Senate

Official Hansard

No. 13, 2012
Thursday, 1 November 2012

FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia, Commander of the Royal Victorian Order

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt, Arthur Sinodinos and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC
Leader of The Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of The Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator Christine Anne Milne
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Helen Kroger
Deputy Opposition Whips—Senators David Christopher Bushby and Christopher John Back
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

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

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
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<td><strong>Minister for Social Inclusion</strong></td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Jan McLucas</td>
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<tr>
<td><strong>Treasurer</strong></td>
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<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
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<td><strong>Minister for Financial Services and Superannuation</strong></td>
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<td>Assistant Treasurer</td>
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<td>The Hon David Bradbury MP</td>
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<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td><strong>Minister for Industry and Innovation</strong></td>
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<tr>
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<td>(Deputy Leader of the Government in the Senate)</td>
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<td><strong>Minister for Defence</strong></td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<td><strong>Attorney-General</strong></td>
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<td>Senator the Hon Joe Ludwig</td>
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<td><strong>Minister for Home Affairs</strong></td>
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<td>Minister for Community Services</td>
<td>The Hon Julie Collins MP</td>
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<td>The Hon Julie Collins MP</td>
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<td>Parliamentary Secretary for Disabilities and Carers</td>
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<td>Senator the Hon Bob Carr</td>
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<td>The Hon Richard Marles MP</td>
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<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities (Vice-President of the Executive Council)</td>
<td>The Hon Tony Burke MP</td>
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

BILLS
Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator THORP (Tasmania) (09:31):
The opposition's assertion that the proposed marine reserves are not based on science is completely false. The science underpinning the proposed reserves commenced more than 15 years ago under the initiative of the Keating government and was then fully embraced by the Howard government. It started with the marine bioregionalisation of Australia, a monumental exercise in integrating multidisciplinary data into a picture of how biodiversity is structured across Australia's oceans. The CSIRO, Geoscience Australia, a number of universities and museums all collaborated on that work.

Commercial and recreational fishing organisations have been involved throughout the process and the final network proposal incorporates many of their suggestions. Ninety-day statutory public consultations were held on the draft marine reserves network proposals between May 2011 and February 2012. Some 245 meetings were held around the country throughout the consultation process. Regional consultations began with multisector information sessions in major centres followed by a number of public information sessions in regional centres. The public information sessions were open to everyone. We advertised locally and provided opportunities for members of the public to view consultation materials and talk to department staff. In addition to the public information sessions, targeted stakeholder meetings were also held throughout the public consultation period.

The outcome we have with the marine reserves network proposal is a win for conservation and ensures low impacts on commercial or recreational users of the marine environment. Approximately 96 per cent of the ocean within 100 kilometres of shore will remain open to recreational fishing. The government has worked closely with recreational fishing organisations and has largely avoided putting highly protected marine national park IUCN II zones in areas important to recreational fishers. For example, it is 445 kilometres to the nearest new marine national park zone from Brisbane and 330 kilometres to the nearest new marine national park zone from Townsville. None of the new Commonwealth's proposed reserves in any region restrict boating in state coastal waters or the types of fishing undertaken by the vast majority of recreational fishers, which primarily occurs from beaches and jetties or in bays and estuaries.

Bioregional planning is important as our marine environment is under long-term pressure from climate change and increased industry activity. Unlike the opposition leader who has stated on the public record that climate change is absolute crap, Labor understand the pressures facing our marine environment and we are committed to establishing long-term solutions. The best long-term solutions are those developed under ecosystem based management approaches. The government believe that these approaches have the greatest ability to protect the health of our oceans and the
precious marine life which they contain. We also need to ensure sustainability for our valued fishing and tourism industries.

Producing better outcomes for our marine environment is not a matter of stripping away decision-making powers from the minister for the environment; it is about ensuring the best policy development processes and mechanisms are in place to allow informed decision making to occur. The opposition are merely seeking an opportunity to do what they do so often in the spirit of negativity and whip up baseless fear for their own political purposes. The opposition's bill, the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012, does not increase transparency in the decision-making process. Having a legislative ability to disallow bioregional plans will create greater uncertainty for communities as well as commercial and recreational fishers.

But we know the coalition do not really care about the environment. They are even proposing to outsource federal environment management to the states, essentially stripping away and shutting down the federal environment department to devolve powers to their mates in the states. This is a radical abdication of responsibility on the opposition's behalf and will set this country back all the way to the early days of Federation.

We are one nation. We need a nationally consistent approach to marine management protection. The coalition really have regressed a long way when it comes to their regard for the environment, because when the coalition were last in government they actually achieved some significant outcomes on marine reserves. Of particular relevance to my home state was the previous government's decision in 2006 to create the world's first representative network of marine reserves in temperate oceans—the South-east Commonwealth Marine Reserves Network, comprising 13 large-scale offshore marine reserves around Tasmania and Victoria. This achievement received extraordinary and well-deserved praise from around the world. My party, the Labor Party, ultimately supported that decision, despite reasonable criticisms at the time from some sectors that consultation with some key stakeholders had been rushed and that decisions had been taken to protect the environment, necessary in our view, on less than complete scientific and economic evidence. Now we have Senator Colbeck quoted as saying that the coalition will wind back no-fishing areas and scrap the entire marine parks plan if the coalition win power in the Senate and the lower house. I am not sure if the opposition are aware that the proposed changes to the EPBC Act as set out in this bill will have significant financial implications for the Commonwealth because this bill will require the Minister for Sustainability, Environment, Water, Population and Communities to create up to 88 regional committees for a period of two months to provide input to any future proposed marine reserves. These committees' costs will ultimately be borne by the Commonwealth.

I want to talk about recreational fishing and this government's commitment to and record in supporting our fishers, especially in contrast to the opposition. Those opposite were no friends of recreational fishers when it came to stopping the supertrawler. Indeed, every time the opposition have a chance to vote against activities that may have some benefit for recreational fishers they seem to vote against it. Very few of the marine reserves proposed by the Commonwealth have an impact on the recreational sector. Commonwealth marine reserves start over
five kilometres from the shore. This means that jetties, beaches, inlets, lagoons and rock shelves—most people's favourite spots—are outside the network. More than 95 per cent of Commonwealth waters within 100 kilometres of land will remain open to recreational fishing and boating.

As a group, recreational fishers are amongst the least impacted by the new Commonwealth reserves announced by the government. In a lot of areas the marine reserves reduce commercial fishing effort, which is better for recreational fishers as there are usually more fish to catch. Opposition to these marine parks is just like the supertrawler debate. The opposition voted against the interests of recreational fishing to allow the supertrawler to steam into Australian waters without the proper checks being done. The opposition has been working hard to create a fear campaign around this issue, telling mums and dads that they will not be able to fish, while at the same time voting to let the supertrawler do its worst. Those opposite have been strangely silent on recent announcements that the Queensland government has cut funding to Queensland's peak rec fishing body Sunfish. They claim to support recreational fishers but do not speak out unless it is to peddle misinformation and fear.

Those on this side support recreational fishers. The government has provided support for a national recreational fishing body, the Australian Recreational Fishing Foundation, a national representative body who are supported by the Australian Fishing Trade Association, Recfish Australia, the Game Fishing Association Australia, Sunfish Queensland, the Amateur Fishermen's Association of the Northern Territory, Recfishwest, Recreational Fishing Alliance of NSW, the Underwater Skindivers and Fishermen's Association, the Australian National Sportfishing Association, the Professional Fishing Instructors and Guides Association, the Victorian Recreational Fishing Peak Body, and the Australian Underwater Federation. I think the Senate may find some recent comments by Allan Hansard, the Director of the Australian Recreational Fishing Foundation, in a media release dated 2 October 2012 quite interesting and relevant to this debate, because I think it goes right to the heart of the treatment recreational fishers can expect from those opposite, should they win government. On the Queensland LNP government's treatment of recreational fishers in that state, Mr Hansard said:

The decision by Mr Newman to basically kill off Sunfish is very disturbing. Before he was elected, Mr Newman promised he would lead a 'fishing friendly' government. Unilaterally cutting all funding to Queensland's peak rec fishing body isn't what we regard as a particularly friendly act. In actual fact, it is a slap in the face to Queensland's 700,000 fishers, many of whom voted for Mr Newman.

We understand the need to rationalise government spending but the fact is that there is a lot of work that needs to be done to maximise the socio-economic benefits of recreational fishing in Queensland. Wiping out funding for the peak body representing Queensland fishers is not the way to get that important work done.

It is understood that Sunfish's annual Government funding was about $200,000. While that allowed Sunfish to operate effectively, it is in essence a fairly insignificant amount of money. We understand most of that funding was actually paid for by fishers, who contributed an $18 fee as part of boat registration. Mr Newman will still be taking that $18 but now fishers won't be seeing any benefits from it. We don't think that is fair or appropriate.

Mr Hansard went on to say:
We would hope that Opposition fisheries spokesman Senator Richard Colbeck would accept our offer to ensure that nothing like this happens following a win by his party next year. We need Senator Colbeck and Opposition leader...
Tony Abbott to give Australia's 5 million fishers cast iron assurances that funding required to grow the recreational fishing sector will be guaranteed. I think they are some very pertinent comments from Allan Hansard. Somehow I doubt such an assurance from the opposition will be forthcoming. However, even if the opposition does give such a guarantee, I would not put very much stock in it. We all know that Mr Abbott is prepared to say anything to win government but that ultimately he will savagely cut funding to the services Australians rely on. There is no doubt in my mind that support for our recreational fishers would be right on the top of the pile of things to cut should they win office.

Let us turn to the hypocrisy of the coalition around proposed zoning of marine reserves. The government supports protection of precious areas like the Great Barrier Reef and commends those opposite for taking action. The rezoning of the Great Barrier Reef in 2004 provides an example of the opposition's work, where the area was rezoned from 4.5 per cent 'no-take' to more than 30 per cent 'no-take'. There was limited consultation on the design of the adjustment program for the Great Barrier Reef. It was conducted by an expert panel and the panel's report was never released. A key feature of the coalition's south-east marine reserve network is the extent of the network off-limits to commercial fishing—80 per cent. That figure, 80 per cent of the coalition's marine reserves locking out commercial fishers, underlies the hypocrisy of the opposition in labelling this government's quite reasonable and balanced proposals as a 'lockout' and 'anti-fishing'.

None of the Commonwealth's proposed reserves in any region restrict boating in state coastal waters or the type of fishing undertaken by the vast majority of recreational fishers, which primarily occurs from beaches and jetties or in bays and estuaries. Claims of large-scale recreational fishing lockouts are unfounded, as are exaggerated estimates of the impact on fishing and boating related industries. In the Commonwealth regions in question, 96 per cent of the ocean within 100 kilometres offshore remains open to recreational fishing. All of these decisions have been based on science that has driven the development of a representative network of marine reserves. The government's current marine park proposals have been more than a decade in development. The development of marine bioregional plans and the identification of the Commonwealth marine reserve network proposal have been underpinned by a strong scientific information base, detailed analysis of potential socioeconomic impacts and rigorous and ongoing stakeholder consultation. The science underpinning the proposed reserves commenced more than 15 years ago under the initiative of the Keating government, and then was fully embraced by the Howard government.

The rationale for creating a comprehensive, adequate and representative system of protected areas in our oceans has endured and strengthened for over two decades. It is based on protecting examples of all the major marine ecosystem types around Australia. This principle was enshrined in the Howard government's oceans policy and successive Howard government ministers, from Robert Hill to Malcolm Turnbull, championed and implemented that policy. To their credit, those ministers did not blink in the face of opposition to good policy. It started with the marine bioregionalisation of Australia, a monumental exercise in integrating multidisciplinary data into a picture of how biodiversity is structured across Australia's oceans. The CSIRO, Geoscience Australia
and a number of universities and museums, as I have said, have all collaborated on that work.

Forty-one provincial bioregions have been identified in Commonwealth waters and, in order for the Commonwealth marine reserves network proposal to be representative of Australia's marine ecosystems, the government has sought to include a part of each provincial bioregion in the reserve network proposal. The first three years of the marine bioregional planning program were dedicated to the consolidation of scientific information and, in some instances, collection of new data. This resulted in the publication of a bioregional profile for each of the regions. Bioregional profiles for each marine region were prepared using scientific information about the region's biophysical and socioeconomic characteristics and conservation values.

One of the last accomplishments of the member for Wentworth when he was environment minister was to publish the marine bioregional profile for the South-west Marine Region. That document, which bears his picture, contains the goals and principles which have guided the development of the current marine reserves proposal. Clearly, the science was good enough for the coalition when it was in government.

We recognise that some people in the community, as shown with recent debates around the nation to address climate change, will never accept any amount of scientific evidence that does not support their own prejudices and beliefs. We also know that criticism of government consultative processes will always accompany any outcome that does not suit everyone. That does not mean that coalition ministers necessarily got the process right. There were many criticisms from respected scientists during the development of the South-east Marine Reserve network, that they had squibbed some hard conservation decisions, and the socioeconomic analysis was not only right but also it was left to the fishing industry to conduct only after firm proposals were on the table for a brief period of consultation.

As for the furphy that the science behind the reserves is somehow inadequate, we should perhaps rely on the words of respected marine scientists rather than claims by the opposition. In a recent article titled *Marine Reserves not about closing fisheries, but about preserving ocean health*, published on 27 August this year, Dr Nic Bax, who is Stream Leader, Understanding Ocean Ecosystems at the CSIRO and Dr Ian Cresswell, Director, Wealth from Oceans Flagship at the CSIRO, wrote:

> The extensive scientific information upon which it is based reflects Australia's mega-diverse marine environment. The science behind the CMR network, and marine bioregional planning in general, has been consistently and independently provided to Australian governments for at least 10 years. Claims that the CMR network is not based on science are either incorrect or misdirected.

Clearly, this government is getting on with the job of protecting our marine environment and sustainably managing our fisheries, with evidence based science and stakeholder contributions informing a nationally consistent approach. Those opposite simply want us to abandon our Commonwealth obligations in the pursuit of narrow-minded politicking. I urge the Senate to reject this bill.

**Senator MASON** (Queensland) (09:49): The Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012 is designed to give either chamber of parliament the power to disallow new declarations of bioregional plans and marine
protected areas. That is what it is designed to do. We in the coalition believe this step was made necessary by the approach and by the actions of the Minister for Sustainability, Environment, Water, Population and Communities in declaring and administering bioregional plans and marine protected areas, the exercise of which seems to be heavy on ideology and pretty light on consultation.

It is the coalition that commenced the process of establishing the comprehensive marine bioregional plans and marine protected areas around Australia's coastline, to protect and to maintain biologically and culturally significant marine areas of Commonwealth waters. We did that. It is Labor, however, that so very typically has taken on board a sensible policy and—guess what?—botched its implementation. What a surprise that would be, Mr Deputy President, wouldn't it?

The government is failing to engage in proper consultation with all stakeholders affected by its decisions, resulting in an approach to marine management and conservation that is not balanced and is not fair. The government seems more concerned with its own electoral fortunes in the heavily Green inner-city electorates rather than the legitimate interests and valid concerns of fishermen and related industries, and their local communities, directly affected by declarations of these conservation zones.

Let us be honest: this is much more about Greens preferences than about environmentalism. It is more about the swingers in Central Sydney than the strugglers in Northern Queensland. Nearly three years ago, I voted in this chamber to disallow the Coral Sea Conservation Zone declaration that was made in May 2009 by the Minister for Environment Protection, Heritage and the Arts. I am sorry to say that the motion was not carried by the Senate, with the government and the Greens voting against the disallowance motion. Honourable senators will remember that grim, black day. It was a shame for many Queenslanders along the central and the northern coast of my state. I and many others were concerned then about a number of issues and problems and with the way the minister and the department went about making their decisions—and there are several concerns.

First of all, the declaration was made after a farcically inadequate consultation process in which the government had only spoken with the Australian Conservation Foundation and a Pew Charitable Trusts, both quite partial in this context, but without bothering to talk to the affected communities, industries or, indeed, even the Indigenous representatives. This failure ultimately called into question the scientific basis for this declaration and evaluation.

Secondly, and fundamentally, there was no assessment made as to the financial costs to regional communities and stakeholders, particularly in relation to the impact the non-transferability of permits would have on local tourist businesses, particularly in the north and the far north of my home state of Queensland. Third, the Coral Sea is a very low-volume, high-value fishery, with about $10 million of fish stock being taken in 2006. A number of charter boats work the area, and the game-fishing is a catch-and-release industry for tourists operating out of Cairns. The area is in pristine condition and has been, so far as I am aware, since time immemorial. There was no evidence that any activity currently undertaken in the Coral Sea threatened that state of affairs—none.

Last, at the time this declaration was made, the Coral Sea Conservation Zone was already included in the eastern marine bioregional planning process that runs from Cape York to Batemans Bay in southern
New South Wales. That process included a significant public and scientific consultation. In other words, this was the proper, comprehensive, fair and scientific process to determine the level of environmental protection that the Coral Sea needs, and not the declaration process which the minister seems to have used as a convenient shortcut to ride roughshod over all the affected parties.

The most unfortunate saga of the Coral Sea Conservation Zone illustrates perfectly what is wrong with the way the current government approaches marine conservation and therefore why we need to empower both chambers of this parliament to disallow the minister's declaration. The current requirements under section 176 of the Environment Protection and Biodiversity Conservation Act dictate that the minister must engage in public consultation—must. But, as we have seen, the public consultation is barely adequate, and in the end the environment minister is not achieving community support in the process. In weighing up the competing interests, the minister clearly tends to privilege what he might say are the interests of the environment over and above the economic interests of fishermen and retailers.

In reality, however, all too often the interests that the minister ends up protecting are not those of the environment but those of the environmental movement, and they are two very, very different things. We know that the two are not necessarily the same. It seems that the current Labor-Greens government follows the Finding Nemo school of marine conversation: all fish are cute, all fish are endangered and all humans are rapacious predators and despoilers. That is the view. But life is not a Walt Disney movie, and Australia is not like other parts of the world such as the Pacific coast of South America, Siberia or South-East Asia where the fisheries have indeed been depleted—that is true.

Australian fisheries—and no-one seems to want to accept this—are well managed and sustainable. That is the truth. In fact, Australia is widely seen around the world as a leader and exemplar in how to care for fisheries and for the environment. There is no strong case that we need further 'locking up' of our waters to protect from overfishing. Stopping fishermen from harvesting our waters does not lower the demand for seafood. Australian demand will instead be satisfied by what? Imports. Imports from where? Most probably from Asia. So in an attempt to relieve our fishing reserves from a perceived stress—and that is the argument—additional stress will be placed on the fishing reserves where? Foreign countries. Our well-managed fisheries will be untouched, while endangered fisheries elsewhere will be further depleted. That is what will happen.

The environmental left prides itself on supposedly thinking globally and acting locally. But the attempt to shut down Australian fisheries is simply NIMBYism—or rather NIMOism: not in my ocean. It merely exports the problem to places which are far less likely than Australia to care about proper management and sustainability of their resources.

But putting aside the debates about the state of the environment and our fisheries, the issue at hand is the process. Currently the environment minister has sole power to approve the adoption of bioregional plans—the sole power. Declarations of bioregional plans and marine protected areas have significant environmental and social and economic consequences. It is not a matter than should be treated lightly. It is therefore quite inappropriate for these declarations to be made without the opportunity for review, and that is why the coalition believes that
bioregional plans should be disallowable instruments. They should be subject to the full review through both chambers of this parliament. This is a matter of balance, fairness and proper democratic accountability.

Senator EDWARDS (South Australia) (09:59): I rise today to contribute to the debate on the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. I support my coalition colleagues who have already made contributions, and the member for Dawson who has put this bill forward. The member for Dawson has spoken passionately about the representations which have been made to him in his electorate in Queensland, but I assure the member for Dawson that those representations have been echoed in my home state of South Australia. The concern about the way in which marine parks are proposed to be managed is a significant concern amongst industry, recreational fishers and the general public who are concerned about good government.

This bill looks to increase the transparency and accountability around declaring marine parks. It makes any proclamations of a Commonwealth reserve a disallowable instrument. My Senate colleague Senator Mason has spoken eloquently about the issue of disallowable instruments and their role in our lives as Australians, and how good government is conducted. The bill will allow the parliament to consider any proposed marine parks and the potential social and economic impacts that they might have. If this government engaged in genuine consultation with stakeholders and the community rather than taking an 'announce and defend' approach, then this bill might not have been necessary, but this government is determined to listen only to a vocal minority on this issue.

In my home state of South Australia—and, as we all know, politics is always local—we have seen a similar approach taken to the creation of marine parks by the Labor Weatherall government. The South Australian draft marine park boundaries have been widely condemned by the fishing industry. Recreational fishers have also come out in outrage and the regional communities which they support are shaking their heads in dismay. This is similar to the situation federally, where everyone has come out and condemned the marine parks—apart from a number of fringe, alarmist environmental lobbyists.

In early October the residents of Port Wakefield, in the electorate of Wakefield in South Australia, lined Highway 1, the major thoroughfare, with giant coffins, boats and handmade banners to highlight the devastating impact the state government's proposed no-take sanctuary zones are going to have on their community. They have formed a group called the Marine Park 14 Action Group to try to save their town, which might lose 50 per cent of its prime fishing waters.

The South Australian Labor government's marine parks were announced over 10 years ago, but it has only just released the draft management plans and the regional impact statements. While that government has had 10 years to mull it over, it now expects South Australians to comprehend the full impact of the proposed changes in just two months. Doesn't that have a familiar tone to it? Just like their federal counterparts, there is no accountability, no transparency and no genuine consultation with the community and industry.

In a state that has just had the Olympic Dam expansion shelved, is the highest-taxed state in the nation and has the worst credit rating, the government's marine parks plan...
will cost $63.9 million to implement and will cost the state economy $100 million per year in lost revenue. That is without even considering what it is going to cost the various state departments to monitor, police and oversee these marine parks.

What we need in South Australia and Australia is a breakdown and a removal of this red tape, yet we see an increase of it at both state and federal levels. At state and federal levels Labor is destroying communities through its interventionist and ill-thought-out marine parks. What is the cost of policing and enforcing this? As I just said, nobody has put any figure on it from either a state or a federal point of view—a bit like last week's MYEFO, where we announced policies but we did not announce funding for policies.

But I digress—back to the bill we are debating here today. It would help to overcome some of the issues our communities are facing. This bill requires the minister to commission an independent assessment of social and economic impacts of the proposed proclamations. I would have thought that was reasonable governance. It certainly would not be an unreasonable path to expect a federal government to take. Through this process, the issues which are now being aired angrily could have been aired through genuine consultation.

This bill requires the environment minister to commission an independent, social and economic impact assessment before any proclamations are made. I have just spoken about that. Any government looking for credibility and that has integrity would try to assess the impact on people in their constituency before running roughshod and introducing this legislation. The minister must also obtain independent scientific peer reviewed advice before making any proclamations and this advice should be publicly available. Let the sun shine in. Let us have people who are experts in this—world authorities—who can judge the scientific research and allay any fears the community might have. Proper scrutiny is all that this bill is after—proper scrutiny of such a vital and important industry to this country. The bill would also establish an independent scientific reference panel and stakeholder advisory groups for each region to ensure that each region's issues, which are quite local in nature, are addressed and that this one-size-fits-all piece of legislation would obviously treat with disrespect.

This bill, put up by the member for Dawson, will increase the checks on government decision making. We all know that good decision making has not been a hallmark of this government. The Gillard government's inability to properly manage Australia's fisheries saw the bungling of the Abel Tasman saga. The government invited the Abel Tasman—or, as it was known back then, the Margiris—to come to Australia in 2009 as part of Minister Burke's small pelagic fishery harvest strategy. The vessel arrived in Australia and, after three years of negotiations—all very hospitable, all very encouraging—legislation was introduced on the run to ban this trawler from fishing here. The trawler was brought here to turn a catch that would normally be fishmeal—because the boats that traditionally caught these fish do not have refrigeration so the fish finished up as stock feed—into protein for northern African countries as a food source for humans, thus addressing the food task that the world is faced with as we head into the prospect, in 2050, of nine billion people on this planet. This good initiative of efficient farming is like, as the member for Grey put it to me the other day, a wheat farmer buying a bigger header. It did the same job. There were no extra fish quotas, no extra fish taken per season, no extra grounds that were going
to be covered by this operation. It simply was a bigger header, to use that analogy.

Yet once again, as we saw during the live cattle ban, Minister Ludwig got rolled by caucus. He got rolled by the Left of his party and the pressure that the Greens bring to bear when they have their joint party meetings, and was told that he was not going to get his way. And they sent Minister Ludwig down the path of the live cattle ban again. Even he believed it was unjustified; he said that it would open up the Commonwealth to significant legal and reputational risk. Apparently the documents that were obtained by the *Australian* newspaper showed that the minister did not want to cave in to pressure from Labor backbenchers and the public campaign to ban the *Abel Tasman*. The documents state he argued that its operations would be 'sustainable and efficient'. The documents allegedly show deep divisions within the government, with the minister not wanting to undermine the reputation of Australia's independent fisheries and their world-class management by changing the rules on the *Abel Tasman* at the last minute.

This has again raised the issue of sovereign risk in this country. We hear miners talking about it through the MRRT, we hear the cattlemen of Northern Australia talking about it; now we hear the fisheries of Australia talking about the fact that their bankers are saying, 'We now have a new risk in your business plan. It's called the federal government,' because they have shown themselves to be not trustworthy when it comes to people's licences and their right to fish, and they certainly have no regard for communities in regional Australia and their business plans and their right to earn income.

Let us remember that we are not discussing the sustainability of Australia's fisheries or fisheries management. As I say, the Australian fish zones are regarded as some of the most sustainable in the world, and our fisheries management are a professional group of highly respected scientists who are internationally acclaimed. All of them cannot believe what happened. If we apply flip-flop gymnastic backflips like the *Margiris*, the *Abel Tasman* and the Northern Territory Cattlemen's Association, which are the way this government manages agriculture, aquaculture and fisheries in this country, we are not being well served. Minister Ludwig is quoted in documents obtained by the *Australian* saying:

To those people who say the FV *Margiris* (the *Abel Tasman*'s previous name) is responsible for overfishing, I say to them it won't in Australia. You can't overfish an Australian fishery.

He then went on to say:

Were I to amend the legislation, I would also be saying we don't value economic efficiency when we harvest our natural resources sustainably.

