I updated the chamber on the recently released MYEFO forecasts, which demonstrate that the budget has felt the full force of the crisis. The MYEFO figures confirm that, while we are not immune, the Australian economy is sound and in a better position than most to weather the global conditions. But it is also important that we act to protect the Australian economy. In light of the global circumstances, the Rudd government has taken decisive and early action to protect the Australian economy. We make no apologies for this. We injected \$10.4 billion as part of the economic security strategy to stimulate economic activity and protect vulnerable groups in our society. This builds on our decision to guarantee bank deposits for all Australians. Our Economic Security Strategy is expected to boost the level of GDP by around one-half a percentage point to one percentage point and will help create up to 75,000 additional jobs over the coming year. It has been delivered at the right time, to the right people and with the right amount of strength. It is targeted at those parts of the economy that need it the most. It means that fiscal policy and monetary policy are working in tandem to

help strengthen the economy and protect households during the financial crisis.

In times like these, you need a decisive government that will stay ahead of the game and act consistently in the best interests of the Australian economy. Mr Turnbull—the opposition leader, the member for Wentworth—is a very clever politician who spends all his time telling people what they want to hear rather than what he really believes. So do not judge him on what he says; judge him on his actions.

*Opposition senators interjecting—*

**The PRESIDENT**—Senator Conroy, address your comments to the chair.

**Senator CONROY**—Do not judge him on what he says; judge him on his actions. Mr Turnbull says the global financial crisis is all hype while, at the same time, he transfers part of his fortune out of a property trust to protect his wealth from the crisis. He says it is all hype but, just on the quiet, he says, 'I'll just move my money out of there.'

*Opposition senators interjecting—*

**The PRESIDENT**—Order! Senator Conroy, resume your seat. When the Senate comes to order we will proceed with question time.

**Senator CONROY**—Mr Turnbull says, 'Let's be bipartisan on the global financial crisis'—(*Time expired*)

#### **Automotive Industry**

**Senator FERGUSON** (2.09 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Will the minister confirm that, despite the government spending \$6.2 billion on a new car plan, it is forecasting that the number of jobs in the car industry will shrink even further?

**Senator CARR**—Senator Ferguson—

**Senator Cameron**—You did nothing for 11½ years!

**The PRESIDENT**—Senator Carr, resume your seat. One of your own is interjecting on you, and it makes it difficult for the people who need to hear the answer.

**Senator CARR**—I thank the senator for his question. I would trust that all members of this chamber would acknowledge that the Australian automotive industry is the backbone of Australian manufacturing. I would trust that all members of this chamber would support strengthening the Australian automotive industry in the face of a global economic crisis. I say to the senator: I do not make promises that this government cannot keep. We on this side of the chamber are committed to strengthening the Australian automotive industry to provide security of investment by encouraging a stable, long-term investment climate for the industry. Our package is about attracting new investment and creating new job opportunities. In a climate of great insecurity in the global economic financial system, you should not indulge in irresponsible speculation about the fate of individual companies, as Senator Abetz has been doing, nor should you make irresponsible promises about what can be done about every single job within Australian manufacturing at this time.

Frankly, it is embarrassing to watch a divided opposition trying to figure out where they actually stand on a question of such vital national significance. Do they have a policy on the Australian car industry? No. They have left the industry on automatic pilot for years. That is their policy: automatic pilot. All we have seen so far, Senator Ferguson, is self-serving, self-congratulatory rhetoric from each pretender to the leadership of the Liberal Party who is seeking to establish their 15 minutes of fame. We have the member for North Sydney, who says, ‘I don’t

know that it is necessarily the right thing to hand money immediately to the motor vehicle industry in Australia without knowing whether those companies are going to merge or whether they will even exist in 12 months.’ In other words, they are saying, ‘Not now. We don’t want to support this industry now.’

The member for Warringah says, ‘There have been a lot of assistance packages for the car industry, and the real issue for any future package is: just how long is it going to last?’ He says, ‘Will the car industry in this country ever be able to stand on its own two feet?’ In other words, the member for Warringah says, ‘We’ll support them—but not ever.’ That is his real position. Talk about two bob each way. And, of course, we have Senator Abetz, who says: ‘Kim Carr is claiming that \$6.2 billion over 13 years is a better package. It isn’t when you have to take into account the number of years it is spread over.’ In other words, Senator Abetz says, ‘It’s not enough.’ So we have three positions from the opposition. We have one that says, ‘We don’t support it now,’ one that says, ‘We don’t support it ever,’ and one that says, ‘It’s not enough’. Those are the three positions that the opposition are presenting. Which is it? Not enough, not now or not ever? What is the position of the Liberal Party? Senator Abetz stood up in this chamber yesterday and said, ‘The coalition’s best friend— (*Time expired*)

**Senator FERGUSON**—Mr President, despite the fact that that answer bore no relation to the question, I ask a supplementary question. Exactly how many car industry workers does the government expect will lose their jobs over the next two years, given that it has set aside \$34 million out of yesterday’s car package for a car worker redundancy scheme?

**Senator CARR**—We have indicated that the new car plan starts from 1 November. We are being told in the public arena that it does not start for some time. The opposition once again ought to get its facts straight, because we have a situation, as I said, where we have three positions from the opposition. The three positions are: not enough, not now and, of course, not ever.

**Senator Ferguson**—Mr President, I raise a point of order. The question I asked was: how many car industry workers does the government expect will lose their jobs over the next two years, seeing that it has set aside \$34 million as a car worker redundancy scheme? I cannot see what relevancy that has to any three positions that Senator Carr implies that the opposition might have.

**The PRESIDENT**—There is no point of order, as you know, Senator Ferguson. I cannot tell the minister how to answer the question. I can draw the minister's attention to the question and the need to remain relevant to the question. Minister, you now have 35 seconds left to answer the question.

**Senator CARR**—Under this opposition when in government, 7,000 jobs were lost from the automotive industry—7,000 jobs. With friends like this, who needs enemies? We have seen from Senator Abetz yesterday a reckless and disgraceful attack on the integrity of a major Australian business and a major Australian employer, which of course reveals the real intentions of the opposition. It will say anything and it will do anything to get momentary advantage in a time of national challenges which we have to face up to. (*Time expired*)

#### **Child Care**

**Senator CAROL BROWN** (2.16 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister update the Senate on what the Australian government is doing to assist Aus-

tralian families who are affected by ABC Learning going into receivership to have continued access to child care?

**Senator CHRIS EVANS**—I thank Senator Brown and acknowledge her long interest in childcare issues. Child care is an essential service relied on by parents every day across Australia. It allows them to work to earn income to support their families and so is vital to the welfare of those families. ABC Learning is the largest private childcare provider in the country, and the government has continued to closely monitor all developments relating to ABC Learning this year. I think many of us have been concerned for a number of years about what a large share of the market ABC Learning has captured. Unfortunately, this contributes to the level of concern now.

On 24 September 2008, the government established the childcare industry task force, which immediately established contact with ABC Learning directors and their lending syndicate. Up until 2 November, the ABC Learning directors and their lending syndicate were indicating that ABC Learning was aiming to trade itself out of its current financial difficulties. But, on 6 November, ABC Learning Centres entered into voluntary administration and a receiver was appointed.

On 6 November, the receiver, McGrathNicol, wrote to all parents with children at ABC childcare centres, all employees and all centre managers with a message that the childcare centre would continue on a business-as-usual basis. McGrathNicol indicated that it was working constructively with ABC's financiers and the Rudd government on measures to ensure the stability of childcare services for ABC families. To ensure that anxious parents and employees could get information, the government had a dedicated telephone line open from 3 pm on the same day that the receiver was appointed and was plac-

ing regular updates on the mychild.gov.au website. On Friday, 7 November, the day after the receiver was appointed, Minister Gillard announced that the Australian government had reached an agreement with the receiver of ABC Learning and their lending syndicate.

The Parliamentary Secretary for Early Childhood Education and Childcare, Maxine McKew, has been consulting with stakeholders since the election of the Rudd government, including more than 50 stakeholders meetings and 25 childcare centre visits, and forums have been held in each state and territory. A forum with around a dozen peak national childcare organisations is being held in Canberra today as part of the government's ongoing consultation with the childcare industry. The agenda includes a discussion about the ABC Learning situation.

The Rudd government was elected with a comprehensive childcare and early childhood education agenda, which has been pursued through COAG. We have taken decisive action to ensure that more than 400 unprofitable childcare centres, based on preliminary data from the receivers, are not immediately shut down, leaving thousands of kids without care and families with worries about being able to work. In order to ensure that all ABC Learning childcare centres remain open and provide care until 31 December 2008, the Australian government has committed up to \$22 million conditional funding. The \$22 million commitment represents the possible costs of supporting the continued operation of those unprofitable ABC centres for two months. Normally, a receiver coming into a business who found parts of the business to be unprofitable would immediately act either to close or to rationalise those unprofitable parts of the business. Because of the unique situation of ABC Learning, the government is providing that \$22 million as a maximum to support those centres and ensure they con-

tinue to provide services to the families. We will continue to work through this situation in the interests of these families to ensure child care is supported for them. (*Time expired*)

#### **Automotive Industry**

**Senator FISHER** (2.21 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Since the escalation of the global financial crisis on 15 September with the collapse of Lehman Brothers, has the minister spoken personally to the US heads of Ford and General Motors about the capacity and willingness of those companies to invest in Australia's car industry on a three-to-one basis?

**Senator CARR**—Thank you.

*Opposition senators interjecting—*

**The PRESIDENT**—Order! Those on my left, the question was asked by Senator Fisher. It is not up to you to answer it. Senator Carr, you have the call.

**Senator CARR**—What I understood the question to go to is whether I personally have spoken to the heads of General Motors and Ford since the collapse of Lehman Brothers. I spoke to the heads of Ford and General Motors in June. I have had direct conversations with both of those gentlemen and with their executive teams about their future investment plans for Australia and their commitment to ensure that we are able to develop new investment opportunities and new job opportunities in this country. For the first time ever, we have received from each of the corporations that you have mentioned detailed proposals about their investment plans. Those plans have subsequently been confirmed by the corporate leaderships of those companies since 15 September.

The government is very much aware of the challenges facing the industry and, despite the difficult times the automotive indus-

try is having here and overseas, the government believes that the industry has a strong future. We are highly conscious of the need to ensure that the industry reinvents itself and that the Australian automotive industry is able to prepare for a low-carbon future. The government's New Car Plan for a Greener Future will help ensure that the Australian automotive manufacturing industry continues to contribute to Australia's prosperity, not only in terms of providing high-skilled, high-wage, quality jobs but also as our largest manufacturing export earner. That is exactly what the car industry have said repeatedly in their public statements and what has been indicated by the leaderships of the companies that you have mentioned.

The automotive sector is strategically significant to this country in terms of manufacturing and, particularly, employment, employing the better part of 65,000 people directly and some 200,000 people indirectly. Last year, the Australian automotive industry produced some 335,000 cars, worth \$7.7 billion. It exported \$5.6 billion worth of those vehicles in terms of components and made-up vehicles, which placed it amongst Australia's top 10 export earners. What the corporate leaders internationally are saying to the government is that they expect that to continue, that they have confidence as a result of the New Car Plan for a Greener Future and that they will join the government in these new co-investment arrangements, which are predicated on principles of mutual obligation and ensure that we are able to strengthen the industry in these particularly difficult times. Rather than talking the industry down and acting in the irresponsible, cavalier way in which Senator Abetz has been, I trust the good senator will appreciate the need to understand the significance of this industry to Australian society and to the Australian economy.

**Senator FISHER**—Mr President, I ask a supplementary question. Given that the minister has indicated there have been discussions with Ford and General Motors since 15 September, what guarantees has the minister obtained from the US heads of General Motors and Ford about the new investment of those companies in Australia's car manufacturing industry?

**Senator CARR**—I have been very frank with the chamber and with the Australian people about the difficulties facing this industry. I am confident about the commitments that have been made by those companies in terms of their direct communications with the Australian government. I said I have not personally spoken to Mr Wagner since 15 September.

**Senator Abetz**—Here we go!

**Senator CARR**—Senator Abetz, if you actually cared to listen, you might learn. What I have indicated—

**The PRESIDENT**—Senator Carr, address your comments to the chair, not across the chamber.

**Senator CARR**—What I have indicated is that the company leaderships have responded to the government—in writing—about confirming their commitments to the future of investment in the Australian automotive industry. The whole program that we have announced is predicated on the assumption of co-investment. (*Time expired*)

#### **Internet Filtering**

**Senator LUDLAM** (2.27 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer to the statements made by Minister Conroy in Senate estimates hearings on 20 October 2008, in which the minister said that Sweden, the UK, Canada and New Zealand had mandatory internet filtering systems similar to those now being trialled in

Australia. Can the minister explain why he made the statement in light of the fact that in not one of those countries is the filtering system mandatory and, in fact, the various systems in those countries are entirely voluntary, if they exist at all?

**Senator CONROY**—I thank the senator for his question and further thank him for providing me with notice of the question. The government's ISP filtering policy is one component of the government's comprehensive \$125.8 million cyber safety plan. This plan contains a comprehensive set of measures to combat online threats and help parents and educators protect children from inappropriate material. I can assure the senator that the government will implement the ISP filtering component of this policy in a considered and consultative way. We are aware of technical concerns with filtering technology. That is why we are conducting a pilot—to put these claims to the test. We are happy to have an open debate about these technical issues.

ISPs in a number of Western countries, such as the United Kingdom, Sweden, Norway, Finland, France and Canada, have voluntarily introduced ISP-level filtering. The government is of course considering the experience of these countries in the development of its own policy. This international experience will also inform the government's upcoming real-world live pilot.

On 10 November I released an expression of interest, seeking the participation of ISPs and mobile telephone operators in this live pilot. The pilot will specifically test filtering against the ACMA black list of prohibited internet content, which is mostly child pornography, as well as filtering of other unwanted content. While the ACMA black list is currently around 1,300 URLs, the pilot will test against this list as well as filtering for a range of URLs to around 10,000 so that

the impacts on network performance of a larger black list can be examined. The live pilot will provide valuable real-world evidence of the potential impact on internet speeds and costs to industry and will help ensure we implement a filtering solution that is efficient, effective and easy for Australian families to use.

The pilot is intended to take a very flexible approach and will cover a range of different ISPs and types of connections. The technical testing framework for the pilot indicates that a range of speeds will be tested, based on what most households can currently access. This range is not a hard and fast limit. Some people currently have connections above 12 meg and the framework notes that consideration will also be given to testing performances above 12 meg. Should an ISP wish to extend the pilot above 12 meg, they are invited to state this in their expression of interest. The technical testing framework also notes that costs, including upfront costs to acquire and implement the technology and costs to maintain the ISP-filtering solutions will be examined during the pilot. The costs are expected to vary, depending on the size and complexity of the ISP, the type of filtering solution chosen and the manner in which filtering is deployed by the ISP. The pilot is an opportunity for the Australian industry to now come forward and engage directly with the Australian government in the development of ISP filtering. I strongly urge industry to become involved. As I said earlier, the government intends to take a consultative—*(Time expired)*

**Senator LUDLAM**—I thank the minister for his attempt to answer the question. Mr President, I ask a supplementary question in two parts. Will the minister be providing a retraction to the Senate Standing Committee on Environment, Communications and the Arts, as the answer he gave then was substantially different to the answer that was



provided to that committee? Will the minister provide us with a definition of what he meant by 'unwanted content' and inform us as to where we might find a definition of 'unwanted'? Will the minister acknowledge the legitimate concerns that have been raised by commentators and many members of the public that such a system will degrade internet performance, prove costly and inefficient and do very little to achieve the government's policy objectives? Furthermore, I suggest that the government's proposal for dynamic filtering is the equivalent of the post office being required to open every single piece of mail.

**Senator CONROY**—The senator asked a very large range of questions, which it would be impossible for me to answer in one minute. I will happily get you some further information on that very long list of questions. But I just again emphasise that the government have taken a consultative approach with industry. We have invited them to participate in the trial and we have asked for the industry to come forward and work with government. That is the basis on which we are progressing. We are seeking to test the claims—and they are many and varied—and that is why we are conducting a live trial. In terms of further detail—and it was quite a comprehensive list of questions—I am happy to come back and provide the senator with further information.

### **Manufacturing**

**Senator ABETZ** (2.33 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Does the minister agree that Australian manufacturing is expected to continue its historical decline over coming decades?

**Senator CARR**—The answer to the senator's question is no. The manufacturing sector is a significant employer. Its contribution to Australia's economic growth is very sig-

nificant indeed. It is a major export earner. It is true to say that manufacturing share of gross domestic product has fallen from 11.5 per cent in the period 1999-2000 to 10.1 per cent in the period 2007-08. Through the period of the previous government we saw a significant decline. It is, however, not so much that manufacturing itself is shrinking but rather that other sectors of the economy have in fact grown at a faster rate than manufacturing. For example, in 2007-08 the industry value-added and manufacturing sector was \$104.7 billion in real terms—that is, a record high. In 2007-08 company profits, before income tax, were almost \$29 billion, in current prices—also a record high—as were exports for the manufacturing sector, at \$88.4 billion, in current prices.

Manufacturing is also the largest spender on research and development, accounting for some 31 per cent of all business expenditure on research and development over the period 2006-07. Almost 17 per cent, or \$635 million, of this research and development was undertaken by motor vehicle manufacturers and of course the parts sector substantially contributed to that. I am sure the shadow minister will be only too well aware that the manufacturing sector employs almost 1.1 million Australians, and the employment level was in fact above where it was 12 months ago. But of course it has fallen in the last three months.

A recent industry survey suggests that manufacturing activity has contracted and remains subdued. Nonetheless, the proper policy settings and a commitment by the national government to work with industry should provide the policy framework in which manufacturing, over time, will strengthen its performance. It is my view that that is exactly what will happen. The Australian Industry Group-PricewaterhouseCoopers Performance of Manufacturing Index fell for the fifth consecutive month in October 2008.

Nonetheless, that does not necessarily indicate what the position of manufacturing will be over the long term. We acknowledge the subdued activity as a result of, among other things, higher import costs and falling demand, which of course have to be seen in the context of a slowing economy.

I remain optimistic about the future of manufacturing in the face of these pressures. That optimism is based on what the government are doing to lift our education standards, to improve access to skills, to develop our national infrastructure and to support what we are providing to industry to enable them to innovate and meet the challenges head on. The government actually believe in manufacturing. We do not regard manufacturing as a dirty word. That stands in sharp contrast to the position that was taken by the previous government.

**Senator ABETZ**—Mr President, I ask a supplementary question. It is very rare indeed that I am able to rise and thank the minister for his answer. I refer the minister to page 60 of the Treasury's modelling for the proposed Carbon Pollution Reduction Scheme, released only 11 days ago, on 30 October this year. It says:

... Australian manufacturing is expected to continue its historical decline.

That is a proposition that the minister now says he disagrees with. Is it therefore the minister's view that the Treasury modelling of the proposed Carbon Pollution Reduction Scheme is fatally flawed?

**Senator CARR**—I do not believe that the Treasury modelling of the Carbon Pollution Reduction Scheme is fatally flawed at all. I do not at all take that view. Senator Abetz, I maintain my optimism about the future of Australian manufacturing. What you are seeking to do, once again, is to run down manufacturing. Your whole problem, Senator Abetz, is that you have—

*Opposition senators interjecting—*

**The PRESIDENT**—Senator Carr, address your comments to the chair, and those on my left should allow Senator Carr to answer the question.

**Senator CARR**—The problem for the opposition is that they have no commitment to manufacturing. They have no commitment to growing opportunities for high-skilled, high-wage, high-quality jobs in manufacturing. The problem for the opposition is that they are stuck in the past. They are stuck with the view that what went on in the past necessarily has to go on in the future. We are in the business of providing the appropriate policy settings. (*Time expired*)

#### **DISTINGUISHED VISITORS**

**The PRESIDENT**—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the Republic of Kenya, led by the Speaker of the National Assembly, the Hon. Kenneth Marende MP. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I propose to invite the Speaker to take a seat on the floor of the Senate.

**Honourable senators**—Hear, hear!

#### **QUESTIONS WITHOUT NOTICE**

##### **Pensions and Benefits**

**Senator POLLEY** (2.41 pm)—My question is to the Minister for Human Services, Senator Ludwig. Can the minister please explain to the Senate why the government has lowered the deeming rates and what effect this will have on pensioners receiving payments through Centrelink?

**Senator LUDWIG**—I thank Senator Polley for the good question. The instability in the world financial markets has taken its toll on the investments held by Australian pensioners. The failure and diminishing value of

investments affect both the income and the assets of Centrelink customers. The government are closely monitoring the global financial impact. We have taken a number of concrete steps to ease the financial pressure on pensioners. Recent decreases in the official interest rate to 5.25 per cent mean that the social security system needs to be adjusted to take account of the decreased returns on deposits or other investments. Deeming rates are set to reflect returns on investments available to pensioners and other income support recipients.

On 9 November 2008, Minister Macklin announced that the government will lower the social security deeming rates by one per cent. The changes will be delivered by Centrelink, as the primary service delivery agency for government that is responsible for payments in the order of \$60 billion per year. The deeming rules are a central part of the social security income test and are used to fairly assess incomes for financial products. Deeming assumes financial investments are earning a certain amount of income regardless of the income they actually earn. However, as interest rates fall, the return available from cash based deposits will also fall as banks lower interest rates.

The government's decision acknowledges that many pensioners and social security recipients who also rely on own-source income have been adversely affected by the global financial crisis. This is a simple and fair way to assess the income from investments and will reflect the recent reduction in interest rates and the impact of the global financial crisis. The deeming rates will be lowered from four per cent to three per cent for the first \$41,000 of a single pensioner's financial investments, or \$68,200 for a couple, and from six per cent to five per cent for the balance over these amounts. This is good news for those Centrelink customers who are part pensioners.

As a result of these changes, less income will be assessed in respect of financial investments for Centrelink customers. Centrelink customers whose rate of payment is currently impacted by the amount of income they receive from financial investments will receive an increase in payment. The changes will come into effect from 17 November 2008 and will be applied to customers' payments automatically. Customers do not have to contact Centrelink. These measures will apply to all payments, allowances and income support supplements paid by Centrelink and the Department of Veterans' Affairs.

The lowering of the deeming rates means that part-rate pensioners paid under the income test with financial investments—mainly term deposits, shares, managed investments and other accounts—may receive an increase in their pension payment to reflect the reduction in their assessable income. It also means that some self-funded retirees whose deemed earnings meant that they were ineligible for a part-pension may now be eligible. This may be the case where their deemed earnings previously placed them just above the allowable income limits. Again, individual results are heavily dependent on individual circumstances. Self-funded retirees who think they may fall within this group should contact Centrelink. They should not—and I encourage them not to—self-assess. Pensioners already paid the maximum rate will have no change to their pension payments. The government will of course continue to act decisively to maintain the integrity and fairness of the social security system in the face of the ongoing events in the financial markets and the wider community. (*Time expired*)

**Senator POLLEY**—Mr President, I have a supplementary question for the minister. What else is the government doing to help pensioners affected by the financial global crisis?

**Senator LUDWIG**—I thank Senator Polley for the supplementary question. It does bring us to what the government is also doing in this area. In light of recent declines in the value of shares and managed investments, the government has also instructed Centrelink to undertake a system-wide re-evaluation of all shares and other financial assets held by pensioners to ensure that the new value of their holdings is used to determine the rate of pension they receive. The re-evaluation took place on the weekend of 1 and 2 November, and pension payments were affected from 3 November. Market data from mid-October has been used to update these assessment values. It ensures that pensions take into account recent market fluctuations. The process has updated the records of more than 840,000 customers who receive a pension from Centrelink, most of whom are age pensioners. The Australian government has taken action to ease the financial pressure on pensioners whose investments have taken a hit from the global—*(Time expired)*

#### **Automotive Industry**

**Senator JOYCE** (2.46 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Has the minister yet written to state and territory governments, as recommended by the Bracks review, requesting them to reduce stamp duties, reduce vehicle registration costs and reduce compulsory third-party premiums to facilitate more new car sales? What response has the minister received?

**Senator CARR**—The proposals that were contained in Mr Bracks's report by and large have been accepted by the government; the architecture of that report I think has been accepted in general terms. I have had preliminary conversations with the premiers of the two major car-producing states, Victoria and New South Wales.

*Senator Joyce interjecting—*

**Senator CARR**—I have not written to them. I indicate to you now, Senator, that I have not written to them. But of course I have indicated that we are forming a national innovation council on which the states will be represented and which will provide the opportunity to actually advance this agenda on an ongoing basis, because the first and foremost aim of this plan is to actually maintain and create jobs, not just in the car industry but in all of those industries that supply it and depend on it. When we talk about jobs in the car industry, we have to consider not just the 65,000 workers directly employed but the 200,000 or more workers who owe their jobs to this industry in one way or another.

Senator Joyce would be only too well aware of how important it is to maintain as many jobs in this industry as possible and of how important is this plan, which is about transforming the industry in ways that are able to generate new and sustainable jobs for the years ahead. We will be talking to the states about the ways in which we can green up the industry, which will inevitably change the nature of the work that it does and the nature of the jobs that it provides. There will increasingly be jobs which might be described as green-collar jobs, jobs with a future in a low-carbon economy—and all of the states that are associated with the car industry have a strong commitment to those.

This is a plan designed to give Australia a head start in developing fuel-saving and carbon-cutting technologies for the global market. Of course the states are very much interested in that because, as the demand for new technology grows, there will also be new job opportunities that will grow, Senator Joyce. The plan requires significant co-investment from the industry of up to \$18 billion—in fact, probably much, much more than that. The states will be involved in that. That has been the basis of my discussion with the premiers. We are serious about attracting the

kinds of investments that are needed to boost innovation, to create jobs and to provide certainty—unlike the opposition, which is all about saying anything and doing anything and undermining confidence, undermining jobs, undermining prosperity and undermining certainty for Australian working families. The opposition has not made up its mind as to whether or not it supports the automotive industry in this country.

**Senator Coonan**—Mr President, I have a point of order as to relevance. Senator Carr has had three minutes to deal with this question and he has not once mentioned reducing stamp duties, vehicle registration costs and compulsory third-party premiums to facilitate more new car sales and why he has not yet written to state and territory governments, as recommended by the Bracks review. That recommendation was accepted. He has had it for about three months. Would you direct him to be relevant.

**Senator Ludwig**—Mr President, on the point of order: what we have heard is a reiteration of the question. It is not appropriate to use the provision to say, 'I want to take a point of order,' and then re-ask the question. What it is all about and what we have heard from Senator Carr is an answer on point in respect of the question asked. That is what we have heard, so there is no point of order in respect of this issue. It should not be an opportunity to use a point of order as a way of putting up your question again in this chamber.

**The PRESIDENT**—There is no point of order. As you know, I cannot direct the minister to answer the question in a particular way. I can draw the minister's attention to being relevant to the question that was asked. The minister has 54 seconds left to answer the question.

**Senator CARR**—I have been relevant right through this answer. I have indicated

that I have had conversations with the premiers of South Australia and Victoria about the details of the Bracks review. I have also had conversations that go to the issue of their support for keeping this critical industry's capabilities in Australia. The premiers are very concerned about keeping the capabilities because this is so vital to Australian manufacturing, to job security and to the quality of life for Australian working people. It is a pity the opposition did not share that commitment. It is a pity the opposition was not more concerned about jobs. It is a pity the opposition was not more concerned about high-skilled, high-wage jobs instead of being committed to driving down wages, to maintaining job insecurity and to trying to terrify people—*(Time expired)*

**Senator JOYCE**—Mr President, I ask a supplementary question. I thank Senator Carr for the only relevant thing he has said, which is that he has not written to the respective ministers. Given that he has not written to them, maybe it will be easier now, given the 17 per cent collapse in new car sales in the segment as a result of Labor's luxury car tax increase. Will the minister also write to the Prime Minister and to the Treasurer to request a reduction in this ill-considered tax?

**Senator CARR**—I have indicated to the Senate that the premiers of South Australia and Victoria have indicated to me their commitment to the Australian automotive industry. They acknowledge just how internationally significant our international competitiveness is. They, of course, understand that Australia is a country that exports cars to every continent except Antarctica. They, of course, understand the importance of increasing the number of green-collar jobs, which have a future in a carbon constrained world. The government has a plan which has widespread support across the industry—except from the opposition, I might say—to restore confidence, to inspire creativity and

to get new projects going. That is what the premiers are interested in. They are ensuring that we keep this critical industry's capabilities in Australia. (*Time expired*)

#### **National Broadcasters: Board Appointments**

**Senator STERLE** (2.54 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate of the government's recently announced changes to the board appointments process for the national broadcasters, the ABC and SBS? How will the new process end political interference in the appointment of board members and restore integrity and independence to the boards of these important national institutions?

**Senator CONROY**—I thank Senator Sterle for that important question. The ABC and SBS are indeed two of Australia's most important public institutions. Their radio, television and online services entertain, educate and inform millions of Australians every day. They are among the most trusted and beloved organisations in the nation.

To move confidently into the future, the ABC and SBS must have a clear direction and strong leadership. On 16 October this year, the government announced new measures to build the strength and independence of our national broadcasters, including a new merit-based board appointments process and, in keeping with our election commitments, the reinstatement of the ABC staff-elected director. It is crucial that the ABC and SBS boards are able to respond to the challenges and opportunities of the emerging digital and online media environments. To this end, both organisations must have transparent and accountable governance processes.

The government's new board appointment process will ensure that all future appointments to the ABC and SBS boards are con-

ducted in a manner that fosters transparency, accountability and public confidence. Under the new board appointment selection process, board members will be appointed on the basis of merit. They will not be appointed on the basis of where they are on the former Prime Minister's Christmas card list. This will be a radical departure from the previous government's method of appointing board members. These long-overdue reforms to the national broadcasters' board appointments process will restore public confidence in these important cultural institutions.

This new process is already underway. Applications for four positions on the boards of the national broadcasters closed on 7 November and are now being assessed against publicly available selection criteria by a nominations panel. The four eminent Australians that make up the nominations panel will assess each application on merit and provide the government with a shortlist of not less than three candidates per vacancy. If the government appoints an individual not short-listed by the panel, a statement explaining why must be tabled in parliament. This requirement will further enhance the transparency of the process.

Where the appointment to be made is that of the chairman of the ABC, candidates will be subject to the same merit based process I have just outlined. In addition, the Prime Minister will consult the Leader of the Opposition before the government's preferred candidate for ABC chair is recommended to the Governor-General. This is important because the new tasks faced by the ABC are of such importance in that we are at a critical stage in the development of digital technology and the digital platforms that are being created. That is why it is so important to restore the integrity and the processes of the ABC. The future challenges of the ABC in the digital technology world are extremely

complex, and they will require careful consideration. (*Time expired*)

**Senator STERLE**—Mr President, I ask a supplementary question. Can the minister inform the Senate of other developments or initiatives that the ABC are undertaking with digital technology?

**Senator CONROY**—Thank you again, Senator Sterle. Senator Sterle's question goes right to the heart of why it is so important to get the board processes right. We do not need Australians to witness an unseemly slanging match about the board and the integrity of the ABC. We need Australians to have confidence that the charter is being implemented. We need Australians to have confidence because, as will be announced in the near future, the ABC are participating in the Freeview box project. Those who have experienced the Freeview box in the United Kingdom know that this is going to be one of the most exciting developments for TV viewers in many years. This will be akin to moving from black and white to digital. I know that many on the other side still prefer their black and white sets, but we are moving into the 21st century. This new box will deliver new channels, new content, new opportunities—(*Time expired*)

#### **Diplomatic Protocol**

**Senator BRANDIS** (3.00 pm)—My question is directed to Senator Evans, representing the Prime Minister. I refer to the leak to the *Australian* of the conversation between the Prime Minister and the President of the United States. I note that, if the conversation was leaked by a public servant without the authority of the Prime Minister, this would constitute a crime under section 70 of the Commonwealth Crimes Act; if by a ministerial staffer, a crime under section 79 of the Commonwealth Crimes Act. Why have the Australian Federal Police not been asked to

investigate this leak? Is it because in truth the Prime Minister was the leaker?

**Senator CHRIS EVANS**—I thank the senator for his question. I am not sure what the focus of the opposition Senate tactics committee is today, when you get the first question on a subject and they follow up with the last question on the subject! I assume that Senator Carr so effectively dealt with them on the cars issue that they were not prepared to go back to that again. While Senator Brandis—

*Honourable senators interjecting—*

**The PRESIDENT**—Order! Senator Evans, resume your seat. Those on my right: Senator Evans is entitled to be heard.

**Senator CHRIS EVANS**—Thank you, Mr President. While Senator Brandis's forensic legal question is obviously of great interest, it is based on the premise that there was a leak. The US government, the US ambassador and the Prime Minister have denied that the press report is correct. They have made it clear that the reported comment was never made and is inaccurate and that the matter, as far as they are concerned, is closed. Therefore, as the premise of the senator's question is inaccurate, I cannot help him with the line of questioning he wishes to pursue. Clearly, if the report is inaccurate, there is no question about staff members' activities or the AFP.

*Honourable senators interjecting—*

**The PRESIDENT**—Order! There needs to be quiet in the chamber on both sides.

**Senator BRANDIS**—I point out, through you, Mr President, to Senator Evans that what was denied was the assertion that the President of the United States was unaware of the G20. What was not denied, and what the Prime Minister has studiously avoided denying, was the proposition put to him—

**The PRESIDENT**—You need to ask a question, Senator Brandis.

**Senator BRANDIS**—If the Prime Minister was not the leaker, why has there not been a reference to the Australian Federal Police in relation to the undenied portions of this story?

*Senator Sherry interjecting—*

**The PRESIDENT**—Order! Senator Sherry, I would ask you to stop interjecting so I can call Senator Evans to finish question time.

**Senator CHRIS EVANS**—While Senator Brandis I think made a speech rather than asked a question, I refer him to my original answer, which was that the reports have been described as inaccurate by all parties involved and the matter has been declared as closed—and I do not quite understand the opposition's preoccupation with this question. Mr President, I ask that further questions be placed on the *Notice Paper*.

#### QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

##### Child Care

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (3.04 pm)—Yesterday I was asked a question by Senator Hanson-Young. I seek leave to incorporate further information on that matter.

Leave granted.

*The document read as follows—*

Further information in response to Senator Hanson-Young's Question without notice yesterday (Monday 10 November 2008) on ABC Learning Centres

Points taken on notice:

- When was the Minister first informed of the troubles with ABC Learning?
- Who are the members of the Child Care Industry Taskforce?

- Given a spokesperson for Minister Gillard has confirmed that Don Jones of 123 Careers has met with the Taskforce, what other stakeholders has the Taskforce entered into negotiations with?

#### Talking points:

The Government has been monitoring the developments of the financial difficulties at ABC Learning closely this year.

On September 24 the Deputy Prime Minister established the Child Care Industry Taskforce in her Department which immediately established contact with ABC Learning Directors and their lending syndicate

Up until 2 November ABC Learning Directors, and its lending syndicate were indicating that ABC Learning was aiming to trade itself out of current financial difficulties.