The article says that Minister Ludwig denied he was rolled by cabinet, arguing that the issue was environmental uncertainty, which was not within his portfolio remit. Clearly, from what we have just heard and what we know now, it sounds like a complete cop-out. I am sure he will be embarrassed when he has to face the next fishing convention over that whole fiasco.

However, this bill is a move by the coalition to further improve the sustainability of Australia's marine environment. It was the previous coalition government, as Senator Mason pointed out so eloquently, which commenced the process of establishing marine protected areas around Australia's coastline, in line with Australia's internationally declared commitments. The coalition is committed to sustainable fisheries in this country. The intention was to develop an integrated network of new marine reserves to provide balance between multiple uses and highly protected areas. For this purpose, the Commonwealth waters
surrounding Australia were divided into five bioregional planning regions—the south-east, the south-west, the north-west, the north and the east. But in recent times the east region has been divided in two—the Coral Sea zone and the temperate east zone—so there are now six separate bioregional plans in various stages of development for Commonwealth waters.

The coalition guided development of the south-east marine bioregion plan, which was formalised in 2006. It includes a network of 14 marine reserves which were agreed after careful consideration and consultation with all stakeholders, including the recreational and commercial fishing sectors. But, instead of continuing with our sensible, measured and thought-out plan for marine parks, Labor has locked up the oceans and handed the keys over to the Greens. What we now face with this bill is a good solution to try and resolve this. We put our hand out to the government for it to support this bill, to provide it with a mechanism by which it can fix this problem. This bill should be considered by all those opposite as it makes Australian fishers far more sustainable a proposition when all of those people go to their bankers and say, 'This is our business plan for the next five years.'

I did particularly like Senator Mason using the acronym, NIMBY, not in my backyard, because if we continue to lock fishers out of our sustainable fisheries zones—our world-class fishing zones—then we will transfer the problem of where the world gets its protein from. We know that the South China Sea and the areas to our north are overfished. There is no question about that. What is going to happen if we lock up in Australia our sustainable food source? They are going to continue to fish those overfished zones. Pristine waters off the coast of Europe, particularly off the coast of Greece, have no fish in them.

**Senator Feeney interjecting**—

**Senator EDWARDS:** I will take the interjection, Senator Feeney, because I know that, while you might be bored with this whole issue of fisheries, I can assure you that around the coastline of Australia there are fishing communities that do not understand what your government is doing. They are deeply concerned about the way in which there has been no consultation and this has been foisted upon them. I am sure that in your cabinet you are not impressed by the Greens dictating policy for you.

**Senator Feeney:** Madam Acting Deputy President, I rise on a point of order. I ask that you require the speaker to address me through the chair rather than directly across the chamber.

**The ACTING DEPUTY PRESIDENT (Senator Stephens):** Thank you. Senator Edwards, you have 52 seconds left for your contribution.

**Senator EDWARDS:** It is always good to have Senator Feeney's input into these things because, of course, he spends so much time listening to the concerns of people in agriculture and fishing that, obviously, he would be concerned as to what their representations are to me about the way in which this government seems to have no kind of insight into the issues of funding, and obtaining capital for, various commercial enterprises which this government has compromised. I urge all in the chamber to restore some credibility to this marine park debate and get behind this bill.

**Senator McKENZIE (Victoria) (10:20):** What a sterling contribution from my colleague Senator Edwards. I too rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. I love the title. I think we could use the word 'accountable' a little more in this place.
There currently are six separate bioregional plans in various stages of development for Commonwealth waters. To the layman, a marine park is designed to protect and maintain biologically and culturally significant marine areas in Commonwealth waters. Indeed, it was the previous coalition government which commenced the process to establish marine protected areas, so we have got some skin in the game in terms of managing appropriately our fisheries. The intention is to develop an integrated network of new marine reserves to provide a balance between multiple uses and highly protected areas. The coalition guided development of the south-east marine bioregion plan was formalised in 2006. That is down my way in Victoria. It is made up of 14 marine reserves and the end result was agreed to following careful consideration and consultation, because the coalition understands the importance of engaging with local stakeholders to ensure that they are on board, particularly when you are looking at the types of changes that setting up these marine parks entails for local communities and the users. The south-east Commonwealth marine reserves network is the first temperate deep-sea network of marine reserves in the world, covering over 200,000 square kilometres wrapping around the far south coast of New South Wales, right around Tasmania and Victoria and all the way to Kangaroo Island, off South Australia. The Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, wants to establish new marine reserves, taking the overall size of Commonwealth marine reserves to 3.1 million square kilometres—the largest representative network of marine protected areas in the world. And wasn't he skiting about that! But I can tell you that they are not rapt on the ground near the water.

Australian fisheries are globally benchmarked and recognised as among the best-managed anywhere in the world. Do not listen to me; listen to the scientists who worldwide proclaim how good we actually are at this stuff. We can sustainably manage things. We have heard the beat-up, the scare campaign, being run by the Labor government and the Greens that we are somehow fishing in a Newfoundland-ish style, around the cod issue a while ago, but that is simply not occurring out there when we look at how we have constructed and managed fisheries.

It is not only about being environmentally sustainable; we also need to recognise that our fisheries are economically productive. Commonwealth fisheries generate over $300 million and produce 52,000 tonnes of catch. We could not maintain those sorts of figures if our fishers did not maintain and care for their work environment. Again, I draw the analogy to those who work on the land. We, as human beings, understand our relationship with the environment and the need to manage and work with it sustainably, whether that is how we practice our farming or how we practice our fishing. It has to be a renewable resource. That is something that we understand because we actually live there and work there. Also, the fishing industry would not employ around 16,000 people—9,700 directly and 6,200 indirectly.

Minister Burke intends creating the world's largest marine reserves network but, unlike the coalition when we were last in government, he has failed to properly consider and consult with the stakeholders. The explanatory memorandum for the bill states:

The Government’s current process of declaring Marine Protected Areas is not the result of rigorous scientific analysis that has been made publicly available or extensive industry and community consultation.
Those are two things which would be hallmarks for good policy intention: consultation and scientific evidence. I am sure Senator Waters would agree with me that we want scientific evidence that is independent and robust. It must have integrity. We do not want it to be besmirched by conflicts of interest or selectively chosen to inform policy decisions that are already made. The community needs to have confidence in the way we make decisions in this place on issues that directly affect their lives and their businesses. So having rigorous scientific analysis is important.

I welcome Senator Boswell—a huge champion of the fishing industry right around this nation—sitting next to me. Indeed, Senator Boswell needs to be extremely proud of a Young Nationals party room member, George Christensen, who brought this bill before us.

In this instance it is the minister for the environment who needs to be accountable—and I refer to the title of the bill—in the decisions he makes. For the remainder of my speech I will outline that it is not just the minister for the environment who needs to be accountable to community and provide them with confidence that the decisions that he is making are based on rigorous science and that he has consulted appropriately with communities affected. Maybe it is a template for the Gillard government as a whole regarding their approach to governance.

The bill before us today requires Mr Burke to commission an independent social and economic impact assessment before any proclamations can be made. He needs to obtain independent, scientific, peer reviewed advice before making any proclamations and for this evidence to be publicly available so it can be scrutinised. He needs to establish scientific reference panels and stakeholder advisory groups for each region to ensure rigorous decision-making. We need to talk about the issue of socioeconomic impacts. In the coalition we understand the importance of policy that delivers a triple bottom line that recognises and sustains the environment but also ensures that people living with the environment can make a reasonable living and can be part of vibrant communities. So socioeconomic impact assessments need to be done, and they need to be done before we make the decision. We should not just let the people hear about it as an after-effect.

In terms of the fisheries adjustment package, the discussion paper says:

A socio-economic assessment will be prepared in consultation with fishing industry and local community stakeholders and experts, to guide decision-making and to ensure the implications of MPA proposals are known to the Government before any decision for adjustment assistance is made.

So the implications are, if everything is going to plan and already known to government, but we have not seen this yet for the regions. ABARES is apparently doing the work, but it seems that their work is only focused on compensation. These communities and business holders would like to continue working in their business. Some are generational businesses. They want to be part of a profitable and sustainable industry, not have their tax dollars spent on government dreaming up another handout to get people out of work and into something less profitable, less interesting to them and less around their skill base. We have numerous examples throughout our economy of this government being focused on handouts—to foresters, fishers and farmers—rather than getting on with giving them a hand to remain profitable and sustainable going forward. I completely digress.
I might say to the fishers that they just need to maybe get in line with this government. The communities right throughout the Murray-Darling Basin have been waiting since 2010 to obtain a similar assessment. We are really quite sick of this government making decisions that directly impact our communities and our profitability. Similarly, growers in my area of Ballarat, in Victoria, are interested in the socioeconomic impact of the decision by government to import potatoes from New Zealand which may be severely infected with the zebra chip virus, a disease that has devastated areas of the potato crop in New Zealand and, if it gets loose in our communities, will have similar impacts in Australia. The government needs to take the socioeconomic impacts of its decisions seriously.

Like the marine industry, I am sure almost all stakeholder groups that have interacted with the government through planned legislation would like better stakeholder consultation. Perhaps this could occur through stakeholder advisory groups, as long as they actually have stakeholders and not just government officials reporting back on behalf of or talking to each other on what they think people in the community think or industry thinks. It is those people on the front line, the locals, who need to have greater input into government decision making.

When Minister Burke released the maps of the new park, he said it was too late to change boundaries or zone classifications—too late, even though it was reported that there was still a 60-day consultation period remaining. But Minister Burke has form in terms of being flexible and nimble around his decision making and responsive to community need. We only need to look at his decision on the super trawler Margiris to see just exactly how nimble and flexible Minister Burke can be when he needs to be. Unfortunately, though, when he quickly changed his mind around the Margiris, it was not as a result of direct feedback from stakeholders within industry—locals affected by the Margiris; it was actually by an email campaign coming out of our capital cities based on an ideological assumption. So Minister Burke needs to be consistent. If he is going to listen to the supplications of concerned citizens, then let's make sure he is listening to the supplications of local industry, not just people in urban centres concerned about their holiday resorts and the NIMOs, as Senator Mason referred to.

Clearly, the Gillard government has no consideration for those directly affected. There are a considerable number of stakeholders in the marine parks matter who feel their concerns have not been heard. Kathryn Williams, who described herself as an 'irate Australian citizen', said:

The Government seems to rush into these types of proposals and not take into account what the layman says. You say you listen to us at these Marine Park meetings but I think you are only there to show your presence and that you have already made the decision to go ahead.

It sounds very similar to the commentary heard at the Murray-Darling Basin community consultation meetings—and I note Senator Birmingham is in the chamber. Those of us who attended those meetings heard very similar types of comments around this government and this minister's approach to consultation. Mr Cameron Talbot said:

I'm concerned that lobby groups like PEW WWF and AMCS—

the World Wildlife Fund and the Australian Marine Conservation Society—

seem to get access to Ministers and control of what happens. The Department does not consult us or simply ignores what we have to say. I feel that democracy has been lost and further more—

and here is the telling part—
my faith in the Labour party has gone with it. I along with all labour supporters that I know who also fish, are so disenfranchised with this government that at the next election we will do what I never thought we would do and vote LNP.

I am hoping down south that they will vote for the Victorian Nationals and the Victorian Liberal Party. This is what is at stake here. This is what happens when the Greens party gets control of your agenda, Australian Labor Party. Your crucial heartland supporters are turning away because you are not listening to them. You are not listening to the industry and you are not listening to your core constituents, and they are turning away as a result of your Greens-hijacked agenda.

I will return to the bill, if I may. One of the amendments to the bill, at the end of section 343, states:

The Minister must obtain, and the Director must report on, scientific advice, stakeholders’ views and an independent social and economic impact assessment before Proclamations over areas of sea … are made.

We are just trying to fix up bad process. These are things that sound so sensible if you want good policy outcomes, so I look forward to bipartisan support for this legislation so that we as a community and a nation can start implementing policy that is sustainable and sensible but is also backed up with consultation with the appropriate stakeholders and the appropriate scientific review.

Minister Burke's grand plan to develop the world's largest representative network of marine protected areas is also going to cost money. It is clear people are going to be put out by Mr Burke's vision, and the discussion around socioeconomic impacts is apparently only focused on compensation. We do not want a handout; we just want to get on with doing what we do well, which is managing the most sustainable fisheries on the planet. The Gillard government will apparently have to design and implement a fisheries adjustment assistance package. The Prime Minister has indicated that this package could cost $100 million; however, all estimates suggest that figure will be much higher. The decision around assistance will be made only after an assessment of all the impacts is undertaken, including positive impacts such as increased tourism opportunities, apparently. But how can you take into account the value of something like tourism of an industry that is yet to be established? I mean, it is rubbery figures. We are going to take into account an industry that somehow we are going to set up as a result of all of these people that own boats and are fishers suddenly deciding that they are all going to get into tourism. As we have seen in other sectors of the economy, they are individuals and have views about what they want to do with their lives, what businesses they want to be involved in. They might not want to be tourism operators. So basing the figures around flawed assumptions is always going to get you in trouble.

Through this marine park plan, regional Australia will face an enormous social and economic losses. Regional Australia suffers again under the Gillard government—what a surprise. It seems that every single sitting week we are standing here bemoaning one aspect or another of this government's agenda for this nation that slugs regional Australia over and over again. I sound like a broken record, Madam Acting Deputy President, but I am simply putting on record the frustration that is out there outside of urban Australia with this government. Don't come out to our communities, sit down, have a cup of tea, hear our pain, pat us on the head and come back here and do what you like anyway. We are over it. Negotiate with us, connect with us, understand us and develop policies that will benefit our communities,
that will allow us to do what we do best, which is get on and do it. It is very frustrating. Minister Burke and the Gillard government cannot be trusted to take care of regional Australia.

But there is another key player to these issues of how regional Australia is over and over again being impacted by the Gillard government's policy. That is the Minister for Agriculture, Fisheries and Forestry. I have talked a lot about Minister Burke this morning but we have not mentioned Senator Ludwig and I think we should. I am sure that you, Senator Boswell, are going to make mention of it but before you rise I will briefly say that Minister Ludwig is playing again second fiddle to Minister Burke and that is disappointing from a man who is meant to be our champion and the champion of the fishing industry.

I have got several comments that I would like to put on the record around the importance of peer-reviewed science. Professor of Aquatic and Fisheries Sciences at the University of Washington Dr Hilborn said:

It's difficult to understand why Australians believe they need to implement additional alternative restrictions on fishing … Australians should embrace the success of their fisheries management and consume Australian seafood with extreme confidence.

I commend the coalition's bill to the Senate.

**Senator BOSWELL** (Queensland) (10:40): I rise to speak on the Environmental Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. This bill returns the balance and fairness to marine conservation so that all Australians can have confidence that the best decisions are being made to protect both our marine biodiversity and the fishers and the communities that feed so many Australians. The current government certainly has displayed no genuine concern for fishers or their families or their communities in the way it has gone about developing its current marine reserve policy. It is a cynical policy that lacks proper science and lacks proper social and economic impact assessment.

It is likely in the next month that the federal government will proclaim the marine reserves, which would take the overall size of Commonwealth marine protected areas to 3.1 million square kilometres, by far the largest marine park network in the world. This will be a cause of celebration for international and local environmental activists who have spent millions of dollars campaigning to have huge areas closed to fishing in these marine reserves. However, it is no cause for celebration for the families in the recreational and commercial fishing sector, allied marine industries, tourism and coastal communities that will be decimated by these vast closures. Lacking sound science and a genuine understanding of the human and economic impacts of these latest marine parks, the government nonetheless is pushing ahead with the declaration. Once again science is trumped by politics and a government that depends on the Greens and panders to environmental activists.

This declaration is opposed by both commercial fishing and the recreational fishers. Earlier this year I attended a packed-out meeting at Redcliffe, overlooking Moreton Bay, where commercial and recreational fishers stood side by side and condemned the marine reserves this government wants to introduce. This government is demonstrating it has little understanding of the value of recreational fishing and the valuable social and economic role that recreational fishing plays right around the Australian coast. I certainly value recreational fishing's contribution to the health and wellbeing of Australian communities and the economic contribution
it makes in regional areas. This government's marine reserve plan is a slap in the face for recreational fishers.

While the government has promised $100 million in assistance for impacted fishing businesses, though nothing for all the other fishing related businesses that will always also be impacted, fishers are unlikely to see that money for another year or year and a half. For many that will be far too late, for many fishing businesses fatally late. Earlier this year environment minister Tony Burke and agriculture minister Joe Ludwig said an assistance package would begin to flow to the fishing industry before the marine reserves are activated. There was certainly no sign of any allocation of funding for impacted fishers in the 26 October midyear federal budget update, nor was it expected. A senior environment department bureaucrat indicated to a Senate committee in mid-October that the gap between declaring the reserves and actually bringing in the management plan for six marine reserves circling the coast would be approximately 18 months. That means it is likely to be 18 months after the reserve proclamation before impacted fishers see any money. That is sometime in 2014. But, of course, their fishing operations will be devalued immediately. Who is going to invest in capital or loan funds, or sign long-term contracts knowing that the axe will inevitably fall?

What it means for fishers is an immediate loss of business value but no compensation until some time in the future. What it means for the government is kudos with the Greens and the environmental lobbyists immediately, with the dollar cost deferred until well after the next federal election, when the coalition will probably have to pick up the bill. What a cynical ploy that is. The Labor government can claim credit with its green mates and deferred compensation until, probably, at least 2014. On current polling, they will not even be in power then. An incoming coalition government would have limited room to manoeuvre, but we would certainly look at every option.

Labor is putting in these reserves because of politics, not true conservation. The reserves have been set up without proper science, and the real economic and social costs have not been properly analysed. On 15 October, in answer to a question from me, Mr Stephen Oxley, First Assistant Secretary of the Marine Division of the Department of Sustainability, Environment, Water, Population and Communities, SEWPAC, told the Senate Environment and Communications Legislation Committee that it was still the government's intention, through the Director of National Parks, to proclaim all the marine reserves before the end of 2012. Further, Mr Oxley estimated that the process, from the proclamations through to bringing the management plans into full effect, would take approximately 18 months. When I asked Mr Oxley directly, 'When do you believe the money will start to flow?' his answer was, 'That is a decision yet to be taken by government.'

Clearly, the details about what will be in the government's compensation arrangements, what they call the 'adjustment assistance package', are all still to be worked out somewhere down the track. What was also made very clear to the committee is that, beyond the fishing businesses themselves, the government does not plan to provide any help whatsoever for impacted upstream and downstream businesses. These are businesses like seafood processors and wholesalers, ship chandlery and repair facilities, and all the other suppliers of goods and services that are so heavily dependent on business from fishers. These impacts are certain to be felt hard at many ports round the Australian coast, including Karumba, Cairns and...
Mooloolaba in Queensland, but also at a lot of other places.

So here we go again with this government hurting the important primary industry of fishing. This government's ill-planned and poorly researched marine reserves will hurt the businesses of fishing families, fishing operations and fishing-dependent businesses right round the country as soon as the reserves are proclaimed, which we know is intended to be before the end of this year, and with no idea when they will pay for the pain and suffering they will cause, and that is typical of this government. Do what the Greens want.

Ministers Burke and Ludwig in their media release of June 14 talked about a total assistance package 'in the vicinity of $100 million'. But all the details are still to be worked out and argued about in the future. How generous can the fishing industry expect Treasurer Wayne Swan to be in trying to balance the budget? Short answer, 'Not very generous at all.' You are talking about $100 million, which anyone with any nous knows will not cover the damage that is going to be done by this government to the fishing and related businesses. One hundred million dollars—what is Mr Swan going to do when he sees a bill like that land on his table? This is the Treasurer who has already seen his much touted $1.1 billion surplus blown out of the water by the government's financial mismanagement and inability to balance the books.

Here is another uncosted government policy: they do not know what they will pay fishers, but we can be sure they will try to dodge and delay as long as possible. Has anyone calculated how much these huge new marine parks are going to cost to manage every year? Not so far as I have heard. How is the government going to police three million square kilometres of parks, to make sure the rules are being obeyed and foreign fishermen are not just coming in and catching what our Australian fishers will no longer be allowed to catch? The last time I heard anyone in the government talk about policing the Coral Sea, they wanted recreational scuba divers to do it as they were passing through on the way to their dive sites. Political parks, not true conservation areas, dodgy science, sketchy economic and social impact studies, no proper costings, no long-term management arrangements and, yet again, not enough details worked out before the policy is proclaimed. All this is from the same people who gave us the pink batts fiasco.

This government has placed more importance on the praise of environmental activists than on the future of Australian families in our coastal regions. This national marine reserve policy has been driven by a coalition of green groups and financed by the American based Pew foundation. The marine reserves will hurt fishing families. As an example, the federal government's own Australian Bureau of Agricultural and Resource Economics and Sciences, ABARES, has estimated that the planned fishing bans in the Gulf of Carpentaria will cost every person in the port of Karumba more than $2,200; on the East Coast, Cairns will lose $3.6 million a year and Mooloolaba, $1.5 million. The promised one-off payments to fishermen, with nothing scheduled to go to related onshore businesses that will also suffer because of these closures, will not be anywhere near enough.

The government has misrepresented from the outset the true cost of this policy, saying it will cost $100 million to compensate what they estimate to be 186 fishing businesses. Compensation for the Great Barrier Reef Marine Park alone blew out to $230 million and the true financial impact was not known for some years after the declaration of that
marine park in mid-2004. After examining the government's regulatory impact statement for the Commonwealth marine reserve network, Associate Professor Daryl McPhee, from Bond University, made several criticisms, including the fact that the RIS limits discussion of impacts to lost production income from the commercial fishing industry and it has not adequately considered economic impacts to support businesses that rely on the catching sector or the impacts on seafood consumers. He said:

There is an urgent need to ensure that a structural adjustment package is comprehensive and of a sufficient magnitude to offset impacts.

Professor McPhee said in a recent report:
Failure to do this will compromise the management of fisheries, conservation, and the viability of 100s of regional businesses.

And one of Australia's most experienced fisheries management researchers, Emeritus Professor Robert Kearney from the University of Canberra, was so concerned about the flaws and bias in the RIS that he wrote direct to Minister Burke, warning that the RIS advocates:

… for more marine reserves … based on serial and serious misinterpretation of the available evidence, including the literature cited in the RIS.

A report from Professor Kearney complains about bias, distortion and exaggeration in the RIS—but no-one should be surprised that experienced fisheries scientists are openly criticising this government's document.

The government is stumbling from one disaster to another over its fishing policies, and time and again it is listening to environmental lobby groups rather than considering the science and the futures of hardworking Australian fishing families. We saw the same situation with the government's backflip on the permission for the trawler Margiris to work in Australian waters. As with the Margiris, the government has allowed a highly organised and well-funded campaign by environmental NGOs to distort the facts over marine reserves. It is simple: Minister Burke will do anything to keep the environmental lobbyists onside. The government apparently sees no irony in the fact that some 31 per cent of the entire planet's marine parks will be in Australian waters at a time when we already import over 70 per cent of our seafood and demand for seafood is rising.

While the new network of 'no-go' areas ring the continent, Minister Burke and his environmental cheer squads see the Coral Sea region as the 'jewel in the crown'. The Coral Sea marine reserve will cover nearly one million square kilometres—an area more than half the size of Queensland. However, a Pew spokesman has admitted that, while his organisation had demanded the Australian government ban fishers from vast areas of the Coral Sea, Pew would not pursue a similar lockout in the Gulf of Mexico, because that would hurt the US economy and disadvantage local fishermen. It is ironic that Pew will drive in Australia something that it will not even propose at home.

The government admits the marine environment in this vast Coral Sea region is 'in near pristine condition' and then goes on to propose commercial fishing bans of one form or another throughout virtually the whole reserve. The government is locking away enormous potential future food resources for Australia and the world that could be harvested sustainably. One example is yellowfin tuna. Scientists tell us that yellowfin tuna are significantly under fished in Australian waters, particularly the Coral Sea, and are capable of supporting sustainable yields at least several times higher than current catch levels. The government is just creating a fattening paddock for foreign fishing fleets, who will
catch these tuna when they swim out of Australian waters.

What this government is doing is closing down well-managed fishing businesses in Australia and forcing the country to import more seafood from countries with a far less impressive record. As a prominent international fisheries management scientist Professor Ray Hilborn from Washington State University said:

Fifty two percent by value and more by volume, of Australia's imports of seafood come from Thailand (26%), China (14%) and Vietnam (12%) …

More than 70 per cent of the seafood consumed in Australia is imported, as Professor Kearney has said—

... all countries that have much less impressive records for sustainable fisheries management than Australia. In a 2009 estimation of adherence to the United Nations Code of Conduct for Responsible Fisheries Australia ranked 4th out of the 53 countries surveyed. Thailand was ranked 42nd, China 22nd, and Vietnam 45th.

Therefore, by continuing to import the bulk of its seafood, Australia is effectively exporting responsibility for the sustainable management of the world's fish stocks to countries with a far inferior record for sustainability. All this is coming at a time when Australians are being told to eat more seafood for their health and the demand for seafood is rising. Australia already imports more than 70 per cent of its seafood. As Professor Kearney has said:

Human population and per capita consumption of seafood have both been continuously increasing suggesting that by 2020 Australia would require as estimated 610 000 tonnes of seafood imports … The most recent nutrition survey by the National Health and Medical Research Council … projects that on average Australians should eat 40% more seafood than they currently do ... To meet this projection without increasing its domestic fisheries production (a prospect for which there is no explicit policy and little likelihood under current management strategies which are focused on further restriction of fishing) Australia will need to import approximately 850 000 tonnes of seafood per year by 2020.

So, make no mistake, Australian seafood consumers, Australian fishing families and others in the seafood business will be badly hurt by the government's decision on marine parks. It is a government driven by a green agenda and by orchestrated public comment, where literally millions of dollars have been spent on a sophisticated advertising and propaganda campaign headed by Pew.

These fishing families represent the very best of the Australian character: physically courageous, battling the elements in unforgiving environments, and prepared to work hard in remote locations to harvest natural resources and create real wealth for the country. For many of them, these marine parks will mean an end to all that. When the reserves are declared, there will be the usual fanfare from the government and the usual line-up of environmental luminaries with pre-scripted endorsements. It is a familiar tactic from the usual green playbook. Missing from the official celebration will be hundreds of families in fishing related businesses right around the country for whom it will be a tragic day, when their investments, skills and life experience will be further devalued by a government desperate for green support, at any cost.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (10:59): I rise to comment on the proposed bill from the coalition around the Commonwealth marine reserves. Can I say that the language that we have heard from many opposite during the debate on the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill
2012 has been quite emotive. There have been quite outlandish claims made. We have heard that communities are going to be decimated. We have heard that the axe will fall, that there will be fatal implications of this bill. I do urge people to be careful with their language. We are talking about people and their lives. We are talking about the protection of a natural asset. We should be careful about the language we use in this place as it does impact on the way people understand or, in fact, misunderstand what is being proposed.

On this side of the chamber we recognise, and I think those on the other side do too—I have heard many comment in this way—that Australian fisheries are among the best managed in the world. However, and this is terribly important, the creation of marine reserves is not about managing fisheries; it is about helping our oceans to remain healthy and resilient to pressures such as climate change.

The claim that the government is locking commercial and recreational fishers out of Australia's oceans is plainly false. There is no evidence that the new reserves will affect the supply of seafood to Australians in any significant way. The government's decision is the outcome of a transparent process in which the science, the socioeconomic analysis and the stakeholder and public consultations all played key roles in achieving a balanced outcome.

Analysis undertaken by the Australian Bureau of Agricultural and Resource Economics and Sciences, ABARES, estimates that around one per cent of the national annual value of wild-catch fisheries production in Australia will be displaced by the proposed reserves. The total wild-catch production in Australia is 171,512 tonnes—from the *Australian fisheries statistics 2010* published by ABARES in August 2011. When combined with aquaculture product, total annual seafood production is 241,123 tonnes. ABARES estimate that the reserves network will displace a maximum of 1,530 tonnes. That amounts to 0.6 per cent of total seafood production, or 0.9 per cent of the wild-catch production. To provide context: the displacement of catch arising from the new marine reserves—that is, up to 1,530 tonnes—is similar or smaller than the seasonal variations in catch experienced by Australia's wild-catch sector over the last two years.

The new marine reserves network announced by the government on 14 June this year is the result of a lengthy process of science-based planning and consultation with stakeholder organisations. Commercial and recreational fishing organisations have been involved throughout the process and the final network proposal incorporates many of their suggestions, and in the area that I am most interested in, the Coral Sea, there have been significant amendments to the original proposal following those consultations. The marine reserves network proposal achieves a strong conservation outcome with low impacts on commercial or recreational users of the marine environment.

Approximately 96 per cent of the ocean within 100 kilometres of shore will remain open to recreational fishing. Commercial and recreational fishing will continue in the Coral Sea. The government's final Coral Sea proposal has a lower socioeconomic impact than the draft option that was released for 90 days of public consultation in November 2011. The final Coral Sea proposal is estimated to displace approximately $4.1 million, or around 2.3 per cent of Coral Sea annual fisheries income.

The marine reserves network proposal will have a very minor impact, if any impact at all, on recreational fishers. All areas of the...
proposed marine reserves network, except areas zoned as highly protected in marine national parks, will remain open to recreational fishers. As I said, 96 per cent of the ocean around Australia within 100 kilometres of shore will remain open to recreational fishing.

The government has worked closely with recreational fishing organisations and has largely avoided putting highly protected marine national park IUCN II zones in areas important to recreational fishers. For example, it is 445 kilometres to the nearest marine national park zone from Brisbane. It is 330 kilometres to the nearest marine national park zone from Townsville. It is 380 kilometres from Mackay to a marine national park and 210 kilometres from Cairns. Anyone who knows much about what recreational fishers do and how far they travel off the coast, will know there will be no impact on their regular activity. None of the new Commonwealth proposed reserves in any region restrict boating in state coastal waters or the types of fishing undertaken by the vast majority of recreational fishers which primarily occurs from beaches and jetties or in bays and estuaries.

At a local meeting in my home city of Cairns—let’s say I do not know who organised it—there was an allegation made by one of the people in the audience that she would not be able to fish from Machans Beach because of the Commonwealth marine reserves proposal for the Coral Sea. No-one disabused her. No-one said, 'I'm sorry, Madam, that's just not true because the area that we are talking about is 210 kilometres from Machans Beach.' No-one is allowing the truth to come forward in this debate. In fact, I will say that there are some on the other side who are intentionally muddying the waters, who are intentionally using language like 'the axe will fall', that 'communities will be decimated'. I am sorry, but we have to be very careful with our language in this debate. The new marine park reserves will add 2.3 million square kilometres to the Commonwealth marine reserves network, taking the overall size of the network to 3.1 million square kilometres, including the Great Barrier Reef Marine Park. Let us go now to the issues around consultation. Statutory public consultations, each of 90 days duration, were held on the draft marine reserves network proposal between May 2011 and February 2012. There were 245 meetings held around the country throughout that process; 19 of them were held in Queensland to talk about the Coral Sea, and the Gulf of Carpentaria zoning had its own consultation meeting. Regional consultations began with multisector information sessions held in the major centres, followed by a number of public information sessions held in regional centres. The public information sessions were open to everyone, were advertised locally and provided opportunities for members of the public to view consultation materials and to talk to department staff.

In addition to the public information sessions, targeted stakeholder meetings were also held throughout the public consultation period. Around 567,000 submissions were received on the draft marine reserves network proposals and other 480,000 submissions were received on the draft Coral Sea marine reserve proposal. Of the 907 non-campaign submissions received on the draft Coral Sea proposal, 77 per cent supported higher levels of protection than that proposed in the draft proposal. The marine reserves announced by the government on 14 June are different from the draft proposals released for consultation between May 2011 and February 2012. Boundaries and zonings have been adjusted and new areas added in response to issues raised during the consultation process. A key input into the
government's decisions on the final marine reserves network was a series of socioeconomic impact statements conducted by ABARES. These studies looked at the potential impacts on commercial fishing and the flow-on impacts for regional towns and economies.

The Australian government is committed to ensuring that measures are put in place to support those fishers and fishing dependent communities that are significantly affected by the new reserves. The minister released the government's fisheries adjustment policy in May 2011, and the government has announced that a fisheries adjustment package, designed in consultation with the commercial fishing industry, will be in place and delivering assistance prior to the marine reserves coming into effect. The minister is required to consider a report prepared by the Director of National Parks on the comments received on the final Commonwealth marine reserves network proposal in deciding whether to proclaim the reserves.

After the marine reserves network has been proclaimed, there will be two further opportunities for stakeholders and the public to provide input to the development of statutory reserve management plans. During a 30-day consultation period, feedback will be invited on a proposal to prepare a management plan for each regional marine reserves network, a draft management plan will be prepared, taking into account the comments received in the first round of consultation, and feedback on the draft plan will be sought during a further 30-day consultation period.

When the coalition were last in government, they achieved several key milestones, including the rezoning of the Great Barrier Reef Marine Park and the creation, in 2006, of the world's first representative network of marine reserves in temperate oceans, the South-east Commonwealth Marine Reserve Network, comprising 13 large-scale offshore marine reserves around Tasmania and Victoria. Both of these achievements have received extraordinary and well-deserved praise from around the world. When we were in opposition during that time, we supported those decisions, despite reasonable criticism from sectors that consultation with some key stakeholders had been rushed and that decisions had been taken to protect the environment—necessarily, in our view—on less than complete scientific and economic evidence.

Senator Colbeck has been quoted as saying that the coalition will wind back no-fishing areas and scrap the entire marine parks plan if the coalition win power in the Senate and the lower house. Additionally, the proposed changes to the EPBC Act as set out in this bill will require the Minister for Sustainability, Environment, Water, Population and Communities to create up to 88 regional committees for a period of two months to provide input into any future proposed marine reserves. However, the coalition say this will have no financial implications for the Commonwealth and they define 'affected regions' as the same as an area proposed for proclamation—that is, each individual reserve.

The government supports protection of precious areas like the Great Barrier Reef and commends those opposite for taking the action that they did when they were in government. The rezoning of the Great Barrier Reef in 2004 provides an example of the opposition's work, where the area was rezoned from 4.5 per cent of no-take zones to more than 30 per cent no-take zones. There was limited consultation on the design of the adjustment program for the GBR. It was conducted by an expert panel, and the panel's report was never released. A key feature of
the coalition's South-east Marine Reserves Network is the extent of the network off-limits to commercial fishing. It is 80 per cent.

Eighty per cent of the coalition's marine reserves locking out commercial fishers underlies, I have to say, the hypocrisy of the opposition in labelling our government's quite reasonable and balanced proposals as a lockout and anti-fishing. When they were in government, 80 per cent of the South-east Marine Reserve was a no-take zone for any fishing. Yet when we put balanced proposals in front of the opposition, they call it a lockout. None of the proposed Commonwealth reserves in any region restrict boating in state coastal waters or the type of fishing undertaken by the vast majority of recreational fishing. Claims of large-scale recreational fishing lockouts are totally unfounded, as are exaggerated estimates of the impact on fishing and boating related industries.

The government's current marine park proposals have been more than a decade in development. The development of the marine bioregional plans and the identification of the Commonwealth marine reserves network proposal have been underpinned by a strong scientific information base, detailed analysis of potential socioeconomic impacts and rigorous and ongoing stakeholder consultation. The science underpinning the proposed reserves commenced more than 15 years ago under the initiative of the Keating government, then was fully embraced by the Howard government.

The rationale for creating a comprehensive, adequate and representative system of protected areas in our oceans has endured and strengthened over two decades. It is based on protecting examples of all of the major marine ecosystem types around Australia. The principle was enshrined in the Howard government's oceans policy and successive Howard government ministers, from Robert Hill to Malcolm Turnbull, championed and implemented that policy. To their credit, those ministers did not blink in the face of opposition to good science and good policy.

It started with the marine bioregionalisation of Australia, a monumental exercise in integrating multidisciplinary data into a picture of how biodiversity is structured across Australia's oceans. CSIRO, Geoscience Australia and a number of universities and museums all collaborated on that work. Forty-one provincial bioregions have been identified in Commonwealth waters and, in order for the Commonwealth marine reserves network proposal to be representative of Australia's marine ecosystems, the government has sought to include a part of each provincial bioregion in the reserves network proposal.

The first three years of the marine bioregional planning program were dedicated to the consolidation of scientific information and, in some instances, collection of new data. This resulted in the publication of a bioregional profile for each of those regions. Those profiles were prepared using the scientific information about the region's biophysical and socioeconomic characteristics and conservation values.

One of the last accomplishments of the member for Wentworth when he was the environment minister was to publish the marine bioregional profile for the South-west Marine Region. That document, which bears his photograph, contains the goals and principles which have guided the development of the current marine reserves proposal. Clearly, the science was good enough for the coalition when it was in
government. But, as we have seen with many debates in this place, when the science does not support a person's certain point of view it is the science that is vilified.

Senator Boswell talked a lot about how this was a slap in the face for the recreational fishing industry. No-one, not one speaker from the other side, took the opportunity in this debate to talk about the slap in the face that Sunfish has received from Mr Newman. Sunfish has lost its funding. Sunfish was defunded to the tune of $200,000. Mr Newman saved $200,000 by removing the funding for the recreational fishing representative organisation in our state. Sunfish members, though—recreational fishers—pay a fee of $18 every year with their boat registration on the understanding that that money will be used to support their representative organisation, Sunfish. Now, that $18 is still being charged but their peak body has been defunded. If we are going to talk about a slap in the face, let us be fair about it, Senator Boswell, and talk about your colleagues in the state government who have defunded the recreational fishing representative organisation, Sunfish.

I do not support the bill before the chamber. It is bad policy and it will undermine the good science that has supported and informed Australia's Commonwealth marine reserves program.

Senator FIERRAVANTI-WELLS (New South Wales) (11:19): I rise today to make a contribution to a very important piece of legislation, the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. This is a very sensible piece of legislation which would help to alleviate a great deal of concern that is being felt across the Australian community, particularly by those people who are concerned about the environment and those who are concerned about their livelihoods—their jobs—especially in coastal communities. Coming from New South Wales, as I do, I know there are many communities that are concerned about this.

It is also of concern to those people in the scientific community who want to continue to maintain that Australia not only has the best fisheries management regime in the world but also that we are managing our marine estate with the very best possible legislation. This bill will require the environment minister to commission an independent, social and economic impact assessment before any proclamations are made. It would require him or her to obtain an independent scientific peer-reviewed advice before making any proclamations and for this advice to be made public. It would require the minister to establish independent scientific reference panels and stakeholder advisory groups for each region to ensure that the decision-making was rigorous. Finally, the bill would put parliament in charge of final decision-making, to enable it to make proclamations disallowable because, currently, they are not disallowable.

We know that Australia's fisheries are globally benchmarked and recognised as amongst the best managed in the world. So the question needs to be asked: why do we then need to lock Australians out of our oceans? Let us look at Minister Burke's declaration and what it actually means. The new marine reserves take the overall size of the Commonwealth marine reserves network to 3.1 million square kilometres, which would be by far the largest representative network of marine-protected areas in the world. The effect of this would be that together the Great Barrier Reef Marine Park and the Coral Sea Commonwealth Marine Reserve would become the largest adjoining marine protected area in the world, covering 1.3 square kilometres.
Following the release of the maps of the new parks, Minister Burke has said it was too late to change the boundaries or zone classifications, even though there still is a 60-day consultation period to complete. Reference to that was made in the Financial Review of 14 June 2012. How can this possibly be consultation? Basically it is a take-it-or-leave-it approach with no consideration being given to the views of Australia's coastal communities. But of course lack of consultation is endemic within the Gillard Labor government, as it was under the Rudd Labor government. In my own portfolio areas and in health in general, which I cover in this place, we have seen many examples of that. I have traversed that at length in many debates in this place.

As part of this declaration the government will also have to undertake design and implementation of a fisheries adjustment assistance package. The Prime Minister indicated on the day of the announcement that this could be around $100 million, although it appears that estimates of this could be much higher. Recreational and commercial fishers, as well as many of those related businesses and those communities that rely on fishing, have raised substantial concerns about the ALP's handling of marine protected areas.

Justifiably there are concerns by many communities who believe that they will face enormous economic and social losses unless there is proper and effective consultation on potential marine protected areas. Only proper and effective consultation will ensure that in the future marine protected areas achieve a balance of preservation of our environment with economic growth, ensuring that our coastal communities remain strong. The question is: can Minister Burke be trusted? That is the concern that many have in this area. In particular many are saying that Minister Burke cannot be trusted, and that is blindingly obvious after the recent declared commercial fishing activities amendment to the Environment Protection and Biodiversity Conservation Act.

This is another political decision by this government. It is certainly not a scientific decision. It is another example of the political fix rather than sound policy. This has also meant that amendments are needed, because they have not thought the process through properly. This is another example of policy on the run. Minister Burke has trashed the reputation of the Australian Fisheries Management Authority Commission, even though he himself appointed every member of the commission. He also has trashed the reputation of some of our world-leading scientists in the scientific community and institutions that have done the science in this area. The government has demonstrated that even if you do everything asked of you and then some extra, it is still not enough.

Businesses are very concerned they have been dudged—not only the businesses themselves but also their employees. How can business operate under this sort of environment? Should Australian fishers trust a man with this shambolic track record? Currently the environment minister has sole power to approve the adoption of bioregional plans. Declarations of bioregional plans and marine protected areas have significant environmental and social consequences. Therefore it is not appropriate for these declarations to be made without the opportunity for proper review, because they are not disallowable instruments. Regrettably the minister has displayed a complete lack of leadership and an inability to inform himself of the fundamental peer reviewed science that supported the small pelagic fish harvest strategy that he oversaw as fisheries minister. How can we trust him to have understood the science around marine parks? The issue is:
who has he consulted? What reputable scientists has he talked to?

This is another vote against the minister, against sound peer-reviewed science that supports fisheries management in Australia. The latest Commonwealth fish status report confirms the ongoing improvement of Australian fish stocks. The Fisheries Status Report 2010, produced by the Australian Bureau of Agriculture and Resource Economics and Sciences shows that the fish stocks managed by the Australian government are more sustainable in 2010, building on improved performance in recent years. Of the 96 fish stocks assessed, 71 are not subject to overfishing which means that they are being harvested at an appropriate level. The Australian Fishing Trade Association estimates that the economic contribution that recreational fishing makes to the Australian economy is between $10 and $15 billion per annum.

Yet the government have bungled their recent announcement about 33 new marine parks because they have failed to adopt a balanced approach to marine protected areas. They have also failed to engage in the appropriate consultation with the fishing industry and the wider communities. The recreational and the commercial fishers, as well as many of their related businesses and communities that rely on fishing, have raised substantial concerns about how the government has handled the issue of marine protected areas. I turn now to the coalition's position. The coalition has supported a balanced approach to marine conservation; it was our policy for the 2010 election and we stand by it. We started the process of establishing comprehensive marine bioregional plans which include determination of marine protected areas around Australia's coastline. The former coalition government engaged in extensive and cooperative consultation processes before any marine protected areas were declared. It was this consultation which ensured that the appropriate balance was struck between protecting marine biodiversity and minimising the social and economic impacts on fishermen, businesses and coastal communities to achieve better outcomes overall. The result of all of this was a greater protected area with less impact on industry. As I indicated earlier, we know this government does not have a good track record of effective consultation.

There is considerable angst amongst fishermen regarding the declaration of the marine national parks. Their concerns are not being heard. The consultation process is absolutely flawed and as a consequence of that the results of that process will be absolutely flawed. The coalition is committed to returning balance and fairness to the issue of marine conservation, an issue that should be subject to scientific and commercial rigour and, above all, conducted in an open and transparent manner.

As I have indicated, the environment minister currently has sole power to approve the adoption of these bioregional plans. The declarations of these plans and marine protected areas have significant environmental, social and economic consequences that need to be properly assessed. As a consequence, we will look at returning balance and fairness to marine conservation.

Let us look at some of the practical effects of these changes. At the last federal election one of the most lasting images for me, particularly in seats such as Richmond and those along the northern areas of New South Wales, was the bumper sticker that said, 'I fish and I vote'. It was an issue that created enormous angst up and down the New South Wales coast. Whilst, as a New South Wales senator I am particularly concerned for that
area, I know that angst is shared right around Australia. When I last spoke on this matter I raised the issues around the federal seats of the Central Coast, such as Paterson.

Residents are quite rightly concerned about the devastating impact that the reduction in fishing will have not only on their communities in general but also, and especially, on tourism and the flow-on consequences to their local communities. It was against this background that at the last election we saw, particularly in New South Wales, the damage that recreational and commercial fishers have already sustained as a consequence of the previous Labor government's deal with the Greens which saw large areas of state marine parks made into no-go fishing zones. Naturally, the fishing industry and the recreational and commercial fishers, particularly in New South Wales, are justifiably concerned about the impact that this legislation will have on them.

These issues were canvassed at great length when the Environment and Communications Legislation Committee inquired into the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011. At that time there was overwhelming support for parliamentary review of the marine bioregional planning process, and that was evident in the many submissions to the committee. For example, the submission from the Abalone Industry Association of South Australia said:

It is a real slap in the face to the good work done by our Government Fisheries Managers and Industry. We are very uncomfortable with the fact that the final decision of adopting the bioregional plans rests with the Minister for Environment only. We would prefer to have a far more rigorous and robust process through the parliament that doesn't have the potential to be clouded by extreme green views.

Then we had Ms Kathryn Williams, who identified herself as 'An irate Australian Citizen'. She said:

The Government seems to rush into these types of proposals and not take into account what the layman says. You say you listen to us at these Marine Park meetings but I think you are only there to show your presence and that you have already made the decision to go ahead.

How typical is that reflection from Ms Williams about what this government does! Whether it be about marine parks or in my own area of mental health, I listen to Minister Butler go off on his conversations with people, mostly in Labor seats and the odd Independent seat, basically talking to his own people and giving the appearance of consultation when, in effect, it is clear the government is not going to make any changes or listen to people at all.

In that inquiry we also heard from Mr Greg Haines, the Managing Director of the Haines Group. He said:

The apparent political power of these minority groups, combined the perceived shallow public consultation conducted on Marine Parks zoning has left an indelible impression in the minds of many that Democracy is dead. At least in the matter of Marine Zoning. If this all sounds far-fetched, you need look no further than the submissions to the 2005 Review of the Great Barrier Reef Marine Park Act.

The Australian Fishing Trade Association said this:

To date no briefing regarding the science being used with Bio Regional Planning has been transparently tabled to stake holders. Thus no comment from stake holders has been achieved. This vacuum of information has not been helpful in any understanding of current process, future process or past process.

In conclusion, unlike Labor and their Green alliance partners, the coalition does not believe that the scientific and economic challenges of fishing and marine protection are incompatible. The Australian fishing
industry is one of the most environmentally responsible fishing industries in the world, and the very last thing that the fishing industry wants to do is to destroy the environment that is providing them with a living and with the opportunity for recreational fishing.

The coalition believes that the establishment of such areas should not be about politics but, above all, about protecting marine biodiversity and minimising social and economic impact on fishers, businesses and their communities. The coalition will return balance and fairness to marine conservation so that all Australians can have confidence that the best decisions are being made in protecting our marine biodiversity as well as the fishers and communities that feed so many Australians. I commend the bill to the Senate.

**Senator RUSTON** (South Australia) (11:39): I too rise to speak to the Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012. Firstly, I put on the record that, like all my coalition colleagues, I strongly support the role of government in ensuring the conservation of our nation's natural resources and the protection of the environment for the benefit and enjoyment of everybody in Australia. It seems a pity that the government either misunderstands this role or is deliberately misdirecting it to satisfy the extreme protectionist views of groups that care nothing about the massive benefits that flow to society from the sustainable harvest of these resources.

I support the establishment of marine parks, reserves, protected areas and even no-take zones where necessary, but they must be based on addressing identified threats and demonstrate that they are dealing in a cost-effective way with the processes that constitute these threats. We have a number of national and international agreements that outline how we should be handling this, including the EPBC Act itself, but we see none of that in the approach that has been taken by this government to marine parks. What we see is a government that is prepared to chuck out the window everything, including these intergovernmental agreements, and things that for the last 20 years have been established as protocols. If you have a look at the agreement between the Commonwealth and the states, it actually states that action must not be disproportionate to the significance of the environmental problem.

It appears as if there really is very little in the way of environmental problems associated with fishing that cannot be dealt with under the current traditional fisheries management techniques. Closing off large areas of fishing when there are no identifiable threats associated with that fishing does not make a great deal of sense. We need to get back to the basics of applying some of these precautionary approaches to how we deal with the issues instead of taking emotional, reactionary ones. It is a case of making policy on the run, and I think it is probably designed to appease extremists and to hoodwink the masses.

The additional no-take zones proposed in the current plans do not represent unique ecosystems threatened in any way by fishing. The environmental benefit of closing those areas is likely to be absolutely nothing. There may be more fish in these areas if we do it, and there might be bigger fish swimming around inside these marine areas, but that will be at the expense of seafood production and it will be a great loss to the recreational fishing industry as well.

Not a single species in Australian marine waters is threatened or has been made extinct
as a result of fishing, and our fisheries are ranked among the best in the world in terms of sustainable management. The enforcement costs of establishing these zones, which run up to 200 kilometres off the coast of Australia, are absolutely massive—and for what benefit? It really does appear to be nothing more than satisfying the hardcore left-wing Greens who seem to be holding this government to making some decisions that certainly are not in the best interests of Australia and particularly our fisheries.

There is no doubt that there are some things that are possibly threatening our marine environment at the moment, things like: the southern sea star that we see in Tasmanian waters, zebra mussels in the Northern Territory, and even the Caulerpa weed in South Australia, to name a few. There are substantial impacts from things like pollution and environmental run-off, coastal developments in some regions, and so on. These are real threats and they need to be addressed. But the idea of addressing these threats by closing down huge areas to fishing seems a little preposterous, because we would be closing down and damaging a whole heap of our industries and addressing the problem not at all. We saw this in the recent 20-year report on the Great Barrier Reef Marine Park which showed that the reef was declining due to the effects of run-off and changing conditions—despite it being the largest marine park and sanctuary zone in the world. These are not just views that I am putting forward. The coalition supports this position, the commercial fishing sector supports this position, and regional communities support this position.

In my home state of South Australia, the Liberal Party strongly supports the protection of our marine assets. In fact it was Liberal Party back in the 1990s that first floated the idea of marine parks. And going back to the 2002 state election, it was the Liberal Party who committed to establishing marine parks. What we do not support is the way in which these sanctuary zones are determined. We do not support the process to determine those sanctuary zones because the process is fundamentally flawed. It is fundamentally flawed because it has not followed the established protocol for arranging protection zones within a marine park. Marine park protection zones need to be based on identified, scientifically evaluated threats to marine biodiversity and the response must be proportionate to that threat. Where are the threats from fishing? We want the government to start addressing this issue of no-take sanctuary zones on a threats basis because if we do not we are going to see it costing us jobs. It is going to cost us regional communities, it is going to cost us exports, it is going to reduce our food production, it is going to hurt our recreational and commercial fishing sectors and it is going to cost taxpayers millions and millions of dollars in enforcement and management fees.

There has been increasing controversy over marine parks with fishing interests claiming that there has been a disproportionate priority being given to unjustified and unrealistic demands from so-called conservation groups like the Pew foundation and the Wilderness Society, which are largely about preservation and not about conservation. People such as South Australian fishing industry authority Michael Angelakis has stated that if government departments have their way seafood prices will go through the roof as those who fish will be excluded from zones that are rife with fish and are thriving.

Unfortunately, what has happened with marine parks is a further demonstration of how the economic and social fabric of our society is being threatened by minority groups and the lack of this government's ability to make a considered judgement in
the best interests of all Australians. The recreational and commercial fishing industry, regional communities and marine experts are overwhelmingly saying that marine parks are important. They are saying these sanctuary no-take zones are incredibly damaging because they are not supported by scientific evidence. There is no doubt that the whole of the industry is respectful of the fact that we need to be responsible in terms of our management of our marine parks. But let us not be silly and throw the baby out with the bathwater.

Therefore we as a coalition support the fishing industry in their call for a threats based determination of any protection zone as per the COAG agreement approach that is cautionary and not emotional. There is absolutely no sense whatsoever in proceeding with no-take zones that have been determined with the same level of science and precision as pinning the tail on a donkey and are likely to destroy Aboriginal communities.

On 14 June this year Minister Burke said Australia will create the world's largest network of marine parks as the world 'turns a corner' on ocean protection. He made much of the five proposed zones in offshore waters surrounding every state and territory. But we did not hear him say terribly much about the hundreds of millions of dollars or so in compensation that commercial fishermen are entitled to claim for being locked out of the marine parks. The plan drew fire from the commercial fishing sector and the recreational fishers, who said it went too far, and, predictably, from the Greens, who said it did not go far enough.