As Senators would be aware, ABC Learning was placed into voluntary administration and receivership on Thursday 6 November.

The Child Care Industry Taskforce is lead by Group Manager, Michael Manthorpe in the Department of Education, Employment and Workplace Relations. He is joined by other senior officers with experience in legal and financial matters, early child care and education policy and communications. The team is supported by various other areas of the Department and in regular contact with agencies across the Australian Government and the states and territories

The Taskforce continues to work closely with a number of ABC's significant stakeholders including the banking syndicate providing funds, the receiver, McGrath Nicol and the Administrator, Ferrier Hodgson, and the LHMU.

As Senators would be aware Parliamentary Secretary McKew is also in regular contact with early childhood education and care stakeholders.

She has been consulting with stakeholders since the election of the Rudd Government including more than 50 stakeholder meetings, 25 child care centre visits and forums have been held in each state and territory.



A Forum with around a dozen peak national child care organisations is being held in Canberra today. The agenda also includes a discussion of the ABC Learning situation.

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

**Manufacturing**

**Automotive Industry**

**Senator ABETZ** (Tasmania) (3.05 pm)—  
I move:

That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked today.

The Minister for Innovation, Industry, Science and Research has once again highlighted the reason why he should not be in the ministry, let alone in the cabinet. His ineptness in question time today was highlighted by his incapacity to answer a single question that was put to him, other than this one: ‘Does the minister agree that Australian manufacturing is expected to continue its historical decline over coming decades?’ He was very definite on that. The answer was no—absolutely, no—and then he went on some tirade. Embarrassingly for this government, the statement that I included in my question was lifted word for word out of the Labor government authorised document on which the Labor Party seeks to build its emissions trading scheme.

So what we have had highlighted today is the Australian Labor Party in full flight with its spin—talking down manufacturing to promote its emissions trading scheme but talking up manufacturing when talking about industry. You see, the government cannot have it both ways. They speak to the Australian people with a forked tongue. They speak out of one side of their mouth when it comes to emissions trading and out of the other side of their mouth when it comes to the manufacturing sector. To use a term employed by

the Prime Minister, he has to level with the Australian people and actually tell them what the government believe. You cannot have this spin, which is so diametrically opposed in two separate portfolio areas. The government have to bring the spin together and tell us what the actual substance is. Either they support the Treasury modelling, and therefore say that that is a sound foundation for their emissions trading scheme, or they reject it—as Senator Carr, the minister for industry, did during question time—and thereby undermine their whole emissions trading scheme.

But of course it does not come as a surprise to those of us on this side of the chamber that Senator Carr has got himself into this great difficulty, because these people only consider spin; they are never worried about substance. *A new car plan for a greener future* is a wonderful 21-page document, we are told—until you realise that page 2 is blank, page 4 is blank and page 12 is blank. They have put blank pages in this document to try to pad it out a bit, to try to give it substance. But when you ask, ‘Where is the substance?’ there is a chapter called ‘The details’. I started to get excited. I thought ‘The details’ would put some meat onto the bones. So in this 21-page document—in fact, it is only an 18-page document—the details are contained not in 12 pages or 15 pages but in three pages, in a chapter called ‘The details’ on pages 9, 10 and 11. So Labor say to the Australian people, ‘We have the details in three pages for the spending of \$6.2 billion’—that is at the rate of over \$2 billion per page. And the government say, ‘We’ve got a serious plan for the car industry.’ Of course they do not—and they know it. That is why this pathetic document has to be padded out with three blank pages, to try to make it weighty—to give it some weight in the event that somebody actually were to put it onto a set of

scales. Of course, the real scale that this document is going to be weighed on and measured against is that of its results. We had the minister claiming all sorts of wonderful results today—and we will keep him to that.

But I will return to the point on which I started, and it is this: the government have today been caught out by their own over-spinning. Sure, they love taking the egg beater to any issue and trying to whip it up, but today the meringue has collapsed on them. It has absolutely collapsed on them, and in fact it is all over Senator Carr's face because he spun a bit too much and what he said today in question time is a complete contradiction of that which the government is relying on to sell its emissions trading scheme. I invite the Prime Minister to intervene to sort out this mess, to give some certainty to the car industry and also some certainty to the government's approach to the emissions trading scheme.

**Senator MARSHALL** (Victoria) (3.10 pm)—That contribution by Senator Abetz really just demonstrates the absolute poverty of the position of the opposition in respect of this issue. For five minutes we heard Senator Abetz complain about the government having confidence in the manufacturing industry. The fact that we had confidence in the future of the manufacturing industry seemed to upset Senator Abetz so much that he felt he had to get up on his feet for five minutes and attack us for the audacity of having confidence in one of the major industries in this country—one that contributes over 10 per cent to Australia's economy. How dare we have confidence in this economy! And I guess that demonstrates the position that the opposition used to have when they were in government. They did not care about the manufacturing industry. They did very little to support it. They never had a plan for anything. And they want to attack us because we

have a plan, we have a strategy and we have a vision for the manufacturing industry.

We do not want to be part of a country that makes nothing. But that is what the previous government, now the opposition, set us on a course to achieve: to be a country with no plan, no vision, no strategy and no hope. That was their vision for Australian manufacturing, but it is not this government's vision. We are proud of standing up for manufacturing and we are proud of the announcements that were made yesterday, specifically on the vehicle industry—and I will go through some of those in a minute. All the previous government did was to throw some token money at an industry. Did they say to the industry: 'We want to help you develop into new technologies; we want to help you take the next step; we want to help you position yourself for the next decade, the next two decades, the next 50 years, for the sake of our kids' jobs, for the sake of our industry, for the sake of working families'? No, there was none of that. It was simply a case of throwing a bit of money here and there, with no plan for the industry, no assistance. It was a pathetic response from them when they were in government, and what a pathetic response we just heard from Senator Abetz, attacking what is a most visionary plan—the comprehensive industry strategy plan that has been outlined by Senator Carr and is 100 per cent supported by the Prime Minister.

A New Car Plan for a Greener Future will provide \$6.2 billion in assistance over 13 years. It will revitalise an industry that is critical to the Australian economy and the Australian community. It demonstrates the government's commitment to manufacturing, its commitment to innovation and its commitment to providing Australia with high-quality, high-skill, high-wage jobs—something the previous government, now the opposition, represented by Senator Abetz, simply do not care about and have discarded.

Their view of the industry when they were in government was that it had no hope—‘Don’t worry about it.’ That was a shameful position and it was a shameful performance by Senator Abetz in this place today.

Labor’s A New Car Plan for a Greener Future consists of a new, better-targeted, greener assistance program called the Automotive Transformation Scheme, which will run from 2011 to 2020 and provide \$3.4 billion to the industry, not just as a handout but in strategic placement to generate investment to ensure that the car companies investing in this country invest in new technologies and place this industry—and place Australia, by placing this industry—at the forefront of technology and at the forefront of manufacturing. That is our vision—a vision that we wish was shared by the opposition.

Senator Abetz came in today and asked the question:

Does the minister agree that Australian manufacturing is expected to continue its historical decline over coming decades?

When the minister answered no, Senator Abetz was upset because there was previous Treasury modelling that indicated that there may continue to be some decline. But that does not take into consideration the massive investment that we announced yesterday. We announced that because we have confidence and we are going to put in a plan to make sure that that historic decline, which happened under the previous government’s watch, does not continue. What did we see? Senator Abetz got up and said, ‘But it will continue.’ He was disappointed that this government does not share that pessimism. He was absolutely devastated that this government does not share that pessimism. He wanted to score a point by saying that we were wrong; we should be pessimistic about the industry. That is what he wants. That is what he sees as a victory because that is what

he stood for when in government and that is what he stands for now as shadow minister for industry. It is a shameful performance and he should hang his head in shame. (*Time expired*)

**The DEPUTY PRESIDENT**—I call Senator Joyce.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (3.16 pm)—Thank you, Mr Deputy President.

**Senator Marshall**—You’re just as bad, Bananaby.

**Senator JOYCE**—I think that interjection is a breach of standing order 184, Senator Marshall. So if you want to retract it, you can.

**Senator Minchin**—Mr Deputy President, I rise on a point of order. Senator Marshall, who generally is regarded with some respect on this side of the chamber, is guilty of a significant breach of etiquette in this place in interjecting across the chamber when Senator Joyce had only just risen to his feet. Senator Marshall used what I think are insulting references to Senator Joyce, and I think you ought to ask him to retract his remarks.

**The DEPUTY PRESIDENT**—I apologise, but I was in conversation with the Manager of Opposition Business when Senator Joyce started his remarks, so I did not hear what Senator Marshall said. If Senator Marshall feels that he should withdraw the remarks then I invite him to.

**Senator Marshall**—If other senators are offended, I am happy to withdraw.

**Senator JOYCE**—We heard Senator Marshall say that they have a plan, they have a vision and they have a strategy. Unfortunately, we are relying on their previous form in how they are going to deliver this. That is the problem with the Labor government—their form in delivering things is so fundamentally misguided. We have had a clear

example lately of Labor Party form. We saw Labor Party form with the \$10.4 billion stimulus package, which was delivered with no homework. That figure was just plucked out of thin air. Is this the sort of form, substance and diligence that has gone into this program? We saw the form of the Labor government with the bank guarantee, and now we see the fallout of that form being delivered as a complete insult to the car industry. We now have trouble with organisations like GMAC and GE. Finance for the purchase of Australian cars has fallen through the floor because of the form of the current Labor government and their complete and utter ineptitude in the delivery of these packages. It is Labor Party form and 'diligence' that is leading the Australian car-manufacturing industry into a period of crisis. The Labor government delivered the luxury car tax, which has actually brought a reduction in the sales of Australian manufactured cars. It is this Labor Party form that we query.

The coalition has a complete record in supporting the manufacturing industry. In fact, one of the greats of my party, 'Black Jack' McEwen, was instrumental in bringing structure and support to the Australian car-manufacturing industry in 1963. McEwen talked about bringing about effective and stable protection of employment and investment in this area. Our position and our history of looking after the car-manufacturing industry are absolutely on the board. I find it completely insulting to hear Senator Marshall talk about the investment that the coalition government put into the manufacturing industry as tokenism and throwaway money. That is a sign of the imprudence and improvidence that characterise this government.

It also will be interesting to see the form of the Labor government when it comes to the emissions trading scheme and how it will affect the manufacturing industry. How many

more jobs are you going to send overseas because of your form, your lack of diligence and your tokenism in the way these plans are delivered? The coalition's argument is not about support for the car-manufacturing industry—it never was. The argument, as always, is about the Labor Party's capacity to be diligent, to be prudent, to put the homework in and to deliver a package that actually has efficacy and an outcome. There is nothing in the form of the current Labor government that they can clearly put their hand on and say, 'We delivered a well thought out and specific outcome that can be judged by results.' There is not one result that this Labor government can put on the books. They have the highest inflation rate and the highest interest rates. Unemployment is going through the roof and manufacturing jobs are leaving our shores. Their form is in their score, and their score is disastrous for our nation. How long will they go on delivering this belief in some nirvana that is waiting out there for us, when they completely and utterly lack any capacity to deliver an outcome for our nation now? We will judge this as it comes before Senate inquiries, and I will bet London to a brick that Labor's form in this package matches precisely their form in the other packages that they have brought to this nation.

**Senator FURNER** (Queensland) (3.22 pm)—Talking about form, I think the Labor Party and the government can speak on our merits and also on our decisive action to make sure that we do not slip into any desperate steps. Obviously, the opposition does not appear to be onside on this point. Global financial systems are experiencing the most significant upheaval in living memory. Here we have the opposition trying to tear things down and trying to throw rocks in a situation where we are able to put security and confidence back into the economy by putting forward legitimate proposals such as the \$6.2

billion Green Car Innovation Fund, which was announced yesterday. It balances the economy and the environment.

This is one of the initiatives that we have considered and contemplated to ensure that we provide prosperity in the future for working families. It will help ensure that our economy emerges in strong shape so that we can provide quality jobs and security for working families into the future. This package will result in over \$16 billion of additional investments by the automotive sector. It is not about the government putting money forward for a foolhardy suggestion; it is a bipartisan arrangement, with the industry putting money back in, which is essential for both the climate and the economy.

The auto-manufacturing industry is no doubt the pinnacle of manufacturing in Australia. I will go through some of the elements of the plans. We will have an expanded Green Car Innovation Fund of \$1.3 billion, brought forward to 2009 and running over 10 years; we will have a better targeted and greener \$3.4 billion assistance program for the Automotive Transformation Scheme, the ATS; we will have changes in the Automotive Competitiveness and Investment Scheme in 2010, consistent with the Bracks review; and we will have \$116.3 million to provide structural adjustments through mergers and consolidation of the components sector and to facilitate labour market adjustments. There will be \$20 million from 2009 to 2010 to help suppliers. They are also an important aspect of the manufacturing industry, particularly the car-manufacturing industry. There will be \$6.3 million from 2009 through to 2010 for an enhanced market access program, and a new Automotive Industry Innovation Council to bring in key decision makers to drive innovation and reform. Lastly, there will be a \$10.5 million expansion of the LPG vehicle system, which dem-

onstrates our commitment to a greener world and greener society.

That is the form. Those are the plans that the government has in place to enhance and provide a stimulus in the market where it is needed and when it is crucial. It is a new deal for Australian car makers and a new deal for Australian car buyers. We seem to have the states that are relevant to this industry, South Australia and Victoria, on board and we seem to have the employer organisations, like the ACCI, on board. But we look across the chamber here and it appears that we have opposition from that side with respect to stimulating the market. I do not know where they are coming from, because the plan is one of the most crucial parts of our sustained ability to prosper in the future.

The Australian Chamber of Commerce and Industry have indicated that they are well and truly supportive of this initiative. They have indicated that the plan will promote technology and development and improve the skills base of the automotive sector. They also indicated that it will help the industry to increase its responsiveness in changing market conditions, especially the increased demand for more fuel-efficient vehicles. This is the path we should be going down to ensure that this particularly crucial industry is protected. It reflects our determination to create high-quality, high-skilled, high-wage jobs—the kind of jobs that Australians want for themselves and for their children. It reflects our desire to give Australians greener, safer, more affordable vehicles and choices. Talking about jobs, the car-manufacturing industry employs 64,000 people directly and an estimated further 200,000—(*Time expired*)

**Senator FISHER** (South Australia) (3.27 pm)—I rise to take note of answers given by Senator Carr. A globally competitive car-manufacturing sector is clearly important to

the Australian economy and to jobs. The Howard government invested \$3.8 billion in the sector over the six years from 2001 to 2007 to ensure just that. But yesterday's 'Rudd rescue' was bereft of detail as to how it will ensure a globally competitive car-manufacturing industry—an industry that will increase its own investment in the industry in Australia and stand on its own two feet to deliver world-standard cars and provide jobs for Australians.

How will the 'Rudd rescue' guarantee that? Minister Carr and the Prime Minister will not guarantee it because they know they cannot. 'Rudd's rescue' is not an evidence based plan, despite the Prime Minister's promises to the Australian electorate to deliver just that; it is an ill-camouflaged appeasement of Labor's union mates. It has been dressed up as a response to climate change and to the global financial crisis—a global financial crisis that Prime Minister Rudd says means that the year 2009 will get a bit rough. Well, it is a rough response to the rough year into which we are heading. It is a rough response and a rough rescue with no empirics, no evidence and little information. It seeks refuge in the refrains of climate change and the global financial crisis in an attempt to silence the critics of 'Rudd's rescue', and we saw in question time a valid basis for this criticism. The minister refused to answer a question from your good self, Mr Deputy President Ferguson, about whether the Rudd rescue package will save jobs in the sector. Instead we heard Senator Carr say that the Rudd government does not make promises it cannot keep. What a concession, what an admission. The Rudd rescue package will not save jobs in this sector—and tragically so. The Rudd government knows it to be so. But worse than that was Minister Carr's answer to a further question from your good self, Mr Deputy President, about how many jobs will be lost in the sector. If jobs

are not to be lost, why does the Rudd rescue package set aside some \$34 million for a car worker redundancy scheme, and on what basis has that package been calculated?

In question time the government failed to provide empirical evidence to underpin the Rudd rescue package. The minister said that, since the escalation of the global financial crisis on 15 September this year and the collapse of Lehman Brothers, he has not personally spoken to the US heads of Ford or General Motors about the capacity or willingness of those companies to invest in Australia's car manufacturing sector on a three to one basis. So how can the government claim that the Rudd rescue package will deliver increased investment by the industry in the industry itself in Australia? They simply cannot. The minister says instead that, despite his not having spoken personally to the heads of those two companies since 15 September, there have been discussions with the corporate leadership of those companies. So what, then, are the guarantees that have been delivered by those companies on investment in Australia's car manufacturing sector? On that question, the minister says that the companies have written to the government. Well, Minister, release that written correspondence to the Australian public. The government must release the letters which the minister himself admits have been written by Ford and GM in respect of this issue. If the government refuses to do so then we will continue to see a Rudd rescue plan which is no better than a rough plan to deal with a rough year ahead.

Question agreed to.

#### **Internet Filtering**

**Senator LUDLAM** (Western Australia) (3.32 pm)—I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a

question without notice asked by Senator Ludlam today relating to Internet filtering.

I want to briefly comment on the response by the Minister for Broadband, Communications and the Digital Economy to my question earlier about mandatory internet filtering. The reason I put the question to the minister in the form that I did was to clarify whether the government's intention is to provide an opt-in internet filtering system in Australia for concerned parents or other people who might want to provide a filtered internet system for their families or for themselves, or whether the minister intends to go down the track of a mandatory feed. With some regret, I must admit that the minister's comments have caused a great deal of concern. He has, probably inadvertently, muddied the waters quite substantially about the system that the government is proposing.

In estimates hearings on 20 October the minister listed a number of countries as trialling or having in current use mandatory internet filters. He listed a number of countries, including the UK, Canada and those that I mentioned in my question earlier. The reason I put the question to the minister in the form that I did is that none of those countries—the United Kingdom, Canada, Sweden, Norway, New Zealand and Finland—has mandatory content blockers on its service providers. That is not even under trial in these places. It was trialled briefly, I believe, in Sweden, but it was optional, not mandatory, and that was embroiled in controversy last year when police tried to add certain kinds of peer to peer trackers to the list of what were meant to be simply child pornography sites. So we immediately saw the proposed expansion of the list that was being run in Sweden by police for completely unrelated purposes. I would put it to the minister—and I hope he would agree—that the list of countries which have mandatory filtering is not one that we particularly want to join. I

am speaking of Iran, China, Saudi Arabia, India, Burma and some other countries. These countries are in many ways highly repressive, and I do not think that is a precedent we want to follow in Australia.

The problem with the concern and alarm that has been raised in the online community is that the minister has been very careful not to clarify what kind of system the government is proposing for use in Australia. We saw the same rather evasive approach in response to my questions earlier. All we are really after from the minister is, firstly, a retraction of the statements that he made before the estimates committee on 20 October, because quite clearly the story has changed—and at least that is quite welcome. The minister is not proposing that the countries that he listed a couple of weeks ago have mandatory content blockers. Also, we would like a clarification of what the government intends. What the minister said in the press was that, when this trial is proved successful, the government will move to institute such a system in Australia and that the process will be consultative. I do not see a great deal of consultation going on. The process is just rolling out, and a great deal of concern has reached my office and I presume also the minister's office. So I would really appreciate some of those concerns being taken seriously.

Question agreed to.

#### CONDOLENCES

##### Mr Cecil Allen Blanchard

**The PRESIDENT** (3.36 pm)—It is with deep regret that I inform the Senate of the death on 25 October 2008 of Cecil Allen Blanchard, a member of the House of Representatives for the division of Moore, Western Australia, from 1983 to 1990.

**NOTICES****Withdrawal**

**Senator WORTLEY** (South Australia) (3.36 pm)—Pursuant to notice given at the last day of sitting, I now withdraw the following business of the Senate notices of motion standing in my name: No. 1 for eight sitting days after today; Nos 1 and 2 for nine sitting days after today; and No. 2 for 10 sitting days after today.

**Presentation**

**Senator Ronaldson** to move on the next day of sitting:

That the Senate—

- (a) notes the importance of the Australian National Academy of Music as a unique institution for the cultivation of Australia's finest classical musicians;
- (b) deploras statements by the Minister for the Environment, Heritage and the Arts (Mr Garrett) casting aspersions on the efficiency and effectiveness of the academy; and
- (c) calls on the Government immediately to reinstate Commonwealth funding to the Australian National Academy of Music for the 2008-09 financial year in the amount of \$2 545 000, as originally promised by the Rudd Government.

**Senator Ludwig** to move on the next day of sitting:

That the days of meeting of the Senate for 2009 be as follows:

**Autumn sittings:**

Tuesday, 3 February to Thursday, 5 February

Monday, 23 February to Thursday, 26 February

Tuesday, 10 March to Thursday, 12 March

Monday, 16 March to Thursday, 19 March

**Budget sittings:**

Tuesday, 12 May to Thursday, 14 May

**Winter sittings:**

Monday, 15 June to Thursday, 18 June

Monday, 22 June to Thursday, 25 June

**Spring sittings:**

Tuesday, 11 August to Thursday, 13 August

Monday, 17 August to Thursday, 20 August

Monday, 7 September to Thursday, 10 September

Monday, 14 September to Thursday, 17 September

**Spring sittings (2):**

Monday, 26 October to Thursday, 29 October

Monday, 16 November to Thursday, 19 November

Monday, 23 November to Thursday, 26 November.

**Senator Ludwig** to move on the next day of sitting:

- (1) That estimates hearings by standing committees for 2009 be scheduled as follows:

**2008-09 additional estimates:**

Monday, 9 February and Tuesday, 10 February 2009, and, if required, Friday, 13 February 2009 (*Group A*)

Wednesday, 11 February and Thursday, 12 February 2009, and, if required, Friday, 13 February 2009 (*Group B*).

**2009-10 Budget estimates:**

Monday, 25 May to Thursday, 28 May 2009, and, if required, Friday, 29 May 2009 (*Group A*)

Monday, 1 June to Thursday, 4 June 2009, and, if required, Friday, 5 June 2009 (*Group B*)

Monday, 19 October and Tuesday, 20 October 2009 (*supplementary hearings—Group A*)

Wednesday, 21 October and Thursday, 22 October 2009 (*supplementary hearings—Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the



allocation of departments and agencies to committees agreed to by the Senate.

- (3) That committees meet in the following groups:

**Group A:**

Environment, Communications and the Arts

Finance and Public Administration

Legal and Constitutional Affairs

Rural and Regional Affairs and Transport

**Group B:**

Community Affairs

Economics

Education, Employment and Workplace Relations

Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:

- (a) Tuesday, 17 March 2009 in respect of the 2008-09 additional estimates; and  
 (b) Tuesday, 23 June 2009 in respect of the 2009-10 Budget estimates.

**Senator Siewert** to move on the next day of sitting:

That the Senate—

- (a) notes that:

- (i) the week beginning 16 November 2008 is National Skin Cancer Action Week,  
 (ii) Australia has the highest incidence of skin cancer in the world,  
 (iii) within Australia, Queensland has the highest rate of skin cancer, followed by Western Australia,  
 (iv) skin cancers currently account for 80 per cent of all newly diagnosed cancers,  
 (v) more than 1 600 Australians die from skin cancer each year,  
 (vi) an estimated 950 000 visits to general practitioners each year are for the treatment of preventable non-melanoma skin cancers, and

- (vii) annually, 281 new melanoma cases, 43 melanoma-related deaths and 2572 new cases of squamous cell carcinoma are attributable to the use of solararia; and

- (b) calls on the Government to:

- (i) support the recommendations of the Australasian College of Dermatologists and Cancer Council Australia by working with the states towards effecting tighter regulation of solararia, and  
 (ii) implement and fund an ongoing national level skin cancer prevention campaign.

**Senator Ludlam** to move on the next day of sitting:

That the Senate—

- (a) notes:

- (i) that the recent report by the Select Committee into Housing Affordability in Australia, *A good house is hard to find: Housing affordability in Australia*, indicated that the community housing sector could play a crucial role in the provision and management of affordable housing,  
 (ii) that the National Rental Affordability Scheme (NRAS) could be part of a range of measures to increase housing affordability and address homelessness, including increasing government funding for social, community and public housing, improving protection for tenants and reviewing Commonwealth Rent Assistance, and  
 (iii) a recent ruling and comments by the Australian Taxation Office (ATO), suggesting that charitable organisations seeking to take part in the NRAS could jeopardise their charitable status; and

- (b) calls on the Government to:

- (i) direct the ATO to provide a letter of assurance to NRAS applicants that guarantees their participation in NRAS will not cause the ATO to review or revoke their charitable status,

- (ii) introduce legislative measures to ensure that not-for-profit organisations involved in NRAS do not lose their charitable tax status, and
- (iii) provide a statement of intent from the Treasurer (Mr Swan) to deem the not-for-profit provision of affordable housing as a charitable purpose under tax law.

**Senator Ludlam** to move on the next day of sitting:

That the Senate—

- (a) notes the uranium study conducted by NewsPoll for the Australian Conservation Foundation over the weekend of 1 November and 2 November 2008, which shows that:
  - (i) Australians are 2:1 against uranium exports to countries with nuclear weapons,
  - (ii) 40 per cent of Australians are against the export of Australian uranium to any country for use in nuclear power plants for electricity generation,
  - (iii) a majority of Australians in every state are opposed to uranium exports to countries with nuclear weapons or against any uranium exports at all, and
  - (iv) results show 48 per cent of women are against uranium exports to any country, and a total of 73 per cent of women are against uranium exports to countries with nuclear weapons that have signed the Nuclear Non-Proliferation Treaty; and
- (b) calls on the Government to take this strong indication of public opinion into account as it makes a decision on the clear recommendations provided by the Joint Standing Committee on Treaties on the Australia-Russia uranium agreement signed by former Prime Minister Howard and the then President Putin in 2007.

#### LEAVE OF ABSENCE

**Senator PARRY** (Tasmania) (3.38 pm)—by leave—I move:

That leave of absence be granted to Senator Kroger for 11 November and 12 November 2008 for personal reasons..

Question agreed to.

#### COMMITTEES

##### Community Affairs Committee

##### Reference

**Senator PARRY** (Tasmania) (3.38 pm)—At the request of Senator Heffernan, I seek leave to amend business of the Senate notice of motion No. 1.

Leave granted.

**Senator PARRY**—I move the motion as amended:

That the following matter be referred to the Community Affairs Committee for inquiry and report by the last sitting day of 2009:

The impact of the granting of patents in Australia over human and microbial genes and non-coding sequences, proteins, and their derivatives, including those materials in an isolated form, with particular reference to:

- (a) the impact which the granting of patent monopolies over such materials has had, is having, and may have had on:
  - (i) the provision and costs of healthcare,
  - (ii) the provision of training and accreditation for healthcare professionals,
  - (iii) the progress in medical research, and
  - (iv) the health and wellbeing of the Australian people;
- (b) identifying measures that would ameliorate any adverse impacts arising from the granting of patents over such materials, including whether the Patents Act 1990 should be amended, in light of any matters identified by the inquiry; and
- (c) whether the Patents Act 1990 should be amended so as to expressly prohibit the grant of patent monopolies over such materials.

Question agreed to.

**BUSINESS****Withdrawal**

**Senator MILNE** (Tasmania) (3.39 pm)—  
I move:

That general business order of the day No. 53, relating to the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008, be discharged from the *Notice Paper*.

Question agreed to.

**RENEWABLE ENERGY AMENDMENT  
(FEED-IN-TARIFF FOR  
ELECTRICITY) BILL 2008**

**First Reading**

**Senator MILNE** (Tasmania) (3.40 pm)—  
I move:

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.

Question agreed to.

**Senator MILNE** (Tasmania) (3.40 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 MILNE** (Tasmania) (3.41 pm)—  
I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill and to have the second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows—*

**RENEWABLE ENERGY AMENDMENT  
(FEED-IN-TARIFF FOR ELECTRICITY)  
BILL 2008**

Australia has immense, untapped renewable energy resources of sun, wind, heat and water. We

have some of the top researchers in the world. We have tremendous community support to make the switch from a coal-based economy to a new, zero-emissions, renewable energy economy. With the right policy settings and the right political will, we can make it happen. This bill is a key first step to making a renewable Australia a reality by rewarding anybody who invests in renewable energy with fair pay for the clean energy they generate.

The purpose of the Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008 is to amend the Renewable Energy (Electricity) Act 2000 to establish a national feed-in tariff (FiT) scheme. The objective of the FiT scheme is to provide reliable, long-term financial support for the commercialisation of a range of renewable energy technologies, both large and small. It is particularly intended to help those that are generally unsupported by the existing mandatory renewable energy target scheme or short term ad-hoc rebate policies such as the Solar Homes and Communities Program.

The bill is a revised version of my first feed-in Bill, with a number of changes resulting from lessons learnt during the Senate Environment, Communications and the Arts Committee inquiry into the earlier bill. I'll come to those changes shortly.

First I'd like to thank those who made submissions or attended hearings during the committee inquiry. It is quite clear, as rightly recognised in the Committee report, that there is overwhelming support for a gross national feed-in law in Australia.

This overwhelming support is not surprising given that the renewable energy boom we are now seeing in many nations around the world is unambiguously attributable to renewable energy feed-in laws. The principal reason for this success is investor certainty - a feed-in law provides the certainty homeowners, farmers, businesses or anyone else needs in order to borrow the up-front cost of a renewable energy system, because they know that the income generated by system will meet the loan repayments.

The Greens' strong support for feed-in laws does not mean that we don't also support the Mandatory Renewable Energy Target. Rather we believe

they are compatible and complementary. The MRET should be retained because it provides a backstop, minimum level of renewable energy. The effect of MRET, however, is to support whatever renewable energy technology is currently the cheapest – in practice that mainly includes wind energy and solar hot water systems. By contrast, feed-in laws are tailored to support renewable energy that has a good prospect of becoming competitive in the future – these may include solar thermal, geothermal, solar PV, biomass, tidal, wave and so on. It is important to support a range of technologies for two reasons. First, it is not possible to be certain which technology will end up being most successful and second, because ultimately if we are to rely completely on renewable energy we will need at least a few technologies working together. When the sun isn't shining we will need to be producing energy from other sources, such as wind, stored solar thermal, geothermal, biomass, wave etc.

Since the committee inquiry there have been a number of noteworthy developments. For example in October 2008, the international accounting firm, Ernst & Young, released a report which concluded that Germany's system of feed-in tariffs delivers more renewable energy at lower cost to consumers than Britain's Renewable Obligation and its certificate trading system. This conclusion challenges the common misconception that feed-in tariffs cost consumers more than so-called "market-friendly" policies, such as tendering and certificate trading systems. Perhaps not surprisingly this was followed last week by the announcement that Britain's Labor government will now consider a proposal for feed-in tariffs for renewable energy systems up to 3MW. This represents something of an ideological breakthrough because the UK, like Australia, had been a strong supporter certificate trading systems (such as the MRET). In other words, what the Greens are proposing is exactly what the British Government is now proposing. If the Australian Greens can't persuade the Rudd Government maybe Gordon Brown can.

Despite the strong support for a feed-in law expressed in the inquiry, the position of both the Government and the Opposition is to simply refer consideration to COAG. This is a deliberate strat-

egy to delay action because, as the Government knows perfectly well, many of the States have recently introduced FiT legislation – albeit very poorly designed schemes – and they will be reluctant to now alter these schemes. A COAG harmonisation will be at best a recipe for a lowest common denominator scheme. At worst it will mean no action at all with years of deadlocked negotiations.

All State and Territory schemes, with the exception of the ACT, have a number of fatal flaws, the worst of which is the so called 'net metering'. Net metering schemes only pay the premium tariff on the net quantity of electricity exported to the grid after accounting for in-home consumption. This contrasts with gross metering schemes, under which owners receive the premium tariff for all electricity produced by their systems (whether consumed at home or exported). The very significant advantage of gross metering systems is that owners and lenders can reliably estimate the value of the renewable energy their system will produce. This is much more difficult with 'net metering' systems – which explains why no scheme outside of Australia uses the net-metering approach. It also significantly increases the time needed for the investment to be paid back, reducing the incentive to invest. Net metering, frankly, is a deliberate attempt to set up a 'Clayton's' scheme which looks like a feed-in tariff but does nothing.

A second major problem with most of the State schemes is that they support only solar photovoltaic energy. This is a major restriction. Most schemes around the world provide feed-in tariffs to a range of renewable energies to promote diversification and to maximise the chances of a real breakthrough in the commercialisation of one or more technologies. Again the ACT scheme is better than the other states because it offers feed-in tariffs for technologies other than just photovoltaics, namely wind and solar thermal.

A third major problem with most of the existing State schemes is that only small scale renewable energy generators are eligible to participate in the scheme. This too is a significant deviation from the successful European models. Why would we want to limit the potential of the scheme in this way? The Greens believe that both large and

small scale renewable energy generators should be eligible to participate. Once again only the ACT has got this design aspect right.

The Government's attitude to renewable energy policies reflects a lack of appreciation of just how urgently, and just how rigorously, we need to reduce greenhouse gas emissions. Soon we will need to have a zero emissions electricity sector because achieving significant emission cuts in other sectors is more expensive. Evidence that the Government still doesn't understand the gravity of the climate change emergency is that it clings to the outdated emission reduction target of 60% by 2050. That's a long way behind the new targets of the UK and USA – 80% by 2050 – and even these nations are behind the science which clearly says that net zero emissions are required as soon as possible.

The federal government's primary argument against feed-in schemes seems to be that the cost of the scheme will negatively impact low income households. Whilst there will be an impact on households, the experience from abroad indicates the impact is very slight and manageable. The key is to compensate through energy efficiency offsets such as proposed by the Greens through the retrofit of the nation's housing stock. Even a cost impost of a couple of dollars per month on each household can raise enough revenue for a very effective scheme. Furthermore, it must be acknowledged that the MRET and the yet to be introduced emission trading scheme also inevitably impact on low income households. Compensation is necessary, but easily achievable through either the income tax and welfare systems, through the distribution of the revenue raised by the sale of permits in the emission trading scheme, or through investment in energy efficiency roll-outs to save householders money on their energy bills. The question isn't will there be a negative impact on low income households as this can be offset. The question is, are feed-in schemes an effective way to kick-start the vital renewable energy sector? The answer is clearly yes.

So to this bill.

Like the first version, this bill would go further than the approaches recently taken by Australian states by:

- (1) allowing the Minister to apply a feed-in tariff to any technology, not just solar photovoltaics;
- (2) ensuring that the feed-in tariff is applied to all renewable electricity generated, not just that component which is exported to the grid, which in the case of domestic photovoltaic systems may be negligible. The Victorian and South Australian feed-in tariff schemes are particularly weak in this regard; and
- (3) establishing a national register which will yield valuable information about the effectiveness of the various renewable energy technologies supported.