The coalition is instinctively against anything which impinges on the rights of our fishers. We know from this government's record that they cannot be trusted to get consultation right, they cannot be trusted to get implementation right and often they cannot even be trusted to get the science right. So fishers in every affected area are saying they are going to lose the very waters from which they can supply good, local, fresh product to all Australians.

Dean Logan, from the Australian Marine Alliance, said the plan would hurt commercial fishers. He said:

"It's basically saying to Australians you cannot be trusted to be good custodians of the environment …

Professional prawn fishing groups say the marine park reserves will have a severe impact on the prawn industry in northern Australia. Austral Fisheries general manager Andy Prendergast said the marine reserves, particularly in the Gulf of Carpentaria, will exclude them from their most important fishing grounds for tiger and banana prawns. He said the decision could effectively wipe out Australia's free-range prawn fishing industry.

"There is a tipping point," he said. "If we can't get access to these areas, that could effectively put us out of business …

Recreational fishers believe the government's plans are all about winning votes from the greens in the cities and say it is absurd to protect areas where fish are actually thriving.

Unlike Labor and the Greens, the coalition does not believe scientific and economic challenges over fishing and marine protection are incompatible. In support of this argument, let me quote Dr Ray Hilborn, a professor of aquatic and fishery sciences at the University of Washington, who says, 'Australian fisheries are well managed, sustainable and do not need further locking up to protect them from overfishing; the existing tools are working'. He goes on elsewhere to say that there is no threat to marine conservation and no marine species have gone extinct. He says, 'Closing
Australian areas to fisheries will not increase food production from fisheries; it will reduce it. He then goes on to say, ‘Reducing access to Australian fish stocks results in Australia importing more fish, often sourced from areas that have less sustainably managed fisheries at a much higher environmental cost, effectively offshoring our domestic requirements.’

Well-managed fisheries are more environmentally sustainable than most other sources of protein. If we close the ocean and take less seafood the environmental cost of the alternative is much higher than the environmental cost of our responsible fishing methods. In Australia, the US and a number of other countries fishing stocks are actually rebuilding, not declining. Australian seafood consumers have been misled by the prophets of gloom and doom. Public perception has been distorted by overzealous and uninformed protest groups who would rather see their name in lights than deliver good policy outcomes from Australia. The result of antifishing rhetoric has falsely demonised fishing and led to ill directed calls for restrictions, particularly in areas that are closed to fishing and then call protected. Australians have been told by health professionals and authorities to eat more seafood, yet the country has a serious and growing shortage of locally produced product and no obvious policies for food security or increasing domestic supply of fish. It is difficult to understand why Australians believe they need to implement additional alternative restrictions on fishing such as more fishing closures in marine parks.

The PRESIDENT: Order! The time for the debate has expired. You will be in continuation when the matter comes on next, Senator Ruston.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:

Foreign Aid Budget

To the Federal Senate:

We, the undersigned, express our concern at revelations that "environmental" NGO's are using our taxpayer dollars through AUSaid funds to promote a radical ideological program and fund political activities domestically, and anti-development programs overseas.

Under no circumstances should the Australian foreign aid budget be used to promote an ideological agenda, and we call on an immediate suspension of all funding for environmental NGOs.

By Senator Ryan (from 998 citizens).
Petition received.

NOTICES

Presentation

Senator Heffernan to move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Tuesday, 20 November 2012, from 4.30 pm, to take evidence for the committee’s inquiry into the Foreign Investment Review Board national interest test.

Senator Heffernan to move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 November 2012, from 4 pm, to take evidence for the committee’s inquiry into aviation accident investigation.

Senator Pratt to move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 November 2012, from noon to 1.45 pm, to take evidence for the committee’s inquiries into the 2010-11 annual reports of the Department of Regional Australia,
Regional Development and Local Government, and the National Capital Authority.

**Senator Wright** to move:
That the Senate—

(a) recognises that:

(i) the recent ruling by the United States (US) Court of Appeals for the District of Columbia Circuit, which found that providing material support for terrorism was not a war crime between 1996 and 2001 and therefore could not support a conviction, invalidates Mr David Hicks’ conviction for this crime,

(ii) in 2007, Mr Hicks was incarcerated in a South Australian prison for 7 months as a result of negotiations between the Australian and US Governments and on the basis of this invalid conviction, and

(iii) in 2011, the Australian Government instituted proceedings against Mr Hicks under the *Proceeds of Crime Act 2002* on the basis of this invalid conviction; and

(b) calls on the Government to conduct an independent inquiry into Mr Hicks’ detention, treatment and unfair trial while in US custody, as well as the role played by the Australian Government in upholding the invalid and unlawful conviction.

**Senator Cash** to move:
That the Senate—

(a) notes the World Health Organization (WHO) findings in relation to female genital mutilation (FGM), including:

(i) FGM is defined by the WHO as ‘all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons’,

(ii) it is estimated that FGM is practiced in 28 countries in western, eastern and north-eastern Africa, in parts of the Middle East, and within some immigrant communities in Europe, North America and Australasia, and that 100 to 140 million women and girls around the world have experienced the procedure, including 92 million in Africa,

(iii) that, in seven of the countries where FGM is practised, the national prevalence rate among women aged 15 to 49 is almost universal – more than 85 per cent,

(iv) FGM has no known health benefits and is known to be harmful to girls and women in many different ways; it is painful and traumatic and the removal of, or damage to, healthy genital tissue interferes with the body’s natural functioning and causes immediate and long-term health consequences,

(v) in terms of impact on health:

(A) immediate consequences of FGM can include severe pain, shock, haemorrhage, tetanus or sepsis, urine retention, open sores in the genital region and injury to nearby genital tissue, and

(B) long term consequences include recurrent bladder and urinary tract infections, cysts, infertility, an increased risk of childbirth complications and newborn deaths and the need for later surgeries; for example, the FGM procedure that seals or narrows a vaginal opening needs to be cut open later to allow for sexual intercourse and childbirth, and

(vi) FGM is a manifestation of deeply entrenched gender inequality and is recognised as a human rights abuse, and it constitutes an extreme form of discrimination against women, a violation of the rights of the child, the rights to health, life, security, physical integrity and the right to be free from torture and cruel, inhuman or degrading treatment;

(b) acknowledges that:

(i) several international and regional treaties have specifically identified FGM as being both a violation of the rights of women and girls and a form of discrimination, including the United Nations Commission on the Status of Women, ‘Ending female genital mutilation’ resolutions 54/7 of 2010, 52/2 of 2008 and 51/2 of 2007, and

(ii) in Australia, any type of FGM is clearly prohibited by specific legislation in every jurisdiction; and

(c) expresses concern at recent identified cases of FGM in Australia.
Senator Madigan to move:
That—
(a) for the purpose of its inquiry into the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012, the Environment and Communications Legislation Committee have power to consider and make use of the evidence presented to the Community Affairs References Committee for its inquiry into the social and economic impact of rural wind farms, including, subject to paragraph (2), evidence or documents ordered by that committee to be treated as in camera evidence; and
(b) the Environment and Communications Legislation Committee shall not make use of any evidence or documents ordered by the Community Affairs References Committee to be treated as in camera evidence, except in accordance with the following conditions:
(i) the committee must first obtain the agreement of the witness who provided the evidence or documents,
(ii) the committee must not publish the evidence or documents without informing the witness in advance of the proposed publication,
(iii) the committee must provide reasonable opportunity for the witness to object to the publication and ask that the particular parts of the evidence or documents not be published,
(iv) the committee must give careful consideration to any objection by a witness before making its decision, and
(v) if the committee resolves to publish the evidence or documents, it must also consider publishing them in such a way as to conceal the identity of persons who gave the evidence or provided the documents, or who are referred to in the evidence or documents.

Senators Stephens, Eggleston and Milne to move:
That the Senate—
(a) recognises and applauds the work of the Grameen Bank in helping to lift millions of poor people, particularly poor women, out of poverty;
(b) acknowledges the work of founder Professor Muhammad Yunus and Grameen Bank as joint recipients of the 2006 Nobel Peace Prize for their work fighting poverty;
(c) notes the actions of the Government of Bangladesh on 22 August 2012 in amending the section of the Grameen Bank Ordinance relating to the appointment of a Managing Director;
(d) encourages the Government of Bangladesh to work cooperatively with the Bank’s board of directors on the appointment of a new Managing Director;
(e) urges the Government of Bangladesh to ensure the continued effectiveness of the Grameen Bank; and
(f) encourages a resolution of the appointment of a new Managing Director that supports the bank’s good governance.

COMMITTEES
Selection of Bills Committee
Report
Ordered that the report be adopted.
Senator McEWEN: I seek leave to have the report incorporated in Hansard.
Leave granted.
The report read as follows—
SELECTION OF BILLS COMMITTEE
REPORT NO. 14 OF 2012
The committee met in private session on Wednesday, 31 October 2012 at 7.21 pm.
The committee resolved to recommend—
That—
the provisions of the Courts and Tribunals Legislation Amendment (Administration) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the first sitting day of 2013 (see appendix 1 for a statement of reasons for referral);
the provisions of the Fair Work Amendment Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 26 November 2012 (see appendix 2 for a statement of reasons for referral);

the provisions of the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the first sitting day of 2013 (see appendix 3 for a statement of reasons for referral);

the provisions of the Treasury Legislation Amendment (Unclaimed Money and Other Measures) Bill 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 19 November 2012 (see appendix 4 for a statement of reasons for referral); and

the provisions of the Water Amendment (Water for the Environment Special Account) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 19 November 2012 (see appendix 5 for a statement of reasons for referral).

The committee resolved to recommend—That the following bills not be referred to committees:

- Appropriation (Implementation of the Report of the Expert Panel on Asylum Seekers) Bill (No. 1) 2012-2013
- Appropriation (Implementation of the Report of the Expert Panel on Asylum Seekers) Bill (No. 2) 2012-2013
- Broadcasting Services Amendment (Public Interest Test) Bill 2012
- Fair Entitlements Guarantee Bill 2012
- Fair Work Amendment (Transfer of Business) Bill 2012
- Public Service Amendment Bill 2012
- Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
- Superannuation Legislation Amendment (New Zealand Arrangement) Bill 2012

The committee recommended accordingly.

The committee deferred consideration of the following bill to its next meeting:

Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012.

(Anne McEwen)
Chair
31 October 2012

Appendix 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Courts and Tribunals Legislation Amendment (Administration) Bill

Reasons for referral/principal issues for consideration:
Consideration of the means by which proposed efficiencies will be achieved, effects on the administration of the Courts and whether the proposed amendments will improve access to justice.

Possible submissions or evidence from:
Federal Court
Family Court
Federal Magistrates Court
Law Council of Australia

Committee to which bill is to be referred:
Legal and Constitutional Affairs

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
To be determined by the committee

(Signed)
Senator Fifield
Selection of Bills Committee member

Appendix 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee

Name of bill:
Fair Work Amendment Bill 2012

Reasons for referral/principal issues for consideration:
The Bill implements the Government's response to the Productivity Commission Review into Default Superannuation arrangements in Modern Awards. This response would see the continuation of the process where conflicted parties within Fair Work Australia will continue to select default super funds under modern awards.

It is important that the Senate Committee have the opportunity to consider this Bill in detail to ensure that recommendations are faithfully embodied in the Bill and identify any unintended consequences of the Bill.

Possible submissions or evidence from:
Employer and employee representative groups;
Organisations in the Financial Services and Superannuation sector;
Department of Education, Employment and Workplace Relations; and
Treasury.

Committee to which bill is to be referred:
Senate Education, Employment and Workplace Relations Legislation Committee

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
19 November 2012
(signed)
Senator Fifield
Selection of Bills Committee member

Reasons for referral/principal issues for consideration:
Numerous legal experts and advocates have already raised concerns that this Bill breaches international law. It is an issue that requires thorough parliamentary scrutiny because the bill will have an impact on the legal rights and well-being of asylum seekers and refugees, as well as having an impact on Australia's international reputation.

Possible submissions or evidence from:
UNHCR
AGD
Dept of Immigration
Law Council of Australia
Human Rights Law Centre
Gilbert Tobin Centre for International Law
Any unis with a special International Law focus
UNSW Migrant and Refugee Research Project
- Prof Jane McAdam
AHRC
RILC - David Manne
Julian Burnside
Asylum Seeker Resource Centre
Amnesty International

Committee to which bill is to be referred:
Legal and Constitutional Affairs

Possible hearing date(s): Feb 2013

Possible reporting date:
March 2013
(signed)
Senator Siewert
Whip / Selection of Bills Committee member

Appendix 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012

Appendix 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Treasury Legislation Amendment (Unclaimed Money and Other Measures) Bill 2012
Reasons for referral/principal issues for consideration:
Specifically, consideration of measures relating to inactive bank accounts and the impact on consumers.

Possible submissions or evidence from:
Banks
CHOICE
Consumer Credit Legal Centre
Consumer Action Law Centre

Committee to which bill is to be referred:
Senate Economics Legislation Committee

Possible hearing date(s):
TBC

Possible reporting date:
19 November 2012
(signed)
Senator Siewert
Whip / Selection of Bills Committee member

Appendix 5

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Water Amendment (Water for the Environment Special Account) Bill 2012

Reasons for referral/principal issues for consideration:
This bill commits future Parliaments to appropriate $1.77 billion. This approach deserves scrutiny given its impact on the budget.

Possible submissions or evidence from:
State Governments
Key stakeholder groups

Committee to which bill is to be referred:
Environment and Communications

Possible hearing date(s):
6, 7, 8 November, 2012

Possible reporting date:
19 November, 2012
(signed)
Senator Fifield
Selection of Bills Committee member

BUSINESS

Rearrangement

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:52): I move:
That:
(a) the following government business orders of the day be considered from 12.45 pm today under the temporary order relating to non-controversial government business:
   No. 2 Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012
   No. 3 Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012
   No. 5 Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill 2012
   No. 6 Migration Legislation Amendment (Student Visas) Bill 2012; and

(b) the report of the Select Committee on Electricity Prices and government business order of the day no. 1 (Dental Benefits Amendment Bill 2012) be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm.

Question agreed to.

Days and Hours of Meeting

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:52): by leave—I move:
That the days of meeting of the Senate for 2013 be scheduled as follows:

2013—DAYS OF MEETING OF THE SENATE

Autumn sittings:
Tuesday, 5 February to Thursday, 7 February
Monday, 25 February to Thursday, 28 February
Tuesday, 12 March to Thursday, 14 March
Monday, 18 March to Thursday, 21 March

**Budget sittings:**
Tuesday, 14 May to Thursday, 16 May

**Winter sittings:**
Monday, 17 June to Thursday, 20 June
Monday, 24 June to Thursday, 27 June

**Spring sittings:**
Tuesday, 20 August to Thursday, 22 August
Monday, 26 August to Thursday, 29 August
Monday, 9 September to Thursday, 12 September
Monday, 16 September to Thursday, 19 September
Tuesday, 1 October to Thursday, 3 October

**Spring sittings (2):**
Monday, 28 October to Thursday, 31 October
Monday, 18 November to Thursday, 21 November
Monday, 25 November to Thursday, 28 November.

Question agreed to.

**Senator JACINTA COLLINS:** by leave—I move:

(1) That estimates hearings by legislation committees for 2013 be scheduled as follows:

**2012-13 additional estimates:**
Monday, 11 February and Tuesday, 12 February *(Group A)*
Wednesday, 13 February and Thursday, 14 February *(Group B)*.

**2013-14 Budget estimates:**
Monday, 27 May to Thursday, 30 May, and, if required, Friday, 31 May *(Group A)*
Monday, 3 June to Thursday, 6 June, and, if required, Friday, 7 June *(Group B)*
Monday, 21 October and Tuesday, 22 October *(supplementary hearings—Group A)*

Wednesday, 23 October and Thursday, 24 October *(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 and Communications
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, 19 March 2013 in respect of the 2012-13 additional estimates; and

(b) Tuesday, 25 June 2013 in respect of the 2013-14 Budget estimates.

Question agreed to.

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**Rearrangement**

**Senator JACINTA COLLINS** *(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations)* (11:53): by leave—I move:

That immediately after motions to take note of answers, the routine of business for the remainder of the day be as follows:

(a) tabling of government responses to committee reports;

(b) tabling of documents;

(c) committee memberships;

(d) messages from the House of Representatives;
(e) from not later than 3.45 pm, consideration of a motion by Senator Xenophon relating to Australia's biosecurity and quarantine arrangements;

(f) government business order of the day no. 7 (Equal Opportunity for Women in the Workplace Amendment Bill 2012)—second reading speeches only, till not later than 5.30 pm;

(g) orders of the day relating to government documents, till not later than 6.30 pm;

(h) consideration of the order of the day relating to the report of the Select Committee on Electricity Prices till not later than 7.30 pm; and

(i) consideration of committee reports, government responses and Auditor-General's reports.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Meeting

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (11:55): by leave—on behalf of Senator Heffernan, I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 November 2012, from 10 am, to take evidence for the committee's inquiry into the aviation accident investigation.

Question agreed to.

BUSINESS

Leave of Absence

Senator McEWEN (South Australia—Government Whip in the Senate) (11:56): by leave—I move:

That leave of absence be granted to Senators Bilyk and Singh for today, for personal reasons.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 993 standing in the name of Senator Rhiannon for today, relating to the ‘Let’s End the Stigma’ campaign, postponed till 19 November 2012.

COMMITTEES

Finance and Public Administration References Committee

Reference

Senator XENOPHON (South Australia) (11:58): I seek leave to amend business of the Senate motion No.1 standing in my name and also the names of Senators Xenophon, Fierravanti-Wells, Di Natale and Madigan by omitting 'by 29 November 2012' and substituting 'on the first day of sitting 2013'.

Leave granted.

Senator XENOPHON: I, and also on behalf of Senator Fierravanti-Wells, Senator Di Natale and Senator Madigan, move the motion as amended:

That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report on the first day of sitting 2013:

(a) the withdrawal of Medicare funding for Hyperbaric Oxygen Treatment of problem wounds and ulcers in non-diabetics (MBS Item number 13015), to commence on 1 November 2012;

(b) the Medical Services Advisory Committee process regarding this withdrawal, and other changes to the Medicare Benefits Schedule;

(c) the costs and/or benefits of this withdrawal in relation to associated treatments for these medical conditions; and

(d) any related matters.

Question agreed to.
Foreign Affairs, Defence and Trade References Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): At the request of Senator Eggleston, I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia and the countries of the Indian Ocean rim be extended to 16 May 2013.

Question agreed to.

Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): At the request of Senator Furner, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) on Tuesday, 20 November 2012, from 12.30 pm, and on Wednesday, 21 November 2012, from 9.30 am, to take evidence for the committee's inquiry into slavery, slavery-like conditions and people trafficking;

(b) on Tuesday, 27 November 2012, from 5.30 pm, and on Thursday, 29 November 2012, from 9.45 am, to take evidence for the committee's inquiry into the care of Australian Defence Force personnel wounded and injured on operations; and

(c) on Wednesday, 28 November 2012, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relationship with Japan and the Republic of Korea.

Question agreed to.

Rural and Regional Affairs and Transport References Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): On behalf of Senator Heffernan, I move:

That the time for the presentation of the final report of the Rural and Regional Affairs and Transport References Committee on the management of the Murray-Darling Basin be extended to 6 February 2013.

Question agreed to.

Community Affairs Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): On behalf of Senator Moore, I move:

That the Community Affairs Legislation Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 20 November 2012; and

(b) on Tuesday, 27 November 2012.

Question agreed to.

Community Affairs References Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): On behalf of Senator Siewert, I move:

That the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 20 November 2012; and

(b) on Tuesday, 27 November 2012.

Question agreed to.
Rural and Regional Affairs and Transport Legislation Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): On behalf of Senator Sterle, I move:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 November 2012, from 4.30 pm, to take evidence for the committee's inquiry into the performance of the Department of Agriculture, Fisheries and Forestry and portfolio agencies, adopted by the committee pursuant to standing order 25(2) (a).

Question agreed to.

MOTIONS

International Brain Tumour Awareness Week

Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): I move:

That the Senate acknowledges:

(a) that the week beginning 28 October 2012 is International Brain Tumour Awareness Week and, in doing so, acknowledges the impact brain tumours have on patients, their families and the community; and

(b) the statistics, which show that:

(i) brain tumours are the second highest cause of death in children aged 10 to 14 years, second only to accidental drowning,

(ii) brain tumours are the highest cause of cancer-related death in females under 40 and males under 44,

(iii) between 2006 and 2010, people with a brain tumour had just a 22 per cent chance of surviving for at least 5 years, and

(iv) around 1 500 Australians a year will be diagnosed with primary (malignant) brain tumours, including 100 children, and that this number excludes approximately 2 000 benign brain tumours that may cause disability or even death.

Question agreed to.

Malaria

Senator RHIANNON (New South Wales) (12:00): I, and also on behalf of Senators Di Natale, Birmingham and Pratt, move:

That the Senate—

(a) notes that:

(i) government and non-government organisations have made considerable progress in reducing deaths from malaria in the Asia Pacific region,

(ii) the World Health Organization estimates that since 2000, malaria mortality rates have fallen by more than 25 per cent, and

(iii) the Global Fund to Fight AIDS, Tuberculosis and Malaria plays a key role in the malaria response in the Asia Pacific region; and

(b) calls on the Government to consider:

(i) supporting action to address malarial drug resistance with the aim of eliminating malaria in all Asia Pacific countries,

(ii) providing funding to support such action with particular focus on the poorest countries and those with high levels of drug resistance, and

(iii) measures to ensure that programs to reduce malaria also contribute to improving health services in the region.

Question agreed to.

BUSINESS

Appropriation (Implementation of the Report of the Expert Panel on Asylum Seekers) Bill (No. 1) 2012-2013

Appropriation (Implementation of the Report of the Expert Panel on Asylum Seekers) Bill (No. 2) 2012-2013

Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:01): I move:
That:
the provisions of paragraphs (5) and (8) of standing order 111 not apply to the bills, allowing them to be considered during this period of sittings.

The PRESIDENT: The question is that the motion be agreed to.

The Senate divided. [12:05]

(The President—Senator Hogg)

Ayes.................36
Noes...................8
Majority..............28

AYES
Back, CJ
Bushby, DC
Cash, MC
Collins, JMA
Crossin, P
Fawcett, DJ
Furner, ML
Hogg, JJ
Ludwig, JW
Madigan, JJ
McEwen, A (teller)
McLucas, J
Parry, S
Pratt, LC
Smith, D
Sterle, G
Thorp, LE
Williams, JR
Brown, CL
Cameron, DN
Colbeck, R
Cormann, M
Edwards, S
Fifield, MP
Gallacher, AM
Kroger, H
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
Polley, H
Ruston, A
Stephens, U
Thistlethwaite, M
Xenophon, N

NOES
Di Natale, R
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

Question agreed to.

MOTIONS

Global Hydrofluorocarbons

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:07): Mr President, I seek leave to amend general business notice of motion No. 987 standing in my name for today relating to global hydrofluorocarbons.

Leave granted.

Senator MILNE: I move the motion as amended:

That the Senate—

(a) acknowledges proposals submitted by the Federated States of Micronesia, and by Canada, Mexico and the United States of America, to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to regulate and phase-down production and consumption of hydrofluorocarbons (HFCs) with a high global warming potential, that have support of at least 108 Parties and are on the agenda for consideration for the 4th year in a row at the Meeting of the Parties in Geneva from 12 November to 16 November 2012 [25th anniversary meeting];

(b) recognises that:

(i) at the Rio+20 Conference earlier in 2012, the nations of the world agreed on a final document that recognised that the phase-out of ozone depleting substances was resulting in a rapid increase in the use and release of high global warming potential HFCs to the environment, and supported a gradual phase-down in the consumption and production of HFCs,

(ii) it is time for the Montreal Protocol to regulate HFCs in order to support efforts to tackle climate change and to reduce the threat of crossing tipping points for abrupt, irreversible and catastrophic climate change,

(iii) any action taken under the Montreal Protocol on HFCs recognise the primacy of the United Nations Framework Convention on Climate Change, and

(iv) that the equivalent carbon price levied on HFCs through the Clean Energy Future Plan is already working to reduce these emissions in Australia; and

(c) calls on the Government to play an active role in negotiations to encourage all countries to reach an effective agreement to drive a global phase-down of HFCs under the Montreal Protocol.
The PRESIDENT: The question is that the motion as amended be agreed to.
The Senate divided. [12:20]
(The President—Senator Hogg)

Ayes..........................34
Noes............................28
Majority.....................6

AYES
Bishop, TM  Brown, CL
Cameron, DN  Carr, KJ
Carr, RJ  Collins, JMA
Crossin, P  Di Natale, R
Faulkner, J  Turner, ML
Gallacher, AM  Hogg, JJ
Laidlaw, S  Ludwig, JW
Lundy, KA  Marshall, GM
McEwen, A (teller)  McLucas, J
Milne, C  Moore, CM
Polley, H  Pratt, LC
Rhiannon, L  Siewert, R
Stephens, U  Sterle, G
Thistlethwaite, M  Thorp, LE
Urquhart, AE  Waters, LJ
Whish-Wilson, PS  Wong, P
Wright, PL

NOES
Back, CJ  Bernardi, C
Birmingham, SJ  Boswell, RLD
Brandis, GH  Bushby, DC
Cash, MC  Colbeck, R
Cormann, M  Edwards, S
Eggleston, A  Fawcett, DJ
Fifield, MP  Heffernan, W
Humphries, G  Kroger, H (teller)
Macdonald, ID  Madigan, JJ
Mason, B  McKenzie, B
Nash, F  Parry, S
Payne, MA  Russon, A
Ryan, SM  Scullion, NG
Smith, D  Williams, JR

PAIRS
Bilyk, CL  Sinodinos, A
Conroy, SM  Boyce, SK
Evans, C  Ronaldson, M
Feeney, D  Fierravanti-Wells, C
Hanson-Young, SC  Joyce, B
Singh, LM  Johnston, D

Question agreed to.

DOCUMENTS
Carbon Pricing

Order for the Production of Documents

Senator CORMANN (Western Australia)
(12:14): I move:

That—

(a) there be laid on the table, no later than noon on 19 November 2012, by the Minister for Finance and Deregulation, costings for all measures linked to the Clean Energy package (as listed in the 2011-12 MYEFO), on an underlying cash basis and a fiscal basis, over each of the forward estimates to 2015-16:

(i) Agriculture, Fisheries and Forestry:
Creating opportunities on the land – Extending the benefits of the carbon farming initiative
Creating opportunities on the land – Extending the benefits of the carbon farming initiative – Implementation,

(ii) Climate Change and Energy Efficiency:
Supporting energy markets – Energy security fund
Creating opportunities on the land – Extending the benefits of the carbon farming initiative
Creating opportunities on the land – Carbon farming initiative (CFI non-Kyoto carbon fund plus carbon farming skills initiative)
Creating opportunities on the land – Carbon farming initiative (linking the CFI with the carbon tax)
Governance – Clean Energy Regulator
Supporting jobs – Jobs and competitiveness program
Governance – Climate change authority
Creating opportunities on the land – Natural resource management for climate change
Improving energy efficiency
Improving energy efficiency – Household advice
Improving energy efficiency – Low carbon communities
Putting a price on pollution – Voluntary action pledge fund and Green power purchases
Supporting jobs – Energy efficiency information grants,
(iii) Education, Employment and Workplace Relations:
Helping households – Increased payments
Supporting jobs – Clean energy skills package,
(iv) Families, Housing, Community Services and Indigenous Affairs:
Helping households – Increased payments
Improving energy efficiency – Low carbon communities
Renewable energy – Remote indigenous energy program
Helping households – Essential Medical Equipment Payment,
(v) Finance and Deregulation:
Governance – Clean Energy Regulator,
(vi) Health and Ageing:
Helping households – residential aged care,
(vii) Human Services:
Helping households – Increased payments,
(viii) Innovation, Industry, Science and Research:
Supporting jobs – Steel transformation plan
Supporting jobs – Clean technology focus for supply chain programs
Supporting jobs – Clean technology program,
(ix) Resources, Energy and Tourism:
Improving energy efficiency
Closure of emissions-intensive electricity generation capacity
Improving energy efficiency – Energy efficiency opportunities program
Innovation in renewable energy – Australian renewable energy agency
Supporting jobs – Coal mining,
(x) Regional Australia, Regional Development and Local Government:
Supporting jobs – Helping communities and regions,
(xi) Sustainability, Environment, Water, Population and Communities:
Creating opportunities on the land – Extending the benefits of the carbon farming initiative
Creating opportunities on the land – Natural resource management for climate change
Creating opportunities on the land – Biodiversity fund
Putting a price on pollution – Synthetic greenhouse gases and ozone depleting substances (related expense)
Compliance,
(xii) Treasury:
Helping households – Tax cuts
Supporting jobs – Increase in the instant asset write-off threshold to $6,500
Clean Energy Finance Corporation
Supporting energy markets – Energy security fund
Creating opportunities on the land – Extending the benefits of the carbon farming initiative (Australian Taxation Office)
Improving energy efficiency (Australian Bureau of Statistics)
Putting a price on pollution – Revenue from sale of carbon units (related expense)
Supporting energy markets – Energy security council
Governance – Productivity Commission reviews
Impact of automatic CPI indexation of household assistance payments,
(xiii) Veterans’ Affairs:
Helping households – Increased payments
Helping households – Residential aged care
Helping households – Essential Medical Equipment Payment; and
(b) if any of the matters are not being proceeded with, a statement to that effect.

The PRESIDENT: The question is that the motion moved by Senator Cormann be agreed to.

The Senate divided. [12:16]
Ayes....................29
Noes....................33
Majority..............4

AYES

Back, CJ
Bernardi, C

Birmingham, SJ
Bushby, DC

Brandis, GH
Colbeck, R

Cash, MC
Edwards, S

Cormann, M
Fawcett, DJ

Eggleston, A
Heffernan, W

Fifield, MP
Kroger, H (teller)

Humphries, G
Madigan, DJ

Macdonald, ID

Mason, B
McKenzie, B

Nash, F
Parry, S

Payne, MA
Ruston, A

Ryan, SM
Scullion, NG

Smith, D
Williams, JR

NOES

Bishop, TM
Brown, CL

Cameron, DN
Collins, JMA

Carr, RJ
Di Natale, R

Crossin, P
Furner, ML

Faulkner, J
Gallacher, AM

Ludlam, S
Hogg, JJ

Lundy, KA
Ludwig, JW

McEwen, A (teller)
McLachlan, GM

Milne, C
McLucas, J

Polley, H
Moore, CM

Rhiannon, L
Pratt, LC

Stephens, U
Siewert, R

Thistlethwaite, M
Sterle, G

Urquhart, AE
Thorpe, LE

Whish-Wilson, PS
Waters, LJ

Wright, PL
Wong, P

PAIRS

Boyle, SK
Conroy, SM

Ferravanti-Wells, C
Feeney, D

Johnston, D
Singh, LM

Joyce, B
Hanson-Young, SC

Ronaldson, M
Evans, C

Sinodinos, A
Bilyk, CL

Mining
Order for the Production of Documents

Senator CORMANN (Western Australia) (12:18): I move:

That—

(a) there be laid on the table, no later than noon on 19 November 2012, by the Minister for Finance and Deregulation, costings for all measures linked to the Minerals Resource Rent Tax, on an underlying cash basis and a fiscal basis, over each of the forward estimates to 2015-16:

(i) superannuation guarantee increase from 9 per cent to 12 per cent,

(ii) low income government superannuation contribution ($500 tax rebate),

(iii) higher superannuation caps for people aged 50 or more with a superannuation balance of less than $500 000,

(iv) instant asset write-off for small business ($5 000 threshold),

(v) phasing down interest withholding tax on financial institutions,

(vi) Regional Infrastructure Fund,

(vii) expanding the definition of exploration to include geothermal energy,

(viii) supplementary income support for low income earners,

(ix) increase in the rate of Family Tax Benefit Part A,

(x) tax loss carry-back,

(xi) Minerals Resource Rent Tax – adoption of recommendations of the Policy Transition Group,

(xii) Accelerated Depreciation on Motor Vehicles ($5 000 upfront deduction),

(xiii) resource exploration refundable tax offset, and

(xiv) Minerals Resource Rent Tax – Exemption Threshold increase; and

(b) if any of the matters are not being proceeded with, a statement to that effect.

Question negatived.
The PRESIDENT: The question is that the motion moved by Senator Cormann be agreed to.

The Senate divided. [12:20]

(The President—Senator Hogg)

Ayes.................29
Noes.................33
Majority.............4

AYES

Back, CJ
Birmingham, SJ
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fifield, MP
Humphries, G
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Smith, D
Xenophon, N

BERNARDI, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Heffernan, W
Kroger, H (teller)
McKenzie, B
Parry, S
Ruston, A
Scullion, NG
Williams, JR

NOES

Bishop, TM
Cameron, DN
Carr, RJ
Crossin, P
Faulkner, J
Gallacher, AM
Ludlam, S
Lundy, KA
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Wright, PL

Brown, CL
Carr, KJ
Collins, JMA
Di Natale, R
Furner, ML
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Pratt, LC
Siewert, R
Sterle, G
Thorp, LE
Waters, LJ
Wong, P

PAIRS

Boyce, SK
Fierravanti-Wells, C
Johnston, D
Joyce, B

Conroy, SM
Feehery, D
Singh, LM
Hanson-Young, SC

RONALDSON, M
Evans, C
Sinodinos, A
Bilyk, CL

PAIRS

Question negatived.

MOTIONS

India: Nuclear Power Industry

Senator LUDLAM (Western Australia)

(12:23): I move:

That the Senate—

(a) notes:

(i) ongoing peaceful protests against the Koodankulam nuclear power plant, including hunger strikes, relay fasts and massive marches,

(ii) the deportation on 25 September 2012 of three Japanese citizens from India, on suspicion of supporting the peaceful anti-nuclear mass movement,

(iii) the detention on 25 October 2012 of Australian documentary maker Mr David Bradbury, who was questioned at Radhapuram Police Station,

(iv) the interrogation on 30 October 2012 in Palavur Police Station of a German journalist from Der Spiegel, picked up after he reportedly entered the Koodankulam nuclear power plant seeking an interview with officials, and

(v) brutal repression by the police and navy of the tens of thousands of peaceful protestors at the Koodankulam reactor, including at least five related deaths over struggles against Koodankulam, Jaitapur (Maharashtra) and Gorakhpur (Haryana) nuclear power plants since 2010; and

(b) calls on the Government to:

(i) make direct representations to Indian authorities about the treatment of peaceful protestors, as well as Australian and other foreign journalists in India, and

(ii) uphold the Treaty of Rarotonga by not selling uranium to countries that stand outside the nuclear Non-Proliferation Treaty and its associated safeguards system.

Question agreed to.
Newstart

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:23): I move:

That the Senate—

(a) resolves that Newstart payments are too low and should increase by $50 per week; and

(b) calls on the Government to find an appropriate savings measure to fund this increase.

The PRESIDENT: The question is that the motion moved by Senator Siewert be agreed to.

The Senate divided. [12:24]

(The President—Senator Hogg)

AYES

Di Natale, R
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Back, CJ
Bernardi, C
Birmingham, SJ
Bishop, TM
Boswell, RLD
Brown, CL
Cameron, DN
Carr, KJ
Cash, MC
Colbeck, R
Collins, JMA
Cormann, M
Crossin, P
Edwards, S
Eggleston, A
Fawcett, DJ
Fifield, MP
Furner, ML
Gallacher, AM
Humphries, G
Galloway, AM
Hogg, JJ

Lundy, KA
Ludwick, JW
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Nash, F
Parry, S
Payne, MA
Polley, H
Pratt, LC
Ruston, A
Scullion, NG
Smith, D
Stephens, U
Sterle, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE
Williams, JR
Wong, P

Question negatived.

DOCUMENTS

Indigenous Health

Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:28): I move:

That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 27 November 2012, a list of the 17 communities that were surveyed under the Community Safety and Wellbeing Research Study conducted in 17 remote Indigenous communities in the Northern Territory between December 2010 and June 2011.

Question agreed to.

Indigenous Communities

Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:28): I move:

That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 27 November 2012, the following:

(a) the report by ARTD Consultants and WestWood Spice, Development of program logic options for the NTER, as referenced on p.79 of the Northern Territory Emergency Response (NTER) – Evaluation Report 2011; and

(b) any other documents relating to the development and analysis of program logic options for the NTER evaluation.

Question agreed to.

MOTIONS

Healing Foundation

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:29): I, and also on behalf of Senator Moore, move:

That the Senate—

(a) acknowledges the Healing Foundation’s work over the past 4 years to promote emotional

CHAMBER
well-being in Aboriginal communities, and particularly the work with the Stolen Generations;

(b) notes:

(i) the commitment of the Government to working with members of the Stolen Generations and the organisations which support them to address the traumatic legacy of past practices and the motion of Apology to Australia's Indigenous Peoples and, in particular to the Stolen Generations, made by Parliament in February 2008 was a key positive step in this regard, and

(ii) that the Government provided funding of $26.6 million over 4 years to assist the establishment and operation of the Healing Foundation and to support community-based healing initiatives to address the traumatic legacy of the past; and

(c) calls on the Government to ensure that the important work of the Healing Foundation will be continued and that the successful programs that are currently in place through this initiative will be maintained.

Question agreed to.

BILLS

Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012

Reference to Committee

Senator XENOPHON (South Australia) (12:29): I move:

That the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012 be referred to the Joint Select Committee on Gambling Reform for inquiry and report by the first sitting day of 2013.

Question agreed to.

MOTIONS

Bushfires

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (12:30): I, and also on behalf of Senator Humphries, move:

That, in advance of the 10th anniversary of the devastating Canberra bushfires which occurred on 18 January 2003, the Senate:

(a) reflects on the 2003 House of Representatives report A Nation Charred, recommending measures to be implemented by governments, industry and the community to minimise the incidence of bushfires and their impact on life, property and the environment following the January 2003 bushfires, and notes that the report included 59 recommendations, many of which have not been implemented;

(b) recalls:

(i) the Black Saturday bushfires in Victoria on 6 February 2009, said to be 'the worst day in the history of the State'; and

(ii) the subsequent 2009 Victorian Bushfires Royal Commission which made 67 recommendations, 35 of which have been implemented with progress being made by the State Government to address the remaining recommendations;

(c) notes the 2010 Select Committee on Agriculture and Related Industries report, The incidence and severity of bushfires across Australia, which made 15 recommendations, of which only five were supported by government and four accepted in principle, but only one of which has been implemented; and

(d) acknowledges the invaluable work of the Bushfires Cooperative Research Centre in working to minimise the threat of devastating bushfires to both urban and natural environments across Australia.

Question agreed to.

BUDGET

Consideration by Estimates Committees

Senator McEWEN (South Australia—Government Whip in the Senate) (12:31): On behalf of the respective chairs, I present additional information received by committees relating to estimates hearings.

COMMITTEES

Publications Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:31): On behalf of Senator Carol Brown, Chair of
the Standing Committee on Publications, I present the 21st report of the Publications Committee.

Ordered that the report be adopted.

Electricity Prices Committee Report

Senator THISTLETHWAITE (New South Wales) (12:31): I present the report of the Select Committee on Electricity Prices entitled Reducing energy bills and improving efficiency, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator THISTLETHWAITE: I move:

That the Senate take note of the report.

Why has my electricity bill increased so much? That is a question that I often get when I am travelling throughout New South Wales, and it is a fair one. Households and businesses have had large increases in electricity costs in recent years and it has been putting pressure on families. From 2008 onwards, household electricity prices have risen rapidly, with the average national rise of around 40 per cent in real terms over the last three years. That is why the Gillard government established the Senate Select Committee on Electricity Prices, to get to the bottom of the reasons for and the causes of increases in electricity prices over recent years, and to come up with recommendations to take pressure off prices, improve regulation of the national electricity market and, ultimately, improve energy efficiency.

The report of the Senate Select Committee on Electricity Prices investigated the reasons for recent large increases in households and businesses’ electricity bills and made recommendations regarding the regulation and operation of the national electricity market and energy efficiency. The recommendations of the committee, if adopted, will put an end to gold-plating of assets by network businesses, save consumers hundreds of dollars on their electricity bills and improve energy efficiency. These recommendations are a win for consumers and the states must adopt these reforms when they are presented to COAG later this year.

There are many reasons for recent increases in electricity prices. Some, like replacing old infrastructure, are unavoidable; others are avoidable and are unfair on consumers. In the committee's view, the most significant of these unfair increases is due to overinvestment in network infrastructure by predominantly state government owned network businesses. This has been commonly referred to as gold-plating.

The current rules of our electricity market mean that there is a perverse incentive for network businesses to spend more than they need to on their assets. This inefficient overinvestment in network infrastructure—the poles and wires—must stop. Many of the recommendations of the committee go to that issue and will provide relief for consumers over time. To address this issue, the committee has made a number of recommendations that will ensure the Australian Energy Regulator has greater scrutiny powers over network investment proposals and the ability to stop inefficient investment.

Adoption of new guidelines for assessing rates of return and the requirement that these guidelines are reviewed every three years will ensure fairer outcomes when it comes to network investment over time. Changes to the national electricity rules to ensure more efficient forecasting of capital returns, return on debt and capital and operational expenditure should be adopted. Greater guidance should also be provided for tariff
setting by network businesses. We are recommending that the Australian Energy Regulator have the ability to conduct ex-post reviews of network business capital expenditure so that they can stop any inefficient investment being included in the next regulatory period for the assessment of the cost of capital.

Peak demand has also contributed to recent electricity prices. On very hot or cold days, demand for electricity spikes when people turn on their air conditioners or heaters. These peak demand events usually only occur for about 40 hours in any year, yet 25 per cent of network infrastructure is devoted to dealing with the spikes in demand during those 40 hours, and all consumers pay for this. Effectively, low-income households without air conditioners are subsidising the cost of high-income households running air conditioners during peak times. This is unfair. To reduce the impact of demand events on the system and subsequently on retail electricity prices, the committee has recommended that the Standing Council on Energy and Resources agree to the introduction of cost-reflective pricing and the introduction of smart meters under certain circumstances. Those circumstances would be that, predominantly, consumers would have the option to opt into this new system, particularly vulnerable consumers who would maintain the ability to remain on a regulated flat tariff if they liked. For large consumers, this option should be mandatory. Large consumers of electricity should be on cost-reflective pricing and operating smart meters. Medium consumers should be deemed to be on a cost-reflective tariff and smart meter, with the ability to opt out of that system. Small consumers, typically households, should be deemed to be on a flat regulated tariff with the ability to opt into a variable tariff and smart meter.

Prior to the introduction of these measures, the Commonwealth and the states should fund and undertake a comprehensive consumer education and information program. As consumers become more savvy about their electricity consumption and its effect on their bills, the government should consider the introduction of changes to regulation and operation of the National Electricity Market that would encourage and allow consumers or authorised third parties to sell their demand back into the wholesale network, and they should be offered the spot price on the wholesale network. This would allow someone who has excess demand, who may be running a business, to reduce their energy consumption and to sell that to a third party, who would then link that up with someone on the same system who is looking to augment or increase their electricity consumption. That will see no net increase and cost demand on the network. It is a sensible outcome and should be encouraged.

Many residential and commercial electricity consumers are installing embedded generation—cogeneration, trigeneration and solar photovoltaic generation on their roofs. This is having a positive effect on both electricity prices and the environment. The committee heard that network design, connection and cost barriers currently impede energy produced via embedded generation being fed into the grid. The committee has made a number of recommendations that the SCER should deal with to reduce some of those barriers and allow embedded generation to be fed back into the grid on more occasions. The committee believes that the Standing Council on Energy and Resources should examine these barriers and consider appropriate regulatory and operational reforms to encourage more connection of embedded generation to the electricity grid.
Most resident consumers are poorly informed when it comes to retail electricity arrangements, the price of their electricity and how their electricity consumption impacts on their bill. In the information age, consumers should have easy access to information to allow them to make better decisions about their energy needs and the cheapest plan that suits their circumstances. The Gillard government has introduced the National Energy Customer Framework to ensure consumers get better access to more information about their electricity and gas consumption and retail plans. Better information for consumers will allow them to make better decisions about their energy needs and reduce their bills.

There is also exciting technology now available for consumers to help them manage their energy consumption and improve their energy efficiency. Smart meters can provide real-time information to consumers through a web portal or home display about the amount of electricity being consumed and the cost of that consumption. Such technology can also inform consumers how much energy particular appliances use. Home energy network monitors allow consumers to switch off appliances remotely from their computer or smart phone so that appliances can be scheduled to run in off-peak times, saving consumers money.

A comprehensive public information and education campaign should be undertaken by the federal government and the states to promote access to this technology and the benefits for consumers. Smart meters should be rolled out across Australia but in a gradual and planned manner and in predetermined locations on an opt-in basis. These reforms will save consumers and households hundreds of dollars on their electricity bills and improve energy efficiency. They are a win for consumers. As a consequence, consumers have been able to access and choose retail electricity offers better suited to their needs and modify their electricity consumption in ways that will help minimise their electricity cost. I commend this report to the Senate and I thank the committee secretariat for their very hard work in assisting the members of the committee in preparing this report.

Senator CORMANN (Western Australia) (12:42): Over the last couple of years, the Labor government have gone out of their way to push up people's electricity prices. They have gone out of their way to push up the cost of electricity and the cost of living, because that was the whole point of the Labor-Greens carbon tax.

Senator Mason: It's the purpose of it.

Senator CORMANN: The whole purpose, the whole point, of the Labor-Greens carbon tax was to push up the cost of electricity, which in turn pushes up the cost of living, which pushes up the cost of doing business. And here we have this cynical political exercise where the Prime Minister, aided and abetted by the Labor and Greens senators, is trying to distract attention from the true reason why electricity prices across Australia are going up by more than they would have without a carbon tax.

In the Treasury modelling, the government said that electricity prices would go up by about 10 per cent over five years as a result of the carbon tax. Guess what: we have already gone past that! TD Securities from Melbourne released data recently which showed that, due to the introduction of a carbon tax from 1 July, the price of electricity rose by 14.9 per cent—and we are not even one year into the five years. Even this government, in Senate estimates, conceded that the carbon tax is one of the biggest drivers of increases in electricity prices. At a recent Senate estimates hearing,
I asked Mr Morling, from the Department of Resources, Energy and Tourism:

What are the five biggest drivers of increases in electricity prices?

Mr Morling: It is probably best to look at it on a jurisdiction-by-jurisdiction basis. If you look at New South Wales, for example, the average price increased by around 18 per cent in 2011-12. If you break that down, about 8½ per cent was network costs, about nine per cent carbon costs, 1.2 per cent retail costs, 0.8 per cent wholesale energy costs and 0.3 per cent other green schemes costs.

I asked:
So the biggest driver of the ones you have just mentioned for increasing the cost of electricity is the carbon tax?

Mr Morling: The point has been made elsewhere that that was expected and it is slightly below—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Senator Cormann, it being 12:45 we now move on to government business, orders of the day. I inform the Senate there will be an opportunity to return to this debate after we have dealt with these lunchtime bills.

BILLS
Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator MASON (Queensland) (12:45): I rise to speak to the Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012. The coalition will not oppose this bill. In summary, this bill updates indexed amounts for other grants and Commonwealth scholarships under the Higher Education Support Act 2003 and appropriations under the Australian Research Council Act 2001. The bill also authorises the disclosure of information about students and staff to higher and vocational education providers, to government bodies and agencies as determined by the minister through legislative instrument.

Schedule 1 of the bill seeks to amend HESA in regard to the maximum amounts the Commonwealth can outlay for other grants and Commonwealth scholarships. The amendments contained in the bill apply indexation to these amounts. This indexation is currently done on an annual basis requiring regular amendments to HESA. This bill proposes to allow the minister to determine the maximum amounts for other grants and Commonwealth scholarships by a legislative instrument instead of legislative amendment. Schedule 2 of the bill seeks to amend the Australian Research Council Act to index the existing appropriated amounts and adds the final year of the budget forward estimates.

It is schedule 3, however, that has attracted the most interest and some scrutiny thus far. Schedule 3 of the bill proposes to repeal division 180 of the HESA and enact a new division 180 in its place. The current division 180 allows the departmental secretary to disclose non-personal information to the Tertiary Education Quality and Standards Agency—TEQSA—and the National VET Regulator for the performance of their duties or exercise of their powers. The new division 180 allows for information that is collected under HESA to be distributed by the departmental secretary not to only TEQSA and the National VET Regulator but also to state and territory agencies, higher and vocational education providers or groups and other bodies as determined by the minister through legislative instrument. The government states
that the amendment is required because of
the large number of requests from these
bodies for information to enable them to
accurately assess and monitor the effects of
funding. The amendments include new
sections creating offences where information
is disclosed other than for a permitted
purpose.

The coalition is always interested in
reducing red tape and information requests
from government which put higher
compliance costs on stakeholders. But we are
also concerned about the privacy
implications of the government's policies. As
you know, Mr Acting Deputy President,
there is always a need to balance these
sometimes conflicting values and conflicting
considerations, which is why the coalition
has referred this bill to the House of
Representatives Standing Committee on
Education and Employment for an inquiry to
look at more depth at the scope of the new
division 180 information sharing regime.

The committee has now reported back to
the House of Representatives and
recommended that the bill be passed. A
majority of submissions from stakeholders
supported the new information sharing
process. In other words, the privacy concerns
would seem to be somewhat overblown.
Universities Australia, the Australian
Technology Network of Universities and
Innovative Research Universities all came
out in favour of the new information sharing
measures which will hopefully save them
time and money in compliance.

As Universities Australia stated in their
submission: Making the higher education information
management system data available to the sector
through a centralised collection process will
ensure that regulatory functions operate within
known parameters and that the reporting burden
on universities, particularly in duplication of
effort, is kept to a minimum. Furthermore, data
will be able to be utilised in more proactive ways
not currently possible and to more appropriate
levels of granularity leading to better public
policy outcomes through better provision and
access to information.

I note the National Tertiary Education
Union's concerns that the range of
information, the range of potential recipients
and the range of objectives for which the
information can be disclosed are all quite
broad. That is what the union was concerned
about. However, the opposition is reassured
to hear that the Office of the Australian
Information Commissioner has been
advising the department at various stages
throughout the development of this bill and
that the office now seems to be satisfied with
the end product. So while we are assured, we
of course do not take anything for granted.
Just like any other legislation implemented
by the government, we will be watching to
see how it plays out in practice, what its
implementation is like, and we will remain
open to feedback from all stakeholders about
the impact of these new provisions.

I commend the bill to the Senate.

Senator FARRELL (South Australia—
Parliamentary Secretary for Sustainability
and Urban Water) (12:51): I thank Senator
Mason for his contribution. I commend
the bill to the Senate.

Question agreed to

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT
(Senator Bernardi) (12:52): No
amendments to the bill have been circulated.
Before I call the minister to move the third
reading, does any senator wish the bill to be
considered in committee of the whole? If
not, I call the minister.

Senator FARRELL (South Australia—
Parliamentary Secretary for Sustainability
and Urban Water) (12:52): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

**Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012**

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

*Senator SCULLION* (Northern Territory—Deputy Leader of The Nationals) (12:52): I rise to support the bill before us, the Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012. Fundamentally this bill extends periods of time for what are colloquially referred to as the Cape York welfare reform trials and a number of the associated initiatives. The program links welfare payments to re-engagement factors, including school attendance and some tenancy issues in the communities. The communities principally are Aurukun, Coen and Hope Vale on the cape. There are some initiatives at Mossman Gorge and other associated parts of this hub.

Welfare reform creates incentives for individuals rather than groups and communities in this regard. The well-motivated intention is to re-establish what we in mainstream Australia would see as social norms. As part of the re-engagement, particularly in terms of education, it should be noted that we not only support government in this but also take the opportunity to commend the Cape York Institute and all of the staff associated with the implementation and delivery on the ground of what nobody could describe as anything other than considerable change. It is very difficult to imagine implementing a fundamentally new and different education program. Imagine starting school on Monday and suddenly the education program is considerably different in terms of what is being taught and the way it is being taught. One would think in the initial stages this would be very difficult, but in my view, it has been an outstanding success.