The main changes to the first Bill include:

- (1) Requiring that, in the case of small to medium sized renewable energy generators (i.e. those with an installed capacity of less than 1 MW), the process of reading electricity meters and the rebate of the FiT rates will be the responsibility of the electricity retailers.
- (2) Allowing owners of existing renewable energy generators (i.e. those installed before Royal Assent) to be eligible to receive FiT rate rebates and payments.
- (3) Requiring the FiT rate payments to be paid at least quarterly instead of annually and the FiT rate rebates to be rebated at the same time as an electricity bill is rendered to the owner.
- (4) Allowing the Minister to reduce to the FiT rate applied to any particular technology without waiting five years, but at a maximum rate of reduction of 5% per year.
- (5) Clarifying that extensions to existing registered renewable energy systems will not be treated as new systems for the purpose of eligibility for rebates and payments.
- (6) Removing 'wood waste' as a renewable energy source due to the uncertainty about whether, in many instances, this source is genuinely renewable.

In summary the scheme is intended to operate as follows:

#### **Feed-in-Tariff Rates**

- (i) It is the responsibility of the Minister for Climate Change to set a FiT rate for any of

renewable energy technology listed in section 17 of the Act, except 'wood waste', each year.

- (ii) In setting the FiT rates it is the objective of the Minister to support the economic viability of electricity generation from a range of prospective renewable energy technologies. To achieve this, the Minister may vary FiT rates according to the type and location of qualifying generators.
- (iii) The owner of a qualifying generator will receive a constant FiT for 20 years, set at the time that they register with the scheme, on all of the electricity that they produce (not just the highly variable component which is exported to the grid). Only generators which forgo participation in the mandatory renewable energy target scheme can be a 'qualifying generator'.
- (iv) The Minister must review the FiT rate applying to each renewable energy generator type each year – with the adjusted rates applying only to new installations. In order to provide a degree of certainty to manufacturers and suppliers of renewable energy products, the Minister may increase FiT rates at the beginning of any financial year, but can only decrease rates at a maximum of 5% per year.

#### **Feed-In-Tariff Levy**

- (v) The Minister must set a FiT levy rate per MWh of electricity acquired from the electricity grid, to fund the Regulator's FiT payments to qualifying generators with an installed capacity equal to or greater than 1 MW. The FiT levy is to be imposed by a proposed Renewable Energy (Electricity) Feed-in-Tariff Levy Act 2008. The FiT levy rate must be sufficient to cover the estimated cost of payments made by the Regulator.
- (vi) The FiT levy is payable by all electricity retailers and direct customers of electric energy from the grid, calculated by reference to their annual energy acquisition statements lodged under section 44. (Note that the annual energy acquisition statement is used to calculate the renewable energy shortfall charge of an electricity retailer or a direct customer).

#### **Feed-In-Tariff Payments**

- (vii) In the case of renewable energy generators with an installed capacity of less than 1 MW, it is the responsibility of the electricity retailers to manage the process of reading electricity meters and the payment of the FiT rates. Payments from electricity retailers to qualifying generators will be in the form of a rebate on an electricity bill and must be rebated at the same time as an electricity bill is rendered to the owner. If the whole of an amount to be credited to the owner of a qualifying generator under in a particular billing period has not been set-off against the charges payable by the owner for the supply of electricity by the expiration of 12 months after the end of that billing period, the owner is entitled to the payment of the outstanding balance.
- (viii) In the case of renewable energy generators with an installed capacity equal to or greater than 1 MW, a quarterly return by the owner of a qualifying generator must be lodged with the Regulator within 15 days of the end of the quarter. The Regulator must pay the FiT rate to the owner of a qualifying generator within 30 days of receiving from the owner a quarterly return in the prescribed form indicating the metered energy produced by the qualifying generator.

#### **Feeding-in of electricity to grid**

- (ix) Subject to compliance by the owner of a qualifying generator with any relevant technical, safety or other requirements, electricity distributors must connect the qualifying generator to the grid and permit the owner to feed electricity into the grid.

#### **Feed-In-Tariff Register**

- (x) The Regulator must establish a Register which records:
  - (a) details of all qualifying generators, including the name and address of the owner of the generator, the date of registration of the generator and the type of generator (that is, the eligible renewable energy source used by the generator);
  - (b) In the case of renewable energy generators with an installed capacity equal to

or greater than 1 MW, the total amount of electricity produced by each qualifying generator each quarter;

- (c) the FiT rate to be paid to the owner of a registered qualifying generator and the period for which the FiT rate will be paid; and,
- (d) if there is any change to the installed capacity of a qualifying generator, the new installed capacity of the qualifying generator.

#### Reporting

- (xi) The Minister must ensure that an independent report on the operation of the FiT scheme is prepared and tabled each year. The report must include details of total renewable energy produced and total payments made under the FiT scheme, and the total receipts from the FiT levy.
- (xii) The Minister must provide statements explaining how the FiT rates and FiT levy rates are calculated and must table those statements in both Houses of Parliament each year.

Australia could be on the cusp of a renewable energy revolution that will create tens of thousands of jobs and billions of dollars in new infrastructure investment, helping to build us out of the economic downturn by building a zero-emissions, climate friendly energy network. But if we are to see this come to pass, we need to drive the changes from the federal level. A strong, national, gross feed-in tariff for all technologies legislated by the Commonwealth is the best way to do this.

I commend the bill to the Senate.

**Senator MILNE**—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

### PLEBISCITE FOR AN AUSTRALIAN REPUBLIC 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 require a plebiscite on whether Australia should become a Republic.

Question agreed to.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (3.42 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 an explanatory memorandum relating to the bill and to have the second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows—*

#### PLEBISCITE FOR AN AUSTRALIAN REPUBLIC BILL 2008

This bill provides for a plebiscite to be held to give the Australian people the opportunity to vote on whether Australia should be a republic. The bill sets out one simple question: Do you support Australia becoming a republic? It requires a simple yes or no response.

The bill sets out provisions for a plebiscite or advisory referendum. The purpose of the plebiscite is to determine the will of the Australian people on this question with a simple majority. Its purpose is not to change the Constitution, but rather to ascertain the will of the Australian community on the republic question as the first step in the process. If there is not majority support for a republic, the question is decided clearly and without confusion. If the majority supports Australia becoming a republic, the specific details of the most suitable model to adopt can then be worked out in a context of that certainty.

The question set out in this bill determines if Australians want an Australian as head of state? It does not attempt to determine what model should be adopted, what powers the head of state should hold or other operational or governance issues.

The question of whether Australia should become a republic has been close to the hearts of many Australians since Federation. In recent times it culminated in the referendum of 1999.

This followed the Constitutional Convention in 1998, a public forum in which the participants, a mix of elected members of the public and appointed representatives, debated a range of issues. These included different models for choosing a head of state such as direct election, appointment by a Constitutional Council, or election by Parliament. The delegates also considered issues such as the powers, title and tenure of a new head of state, and proposals for a new preamble to the Australian Constitution.

The Convention supported in-principle the resolution that Australia should become a republic. It recommended that a referendum be held to decide on a 'bi-partisan appointment of the President model' and other related constitutional changes and the enabling legislative package was passed into law in August 1999.

In the referendum held on 6 November 1999, Australians voted on the republic in a question which conflated support for an Australian head of state with the model by which the head of state should be elected:

"To alter the Constitution to establish the Commonwealth of Australia as a republic with Queen and the Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament."

In addition, there was a vote on a separate question about changing the preamble to the Constitution.

Opinion polls consistently showed that the majority of Australians supported an Australian republic, but polls also showed most people wanted popular, not parliamentary election of the president. In the referendum of 1999, 54.87 per cent to 45.13 per cent of Australians voted 'no'. All six states voted 'no' and only the Australian Capital Territory voted 'yes'. The Constitutional require-

ment that constitutional change be supported by a 'double majority' vote, that is, the majority of votes nationally, and the majority of votes in the majority of states, was not achieved.

Academics and other commentators have provided useful analysis of the outcome of the 1999 referendum, generally agreeing that the republic question was too complex and technical. Combining it with a question about changing the preamble confused and split the vote.

It has been suggested that the way the question was worded highlighted to the controversial election process, emphasising the division between republicans who supported direct election of a President and those supporting appointment by the Parliament.

Professor Ian McAllister from the Australian National University observed in research published in 2001 that "the Australian electorate was asked to make a complex, technical choice about the system of government, in the absence of clear partisan cues. How did voters resolve this dilemma? Although those in favour of replacing the Queen as head of state made up three-quarters of the electorate, they were divided on the method of election for the head of state, effectively resulting in three separate groups of voters." He found that "Overall, the interaction between compulsory voting and lack of political knowledge among large sections of the electorate served to divide republicans, and caused the proposition to fail. Pairing the republic with an unpopular change to the preamble of the Constitution also depressed the 'yes' vote."

It is important that in revisiting this issue, Australians are given the opportunity to express their will without the overlay of technical complexity and procedural confusion.

In providing a legislative framework for a plebiscite, this bill adopts one of the key recommendations of the Senate Legal and Constitutional Affairs Committee 2004 report 'The road to a republic'. The report recommends a 'first plebiscite' to get the process of an Australian republic back on track. The majority report found that it is essential that the first step in the process should be to seek from Australians their view on the fundamental question of whether Australia should become a republic; notes that opinion polls show majority



support for an Australian republic, and supports the argument that before expending substantial resources it is important to first test this proposition in a full national non-binding plebiscite.

The report states that the importance of this question for the future of Australia calls for a requirement that all Australians should have their say and therefore supports compulsory voting in a threshold plebiscite and that the result of the plebiscite should be determined by a simple absolute majority of voters nationally.

The cost of conducting a referendum or plebiscite is significant and it is imperative that money spent on this produces a result that accurately reflects the desire of the majority of the electorate. There is a compelling financial argument for holding the plebiscite in conjunction with the next federal election. According to information from the Australian Electoral Commission and the Parliamentary Library, the 1999 referendum cost \$66.8 million. The statistics section of the library calculates this at approximately \$87.5 million in current (2008) dollar terms. The general federal election held in 1998 cost \$61.7 million, suggesting that the cost of holding a discrete referendum or plebiscite is approximately the same as the cost of an election. When a referendum or plebiscite is held in conjunction with a general election, the cost is approximately one-eighth of the total cost. For example in 1984, the total cost of the election was \$31.7 million, with the referendum component of \$4 million. The Statistics section of library calculates that amount at \$8.9million in current terms.

Almost a decade since Australians were last asked to consider the question of an Australian republic, the time is right for a new opportunity to vote on this fundamental issue. The government has a longstanding policy commitment for an Australian republic as well as an election promise to hold a new referendum in 2010. This bill is to enable that process to test the will of the people on this important matter again.

I commend this bill to the Senate.

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

Leave granted; debate adjourned.

## COMMITTEES

### Environment, Communications and the Arts Committee

#### Meeting

**Senator McEWEN** (South Australia) (3.42 pm)—I move:

That the Environment, Communications and the Arts Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 12 November 2008, from 12.30 pm to 2 pm, to take evidence for the committee's inquiry into the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008.

Question agreed to.

### Community Affairs Committee

#### Extension of Time

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Moore, I move:

That the time for the presentation of the report of the Community Affairs Committee on the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 be extended to 2 December 2008.

Question agreed to.

### Community Affairs Committee

#### Meeting

**Senator McEWEN** (South Australia) (3.42 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 Tuesday, 11 November 2008, from 4.30 pm, to take evidence for the committee's inquiry into Government expenditure on Indigenous affairs and social services in the Northern Territory.

Question agreed to.

**Electoral Matters Committee**

**Meeting**

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Hutchins, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold public meetings during the sittings of the Senate, from 12.30 pm to 2 pm, to take evidence for the committee's inquiry into the 2007 Federal Election, including the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008, as follows:

Tuesday, 11 November and 25 November 2008  
Tuesday, 2 December 2008.

Question agreed to.

**Economics Committee**

**Meeting**

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Hurley, I move:

That the Economics Committee be authorised to hold public meetings during the sitting of the Senate on Tuesday, 11 November 2008, as follows:

- (a) from 6.30 pm, to take evidence for the committee's inquiry into disclosure regimes for charities and not-for-profit organisations; and
- (b) from 7 pm, to take evidence for the committee's inquiry into the joint marketing arrangements on the North West Shelf project.

Question agreed to.

**Rural and Regional Affairs and Transport Committee**

**Meeting**

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Sterle, I move:

That the Rural and Regional Affairs and Transport Committee be authorised to hold public meetings during the sittings of the Senate on Wednesday, 12 November 2008, and Thursday, 13 November 2008, from 3.30 pm, to take evi-

dence for the committee's inquiry into the provisions of the Water Amendment Bill 2008.

Question agreed to.

**National Broadband Network Committee**

**Meeting**

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Fisher, I move:

That the Select Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 11 November 2008, from 7 pm.

Question agreed to.

**Economics Committee**

**Extension of Time**

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Hurley, I move:

That the time for the presentation of the report of the Economics Committee on matters relating to the gas explosion at Varanus Island, Western Australia be extended to 3 December 2008.

Question agreed to.

**Agricultural and Related Industries Committee**

**Meeting**

**Senator McEWEN** (South Australia) (3.42 pm)—At the request of Senator Hefernan, I move:

That the Select Committee on Agricultural and Related Industries be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 11 November 2008, from 3.30 pm, to take evidence for the committee's inquiry into pricing and supply arrangements in the Australian and global fertiliser market.

Question agreed to.

**CHILD CARE**

**Senator HANSON-YOUNG** (South Australia) (3.43 pm)—I move:

That the Senate—

- (a) notes:

- (i) the Government's recent announcement of a \$22 million package to keep ABC Learning open until the end of 2008, following months of financial woes, and
- (ii) ABC Learning accounts for more than 100 000 long day-care places;
- (b) recognises that the expertise and experience of those in the sector should be included in planning the response to this crisis; and
- (c) calls on the Government to hold an emergency summit of the key child care providers from around the country, to open up the lines of communication and learn from those who are caring for children, in determining how best to stabilise and improve child care within Australia.

Question agreed to.

**DR BERNHARD MOELLER**

**Senator BERNARDI** (South Australia)  
(3.43 pm)—I move:

That the Senate—

- (a) notes the Horsham physician Dr Bernhard Moeller, his wife Isabella and their children Lukas, Felix and Sarah have been refused permanent residency in Australia because Lukas Moeller, has Down's Syndrome;
- (b) rejects the notion that those with Down's Syndrome are a burden on society;
- (c) acknowledges the important role that Dr Moeller fulfils as a doctor in a regional community and in the Wimmera Base Hospital which serves more than 50,000 people;
- (d) calls on the Rudd Government to expedite the decision-making process with regard to Dr Moeller and his family's application for permanent residency; and
- (e) condemns the lack of action, advocacy, commonsense and compassion given to the Moeller family by the Rudd Government.

Question agreed to.

**NATIONAL CLEFT AWARENESS WEEK**

**Senator SIEWERT** (Western Australia)  
(3.44 pm)—I move:

That the Senate—

(a) notes that:

- (i) the week beginning 9 November 2008 Is National Cleft Awareness Week,
- (ii) one in every 700 babies born in Australia is born with a cleft, either a cleft lip or a cleft palate or a combination of both,
- (iii) children with a cleft will usually require a range of dental, orthodontic, speech pathology and surgical therapies throughout their lives to support their full participation in society,
- (iv) in some states, there are waiting lists of between 6 months and 2 years for speech pathology services and children face ongoing educational challenges unless their speech and language needs are addressed, and
- (v) the shortfall in public speech pathology services has forced families to seek services in the private sector which many families are unable to afford; and

(b) calls on the Government to:

- (i) provide better support to publicly-funded speech pathology services, and
- (ii) investigate the costs of including speech pathology services within the existing Medicare Cleft Lip and Cleft Palate Scheme.

Question agreed to.

**BUSINESS**

**Consideration of Legislation**

**Senator COONAN** (New South Wales)  
(3.45 pm)—I move:

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That on and from Thursday, 13 November 2008, the Independent Reviewer of Terror-

ism Laws Bill 2008 [No. 2] have precedence over all government business till determined.

Question put.

The Senate divided. [3.49 pm]

(The President—Senator the Hon. JJ Hogg)

Ayes.....	37
Noes.....	<u>27</u>
Majority.....	<u>10</u>

#### AYES

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Boswell, R.L.D.	Boyce, S.
Brown, B.J.	Cash, M.C.
Colbeck, R.	Coonan, H.L.
Cormann, M.H.P.	Eggleston, A.
Ellison, C.M.	Ferguson, A.B.
Fierravanti-Wells, C.	Fifield, M.P.
Fisher, M.J.	Hanson-Young, S.C.
Humphries, G.	Joyce, B.
Ludlam, S.	Macdonald, I.
Mason, B.J.	McGauran, J.J.J.
Milne, C.	Minchin, N.H.
Nash, F.	Parry, S. *
Payne, M.A.	Ronaldson, M.
Ryan, S.M.	Scullion, N.G.
Siewert, R.	Troeth, J.M.
Trood, R.B.	Williams, J.R.
Xenophon, N.	

#### NOES

Arbib, M.V.	Bilyk, C.L.
Bishop, T.M.	Brown, C.L.
Cameron, D.N.	Carr, K.J.
Collins, J.	Conroy, S.M.
Crossin, P.M.	Farrell, D.E.
Faulkner, J.P.	Feeney, D.
Fielding, S.	Forshaw, M.G.
Furner, M.L.	Hogg, J.J.
Hurley, A.	Hutchins, S.P.
Ludwig, J.W.	Marshall, G.
McEwen, A. *	McLucas, J.E.
Moore, C.	Polley, H.
Pratt, L.C.	Sterle, G.
Wortley, D.	

#### PAIRS

Birmingham, S.	Wong, P.
Brandis, G.H.	Stephens, U.
Bushby, D.C.	O'Brien, K.W.K.
Heffernan, W.	Sherry, N.J.
Johnston, D.	Evans, C.V.
Kroger, H.	Lundy, K.A.

\* denotes teller

Question agreed to.

#### MATTERS OF URGENCY

##### Child Care

**The PRESIDENT**—I inform the Senate that I have received the following letter, dated 11 November 2008, from Senator Hanson-Young:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

The collapse of ABC Learning and its effect on child care across Australia, which requires an urgent response from the Government including an emergency summit of the key child care providers from around the country, to ensure services to parents and children are available beyond the end of 2008.

Yours sincerely

Senator Hanson-Young

Is the proposal supported?

*More than the number of senators required by the standing orders having risen in their places—*

**The PRESIDENT**—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

**Senator HANSON-YOUNG** (South Australia) (3.53 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The collapse of ABC Learning and its effect on child care across Australia, which requires an urgent response from the Government including an emergency summit of the key child care providers from around the country, to ensure services to parents and children are available beyond the end of 2008.

Child care in Australia is in desperate need of an overhaul. The crisis that we are seeing with ABC Learning Centres is simply the tip of the iceberg. For years and years, we have seen the childcare sector in Australia being taken over by profiteers and being seen as an industry. Child care should be seen as an essential service. Child care should be seen as part of the lifelong learning that starts at birth. Child care is something that we as parents trust to give our kids the best quality of care so that we can go out to work and pay our mortgages. How was this crisis with ABC Learning Centres ever allowed to happen? How has it been that one corporate entity was allowed to control 25 per cent of the market? How can we say that one corporate entity should be allowed to monopolise a quarter of the childcare sector—for profit, not because we are putting the care of our children first?

Child care should not be viewed or treated as a profit-driven industry; it should be seen as the essential service it is. We have seen over the last couple of weeks a response from the government, a response from the community sector and a response from various childcare providers from around the country to try to get together to talk about what to do next. We know that ABC Learning is responsible for 100,000 long day care places around the country. We know that ABC Learning relies heavily on government funding; it was anticipated to receive up to \$300 million from taxpayers through benefits paid to the company and on behalf of parents in this financial year. We have heard from the government that the response in trying to

keep these centres open until 31 December this year is a \$22 million rescue package. What then? In estimates a few weeks ago, I asked Senator Ludwig, the minister representing the Minister for Education, Ms Gillard, whether he could explain the federal government's contingency plans, which they assured me they had. I also asked whether they could explain what would be happening, when it would be happening and what kind of discussions had happened so far to try to avoid the possible crisis that may happen if ABC Learning Centres were to go under—what would happen to the 100,000 children in care in their centres around the country? How do we, in dealing with the government—as elected parliamentarians—ensure that we do not leave these families in the lurch?

In response, her department said that there had been some thought given to the issue of ABC Learning folding and that some scenarios had been looked at. Since then, we have seen the \$22 million package but we have not seen the details of any type of contingency plan. I have been inundated by messages from various community childcare workers from around the country saying that they have put themselves forward as experts in the sector, people working on the ground, wanting to help the government move forward and ensure that we can keep as many centres open as possible, and yet the biggest criticisms that all of them have come to me with go to a lack of transparency in the government's plans, a lack of transparency in their conversations with government. It is a lack of transparency that led us into this mess in the first place. It is time for the government to shed light on what is really happening with ABC Learning and what types of contingency plans the government has. It is time to ensure that we involve the experts every step of the way.

Today the Senate passed a motion to support an emergency summit to get together the brightest minds in child care from around the country to talk directly to the government about the way forward. I am thankful that the government has taken the opportunity to ensure that centres are open until the end of this year, but we need to be looking beyond 2008. There are people who are willing to help, willing to put up their hands, willing to step in and keep centres open in order to ensure that kids can be dropped off as their parents go off to work and that the quality of care for our kids remains the highest it can possibly be. (*Time expired*)

**Senator PAYNE** (New South Wales) (3.58 pm)—I thank Senator Hanson-Young for moving this urgency motion this afternoon. We are here debating this particular urgency motion about the collapse of ABC Learning Centres because, quite simply, the government has comprehensively failed to deal effectively with this problem. The impact of this failure on thousands and thousands of Australian families is indeed likely to be significant and also has the disturbing potential to be long term. It is also a serious failure for all Australians who look to the government for, hopefully, responsible economic management, sadly missing at this point in time.

It is no surprise, but there have been signs of trouble at ABC Learning Centres over many months. The government was so slow to respond that, apparently, it is still working out a contingency plan. In fact, in February this year the ABC Learning share price dropped by 60 per cent. Financial analysts at the time expressed concern about the adverse effects on families who are relying on those centres for child care.

Let me go through a little more of the chronology so that we can see where the gaps have been. Four months later, on 23

June, the Parliamentary Secretary for Early Childhood Education and Childcare, the Hon. Maxine McKew, put out a press release on ABC Learning, but it was on a fee hike, taking effect from 1 July this year. At the end of July, ABC Learning then flagged a pre-tax loss of over \$400 million for 2008.

On 21 August a voluntary halt on trading on the ASX was called for ABC Learning Centres. Then a month later at estimates—and my colleague Senator Bernardi was engaged in the discussion at the time—an officer from the Department of Education, Employment and Workplace Relations told the hearing that the department was alive to the question of what would happen to ABC Learning Centres if the organisation failed. One is glad that the department was at least alive, but we are not sure what the alternative was. These issues are very serious for Australians.

On 6 November ABC Learning went into voluntary receivership. The following day the Deputy Prime Minister announced a bailout of \$22 million to ensure that the centres stay open until the end of December. The coalition has indicated, through the Leader of the Opposition, the shadow Treasurer and the shadow childcare minister, Mrs Mirabella, that support for the children of families affected by this collapse is welcome. But in reality the government still does not have a proper contingency plan. It cannot say with any specificity what the \$22 million will actually be spent on and how it will actually help those Australians whose jobs and childcare places are fundamentally at risk and, most importantly, for many people—and Senator Hanson-Young also referred to this—whether there will be any security for parents after Christmas. Consider the impact of the collapse and what it has done to Australian families: we have 120,000 Australian children attending ABC Learning Centres across the country. We have about 16,000

people employed by the company, many of whom also have children who attend the centres. In the event of centre closures, even if they are able to find a new job, they will be without care for their own children.

ABC Learning caters for between 20 and 25 per cent of the Australian childcare market. It also provides a significant number of reserved places for the children of Defence Force personnel, which is obviously a very significant factor. The organisation has received considerable amounts of money—\$300 million in subsidies from government this year and, reportedly, it has a debt of close to \$100 million, which is predominantly owed to the banks. The coalition is concerned about the failure of the government in handling this entire problem.

Most importantly, the government should have been able to provide certainty to the thousands of parents who have children in ABC Learning Centres, but we are still waiting to see with any certainty what clear path lies ahead. That degree of uncertainty is clearly reported in newspapers, as well as anecdotally and by our constituents, and is very disturbing to Australian families. I referred earlier to aspects of the chronology of the past few months, but really the government's time frame for action has been embarrassingly slow.

In September the government set up an education department task force to deal with the collapse, and that was four months after the trading of shares of ABC Learning ceased. They said they were working on a contingency plan but, as far as a contingency plan is concerned, we remain in the dark. We have a promise of \$22 million but not a lot of detail around that. It is detail and it is information that Australian families need at this point. Essentially, they are now telling families that they need to wait until mid-December to hear more—that is, just two

weeks before the guaranteed funding expires on 31 December. That two-week period immediately before Christmas—and we all know what that is like for families; it is fraught at the best of times, let alone at a time when stories of the global financial crisis are impacting on people's consciousness and people's psyche and when they now also have to face this problem—is not enough time if families need to find alternative care. It is not enough time if employees need to find alternative jobs in what is a difficult and uncertain employment market. It is not as though jobs are just going to fall off so-called Christmas trees.

There is evidence that this uncertainty and the lack of a clear plan may also be causing the company to haemorrhage even further. We would all have seen reports in the *Australian* this morning that ABC Learning Centres are suffering from serious understaffing and seeking temporary employees from a range of sources. Also in today's *Australian* the Deputy Prime Minister said it is up to the receiver to provide details about the 40 per cent of ABC Learning Centres which are apparently and reportedly regarded as unprofitable. But this is very important information. The government has a responsibility to acknowledge this information; it needs to be provided to Australians who have their children in care in this particular system. Some 60 per cent of ABC Learning Centres could be entirely profitable, and we need to absolutely acknowledge that. The problem is that, when you talk about 40 per cent being unprofitable, you end up with speculation. That does not help anyone in this process. It causes families and staff themselves in all of the 1,040 centres to be much more anxious about what is going on and causes them to perhaps then pursue plans to find alternative care for their children and alternative employment for themselves. And the problems will just cascade.

The very serious personal impact of this problem needs to be acknowledged by government, as does the package. Speculation has the potential—and this is very unnerving for those involved in businesses and those whose families have children in the centres—to severely damage the prospect of the currently profitable centres remaining just that. As far as we can tell, notwithstanding the fact that the task force has been in place for over six weeks, there is no evidence of any particular consultation with other industry stakeholders. There have certainly been no reports or statements of that.

The chief executive officer of KU Children's Services, which are actually Australia's second largest childcare provider and the largest provider of not-for-profit child care, was quoted in the last couple of days as saying that they had made offers of help but had not had a response back from government. I understand that they are not the only other providers to have done that. There was a forum scheduled for today, to be chaired by the Parliamentary Secretary for Early Childhood Education and Childcare, but it was an already scheduled meeting of the National Children's Services Forum. It is not, as far as we can tell, an ABC Learning-specific meeting, but it is now being used to portray the government as consulting industry leaders on the issue. I hope it is useful. I hope it does actually do something, but to pretend that it is a response to this particular issue is not accurate at all.

The coalition have made numerous calls for the government to provide details of the contingency plans, but they do seem to us to have been very reluctant to do so. In fact, they have gone so far as to try to blame the previous government for the situation in which ABC Learning finds itself, but it is state governments that license childcare centres, not the Commonwealth. One would have thought that the Deputy Prime Minister

would be aware of that. If there was such a concern about the rapid growth—

*Senator Jacinta Collins interjecting—*

**Senator PAYNE**—It is not rubbish that state governments license childcare centres. That is in fact the case. Had the Deputy Prime Minister been concerned about the rapid growth of ABC Learning childcare centres then perhaps she might have contacted her Labor colleagues in every state and territory some 12 months ago, after the election, and raised the matter with them, but there is no evidence of that either. This approach is a hands-off approach. It is a dangerous approach. It is dangerous for Australian families at a very difficult time of year and at a very difficult time for the Australian economy. The government should acknowledge that this needs better care, hands on the wheel, not off the wheel, and a more responsible approach all round.

**Senator JACINTA COLLINS** (Victoria) (4.08 pm)—I too thank Senator Hanson-Young for raising this urgency motion today, mostly because it gives the Senate an opportunity to look a bit more factually at the circumstances in relation to ABC Learning child care. Having listened to Senator Payne just now, I have to say that she elaborated a very convenient and short-term portrayal of history.

The Rudd Labor government was elected on a platform to reform child care and establish a national early childhood agenda. There were good reasons why this was the case. Senator Hanson-Young raised some of the issues in her comments in relation to this urgency motion, but there are several others that I would like to address. Unfortunately, I may run out of time to recap some of the history, because it is also very important to look at what our contingency plans are. But I must, having been provoked by Senator Payne, at least cover some of those issues.



Child care is a vital service that families rely on in order to meet their employment and community commitments. Given the demands of the modern workforce, both the quality and the security of supply of child-care services are vital. Recent events highlight key inadequacies in the model established by the previous government that we have a plan to address. Unfortunately, the global financial crisis has meant some of those industry inadequacies are coming well to the fore.

In talking about industry inadequacies, let me take you to some of the comments made by former minister Hockey in this area. In the opposition commentary about what government should be doing at this stage, we first had the Leader of the Opposition, Mr Turnbull, saying we should not really be doing anything, that unviable centres should not be maintained, without even the constraint that there were some good, strong public interest grounds for at least doing it for the next two months. Mr Hockey moved back from that position and said, no, he accepted that our \$22 million contingency plan was important and should be put in place to maintain support and services for the families and children involved. But he also made another very interesting comment which harks back to the history that Senator Payne has conveniently forgotten. He said that if there is an industry failure then we need government action.

There is an industry failure in this sector. It has been acknowledged that there is an industry failure. Senator Hanson-Young referred to that when she reflected on the concern of a multitude of parties about the dominance of ABC Learning being able to be developed under the policies of the previous government. There is a significant problem. It does not relate solely to the global financial crisis, however. There are a few points that should be highlighted here. ABC Learn-

ing has been severely affected by this financial crisis, but it was known for some time by financial commentators that ABC Learning was highly leveraged. As early as March 2006, Macquarie Bank researchers wrote:

At the current share price, strong growth has been factored in and ABC can't afford to stumble.

This was back in March 2006. Citigroup noted:

Off-balance sheet leverage is quite high and real interest cover is low.

This is the kind of corporation that will come under the most intense pressure, should there be a credit squeeze. This was the case with ABC Learning, and we have known this for quite some time. The problem with the former government was that they were quite happy to allow this type of radical market experiment in the delivery of social services such as child care. That is the problem.

In addition, ABC Learning has quite a significant number of sites overseas. This expansion added additional risks to the company's overall financial health, such as currency risk and also the difficulty of operating childcare services in markets with different needs. There have also been problems with the board for a considerable period of time. As the *Australian Financial Review* noted on 7 November 2008:

The composition of the ABC board points to many of the problems that have brought the business down. First up, it was top-heavy with politicians such as former Nationals MP Larry Anthony—

setting aside issues relating to ministerial codes of conduct—

and erstwhile Brisbane lord mayor Sallyanne Atkinson.

**Senator Brandis**—He was not in breach of any code of conduct. That's a mischievous suggestion!

**Senator JACINTA COLLINS**—I am simply quoting the *Australian Financial Review*. The article continued:

Rapidly growing companies such as ABC need directors whose core competencies are reading accounts, vetting deals and reining in entrepreneurial chief executives.

Clearly, this was not the case with ABC.

If I recall correctly, I think, for instance, Tony Jones described the previous CEO, Eddy Groves, as ‘the child of John Howard’. This is the level of the previous government’s connection—and ‘problem child’ is probably a better description given the situation. Accordingly, the government has closely monitored ABC’s situation for some time. In fact, I recall that in Senate estimates, when I was a shadow minister, the department indicated back then that they were monitoring market share issues and potential risks associated with ABC. They demonstrated no contingency plan then, Senators, but on this occasion, yes, we do have a contingency plan: \$22 million has been provided to work with receivers to ensure these services stay open for another two months. Let us understand this situation. Unlike Mr Turnbull, who suggests that you should simply allow unviable businesses to go—

*Senator Bernardi interjecting—*

**Senator JACINTA COLLINS**—Perhaps Senator Bernardi would like to have the precise quote on that issue so that he understands very clearly what his leader has been saying should be the case. But when we have the opposition saying, ‘No, we should have this free-market experiment’—one that allows the delivery of community services such as child care to be vulnerable to market failures and risky market behaviour, which is what has occurred with ABC—we obviously do have a problem. I will use the remainder of my time to go back to the point that Senator Payne made about the lack of a contin-

gency plan. Unlike the former government, we have indeed committed to provide—

**Senator Brandis**—Your forensic skills have not improved since ‘children overboard’, have they?

**Senator JACINTA COLLINS**—Mr Acting Deputy President, I would appreciate the opportunity to speak without interruption. I cannot hear myself, let alone deal with this issue.

**The ACTING DEPUTY PRESIDENT (Senator Parry)**—Senators on my left, please allow Senator Collins to be heard.

**Senator JACINTA COLLINS**—I do not know why Senator Brandis is quite so excited about this issue, but perhaps he will speak later in the debate and we will be able to understand it. Let us go back to the facts of the matter. There was a forum today, as Senator Payne indicated. That forum represented another shift that has occurred in the early childhood agenda under the Rudd government. That shift is more adequate and comprehensive consultation with the sector, as was outlined in this place in question time and in the other place in question time today. The Parliamentary Secretary for Early Childhood Education and Childcare, Ms McKew, has been undertaking extensive consultations across the sector to deal with the types of problems that Senator Hanson-Young has been referring to. That we have taken the opportunity today to focus on the most pressing and immediate issue is not, Senator Payne, a pretence. It is using the consultation processes that have been established to undertake the type of consultation that Senator Hanson-Young is pointing out as being critical and important at this time.

That Senator Payne claims that there is no evidence of consultation in the sector is probably more reflective of her limited dealings with the sector than anything else. So let me tell her the other thing that was an-

nounced by the minister today in question time. The Deputy Prime Minister announced that an expression of interest process has commenced to ensure that the receiver has the best available range of options for considering the future operation of ABC Learning Centres. She has encouraged the parties, be they for-profit or not-for-profit ones, to register their interest in participating with the receiver on the future of ABC. Once the review process has identified the likely future arrangements for each centre, the receiver, working with the government, will map and sort the registrations of interest against identified local needs. The government is responding to clear public interest. We have a contingency plan that involves maintaining these services for two months with the \$22 million, as has been indicated, and also a process, which the Deputy Prime Minister outlined today in question time, for receiving expressions of interest and for mapping against identified local needs as will be required to ensure that delivery of service occurs into the new year.

As senators would be aware, the forum held today involved a dozen peak national childcare organisations. The organisations that Senator Hanson-Young referred to will eventually be communicated with and consulted in relation to communication back to government. Also, as I said, there is this new process that the Deputy Prime Minister outlined today to receive expressions of interest. That will be critical to ensuring that community needs are catered for in this very pressing and urgent situation.