A fundamental part of this change is direct instruction. I have studied the direct instruction model in several places, including parts of the United States. Whilst the demographic we are attempting to change is somewhat different, the successes are there for all to see. I spend a lot of time in Aboriginal communities, as do many people on both sides of this chamber. As in a lot of classrooms, the young people in these communities are all pretty excited. It is almost like walking into a zoo sometimes, with things flying everywhere. Sometimes I wonder how anything happens in these classrooms. I was astonished to find in a classroom in Aurukun recently that the fact that somebody had walked in was only a minor distraction for a few seconds. Then they were back on to the lesson and absolutely focused. I was impressed with the impact of the discipline and the process of direct instruction which is all about behaviour as well as the learning program. I think that is absolutely fantastic. In a wider sense, a less micro sense in terms of some of the changes these trials are attempting to make, the Families Responsibilities Commission has done an outstanding job. It is all about forming good relationships based on trust. Clearly the Families Responsibilities Commission and the staff have done an outstanding job.

While supporting the government in this initiative, I would question—and I think quite reasonably—why this trial has only been extended for a year. For a parent or a teacher of one of the students, when we have seen such outstandingly good results, to have the tenure of the program extended by just a
year would make them think: what am I planning for next year? Do I stay in Aurukun or Hope Vale? Am I committed to this new and exciting educational process that is making, by anyone’s measure and according to all the empirical science, outstanding achievements? There has been an increase in attendance from 43 per cent to over 80 per cent—fantastic achievements across the board.

People have to make up their minds whether they are committed to this. This is about people; it is not like writing a note and throwing it in the fire. This is about changing methods and building our capacity in people. People have to make a decision, but we are only extending it for a year. Their life decisions are made on this basis. They will be saying, ‘Great, another year of security.’ It appears that the convention in this place and others is that we do things on a year-by-year basis. I think this trial has provided such hope not only to those communities but also to other communities across Australia. Eventually the outcome of these trials will be implemented in other communities. I think we should have the capacity to make an investment in this very important initiative for more than a year. Notwithstanding that criticism, the opposition are delighted to assist in this initiative.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:58): I thank Senator Scullion for his contribution. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (12:58): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:58): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (12:59): The coalition supports the amendments made by the Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill to the Commonwealth Inscribed Stock Act and the Corporations Act as the first steps towards developing a more liquid corporate bond market in Australia. We acknowledge that this is an important development and we support it because it addresses a structural gap in Australian financial markets—the absence of an accessible retail market in debt securities, whether government issued or issued by corporates.

Since the late 1980s Commonwealth government securities have not been able to be bought and sold on securities exchanges in Australia but have traded only in wholesale markets. Trades were settled through the Austraclear system, which is the ASX’s clearing and settlement facility for debt securities traded in the over-the-counter market and on the professional financial market. It is not equipped to deal with the settlement of trading by retail investors. Retail investors were excluded from the
market for Commonwealth government securities as well.

We welcome the opening up of retail investment in a secure form of investment—Commonwealth stock. We would also like to see a deeper and more liquid secondary market for corporate bonds. Developing a market in retail trade in Commonwealth government securities will help in this regard because it will provide a visible benchmark for pricing the corporate bond market.

There are a few things I will mention in support of the amendments made by this bill. An increasing level of investment by Australian households would reduce the government's reliance on overseas sources of capital and on overseas financing. Approximately three-quarters of Commonwealth government securities are currently in the hands of offshore investors. There is also the related need of local banks for access to alternative sources of finance. The intervention made by Dr Ken Henry earlier this year was quite instructive in that regard. He said:

If only for purposes of macroeconomic insurance, I would argue that it is strongly in our interests to find ways of reducing, over time, the banks' reliance on offshore debt finance.

Secondly, the level of investment by superannuation funds in equities is arguably overweight in comparison with the investment mix of United States and United Kingdom retirement funds. An OECD analysis of retirement income systems shows that equities are by far the largest asset allocation for Australia, at nearly 55 per cent in comparison with 45 per cent held by United States retirement funds and 40 per cent held by United Kingdom funds. Relevant, too, is the observation in Budget Paper 1 of 2012-13:

Since 2008 there has been a substantial shift in superannuation funds' asset acquisition away from foreign equities and debt securities towards domestic equities.

The overweighting to equities seems in part to reflect the lack of a deep and accessible market in local fixed-interest securities, whether government issued or corporate bonds.

While developing a retail market for government stock can be supported, it should not be taken by Labor as a green light to increase the level of government debt. I remind the chamber that this government inherited a $20 billion surplus and $70 billion of net Commonwealth assets, and after four budgets Wayne Swan as Treasurer has delivered $173 billion of accumulated deficits. We have seen the Treasurer, the Prime Minister, the Minister for Finance and Deregulation and others in the government crab-walk away from their ironclad guarantee that in 2012-13 we would have the first Labor surplus in more than 20 years. But if you read between the lines, if you listen very carefully to what the Treasurer is saying, and if you take careful note of what he is not saying, then it is very clear that Mr Swan is on track to deliver his fifth deficit budget—and another Labor deficit budget to join the many from over the last 20 years.

The 2012-13 MYEFO revealed the following about the state of the government's finances: net debt has already reached a record level of over $147 billion in 2011-12, and will remain virtually unchanged at this level for the next few years; and net interest payments on Labor's debt keep rising and will reach $7.8 billion in 2015-16. In fact, this is another very important observation to make: the comparison of the fiscal record and the implications of sound fiscal management by the former government with the very bad fiscal management of the current government.
Essentially, as a result of paying down debt and putting significant investments into the Future Fund to fund the future of superannuation liability of the Public Service, in the last year of the Howard government the government was able to collect more than $1 billion in interest payments. The current government, as a result of $173 billion—and rising—of accumulated deficits, has to plan to pay nearly $30 billion in interest payments just to service the debt it has accumulated so far. In the last year of the Howard government the government received more than $1 billion in net interest payments because of the net positive asset position; now the government is planning to spend nearly $30 billion on interest payments to service the debt it has accumulated. Just imagine what a good government could do if it did not have to pay nearly $30 billion just on interest payments to service the debt it had accumulated!

Retail government securities provide the retail investment sector with the benefits of a broader range of investment choice and a secure investment. To facilitate retail trading the government has chosen a trading model based on indirect beneficial ownership. Retail investors do not acquire legal ownership of Commonwealth government securities such as Treasury bonds and Treasury indexed bonds. Instead, they will get a financial product called a depository interest, giving the investor the right to receive interest and principal payments. The depository interest will be traded on retail markets in a similar way to shares. There are more than 80 types of depository interests traded on the ASX.

The bill includes a number of provisions that deal with a requirement for financial advisors to disclose relevant information to retail clients when providing advice about investing in Commonwealth government securities. The information statement will be prepared and issued by the Australian Office of Financial Management via an online facility. Investors in Commonwealth government securities will face little risk in receiving principal and interest. Interest rate changes over the term of the security, however, may have an effect on the price that they can expect if they sell before maturity. In conjunction with the industry there should be an education process undertaken to inform retail investors of the steps the government has taken to foster the development of this market.

The coalition supports the amendments made by this bill, and we recognise that they are important first steps towards developing a deeper and more liquid retail bond market in Australia.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:07): I thank Senator Cormann for his contribution and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Pratt): No amendments to the bill have been circulated. I call the minister to move the third reading, as no senator requires that the bill be considered in Committee of the Whole.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:08): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Migration Legislation Amendment (Student Visas) Bill 2012

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.
Question agreed to.

Bill read a second time.

**In Committee**

Bill—by leave—taken as a whole.

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:11): I table an explanatory memorandum. The government opposes items 1 to 3 of schedule 1 in the following terms:

(1) Schedule 1, items 1 to 3, page 3 (lines 4 to 18), to be opposed.

The purpose of the amendment is to implement recommendations made by the Senate Standing Committee on Legal and Constitutional Affairs. This amendment removes the requirement in the bill that updated contact information for all international students to be given to the Secretary of the Department of Industry, Innovation, Science, Research and Tertiary Education within 14 days of a provider becoming aware of a change. This is in recognition of the recommendations made by the Senate committee and the concerns raised by the peak education bodies in their submissions to the committee. The government will instead propose amendments to the Education Services for Overseas Students Regulations 2001 to ensure that the Department of Immigration and Citizenship receives access to updated student contact details on a six-monthly basis through an automated mechanism or in the case of certain student course variations. The proposed amendment is in keeping with the spirit of the recommendations made by the Senate committee. The passage of this bill will ensure that student visa holders will no longer have their visas automatically cancelled and will provide for a fairer cancellation process. These measures also support the international education sector, which is one of Australia's largest export industries. I commend the bill to the Senate.

**The ACTING DEPUTY PRESIDENT (Senator Pratt):** The question is that items 1 to 3, page 3 stand as printed.
Question negatived.

Bill, as amended, agreed to.

**Third Reading**

**Senator FARRELL** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:12):

I move:
That this bill be now read a third time.
Question agreed to.

Bill read a third time.

**COMMITTEES**

**Electricity Prices Committee**

**Report**

Debate resumed on the motion:
That the Senate take note of the report.

**Senator CORMANN** (Western Australia) (13:13): Over the past couple of years this Labor government, aided and abetted by the Greens, has done everything it can to push up the cost of electricity. By pushing up the cost of electricity, it has pushed up the cost of living and the cost of doing business across Australia. That is exactly what the carbon tax is designed to do. The whole purpose of the carbon tax is to make electricity more expensive so that people use less of it or so that other energy sources which are not as competitive become more competitive. Once it actually dawned on this government that what they had done was to impose a massive new tax which would push up the cost of electricity, push up the cost of living and push up the cost of doing
business, they got frightened of their own shadow
That was because they realised there was another election coming. In the lead-up to the last election they said there would be no carbon tax under a government led by Prime Minister Gillard—but of course there is one.

It manifestly has had an impact on the cost of electricity. In fact, the largest reason for electricity price rises now and moving forward is the carbon tax, according to evidence by this government's own department in front of Senate estimates. So here they were, having come up with a cynical distraction. Of course, the cynical distraction that the Prime Minister had sought to jump on was: 'Let's try and pick a fight with the states because it is really all the states' fault that electricity prices are going up because they are gold-plating their electricity networks.' The problem for the Prime Minister was that there was one truth teller left in this Gillard government. He is not very popular with his own people, by the sounds of it, but the federal minister for energy and resources, Mr Ferguson, was quite explicit when he said on the record, only vaguely hiding that it was actually a direct rebuke of the Prime Minister's assertion:

'The states do not control the regulatory authorities that set prices and any suggestion that they do has no basis in fact and is a cheap shot …

To be fair to Minister Ferguson, he was responding to some claims, assertions and arguments put forward by the Independent member for Lyne, Mr Oakeshott, but I am sure that it did not escape Minister Ferguson's notice that what he was saying was in direct and sharp contradiction of the politically motivated assertions and erroneous and false assertions made by the Prime Minister when it came to the question of who and what are responsible for the increases in electricity prices. He went on to say:

… the states might be getting good dividends but they do not determine the price setting rules …

Here is truth teller Minister Ferguson saying this. This would have stopped the Labor government in its tracks, because all of a sudden they would have realised this: 'Gee, we have got one of our own ministers in our own government, the minister with direct portfolio responsibility for these issues, saying that what the Prime Minister has claimed is the case is in fact not the case.'

That would have slowed the enthusiasm of the government members on this committee—and of the members of the Labor government—from coming up with some more outlandish recommendations and findings, because they could not run away from the truth as it was put forward by Minister Ferguson. Let us be very clear: the whole point of Labor's carbon tax was to push up the cost of electricity and consequently reduce demand and the government's own carbon tax modelling stated:

Electricity demand is an important source of abatement in the early years, comprising over 40 per cent of the cumulative abatement to 2020.

Everything is happening according to expectations. The government's carbon tax modelling claimed that the carbon price leads to an average increase in household electricity prices of 10 per cent over the first five years of the scheme. That is not actually happening. We have had the 10 per cent increase and more but that has been in the first couple of months of the carbon tax. There is still more than four years to go, given that five years over which the carbon tax was supposed to have a 10 per cent impact. I refer you, Mr Deputy President, to the data released in the TD Securities-Melbourne Institute inflation gauge for the month of July where they stated:
Due to the introduction of the carbon tax from 1 July, the price of electricity rose by 14.9 per cent. What is important to note here is that the carbon tax will continue to go up and up—at least if you are to believe the government’s own modelling, because that expects what nobody else expects: in the last year of the current forward estimates the carbon tax will rise about $29 a tonne. In fact, Treasury officials and climate change department officials have said it is conceivable that it could be $50 a tonne. Overseas anybody who knows anything about this knows that the carbon price across Europe, which represents 95 per cent of the carbon market, has actually collapsed.

Let there be no doubt that this committee was set up as part of a cynical political strategy of the Prime Minister to try and divert attention from her direct responsibility for significant increases in the cost of electricity, the cost of living and the cost of doing business across Australia. She was trying to point to somebody else who was to blame. But, of course, the minister for resources and energy belled the cat when he did make it very clear that what the Prime Minister was now saying was not right. In fact, the Prime Minister has not always said this. Only a few years ago, back in 2010, Prime Minister Gillard was encouraging further investment in networks, observing that ‘the current price rises in a number of states have been principally caused by a sustained period of underinvestment’. So what the Prime Minister was saying two years ago was that we should have more investment in network infrastructure. This government is all over the place. They know that people blame them for significant increases in the cost of electricity, and people are right to blame them because that is what the Labor-Green carbon tax was all about in the first place.

Senator MILNE (Tasmania—Leader of the Australian Greens) (13:20): I rise today to speak to affirm my support for this very important Senate Select Committee on Electricity Prices report looking at the National Electricity Market and trying to find ways to bring power bills down. I think it is unfortunate that the coalition have failed to take the opportunity to actually talk about National Electricity Market reform and to focus on carbon pricing, because the whole committee report is dedicated to finding ways to bring power bills down. In the committee process there was a good attitude by all committee members about looking at ways by which we could facilitate consumers paying lower bills, and that is what this is all about. But, in my view, it is also about making sure we get the transformation of the whole electricity generation system in Australia to be much closer to zero carbon emissions and 100 per cent renewable energy. How this all came about was in the Multi-Party Climate Change Committee. As we worked through getting the Clean Energy Finance Corporation and $10 billion for renewables and energy efficiency, it became obvious to me that one of the big problems is that you could facilitate the development of renewable energy, you could get the money for it, and so on, but the National Electricity Market operation acts against the best interests of the community in bringing prices down and getting the community engaged in distributed systems.

Two recommendations of the Multi-Party Climate Change Committee were really important, and they were underreported at the time. One was that AEMO, the Australian Energy Market Operator, be charged with doing scenario planning for 100 per cent renewable energy. That work is underway at the moment. They are doing two scenarios, for 2030 and 2050. We also had a recommendation that the
Commonwealth government would lead the states in the COAG process for national electricity market reform.

Since the Clean Energy Legislative Package, I have been talking to the government about moving on electricity market reform. I put up a Senate inquiry proposal in June. Eventually the government agreed to have a Senate inquiry under the terms of reference as agreed, and this is the result. I have to say that it addresses one of the concerns that people have—that is, the current rules are pushing tens of billions of investment into building more poles and wires, driving higher energy sales at the expense of both consumers and the environment. Forty billion dollars has already been allocated to new poles and wires from 2010 to 2015, even as electricity demand is falling, leading to what Professor Garnaut said is the highest rate of electricity bill rise in our history and in the OECD, and, unless there is root and branch reform, this will continue. The report has been timed to influence the government in the way it negotiates with the states at the COAG meeting that is coming up later in the year.

Reforming the electricity market rules should direct billions of dollars into investment. Rather than fuelling growth in energy and pollution, we should be building a smarter grid, with cheaper and cleaner alternatives, energy efficiency, demand management and renewables. That demand management, energy efficiency and renewables combination need to be addressed.

Importantly, the recommendations in the report move to establish a standard connection, fair pricing and a licensing regime for distributed energy. This is really important. One of the things holding it back has been that people say, 'I would really like to generate this renewable energy,' or 'I would really like to aggregate these energy demand measures and bid those into the market,' but there are no rules that facilitate that in a reasonable way and at a reasonable price. Furthermore, they can be delayed forever. There is no protocol around time frames for connection. So the connection is really important. That is an important reform and I am glad that we have managed to get it in there.

Also, we need to improve the regulatory processes and introduce measures to decouple network revenue from energy consumption. At the moment, you get more money the more energy is consumed. We need to decouple that because we do not want more energy to be consumed, so we need the energy networks and the retailers to develop a new business model that is not based on fuelling growth but rather delivering energy services. That is really important. There was agreement across the committee that this is a really good thing to do. We also wanted to establish AEMO as a whole electricity-market-wide planning agency that would be independent of state governments and networks so that it can develop national standards and assess demand-side options on a level playing field against building poles and wires to meet network constraints.

The Greens would have liked the reforms to have gone further. One of the things we really wanted to see was the incorporation of an environmental objective in the National Electricity Market. You would need to put that in the legislation. Currently, all the electricity market has to do is provide a secure supply of energy and it is meant to be at a fair price, but there is nothing to say that the secure supply and fair price needs to be consistent with our national objective to reduce our greenhouse gas emissions or be consistent with our obligations under the UNFCCC.
Firstly, one of the key ways in which you could change the mentality about how the electricity market operates is if it were forced to operate with an objective that said that part of its focus is to reduce emissions, consistent with our national strategies. That is not in there. I would have liked to have seen that, but the government and the coalition could not go that far at the time. I am pleased to see that there is a recommendation that it be considered, consistent with what the UK has done, where it has worked fairly effectively.

Secondly, the Greens have argued that we should have a national energy saving target and a national energy savings initiative to drive step change in energy productivity so as to lower electricity bills and greenhouse gas emissions. We need a national energy savings target. The Greens have said that we should be aiming for three per cent. We are prepared to negotiate, of course, and talk to people about what it should be. But, if you had a national energy efficiency target, then the whole system has to be geared towards reducing demand, and that will only happen if you decouple the volume or the consumption of electricity from the money that is generated, otherwise you have a built-in resistance to reducing demand. It is essential we get that.

Thirdly, the Greens think that there should be a feasibility study undertaken into a minimum peak demand reduction target for the networks. In other words, they would be told that they have to meet a target to reduce their peak demand. That means they would go out and talk to consumers, businesses and so on about how they can meet their peak demand reduction. As it is, 40 hours of the year is taking 25 per cent of the $40 billion of investment in poles and wires. That does not make sense. If you gave them a peak reduction target, they would have to reduce at peak times.

This morning on Radio National there was a story about a fuel cell company who is leaving Australia and going overseas. Why? They said it is because there is no certainty in the Australian market. I blame the coalition for that in large part because they have not given business the certainty that there is a commitment across the parliament to genuinely reduce emissions and bring about reform. They also went on to say that they are leaving because there is no real commitment to energy efficiency across the whole system. If we had brought in a target for reduction of peak demand, that would play absolutely into the commercialisation of that technology around fuel cells that would enable you in your home to log on to your computer and negotiate to reduce demand at a household or an industry level. It is another company leaving the country on top of ending the commercialisation of solar technology at the University of New South Wales the other day. Every day is an opportunity cost until we get the NEM reform that enables the manufacturing of new technologies, new jobs and new innovation in Australia but, more particularly, the reduction of people's power bills. I believe that everybody in this parliament would want to see a reduction in power bills. It can be done. We are bringing down wholesale prices by rolling out renewable energy. We now need the electricity market reform that will facilitate the bringing on of the renewables and the aggregation of people who want to save on energy—bringing about all that energy and excitement in the Australian economy through reducing emissions. (Time expired)

Senator EDWARDS (South Australia) (13:31): I too would like to make some comment on the electricity prices inquiry report. From the outset, the question must be asked as to why we are having this inquiry. There is no question that energy prices in
this country are causing a great deal of concern not only amongst households but amongst businesses across this country. What are the motives behind initiating an inquiry into the spiralling costs of electricity in this country? I would like to think it is because Labor recognise the pressure that they have heaped on Australian families and businesses from increasing electricity prices due to a raft of government regulation and increasing policy burdens, one of which is the carbon tax. Sadly, I think this is just a way to try and lay blame on everyone else but themselves for the soaring cost of electricity.

Since the government was elected—and I would point out to Senator Milne, who started sheeting blame to the coalition government, that that was over five years ago—electricity prices in the time of the Rudd-Gillard-Brown-Milne alliance have risen by 89 per cent. In fact, this inquiry was actioned by the Prime Minister in an effort to defray the attention of Australian consumers of energy from the issue which came forward with the release of the CPI figures. To give some context, in December 1980 the CPI was created to guide governments as to what the cost of living was doing, and it is measured quarterly. Electricity in the September quarter rose 15.3 per cent, the highest rise in electricity prices on record. It was the biggest quarterly rise in prices since December 1980, when they started recording the CPI.

On the subject of the inquiry, as Senator Milne said, it was quite rightly a very collegiate inquiry and there are some issues within the electricity market which need fixing. I do not shy away from that, and we have made some recommendations which will, hopefully, be taken up by the states and the federal government to ensure that the recommendations which have been made—which by and large are common sense—get addressed. But it was a shotgun inquiry. It lasted only 70 days. Due to the nature and complexity of the issues in the electricity market and the complex web of factors that contribute to electricity prices, this inquiry should have lasted well over one year. The issues state by state and region by region are complex and they need fixing. However, it was designed to be a quick political fix in a meagre attempt to legitimise this government's attempt to shift blame to the states, the network operators, generators and retailers. I am sure that over the next days this report will find its way into the hands of the state energy ministers and I am sure that this federal government will be in discussions with those state energy ministers about why it is that they are responsible. And I am sure that this topic will become a large issue at the December Council of Australian Governments meeting, as the Prime Minister looks to sheet blame for her carbon tax, inefficient policy and overregulation on everybody but her own administration.

The report replaces too great an emphasis on the increased network and distribution costs as causes for the recent increases and, hence, puts too much weight on the changes to the network regulation as a potential solution to high electricity prices. As highlighted in the additional comments the coalition made to the committee's report, it fails to stress that the objective of electricity regulation should be to deliver the most affordable electricity to consumers with a level of reliability commensurate with the consumers' willingness to pay. Not surprisingly, it downplays the impact of the carbon tax and other green schemes on increasing electricity prices.

Despite the glaring omissions from the report, we support the recommendations of the majority but with the following caveat: any changes to the electricity sector should be based on the creation of a more open,
transparent and competitive market, not through the imposition of more red tape and regulation. We have made one recommendation in our additional comments, that the government act immediately to reduce the upward pressure on electricity prices on consumers and business by simply repealing the carbon tax. With regard to this carbon tax, Senator Cormann, who is a very literate economic mind and a future economic minister, suggested that the Treasurer had indicated that electricity prices would rise by 10 per cent over five years. We only need to point him to those CPI figures of 15.6 per cent to know how much economic literacy they on the government side have and how much in touch they are with the economic drivers of the energy market.

I would like to make a couple of observations about the inquiry. Firstly, I note the lack of understanding the average Australian has about the electricity network and what is involved in delivering electricity to everybody's home. People have a limited understanding about electricity, and that is a serious problem when it comes to changing the electricity market or their behaviour. A longer inquiry would have facilitated more public awareness and we would have taken in some of the public consumer groups, the people who mostly would have quite a bit to say about where they want this policy going. But, as I have said before, it was more a political fix and not a genuine attempt to engage the broader Australian community in this critical issue. To put that into context, I now remind the chamber that $70 million has been spent on a PR program by this government to educate Australians on the carbon tax. They even spent $70,000 on three fake kitchens to go in those advertisements to try to brainwash people that this is going to be a good thing.

**Senator Conroy:** Oh, my goodness.

**Senator EDWARDS:** Senator Conroy, I will remind you that also apparent was the 53 per cent of renewable energy in the form of wind farms that has aggregated itself in South Australia.

**Senator Conroy:** You generate more from hot air than one of those wind farms.

**Senator EDWARDS:** I will address Senator Conroy's interjection by saying that the government do not have a serious commitment to energy reform policy because they have not even thought about trying to motivate anybody, public or private, to put in a energy connector at Heywood in Victoria which would take the massive oversupply of renewable energy which is now coming out of South Australia. Fifty three per cent of Australia's wind farms are now positioned in that state. We have now in South Australia overreached our renewable target of 20 per cent by six per cent, eight years before. That has come about through lax planning policy of the state Labor government overseen by an inattentive Labor federal government not even recognising what we need to do to engage a more productive system. I look forward to the country adopting these recommendations.

**Senator IAN MACDONALD** (Queensland) (13:41): It is good to see Senator Conroy here, a failed minister for communications who is in charge of the greatest white elephant Australia has ever seen. It is good to see him now contributing his expertise to this debate on electricity prices. However, there is one minister of the current government whose word on this particular issue I do take some notice of, and that is the minister who said, 'The states might be getting good dividends but they do not determine price setting rules.' Further, the same very incisive minister said, 'The states do not control the regulatory authorities that set prices and any suggestion
that they do has no basis in fact and is a cheap shot.' Mr Martin Ferguson, one of the better ministers of this very poor government, has clearly acknowledged that the real reason for electricity price increases is the carbon tax.

Senator Milne in her contribution, as she always does, criticises the coalition—never the Labor Party, I might say—for not focusing on what the committee really wanted to do, and that was to get costs of electricity down. Senator Milne, can I say to you that the coalition is totally consumed by and focused on getting electricity prices down and we will do that by abolishing the carbon tax. I was privileged to be able to appear with Senator Edwards at the hearing of the committee in Brisbane. In my state of Queensland it became clear that the carbon tax is solely responsible for increases in electricity prices in Queensland at the current time. As the electricity companies told us in giving evidence, they have been restricted by the government in Queensland only to increasing electricity prices by the carbon tax cost in Queensland. The cost, as I recall—and Senator Edwards might be able to correct me—was between 11 and 15 per cent increases in Queensland currently solely because of the carbon tax. Senator Milne in her continual criticism of the coalition never says a word against the government that actually has increased the cost deliberately, but says that we really need to enter into energy saving targets to lower bills. I say to Senator Milne, come to North Queensland, please, and tell us how we are going to lower the cost of electricity when we use air conditioning in the summer months to keep people alive in hospitals, to keep the wheels of industry turning. Tell me how we are going to reduce electricity usage when by necessity in the banana industry, for example, we need refrigeration. We need refrigerant gases, which have gone up by something like 300 per cent or 400 per cent under the carbon tax regime. But they are also driven by electricity. How do you possibly have energy-saving targets there? In the middle of summer do you say, 'We'll turn off the refrigeration and hope that that will lower the electricity usage'? It is just typical of the Greens' completely impractical and complete nonsense on how Australia and human beings actually operate.