Since I have a little more time than I anticipated, I will go back to the points that I was raising before—and Senator Brandis, in particular, seemed to want to hear more on this issue. I suspect he will be mildly amused that in fact I will spend some of this time quoting what Stephen Mayne said, in a *Late-line* interview that occurred with Tony Jones

in February of this year, because I think this is the best synopsis of the problems with ABC child care.

**Senator Bernardi**—You might as well quote a Heinz tomato sauce bottle, Senator Collins.

**Senator JACINTA COLLINS**—Well, that might be your view, Senator Bernardi, but let us have a look at the issues that are highlighted here. The ABC Learning business fails most of the government's tests, I think it is fair to say. For instance, Eddy Groves's brother-in-law has had more than \$100 million worth of construction and maintenance contracts from the company, most of which have not gone to tender. There is a stockbroking firm—it is called Austock—which has backed ABC Learning ever since it floated at \$2 a share back in March 2001. Austock has made almost \$100 million in fees backing this company all the way. Bill Bessemer from Austock sits on the ABC Learning board and Eddy Groves at one stage bought a 4.2 per cent stake in Austock, so you have transactions and relationships going backwards and forwards. You have got three executives on the board and you do not have a clear majority of independent directors.

Larry Anthony, the children's minister in the Howard government, joined the board. The former government gave Eddy Groves's company \$1 million a day in subsidies for its childcare operations, creating an unprecedented company market share in the world. Five months after he stopped being Minister for Children and Youth Affairs, Larry Anthony jumped onto the board of ABC Learning, taking all the knowledge with him. It is those types of situations, plus hundreds of thousands of donations to the Liberal Party, the National Party and those types of things, which have never been a particularly good look for the company. That is when Tony

Jones then went on to describe Eddy Groves: 'He was a child of the Howard government, wasn't he?'

I am very surprised that, under those circumstances, the Leader of the Opposition, Mr Turnbull, made the comments that I said I would eventually take Senator Bernardi to. These were the comments of Malcolm Turnbull on 8 November 2008:

The reality is an unprofitable business—  
regarding ABC Learning—

cannot be sustained indefinitely, so there is clearly a concern about the level of, and the tenure, the extent, of government support.

It looks like this contingency plan, this support, was put together very much at the last minute so I'm a little sceptical as to how much of a plan they really had.

Well, we have a plan to maintain all of the centres for two months to get families through till Christmas. It is a very clear plan. We have a plan to map out community interest in comparison to what existing services are prepared to do to maintain services. We have a plan to ensure child care remains available to these families. We have much more of a plan in our national agenda for early childhood than the former government ever had, apart from putting themselves on boards once they leave this place. (*Time expired*)

**Senator BERNARDI** (South Australia) (4.24 pm)—We have just been witness to an outrageous bunch of indifference from Senator Collins and the Labor Party. The mums and dads of Australia are living in fear at the moment, in fear of many different things. They are in fear of the financial crisis; they are in fear of paying their mortgages; they are in fear of losing their jobs. And what is happening now? They are also in fear of child care. What do we hear from the Labor Party? We have this trawling through history, the corporate annals and the financial re-

ports. We have an attack on organisations that are trying to make money. Is this what we are returning to with the Labor Party? Are we going back to where for-profit enterprise is frowned upon, to where it is wrong, to where you can be employed only by the government?

Let me share this with Senator Collins and the rest of the Labor Party over there: this country was built on the back of enterprise. It was built on the back of investment by private individuals trying to create and provide services for the rest of the country. Yes, occasionally things do not work out. They sometimes do not work out for people who have invested their money, and they sometimes do not work out for those people that are reliant on the services. The coalition is absolutely mindful of this. We are concerned. We share the same fears that the mums and dads of Australia have right now, because we know just how incompetent, hopeless and lethargic this government really is.

Let us talk about the lethargy that is being demonstrated. Senator Collins was happy to wax lyrical about how there were warning signs for ABC Learning Centres for such a long time.

**Senator Brandis**—It wasn't lyrical.

**Senator Payne**—It was quite discordant, actually.

**Senator BERNARDI**—It was discordant, but she waxed on and on about how many warnings there had been. What has happened? The government now own this issue like they own all the economic issues in this country at the moment. What have they been doing for eight months? Nothing. They have been talking about a plan. Where is the plan? When a crisis comes and the plan hits the fan, as it has now, what do they do? They throw a few dollars at it and say: 'Let's hope it takes care of itself'. They have a specific

parliamentary secretary responsible for this, and what have we heard?

**Senator Payne**—McWho?

**Senator BERNARDI**—It is not McWho; it is McKew—Maxine McKew, the parliamentary secretary and the member for Bennelong, and it pains me to say that. She has been silent on this, and that is what is really disturbing. It has been left to the Deputy Prime Minister to go out and launch personal attacks against coalition members because we are asking what the government is actually going to do. It is all well and good—and we support buying some interim relief, and that is exactly what it is; \$22 million is interim relief—but what will happen on 31 December? Do they all shut down without anyone knowing? There is no plan. They have talked about it. During Senate estimates, Senator Hanson-Young asked and was assured by the department that a plan was ‘alive’ and that the department were looking at this live issue. I say we need now to get a second opinion. We need to bring the defibrillators in. We need to put in an IV and maybe ask a proper doctor to come in and look at what is wrong with this government, because clearly the parliamentary secretary, the minister and the Prime Minister have been asleep at the wheel. Senator Collins spoke about how many warnings there have been. There was a credit crunch and she said that, in the event of a credit crunch, ABC was at risk. Well, the credit crunch came and what did they do? They did not do anything. The mums and dads of Australia are living in fear of their economic incompetence and their indifference. The fear that they are living with has been met with the classic—

**Senator Brandis**—Insouciance.

**Senator BERNARDI**—Insouciance is the word that Senator Brandis has provided, and I think it is a wonderful word to use on this

occasion. They are fiddling while Rome burns.

*Government senators interjecting—*

**Senator BERNARDI**—The interjections from the other side only highlight the fact that we have a couple of people over there that are going to come out and attack the previous government. I challenge them not to. I ask them: when is the blame game going to stop? That is what the Prime Minister promised. He promised there was going to be a new deal. We now know that ‘a new deal’ is shutting down private industry and attacking private industry. We now know that ‘a new deal’ is to bring in state-run centres and overpowering for-profit industry. I say that is wrong, and the coalition does not support that. But the coalition does support the mums and dads, particularly in rural Australia, who are worried about the potential closure of their childcare centre. That means that mums and dads might not be able to go to work because it is the only option available to them.

We are not indifferent to their pain and to the potential damage that that can cause for them as individuals, as families and as communities. But this government is. This government does not seem to care. It thinks: ‘I’ll just throw some money at it and it will go away. I’ll hide my head under the pillows and the monsters won’t get me anymore.’ Let me tell you that the monsters, the gremlins, are right there in action. They are hiding on their front bench, because there is this effort to supplant and undermine the enterprise spirit in this country. We have a government that, rather than saying, ‘How can we make this better and help to provide more and different alternatives for people?’ simply says: ‘I’ll whack away a bit more of the surplus. I’ll put it in there and buy myself a couple of months and hope the people of Australia will forget about this issue.’ But they will not

forget, they cannot forget, because it goes to the very structure and the very heart of their lives.

For those of us who have children, if we want to go to work we need to make sure that our children are well looked after in the event that a parent cannot be at home with them. But what is going to happen on 1 January? Are the government banking on so many people losing their jobs between now and then that they will not need childcare facilities? You would think so, because they have been pushing and advocating that there are going to be job losses in this country. It is in the budget statements; it is in the Treasury documents. It is a great shame. Rather than looking to create and sustain jobs, they are driving our economy into the ground and taking families with them. There is nothing more important than to ensure that families have every opportunity available to them, including children.

In her 15-minute speech Senator Collins did not acknowledge that there was a single problem that the government could deal with. She talked about a plan. I would suggest to you, Mr Acting Deputy President, that their plan is a concept that is unknown to any of them yet. They are looking at a plan? They have had 12 months to work on it and they still do not know what it contains. That is an indictment of this government. It is a shame for this government. And the challenge for them is to come clean, make that admission and stop blaming other people for their failures.

**Senator ARBIB** (New South Wales) (4.32 pm)—I thank Senator Hanson-Young for raising this important and serious issue today. I know the senator has a strong interest in this area, being the Greens childcare spokesperson. I also know she is a proud mother of a young daughter. So thank you, Senator, for raising this issue today.

I have to say that Senator Hanson-Young's speech is in stark contrast to the ill-informed and petty contributions that we have seen from Senator Payne and Senator Bernardi on behalf of a political party that has a lot to answer for in terms of the collapse of ABC Learning and the handing over of the childcare sector lock, stock and barrel to the free market. After hearing Senator Bernardi especially talking about the great worth of the free market and the private sector, I could only have come to one conclusion in terms of ABC Learning. He did not have any solutions; he did not put forward a case of how we could actually salvage this company; he said pretty much to 'leave it to the free market'. If we left ABC Learning to the free market at the moment, something like 400 childcare centres would close. That is the plan of Senator Bernardi. That is the plan of the Leader of the Opposition, the member for Wentworth—'Leave it to the free market.' But more about that later.

Child care and childhood development are areas of which the Rudd government is extremely proud. We understand that parents and workers in this industry would be extremely concerned at the moment and very anxious about the situation concerning ABC Learning. Our priority has been and will continue to be to ensure working families can access child care for their kids when and where they need it, because we know how important child care is—not just child care but quality child care.

The Rudd government was elected with a comprehensive childcare plan, not just for the centres but also in terms of improving the professional standards in child care. This year the government expects to pay \$1.9 billion in childcare benefit payments to childcare providers so they can reduce their fees to families. In addition, in the May budget the government increased the childcare tax rebate from 30 to 50 per cent and improved

the frequency of payments. At the last election the Rudd government promised to establish up to 260 new childcare centres, and that is something we are working on around the clock. We have also seen the great work that the Parliamentary Secretary for Early Childhood Education and Childcare, Maxine McKew, has been doing in the sector. I find it abhorrent that those on the other side would be attacking the parliamentary secretary, who has been doing some fantastic work in the sector. If you want to see the work she has been doing, go to the new website we have set up—[mychild.gov.au](http://mychild.gov.au). It is absolutely fantastic in terms of the work that this government has been doing in the childcare area. I urge those senators across from me to take a look at it.

In terms of ABC Learning, this is a complex and large-scale problem. Just to put it into a bit of perspective, ABC Learning has a 25 per cent share of the long day care childcare market. There are 1,040 ABC Learning childcare centres, of which around 40 per cent are currently unprofitable. There are approximately 120,000 children attending these centres. ABC Learning employs more than 16,000 people. It is a huge, huge task. The government has been acting with great urgency. On 6 November ABC Learning announced it would enter into voluntary administration. The government established a special task force to work with the receivers and the banks throughout the process. On 7 November the government announced it would provide \$22 million in conditional funding to ensure that the ABC Learning childcare centres remain open and provide care to the end of December. The \$22 million represents the possible cost of supporting the continued operation of the unprofitable ABC centres for up to two months.

Senators Bernardi and Payne, when you listen to them, think that is the end of the process—that it is just \$22 million and after

31 December there is no plan forward. That is entirely untrue. During the period, the government and the DEEWR task force are undertaking a thorough review of ABC Learning's operations. It is envisaged that by mid-December the government will be in a position to make a further announcement about the future of ABC Learning—that is, after working with the receivers and the banks to try and find a way forward. If you think there is some magic solution, what is it? Please—(*Time expired*)

**Senator BOYCE** (Queensland) (4.37 pm)—I would also like to thank Senator Hanson-Young for bringing this issue up and giving us the opportunity to explore some of the very serious problems that there are at the moment. Senator Arbib commented that Senator Bernardi had not provided the solution. Last time I looked, Senator Arbib was the one sitting on the government benches. It is the government who should be looking for a solution. Also, Senator Arbib tells us that there is a plan. Well, we have asked; Senator Hanson-Young has asked; questions have been asked in the House of Representatives, over and over: what is the government doing about this? We do not know what the plan is unless we hear about the plan. What we currently have is, basically, a completely incoherent approach to the entire issue.

We had in the Senate today the Minister representing the Prime Minister, Senator Evans, carefully setting out a timescale that had been developed—allegedly developed, I should say—by the government. Firstly, we heard that in September a task force had been established. He neglected to mention that that was set up after ABC Learning said to the government, 'Hey, we're in very big trouble; you'd better do something to help us or the industry is going to fall in a heap.' He then went on to tell us what happened on 2 November and 6 November. He even mentioned that today there was a meeting of the

national peak groups. You would have thought, from the way Minister Evans phrased it, that this was part of a coherent and sensible response to developing a quick and urgent solution to the problem. The only problem, of course, was that, at the same time that Minister Evans was saying this in the Senate, the Minister for Education and Minister for Employment and Workplace Relations, Ms Gillard, was happily pointing out in her particularly erudite fashion to the House of Representatives that this was just a routine, regular meeting with the ordinary childcare groups who came to see the minister and the parliamentary secretary regularly and normally. She even said that she 'expected' that the issue of ABC Learning Centres would be discussed at the meeting. She did not say she was definite it would be. She did not say, 'Absolutely; it's going to be our No. 1 priority.' She said she 'expected' the issue would come up at a regular meeting—quite a different version of events from the coherent plan that Senator Evans would have had us believe they were going to make.

I would like to move on to just how decisive all this is looking at the moment. We are getting very used to this now: what is the word of the week from the Rudd Labor government? They used to work on 'working families' but—

**Senator Arbib**—Still do.

**Senator BOYCE**—Well, no; we have not heard very much at all about working families from the Rudd Labor government—because they know there are going to be fewer of them. But the word of the week at the moment is 'decisive'; everything is very 'decisive'. And the Minister for Education and Minister for Employment and Workplace Relations, Ms Gillard, in fact commented that the government had acted 'quickly' and 'decisively' to ensure that parents could rely

on ABC centres—until 31 December. That is what they can rely on: until 31 December.

The thing that the Rudd government and Ms Gillard—and the completely-absent-from-this-debate Ms McKew—appear to have overlooked is that children grow up quickly and decisively too. When the new school year starts, in less than three months time, a large number of ABC's clients, up to 20,000 of them, will be moving on. They will not be requiring full-time child care any longer because they will be attending school. Many of their parents, in the normal course of things, would no doubt have booked in the next crop of children. In normal circumstances, this would not be an issue. The next group of children would be coming through to fill those places.

**Senator Brandis**—Cohort.

**Senator BOYCE**—Cohort—good; thank you, Senator Brandis.

**Senator Bilyk**—A crop of children.

**Senator BOYCE**—A crop of children—yes, why not? But those children would be coming in; we would have those places, and more, filled. But what parent in their right mind right now is booking their child into an ABC Learning centre if they have a skerrick of an alternative? Because they do not know whether, come February next year, April next year or some other time, that childcare place is going to be there. They do not know how much time they or their partner might have to take off work because the childcare place has simply disappeared.

So what is happening is that these parents are looking for other sources of child care. Most of them are searching desperately now for something that at least they can guarantee will be there when they need it in February next year. So what we do absolutely need is some decisive action from this government, and that is not expressions of interest or a plan that we are going to hear about two



weeks before Christmas. It is now that we need the urgency summit organised, so that there is a long-term solution, because 400 unprofitable centres are going to look like child's play as parents vote with their feet on what they think about the decisiveness of this government and enrol their children as far as possible anywhere else. If you are trying to run a business, as every ABC Learning centre is, it is unreasonable not to have any idea of what your market for next year is going to be, less than three months out, because the government cannot quite manage to organise themselves a meeting to discuss this issue properly.

**Senator BILYK** (Tasmania) (4.44 pm)—I would also like to thank Senator Hanson-Young for bringing forward this urgency motion today. I know she has a genuine interest in this issue not just because she is a parent. I also have a genuine interest in this issue, and I am probably game enough to say that I am probably the only member of this Senate who has actually worked in the childcare industry for any extended length of time. I understand that Senator Jacinta Collins has at various times, but I spent 11½ years working in the childcare industry.

In this matter there are two options: the opposition would like these centres closed down or that we come up with some process to allow these centres to continue to operate. The opposition say that they are the great economic achievers of this lifetime. Let me ask: where do you think Australia will be if we have to close down these centres, if parents cannot go to work? The Leader of the Opposition, Mr Turnbull, has said:

... the reality is an unprofitable business cannot be sustained indefinitely. So there is clearly a concern about the level of and the tenure ... the extent of government support.

...        ...        ...

... it looks like this contingency plan—

So there is a plan, though we have heard numerous speakers from the other side say there is no plan, and if there is a plan they do not like it anyway—

this support, was put together very much at the last minute. So I'm a little sceptical as to how much of a plan they really had.

We have got a plan. If you want to ensure that there is an ongoing service where these parents can leave their children, whether it be for work or for other activities in the community, then it is important that you do not just talk about what is going to happen between now and the end of December. We are saying that we have a plan as to what will happen after December.

Because we have a commitment to high-quality child care and because we are economically sensible and understand the commitment to the rest of the community if these places are taken out and parents cannot attend work, the Deputy Prime Minister has today announced the registration of interest process. But, no, the other side are not happy with that either. It is obvious that the other side would like to close these centres down and walk away. I have already quoted their leader's comments. What did we see happen in the matter concerning Stan Howard, the chair of National Textiles and the previous Prime Minister's brother? We saw money flow left, right and centre to ensure that the workers at National Textiles were looked after. That is what we are doing: we are making sure that the parents, the children and the workers are supported. It is a very important issue. I think the other side have turned this issue into a political stunt. They think they can get cute in their rhetoric on this too. We have heard some glib lines from the other side about this. I could make a few of my own. In fact, in relation to the business with Mr Stan Howard, *He Ain't Heavy, He's My Brother* comes to mind.

I do not think the opposition take this issue seriously at all. We have seen a lot of double standards and hypocrisy from the other side. Senator Bernardi says there is no plan. The Leader of the Opposition obviously thinks there is a plan because he spoke about it on 8 November 2008. There is a plan and it is not good enough that the opposition come into this chamber and try to turn this debate on an urgency motion into a political stunt. It is a serious issue. I do not think child care was taken seriously by the other side in all the years they were in government. The Rudd government was elected with a comprehensive childcare and early childhood education agenda, which is being pursued through COAG. The Rudd government has the interests of parents, their children and, in this case, ABC Learning employees front and centre. What is critical here is stability and continuity of service for parents, children and ABC Learning staff. That is why we have committed up to \$22 million in conditional funding to ensure that all ABC Learning childcare centres remain open and provide care until 31 December 2008. That is why the Deputy Prime Minister made the announcement today regarding expressions of interest—(*Time expired*)

**Senator HANSON-YOUNG** (South Australia) (4.49 pm)—I am glad that I have been able to kick-start some debate on this issue in the chamber. I think Australian mums and dads must be sick and tired of the petty party politics that go on in this place. We have just spent almost an hour hearing about who is to blame for the ABC Learning crisis. There is definitely enough blame to go around on both sides of the chamber. The ABC Learning crisis would never have happened if ABC Learning had not been given the opportunity to monopolise the sector. Mums and dads around the country would not be worried about whether they can drop their kids off at their local childcare centre if companies had

not been given free rein over what is meant to be an essential service. Mums and dads would not be worried about whether their local ABC centre is closing if companies were not able to profiteer from an essential service and the essential needs of Aussie families.

The government should have responded sooner. The government are creating more anxiety by their lack of transparency on this issue, keeping parents and the elected members of and senators in this place in the dark on the rest of their contingency plans. The \$22 million to be used to prop up ABC Learning over the next two months will only keep centres open until after Christmas, until 31 December. If the plan is more than this, let us see it. I hope there is more of a plan. I want to see it. I want the key stakeholders in the childcare sector to see it because that means we can get together and move forward.

We need to know now whether the minister will hold an emergency summit of the key stakeholders in the childcare sector, given that today the Senate voted to call on the government to hold one. We need to know within days when that summit will be held. Senator Collins mentioned that consultations will be happening and that those who were not spoken to today at a luncheon held by the parliamentary secretary—which I must point out was not a crisis meeting; it was simply a luncheon—eventually will be consulted. Frankly, ‘eventually’ is not soon enough. We need to know within days what the minister’s contingency plans are. We need the minister to commit to bringing together the brightest and best minds in the childcare sector. Those involved on the ground—the service providers, the local government associations that run childcare centres in their local areas and the small, independent operators—need to be brought together. We need to figure out how we move forward to ensure we can give par-

ents some certainty after 31 December. 'Eventually' is simply not good enough.

We need to take this opportunity to reform child care in Australia. The status quo simply is not working. We need a full investigation into how we ever allowed this essential service to be monopolised by a private company that puts the lining of shareholders' pockets above the care of children. The company has a 25 per cent market share and that is simply not acceptable when we are talking about an essential community service. We need a full investigation as to how this happened. We need an emergency summit to move forward to ensure we can give certainty to parents and working families that their kids will not simply be left at the gate on 1 January.

Question agreed to.

#### **AUDITOR-GENERAL'S REPORTS**

##### **Report No. 8 of 2008-09**

**The ACTING DEPUTY PRESIDENT (Senator Troeth)**—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 8 of 2008-09: *Performance audit: National Marine Unit: Australian Customs Service.*

#### **COMMITTEES**

##### **Membership**

**The ACTING DEPUTY PRESIDENT**—The President has received letters from party leaders requesting changes in the membership of committees

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.55 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

#### **Education, Employment and Workplace Relations—Standing Committee—**

Appointed—

Substitute member:

Senator Milne to replace Senator Siewert for the committee's inquiry into Australia's research and training capacity in the area of climate change

Participating member: Senator Siewert

#### **Fuel and Energy—Select Committee—**

Discharged—Senator Fielding

Appointed—Participating member: Senator Fielding

#### **Rural and Regional Affairs and Transport—Standing Committee—**

Appointed—

Substitute member:

Senator Siewert to replace Senator Milne for the committee's inquiry into the provisions of the Water Amendment Bill 2008

Participating member: Senator Milne.

Question agreed to.

#### **Membership**

Messages received from the House of Representatives informing the Senate of the appointment of Mrs BK Bishop and Mr Briggs in place of Mr Baldwin and Mr Morrison on the Parliamentary Joint Committee of Public Accounts and Audit; Mrs Markus in place of Mr Robb on the Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade; Ms Ley in place of Mr Pyne on the Parliamentary Joint Committee on the Australian Crime Commission; Ms Ley in place of Mr Pyne on the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity; Mr Briggs in place of Mr Andrews on the Parliamentary Joint Standing Committee on Treaties; Dr Stone in place of Mr Randall on the Parliamentary Joint Standing Committee on Migration; Mr Pearce in place of Mr

Keenan on the Parliamentary Joint Committee on Corporations and Financial Services.

**GREAT BARRIER REEF MARINE  
PARK AND OTHER LEGISLATION  
AMENDMENT BILL 2008**

**In Committee**

Consideration resumed.

**The TEMPORARY CHAIRMAN (Senator Troeth)**—The committee is considering the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008, as amended, and opposition amendments (1) to (3) on sheet 5600, moved by Senator Joyce. The question is that the amendments be agreed to.

Question negatived.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.58 pm)—I move government amendment (1) on sheet RE380:

- (1) Schedule 6, item 9, page 114 (line 23) to page 115 (line 4), omit the item, substitute:

**9 Subsection 3(1)**

Insert:

*fishing* means any of the following:

- (a) taking fish;
- (b) attempting to take fish;
- (c) engaging in any activity (including searching for fish, using fishing apparatus and using fish aggregating devices) in connection with taking, or attempting to take, fish.

As in the earlier debate, when we were debating these two elements in a cognate way, I put that we would be moving this definition of fishing. As I indicated, this comes as a result of the inquiry into the bill by the relevant Senate committee. I thank the members of the committee for their advice and for the report we received.

First, I need to make something very clear. Senator Joyce has been saying that the reason we have moved this amendment is that

the previous definition was onerous. That is not correct. It is simply being moved as a point of clarification. It is not at all to do with the view that Senator Joyce has put to us. It also comes as a result of the contribution you made earlier, Senator Joyce, when you questioned whether it refers to the zoning plan or to the act. That is a very important point, and I think I answered that in an earlier contribution—at least I hope I did.

The amendments we have moved are relevant only to commercial operations. I do encourage you to look at paragraph (c) of the amendment that says:

engaging in any activity (including searching for fish, using fishing apparatus and using fish aggregating devices) in connection with—

and that is the most important part—

taking, or attempting to take, fish.

You should not be concerned about the import of this definition. I think it is a good addition in terms of clarification to the overall operation of the act, if adopted. I commend the amendment to the chamber.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (5.00 pm)—Just for clarification, the requisite part of the relationship described as ‘fishing’ is from the Great Barrier Reef Marine Park Authority Act 1975. That is what is being relied on, not the zoning section.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.01 pm)—The amendment does change the definition in the act, not in the zoning plan. I hope that clarifies it for you.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (5.01 pm)—I understand that. I am just saying that, with the enforcement of a charge of fishing where you are not supposed to fish, they will therefore be referring back to your breach of a provision in the zoning plan or a breach of a

provision in the Great Barrier Reef Marine Park Authority Act 1975.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.02 pm)—If a person is fishing in a green zone and the enforcement officer is of the view that that person is in the wrong place, they will report it to the DPP. The DPP will make an assessment and pursue charges on the basis, initially, of the zoning plan. Subsequent to that, if the person is guilty of fishing in a green zone—and I use that term in the broadest sense because of the infringement notice opportunity, whether the person has a previous record and a whole range of things to be put into that if the person has been found to be guilty—then there is an opportunity, if the person is deemed to be fishing in a commercial nature, for this definition to be instigated.

**Senator IAN MACDONALD** (Queensland) (5.03 pm)—Madam Temporary Chairman, have we dealt with Senator Joyce's amendment?

**The TEMPORARY CHAIRMAN (Senator Troeth)**—We have dealt with that amendment, Senator Macdonald. That was dealt with just before you arrived in the chamber.

**Senator IAN MACDONALD**—I must say, Madam Temporary Chairman, I am most unhappy about that. It was my understanding that this bill was not coming on for a while and that there were certain things to be done. Apparently for some reason it slipped through very, very quickly. Senator Joyce, Senator Boswell and I, who clearly have major parts in this debate, are rather disappointed that the minister did not do us the courtesy of delaying things.

**The TEMPORARY CHAIRMAN**—With respect, Senator Macdonald, it was let go through by your colleagues and the committee assumed that there were no other

speakers on the matter. If you seek leave of the committee we can return to that matter, if you wish.

**Senator IAN MACDONALD**—As it turns out I think it was Senator Joyce's amendment that we were discussing. As soon as we saw this amendment come on we all rushed down but by then the matter had been put and I am rather disappointed that that happened. As I understand it Senator Xenophon indicated that he would not be supporting Senator Joyce's amendment so it would have been defeated with the Labor Party, the Greens and Senator Xenophon not supporting it. I guess we do not need to recommit it and I do not think we were going to divide in any case. I am not sure whether Senator Joyce wants to say something about that matter, although perhaps he just has. If we are now dealing—

**The TEMPORARY CHAIRMAN**—We are now dealing with government amendment (1) on sheet RE380.

**Senator IAN MACDONALD**—Thank you, Madam Temporary Chairman. The opposition have not spoken on that as far as I know. I think Senator Joyce thought that his last speech was on his amendment, but I do not want to attribute things to Senator Joyce as he can do that himself. Certainly on behalf of the opposition I want to indicate that, with Senator Joyce's amendment having been defeated, we now come to the government's amendment on the definition of 'fishing'. Whilst it is not quite what we wanted, it is better than the original definition in the bill. It was raised in the committee report into the bill. Even the Labor Party members on the committee indicated in their majority report that the definition did require looking at as it was confusing, and I thank Senator Joyce, particularly, and Senator Boswell for raising debate on the issue of the definition. The government's amendment addresses some of

the concerns that the opposition had and it is better than it was. So the opposition will be supporting the government's amendment on the definition.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (5.07 pm)—For the record, obviously I would have supported my own amendment. I was at an Economics Committee hearing on the top floor and even though I ran, I was not here on time. I believe it was a superior amendment; nonetheless it has failed. For the record, and so that people understand, quite obviously I would have been supported. I imagine that Senator Boswell and others would also have been in support of it. This amendment is certainly better than what the government is proposing now, and I concur with Senator Macdonald that it is certainly a step in the right direction for what was formerly section 9, I think—I do not have it in front of me—in the original act. Regardless of the motivations that have been described by the minister, I am certain that the overarching and overproscriptive capacity of the original act to reach into areas as a form of law, which I do not see reflected in other forms of law in Australia, and the whole intention that was there before—that you could be charged not so much for what you did but for what you thought—is an onerous form of law that we should not be passing in this chamber. So I see this not as a complete fix of that problem but certainly a step in the right direction. I hope, for future reference, regardless of what the act is that we are talking about, we do not revert to pieces of legislation that make criminals out of the way people think. The National Party will be in support of this amendment, not because it is right but because it is far better than what was completely wrong.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.09 pm)—I thank senators for indicating that they will support this

government amendment, but I just want to put on the record my views of what happened prior to this, because I would not like the *Hansard* to reflect that anything untoward has occurred in the taking of the previous vote. When the committee opened there were no speakers in the chamber on Senator Joyce's amendments. The chair quite rightly called for a vote to be taken. The chair at that time called the vote for the ayes. Given that we know how people variously around the chamber are going to vote, I then called for a division on the basis that the noes would have it. Opposition senators indicated that a division was not required and, therefore, the division was called off. I would hate others to think that anything untoward occurred in the chamber, given the sensitivity of this issue, particularly in North Queensland. I hope that assists those senators who were not in the chamber because of other committees. I am not at all critical of the fact that we all have other work to do as well as appear in the chamber. I thank senators for their support.

**Senator IAN MACDONALD** (Queensland) (5.11 pm)—I do not want to carry this on, and I am not quite sure what happened. I am not quite sure who indicated that we did not want to divide.

**The TEMPORARY CHAIRMAN**—Senator Brandis, who was present in the chamber at that point, indicated that a division was not required.

**Senator IAN MACDONALD**—Thank you, Madam Temporary Chairman. I am somewhat surprised by that. I did hear the bells start to ring as I raced down from my office, thinking that perhaps someone had called a quorum. However, it is not worth continuing on. As I say, we were beaten fairly and squarely, as well as by the bell. I thank Senator McLucas and you, Madam Temporary Chairman, for making it clear.

**The TEMPORARY CHAIRMAN**—The question is that government amendment (1) on sheet RE380 be agreed to.

Question agreed to.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.12 pm)—by leave—I move government amendments (1) to (5) on sheet RC406:

- (1) Schedule 6, page 115 (after line 4), after item 9, insert:

**9A Subsection 3(1)**

Insert:

*geological storage operations* means:

- (a) operations to inject and store a gas substance in part of a geological formation; or
- (b) operations preparing for or incidental to operations mentioned in paragraph (a).
- (2) Schedule 6, item 24, page 117 (line 28), omit “**or drilling**”, substitute “**or geological storage operations**”.
- (3) Schedule 6, item 24, page 118 (line 1), after “operations”, insert “or geological storage operations”.
- (4) Schedule 6, item 24, page 118 (line 27), omit “**or drilling**”, substitute “**or geological storage operations**”.
- (5) Schedule 6, item 24, page 118 (line 29), after “operations”, insert “or geological storage operations”.

These amendments will establish a prohibition on the geological storage of greenhouse gases in the Great Barrier Reef. As senators know, mining and drilling is prohibited in the Great Barrier Reef region. This prohibition was established long before geological storage of greenhouse gases was contemplated, as we know from the debate we had last night. The Australian government sees greenhouse gas geological storage as a critical technology in reducing greenhouse gas emissions. However, it has no intention of

allowing it in the Great Barrier Reef where drilling operations are already prohibited. The amendments provide clarity and certainty regarding the government’s position and are also consistent with the overarching object of the bill currently before the chamber, which is to establish a modern, future focused regulatory framework for the Great Barrier Reef.

**Senator SIEWERT** (Western Australia) (5.14 pm)—I would like to indicate from the Greens’ perspective that we will be supporting these amendments.

**Senator IAN MACDONALD** (Queensland) (5.14 pm)—I indicated earlier that the coalition will be supporting these amendments. In saying that, I want to congratulate Mr Peter Lindsay, the Liberal member for Herbert, for his campaign to ensure that these particular amendments were included in the bill. Way back on 25 June 2008, when the matter was dealt with in the House of Representatives, Mr Lindsay raised the issue of carbon sequestration underneath the Great Barrier Reef. He said that the bill that was presented to parliament did not rule out allowing carbon sequestration under the marine park. As Mr Lindsay said:

I am very pleased that the government has since said, ‘No, it’s not our intention to allow that.’

Mr Lindsay had been publicly campaigning for that. He indicated that he would move an amendment to the bill, which I am sure that the government would support, and he referred to an article in the *Australian* that included a map showing that there could be carbon sequestration under the Great Barrier Reef Marine Park. I am pleased that the government has introduced these amendments in the Senate in committee to allay the fears of Mr Lindsay and other members of the coalition, who are concerned that at all costs the Great Barrier Reef be protected and looked

after. It is one of the great natural icons of the world.

As well as being a great natural asset and something that has brought pleasure to many people over eons, it is also, as I mentioned in speaking to an earlier amendment, a great revenue earner for Australia. Marine tourism in the Great Barrier Reef region is worth \$5.1 billion annually and employs some 54,000 people. That information was provided by Access Economics, which did a study in the area just recently. A study commissioned in 2001 by tourism organisations, including Tourism Queensland, and the Cairns City Council and conducted by Hassall & Associates showed that the value of the marine tourism industry in the Cairns-Port Douglas area alone was some \$736 million in the previous year. A further study by Hassall & Associates commissioned by Tourism Queensland showed that the marine tourism industry for 2001 paid the following major taxes: \$187.5 million in income tax; some \$8 million in the environmental management charge; and some \$19.9 million in company tax, making a total of \$215 million in revenue for the Commonwealth, which then pays out only about \$30 million to GBRMPA. Not only is the Great Barrier Reef a great natural asset and great for tourism and employment; it is a real cash cow for the government. The Queensland government receives approximately \$124 million of federal revenue through the GST and collects another \$19 million in other taxes paid by the marine tourism industry. According to my figures, the Queensland government spends only about \$23 million on the Great Barrier Reef.

Through the payment of the environmental management charge, industry contributes some \$8 million per year to the GBRMPA budget, of which \$1.2 million was paid to the CRC Reef Research Centre. There are over two million visitors to the Great Barrier Reef each year, and research

shows that the Great Barrier Reef is the most significant attraction for tourism within the North Queensland region, with about 80 per cent of tourists visiting the Great Barrier Reef at least once. Quite clearly this is a great natural asset; it is also a great commercial asset for Australia, for Australians and for the Queensland government. That is why we have to protect it at all costs, and that is why the opposition will be supporting the government's amendments as to an issue that was rightly raised by Mr Lindsay some time ago.

Question agreed to.

**Senator IAN MACDONALD** (Queensland) (5.20 pm)—I, and also on behalf of Senator Boswell, move opposition amendment (1) on sheet 5550 revised:

- (1) Schedule 6, item 24, page 126 (after line 13), after Division 3, insert:

**Division 3A—Convictions under former section 38CA**

**38CC Convictions under former section 38CA**

- (1) Despite any other Commonwealth law or any State law or Territory law, if a person was convicted for an offence under section 38CA of the *Great Barrier Reef Marine Park Act 1975*:
- (a) that occurred during the period 1 July 2004 to 14 December 2006; and
  - (b) that did not attract a monetary penalty exceeding \$5,000;
- that conviction is for all purposes to be treated as a spent conviction under Part VIIC of the *Crimes Act 1914*.
- (2) For the avoidance of doubt, a conviction referred to in subsection (1) is to be treated as a spent conviction whether or not the waiting period for the offence under Part VIIC of the *Crimes Act 1914* has ended.



- (3) Despite Division 3 of Part VIIC of the *Crimes Act 1914*, the exclusions provided by Division 6 of Part VIIC of the *Crimes Act 1914* do not apply in relation to a conviction referred to in subsection (1).

This amendment deals with a matter that has been of great concern to the coalition for a number of years now. As I indicated this morning—and I will not repeat a lot of what I said this morning—the former coalition government legislated in relation to green zones. The penalties for fishing in the green zones were very severe. Between 1 July 2004 and 14 December 2006, there were a large number of convictions which imposed very heavy fines but also gave those convicted a criminal record. This was never intended; it was an unintended consequence. Senator Boswell and I gave examples of that this morning and of the impact that criminal records have had on ordinary Australians who liked to go out fishing and who made a mistake and went into the wrong zone. As a result of a lot of good work done by Senator Boswell and others, including me, this was highlighted. The previous government recognised that this was an unintended consequence and promised before the last election that, if returned, the coalition would introduce legislation to legislatively overturn the criminal records of people convicted during the period 1 July 2004 to 14 December 2006.

On 14 December 2006, the previous government, understanding the problems, changed the arrangements so that, from that date onwards, people fishing in the green zones could be served with an infringement notice—an on-the-spot fine, almost—instead of being taken to court and, upon conviction, having a criminal record. With the infringement notices, there are still very substantial fines but no conviction is on the person's record. What we want to do with this amendment before the chair is to put those

who were convicted between 1 July 2004 and 14 December 2006 in the same position as they would have been had they been given an infringement notice after 14 December 2006.

This has been the subject of a lot of anxiety by those convicted, for the reasons that Senator Boswell and I mentioned earlier today. This amendment, if it is passed—and I am delighted to hear that both Senator Fielding and Senator Xenophon have indicated that they will be supporting the amendment, which means that it will be passed—will put to an end this very unhappy period in relation to the Great Barrier Reef. I want to emphasise again that the Labor Party when in opposition, before the last election, also indicated that they would be supporting this form of activity. The then shadow spokesperson in the area of agriculture, fisheries and forestry, Senator O'Brien, quite clearly said in response to a newspaper inquiry that this needed to be a bipartisan approach and he gave every indication that the Labor Party would be supporting it.

Initially we looked at a pardon, but it became clear to us on investigation that a pardon would be difficult to do, as it would create an unfortunate precedent and in fact would be a unique action in Australian legislative history. So, on further reflection, the coalition decided to propose that these convictions between 1 July 2004 and 14 December 2006 be treated as spent convictions under part VIIC of the *Crimes Act 1914*. The *Crimes Act* actually has an automatic spending of convictions after a period of 10 years. What this amendment does for these 100 or so people who now have this criminal record is bring forward the spending of their convictions. So, to all intents and purposes, if this amendment is adopted, those who were fined in that period that we talk about will, of course, still pay the fine—there will still be that very substantial penalty—but they will

not have a conviction on their personal record for what amounted to, in most instances, fairly innocent fishing breaches.

It is important to understand that that new regime was a huge step forward by the coalition—from about five per cent reserved away in green zones, it went up to something like 30 or 32 per cent in green zones. So there was a major rearrangement of what people had done on the Great Barrier Reef for many, many years. There was a lot of anxiety about it and a lot of anger and concern at the time the green zones were introduced—however, it went ahead. As a result, people who fished in a certain area where they had been fishing for decades suddenly found themselves in breach of the law and, as a result, faced very substantial penalties and this criminal conviction—which was not intended. What we are doing with this amendment is using the Crimes Act and the provision about spent convictions to say that these convictions in that period are deemed to be treated as spent convictions under the Crimes Act. And the balance of the amendment is to clarify what it refers to.

I am pleased that there has been an indication that there will be majority support for this amendment. I certainly hope that the Labor Party members will honour its election commitment and also support the amendment. I went to Labor Party members at the committee hearings and I had written to the minister explaining the problem. If there was a better way of doing this, I was hoping that the government might come forward and say: 'We understand what you want to do. We agree, as we agreed before the election, that this situation should not continue, and this is a way we can get rid of it.' But, whilst I got tacit support, one might say, from officials at estimates committee hearings, I could never get their political masters to actually come to the party. I am hoping that, by now, the government will accept that this is an

appropriate amendment. It is a very fair amendment and it rights a wrong—an unintended consequence of very strong legislation to protect the Great Barrier Reef.

I would certainly urge all senators to support this amendment. It does not create any undue precedent—which I see the government raised in their majority committee report. That is a facetious argument. It will right a wrong. It will be a great day, I might say, for those who are impacted upon by this and it will clean their slates in a way that will bring closure to this particular incident in Australia's history. So I urge senators to support this amendment.

**Senator BOSWELL** (Queensland) (5.29 pm)—I am not going to go into a great deal of detail, as Senator Macdonald has covered the amendment very adequately. I do, however, want to go on the record because this amendment is in both our names. I want to thank him for his efforts in getting this sorted out. In a previous life Senator Macdonald was a solicitor. He has found a way through this and, in consequence, we have been able to put this amendment up. It is a great day for those people who have had a conviction registered against them. People just could not believe that they had been criminally charged over fishing in a green zone when they did not recognise that they were in such a zone. I went through that this morning and I do not intend to go through it again. I am very pleased, however, that there are a lot of people tonight—324 of them, actually—who will not have to confess that they have a criminal conviction when they go to the police, to an insurance company, to get a passport or to take some other action. It will be a great relief to them to be able to go and apply for another job or to do certain other things that require a clean slate. This amendment will, hopefully, go through today and they will have a clean slate.

I cannot understand why, after Senator O'Brien went on the record, there has been a change in the attitude of the government. I do not intend to go on about this because I want to clear up this issue as soon as possible, but I do want to put on the record again what Senator O'Brien said in the *Townsville Bulletin* on 19 October:

Shadow fisheries minister Kerry O'Brien said the government was holding fishermen's votes to ransom and yesterday's announcement was beyond the pale. 'Frankly, it is an indictment on the government—

that's the Howard government—

that they are prepared to play politics about these issues,' Mr O'Brien said. 'Those who have been convicted have had these convictions sitting against their names for some time. Why couldn't the government act before today?' Mr O'Brien said an elected Labor government was also sympathetic to the overturning of the criminal record of 324 fishermen convicted of the offence. 'This is about correcting the initial mistake and we would take the bipartisan position on that,' he said.

There seems, on the part of the government, to now be a complete reversal of Senator O'Brien's commitment. Be that as it may, I would like to go on the record and thank a gentleman called Wayne Bayne, who carried a lot of the responsibility for organising the evidence given to the committee. I also thank Senator Ian Macdonald for finding a way through this legal maze and coming up with an answer that will technically remove criminal convictions.

**Senator SIEWERT** (Western Australia) (5.33 pm)—The Greens will not be supporting this amendment. We do appreciate the fact that under the amendment some recreational fishers who were convicted during this period will potentially not now have a criminal conviction. However, during the briefing that we received on this, the department told us about the approach that was being taken

to enforcement at the time. They reminded those of us who were there that there was a strong focus and emphasis on education and that warnings were the primary approach. They told us that when it was first introduced there was an informal amnesty and that the introduction of the approach was phased in. Of the people that were prosecuted, a lot of them had been previously warned. The prosecution approach was only taken when there appeared to be clear knowledge, culpability and/or admission. There were also over-the-bag limits and undersized fish. I am sure that there were people who genuinely did not know that they were in the wrong place. However, I think there is a little reinventing of history going on here. It appears that everybody did not know what they were doing when they were actually fishing. We have heard the story of the tinnie, the grandfather and the grandchild and, as I said, I am sure that there were a number of cases like that. I am also sure that a lot of the people that were caught actually did know what they were doing. It is also a fact that fishing contrary to a zoning plan still has the potential for a criminal conviction.

We do note that the amendment limits the spent convictions to those with convictions which occurred to a monetary penalty of less than \$5,000. However, we still do not support this amendment. We believe it is inappropriate to set a precedent for deeming criminal convictions as spent when the convictions were in line with the law at the time. There is a legislative scheme for spent convictions in the Crimes Act, one that we are concerned should not be undermined. We are also concerned that while the latest version of the amendment—we do recognise there was a series of amendments here—limits the spent convictions to those with a penalty of less than \$5,000, there is still the possibility of persons who did, willingly and knowingly, breach the law receiving a spent conviction.

Such a threshold would also take in convictions for commercial fishing related offences. The department's submission to the Senate inquiry indicated there were 23 convictions for commercial fishing related offences in that period and that a variety of fines had been awarded for commercial fishing related offences, ranging from \$1,500 to \$40,000. We are particularly concerned that those commercial fishing related offences would be caught up in this. Those commercial fishers should have known full well that they were breaching the law.

We have often debated fishing related offences in this chamber. The last response from the government on this issue was that provisions are in place whereby those who have been caught up in this unknowingly could put a good argument to have their convictions dealt with. It is an unfortunate situation, and I do feel for those people who were caught up in this area, who now have a criminal conviction but who could potentially no longer have one. I remind the chamber that it remains a criminal conviction in some circumstances and that we do not believe that this is an appropriate way to deal with this unfortunate circumstance. We support the approach that the government outlined earlier to this place whereby people who have a conviction can take steps to have their conviction spent. We are concerned with the precedent that this amendment would set.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.38 pm)—The government does not support the amendment moved by Senator Macdonald and Senator Boswell. As we have heard, the issue was considered in detail during the inquiry into the bill. It was the committee's view that it was not appropriate for parliament to quash the convictions in question through amend-

ments to the bill currently before the chamber.

In reaching this conclusion, the committee made a number of points. Firstly, the majority of recreational fishers apprehended illegally fishing were dealt with by way of a warning—280 out of the 401 in the period in question. The Great Barrier Reef Marine Park Authority's key approach to compliance is education. Significant efforts were and continue to be made to ensure that people are aware of the marine park zoning plan. Secondly, the decision to prosecute was made by the independent Commonwealth Director of Public Prosecutions based on the prosecutions policy of the Commonwealth. This policy seeks to ensure consistency in the decision to prosecute and that prosecutions are in the public interest. Thirdly, it is open to a court under the Crimes Act 1914 to discharge a person found to have committed an offence without entering a conviction. This option was exercised on a number of occasions.

Fourthly, any action to legislatively quash convictions would set a concerning precedent. I am sure Senator Brandis would have something to say about precedent setting by legislatively quashing convictions. Persons convicted were prosecuted in accordance with the law at the time, and their offence was proven in a court of law. The law was subsequently changed, and behaviour dealt with by way of a warning or prosecution can now be dealt with by way of a warning, an infringement notice or prosecution. An additional intermediate enforcement option was introduced, and that was supported by Labor in opposition.

The introduction of new enforcement mechanisms such as infringement notice schemes is quite common as governments seek innovative, flexible and efficient ways of securing compliance with the law. This often results in particular forms of offence

being enforced through different means before and after regulatory reforms. It is consistent with the fundamental principle of our criminal justice system that persons committing an offence should be dealt with in accordance with the law that exists at the time that the offence is committed. The circumstance is not unique to regulation of the Great Barrier Reef, and neither the government nor the committee is aware of any examples of similar reforms in other areas that involve the revisiting of past enforcement action.

Finally, the difficulties in framing a legislative provision to quash or spend convictions was noted. For example, among the recreational fishers who were convicted were people who admitted to knowing that they were inside an area closed to fishing and others who deliberately sought to obscure vessel registration numbers to avoid apprehension. Those people knew they were guilty when they were apprehended. Those people will have their convictions spent or quashed as a result of this amendment. It is an enormous precedent that this chamber looks like it is going set today.

Further, both recreational and commercial fishers were convicted under the same provision of the act. So any action to quash or spend convictions for recreational fishing would inevitably also apply to the conviction of commercial fishers, even though the infringement notices are not now used in relation to such offences. There have never been any concerns raised about the conviction of commercial fishers who have broken the law.

The amendment would apply to convicted persons fined less than \$5,000. Presumably, this is an attempt to deal with the difficulties in framing a provision—difficulties that were identified by the committee. It is unclear, however, why the figure of \$5,000 has been chosen. The inquiry into the bill was given

very clear evidence that the maximum fine received by a recreational fisher was \$2,250. I think that is a very important point that needs some clarity. Why choose \$5,000, unless you are trying to capture a group of people who are commercial fishers and who have been convicted under this legislation?

During the period in question, from 1 July 2004 to 16 December 2006, there were 23 commercial fishing offences committed for which a conviction was entered. Thirteen of those 23 received a fine of less than \$5,000. They would all be given a reprieve under this amendment. The proposition that the offence committed by these people is not serious is simply not true. The majority of the 13 people fined less than \$5,000 were fishing from dories. These are small boats that work in conjunction with the mother vessel. So the scale of the offence might be small but the issue is a serious one. They are professional fishermen who should know and play by the rules. The fact is that there are strong incentives not to play by the rules. Scientific studies have shown that the abundance of an average size fish such as coral trout is generally much higher on reefs in marine park no-take zones than on reefs open to fishing. Studies have also shown that the difference in legal size coral trout catch rates can be as much as 12 per hour in a zone closed to fishing compared with five per hour in an area open to fishing.

These are serious offences and it is important that there is effective deterrence. Unfortunately, if this amendment is passed, 13 out of 23 commercial fishers will have convictions quashed when, in our view, they have knowingly broken the law. More generally, the broader implication of the amendment is that the existing Commonwealth spent conviction scheme will be overridden. The normal operation of the scheme means that these convictions would be spent after 10 years of good behaviour. Earlier we referred to other

ways and methods for convictions to be spent which would not set the precedent which this proposal will set if carried. The amendment would undermine the coherence and credibility of the spent conviction scheme to give these offences special treatment without any justifiable rationale for doing so. In summary, this is very poor policy that would be poorly implemented. For these reasons, the government does not support the amendment.

**Senator IAN MACDONALD** (Queensland) (5.45 pm)—I am anxious to bring this matter to a vote today. It has been going on for far too long. It started its passage through the parliament in June. I do not want to carry on with the debate. Suffice it to say—

*Senator McLucas interjecting—*

**Senator IAN MACDONALD**—Thank you for your legal advice, Senator McLucas.

**Senator McLucas**—I'm not a lawyer.

**Senator IAN MACDONALD**—Then perhaps you should confine your remarks to something that you know something about.

**The TEMPORARY CHAIRMAN** (**Senator Troeth**)—Order! Senator Macdonald!

**Senator IAN MACDONALD**—Madam Chair, is there some problem with what I am saying?

**The TEMPORARY CHAIRMAN**—No, but I think you should confine your remarks to the amendment under discussion.

**Senator IAN MACDONALD**—I was responding to an interjection that was unlawfully given by the minister. It was a nasty interjection, I might say. It is not that I take offence at these things, but the pot should not be calling the kettle black. I simply want to put on record that I disagree with most of the red herrings Senator McLucas has raised. If time permitted, we would go through those red herrings one by one and dismiss them.

Suffice it to say that the fines that will be incurred stand. They are very substantial penalties. What we are doing is removing a conviction that was an unintended consequence of the legislation previously introduced. I again commend the amendment to the parliament.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

### Third Reading

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.48 pm)—I move:

That this bill be now read a third time.

**Senator IAN MACDONALD** (Queensland) (5.48 pm)—I just want to thank senators for agreeing to the amendments proposed by the opposition. I am sure there will be many ordinary Australians with this record hanging over their heads who will tonight be very much relieved. I am disappointed that the government have gone back on their pre-election commitment to support an approach along these lines. As I indicated previously, if there had been a better way of doing this then we would have been keen for the new government to come forward and show the way. They have the resources of a huge department. They have the resources of the Attorney-General's Department and the very qualified solicitors and counsel who—

**Senator McLucas**—How long were you in government? Why didn't you fix it?

**The TEMPORARY CHAIRMAN**—Order! Senator Macdonald has the floor.

**Senator IAN MACDONALD**—It was a long battle, Senator McLucas, but the commitment was made prior to the election by the then Prime Minister, John Howard. Had we been returned, this would have been dealt with long before now. That is a matter of

record. But what is also a matter of record—and it does concern me—is that the Labor Party actually agreed to this prior to the election. Does that mean the Labor Party would say anything before the election to get a vote from those fishing families up along the coast and then, after the election, completely renege on that promise? That was not averred to by the minister. I do not particularly want to carry this along, but I simply want to put that on record. I again thank the Senate for its support for those amendments.

Question agreed to.

Bill read a third time.

#### **TRADE PRACTICES AMENDMENT (CLARITY IN PRICING) BILL 2008**

##### **Second Reading**

Debate resumed from 16 October, on motion by **Senator Ludwig**:

That this bill be now read a second time.

**Senator BRANDIS** (Queensland) (5.51 pm)—The Trade Practices Amendment (Clarity in Pricing) Bill 2008 amends section 53C of the Trade Practices Act, which requires the full cash price to be stated in advertising the price of goods and services. The policy of section 53C was originally directed at the promotion of goods and services on time payment to require suppliers to stipulate the full cost rather than merely the periodic payment and to allow consumers, especially less-sophisticated consumers, to make a meaningful comparison of prices with similar goods.

However, recent decisions in the Federal Court have thrown some doubt on the efficacy of section 53C, in its current form, to require a single price to be stated. In two cases, *Australian Competition and Consumer Commission v Dell Computers Pty Ltd* and *Australian Competition and Consumer Commission v Signature Security Group Pty Ltd*, the court held that quoting a compound

price—that is, the price of the goods plus another compulsory component such as delivery costs or GST—did not contravene section 53C. Those decisions led to complaints that businesses were being permitted to engage in a form of bait advertising by promoting a cheap price which did not adequately disclose the existence of fees, charges and taxes. The former government, the Howard government, prepared amendments to address these concerns, which were ultimately not proceeded with pending a Productivity Commission report into consumer policy. That report was not released until after the change of government.

While this bill does not exactly mirror the former government's proposed amendments, the policy underlying it is very similar. The principal differences between this bill and the former government's proposed measures are: the removal of postage and handling charges from the scope of the amendments, exempting financial services, and confining the prohibition to consumer transactions. It is possible to quibble over these differences but, on balance, the opposition is satisfied that the bill addresses the major problems that have been identified since the decisions in the two cases I have mentioned. In relation to financial services, the former government enacted a comprehensive disclosure regime under the Corporations Act. Financial products and business-to-business transactions typically involve more detailed consideration of the costs than most consumer transactions, which are often made impulsively and are simpler.

The amendments will prohibit a corporation from making a representation as to the price of goods or services without also specifying the single figure price a consumer must pay in order to obtain the goods or services, to the extent that a single figure price is quantifiable at the time the representation is made. It is not intended that corporations

should be prohibited from using component pricing at all but rather that a single figure should be disclosed at least as prominently as the other components of the price. This will enable consumers to more easily compare like products or services and to make informed purchasing decisions. The opposition supports this bill. (*Quorum formed*)

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (5.57 pm)—In dealing with issues addressed in the Trade Practices Amendment (Clarity in Pricing) Bill 2008 it is very important that we try to bring honesty back into the system of the sale of products. It has been quite evident that, in the past, more and more clouds have been cast over the way products are sold. It has always been the intention, especially of the coalition government, that the consumer would have a right of clear transparency when purchasing products. There have been occasions in the past when this has become obscured by the break-up of goods into parts and the identification of prices of the particular parts has been a mechanism of deception and concern. I think it is imperative as we go forward with this legislation that we acknowledge that trade practices law in Australia has got to march up to the world in which we are living. We are living in the 21st century and, ipso facto, the market at times, not always, does fail and the capacity for the market to redeem or fix itself is lost.

Obviously, if we truly had a pure market with easy entry, with easy exit and with a capacity for new entrants to come in and bring a position of honesty into the market then the reliance on the Trade Practices Act would be limited and, in a perfect world, would not be required. But so often in trade practices law, in the life of commerce, the centralisation and the inhibitors that come to easy entry and easy exit in the market mean that the government does have a role. It has a role to step in and act as a conduit to the

forces that are not there, to try as best it can to mimic what a free market would be able to do. It has always been the contention of many on the conservative side of politics that, although having a government continually and unnecessarily interposing in the market is not a desired outcome, it is a necessary evil when the market has basically lost the capacity to balance itself by natural action.

Especially with the advent of the GST, in the pricing structure of certain items it was expected that there would no longer be the capacity to break up items into particular parts and price them accordingly as a means and a mechanism to confuse the purchaser. There was one exemption, and that was the exemption for postage and handling and for things that were an addendum and clearly identified as away from the product. But more and more people took the liberty of being able to use an extension of this in such a way as to obscure the price. This piece of legislation, I hope, starts to deal with this facet and to bring it back to what was intended by the coalition: to be a clear—and that is why it is called ‘clarity in pricing’—and a better reflection to the community that is involved with the product of exactly what is part of that product. This should be generally supported. The intent of it is well known.

But I hope that it is also just one step of many steps that we have to look at. We also have legislation on creeping acquisitions that will be coming here in the near future. We are already underway on section 51AC, on unconscionable conduct. Changes have been made and instigated, initially by the coalition government, to section 46, on predatory pricing. And all the time we have to go through the balancing act of making sure that we are not overt in the marketplace but we recognise the marketplace to be imperfectly driven by what John Maynard Keynes always be-



lieved to be a desire to centralise to a point—and on centralisation to a point comes the loss of those forces that have the capacity to give the consumer an honest price from an honest marketplace.

More and more, a sense of confusion has been brought about by vendors' greater capacity to break things up in certain ways so that people cannot really compare apples with apples because what they are actually being sold is a stem, a core, a skin and the flesh, and they are all bundled in such a way that people do not quite know what they are buying. The first price is obviously seen as a good price, but, when they have to add up all the other component parts necessary to get the total product, they actually have a very bad outcome. Clarity in pricing is an issue that we hope starts to deal with this factor.

It is going to be interesting to see, as we progress down this path, what further actions have to be taken so that the consumer can readily see what their price is. It is important that the intent that this chamber is showing, especially with clarity in pricing, is also the intent that it shows on other issues that come before it, such as creeping acquisitions. I look forward to the government being honest in their appraisal of creeping acquisitions. I look forward to them being brave enough to deal with what is truly required as to creeping acquisitions. When legislation on section 51AC, on unconscionable conduct, comes forward, I hope that in that issue as well we get a sense of proportion to deal with the fact that, as we currently see under unconscionable conduct laws, we have only had two successful cases in 10 years. That tells us quite a bit about the paucity that is currently in the Trade Practices Act.

Hopefully, with a sense of bipartisan consensus, we can move forward on these issues to bring about a better oversight and a capacity for the ACCC to truly stand up as an in-

dependent player in this which works on behalf of the consumer, not on behalf of other interests that may be affecting its decisions from time to time. We also hope, in that process of making sure that the ACCC remains the independent champion for the consumer, that we do not have the occasion where senators are threatened with defamation cases to be taken before—I do not know—the High Court because they dare to question. We do not want that. We do not want a situation where certain people are intimating that there might be legal proceedings against them if they dare to question the role of the ACCC.

Obviously I hope this issue is one where we see a clear consensus so that, with clarity of pricing, we offer back to the consumer the sense that the market is not there to deceive, that the market is not there to basically rip them off. Clarity of pricing really takes the legislation to a position where the coalition presumed it was going to be anyhow with the introduction of the GST. The introduction of the GST was supposed to bring forward a form where there would have to be clarity in pricing. It is just by evolving over time that we now see that further legislation is required. I commend this piece of legislation to the Senate. It should not have been required, but it is required. I hope, for what it is worth, that we can at least shelve this issue so that we have a clear deck before we start taking on creeping acquisitions and unconscionable conduct, which I know will have a far greater resonance within the chamber and will probably involve a more heated debate.

**Senator XENOPHON** (South Australia) (6.08 pm)—I rise to indicate my support for the second reading of the Trade Practices Amendment (Clarity in Pricing) Bill 2008. Borrowing from the title of the bill, brevity is clarity; I do not intend to take too much of the Senate's time in relation to this bill. I note that a version of this bill was introduced

by the previous government and that the coalition supported this bill in its successful passage through the House of Representatives. I think it is important to put on the record a few brief remarks about this bill, given my ongoing interest in protecting the rights of small businesses and consumers.

This bill amends section 53C of the Trade Practices Act to require advertisers to present a single-figure price so that consumers know the full amount they will have to pay when purchasing items. Currently, some companies participate in practices which, while not technically illegal, are at best confusing and at worst misleading. Such practices do not contribute to a fair and transparent market where consumers should have maximum choice and small businesses should have every chance to compete fairly. An example that would be familiar to many Australians is that of so-called 'cheap' airfares. In what seems like increasingly frequent airfare price wars, we see ridiculously cheap airfares advertised without indication of the associated fees and taxes until after the ticket has been purchased or is about to be purchased. This leaves the consumer in the dark about the true cost of the ticket, which may be far more than those provided by other companies that want to do the right thing by being more transparent in their pricing. Other examples of hidden costs can include on-road and dealer delivery costs for new vehicles and compulsory delivery costs for internet order items such as computers.

This bill will ensure that, when a company makes a statement about the partial price of a good or service, it will also provide the details of the full price. It will do so by making it clear in section 53C of the Trade Practices Act that companies have a responsibility to show component costs in prominent and clear ways. That is good news for consumers, and I commend the government and the Minister for Competition Policy and Con-

sumer Affairs, Mr Chris Bowen, for addressing what are clearly deficiencies with the current act. However, there are three matters for which I request clarification from the minister who is at the table in the committee stage.

Firstly, the bill states that the 'single total price'—namely, the price paid by the consumer to walk away with the product—must be 'quantifiable' for it to be presented. I appreciate that in some cases there will be some fees, charges or costs and that a company will not be able to project all the costs and hence will not be able to provide a single total price. In these cases, will the advertiser be required to state prominently that there is a further charge payable and what the nature of the charge will be even if a specific price cannot be stated—in other words, how will consumers be informed in those cases where it is clearly not practicable and what thresholds are there for the practicability of that being enforced? Where are there reasonable exemptions for businesses in relation to this?

Secondly, while the 'single total price' is not required in business-to-business transactions, should the business that bought the product then sell it on to an individual consumer, what requirements will be on the secondary business to present all component costs? For instance, if a company bought an airfare from an airline and then sought to advertise it online, would it be required to disclose all component costs to enable transparency and greater choice for the consumer? Thirdly, I ask the minister what research the department has devoted to the possible compliance costs of these changes, especially for small businesses. What were the findings of this research? That said, I support the broad intention of this bill and will be supporting its second reading.

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.12 pm)—I thank the speakers who have contributed to the debate today, because the Trade Practices Amendment (Clarity in Pricing) Bill 2008 is an important piece of legislation which enacts a measure that will ensure consumers throughout Australia can be certain of the total price that they have to pay for goods and services before they enter into a transaction. This is an issue that has been before us all in various stages. As Senator Xenophon said, legislation was introduced by the previous government, and it has been amended by this government in consideration of some of the issues that were raised in the committee stages.

We understand that consumers need certainty and clarity. Component pricing, as we know, is the practice of displaying the price for the product as the sum of the multiple parts. I recently saw this in one supermarket where they have started this practice of identifying the taxes, fees and charges associated with some services. It is quite an interesting phenomenon that consumers are becoming much more educated and critical in their comparative analysis of the pricing practices of retailers. But the practice has the potential to draw consumers into purchases based on prices that do not actually fully reflect what they will ultimately have to pay, so it is a consumer protection measure that we feel very strongly about.

Senator Xenophon mentioned the issue of cheap airfares, which is probably the most widely recognised form of component price advertising. We believe that additional compulsory fees and charges should be disclosed, not just in fine-print disclaimers, particularly when those additional compulsory charges may be significantly larger than the compo-

nent price that is highlighted. The amending legislation actually clarifies the operation of the provision that is currently regulated in section 53 of the Trade Practices Act.

The government believe that it is fundamental that every consumer knows how much they are going to pay when they make a purchasing decision. This measure will ensure that, when a business states the partial price of a product, it will also be required to state the total price as a single figure, to the extent that it is known and quantifiable, at the time the representation is made. The bill does not prohibit component pricing. Businesses can continue to list components of a price but this bill will ensure that, wherever it is quantifiable, a total single price must also be provided and in general it must be displayed at least as prominently as the most prominent of any component of price. This measure will ensure that the total amount the consumer will pay must be prominently stated, not just lost somewhere in a footnote. It means if a consumer is drawn to a different, highlighted price then the actual price must also be abundantly clear.

As previous speakers have highlighted just the key provisions of the bill, I want to quickly summarise them. The bill will replace existing section 53 and its associated criminal offence provision, section 75AZF, of the Trade Practices Act, and the proposed provision will apply to all representations about price made by business to consumers. The bill requires disclosure of a single figure minimum total price to the extent that it is quantifiable, as I said. In practice the total price that a consumer will pay may depend on optional extras or bundled products that the consumer chooses to purchase. Clearly, these decisions cannot be known by a business in advance. So where there are a range of compulsory but varying charges which the consumer can choose from, a disclosure of the type 'from \$500' will remain an accept-

able representation of price. The total minimum quantifiable price must be stated as prominently as the most prominent of any other price amounts relating to the purchase. This prominence requirement does not only apply to written price representations. The total price must also be prominent, particularly in relation to television or radio advertisements where the price might be spoken, as well as or instead of a written figure.

While the objective of these amendments is to prevent consumer detriment, there are a number of practical considerations that have been incorporated to assist business in complying with the proposed provisions. I note that Senator Xenophon asked questions about the impact on businesses. That has been very much in the government's mind. Firstly, businesses are only required to state the minimum quantifiable consideration for supply. This means that if a business genuinely cannot determine what the taxes or some other component of the price on a purchase will be when they make a price representation then they would not be required to state them in the total price. Secondly, the bill provides an exemption for charges relating to sending the goods from the supplier to the customer. Such charges, which include genuine postage and handling charges, need not be included in the single figure total price, although they may be included if the business so wishes.

Thirdly, financial services will not be covered by this bill. Currently, section 12DD of the Australian Securities and Investments Act 2001 mirrors section 53C of the Trade Practices Act. It is not the government's intention to amend the ASIC Act at this time. This will allow the current disclosure regime for the financial services sector to continue. Fourthly, the proposed provision will not apply to representations which are exclusively between bodies corporate. Generally, business customers are less likely to rely on

headline prices than general consumers. Any benefits associated with clearer pricing strategies would be likely to be outweighed by reducing flexibility in business-to-business ability to determine the most appropriate format for representing prices.

In conclusion, we believe this is a very balanced measure from a government which understands the regulatory burden and which seeks to minimise its impact on business wherever possible while at the same time delivering the best outcome for consumers. Consumers and industry groups have been heavily consulted on this measure, firstly by the previous government and then again by this government through a draft exposure bill and ongoing discussions with interested stakeholders. The broad support from both consumer and industry stakeholders on the bill is testament to the thoroughness of this consultation.

The bill will ensure that consumers will know how much they are really going to be asked to pay when they see an advertisement in the newspaper or on television or are given a quotation. This measure increases transparency in pricing and further empowers consumers to make the best purchasing choices possible.

I will go directly to Senator Xenophon's concerns and the questions he asked. In relation to his first question about consumers being advised, I am advised that section 53E ensures that retailers must not mislead with respect to the price of goods and services. This can cover non-quantifiable components. Secondly, compliance costs comply with the government's regulatory impact analysis requirements and, as I said, industry and consumers have been widely consulted on both the exposure draft and the final bill. Treasury's advice to government is that this measure has minimal compliance costs because most businesses' price representations al-

ready comply with the measure. The bill only targets shonky pricing representations, such as those raised by Senator Xenophon in relation to low airfare prices. With that, I commend the bill to the Senate.

**Senator McEWEN** (South Australia) (6.21 pm)—I seek leave to incorporate Senator Polley's speech.

Leave granted.

**Senator POLLEY** (Tasmania) (6.21 pm)—*The incorporated speech read as follows—*

The Rudd Labor Government introduced the Trade Practices Amendment (Clarity in Pricing) Bill 2008 to tackle the problem of hidden fees and charges for consumer products. I am sure this bill will be welcomed by Australians because it will provide consumers with a much clearer choice when purchasing products or services.

In these times of global financial stress, this Government understands that every little bit counts when it comes to the family budget.

The bill would amend the Trade Practices Act 1974 to require that where a business makes a price representation to a consumer, and that amount is less than what the consumer will actually have to pay to acquire the goods or services, the business must also prominently state a total price as a single figure. The changes will only apply to all print, television and radio advertisements.

We believe that it is inappropriate for a business to represent that a product costs a certain price and then use fine print disclaimers to reveal additional mandatory taxes, fees or other charges. The Rudd Labor Government believes that businesses that do not provide a total price, for example, those who choose to exclude taxes from their advertised price, may gain a competitive advantage over businesses that provide full price disclosure to consumers. We believe this is unfair to those business's who do the right thing by their consumers, and this is just one reason why this piece of legislation is so important.

This Government is committed to ensuring that consumers are not given the impression that

something is cheaper than it really is—we want to empower consumers to be fully informed about what they buy.

The key features of the proposed changes are:

- Firstly, there will be a requirement for a single price: On enactment of this bill, there would be a requirement to specify the final price as a single figure. This must include all amounts that are quantifiable at the time of advertising. Where the total amount is not known, the minimum price must be disclosed as a single figure.
- Secondly, the price must be prominently displayed: the single figure must be displayed clearly. Also, the single figure must be displayed at least as prominently as the most prominent of the other components of the price. This is because the total amount payable is usually the figure of the most importance to the consumer.
- Thirdly, the new provisions are intended to apply to the advertising of consumer goods only. It is not intended to apply to price representations between businesses or between businesses and government.

An exposure draft of the bill was released for public consultation in March of this year. We received a number of submissions and based on comments received from a range of businesses and consumer advocates, the Government believes the bill will not impose unnecessary compliance burdens on businesses.

Throughout the stakeholder consultation process, it was argued that including postage and handling costs would create additional compliance burdens, particularly for online businesses, for little consumer benefit. We are of the belief that genuine postage and handling costs are a concept that is relatively well-understood by consumers.