Senator Milne wants to decouple revenue and demand, as if that is what you do. You say the words, which come out well when you are addressing a group of followers of the Greens, small though one is these days, but, in practice, that just does not work. I lived through the time of Labor Premier Anna Bligh's stewardship of Queensland's finances. She ran the Queensland debt into something like $100 billion. But, at one stage, she told the electricity companies: 'We want you to give the maximum dividends to my state Labor government because we need your money. Do not spend anything on infrastructure costs in Queensland; just give us all the money.' Because they are owned by the state government, the electricity companies did exactly that. Then what happened in Queensland? There were power outages and blackouts and, boy, wasn't that politically unpopular. So Premier Bligh changed her view overnight. She started criticising the electricity companies that she had directed not to put in the infrastructure and told them to spend, spend, spend on infrastructure and never let us get to the situation again where we will have power outages and blackouts in Queensland. Again, the Queensland electricity companies did just that because they were owned and directed by what was then the state Labor government. So they put all this money into these extensions and, somehow, that had to be paid for. The state Labor government still
wanted its dividends from the electricity company, because how else would they even attempt to make the budget balance? They never did make it balance, but they were attempting to. So all this money was borrowed and spent, and now it has to be recouped by way of higher electricity prices.

So, Senator Milne, even if you do not want to accept the carbon tax as the reason for electricity price increases, at least be honest and say that it is those state Labor governments who demanded, belatedly, this huge increase in capital expenditure on the infrastructure and who now have to recoup that at the cost, in some states, of a huge increase in electricity prices.

Senator Milne wants us to give certainty to business. I think every business in Australia has the certainty of knowing that, should we be fortunate enough to become the government of Australia after the next federal election, the carbon tax will go. How much more certainty does business need? It will go. Businesses understand that, and they can read the opinion polls the same as anyone can read the opinion polls. They know the sentiment of Australians. They know that Australians are just waiting with the proverbial baseball bat to get rid of this dysfunctional, dishonest and incompetent government. They can understand that, with a new government, electricity prices will fall by at least nine per cent, and in some places, like my state of Queensland, prices will fall by anything from 11 per cent to 15 per cent because the carbon tax will go.

Under Labor, there is a regime of increased carbon tax, and of necessity that means increased electricity prices. So the price of electricity, should Labor stay in power, will continue to increase because that is what Labor is all about. At least with a skerrick of honesty they have not tried to hide from the fact that they are determined to keep increasing the price of carbon to stop usage. We have a ridiculous situation you might recall, Madam Acting Deputy President, where we have just passed a bill removing the $15 lower fee for the price of carbon. They now want to put it back to the European price, which, the last time I looked, was around $8 or $9, and which they anticipate in their forward modelling will go up to $29 per tonne. If they believe it is going to get up to $29 per tonne, why are they reducing the $15 per tonne limit? It just does not make sense, but it is typical of this government's confusion.

I will conclude my remarks on this report. I do want to congratulate Senator Edwards and Senator Cormann on the additional comments part of the report, which is a very telling part of the document. I assure listeners that there will be reductions in electricity prices under the coalition because we will get rid of the carbon tax, and that will bring about an immediate 10 per cent reduction.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (13:51): I would like to make three comments about the inquiry and the report. I was fortunate enough to go to the Liddell power station last week, where they have a solar-thermal project in place to assist in the production of steam to run the four turbines. There are 30,000 square metres of mirrors at a cost of $16 million. You would think that, if you invested $16 million, it would be a great contribution for the steam pressure to drive the turbines. What are the problems with it? The first is keeping the mirrors clean. There is a lot of dust in that area. Of course they are very happy when the rain comes to clean the mirrors. They clean the mirrors with a machine to try and get some more effect.
Remember that figure: $16 million. We said to them, 'How much does this save you as far as burning coal?' The chap said, 'Around 3,000 tonnes a year.' I said: 'What is that on percentage?' He said, 'That is one-quarter of one per cent of what one turbine uses.' I said, 'In other words, it is one-sixteenth of one per cent of what you burn with Loy Yang power station a year? It is $16 million to save one-sixteenth of one per cent. What a waste of $16 million. We could have done a lot with that for hospitals or somewhere else around the bush.'

Senator Ludlam: Keep burning coal.

Senator WILLIAMS: I will take the interjection from Senator Ludlam. Last year China burnt 3.1 billion tonnes of coal. That was an increase of 434 million tonnes in 12 months. Australia produced 421 million tonnes in total domestic and export coal in that time. China increased its consumption by more than what the whole of Australia produced. And Senator Ludlam is going to save the planet by shutting down all of our coalmines. No, he will not. It is not going to alter anything. China will go to 17.6 billion tonnes of CO2 by 2020. They are the figures. So how are you going to save the planet when $16 million worth of mirrors are not even clean enough to check yourself in? What a waste of money.

I want to get to another point about the carbon tax. A couple of weeks ago, I was challenged to table the accounts from GrainCorp Australia in Tamworth that show they are paying around $30,000 a month for the carbon tax. I tabled them. Senator Conroy was begging for me to table them, as was Senator Evans. Since I have tabled those figures I have not heard a squeak from them. I wonder why? The carbon tax component is costing that business around $350,000 a year. There is your problem. Senator Kim Carr, said, 'We dare you to table them.' I tabled them all right. Where is your comment back? A bill of $350,000 a year for a business in Tamworth that employs 68 people! They can thank Mr Windsor for it. That is who they can thank for driving the carbon tax.

The fact is that the network in New South Wales was neglected for 16 years because of incompetent, corrupt Labor governments. There is the problem. IPART—the independent pricing authority—is raising the price of electricity in New South Wales. The carbon tax is more than half of that increase. So this is about the neglect of the network by the Labor Party as well as the carbon tax. Our competitors overseas are not putting up with this. They do not have to pay for it. All this carbon tax will do is make our businesses less competitive, threaten jobs, threaten businesses and make a field day for the liquidators.

The Greens might think that a cost of $16 million to save one-quarter of one per cent of coal being burnt is going to change the planet. No, it is not. It is going to change what is in your pocket; it is going to change your bank account. It is not going to change the planet.

Senator RYAN (Victoria) (13:55): The Senate Select Committee on Electricity Prices report brings to a head the farce that has been the Labor Party and their Greens allies when it comes to energy prices in Australia. Desperate to create the illusion of compassion, they set up this committee with some contrived empathy about electricity prices. They set up the committee dominated by themselves, so of course it limits who can be called; it limits the evidence. But nothing can hide the truth, because the very logic that the advocates of this carbon tax have put forward is that it drives up electricity prices. That is the very logic of the program. It is the whole idea of creating a price signal. Oops!
All of a sudden, the price signal is starting to get a little bit too harsh.

We have the government whip in the other place publicly complaining about electricity prices. The government understand that, with their Greens allies at their back, they are attacking their own constituency. People on fixed incomes are reconsidering whether to use heaters during winter. People on fixed incomes are going to think on a 38 degree Melbourne day, 'Can I afford to run the air conditioner?' In this society today, that is what the Labor Party want people on fixed incomes to think about. That is not what this party stands for.

There was some great evidence—and I will give Senator Cormann the credit for this—given to this inquiry. He highlights this in the opposition's comments to the report, despite the officials from the Department of Resources, Energy and Tourism, not using the word 'tax'. That is like the word 'price', which has been redefined like another word in recent history by Macquarie Dictionary. A 'price' now means a 'tax'. Mr Morling of the Department of Resources, Energy and Tourism in evidence to this committee specifically outlined that the biggest driver of increased electricity prices was the carbon price. He described it as a 'carbon cost', which is probably a redefinition that the government has undertaken. Senator Cormann highlighted this. So the biggest driver the government has just mentioned for increasing the cost of electricity is the carbon tax, and Mr Morling admits it.

So we now have the government trying to obfuscate and defer blame onto network costs—and here is where a little bit of history is relevant. I come from the state of Victoria. We are still bearing the cost of the carbon price, but some of the problems that are being experienced elsewhere are not being experienced in Victoria, and that is precisely because we had our way and people like Senator Carr and Senator Conroy did not have their way. In the mid-1990s we sold our electricity networks, so we did not have the ability of our Labor governments to dividend strip, run down and refuse to invest. We did not have the gold-plating that is a vain effort to create jobs, which has been happening in other states so that Labor can recover from its failures. We have the impact solely of the carbon price in Victoria. Senator Carr, you lost that battle with your mates back in the mid-1990s. You lost your battle when Joan Kirner sold off part of Loy Yang B. You lost that battle. We sold off the network, we sold off the generators and we sold off the retailers.

With the complete hypocrisy that is so typical of this government, we now have the current Prime Minister—the former chief of staff to the then Leader of the Opposition, John Brumby, when Labor were implacably opposed to privatising the electricity network in Victoria—lecturing Liberal governments on how they should privatise. For Senator Thistlethwaite, as a New South Wales senator and a former General Secretary of the ALP, to be lecturing anyone on how we should be privatising the electricity networks of this country to save costs is absolutely hilarious. Senator Carr can tell us a few stories about how gutless the Labor Party is. In New South Wales, Senator Kim Carr, the unions won. Your colleagues in New South Wales won. And what they won was for decades hence increased electricity prices as a result of dividend stripping, under investment and new governments having to play catch-up.

Senator Thistlethwaite interjecting—

Senator RYAN: We are going to keep dividend stripping, are we, Senator Thistlethwaite? That is what the Labor Party does. This report is not worth the paper it is
printed on. The Labor Party's compassion for people suffering under electricity prices is nothing but contrived. The Australian people know about it. And they will remember it, especially as summer comes and they want to use their air conditioner.

The PRESIDENT: Order! The time allotted for this debate has expired.

QUESTIONS WITHOUT NOTICE

Mining

Senator CORMANN (Western Australia) (14:00): My question is to the Minister representing the Treasurer, Senator Wong. Can the Minister confirm that all state and territory royalties on iron ore or coal paid by mining companies across Australia are creditable against any minerals resource rent tax liability?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:00): It is the case, I think, in this debate that we have been using the word 'creditable'—and I assume that the senator is referring to a question which was asked and answered in the other place yesterday—when in fact the technical term would be 'deductible allowance'. I can confirm that royalty credits are used by way of a deductible allowance. I can confirm that royalty credits are used by way of a deductible allowance; that is the way it operates in law. Obviously, in the course of the way in which royalties have been discussed in the context of the MRRT, various ministers and other players, including the industry, have referred to it as 'creditable'. But, in fact, the technical way in which this is administered under the MRRT and in tax returns is by way of a deductible allowance that reduces tax liability. So I trust that that is of assistance to the senator in terms of clarifying how these royalties work.

I would again make the point that I made yesterday: that the design of the tax, including the fact that state royalties can be deducted against MRRT liability, has of course been factored into the estimates, which were updated in the midyear review. Those reflect, as the senator has heard me say on a number of occasions now, a reduction in the revenue as a result of various parameters changing, including the fact that commodity prices have come off significantly since the budget. I think we had a discussion that, as a Western Australian, he should be aware of that. Obviously royalties do represent a cost to miners, and it is disappointing that we see the Liberal Party championing an additional cost to miners that is based on volume and not profit.

Senator CORMANN (Western Australia) (14:02): Mr President, I ask a supplementary question. Given the minister's answer, and given that in the MRRT heads of agreement, which the Prime Minister and the Treasurer signed, it says very clearly that 'all state and territory royalties will be creditable against a resources tax liability', can she explain why the Treasurer told the House of Representatives yesterday that unused royalties are not creditable?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:03): I think that what we see in that question is the problem with asking a supplementary that you wrote before you listened to the primary answer, because I in fact answered that question in the first answer. He may not have understood it; I shall try it again. It is obviously the case that royalties are able to be deducted or credited against MRRT revenue. The Treasurer was making the point that the government is not providing—

Senator Cormann: Why did the Treasurer say they were? What he said was wrong. Just admit it!

Senator WONG: Do you want the answer, or do you want to yell at me? Which
would you prefer? I can just sit down if you want to yell at me.

Senator Ian Macdonald: That was Don Farrell yelling at you!

The PRESIDENT: Order! Minister, ignore the interjection. Interjections are disorderly; address the chair.

Senator WONG: The Treasurer was making the point yesterday that the government was not providing a refundable credit, as was the case under the RSPT. Instead, royalty credits are used by way of a deductible allowance under the law.

Senator CORMANN (Western Australia) (14:04): Mr President, I ask a further supplementary question. Given that yesterday this Minister for Finance and Deregulation was not able to confirm that a growing stockpile of royalty credits would attract more than 10 per cent compound interest and that the Treasurer is clearly not across the operation of his complex mining tax either, why should anyone believe that it will raise $2 billion this financial year? Instead of waiting until next year to admit that Labor will deliver yet another budget deficit, why do they not just come clean and now fess up that there will be no Labor budget surplus this year?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): Most of that was in fact another recital of the coalition's lines on this issue, but in terms of the question time response I am very happy to try and assist the senator on the royalties issue. In the same way as most other mining costs are treated, royalties are carried forward with an uplift factor, which in this case, as he would be aware, is the long-term bond rate plus seven percentage points. It can be deducted in future years as a royalty allowance. This is the same treatment applied to most types of deductions under the MRRT but, unlike most other expenses, royalties cannot be transferred to separate projects. I would make the point that, without this sort of design feature, investors would be discouraged from undertaking investments that take time to recoup. So I assume that the coalition would in fact not be opposed to this.

I think I took these issues on notice yesterday, and I am glad that I have had the opportunity to provide the senator with further information now.

Health

Senator MARSHALL (Victoria) (14:06): My question is to the Minister representing the Minister for Health, Senator Ludwig. Can the minister outline to the Senate the investments the Gillard government is making in the health and hospital system?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:06): I thank Senator Marshall for his continuing interest in Victorian health. I know that he, like all on this side, has a long-standing commitment to improving healthcare and hospitals for the long-term. The senator is quite right to identify the importance of investment in health care and hospitals. This Labor government is delivering better health services for Australians. We are investing over $74 billion in health and aged care spending through from 2012-13, and over $15 billion in hospitals from the same period. We are investing in the Royal Hobart Hospital and the Grafton hospital and many more like them. We are investing in the Victorian Comprehensive Cancer Centre and over 21 regional cancer centres All up this Labor government has increased hospital funding by well over 50 per cent since we were elected. We are now undertaking crucial reforms to build a better health and
hospital system for the future. This is a true national reform deal, with more beds, more funding, more transparency, less bureaucracy and less waiting periods. Health reform will provide 13,000 more subacute beds and be better targeting for elective surgery and emergency departments. All this investment comes with a commitment for value for money, which is so important for our healthcare system. We are saving time and money and reducing medical errors with the new e-health reform agenda.

All this might sound hard to believe for those who are opposite. Their legacy is, of course, ripping $1 billion out of hospitals, capping GP training places and leaving a shortage of 6,000 nurses. The Liberal-National Party would have scrapped health reform, cut after-hours GP support and stopped hospital investment. Mr Abbott was, I would have thought, Australia's poorest health minister for the actions he undertook. He opposed— (Time expired)

Senator MARSHALL (Victoria) (14:08): Mr President, I ask a supplementary question. Can the minister outline to the Senate what the Gillard government is doing to support patients in the health and hospital system?

Senator LUDWIG (Queensland— Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:08): I thank Senator Marshall for his continued interest in Victorian health care. The Gillard government continues to invest in our hospital system, but there are those who are acting against patient interests. It is time for the Liberal-National Baillieu government to act. In the last budget we committed $100 million in funds for 11 regional priority round projects with the Victorian government: a regional cancer centre in Albury, a dental clinic in Ballarat, a district health centre in Kerang—all vital upgrades and projects for patients. Barwon Health, East Grampians Health Service, Mildura Base Hospital—all are on the list. The Commonwealth also allocated $111 million to Victoria for patient care, including 82 subacute hospital beds. Victoria agreed to all of this funding in February 2012. Now it is November and they still have not signed the agreement, denying and refusing to take more than $200 million— (Time expired)

National Disability Insurance Scheme

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate)
My question is to the Minister for Finance and Deregulation, Senator Wong. Does the minister agree with the statement by the Secretary of the Department of Finance and Deregulation, Mr David Tune, in Senate estimates on 16 October, that, while there has been a decision by government to fund the Parramatta to Epping rail link beyond the forward estimates, in contrast there has been no decision and no commitment by government to fund the NDIS beyond the forward estimates? Can the minister confirm this?

**Senator Wong** (South Australia—Minister for Finance and Deregulation) (14:11): I was present at those estimates and I do not think the answer was quite as simple as has been put in that question. We made very clear that obviously in the context of the NDIS there were ongoing discussions underway currently with the states and that final decisions on funding, including the source of funding, was something that obviously needed to await the finalisation of those discussions.

I would make the point also that, if you want to make political mischief with this issue, I think that is disappointing. Mr Hockey is on the record—

**Senator Fifield:** I have a point of order on relevance, Mr President. The question was very specific as to the status of funding of the NDIS—whether there had been a commitment to fund the NDIS beyond the forward estimates. I might ask the minister to reflect on her answer. Australians with disability do not appreciate petty partisan point-scoring in relation to the issue of funding; they just want an answer.

**The President:** That is debating the issue. There is no point of order. The minister is answering the question.

**Senator Wong:** You can make petty political points; we are doing it. I would refer you to Ms Macklin's speech to the Press Club yesterday, where she gave a speech about the legislation and the parameters of the scheme.

**Opposition senators interjecting—**

**Senator Wong:** I will take the interjection, I think from Senator Payne, about 'show us the money'.

**The President:** Senator Wong, resume your seat. Order!

**Honourable senators interjecting—**

**The President:** Order! When the debate ceases across the chamber, we will proceed.

**Honourable senators interjecting—**

**The President:** On both sides! When there is silence on both sides we will proceed.

**Senator Wong:** I would welcome a bipartisan approach on this issue, but, regrettably, I do not think the opposition are capable of delivering it. I will give Senator Fifield this: I think he is one of the people on that side who are committed to this issue. But regrettably his shadow Treasurer has made very clear that his commitment is lukewarm at best. On this side, as the Treasurer said in the context of the MYEFO, we expect to be able to say more on NDIS by the next budget. I look forward to you doing the same and matching the government’s commitment to a National Disability Insurance Scheme.

**Senator Fifield** (Victoria—Manager of Opposition Business in the Senate) (14:15): Mr President, I ask a supplementary question. If a rail project needs certainty of funding so that there is no chance of it being suspended in the middle of laying sleepers, isn't it at least as important for funding certainty to be provided to the NDIS so that there is a guarantee the scheme will continue beyond the five launch sites?
Senator WONG (South Australia—Minister for Finance and Deregulation) (14:15): That question was from the opposition, under whom disability funding went backwards. When you were in government disability funding grew at less than inflation, so do not come in here trying to play politics with an issue that you never showed any commitment on in all the years you were in government. We are committed to a National Disability Insurance Scheme. We will work through this properly with the states, the stakeholders and the community, as it should be.

Senator Fifield: Mr President, I rise on a point of order, regrettably, on relevance. The question was in relation to certainty of funding for the NDIS beyond the launch sites. We are not going to progress very far in relation to this issue if simple questions of fact cannot be asked without receiving a partisan rant in return. That will not impress Australians with disabilities or their families.

Senator Jacinta Collins: Mr President, the point does need to be made. Senator Fifield is making very cheap and disrespectful comparisons with rail projects that anyone who has any detailed understanding of disability policy would not seek to progress. He is making a fool of himself.

Honourable senators interjecting—

The PRESIDENT: When the debate across the chamber ceases, we will proceed.

Senator Ian Macdonald: There has never been a President as biased as this one.

Honourable senators interjecting—

The PRESIDENT: When there is silence on both sides, we will proceed.

Senator Jacinta Collins: Mr President, Senator Macdonald made a very clear imputation against the chair and I think he should be asked to withdraw.

The PRESIDENT: It does not help with senators on both sides calling across the chamber. I did not hear any comment that Senator Macdonald made.

Honourable senators interjecting—

The PRESIDENT: There is no point of order at this stage. I am listening closely to the minister's answer. The minister has 31 seconds remaining to address the question.

Senator WONG: I note that, for example, in the federal seat of Hindmarsh pamphlets are being handed out saying that the Liberals are committed to a NDIS, so I assume therefore you are going to stand up shortly and tell us how you are going to fund it because, without that funding commitment, according to your logic there is no commitment. We have said we are committed. We are doing the work with the states and the minister has outlined the presentation of the legislation—the real work to make this scheme real. On your side all we have had is petty partisanship. (Time expired)

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:20): Mr President, I ask a second supplementary question. When the NDIS transition agency legislation is introduced into the parliament in the week commencing 26 November, as outlined by Minister Macklin yesterday, will the government then announce full funding for the NDIS, something it failed to do in the budget and something it failed to do in the MYEFO minibudget? When will Australians with disability have funding certainty for the NDIS?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:20): As the minister has made clear and as the Treasurer has made clear, we will have
more to say about the NDIS in the next budget. I look forward when we do to those opposite coming in and supporting the government's position because I think it is utterly regrettable for people with a disability and their families that we see in this chamber the sort of partisanship that has been on display today. We are doing the work to make this scheme real. Your problem, Senator Fifield, is that you are not as yet able to get fulsome support for this across your party room. It stands in stark contrast to the people on this side of the chamber. The party that built Medicare twice, because those opposite and their predecessors tore it down, will build an NDIS.

Honourable senators interjecting—

The PRESIDENT: When there is silence, we will proceed.

Environment

Senator WATERS (Queensland) (14:21): My question is to the Minister representing the Prime Minister, Senator Evans, regarding the scope of the handover of federal environmental responsibilities under the COAG deal. There is considerable confusion about what environment powers the federal government is preparing to hand to the states. In estimates the government confirmed that everything was up for grabs and that officers in PM&C were drafting standards for all matters of national environmental significance to enable a hand-off to the states of federal approval powers. However, this week the Minister for Sustainability, Environment, Water, Population and Communities told one of my colleagues that nuclear activities would be retained by the feds. The minister and the department are saying different things. Which is the truth? Which matters of national environmental significance is the government currently preparing to hand to the states to administer?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:22): I thank Senator Waters for the question, but I have to indicate that I do not have a detailed brief on that question. Most of them go to the environmental portfolio, which I do not represent in this chamber. I accept that, as representing the Prime Minister, I have to have a broad grasp of many issues, and sometimes I fail in having a broad enough grasp. But, in terms of the details that you seek, I will have to take those aspects on notice and ask, probably, for the environment minister to provide an update to the information you were given during the estimates processes. I am sure he will be able to get that to me quickly.

Senator WATERS (Queensland) (14:23): Thank you, Minister. Yes, it is officials in the Department of the Prime Minister and Cabinet that are actually doing the drafting, so thank you for taking that on notice. I have a supplementary question. The April COAG agreement for the feds to hand off their powers to the states followed intense lobbying by big business. How many times has the minister or the department met with the business community about the design of our environmental laws, and why is the government letting big business write its environmental laws?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:23): If the question is about whether I have met with business as the minister, I met with them this morning. If it is about the minister for the environment, I will have to take that on notice. But I do reject the suggestion that our environmental policy has been developed by responding to some directive by what you refer to as 'big business'. As I understand it,
the COAG agreement is to negotiate approved bilateral agreements to provide that environmental standards can be met. We are prepared to consider accrediting states to approve all matters of national environmental significance except uranium mining. Consistent with the COAG communique, the Commonwealth will work in the context of bilateral discussions. As I say, in terms of the detail you have asked for, I will get an answer from the minister in response.

Senator WATERS (Queensland) (14:25): Thank you, Minister. You answered my first question, so that was helpful. I have a second supplementary question: why does the government think the states are up to the job if they have not assessed the capacity of the states to administer the federal government's environmental responsibilities, they have not considered the states' poor history on environmental matters and they have not considered the recent job cuts in state environment departments, particularly Queensland?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:25): Clearly any negotiations with the states would be undertaken based on standards which the Commonwealth would require, which obviously relate to statutory requirements and the minister's satisfaction. I understand some draft standards are being prepared, but clearly it would be on the basis that the Commonwealth was satisfied with the arrangements that we put in place. But, as I say, I am happy to take the detail of the question on notice and get a full response from the minister for the environment.

Gambling

Senator FIERRAVANTI-WELLS (New South Wales) (14:26): My question is to the Minister representing the Minister for Families, Community Services and Indigenous Affairs, Senator Chris Evans. On 22 January Minister Macklin publicly released to Clubs ACT her offer for a trial of mandatory precommitment in the ACT. On 27 January, following media inquiries to the minister's office about the conflict of interest of giving money to Labor clubs in the ACT, urgent advice on this was sought from Oakton consulting. What is the overall cost of the ACT poker machine trial, and how will the government ensure there is no conflict of interest involved in Labor- and union-connected clubs receiving $725,000 in monthly incentives, or around 25 per cent of the moneys earmarked for this trial, according to information I received under FOI?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:27): I suppose the first point to make is that I do not take advice from those who take money from big tobacco about the principles that ought to apply to moral judgements about where one takes one's donations from. So I want to make it clear that the outrage expressed in the question bears no scrutiny. We have a system where any donations to political parties are made public through proper declarations through the AEC. Those are publicly available and I do not wish to comment on the detail. I do not have any detail before me.

The senator would know that today we have introduced into the parliament the first national legislation to tackle problem gambling, which includes a staged, evidence-based pathway to precommitment. We know of course that, while gambling is enjoyed by many Australians in moderation and is a legitimate industry, it is also the case that we have a large number of people who suffer
from gambling addiction and that that addiction causes great pain to them and their families.

Senator Fierravanti-Wells: Mr President, I rise on a point of order on relevance. Minister, I asked you a direct question. You have not answered my question. Perhaps I could assist you by tabling folio 45 from material that I received under freedom of information, which may assist you in answering my question. I seek leave to table that document.

Leave not granted.

Senator Fierravanti-Wells: No, I did not think so.

The President: Order! Minister, you have 38 seconds.

Honourable senators interjecting —

The President: Order! Wait a minute, Minister. When there is silence, we will proceed.