Therefore, the bill provides that the charges for sending the goods from the supplier to the consumer do not need to be included in the total prices. However, if the postage cost is known by the business, and postage is compulsory, the provision requires that the business disclose that price in their representation, either as part of the total price or as a separate component.

The Member for Hindmarsh, Steven Georganas, commented in his second reading speech on this matter that:

“... the previous government looked at this issue during the course of its time in government. The Howard government announced that in the first half of 2005 it intended to do something about component pricing. A year later it released a draft bill and explanatory memorandum for public consultation. The bill was up on the Treasury website for some years, but the issue was allowed to drift without the prospect of any form of resolution”.

This Government believes that was an irresponsible thing to do. We are simply doing what is fair for consumers. This is yet again another example of the Rudd Labor Government doing the right thing by working families. As Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer, Chris Bowen said in his second reading speech of this bill earlier this year,

“It is fundamental that every consumer knows how much they are going to pay when they make a purchasing decision”.

He went on to say:

“It is not appropriate that additional compulsory fees and charges are disclosed in fine print disclaimers, particularly when those additional compulsory charges may be significantly larger than the component price that is highlighted.”

Gone are the days when consumers have to wonder what fees and charges are going to be added when they actually agree to buy something. This bill gives clarity and certainty to buyers throughout Australia.

The Government, however, understands that in some cases the final price may depend on factors beyond a business's control, which is why the bill requires the total price to be stated only where a minimum total price is quantifiable at the time of the representation concerned. In addition, the amendments will not apply in respect of financial services, where detailed disclosure requirements already exist. Ultimately, the bill targets misleading “component pricing” practices.

Component pricing is the practice of advertising prices as the sum of multiple component parts, for example as \$X plus \$Y. Component pricing can create an impression that a product is being offered for sale at a lower price than it actually is.

The Australian Government received legal advice in 1999, in the context of the introduction of the Goods and Services Tax (GST) that section 53C of the Trade Practices Act required displayed prices to include any GST payable.

Implicitly, it was understood that Section 53C would also prohibit other forms of component pricing (eg price representations which exclude compulsory ‘taxes, fees and charges’, ‘levies’ or ‘surcharges’), unless a single figure price was also specified. The Government considers that consumers should be able to readily identify the price they will pay for a product or service. This enables consumers to easily compare prices between like products or services and make informed purchasing decisions.

This is a measure that should have been implemented a long time ago. We, as a Government, do not want to see consumers fall into a trap of being forced to buy something at a price higher than they were expecting. This bill amends the Trade Practices Act to prohibit corporations from using a component price when making a representation as to the price of a good or service. Businesses must prominently specify the single figure price a consumer must pay to obtain the product or service, to the extent that a single figure price is quantifiable at the time of making a representation.

This bill does not prohibit component pricing, provided that a single figure price is also displayed. The limitations on the use of component pricing imposed by the bill would not apply to representations made exclusively by businesses to other businesses or governments.

The changes are intended to protect consumers from misleading advertising. A common example of component pricing is evident when one buys an airline ticket, particularly online.

Airlines often offer cheap rates in their advertisements; however, once you add up the additional taxes, credit card fees and additional baggage fees, a consumer may discover they have not

saved any money at all. This certainly is an irritating experience.

Other consumers may be lured into looking at cut price vehicles, unaware that the price advertised does not mention the on-road costs. This bill seeks to clarify these issues. It is the fair thing to do. It will protect Australians and ensure they can shop around for a fair deal without having to stop to read the fine print.

The Australian Competition and Consumer Commission received 430 complaints over confusing component pricing last year. In addition, Consumer Affairs Victoria has received around 250 complaints so far this calendar year. Many other consumers were likely misled, but did not complain to a regulator. This bill signifies The Rudd Labor Government's commitment to the protection of consumers. This clearly is a government for all Australians.

Tony Zappia, the Member for Makin, commented in his speech on this bill that "Consumers look to government for protection in relation to their purchases, and both State and Federal governments have a responsibility in consumer law. As we all know, consumers do not always read or understand the fine print that often accompanies purchase agreements". He is quite right. That is why I am pleased that the Rudd Labor Government has put this piece of legislation up for debate. I believe it is quite overdue.

Mr Zappia went on to say, "The vast majority of businesses that operate ethically will have no objection to these changes; in fact, they will welcome this bill, because it will probably weed out the rogue operators from within their industry. The consumers, however, will certainly benefit from this bill because it provides clarity and certainty in how much a good or service will actually cost them".

The Rudd Government is delivering on another important pro-consumer reform that the previous government never had the courage to push ahead with.

Chris Trevor, the Member for Flynn correctly noted in his comments on this bill that:

"All too often, with recent modern methods of corporate communication and advertising, we see a figure promoted as the price and, ul-

timately, the expected cost to the consumer to acquire this product, only to be bombarded with fine print, asterisks, notes, disclaimers and other notable quirks and gimmicks used to hide the actual cost that the consumer must pay. It would be fair to say that, as we trained in the law often say, the devil is in the detail."

The Government understands that the average mums and dads in our community are not lawyers. We also understand and recognise that mums and dads, the working families of Australia, do not have time to sit down and make complex comparisons between products and their prices. The Government is serious about empowering consumers and strengthening the consumer's right to know the total price of a good or service. No longer will consumers feel ripped off when they suddenly discover that what the thought they were paying doesn't take into account hidden taxes and charges.

These reforms will mean that consumers will know the total price they will have to pay for goods and services that they buy. The government is not interested in placing an undue burden on business or trying to fix a problem that doesn't exist. The proposed bill represents a much welcome and long-overdue correction to the current method of doing business.

It provides a clear correction to a system that was letting consumers down, particularly the most vulnerable of consumers in our communities. Once this bill is passed, I will be proud to go back into my community and tell my constituents that comparing prices for goods and services will now be easier.

To me, this legislation is all about giving a fair go to consumers. A fair go for all is a value that has never gone out of fashion in this country. At the same time as giving a fair go to consumers, the Government has made an effort to ensure this will not affect businesses too much. We have struck the right balance. I request those opposite vote in favour of this legislation to help the working families of Australia be able to make good purchasing decisions. No Australian consumer deserves to be ripped off by unscrupulous business owners. Consumers should not be lured into buying a product or service and then slugged with

additional costs. This is a good move by the Government and I commend this bill to the Senate in its entirety. I encourage those opposite to do the same.

**Senator McEWEN** (South Australia) (6.21 pm)—I seek leave to incorporate Senator Sterle's speech.

**The ACTING DEPUTY PRESIDENT** (**Senator Humphries**)—Is leave granted?

**Senator Fierravanti-Wells**—I understand that we have not seen a copy of that speech.

**The ACTING DEPUTY PRESIDENT**—Okay. Perhaps it is better if you seek leave later on, Senator McEwen.

**Senator McEWEN**—I will.

*(Quorum formed)*

Question agreed to.

Bill read a second time.

#### **In Committee**

Bill—by leave—taken as a whole.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.25 pm)—Through you, Chair, are there any other sections of the Trade Practices Act 1974 that are going to be affected by this bill, apart from section 53C? Is it envisaged that any other changes will be foreshadowed in the near future?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.25 pm)—At this stage, I cannot advise you that there are other sections of the Trade Practices Act that are being considered. In relation to section 53, you were not in the chamber when I addressed Senator Xenophon's concerns. Section 75AZF(2) makes these issues a criminal provision. In my summing-up notes I said that component pricing is currently regulated primarily by section 53 of the Trade Practices Act and that this amendment is actually

clarifying the operation of that position. Section 75AZF(2) makes this a criminal offence provision. My understanding is that at this stage there is no intention to amend further sections of the act in relation to this issue.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.27 pm)—I note that you also mentioned the associated criminal offence provisions under 75AZF of the Trade Practices Act. Who would they currently apply to? Do they apply to the directors or do they apply to other people in the process of the sale? What is the extent of those penalties in points and maximum years?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.27 pm)—You are asking me the tough questions, Senator Joyce. I will find that in the legislation for you. I understand that the penalty is 10,000 penalty units and it does not attract a jail term at this stage. Perhaps that provides a little bit of clarity for you.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.28 pm)—If a person is aggravating and consistent in their breach of the act, does that incur any other considerations of sections that might be in breach? I acknowledge that you say that the penalty is 10,000 units and that no jail term is ever prescribed, but in aggravated cases what is the course of action?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.29 pm)—I think it is important to note for the record that this kind of criminal activity, in breaching this proposed trade practices amendment act, would attract a penalty for individuals of



up to \$220,000 and, in the situation of corporations, a fine of up to \$1.1 million, which should act as a disincentive.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.29 pm)—Thank you for that. The issue concerning financial services covered by this bill has also been mentioned. I refer to section 12DD of the Australian Securities and Investments Commission Act 2001. Seeing this area is not covered by this bill, what is foreshadowed by the government to deal with this issue?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.30 pm)—As I mentioned in my speech summing up the second reading debate, financial services are exempt because the financial disclosure regime is covered by the Australian Securities and Investments Commission Act 2001. In fact, it is under section 12DD of the ASIC Act, which mirrors section 53C of the Trade Practices Act in relation to financial services. This bill does not amend the ASIC Act, so the existing disclosure regime in respect of financial services will continue. Firstly, to overlay the new provision with the existing disclosure requirements in the financial services regime has been assessed as being both complicated and in many cases unnecessary. In particular, the total price for credit products and other financial services often depends on the amount of credit purchased or the size of the investment made. Accordingly, it would often be impossible for a business to quantify a total price in advance. Secondly, there are already extensive mandatory disclosure regimes for financial services under Commonwealth, state and territory legislation, including of course under the Uniform Consumer Credit Code, so any amendments to the ASIC Act would be likely

to create confusion as to the operation of these regimes.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.31 pm)—What would be the approach of the government or the appropriate examining authorities in determining where the provision of one product ceases and the inception of another product starts? For instance, if someone were delivering cattle to a saleyard, at what point in time would there be the determinant that they are no longer under the pricing of cattle at the saleyard but they are under the pricing of a government charge for inspection fees? How do we differentiate between the conclusion of one product and the start of another? How do we stop that position then being manipulated in such a way that you do not have clarity in pricing where once more you have the sale of multiple products? What will be the process whereby government will identify that and say, ‘That is a unit of a product in its entirety and you must price it from that point of its service delivery to that other point’?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.33 pm)—Thank you, Senator Joyce. That is an important question because it goes to the way in which people will start to interpret and apply this bill. The provision actually applies at the time of the representation. Once people understand that point, it will be clear as to the circumstances that you describe, which would be part of a continuum of the sale process. So it actually applies at the time of representation.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.33 pm)—I know that postage and handling are still excluded from this change to section 53. What

will be the definition of postage and handling? How do we make sure that handling as an issue is also not embellished?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.33 pm)—This was an issue that was canvassed very widely through the stakeholder consultation process. It was argued in that process that including the postage and handling costs would actually create additional compliance burdens, particularly for online businesses, for very little consumer benefit. ‘Genuine postage and handling costs’ is a concept that is relatively well understood by consumers. The bill provides that the charges for sending goods from the supplier to the consumer do not need to be included in the total price. However, if the postage cost is known by the business and the postage is compulsory, the provision requires that the business actually disclose that price in their representation, either as part of the total price or as a separate component, so that the consumer understands exactly what they are paying for.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.34 pm)—In that extensive consultation process, did anyone actually have a problem with the legislation as it was drafted? Can you give us any sort of indication of any sense of concern about where the government was taking section 53? Was there any concern at all?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.35 pm)—I am sorry, Senator Joyce, that I cannot actually find any briefing around that issue. I have now sought some information for you, and thank you for your patience. There was

extensive consultation. I now have a document that outlines how well the consultation process was undertaken and how extensive it was. Almost universally there was support for greater clarity for consumers. There was some concern by the Business Council of Australia that there may be some compliance costs, and I would imagine that even you, someone who is a great advocate for consumers and for clarity, would recognise that they do have an interest that they are trying to protect. But from those that we all seek to represent we had genuine support for the exposure draft. The changes that were incorporated into the final draft reflect the extensive consultation around the issues.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.37 pm)—If it is not impertinent, what were the numbers—as a ballpark figure—involved with that extensive consultation process?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.37 pm)—There were 23 significant submissions provided on the exposure draft. They ranged from the Law Council of Australia to a state government, through to the areas of great concern around airlines raised by previous speakers in the debate. For example, Flight Centre provided a submission. Of course, the ACCC made a substantial submission on the way in which they wanted the Trade Practices Act to continue to be interpreted. There were also some individual submissions from CHOICE, the Consumer Action Law Centre, the Real Estate Institute of Australia and the Property Council of Australia. There were a significant range of key stakeholders.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.38 pm)—You said that the Business Council of Australia

had problems with regard to costing. You referred to the fact that most people changed prices all the time. Was there an indication that, now that we have clarity in pricing, we might actually move to clarity of where the goods actually come from? In this way, we could clearly identify which goods are made predominantly in Australia in terms of quantity and value as opposed to those made elsewhere. The other area of serious concern is the slow degradation of the Made in Australia brand. Is it the government's view that, seeing that there is strong support for clarity in pricing, there would also be very strong support for clarity in identification of where the goods are actually made?

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.39 pm)—Thank you, Senator Joyce. I know that this is an area that you have an ongoing interest in—both protecting the Made in Australia brand and ensuring that producers within Australia, whether they are in the manufacturing sector or anywhere else in the supply chain, are appropriately recognised and supported. However, in relation to the specific question that you have raised with me, that issue is outside the scope of this bill. It was not considered in the drafting of the legislation. As I know you are well aware, the country of origin provisions are actually contained in a different section of the Trade Practices Act.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.40 pm)—I would just like to thank Senator Stephens for her assistance in this. I acknowledge that this piece of legislation is widely supported. We now look forward to clarity in country of origin coming forward. That is a serious issue. Obviously, there are other issues at hand here tonight which might be affecting the

way we discuss this issue but, now that those issues are covered, I think that really puts this issue to bed. Thank you very much for that.

Bill agreed to.

Bill reported without amendment; report adopted.

### Third Reading

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (6.42 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

### NATIONAL FUELWATCH (EMPOWERING CONSUMERS) BILL 2008

### NATIONAL FUELWATCH (EMPOWERING CONSUMERS) (CONSEQUENTIAL AMENDMENTS) BILL 2008

### Second Reading

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

That these bills be now read a second time.

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (6.42 pm)—Now we turn to matters that are probably closer to heart. It looks like the nirvana for this fiasco is finally over. The Fuelwatch scheme is finally going to come to rest. This has been a complete and utter debacle from the word go. It shows in clear fashion where the Labor Party are on their economic management. This was a dog when it started. It became mangy through its life, and the less said about its demise the better.

Where would they have taken the Fuelwatch scheme? We have managed to go

through the process of designing a scheme that was going to do no more than put up the price of fuel and was going to put the independents under threat. It was just a bells and whistles show, a pitch to the Australian consumer who was under the belief that the government was actually doing something substantive. This Fuelwatch scheme really came to its apex when Mr Walker decided that he had had enough and bolted.

**Senator Cormann**—Back to WA!

**Senator JOYCE**—Back to WA! I think that that, coming from the inner sanctums of the ACCC, from those who are ordained to take forward this case, really personifies what a complete and utter botch job this was. This was the botch job of all botch jobs. It is now going to come to rest in a quiet recess of some dusty corner of some luminary from the other side. They will refer to it as ‘when we took on the oil companies’. That was their statement aimed at reducing the price of fuel. It was Mr Rudd who went to the Australian people, and that was his statement—he was going to reduce the price of fuel. He was going to take on the oil companies. He was also going to bring down the price of groceries. We got Fuelwatch and then we got GroceryWatch. We almost ended up with ‘Pensionerwatch’. This is why there is this incredible scepticism about this government’s capacity to go to detail, this government’s capacity to actually deliver an outcome. It is a scepticism that is building more and more.

We now see the emails going out about their \$10.4 billion stimulus package. The jokes are getting better and better as they wait for 8 December to come, when the Australian economy will inspire the re-empowering of the world economy through retail therapy. This is another example of this type of Fuelwatch mentality. The Labor leopard is starting to develop spots and they

all look uncharacteristically the same—it is a Fuelwatch scheme. The process and method of the Labor Party’s path through the Fuelwatch scheme of course brings about the desire of the opposition to question where we are going with the latest motor vehicle package. It is not that we do not believe that we should be protecting the motor vehicle industry—we do. We just have absolute trepidation about their capacity to deliver a scheme that does that. Fuelwatch was a fiasco. Its objective was to ‘empower consumers to make informed decisions’—empower consumers by basically giving the oil companies the capacity to lock out independents in price and to take away any chance of the people who could least afford it making the best of the price dips in the marketplace.

Now we see exactly where we are. The ACCC had to make an appointment from within their own ranks for the Fuelwatch commissioner after Mr Walker, rightly, ran away. It was amazing. In questioning the poor gentleman from the ACCC who has landed this job, I said, ‘You must be the luckiest man in the ACCC.’ He could not help but have a wry smile across his face, because he had been landed with this detritus and one of the more unfortunate approaches of Mr Bowen. This will unfortunately have to go on the record of Mr Bowen, on his capacity and aptitude to bring forth a change that delivers an outcome. It failed miserably.

We never gave the ACCC any real extra powers to deal with this issue. The government never said to them that they were fair dinkum, that they were going to take the oil companies on. They never had the courage or the conviction to hand to the ACCC and to the Fuelwatch commissioner the capacity to truly take on the oil companies. There was never the program to talk about bringing alternative products into the market to bring true competition in. There was never the capacity to look at such things as biorenewable

fuels or coal-to-liquids or a greater incorporation of gas-to-liquids; there was just the belief that, if someone were walking backwards and forwards over you, as the oil companies were, and you somehow said, 'We're going to scare you to death with Mr Walker,' that they would believe it. Of course it did not work. In the end it probably made the situation worse, because now the oil companies have seen the capacity of this government to take them on—and I think they would be resting very easily at night. I do not think they would be losing a minute's sleep about exactly what the intent of this government is when it comes to bringing back to the Australian consumers a cheaper product. We also have the frustration once more that we have seen the price of a barrel of oil go down—I note the price of the dollar has gone down, but it is also starting to head back up a bit—but we have not seen the delivery back to the consumer of a discount in the price, which they deserve.

Debate interrupted.

#### DOCUMENTS

**The ACTING DEPUTY PRESIDENT (Senator Humphries)**—Order! It being 6.50 pm, the Senate will proceed to consideration of government documents.

#### Consideration

The following government documents were considered:

Department of the Prime Minister and Cabinet—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2007-08, including financial statements for the Science and Industry Endowment Fund. Motion to take note of document moved by Senator Williams. Debate ad-

joined till Thursday at general business, Senator Williams in continuation.

Forest and Wood Products Research and Development Corporation—Report for the period 1 July to 31 August 2007 [Final report]. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Innovation, Industry, Science and Research—Report for 2007-08, including IP Australia report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Bureau of Statistics—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Statistics Advisory Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Gallery of Australia (NGA)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Commonwealth Ombudsman—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Office of the Renewable Energy Regulator—Financial report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Aboriginal Hostels Limited—Report for the period 1 July 2007 to 28 June 2008. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Competition Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Institute of Family Studies—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Export Finance and Insurance Corporation (EFIC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Safeguards and Non-Proliferation Office—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

*Criminal Code Act 1995*—Control orders and preventative detention orders—Reports for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Federal Magistrates Court of Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Institute of Criminology and Criminology Research Council—Reports for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Classification Board and Classification Review Board—Reports for 2007-08. Motion to take note of document moved by

Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Family Court of Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Blood Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Institute of Health and Welfare—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Film Finance Corporation Australia Limited—Report for 2007-08 [Final report]. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Film Australia Limited—Report for 2007-08 [Final report]. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Film Commission—Report for 2007-08 [Final report]. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Water Commission—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Sydney Harbour Federation Trust—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Law Reform Commission—Report No. 109—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Anindilyakwa Land Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Tiwi Land Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

*Native Title Act 1993*—Native title representative bodies—Northern Land Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Pesticides and Veterinary Medicines Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Agriculture, Fisheries and Forestry—Report for 2007-08, including financial statements for the Australian Quarantine and Inspection Service, National Residue Survey and Biosecurity Australia. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Security Intelligence Organisation (ASIO)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thurs-

day at general business, Senator Williams in continuation.

Administrative Appeals Tribunal—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

*Bankruptcy Act 1966*—Report for 2007-08 on the operation of the Act. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Insolvency and Trustee Service Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Special Broadcasting Service Corporation (SBS)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Broadcasting Corporation (ABC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Health Services Australia Limited (HSA Group)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Research Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Wine and Brandy Corporation—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Institute of Marine Science (AIMS)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Repatriation Medical Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Electoral Commission (AEC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Administrative Review Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Family Court of Australia—Report for 2006-07—correction. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Sports Commission—Report for 2007-08, including financial statements for the Australian Sports Foundation Limited. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Army and Air Force Canteen Service (Frontline Defence Services)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Royal Australian Navy Central Canteens Board—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Museum of Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Broadband, Communications and the Digital Economy—Report for 2007-08 [including erratum]. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Office of Parliamentary Counsel—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Federal Court of Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Native Title Tribunal—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Human Rights and Equal Opportunity Commission—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

*Privacy Act 1988*—Report for 2007-08 on the operation of the Act, including financial statements for the Office of the Pri-



vacy Commissioner. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Workplace Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Aged Care Commissioner—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Tourism Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Airservices Australia—Equity and diversity program—Progress report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Civil Aviation Safety Authority (CASA)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Migration Agents Registration Authority (MARA)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Finance—Issues from the advance to the Finance Minister as a final charge for the year ended 30 June 2008. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at

general business, Senator Williams in continuation.

Indigenous Business Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Airservices Australia—Corporate plan July 2008 to June 2013. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

The following orders of the day relating to government documents were considered:

Australian Maritime Safety Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Commissioner for Superannuation (Com-Super)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee and the Department of Veterans' Affairs—Reports for 2007-08, including financial statements for the Defence Service Homes Insurance Scheme. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Climate Change—Report for period 3 December 2007 to 30 June 2008. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian National Maritime Museum—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Director of National Parks—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Veterans' Affairs—Data matching program—Report on progress 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Learning and Teaching Council (formerly The Carrick Institute for Learning and Teaching in Higher Education Limited)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Offshore Petroleum Safety Authority (NOPSA)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Gene Technology Regulator—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Defence Housing Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Dairy Adjustment Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of the Treasury—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate ad-

joined till Thursday at general business, Senator Williams in continuation.

Financial Reporting Council—Report for 2007-08 on auditor independence. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Financial Reporting Council, Australian Accounting Standards Board and Auditing and Assurance Standards Board—Reports for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Social Security Appeals Tribunal—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Commonwealth Grants Commission—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Securities and Investments Commission (ASIC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2007-08. [Motion to take note of document moved by Senator

Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Foreign Affairs and Trade—  
Reports for 2007-08—

Volume 1—Department of Foreign Affairs and Trade.

Volume 2—Australian Agency for International Development (AusAID).

—Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian War Memorial—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Bureau of Meteorology—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Library of Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australia Council for the Arts (Australia Council)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Centre for International Agricultural Research—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Human Services—Report for 2007-08, including financial statements for CRS Australia. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Communications and Media Authority—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Royal Australian Mint—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Companies Auditors and Liquidators Disciplinary Board (CALDB)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Financial Reporting Panel—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Reinsurance Pool Corporation (ARPC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Corporations and Markets Advisory Committee—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Australia Day Council Limited—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Reward Investment Alliance (ARIA)—Report for 2007-08, including financial statements for Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan. Motion to take note of document moved by Senator Williams. Debate adjourned till

Thursday at general business, Senator Williams in continuation.

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Comcare—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Safety, Rehabilitation and Compensation Commission (SRCC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Aged Care Standards and Accreditation Agency Ltd—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Cancer Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Finance and Deregulation—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Airservices Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Infrastructure, Transport, Regional Development and Local Government—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Professional Services Review—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Residue Survey—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Wet Tropics Management Authority—Report for 2007-08, including State of the Wet Tropics report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Bundanon Trust Limited—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australia Business Arts Foundation Ltd—Financial statements for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Public Lending Right Committee—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Trade Commission (Aus-trade)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Customs Service—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate ad-

journed till Thursday at general business, Senator Williams in continuation.

Medicare Australia—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Food Standards Australia New Zealand—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Superannuation Complaints Tribunal—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Office of Financial Management (AOFM)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Takeovers Panel—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Immigration and Citizenship—Report for 2007-08, including report on the operation of the *Immigration (Education) Act 1971*. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Resources, Energy and Tourism—Report for the period 3 December 2007 to 30 June 2008. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at

general business, Senator Williams in continuation.

Veterans' Review Board—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Health and Ageing—Report for 2007-08, including financial statements for the Therapeutic Goods Administration. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Defence Force Remuneration Tribunal—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Commonwealth Services Delivery Agency (Centrelink)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Defence—Reports for 2007-08—

Volume 1—Department of Defence, including report on the administration and operation of the *Defence Force (Home Loans Assistance) Act 1990*.

Volume 2—Defence Materiel Organisation.

—Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

*Industrial Chemicals (Notification and Assessment) Act 1989*—Report for 2007-08 on the operation of the National Industrial Chemicals Notification and Assessment Scheme (NICNAS). Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Sports Anti-Doping Authority—Report for 2007-08. Motion to take note of

document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Office of the Official Secretary to the Governor-General—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Hearing Services (Australian Hearing)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of the Environment, Water, Heritage and the Arts—Reports for 2007-08—

Volume 1—Department of the Environment, Water, Heritage and the Arts.

Volume 2—Legislation.

—Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Supervising Scientist—Report for 2007-08 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Department of Education, Employment and Workplace Relations—Report for 2007-08—Volumes 1 and 2. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2008. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Productivity Commission—Report for 2007-08. Motion to take note of document

moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Family Law Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Office of the Director of Public Prosecutions (DPP)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Grains Research and Development Corporation (GRDC)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Grape and Wine Research and Development Corporation—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Government Solicitor (AGS)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Albury-Wodonga Development Corporation—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

National Transport Commission (NTC Australia)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Australian Prudential Regulation Authority (APRA)—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday

at general business, Senator Williams in continuation.

Private Health Insurance Administration Council—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2007-08. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.

#### ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator Humphries)**—Order! The consideration of government documents being now concluded, I propose the question:

That the Senate do now adjourn.

#### Remembrance Day

**Senator FARRELL** (South Australia) (6.54 pm)—I rise to speak on this day, the 90th anniversary of the end of World War I—the war that was to end all wars. Of course, sadly, it did not. The horror, the waste, the death, the broken bodies and broken lives and the wholesale destruction still go on today. And it is in the context of broken bodies and broken lives that I speak today. It relates to the study into the intergenerational health effects of military service being undertaken by the Department of Veterans' Affairs.

Australia's proud military history consists mostly of our troops leaving Australia to do battle in someone else's country. My good friend John Schumann, well known for his support of our veterans, has written elsewhere that troop departures are characterised

by the raising of the national flag, the swelling of the national chest and the dampening of the national eye. He says that when a government sends members of our armed forces into conflict ordinary Australians sometimes forget that we all share the responsibility.

Government has a responsibility to ensure that our forces are well trained and well equipped. We must ensure that they can be rested and replaced after an appropriate time. When our troops start coming home, we all have a serious responsibility to look after these people and their families when they return. Those with physical wounds must be treated, cared for and compensated, as must those who have been damaged psychologically. If history is a guide, physical and psychological damage will extend to the veterans' families.

It is perhaps not always known that the physical and psychological traumas suffered by the men and women we send away to fight wars in our name are visited upon their families too—especially upon the children. This was certainly the case for our Vietnam veterans, and there is mounting evidence that the soldiers, sailors and air men and women who are returning from active service and their families are suffering too as a result of this service. The government is therefore to be commended for its open, honest approach to this issue and its willingness to search for the truth, however unpalatable it might be for all of the stakeholders.

The Department of Veterans' Affairs has started using a random sampling process to select people with military service and invite them to participate in a survey. Ten thousand soldiers have been selected by the research group to register for the study, but the response rate to date has, sadly, been quite low. Many admit to receiving the request for assistance but, for reasons best known to them-

selves, they are yet to post back their replies and their agreement to participate.

I take this opportunity to urge ex-service personnel—combat veterans and national servicemen—and their families to register for participation. I urge all other Australians to talk to their ex-service and veteran friends and their families and encourage them to register. This is a critical study and it might well determine how future military generations—and in that I include military families—are treated by future governments. The participating numbers need to rise considerably if the study is to be successful.

The study applies to veterans who served overseas during the sixties and seventies as well as those who remained in the military on the Australian mainland. Without this latter comparison group, it might be difficult to use the study's results to establish that a serviceperson's overseas service has contributed to their compromised health or to that of a partner, children or, indeed, grandchildren. Much time and effort has been spent designing this study, and to have it fail through lack of numbers would be a tragedy that might well reverberate throughout the whole country for many generations to come.

This request to be part of the study is not made only to those with some lasting difficulties. The study needs the widest sample possible. My plea on Remembrance Day is for everyone who served during the sixties and seventies and served in Vietnam or remained in Australia to contribute to this study. National service personnel are very much part of this program. Their contributions to the information collected will significantly enhance the study's depth and usefulness.

This study has no relationship to any pensionable status they may be entitled to hold, and personal physical information will not be made available to government agencies. This

is a world-first study. No-one has ever done this type of work study before. All previous research done on these various topics does not cover the brief of this study. The Australian government, I am very proud to say, has set aside \$13.5 million specifically for this study and a similar prospective smaller one for currently-serving troops. The research work will be done by tertiary university bodies that tendered for the studies. My understanding is that these independent bodies have yet to be selected, but the research work will not be done in-house by the Department of Veterans' Affairs.

I understand that many ex-service people have been through studies before and may have felt uncomfortable about the outcomes. I urge those people to put those fears aside. This study is not just about veteran and service personnel; it is also about the families of all future serving personnel. The fact is that troops fighting a war put their lives and futures on the line. It is the very highest form of public service. The nation, through the government of the day, must respond generously and unreservedly to those who claim to be damaged by fighting these wars, and to their families if their lives have been affected in some way by that service. This important study is a measure of my government's commitment to the health of our veterans and their families, and I urge all those who can participate to do so. All the information needed is available at the Department of Veterans' Affairs website and the Department of Veterans' Affairs phone-in centre.

#### **Education**

**Senator FIFIELD** (Victoria) (7.01 pm)— Since November last year we have seen the Labor Party breach many of their election commitments. Thousands of Australian schoolchildren are still waiting patiently for the laptops that Mr Rudd promised them. And now we find that Labor promised some-



thing else and have broken that promise. This time Labor have broken a key promise to university students.

Labor promised before the election not to reintroduce a compulsory amenities fee. This is what then shadow education minister Stephen Smith said, announcing Labor's policy at a doorstep on 22 May 2007:

JOURNALIST: So on the funding side, have you canvassed, or are you contemplating some sort of loan or deferred payment—

that is, in relation to supporting an amenities fee—

SMITH: No, absolutely not. One thing I can absolutely rule out is that I am not considering a HECS style arrangement, particularly a compulsory HECS style arrangement. ...I certainly do not have on my list an extension of HECS, either voluntary or compulsory, to fund these services. So I absolutely rule that out.

And he went on in the same doorstep:

JOURNALIST: Are you considering a compulsory amenities fee on students?

SMITH: No, well, firstly I am not considering a HECS style arrangement, I'm not considering a compulsory HECS style arrangement and the whole basis of the approach is one of a voluntary approach. So I am not contemplating a compulsory amenities fee.

Hand on heart: 'I am not contemplating a compulsory amenities fee.' Labor's policy could not have been more definitive: no compulsory amenities fee, no HECS style arrangement.

Yet last week, the Minister for Youth, Kate Ellis, broke that election promise. She announced the government's intention to introduce legislation to allow universities to charge a compulsory amenities fee for non-academic services. She also announced that access would be provided to a 'HECS style loan' for students to pay the new tax. That decision to apply a HECS style loan was basically an admission that students cannot afford this fee. If students could afford this

fee, why would you have to establish a HECS style loan scheme? It is a perverse sort of logic. How do you help struggling students, whose budgets are tight? You help them by slogging them with a new fee. And then in recognition of the fact that they cannot afford that fee, you establish a loans scheme for them to put them into debt so that they can afford this fee. It is truly bizarre logic.

The minister's attempt to defend this broken promise was a little bit sneaky. When confronted with Labor's commitment not to introduce a compulsory fee or a HECS style arrangement, she told the *Age* on Tuesday, 4 November:

Stephen Smith stated that it wasn't on the list of things that he was pursuing, to look at a fee, and that was absolutely true. Instead what we said was we'll go and consult with people and we'll come up with the most appropriate response.

In other words, 'Our pre-election commitments aren't promises at all, because if we talk to people and they tell us to do the opposite, that is what we'll do.' The *mX* newspaper in Brisbane, in your home state of Queensland, Madam Acting Deputy President Moore, got it right when its headline called the government's move a 'Sneaky student backflip'.

But the substance of this debate is not to be found in election promises or whether student unions promote a left-wing cause or a right-wing cause. The important principle is one that is valued by the vast majority of Australians—Australians of all persuasions—and that is the principle of freedom of association; that no-one should be forced to support any organisation against their will. It is a principle that I would hope all senators in this chamber would actually embrace. But campus organisations, universities, state parliaments and the Rudd government instead view this freedom of association as merely some sort of technicality to be satisfied.

Labor are proposing a new tax of up to \$250 per student. The government claim that this is not compulsory student unionism because the university, rather than the union, will collect the fee. This is a con. It is a sham. What is being advocated here is that students can choose not to be a union member but will have to pay a fee equivalent to the union membership—much of which will be passed on to student unions or held by the university and spent on services previously provided by the student union. It is still a ‘no fee, no start’ situation. It does not matter what you call this, how you dress it up or what clever name you devise for it; it is still compulsory student unionism.

The minister said that none of the money will be spent on broad political campaigning. But we cannot have any faith in Labor’s assurances. I think all senators would know that money is fungible, so every dollar that lands in the coffers of student unions, courtesy of this new Labor tax, frees up other student union revenue to be spent on political campaigns. There is absolutely nothing wrong with student unions engaging in political campaigning or donating to political causes if their membership and their funding base are entirely voluntary. That is what freedom of speech and freedom of association are all about. But such freedom also means the freedom to disassociate oneself from the words and actions of others. Labor’s proposal means that this will not be possible because all students will have to fund student unions whether they like it or not.

Labor has tried to justify this broken promise on the grounds that this new tax is needed to fund services for students. But whether it is child care, welfare, counselling or a sporting club, there is no need for students’ money to be compelled to replicate these services on campus. It is not the role of student unions or universities to behave like

some fourth tier of government. Federal, state and local governments provide a social safety net for the whole community—for the aged and for students as well.

When it comes to students’ needs for particular services, students are quite capable of making judgements about these matters for themselves. They have the ability to decide for themselves whether they wish to support particular services or organisations. Yet the view of some in the university sector seems to be that students need to have these judgements made for them. One vice-chancellor, whose name I will not mention, who gave evidence to the Senate inquiry into the VSU legislation in 2005, stated the following in evidence:

This is a rather condescending comment, I am afraid, but when you have a group of 18- to 22-year-olds the reality is that their focus is very short term.

He went on to say:

... they are interested in the here and now and are not looking in terms of the long term as to what they might need to invest in, even in the next couple of years.

I disagree with him, but he was right on one thing: that was a very condescending attitude to students.

Why is it that some people in this chamber have the view that a university student can be trusted to choose their institution, they can be trusted to choose their degree and they can be trusted to choose their course but all of a sudden their critical faculties depart them when it comes to decisions as to whether or not to join a student union or association or whether or not they want to fund particular services? Students do not take a short-term outlook. They do make judgements about the long-term career path they might wish to take. They make long-term decisions about all sorts of things. And these same students are of an age where they are

trusted to vote, to drive vehicles, to hold firearms licences and to serve in the military. They do not need university vice-chancellors, student unions or the Labor Party to make decisions on their behalf. They should be free to choose for themselves.

I know that some of my colleagues—maybe even some on this side of the chamber—are particularly concerned about the future of university sport. But everywhere else in the community sporting groups and sporting clubs survive on the basis of encouraging local participation and the support of individuals who wish to join those organisations. When a student union or student body cannot survive without a compulsory fee, it is an admission of failure. It is a confession that what they are offering is not attractive enough to elicit voluntary support and therefore that support must be compelled.

Smart student unions will survive, because they will offer the services that students want. They will package them in an attractive way— (*Time expired*)

#### **Multiculturalism**

**Senator FURNER** (Queensland) (7.11 pm)—This evening I rise to speak on one of my passions: multiculturalism. On the morning of Friday, 19 September I attended the annual general meeting of ACCES Services Inc. Like most AGMs the meeting proceeded with the normal protocols in delivering the reports of activities throughout the previous financial year. However, this AGM had a special feature, with entertainment from Burundian drummers beating their drums with such pride throughout the morning. The morning address commenced with Edgar Venegas, who works in the youth department at ACCES Services. In his opening comments, Edgar acknowledged some of the young people who were there on the day. He indicated that the youth of today are the fu-

ture of our society, and quickly mentioned the launch, on 29 September, of a new youth space called the YZone.

Edgar went on to introduce Ken Houliston, the executive director for The Spot. The Spot recently has formed a relationship with ACCES and other community organisations in the Logan West community. Ken explained his heritage as having been born in New Guinea and having spent his first four or five years there appreciating different cultures from an early age. He explained his discovery of his upbringing as being one where his parents and the people who lived in that era tried to make everybody like them. They went into different cultures and tried to make them like us. He went on to indicate how glad he was that cultures have come into the Western way and kept their culture, because diversity is so important. Ken's analogy on this is:

You just got to walk through a garden, just walk through a suburb and you see colour everywhere. Why should we want to change that? Humans come in different shapes, colours, different cultures and backgrounds. I believe for us to co-habit together, to bring colour to each other and to bring joy to each other. And seeing that in a collaborative and diverse way that we bring to our community.

Ken explained that the services at The Spot office are different to what ACCES offer, but together they bring great strength to the community. He went on to honour ACCES and the services that they bring—not just to the Logan community but to a wider community—because what ACCES do is so important. He identified the many people in the room whose integration into the Australian community would have been so much harder had ACCES not existed. In summary, Ken said he was glad that they were here because they bring to the community life, colour and rhythm that we would not otherwise have.

The guest speaker at the event was the Parliamentary Secretary for Multicultural Affairs and Settlement Services, the Hon. Laurie Ferguson. Laurie likened the area of Logan to his area of Granville-Auburn, which is the most Islamic electorate in the country, has the second highest number of Chinese people and has a very high proportion of new arrivals. Laurie took the opportunity to acknowledge the important role ACCES plays in the life of Queensland's refugee and migrant community. He indicated he had been coming to Queensland for a number of years and that the changes in Queensland, with its increasingly vibrant and diverse cultures, were very visible.

According to the Australian Bureau of Statistics, 87,000 entrants have arrived in Queensland over the past five years. They include 50,000 skilled migrants and nearly 31,000 family migrants. Of those, 15 per cent have selected Logan as their new home—and 6,800 of them, the majority, are from parts of Africa and Afghanistan. ACCES has had a very direct impact on the early settlement experiences of these new arrivals, which in turn casts their views on their new home and shapes the lives they ultimately lead in this country.

We know that unsatisfactory early settlement experiences can spell hardship, family upheaval, inability to engage fully in this community, deep depression and ultimately a decision to move away. Laurie Ferguson indicated that the Australian government offers one of the most comprehensive settlement programs in the world for people seeking refuge and the chance of a new life. He commented that IHSS has directed more than \$6.5 million in funds for Queensland to assist humanitarian entrants settle into their new home. Over this period, there were more than 1,100 new arrivals in Queensland who received settlement assistance through the humanitarian program. In the past year, more

than 13,000 people settled in Australia through the humanitarian program, which has wide support from the community, reflecting the generous and compassionate nature of the Australian people.

Laurie also stated that the government will increase the humanitarian program by an extra 500 places in the current year, which will be reserved for Iraqis, and, from 2009-10, there will be an extra 750 places for special humanitarian entrants. He also acknowledged some of the other work undertaken by ACCES, including new initiatives such as the Employment Pathways Program, which is recognised as the largest multicultural employment service in Queensland; The Hub, located below the PCYC, which is aimed at improving proficiency in English; and the health clinic, which is the most recent initiative from ACCES. The team will provide a range of medical and allied health services in the Logan-Gold Coast area. The clinic has been developed in response to a need identified by community and health professionals. I would like to acknowledge the work of the volunteers.

Only last week I was fortunate enough to spend some time thoroughly going through the details with this company. I was extremely fortunate to be invited to witness firsthand the very facilities which Laurie referred to in his speech. I was truly astounded by the level of commitment and passion among the professional staff of ACCES, who provide services to refugees in south-east Queensland. Experiencing the workings of The Hub, the medical and allied health services clinic and the volunteers class in practice made the morning's visit such an inspiration. I was amazed at the number of Islamic volunteers in the class who were prepared to give their own time to learn about ways of assisting other people in their community. These volunteers have truly embraced our values of respect, a fair go and

compassion for those in need. They will go on to develop pride in being Australians.

The next speaker at the AGM was Sergeant Rachel Whitford, the manager of the Logan City PCYC. She spoke in the absence of Cecil Fernandes, ACCES's then chairman. Ironically, I personally know of Cecil through my past career as a union official. In my view, he always demonstrated fairness and professionalism in his relationship with the trade union movement as a human resources manager. And sure enough, indicative of his commitment to these principles, this is reflected in his chairperson's report, in which we see the same outcomes being delivered. In the three years that Cecil was chairperson, the organisation grew from a staff of 56 and an annual budget of \$1.5 million to a staff of 182 and a budget of \$5 million.

ACCES's mission statement is: through its interventions it endeavours to create a healthy community where people share skills and resources, develop a sense of responsibility for themselves and each other and contribute to a cohesive community that encourages and educates and has the courage to shape its own future. ACCES has well and truly delivered on its mission statement. Gail Kerr, the general manager of ACCES, is delivering for the migrants who come to our country. In my opinion, ACCES is one of the leading settlement services providers in Logan and in Queensland.

#### **Remembrance Day**

**Senator BARNETT** (Tasmania) (7.20 pm)—I would like to commemorate and pay tribute to those Australian veterans, both those who are alive and those who have passed away, who have sacrificed their lives and given of themselves for us and on our behalf. In particular, I refer to Tasmania's Victoria Cross recipients and make special tribute to Harry Murray VC, who is the most

highly decorated soldier in the Commonwealth of Australia. He comes from Evandale, and I will say more about him shortly. Before doing so, I want to commend the *Examiner* newspaper for an outstanding feature in today's edition in which they cover the importance of this very special day. In that feature is a reference to Scottsdale RSL President Bruce Scott and the new carvings of Simpson and his donkey at Scottsdale. I had the privilege of being there with the Hon. John Cobb on 31 October. We had a tour and an inspection of this wonderful new commemoration, which will be unveiled shortly.

The carvings were prepared and sculpted by woodcarver Eddie Freeman, from Ross. He is quite an exceptional man with exceptional skills. He has previously carved a number of figures at Scottsdale and in other parts of Tasmania, and he should be commended for his work. He wanted to highlight, commend and commemorate the service of our veterans, and he has done that with great skill. I commend Bruce Scott, the President of Scottsdale RSL, on his leadership and his efforts in the north-east of Tasmania. I thank him for what he does and for standing up for veterans and commemorating their service.

I had the privilege of working with Norman Warburton, President of the RAAF Association in Launceston; Ted O'Brien, Vice-President of the RAAF Association in Launceston; David von Stieglitz, President of the Evandale History Society and President of the Murray Memorial Committee, based at Evandale; and Neil Louis, who has done a lot of work and research with respect to the World War II Launceston Flying School Working Group.

The pilots who trained at Launceston Airport during World War II will be recognised as part of the Launceston Airport redevelopment.

ment if plans by the Royal Australian Air Force Association, the Evandale History Society and me go ahead. Just last Wednesday, 5 November, Norman Warburton said:

A total of 1801 pilots trained at Launceston Airport between 1940 and 1945, going on to serve in combat and other roles in World War II.

David von Stieglitz said:

Of those who trained here, more than 700 died in the war. For those who made the ultimate sacrifice I think proper recognition is the least we can do.

Current plans include recognition as part of the Launceston Airport redevelopment and a possible future information centre/museum at Evandale. I want to say a special thanks to the Launceston Airport Corporation for their cooperation and support to date. I look forward to working with them in the weeks and months ahead as the development comes to fruition. It is certainly an important community project which pays tribute to our veterans. I hope that with the support of the government and the community we can bring these plans to fruition. It is a special delight for me, as my grandfather, who flew a bi-plane, was in the Australian Flying Corps in the First World War. He trained in Australia, subsequently served in England, and survived.

I would like to quote from the editorial by Dean Southwell in the *Examiner*. As I said, I commend the newspaper on its efforts. The editorial said:

Hopefully Tasmanians will never again experience the sort of community tragedy that World War I represented. But we should remember it.

Today marks 90 years since the armistice that ended World War I.

It was a conflict that scarred communities around the world.

Honour rolls and a huge variety of memorials that sprang up in every town and district in the State are testament to more than 2700 Tasmanians

who died as a result of World War I and the many others who made sacrifices.

That leads into the fact that Tasmania has 13 of Australia's 96 Victoria Cross recipients. That is a very proud record. It has the highest proportion of any state or territory in Australia. Two years ago, with the support of the RSL, I had the pleasure of preparing a small booklet of some 35 pages entitled *Our Heroes: Tasmania's Victoria Cross Recipients*. The booklet is now in its third print run. It has a foreword by Tony Scott OAM, JP, who is President of the RSL in Tasmania. He says:

The Victoria Cross is the highest award for acts of bravery in wartime. The interest in the Victoria Cross continues to attract historians, collectors and the general public alike.

The booklet also has a foreword by the Hon. Bruce Billson, former Minister for Veterans' Affairs and Minister Assisting the Minister for Defence. The booklet was produced in an endeavour to foster the memory of young Tasmanians who gave their lives with special deeds of valour. They acted selflessly in serving their country, leaving behind family and risking or sacrificing their lives for our freedom, so that we could have a better life. As I said before, of the 96 Australians awarded the Victoria Cross, Tasmania has the distinction of being the home state of 13 of them—including the first two Australian-born soldiers to receive the honour: Lieutenant Guy Wylly and Trooper John Bisdee.

I would like to identify Tasmania's Victoria Cross recipients and also note that a number of memorials have been erected in honour of these wonderful men who gave their service and, in many cases, their lives. In 2004, the former Howard government pledged \$72,600 for the Tasmanian RSL to lay plaques and to construct a monument to each of these men. The project has seen the establishment of a series of memorials placed in the home towns of Tasmania's 13

VC recipients. That has now occurred and it is a great thing and a wonderful tribute to these wonderful men. The locations of the memorials are as follows: Sergeant Percy Statton, Zeehan Primary School; Lieutenant Alfred Gaby, Scottsdale Primary School; Sergeant Stanley McDougall, Dover RSL Sub-branch; Sergeant Lewis McGee, Ross Cenotaph; Sergeant John Dwyer, Alonnah, Bruny Island; Trooper John Bisdee and Lieutenant Guy Wylly, the Hutchins School; Captain Percy Cherry, Huonville Primary School; Sergeant John Whittle, Cygnet Primary School; Corporal Walter Brown, New Norfolk Primary School; Lance Corporal Sidney Gordon and Captain James Newland, Hobart Anglesea Barracks Memorial Garden; and Lieutenant Colonel Harry Murray, Evandale.

I note that a statue of Harry Murray was unveiled in February 2006 by Governor-General Michael Jeffery. We raised around \$80,000 for that statue, with the support of the local community and the Commonwealth government. It is a wonderful statue to commemorate his service to Australia, and it was a wonderful and special day. His family were there, the Murray Memorial Committee were there, and it was appreciated by all. Harry Murray VC, the most highly decorated soldier in the Australian Army and the most highly decorated soldier in the Commonwealth for the First World War, was such a fine man. He fought at Gallipoli and then on the Western Front. He was in the 13th Battalion. He was born on 1 December 1880 at Evandale. His special VC was earned on 4 and 5 February 1917 at Gueudecourt, in France. To pay a tribute to him and to the men referred to as Tasmania's Victoria Cross recipients today is a great honour.

### **World Mental Health Day Dr Eric Cunningham Dax**

**Senator BILYK** (Tasmania) (7.30 pm)—I rise tonight to mark the celebration on 10 October 2008 of World Mental Health Day. This is an area of public policy about which I am especially passionate, and it is one area I intend to focus on during my term in this place. As a member of the Senate Standing Committee on Community Affairs, I was pleased to be involved in the inquiry whose report was entitled *Towards recovery: mental health services in Australia*, even though much of the committee's inquiry was conducted prior to my entering this place.

My interest in mental health began with my first full-time job. I was employed with an eminent psychiatrist, Dr Eric Cunningham Dax, who worked in Hobart for a few years with the Mental Health Services Commission of Tasmania, having been asked by the Tasmanian government to assist in developing community mental health services and other health and welfare services. Dr Dax established a new psychiatric research centre to focus on social aspects of health. I consider myself very fortunate to have been not only employed by but able to work with Dr Dax in the late 1970s, as he was so dedicated to his patients and his work. He was the loveliest of men and shared his work passion with his staff.

I remember that he would run art classes for patients at the site where we worked. The Old Vicarage was a beautiful old building and had a sunroom that Dr Dax set up with easels, and he would bring patients in from nearby John Edis Hospital and encourage them to express their feelings through art. The next day, as we catalogued it together, he would talk to me about the artwork and its representation. To me, as an 18-year-old just out of college, it was truly amazing.

During the 1940s, Dr Dax had initiated art as mainstream psychiatric treatment. While he was quite aware of the recreational and healing value of art making, he was more interested in how the art could illustrate some aspects of a person's experience of mental health. Earlier in his career, he was able to use his pioneering research to convince the British National Health Service to employ artists in hospitals.

Alongside developing community treatment, as opposed to institutionalisation, Dr Dax was among the first to appreciate the detrimental effects of stigma. He thought that the stigma of mental illness was a result of fear, a fear that was fed by ignorance—as is so often the case. He was quick to see that the artwork of his patients could offer a most interesting and accessible form of public education about mental health, and with this in mind he set out to establish a psychiatric art collection. The Cunningham Dax Collection, based in Victoria, with more than 12,000 works, is now one of the largest of its type in the world, and I am proud to be a Friend of the Cunningham Dax Collection.

Although I had not seen Dr Dax for many years, I had kept up to date from time to time with his activities through his son, who still lives in Hobart. It was with great sadness that I learned of his death earlier this year. He had lived a full life and died in his 100th year. The world has lost a true gentleman, a man who never sought to grandstand—although he could have, with his great works—and a great advocate for those suffering from mental illness.

But I digress. Around one in five Australians will experience a mental illness at some stage of their lives. Many will suffer with more than one mental illness, due to the interrelationships between many mental health conditions. Mental illness impacts not only upon the sufferer but also upon their family,

friends and work colleagues. The potential disruption to the individual's capacity to participate in and contribute to the social and economic life of our country is immense. Of course, this becomes a vicious circle, as recognition of this incapacity on the part of the sufferer will, in many cases, and depending upon the specific condition, only add to a sense of helplessness and reduced self-esteem.

It has been estimated by the Victorian government that the annual cost of mental illness in Australia is approximately \$20 billion, a figure which includes the costs of a loss of productivity and participation in the workforce. It is clear that policy intervention in this domain not only is essential but must seek to balance the need for action to rectify past neglect.

It is important when considering the report of the community affairs committee to examine the context against which it is framed. When we examine the recent history of national approaches to mental health policy development, the overriding concern that is present is the need to undertake the shift from an institution based mental health system towards community based approaches. This was one of Dr Dax's greatest beliefs.

Historically, this shift had commenced in the 1990s, beginning with the 1992 Mental Health Strategy, and 2006 marked the year in which two significant events occurred which recently have come to influence the development of mental health policies in Australia. In its April 2006 report *A national approach to mental health—from crisis to community*, the then Senate Select Committee on Mental Health noted that the focus on deinstitutionalisation had been accepted as a recognised priority but had been restricted by the slow development of community based services. As a direct result, those vulnerable individuals in society, whether homeless, in



prisons or living in poverty, were considered highly unlikely to seek or receive treatment until the advanced stages of their particular illness were apparent. The Senate select committee made a large number of recommendations which were directed towards refocusing policy development and funding priorities towards the role of community partnerships and policy solutions.

The second major development which took place at this time occurred at the political level. In February 2006, Australian leaders recognised, like their predecessors, that mental health is a major problem for the Australian community and committed to reform the mental health system in Australia. As a direct outcome of these concerns, the COAG National Action Plan on Mental Health 2006-2011 was adopted to provide a strategic framework for coordinating cross-jurisdictional policy and program responses within the context of a federal model.

The national action plan outlined a series of initiatives to be implemented over a five-year period. These new initiatives required a significant investment from all governments. The national action plan was directed at achieving four outcomes: reducing the prevalence and severity of mental illness in Australia; reducing the prevalence of risk factors that contribute to the onset of mental illness and prevent longer term recovery; increasing the proportion of people with an emerging or established mental illness who are able to access the right health care and other relevant community services at the right time, with a particular focus on early intervention; and increasing the ability of people with a mental illness to participate in the community, employment, education and training, including through an increase in access to stable accommodation.

The national action plan recognised that, from a consumer perspective, a need existed

for greater clarity and transparency in service delivery and responsibility. Only by achieving this requirement would a significant investment by both Commonwealth and state and territory governments achieve optimal health outcomes on a cost-efficient basis. The plan concentrated on identifying policy and program responses which would enable more effective connections to be made both between the different levels of government and across state and territory borders.

I do not intend to detail all of the initiatives contained in the national action plan this evening but will note that, when the individual state and territory plans were added to that of the Commonwealth, over 100 initiatives were identified, bringing the total funding commitment in the COAG plan to approximately \$4 billion. It is against the background of these developments that the recent report was framed. The Senate Standing Committee on Community Affairs identified that there existed a lack of a compelling national vision regarding an Australian mental health strategy. Rather, there was a tendency for governments at both levels to list their responses and demonstrate how they had sought to meet any identified gaps. The other major theme, which was supported by evidence supplied to the committee and which is reflected in the title of the committee's report, relates to the need to adopt a recovery orientation in service delivery.

Before I run out of time, I would like to mention a couple of initiatives that have taken place in my home state of Tasmania recently. The Tasmanian government recently announced the establishment of a new initiative in the area of mental illness and its impacts upon ethnic communities. The launch of the Tasmanian Transcultural Mental Health Network aims to link up consumers, carers and relevant community organisations with an interest in transcultural mental health. The Tasmanian government has com-

bined with Multicultural Mental Health Australia to provide funding support for this initiative. A second initiative was also announced in late October and concerns the expansion of the Hobart community's mental health activity program to include a particular focus on young people in the central city area. The focus will be on the implementation of recovery based programs targeted to be responsive to youth needs. This program will commence in January 2009 and, according to Mr Paul Mayne, CEO of the service provider Langford Support Services, it provides an excellent example of the collaborative partnership between government and the community sector.

These initiatives are but two illustrations of the many existing innovative programs that focus on community needs by providing community based solutions with a recovery focus. It is my hope and expectation that future initiatives continue to address the recommendations of the report. (*Time expired*)

#### **Armistice Day**

**Senator JOYCE** (Queensland—Leader of the Nationals in the Senate) (7.40 pm)—I rise tonight to respect the fact that it is Armistice Day and to read onto the record a person's experience from the Great War, a person whose name I bear as my middle name—my grandfather, Thomas Roche. I had the honour and privilege of reading onto the record the experience of my other grandfather, who was also in the First World War. My other grandfather was highly decorated and went from private to commander of the Royal Artillery.

I think Thomas Roche is a reflection of the vast majority of people who went to the war, a person who came from the great body of the Australian people, went away, did their bit and then came home. It was interesting, in reading his records, that he was No. 1637 in the Australian Flying Corps. That is pecu-

liar because 1637 is a very low number in what would become the large number of people currently in the Air Force. It was interesting to see that he was a postal employee from Ryde, New South Wales.

What is even more interesting to see is that he put his age down as 21. When I did the calculations, I realised he was 16. At 16 years old he enlisted to go off to the First World War. Why? He was from a big family. Some of the boys had gone back to the place. He was down in Sydney as a worker in town. He apparently went because his mates joined up and it was an adventure. He talked about his trip over, how he went via South Africa and the great experience of being someone with the ability to go to see the world. Later on, unfortunately, he got to see other things which probably would affect his life, his memories and his relationships with other people for the rest of his life. He would only have been 18 when he got out of the army. He was taken to the Western Front. He was fighting on the Western Front. Because he had been a postal worker, he knew morse code, so they moved him into the air corps so that he could operate wirelesses to guide in what was the very rudimentary form of the air force at that stage.

Fighting predominantly in France and Belgium, it was an interesting experience. Later on, he took my mother back to some of the areas where he operated his radio. He gave discussions about how the aerial from his radio was continually being blown off. He also told the story about how once he was walking down a path with three other soldiers, a shell fell and, at the end, there was only him and he could not even find where the other people were. These are the experiences of someone who was just beyond a child at the time. Every family had these experiences and every family should, in these days, be remembered—not just the VC winners but all the people who came from this

nation. Australia was so highly represented, as a proportion of our population, in the services overseas.

After the war, unfortunately, my grandfather got pneumonia and, although the war did not kill him, the Spanish influenza almost did. An old Army nurse—he said she was an old Army nurse; I imagine she was an elderly lady—had the dedication and persistence to stick with him and see him through his illness, when others apparently had given up. Because there had been so many casualties and more people died of influenza than were actually killed during the war, she actually persisted and had the compassion to stay by him and see him through that period, so he survived. She no doubt saw him as basically a young boy a long way from home, with no-one to support him. He was full of a laconic and dissident spirit that was reflected so much in Australia. Whilst on leave in England he refused to salute a British officer, so they sent him back to the front. That spirit, I think, is still maintained in Australia—a healthy disrespect for a presumed position that they probably presume they should not have.

Thomas Roche returned to Australia, bringing those experiences back, along with an incredible sense of patriotism for all the people around him and for all the things that they had done. He was affected—and all the people who came back from that war were affected, especially psychologically. I suppose it would now be called post traumatic stress syndrome. Then it was just a case of you having just returned and there was a weight of experience in that. He did not believe in conscription. Even though he was overseas, he fervently disagreed with conscription and did not believe that people should be forced to fight in another country. If your nation was under threat, he had a different view; obviously, then the game was different.

He had two older brothers, Edgar and Henry, who also fought in the war. Henry was in the Air Force and he disappeared. Later on they found him in Russia, working as a painter. That was the experience of so many people. Thomas lost one cousin; he was killed. Another cousin, Tom Arragon, had his leg blown off and he told the story of how he picked up his leg and looked at it. This is the experience of just one particular family who emanated from a town near Adelong in southern New South Wales. It shows the effect this would have had on the Australian people at that time.

My grandfather Tom fought at Messines Ridge where he would have been within sight of my other grandfather, who was actually in the New Zealand Artillery. Later on, they would reflect on exactly where they were and they could identify that they were within almost calling distance of one another. As we move on, there are now so many Australians who have these stories of family members. These people have to be maintained in our collective psyche. It is great today to see so many of the politicians on both sides of this house, and in between, wearing a poppy to represent the sacrifice and communal thought that brings us all together, that makes us believe that there is really only a short distance between us in this chamber. The things that bind us together as a nation are extremely strong and extremely important.

I hope that we remember not just the Thomas Roche from PO Box Ryde, New South Wales, postal employee, but all the other people who are on those lists and who went overseas and served, the tragic consequences of all those who did not come back, the youth who were lost, the opportunities, the fact they could not come back and love and live life and have families—all those things that were compromised in that terrible carnage which was World War I. There were

those who came back maimed, who, by reason of being maimed both physically and psychologically, had their life undoubtedly changed. That is something that we never recognise. We also do not recognise all the families that get broken up by the stresses that come when people return. Of course, it is still happening today. We must be respectful that it is the unfortunate nature of human beings that, at times, they wish to hurt one another. But, in trying to deal with that lesser angel that is in all of us, we should never for one moment forget, disrespect or lose sight of those who make the ultimate sacrifice for the protection of the nation that they love so much and for the protection of the families that they wish to keep safe. In reflecting on a minor player in a huge war, Thomas Roche, I just say: lest we forget.

#### **National Prayer Breakfast**

**Senator STEPHENS** (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (7.50 pm)—This evening I would like to reflect on an important event in the parliamentary calendar, and that is the National Prayer Breakfast; in particular, the 22nd National Prayer Breakfast, which was held yesterday morning in the Great Hall.

What started as a small group of parliamentarians in 1986, under the leadership of Dr Harry Edwards, the former federal member for Berowra, has grown through the efforts of many members and senators to the success of this week's event, where more than 500 people gathered to pray for the nation. National prayer breakfasts are held in many countries and even in state parliaments around Australia. The recent prayer breakfast in Perth attracted almost 800 people and, in the New South Wales parliament, the turnout is usually several hundred as well. The

breakfasts have bipartisan support and this year more than 40 senators and members attended, including you, Madam Acting Deputy President Moore, as well as former Senator Chapman and Bruce Baird, a former member in the other place. The Prime Minister, Kevin Rudd, and the Leader of the Opposition, Mr Turnbull, each read from scriptures and made remarks about the importance of prayerful intercession.

This year the parliamentary reflection was given by Mr Warren Truss, Leader of the Nationals, and it was not lost on those attending that the leaders of our three major political parties were united in seeking prayer support for the work of the government and the parliament.

Parliamentarians were joined by religious leaders, members of the diplomatic corps, members of the defence forces, senior public servants, leaders of non-government organisations and many men and women of faith who came to express prayerful support for the nation. We had international visitors as well: the Governor of Oro Province in Papua New Guinea, Mr Suckling Tamanabae, and his wife; Dr Charles Murigande, the Minister for Cabinet Affairs in the Office of the Prime Minister of Rwanda; and Mr Kim Young Jin and Mr Heon Il Chang of the Korean National Assembly, who brought with them the prayers and support of the Korean National Prayer Breakfast.

The annual Prayer Breakfast provides an opportunity for parliamentarians to recognise that, in spite of all the things that divide us, we must find common ground in order to build community and our nation. In some ways this will take a miracle—a power that is far beyond each one of us. In the world of leadership there are very few occasions when we take the time to stop, to recognise the limits of our own power, but this was one such occasion. The Prayer Breakfast also

provides an opportunity for those who attend to acknowledge that leadership is both a privilege and a responsibility—that many of the problems we face cannot simply be resolved by policy and that we need God's help to forge a nation.

Regardless of whether or not we ascribe to any particular religious tradition, as Warren Truss reflected, the total order, beauty and harmony of Australia have all the hallmarks of a greater being who is responsible for and totally in control of it. As I said yesterday, I will never again look upon a koala in repose without being reminded of the importance of contemplative prayer.

Professor Stephen Hawking, in his essay entitled 'Origin of the universe', concluded with these words:

Although science may solve the problem of how the universe began, it can not answer the question: why does the universe bother to exist? Maybe only God can answer that.

As insignificant as the earth appears in the size of the universe, it has a uniqueness that is not readily apparent in any other part of the cosmos, and that of course is the existence of life—in fact, the millions of different life forms, dominated by the human species. Although the biological growth of plants and animals is controlled by the laws of nature, what animates us as human beings is our spirit that underpins our values.

We as a Christian nation believe that a strong spiritual base and faith are essential for real happiness. In times of deep trouble and stress, human beings need to call on a well of deeper understanding and support than perhaps is available in the increasingly secular and material environment of today. There has been much public comment since the global economic meltdown that our society as a whole needs to reinvest in its spiritual and ethical values, that behind the pace, complexity and problems of modern life lie

fundamental questions concerning our innermost beliefs and values and that the answers to our concerns may in large part lie within our spirit. As Warren Truss reminded us, society, including the churches, indeed needs to work harder to re-establish the fundamentals of our spiritual base and to reach into communities, especially in the tough times. Leo Tolstoy said:

One of the most vulgar of all prejudices is that of the clever, who believe that one can live without faith. If you feel that you no longer have faith, you should know that you are in the most dangerous situation in which a man can find himself on earth.

It is customary each year to have an important guest speaker for the Prayer Breakfast. Bono, for example, addressed the Washington Prayer Breakfast two years ago and said:

The one thing we can all agree on, all faiths and ideologies, is that God is with the vulnerable and the poor. God is in the slums, in the cardboard boxes where the poor play house. God is in the silence of a mother who has infected her child with a virus that will end both of their lives. God is in the cries heard under the rubble of war. God is in the debris of wasted opportunity and lives, and God is with us if we are with them.

This year we were very privileged to have as guest speaker Mama Maggie Gobran, an extraordinary woman working against the odds to be a faithful servant of God. She has committed her life to the poorest of the poor in Cairo. She works daily against the odds, inspiring others to also be faithful servants of God. There are hundreds of thousands of poor who live in the squalid shanty towns of Cairo and Mama Maggie acts as a mother to them all. She says of her work:

We can do no great things—only small things with great love.

She is a woman of tremendous strength, yet she is as frail and gentle as a breeze, gliding through life and inspiring others. She has gathered around her an army, now number-

ing almost 1,500 helpers, and has inspired them to work with her, taking small, practical steps to help alleviate the grinding poverty of some 30,000 families living in Cairo's slums. Her simple strategy is visitation, daily visitation, so her workers are trained to give advice and support to struggling families, to bring the good news of the Bible and to use the Bible as an instrument of change in their lives. She does it unashamedly.

Mama Maggie has a special love for children and told us all that it is through the children, the next generations, that we are able to shine the light of God's love on the world. She is an angel of mercy. She goes from place to place, stretching out her hands and touching people. As I said, her work is very practical. The children have no education, so she has established schools. They have few possessions and limited clothing, so she has established vocational training and workshops manufacturing clothing and shoes. She knows that children live in cramped conditions—one-room shanties—and they need space away from that grinding and relentless poverty to play and be children, so she has established camps.

Mama Maggie is a Coptic Christian who is living her faith. Her organisation, Stephen's Children, recalls the suffering of the first Christian martyr, Stephen. The youngest daughter of a wealthy family in Cairo's Coptic Orthodox community, Maggie joined an Easter outreach with others from her community, and Catholic and Protestant churches, distributing food and clothing to the poor in the shanty towns. That was the turning point in her life. She now specialises in training people to work with Cairo's out-cast communities and encourages university graduates to invest a year of their lives in practical service under her guidance. Mama Maggie's story was profoundly moving. Some in the audience were in tears. Many

were touched to provide donations and support for her organisation and many more committed to visiting her in Cairo.

The National Prayer Breakfast is a major organisational feat. The choir this year was Wayfarers Australia, under the direction of Judith Clingan AM and accompanied by Anna Johnston. They were inspirational. My thanks to all who made this year's breakfast a reality. Thanks to the organising team, led by Jock Cameron and his volunteers. Thanks for the generosity of spirit of the security staff, the catering staff, the audiovisual team and the willing helpers in my office and in Paul Neville's office.

There are those who promote the absolute separation of church and state. I am pleased that ours is a nation of tolerance and diversity and that our leaders are prepared to speak publicly and confidently of their spiritual journey and personal morality. Let it ever be thus.

#### **Neil Sachse Foundation**

**Senator McEWEN** (South Australia) (7.59 pm)—In Australia right now there are approximately 9,000 people living with a spinal cord injury, and that number is on a steady upward incline. Unlike most medical conditions where the number of sufferers stays steady, or decreases as medical advancements are made, the number of people living with spinal cord injuries increases each year in Australia alone by about 400. This increase is largely due to two factors: there is currently no cure for spinal cord injury and there is no significant difference in life expectancy between a person with a spinal cord injury and a healthy person.

Spinal cord injuries can occur anywhere and at any time, but more often than not they occur in a motor vehicle accident or at work. In the 2003-04 financial year, 50 per cent of the new cases of traumatic spinal cord injuries recorded were through work related inju-

ries. With only 40 per cent of these employees returning to paid employment, spinal cord injury has a significant impact on Australia's workforce. Not only is spinal cord injury costly to the workforce; it is at great cost to victims, their families, communities and of course the government. A spinal cord injury costs in time, money and the victim's quality of life. It takes 2½ hours per day for the victim to be prepared for the day and to be put into bed, a routine that requires the assistance of carers and family members every day of every week of every year. According to the Australian Institute of Health and Welfare, the care and equipment costs for each person with spinal cord injury after hospitalisation are \$284,000 per ventilator-dependent tetraplegic individual per year or \$197,000 per non-ventilator-dependent tetraplegic individual per year. These extraordinary figures allow for attendant care and equipment only and do not include medical or ancillary treatment. If these were included, the cost would be likely to be far greater. Nationally, half a billion dollars is spent overall on people with spinal cord injury, again not including medical and hospital bills and ancillary care.

With such a significant amount of the nation's resources being provided to support someone with a spinal cord injury for the rest of their life, it is surprising to discover that very little is being done to find a cure for spinal cord injuries. If we in Australia were able to develop an effective treatment for these types of injuries, the resources needed would be significantly less and the benefit to individuals, families and communities would be priceless. But for a treatment to be developed, funding is needed for research.

In the second that someone sustains a spinal cord injury, their life is changed forever. Usually they will never walk again and other actions that we take for granted—including writing, hugging and picking something

up—are either incredibly difficult or impossible. Some people lose the ability to control their bowel and bladder functions, an indignity that very few of us could imagine.

Someone who wants to see dignity returned to those living with a spinal cord injury is Neil Sachse, the Chief Executive Officer of the Neil Sachse Foundation. In October this year, I had the privilege of meeting Neil—and his wife Janene—to discuss the foundation and its goals. It was a pleasure to speak with someone who has inspired much hope in people who, like him, have sustained a spinal cord injury. In Neil's case that happened in 1975. In that year Neil, a South Australian, began playing football for Footscray in the Victorian Football League. As many, Aussie Rules fans in particular, would know, during his second game with Footscray Neil was injured in an accidental collision. When speaking of the collision on a television program in May this year, Neil said:

... I just couldn't move. So I didn't know what was happening, so I got picked up and I said "I just can't move. I can't move". So he just let me go and during the course while waiting to—  
go to—

the ambulance I suggested they should take off my football boots and they said they did that a long time ago. So I thought I might be in a bit more trouble than I think I am.

Neil returned home from hospital to his wife and two young children as a quadriplegic in a wheelchair. He worked as a fundraiser for Bedford Industries, then in 1994, having seen that little was being done to find a cure for spinal cord injury, he started the Neil Sachse Foundation. For so long it had simply been accepted that those who sustained a spinal cord injury would never be able to walk again. The bravery that Neil showed by refusing to accept this fate for people with a spinal cord injury now and in the future is

truly remarkable, and the foundation has already begun to have considerable success.

The foundation has spent \$1.5 million on research using Schwann cell treatment, a treatment that involves harvesting a person's own cells. Clinical trials were attempted by medical researchers wanting to prove that it could be used to encourage nerve fibres to grow past the site of injury and return some function. Unfortunately, these trials were initially unsuccessful as there was not enough funding to develop a suitable injection system. While the project did not receive adequate funding in Australia, an injection system has been funded in the United States, at the Miami Project, and is likely to be available in 2010.

Unfortunately, Australia has fallen behind in this area of medical research as governments have failed to provide funding to spinal cord injury research. A number of university researchers have gone overseas for employment opportunities, taking their valuable knowledge and expertise with them. Several countries have established spinal injury centres which provide specialist treatment to people soon after they have sustained a spinal cord injury. None of these centres exist in Australia, but after considerable research is undertaken this could be changed with the wherewithal and with the will. With the support of the University of Adelaide, the Neil Sachse Foundation aims to develop a research centre with a focus on spinal cord injury research. The centre would work collaboratively with groups nationally and internationally, with the common goal of finding a cure. This research centre could be the difference between a wheelchair and walking for 9,000 Australians.

It is frightening to think that anyone of us could sustain a spinal cord injury at any time and, unless a cure were found, we would never be able to make a full or even a partial

recovery. I would like to conclude by thanking Neil—and Janene—for coming all the way up to Canberra, in a wheelchair on an aeroplane, to speak with me and a number of my colleagues about this very important issue. He and Janene did it on behalf of people other than themselves, in particular young people who continue to sustain spinal cord injuries, particularly in car accidents and workplace accidents. The strength and determination of Neil and Janene in pursuing this quest for a cure are admirable and should be acknowledged by the Senate.

#### **Eunice Coolwell Watson**

**Senator MOORE** (Queensland) (8.07 pm)—Last week in Brisbane, a large group of people gathered together to celebrate the life of and to say farewell to a wonderful Aboriginal woman who had been an inspiration for many of us. Auntie Eunice Coolwell Watson left this life just a couple of days ago, and so many people gathered together to talk about her life and to share stories, as people do when someone is well loved. We gathered at the Mt Gravatt State High School, where she had been so determined to make sure that her children received the best of education, because she did not have that advantage.

She was a Mullenjarlie woman, who was born at the Lady Bowen Hospital in a separate ward where Aboriginal women had their children, and came back to live in the shanty towns around the town of Beaudesert. She was a strong woman and maintained her connection to her country and her extended family network. As a young woman, Eunice was not able to go through a very strong education system. She was actually excluded from getting the best kind of education and forced into menial and low-paid work just to make ends meet. It was tough.

She moved to Brisbane and married young. As we know, when you are at a lot of



family celebrations now, you see a whole range of photos that come up and tell the life story of the people you are talking about. At the celebration, there were photos of a stunningly beautiful young Aboriginal woman, who was a keen horsewoman. That is something I never knew about Eunice when I worked with her. She was actually working happily in that Beaudesert area. She moved to Brisbane, and there were photos of her celebrating around the clubs in Brisbane.

She raised six children in very tough circumstances, mainly in the suburb of Mt Gravatt in Brisbane. Her daughter Karen was telling stories about the way her mum was committed to ensuring that those kids got the best possible chance in life. When there was not a lot of money, Eunice made this into a bit of excitement, a challenge for the kids. Karen was telling the story of how, when the lights went out because there was no money to pay for the electricity, Eunice would get the kids together and play and make it into a special time. She also told a story—and it is one those of us who worked with Eunice would understand well, because she was an exceptionally lovely and stylish woman—about when there was an opportunity for a large dance in the Brisbane area. There was just not enough money for Eunice to go out and buy a new outfit. Karen had us all laughing about the way Eunice went and bought a filmy yellow nightdress from one of the local stores and wore this nightie as an evening frock to that occasion. People were saying how good she looked and how proud she was.

Her son Sam, who is a good mate of mine and a genuine Indigenous activist, told a story about how they had to make ends meet by going out and getting worms from the seashore. He told how, when the worms went out, they would go out and how good their mum was at doing that.

I actually got to know Eunice well when she was working in the then Department of Social Security. The story was told about how Eunice went back and actually put herself through high school and got a strong education. In 1975, just after Cyclone Tracy hit in Darwin, a decision was made by the department to employ Aboriginal workers to work with those families who were displaced by the cyclone. Eunice was one of the very first people to be employed at that time. Out of the extraordinary work that she did with a range of people in that post Cyclone Tracy period, she was then offered permanent employment in the Department of Social Security and was instrumental in setting up the Aboriginal and Islander network in the department.

She was a strong, fearless advocate for her people and worked to ensure that Aboriginal people received the best possible service not just from the Department of Social Security but from the public sector. She demanded the right to good service. She also demanded the right of her people to be employed, not just to have a job in the public sector but more to have an effective career structure. In 1988, Eunice was awarded the Public Service Medal in the Order of Australia. The exceptional service that she had provided was recognised by the then director of the department in Queensland, John McWilliam, who said:

Eunice is well respected, both in the department and in the community in Queensland, with a strong commitment to our clients and a lot of common sense. She gets issues over clearly and simply, and this has helped her achieve a lot for the Aboriginal and Torres Strait Islander people.

Naturally, Eunice took this award very humbly. She actually said:

I feel that there are many others who deserve this award much more than I do, but I also feel that it is great to know that others have chosen me to represent them. This isn't my medal alone; it be-

longs to the Aboriginal and Torres Strait Islander people and the community who supported me. It also belongs to the staff of the Department of Social Security.

I think a lot of the staff in the Department of Social Security were the ones who were most keen for Eunice to receive this award.

Her son Sam, in talking with us in the Brisbane hall that day, talked about the fact that his mum was such a strong foundation member of many of the major organisations and community services that are still operating to this day in Brisbane. Her contribution was vast and selfless. To name just a few, Eunice's name is written in the annals of the Yelangi Preschool, which is a special preschool for Aboriginal and Islander children in the Brisbane area; the Aboriginal and Torres Strait Islander Community Health Service; the Aboriginal and Torres Strait Islander Legal Services; and—one that I know was particularly dear to Eunice—the Aboriginal and Torres Strait Islander Women's Legal Aid Service. Eunice identified very clearly the special need of Aboriginal women in the areas of child safety and family safety. She was a strong, feisty woman who also maintained a gentleness and a dignity that set her apart. You always knew you were working—and I heard the term very often—with a gracious lady.

I enjoyed working with Eunice Watson because she challenged you and also made you feel that your work was worthwhile. Not only was she able to encourage people strongly in the workplace and in the community but she also enjoyed life so greatly. One of the things I remember most is her wonderful laugh. As you used to walk through the halls in the department, sometimes when there was not a lot to laugh about, something would catch Eunice's attention and this lilted laugh would come out, and we always knew that things were going to be okay.

Eunice touched many people in her life, and she has been an inspiration to so many. On the day of the celebration of her life at the Mt Gravatt hall, there was one very special message from our Governor-General, Quentin Bryce, who was not able to be there because she was in France at the time. She wrote a note for all of us but particularly for Eunice's family. She noted that Eunice was a woman with a fine intellect, a gentleness and a calmness who was an inspiration to us all. Dr Jacqui Huggins, who was also there, another public servant from our days in the public sector in Queensland, talked about a 'grand, grand woman'. We understood that our grief from having lost Eunice was affected in many ways by the acknowledgement of the inspiration she had been and the work she had done for so many of us.

Eunice raised six children, and there are so many, through the grandchildren and great-grandchildren, who have been set a legacy by their grandmother. When Sam was talking with us on the day, he said:

Here before us now there are grandchildren and great-grandchildren who will now be charged with the responsibility of carrying her name, her character, forward into the vast and measureless depths of time. Mum has now become their senior ancestor, and that is the true value that pulses at the heart of our Aboriginal culture.

Eunice Watson will not be forgotten. She achieved so much in her life and she has given so much for us all to move forward. She was a strong woman, a strong public servant, someone who loved her family deeply and worked greatly for her community. And I think in many ways the Australian Public Service has been affected forever by the work that Eunice did, because by developing that strong Aboriginal and Islander network in the then Department of Social Security in the seventies we have the basis for an effective process to engage Aboriginal and Torres Strait Islander people into the

future. Eunice Watson was acknowledged in her life. We will not forget her now that we have lost her in this part of our life.

#### **New South Wales North Coast**

**Senator NASH** (New South Wales) (8.16 pm)—I would like to report to parliament on my three-day visit last week to the North Coast of New South Wales, one of the most beautiful regions of Australia. I was there in my capacity as duty senator for the North Coast, giving locals an alternative voice in the parliament to their ineffective Labor members for Richmond and Page. I started by dropping in on Don and Nancy Morgan. Don Morgan is a famed local seniors champion and Nancy brews the best cup of tea you will get in the Tweed. Don has just received long overdue recognition for his advocacy with an award from the Combined Pensioners and Superannuants Association of New South Wales. He has campaigned for increased pensions and also for the retention of the coalition's Medicare dental scheme, which is helping so many Australian seniors that it is hard to fathom why Labor wants to abolish it.

I then held a meeting at Murwillumbah Hospital with Tweed mayor Joan van Lieshout, local state MP Thomas George and Save the Hospital committee chairman Ian Ross. Murwillumbah Hospital, especially the maternity ward, is under constant attack from the New South Wales Labor government. It was important to have representatives of all three levels of government get together and send a message to Labor that we demand it keeps its expensively advertised promise that 'Kevin Rudd will fix our hospitals'.

I had lunch with new Tweed mayor Joan van Lieshout. The Tweed has just regained local democracy, three years after New South Wales Labor replaced the previous elected council with Sydney administrators. No charges were ever laid against any of the

sacked councillors. Joan is a hardworking conservative councillor and I am confident the Tweed will progress well under her leadership.

The rest of the day was spent in Lismore. I particularly want to thank Lismore MP Thomas George, Lismore Nat Kim McKinnes and their friends for their very warm welcome.

The next day I went to Ballina, where renowned local doctor Sue Page introduced me to community leaders from the local Indigenous community. They are a great group of people. They are trying to help themselves but are seriously disadvantaged in a number of areas including a lack of public transport, no community hall and no culturally appropriate aged-care facilities. I will do what I can to help.

Tireless Clarence Nationals MP Steve Cansdell hosted a lunch for me with the local business community in Grafton. We discussed the world financial crisis and the Rudd government's inadequate response to it. People there are not exactly filled with trust in the current Labor Treasurer, and more than one told me they were glad the government was stealing Malcolm Turnbull's ideas. I would like to offer special thanks to Steve's staff, Debbie Newton, Janet Gould and Kath Palmer, for their efforts.

Maclean laid on a barbecue that evening at the Top Pub. New owner Andrew Baker put on a fantastic spread. I met other great local champions like Spa supermarket owners Bob and Judy Little, who have led the fight against New South Wales Labor's attempts to sell Maclean Hospital land to developers. I also caught up with ecotourism operator Mark Mitchell, who set up the award-winning Angourie Rainforest Resort.

On Saturday I was back in Ballina to catch up with Mayor Phil Silver, who is one of the smartest community leaders I have come

across. He is justifiably proud of Ballina Shire Council's economic success, and his leadership bodes well for the future of the region.

Then it was up to Chinderah for meetings with local Nationals supporters and a lunch put on by former Tweed Citizen of the Year Idwall Richards OAM. Idwall is a great corporate philanthropist, sponsoring numerous good causes from Riding for the Disabled to free entry to the Murwillumbah Show. We heard a worrying report by Tweed Nationals MP Geoff Provest on New South Wales Labor's neglect of the area. Geoff is a great local member, known to all and sundry in the New South Wales parliament as 'Mr 100 per cent for the Tweed'.

It is always a pleasure to be on the North Coast. There are real challenges there, which the Rudd government is simply ignoring. The Nationals are very much committed to the region and I look forward to returning there next week with Nationals Leader Warren Truss.

### **Interest Rates**

**Senator CORMANN** (Western Australia) (8.20 pm)—Australians are entitled to be extremely disappointed with our major banks and their approach to interest rates, in particular their refusal to pass on successive cuts in the official interest rates in full. Small businesses and farmers in particular are entitled to be very disappointed. They are entitled to be disappointed with our banks and they are entitled to be disappointed with the lack of action from our federal government—a government that does not seem to care, a government that is quick to claim credit but a government that has failed to stand up to our major banks when it comes to interest rates. The government has provided unprecedented support to the banks, on the face of it without any, or at least without sufficient, strings attached. The lack of action

by the federal government is an absolute disgrace. The Treasurer, Wayne Swan, has previously claimed credit for insisting that banks pass on some interest rate cuts to mortgage holders, but he has been missing in action with respect to small business and farmers.

Just over a month ago the Reserve Bank cut the official interest rate by one per cent. This came after a 0.25 per cent rate cut in September. Since the September meeting of the Reserve Bank, official interest rates have been cut, in fact, by two per cent. This is great news. Well, it should be great news. It should be great news for families across Australia. But it should also have been great news for small businesses, for farmers and for all participants in our economy with loans. Just over a month ago, on that day when the Reserve Bank announced a one per cent cut in interest rates, the Prime Minister was quick to go out there and bask in the glory of that announcement. There he was, on 7 October, saying:

The Government welcomes the relief that the Reserve Bank of Australia's decision will provide to working families and to Australian small businesses.

Many constituents of mine took the Prime Minister at his word. They thought that the cut in official interest rates as announced by the Reserve Bank would indeed translate into a one per cent cut to their small-business loans. But nothing could be further from the truth. Since then, the RBA has cut official interest rates by a further 0.75 per cent to bring those official cuts in interest rates to a total of two per cent. Yet, to this day, hardly any of it has been passed on to small businesses or farmers. Trying to find out how much has in fact been passed on, or how much will be passed on, is like pulling teeth. My office phoned all of the major banks after both the October and the November rate cuts to find out how much of the rate cuts would

be passed on to small businesses and to farmers for their loans and overdrafts. Eventually we were able to get the following information—as I understand it, the last available information in relation to the major banks. I urge them to correct me if I get this wrong and tell me that they have passed on the full rate cut. But the information that my office has received is that Westpac has passed on 0.8 per cent, ANZ has passed on 0.6 per cent, the NAB has passed on 0.2 per cent and CBA has passed on 0.65 per cent. That is between 0.2 and 0.8 per cent of a two per cent cut in official interest rates, which is all that has been passed on by our major banks to small businesses across Australia.

Compare this to the approach to residential mortgages. The major banks have passed on in excess of 1.6 per cent of the cuts to Australians with residential mortgages—and that is, of course, great news for families with mortgages. But small businesses have not seen those interest rate cuts flow through to their small-business loans to anywhere near the same extent. Farmers have not seen those interest rate cuts flow through to their overdrafts to anywhere near the same extent. And the banks should of course have passed all of it on. Given that the Commonwealth is now underwriting the banks and giving them significant support, given the huge advantage delivered to the banks by the government through its unlimited guarantee on deposits, and given the profitability of the major banks in Australia, there is absolutely no excuse for the banks not to pass on in full the two per cent rate cut to people who have loans with them. It is of course critically important for small businesses and farmers to get the full benefit of interest rate cuts from the Reserve Bank to ensure that they can continue to provide jobs. Small businesses are at the coal-face when it comes to helping to take Australia forward in the context of the current economic crisis.

What have we got? We have got a government that is basking in the glory of official cuts in interest rates and pushing out the propaganda on how fantastic all these cuts in official rates are for small business. But, when you scratch the surface, when you look beyond the spin, the government has let small business down. The government has gone soft on the banks. It is about time that the Prime Minister and the Treasurer stood up to the banks. It is time that the Prime Minister and the Treasurer put a bit of pressure on the banks to do the right thing by the Australian people, to do the right thing by Australia's small businesses and farmers. The two per cent cut in the official interest rate since September must be passed on to the real economy, to small businesses and to farmers, as well as to households, mortgage holders and families. It should be passed on in full. It should be passed on immediately.

#### **Armenian Genocide**

**Senator ELLISON** (Western Australia) (8.26 pm)—Tonight I want to place on record a matter of history in relation to the Armenian genocide. A number of senators and members would no doubt have met representatives from the community who visited the parliament this week. As a former shadow minister for immigration and citizenship, I met with this group and was very impressed by their story of how Armenians had migrated to Australia and made a great life for themselves and a great contribution to Australia. But, importantly, the issue of the Armenian genocide in 1915 is a matter which weighs heavily with them.

You might ask, in this regard: what do Bob Carr and Joe Hockey have in common? Both of them have spoken in their respective houses in relation to this. To quote Bob Carr: Adolf Hitler is on record as justifying the Nazi genocide of European jewry. He said he could get away with it because, after all, who in the 1940s recalls what happened to the Armenians.

I think there is a very salutary lesson in that. Joe Hockey, more recently, said:

The intention of the Ottomans was the complete obliteration of not only the Armenian nation but any memory of the Armenian people as well.

It is important to remember that around 1½ million Armenians met their deaths during the Armenian genocide out of an estimated total population of around 2½ million people.

I see that Senator Sterle is here tonight. I think Senator Sterle is now the chairman of that parliamentary group, and that is very good to see. In fact, as a fellow Western Australian, I think it is fair to say we do not have quite the community of Armenians in Western Australia that there are in other parts of Australia. Nonetheless, this is a very important issue and one which needs to be recognised by Australia. In the United States, both sides of politics have recognised the Armenian genocide as a matter of history. In fact, the President-elect stated:

I also share with Armenian Americans—so many of whom are descended from genocide survivors—a principled commitment to commemorating and ending genocide.

A similar position was adopted by the current President, George W. Bush, in relation to his view of history in relation to Armenia.

Of course, what is important is Australia's role, and in fact there was a thing called the Armenian Relief Fund of Australia, which operated from 1915 to 1929. This relief fund of Australia provided humanitarian assistance to victims of the Armenian genocide. These relief efforts became known as the first major international humanitarian project provided by Australia and set a precedent for continued support for areas and people in need throughout the world, and that is quite extraordinary when one looks at the history—and there is not the time tonight.

Briefly, the work done by a variety of volunteers from Australia in relation to helping the survivors of this genocide included setting up orphanages. In fact, one young Australian of Armenian descent told me this week that his grandfather had been in one of these orphanages run by Australians. There was the establishment of the Victorian Friends of Armenia in Melbourne in 1917. The work of these people was just outstanding. In particular, a Reverend Cresswell of South Australia travelled to the Near East to deliver aid to suffering Armenians. He witnessed over 6,000 Armenian refugees living in caves in Aleppo in Syria. That is just one account of what Australians did in those days, but it is significant because this is the first example of Australia embarking on such an expansive overseas aid program in relation to a human catastrophe.

I think it is important that we acknowledge this as a matter of history. As people say, bad things happen when good men and women do nothing. It is a matter of history that this occurred, and the denial of it or the failure to recognise it will only result in what Bob Carr referred to in his speech to the New South Wales parliament. When an appropriate motion is put forward, which may be in my absence, I urge the Senate to support it.

#### **Education**

**The PRESIDENT**—Are there any further speakers who wish to speak for 10 minutes on the adjournment? If not, I will assume that the remaining speaker is speaking for 20. Senator Bishop, the clock will be set for 20 minutes. I presume that you have the capacity to cut that short if you desire.

**Senator MARK BISHOP** (Western Australia) (8.31 pm)—Let there be no doubt in your mind, Mr President, that I do have the capacity to abridge my remarks, and I will give consideration to your suggestion. This evening I wish to speak on a matter of some

consequence, a matter of public importance, and that is the issue of Commonwealth funding of our education system. The current debate concerning the Schools Assistance Bill, I believe, in some respects misses some of the more critical points. Education funding, I say at the outset, is no longer a debate about public versus private. It is no longer a debate about how much funding should be given by the Commonwealth or a particular state. It is not a way of finding ways to name or shame schools or, for that matter, teachers. The debate is really about student performance. It is about standards and outcomes and how they are measured. In short, the debate is about our educational institutions and what we expect from those educational institutions.

So how did we get to a point where some suggest that educators fear scrutiny? The answer is simple: for 12 years those opposite let down our schools, our TAFEs and our universities. The Howard government's agenda was limited to cultural wars and naming and shaming schools. It was, of course, part of a political plan to play the blame game with a whole series of state Labor governments. The fact is that they did not commit new resources to making a difference to disadvantaged schools or to teacher quality. Clearly their agenda was about one thing and one thing only: the politics of the moment. By creating a division between public and private, they effectively put at risk our future prosperity, and their failure has left our education system out of sync with the rest of the world.

If we look at the OECD *Education at a glance 2008* report, we see that Australia performs well overall, that 80 percent of 25- to 34-year-olds have attained at least year 11 equivalent—that is, well above the OECD average—and that a high proportion of Australians graduate from tertiary institutions. But performance in other areas has been less than positive. In 2005 just 0.1 per cent of

GDP was spent on preprimary education. That compares to an OECD average of 0.4 per cent. Australia's ranking in that area is now 24th out of 26 countries. In the tertiary education sector, expenditure was at 1.1 per cent of GDP—again, well less than the OECD average—and we have started to slip behind in international rankings. The report clearly shows that there are some longstanding areas of underperformance and underinvestment, and that is the legacy of the Howard government in the area of education after 12 years. The countries we compete with are spending more and more on education. Indeed, our expenditure levels rank us 19th in a list of 28 nations. It is a problem we inherited and it is a problem we intend to fix.

In Australia there have always been disadvantaged kids who do not get a fair go in the system, and we know that more than one in four young people from low socioeconomic status families are not going on to vocational training or higher education. Today, too many young Australians leave school early and do not make a worthwhile transition to work. They end up unemployed or in casual jobs. Business as usual for these children is not good enough. Until we have a policy of transparency and assessment in schools, children will continue to be left behind.

So what do we need to do to improve the quality of what goes on inside a classroom? Firstly, I suggest, we need to get back to basics. In order for our children to reach their full potential they need some essential tools, and the tools are literacy and numeracy skills. Over the last 20 to 30 years there has been an intense debate about education means, and as a parent I have followed that debate with some interest. I have come to the view that the teaching method known as phonics is fundamental to early literacy. This method allows children to be taught in a structured and comprehensive way. I also believe in a strong emphasis on the impor-

tance of grammar, punctuation and spelling. There is a difference between reading what is written and understanding what is written, but you cannot put the cart before the horse. The same rigour should be applied to the teaching of mathematics.

Secondly, we need a national curriculum that sets national standards for each child. To this end the government, I am pleased to say, has established the National Curriculum Board. Its purpose is to develop a national curriculum from kindergarten right through to year 12, a curriculum that will be taught in every school in Australia. It appears to be focused on practical outcomes, and that per se is pretty reasonable. I would enter one word of caution: national curricula should be about national standards. They should also be about minimum standards. Some children, some schools, some parents and some communities want to focus on effort, achievement and high outcomes. In short, they aim by constant work to improve over time and achieve that mythical thing called excellence. It is a worthy aim, a fine purpose and it should be encouraged. It should be encouraged clearly in the standards set by the National Curriculum Board.

As Lincoln once said, we should be pushing up, dragging up and forcing up—in terms of educational outcomes—the bottom and the middle so that they can achieve the same results as some of the fine independent, Catholic and state schools in this country. It is important that our best and brightest are not forgotten. And we must continue to challenge exceptional students so they can achieve to their full potential.

That brings me to centres of excellence and their importance in our education system. In my home state, Perth Modern is a fully selective public school, which means that entry is by academic test. The school has a proud history and can boast having edu-

cated 15 Rhodes Scholars. Alumni include a governor-general, successive governors, a prime minister and members of the International Court of Justice. Just like Olympic swimmers and AFL footballers, a lot more children in Australia are capable of admission to the Harvards and Yales of this world. Part of the purpose of national standards, national curricula and the National Curriculum Board must be to aim for excellence in academic achievement.

Thirdly, we need rigorous testing that measures a student's performance against the performance of their peers and then measures the performance of their school and compares that performance to other schools in the area. Finally, performance should be measured against students and schools around the state and nationally. Parents as well as government want and need this information. Teacher assessment, while valuable as a guide, is no substitute for peer comparison. Information on school performance should be a national priority, because it tells parents and governments which schools need help.

We all recognise that education is a partnership, one that involves parents, schools, communities and governments. For the partnership to work effectively we need to know where we are doing well and, more importantly, where we can do better. If we identify schools needing help, additional resources can be directed to them. It is not about ranking schools or creating league tables; it is about providing information to parents on how their child is performing within their peer group, on their child's strengths and on whether there is room for improvement. Parents also want to know if their school is meeting national standards and, if not, that the government is willing to provide the necessary additional resources.



This government understands that investing in education is crucial not only to providing our young people with opportunities but also to driving productivity growth and to building a modern and prosperous economy for the future. We are taking the first steps by raising the quality of teaching in our schools; ensuring all students benefit from schooling, especially in disadvantaged communities; and improving transparency and accountability of schools and school systems at all levels.

We want a school system that supports learning for every child whether they attend private, public or remote schools. To achieve these priorities, we need a framework that is consistent for all schools. The 2009-12 funding agreement for private schools will require them to participate in national assessment of students, participate in national reporting of student performance, provide school performance reports to the minister, make performance information public, provide plain language student reports and implement the national curriculum. These six conditions are a significant reduction in the range of conditions and strings attached to previous agreements. Our focus is on accountability for educational outcomes, not flagpoles and not cultural wars.

Another measure to be introduced is the requirement for schools to report funding sources. This type of information in the past has been treated as commercial-in-confidence. But the idea of a 'private school' is an oxymoron. In many instances these schools receive significant public funding. For example, the Commonwealth government contributes up to 50 per cent, with state and territory governments contributing around 15 to 25 per cent. In the case of remote schools with large Indigenous student numbers, public funding can be much higher. It is right and proper that the government stipulates a framework for transparency and

accountability for such a large investment by taxpayers.

We are committed to improving transparency in schools through national testing, easy-to-understand reports for parents and public reporting on the performance of schools. This information will encourage excellence in each and every school right around Australia. We have left the time of divisive politics and policy apathy way behind us—permanently we hope. I am sure it is understood that the old divisions between systems and between national and state jurisdictions have lost their relevance.

Australia needs to keep pace with the demand for skills and labour in a rapidly changing global and national environment. Improving educational standards for all students will give them the best start in life. There is much to be done. As well as being at the heart of equity, education is at the heart of the economy. Australia's long-term prosperity is built on the education, skills and training of our workforce. History has shown us that knowledge-intensive industries determine the economic prosperity of a nation. The 21st century will be no different. But we have inherited from the previous government a most shameful legacy. We have fallen behind acceptable standards as tested in the rest of the world. Too many disadvantaged kids are being left behind. This government has a plan that places education at the forefront of the national agenda—where it properly belongs. Debates about public schools versus private schools are debates of the past. The debates of the future will be about how we make sure that every child in every school gets a proper education. In total, \$28 billion will go to the non-government school sector over the next four years. Along with the National Education Agreement, the government is investing \$42 billion in our education systems. This government is putting forward a new proposition: if we want a fairer and

stronger Australia, we need to invest in both excellence and equity.

**Senate adjourned at 8.46 pm**

### DOCUMENTS

#### Tabling

The following government documents were tabled:

Aboriginal Hostels Limited—Report for the period 1 July 2007 to 28 June 2008.

Administrative Appeals Tribunal—Report for 2007-08.

Administrative Review Council—Report for 2007-08.

Aged Care Commissioner—Report for 2007-08.

Airservices Australia—

Corporate plan July 2008 to June 2013.

Equity and diversity program—Progress report for 2007-08.

Anindilyakwa Land Council—Report for 2007-08.

Army and Air Force Canteen Service (Frontline Defence Services)—Report for 2007-08.

Australian Broadcasting Corporation (ABC)—Report for 2007-08.

Australian Bureau of Statistics—Report for 2007-08.

Australian Electoral Commission (AEC)—Report for 2007-08.

Australian Film Commission—Report for 2007-08 [Final report].

Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2007-08.

Australian Institute of Criminology and Criminology Research Council—Reports for 2007-08.

Australian Institute of Family Studies—Report for 2007-08.

Australian Institute of Health and Welfare—Report for 2007-08.

Australian Institute of Marine Science (AIMS)—Report for 2007-08.

Australian Law Reform Commission—Report No. 109—Report for 2007-08.

Australian Pesticides and Veterinary Medicines Authority—Report for 2007-08.

Australian Research Council—Report for 2007-08.

Australian Safeguards and Non-Proliferation Office—Report for 2007-08.

Australian Security Intelligence Organisation (ASIO)—Report for 2007-08.

Australian Sports Commission—Report for 2007-08, including financial statements for the Australian Sports Foundation Limited.

Australian Statistics Advisory Council—Report for 2007-08.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2007-08.

Australian Wine and Brandy Corporation—Report for 2007-08.

*Bankruptcy Act 1966*—Report for 2007-08 on the operation of the Act.

Civil Aviation Safety Authority (CASA)—Report for 2007-08.

Classification Board and Classification Review Board—Reports for 2007-08.

Commonwealth Ombudsman—Report for 2007-08.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2007-08, including financial statements for the Science and Industry Endowment Fund.

*Criminal Code Act 1995*—Control orders and preventative detention orders—Reports for 2007-08.

Department of Agriculture, Fisheries and Forestry—Report for 2007-08, including financial statements for the Australian Quarantine and Inspection Service, National Residue Survey and Biosecurity Australia.

- Department of Broadband, Communications and the Digital Economy—Report for 2007-08 [including erratum].
- Department of Innovation, Industry, Science and Research—Report for 2007-08, including IP Australia report for 2007-08.
- Department of the Prime Minister and Cabinet—Report for 2007-08.
- Export Finance and Insurance Corporation (EFIC)—Report for 2007-08.
- Family Court of Australia—  
Report for 2006-07—correction.  
Report for 2007-08.
- Federal Court of Australia—Report for 2007-08.
- Federal Magistrates Court of Australia—Report for 2007-08.
- Film Australia Limited—Report for 2007-08 [Final report].
- Film Finance Corporation Australia Limited—Report for 2007-08 [Final report].
- Finance—Issues from the advance to the Finance Minister as a final charge for the year ended 30 June 2008.
- Forest and Wood Products Research and Development Corporation—Report for the period 1 July to 31 August 2007 [Final report].
- Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2007-08.
- Health Services Australia Limited (HSA Group)—Report for 2007-08.
- Human Rights and Equal Opportunity Commission—Report for 2007-08.
- Indigenous Business Australia—Report for 2007-08.
- Insolvency and Trustee Service Australia—Report for 2007-08.
- Migration Agents Registration Authority (MARA)—Report for 2007-08.
- National Blood Authority—Report for 2007-08.
- National Competition Council—Report for 2007-08.
- National Gallery of Australia (NGA)—Report for 2007-08.
- National Museum of Australia—Report for 2007-08.
- National Native Title Tribunal—Report for 2007-08.
- National Water Commission—Report for 2007-08.
- Native Title Act 1993*—Native title representative bodies—Northern Land Council—Report for 2007-08.
- Office of Parliamentary Counsel—Report for 2007-08.
- Office of the Renewable Energy Regulator—Financial report for 2007-08.
- Privacy Act 1988*—Report for 2007-08 on the operation of the Act, including financial statements for the Office of the Privacy Commissioner.
- Repatriation Medical Authority—Report for 2007-08.
- Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2007-08.
- Royal Australian Navy Central Canteens Board—Report for 2007-08.
- Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2007-08.
- Special Broadcasting Service Corporation (SBS)—Report for 2007-08.
- Sydney Harbour Federation Trust—Report for 2007-08.
- Tiwi Land Council—Report for 2007-08.
- Tourism Australia—Report for 2007-08.
- Workplace Authority—Report for 2007-08.

**Tabling**

The following documents were tabled by the Clerk:

Parliamentary Entitlements Act—  
Parliamentary Entitlements Regulations—  
Advice of decision to pay assistance under  
Part 3, dated 31 October 2008.

Sydney Airport Curfew Act—Dispensation  
Report 12/08.

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**QUESTIONS ON NOTICE**

The following answer to a question was circulated:

**Climate Change  
(Question No. 749)**

**Senator Ronaldson** asked the Minister for Climate Change and Water, upon notice on 25 September 2008:

With reference to the Government's 'think climate, think change' advertising campaign:

- (1) Since its launch, what has been the cost to the Commonwealth of this advertising campaign.
- (2) What are the breakdown of these costs for: (a) television placements; (b) radio placements; and (c) any other media used, including but not limited to newspaper placements, magazine placements, Internet advertising and mail outs.
- (3) Over what period will the advertisements run.
- (4) Can a list be provided of the names of any advertising or research agencies whose services have been engaged for the campaign.
- (5) How much will each of the agencies listed in (4) above, be paid for their services to the campaign.
- (6) What appropriations will the department use to authorise payments to be made as part of the campaign.

**Senator Wong**—The answer to the honourable senator's question is as follows:

- (1) As of 30 September 2008, the advertising campaign had cost the Commonwealth \$9,971,005.16 (including GST).
  - (2) The breakdown of costs according to media used, is as follows:
    - (a) Television placements: \$3,027,773.17 (including GST)
    - (b) Radio placements: \$1,683,243.41 (including GST)
    - (c) Other media: \$4,551,144.58 (including GST).
  - (3) The advertisements are scheduled to run as follows:
    - (a) Television placements: 20 July – 16 August 2008
    - (b) Radio placements: 20 July – 23 August 2008
    - (c) Other media: 20 July – 1 November 2008.
  - (4) The advertising agency, M&C Saatchi, and the market research agency, Woolcott Research, were engaged by the Department of Climate Change to provide services in relation to the campaign.
  - (5) As of 30 September 2008, the Department of Climate Change had received invoices from M&C Saatchi for \$442,532.30 (including GST) and Woolcott Research for \$64,498.50 (including GST) for services related to the campaign.
  - (6) The Government agreed to provide the department with appropriation to cover this expenditure at the 2008-09 Additional Estimates.
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