Senator CHRIS EVANS: The senator well knows the courtesies that are observed before seeking to table documents in this place, a lesson that was reinforced to us by Senator Heffernan's behaviour over an incident we all remember. If the senator were serious about seeking to table that matter, she could show it to our manager and whip under the normal procedures and the courtesies we are all supposed to show to each other. I do not currently have a briefing on folio 45 of the senator's FOI application, so this is a getcher moment. (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (14:30): Mr President, I ask a supplementary question. I refer to the fact that the government is refusing to release the Oakton advice, which I have also sought under FOI, by asserting it is part of the deliberative process. How can consultants' advice, which was prepared and paid for after the government had already made and released its decision for an ACT poker machine precommitment trial, be regarded as deliberative?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:30): The question goes to the result of an FOI request lodged by the senator. The senator apparently had her FOI request refused. That would have been done in accordance with the normal procedures that apply under the legislation.

Senator Fierravanti-Wells: It goes to the fact that you are refusing to release information.

Honourable senators interjecting —

The President: Order! On both sides.

Senator CHRIS EVANS: FOI applications are made under the legislation, the Public Service directions, that apply to FOI requests. The decision maker makes a decision in relation to that request and the advice is provided to the applicant. There are also appeal mechanisms open to applicants which the senator can pursue. To suggest that I should interfere in the FOI process, the legal process is, of course improper and, if I did, I would be accused of improper interference.

Senator FIERRAVANTI-WELLS (New South Wales) (14:32): Mr President, I ask a second supplementary question. I refer to the FOI decision letter to me of 28 May which also argued that the Oakton advice should not be released on public interest grounds. Now that the legislation is before the parliament, Minister, will the government release Oakton's advice? What could be the public interest against the release of advice which will show how the government should deal with its gross conflict of interest?
Honourable senators interjecting—

The PRESIDENT: Order! When there is silence on both sides we will proceed.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:33): In the argument put in that supposed second supplementary question the senator answered her own question by saying that the proper processes had apparently led to a result that she did not like. I am sorry, Senator, I grieve for you. You used the proper processes, you got a result that was in accordance with those proper processes and you do not like the result. I have been a Dockers member for many years. We have not had many good results, but I just have to suck it up, because that is the way it goes. So, Senator, if you are unhappy with the FOI result—

Honourable senators interjecting—

Senator CHRIS EVANS: There is no arrogance about Dockers supporters, Senator, I can tell you. We have nothing to be arrogant about. Mr President, I cannot assist the senator by interfering in the FOI request. I know the opposition have had a bad week—they are all over the shop—but, quite frankly, you ought to be able to do better than this in terms of question time.

Asian Century

Senator MARK BISHOP (Western Australia) (14:34): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister update the Senate on the government's plans for strengthening Australia's economic engagement with Asia as outlined in the Asian century white paper?

Honourable senators interjecting—

The PRESIDENT: Order! I am waiting to call the foreign minister.

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:35): In the last two weeks Australia hosted visits from the Secretary-General of ASEAN, the Foreign Minister of Myanmar and the President and Foreign Minister of the Philippines. This habit of dialogue, this regular consultation, between governments, business and civil society is driving our closer engagement with the regions in the very spirit of what was outlined in the white paper. In fact, that white paper on Australia in the Asian century comes at a critical time in our relations with the region.

Honourable senators interjecting—

The PRESIDENT: Order! Please resume your seat, Senator Carr. When there is silence we will proceed.

Senator BOB CARR: Our goal is, of course, for Australia's trade links with Asia to be one-third of national GDP by 2025 taking it up from one-quarter in 2011. To achieve this we will need to connect with the growing Asian markets. That is why the government will pilot a new streamlined visa process that will make it easier for tourists and students to visit Australia, and Australia will expand our online visa lodgement system. We will support multiple entry visas and longer visa validity periods for low-risk visitors, which means more people will be able to come to Australia for longer periods. The government will increase the work and holiday visa programs with countries in Asia starting with an additional 1,000 from Indonesia. As part of the white paper strategy Australia will appoint a resident ambassador to ASEAN, strengthening Australia's ties with our 10 South-East Asian neighbours.

I want to say again that this habit of dialogue, this regular consultation, captures the spirit of the white paper. The government's white paper comes at precisely the moment when we can say that Australian
business is thinking of Asia as an extension of Australia. *(Time expired)*

**Senator MARK BISHOP** (Western Australia) (14:37): Mr President, I ask a supplementary question. Can the minister inform the Senate on the ASEAN connectivity agenda and what does this mean for Australia?

**Senator BOB CARR** (New South Wales—Minister for Foreign Affairs) (14:37): Mr President, connectivity is very important to ASEAN. The connectivity agenda is taken very seriously throughout the 10 nations that comprise ASEAN. By 2020 Australians will be able to catch a train from Singapore, on the equator, to Kunming in southern China. This massive rail project will connect the major economic hubs of south-east and north-east Asia. It will link more than two billion people, bringing new ideas, opening new markets and creating new business opportunities. ASEAN is building this 7,000-kilometre rail link as a centrepiece of this connectivity agenda: a plan to integrate transport, communications, education and people. It is an example of what the Australian academic Michael Wesley meant when he used the expression 'factory Asia', where China's neighbours are transforming themselves into manufacturers of component parts for products— *(Time expired)*

**Senator MARK BISHOP** (Western Australia) (14:38): Mr President, I ask a further supplementary question. Is the minister aware of any alternate plans for Asian engagement? I suspect not.

**Senator BOB CARR** (New South Wales—Minister for Foreign Affairs) (14:38): Sadly, I am aware that there is a different vision of Asian engagement in the coalition, where their leader talks of Asia limiting itself to the Anglophone.
disasters. South Korea is likely to continue to develop as a significant regional supplier of military equipment and will look to Australia's high-technology armed forces as potential buyers.

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:41): I will seek advice from my colleague and report back to the Senate.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:42): Extraordinarily, the minister has no knowledge of this very important issue. Mr President, I ask a supplementary question. Can the minister explain why the government recently rejected a second proposal from Samsung Techwin, despite them providing some $200 million in savings, which the government was looking for, and a flexible payment plan?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:42): Mr President, I refer to my previous answer.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:42): Mr President, I ask a further supplementary question. While I am sure the South Koreans will be somewhat perturbed that the minister has no knowledge of this, does the minister maintain that the government's treatment of Samsung Techwin will have no diplomatic, trade or commercial fallout for Australia, particularly given the Korean government's closeness to its defence industry?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:43): Mr President, I am delighted to report to the Senate that I had a long and cordial conversation with Foreign Minister Kim of South Korea on Friday. We canvassed many measures, including our two successes in election to the Security Council. We canvassed Australia's support for the green nation, the clean green initiatives that are sponsored—very proudly—by the government of South Korea. We spoke about several other matters. Foreign Minister Kim did not raise this matter with me.

Renewable Energy

Senator XENOPHON (South Australia) (14:44): My question is to the Minister representing the Minister for Industry and Innovation, Senator Lundy. Three wind farm developments in South Australia, New South Wales and Victoria are about to sign contracts with Chinese owned companies to supply the towers—meaning each tower and turbine, including blades, will be made from wholly imported parts and only assembled here. These very companies have recently had dumping duties of some 70 per cent imposed on them in the United States, although no such duties apply in Australia. Can the minister describe how these developments are contributing to Australian manufacturing industry? Are there any requirements on companies receiving Australian taxpayer support or subsidies to support Australian industry, as occurs in a number of other countries, including the United States and Canada? Is it appropriate that below-cost products are putting Australian manufacturers out of business?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:45): Before I answer, I think it is important to clarify that the maximum duty in the US on these imports is 70 per cent but some of the duties are just over 30 per cent. That said, the Gillard government are committed to ensuring Australia's economy delivers jobs and growth for the future. That is why we have comprehensive policies to maximise the...
opportunity for Australian industry to participate in major projects.

In July, the government implemented significant changes to strengthen the Commonwealth’s approach to Australian industry participation. As part of these reforms, the government will apply Australian Industry Participation Plans requirements to large government grants over $20 million. Since the senator has not specified which developments he is referring to, I cannot confirm that these particular projects have been required to complete these AIP Plans, ensuring Australian industry has full and fair access to contracts as part of the developments. But I can assure the senator that if these projects have received $20 million or more federal government support, they will have been required to complete such AIP Plans. In addition, these reforms further tighten administration of the Enhanced Project By-law Scheme, or EPBS, and require publication of the Australian Industry Participation Plans and outcomes.

These changes will improve the opportunities for Australian manufacturers, construction firms and service providers to win contracts on major projects. It is well-known that Australian manufacturing is under severe pressure at the moment, largely due to the strength of the Australian dollar. That is why the government has pursued and continues to pursue fundamental economic reforms. I would like to assure the senator that we are working to ensure Australian industry, including the renewable energy sector, has a bright, high-wage, high-skilled future in the Asian century.

Senator XENOPHON (South Australia) (14:47): Mr President, I ask a supplementary question. The Prime Minister recently opened the Tindo Solar panel manufacturing plant in South Australia, saying that Tindo shows our future as a high-skilled, high-wage, high-innovation economy. Is the minister aware that Tindo is currently battling against cheap, dumped solar panels from China? Can the minister provide any information on how the government will support Tindo in the context of the recent US government decision to
impose dumping duty on panels imported from China?

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:49): As the senator knows, the Gillard government are making the most important improvements to Australia's antidumping regime in more than a decade. Last year, we announced a package of improvements to Australia's antidumping regime and the changes are improving access to the antidumping system for businesses and the timeliness and quality of decision making. The improvements include increasing Customs staff working on antidumping by 45 per cent and increasing funding to hire experts and to assist Australian manufacturers in lodging applications for remedies against injurious dumping or subsidisation. These reforms also included establishing an International Trade Remedies Forum to provide advice on options for further improvements. Our practices stand up well to international comparison. For instance, prescribed investigation times are significantly lower in Australia—155 days—than the US, where it is 280 days, or in the EU—(Time expired)

**Broadband**

**Senator BIRMINGHAM** (South Australia) (14:50): My question is to the Minister for Broadband Communications and the Digital Economy, Senator Conroy.

**Senator Conroy**: That cost me 50 bucks. Fifty buck for Joe Ludwig—I have got two questions this year!

*Honourable senators interjecting—*

**The PRESIDENT**: Order! When the mirth has subsided, we will return to Senator Birmingham so he can ask his question.

**Senator BIRMINGHAM**: Can the minister confirm that over the last two years, 60 per cent of NBN Co.'s key management personnel have resigned, including executives in charge of construction, executives in charge of network operations, executives in charge of business development, executives in charge of commercial strategy as well as the NBN Co. chief financial officer?

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:51): Thank you, Mr President, and, apologies, Senator Ludwig, that is 50 bucks—two for the year! It is no surprise that those opposite have only asked their second question about the NBN of me this year, because they have so little to actually campaign on that they are reduced to drawing irrelevant additions and subtractions about how many staff have left the NBN.

Those opposite do not want to know about the 758,000 homes that we will have under construction or completed by the end of this year. What we have here is a transparent attempt to try and smear the NBN management yet again. It was not good enough for Mr Turnbull, a man who knows a great deal about financing—how much did Malcolm Turnbull pay the HIH liquidators back—

**The PRESIDENT**: Order! Senator Conroy, you need to refer to people in the other place by their correct titles, you need to address your answer to the chair, and you need to address the question.

**Senator CONROY**: Through you, Mr President, how much did Mr Turnbull pay back the HIH liquidators over that debacle? How much did he pay back?
The PRESIDENT: Order! Senator Conroy, you need to address the question.

Senator CONROY: Mr Turnbull is well placed to want to talk about probity! But this is nothing more than another pathetic smear. Prices are cheaper than, or equal to, what are currently in the market. We are on target to beat our construction, and the quality of the NBN service is talked about in newspapers by customers across the land. Those opposite have got absolutely no credibility when it comes to wanting to smear NBN with some purported claim about people coming and going after three years. (Time expired)

Senator BIRMINGHAM (South Australia) (14:54): Mr President, I ask a supplementary question. Will the minister confirm that, of the nine directors of NBN Co., all of whom were hand picked by his government, three have already stepped down and a fourth will do so in December? Is it also correct that the only board member with hands-on telecom experience, Doug Campbell, left in 2010? Is this, to use the minister's own word, as irrelevant as the 60 per cent-plus staff turnover in key management personnel?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:54): I have noted the opposition's recent attack on some of the finest businesspeople in this country. They have attacked—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Conroy, resume your seat. When there is silence, we will proceed.

Senator CONROY: Those opposite have decided: 'We can't attack the pricing anymore, we can't attack the rollout anymore, we can't attack the quality of the service anymore, so what can we try and do? We'll start attacking management; we'll start attacking the board.' The board have signed off on their corporate plan. Have I had one single question since the corporate plan was released in this chamber? Not one, because those opposite are simply following Mr Abbott's line—that they intend to demolish the NBN. Do not believe what Mr Turnbull is trying to say. Those luddites over there—

(Time expired)

Senator BIRMINGHAM (South Australia) (14:56): Mr President, I ask a further supplementary question. Can the minister explain, if the senior executives of NBN Co. and the board members of NBN Co. can all see how shambolic the NBN is and are resigning in droves, how it is that Australians should have any confidence that this $50 billion project with revolving door leadership which has failed to meet any of its key targets to date, will indeed meet any targets anytime in the future?

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence we will proceed. Senators are aware that debate across the chamber is disorderly.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:57): Those opposite attacked the government, attacked NBN Co. in February-March this year, and they said, 'They will never reach it. We will hold them to account. They won't reach 758,000 homes under construction or completed by December this year.' Well, as Mr Quigley told the joint parliamentary committee on Tuesday night, we are on target and we will meet 758,000. The corporate plan—

Honourable senators interjecting—

Senator Brandis interjecting—
Senator Chris Evans: Mr President, I rise on a point of order. Senator Brandis accused Mr Quigley of being a liar, which followed his earlier comment that ‘all of their executives are crooks’. I ask you to ask him to withdraw both assertions.

The PRESIDENT: Senator Brandis, you should withdraw that.

Senator Brandis: I withdraw.

Honourable senators interjecting—

The PRESIDENT: Order! It would assist the chair if there were not this constant calling out that goes across the chamber. It is very hard to hear comments that go on across the chamber when I should be listening to the minister.

Senator CONROY: I commend Senator Brandis on withdrawing. I am sure that in the heat of the moment there are things we all say that we rather wish we had not, so I wanted to commend him for that, Mr President. Those opposite simply do not want to know the facts—758,000 homes commenced construction by December this year. The member for Wentworth will eat those words—(Time expired)

Drug Testing in Sport

Senator THISTLETHWAITE (New South Wales) (14:59): My question is to the Minister for Sport, Senator Lundy. Can the minister advise, given the recent revelations by the United States Anti-Doping Agency of systematic doping by the US Postal Service cycling team, how the Australian public can be assured that the Australian government is addressing doping issues in Australia?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:59): Through the Australian Sports Anti-Doping Authority—ASADA—the Australian government is a world leader in protecting the health of athletes and the integrity of Australian sport through deterrence, detection and enforcement activities. ASADA has one of the most fully-integrated antidoping frameworks in the world and is committed to designing and delivering comprehensive education and communication programs, which include providing advice, support and services to national sporting bodies and building up its expert capability in the detection and management of alleged antidoping rule violations.

In 2011-12 alone, more than 7,000 tests were completed, including a mixture of random and targeted testing and ASADA’s no-advance-notice testing. In addition, ASADA recently signed a memorandum of understanding with the Australian Crime Commission to formalise a long-standing relationship. Through this formal relationship, ASADA will have access to high-level Australian law enforcement intelligence and strengthened communication flows. The MOU strengthens ASADA’s program, and this program includes the athlete biological passport. The passport is an individual electronic record of each individual athlete’s biological profile developed over time from the collection of multiple blood samples.

The PRESIDENT: Order! Just resume your seat, Senator Lundy. There is too much talk going on in the chamber. It is very difficult to hear the answer when people are carrying on their own debates and discussions in this chamber. It is disorderly. Senator Lundy, continue.

Senator LUNDY: Thank you, Mr President. The athlete biological passport is different from traditional detection methods in that the passport looks at the effects of doping rather than directly detecting the prohibited substances or methods used.
These are just two examples of our world-leading antidoping system. I can assure the public that this government is committed to the ongoing fight against doping in sport.

Senator THISTLETHWAITE (New South Wales) (15:01): Mr President, I ask a supplementary question. Can the minister outline the importance of the role of investigations alongside traditional methods of drug detection, such as blood testing, when investigating allegations of doping in sport?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:02): Senator Thistlethwaite raises a very important aspect of the fight against doping in sport. Investigations are a crucial component of ASADA's work. Since 2006, about one-third of Australian athletes banned from sport for doping violations were caught without ever returning a positive result on a traditional doping test. Intelligence gathering played a key role in that.

With the extraordinary revelations of sophisticated doping from the United States Anti-Doping Agency, it is little known that it was ASADA that redefined antidoping globally with its unique investigative function. ASADA employs full-time investigators who, in addition to their work in Australia, have assisted numerous antidoping agencies around the world to establish their own intelligence programs. Such is the reputation of Australia's investigations intelligence capability, ASADA will soon visit Switzerland to impart its expertise with a number of European countries.

Senator THISTLETHWAITE (New South Wales) (15:03): Mr President, I ask a further supplementary question. Can the minister advise the Senate if the Australian government has made a submission to phase 2 of the World Anti-Doping Authority code review?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:03): The World Anti-Doping Authority is currently reviewing its code and the Gillard government's submission identified areas where further refinement is required, or where issues with the proposed amendments were identified. Our submission to WADA identified 28 issues. The key issues covered in the government's submission revolved around the need to give the role of investigations and intelligence gathering greater prominence in the code. Included in that is a requirement that there is greater transparency in WADA's decision-making, particularly in relation to the development and review of the prohibited list and more consistency in the applications of sanctions to athletes.

Australia has a fantastic relationship with WADA and our submission reflected that. As a world leader in the antidoping program we look forward to working with WADA in the continuing review and their consideration of Australia's submission.

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

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

National Disability Insurance Scheme

Senator FIFIEND (Victoria—Manager of Opposition Business in the Senate) (15:04): I move:

That the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Fifield today relating to a National Disability Insurance Scheme.
For me, this was a particularly disappointing question time. As you know, Mr Deputy President, the National Disability Insurance Scheme is something that I have championed and something that this side of the chamber is extremely supportive of. We have entered a strange period when a question seeking factual information in relation to the NDIS cannot be asked without getting a partisan barrage in return. This is extremely disappointing because most senators would have hoped that the issue of the National Disability Insurance Scheme is one that could have been elevated beyond partisan politics. In fact, to that end, I have previously submitted a motion to the Senate seeking to establish a joint parliamentary committee, to be chaired by both sides of politics, to oversee the implementation of the NDIS. The purpose of that joint parliamentary committee would be to have an oversight mechanism that would span several parliaments, because the implementation of a full NDIS would indeed span several parliaments. It would be a forum where questions in relation to design, eligibility and funding of the NDIS could be asked, and could be asked in a way and in a forum that was not seen to be partisan.

That is one of the problems at the moment. Any time a factual, straightforward question seeking information is asked, whether it be in this chamber or in Senate estimates, all that comes back is the accusation that the opposition is being partisan. We get the accusation that the opposition is being petty, the accusation that the opposition is seeking to treat the NDIS as a political issue—and nothing could be further from the truth.

Australians with disability and their families and the organisations that support them and advocate for them have many questions in relation to the NDIS. They expect those questions to be put in the Australian parliament and I am putting those questions on behalf of them. The question which they ask time and again is: how does the government reconcile the funding profile outlined in the Productivity Commission’s landmark report? How do they reconcile that with the $1 billion in the last budget, which is a quarter of what the Productivity Commission said was necessary to establish the first phase of the NDIS? The budget is also silent about funding beyond the launch sites, silent about how the NDIS will be given effect through to 2018-19 and beyond.

This is a reasonable question to ask. In asking it, I should make clear that the opposition fully and warmly supports the $1 billion in the last budget. We fully and warmly support the five launch sites which have been announced. We hope that they are a success. We want the NDIS to be a success and we want it to happen. What we do not want to see are launch sites that are stranded because of lack of funding. What we do not want to see are hopes raised only to have them not fulfilled because of a lack of provision in the budget.

It is my earnest hope that full provision is made by the current government for the National Disability Insurance Scheme. That is what my questions were directed to. We know that that funding was not there, the full funding of it in the budget. We know it was not there in the MYEFO. My question to the minister was quite genuine. It was: at the time when Minister Macklin introduces into the parliament the legislation to give effect to the national disability insurance transition agency, will the minister announce the full funding for the National Disability Insurance Scheme? It would make sense that when you are introducing legislation to give effect to the National Disability Insurance Scheme, at the same time there would be a commitment and certainty about funding. That has not yet been outlined. I would expect and hope, and
I call on the government to provide funding certainty at the time that that legislation is introduced into the parliament.

Australians with a disability and their families are looking for that funding certainty. The opposition want to see that funding certainty, and we hope that our hand at bipartisanship is not rejected again. (Time expired)

Senator CAMERON (New South Wales) (15:10): I must say, for Senator Fifield to stand up and say that he has continually supported a national disability insurance scheme is a bit rich. Senator Fifield was in the office of former Treasurer Peter Costello. I am wondering what Senator Fifield did in those 11½ years when the coalition were in power. What did they do to establish, or even discuss or debate, a national disability scheme? We know the answer to that, because it is on the public record: they did absolutely nothing. It is another absolute joke to come here after a Labor government said that we will take on the task of ensuring that Australians with disabilities will be given fair treatment and a fair go in this country.

How could the Labor Party, the government, be confident of any bipartisan support from the most negative, the most destructive opposition that this country has ever seen? The negativity is there on every issue. Whether it is the National Broadband Network, whether it is the National Disability Insurance Scheme, whether it is about looking after workers' rights in this country, the coalition are negative. To stand up here, as Senator Fifield has, and talk about working cooperatively just defies the reality of the coalition.

But what this Labor government has done is to say to people with disability that we have a national plan, a national strategy and a care and conviction for Australians with disabilities and their families. We have said that we will get on with the job. We will not come here trying to score negative, petty political points. We have put our money where our mouth is. We have put up $1 billion to start trialling the scheme, a scheme that was never even on the horizon under the Howard government. I never heard, during my time watching the Howard government, any concern for people with disability. I never heard any vision for a plan or a strategy for Australians who suffer disability.

Who was it that brought this to the national agenda? It was Labor. It was Mr Bill Shorten from the other place, as a parliamentary secretary, who put it on the national agenda. I never heard a word out of the coalition about that issue until Labor placed the issue of the problems and the needs of people with disability on the national agenda. To come here and say that there should be some consensus committee put together, an oversight committee, is hypocrisy of the highest order. I have seen the coalition in action on oversight committees. I have seen the shadow minister for communications, Malcolm Turnbull, and I have seen Senator Birmingham in action on the Joint Committee on the National Broadband Network. It is negativity and it is petty political pointscoring.

We want to get on with the job of looking after people with disability. We want to get on with the plan and the strategy. We are sick and tired of the hypocrisy that exudes out of the coalition while we are getting on with the job. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (15:15): If I understand Senator Cameron's argument correctly, he is saying that the questions being asked by the coalition about the funding of the National Disability Insurance Scheme—the same questions which are being asked by families
and carers of people with disabilities the length and breadth of Australia—cannot be asked because the coalition did not do enough for disabilities when it was in government—

Senator Cameron: It did nothing! A big, fat zero!

Senator HUMPHRIES: That is not true, Senator Cameron. You were not here; you do not know. It is too negative these days so you cannot raise these issues. I say to Senator Cameron that the place of members and senators in the national parliament is to raise issues of national concern. I know, because I have seen these concerns expressed and I have heard these people raise these concerns, that it is absolutely appropriate to ask a question in the Australian Senate about when the government intends to put flesh on the bare bones of a promise to deliver a National Disability Insurance Scheme. The government has made promises and put a small amount of money forward, much less than the Productivity Commission—which, despite what Senator Cameron says, is the real originator of this plan, not the government. The Productivity Commission has asked that a certain amount of money be put forward. It said there ought to be $3.9 billion on the table and the government—

Senator McEwen: We commissioned it!'

Senator HUMPHRIES: Okay, Senator McEwen, you deserve credit for commissioning it. But, having asked the question, the Productivity Commission has put forward the plan—not the government, per se; the commission has done it. And when it did so all of the parties in the federal parliament said: 'Yes, we recognise a good idea. We put our hands up to that happening.' We all did. It is not Labor's NDIS. It is an NDIS which ought to be welcomed and accepted as a national plan, as part of a national agenda. It is unfortunate in the extreme that the Labor Party has chosen to say: 'We're the ones committed to this. We're going to make it happen,' when, in fact, the evidence is not there.

I said that this was the concern not just of the coalition but also of others. I note that the ABC reported only a short while ago that Kate Larsen from Arts Access Australia raised concerns about the fact that in the MYEFO of a week or so ago there was nothing to clarify how this is going to be paid for. She said:

… for it not to be included in those projections, it is a huge blow.

Those are not our words; those are the words of those advocating for people with disabilities. Disability advocate Stella Young was reported on the ABC as saying:

There's a little bit of a feeling that people with disabilities in our families are again sort of being used as a political football.

And you know, rolling it out a year early, great, but rolling it out a year earlier without a solid plan for how we're going to fund it is not OK, it's too precarious and too scary.

This is what the people in the community who are dealing with these issues, who are caring for people with disabilities and who are advocating for them, are saying. That is the issue the coalition is putting on the table today.

If the government is serious about this it ought to be prepared to say how it is going to fund it. It is introducing legislation to bring forward this national scheme but as yet the details are not there. With great respect to the government, it has form in the past of this practice of making big announcements and not carrying them through financially. I am thinking of the dental scheme announced by the Labor government in the early nineties—a fantastic scheme to pay for dentistry. It ran for three years and then ran out of money.
There was no money in the forward estimates—the money went. The other is the National Museum of Australia, which the government announced with a great fanfare, saying it was a fantastic idea, in the very beginning of the Hawke-Keating government. But when it left office in 1996 nothing had happened.

That is the kind of form we are facing on these matters. Unfortunately, in comparison with those other programs, this affects the daily lives of Australians living with disabilities. They are anxious about getting involved in these trials around the country, particularly in the ACT, where it is most extensive. They are concerned about whether they will be stranded when the money does not appear at the end of the trials. These are fair concerns, and if the minister finds it beneath her dignity to answer questions about those matters, to tell people out there who are wanting to know what their future will be, that is a very sorry day for the parliament.

Senator MARK BISHOP (Western Australia) (15:20): Federation occurred in this country in 1901. Since that time we have been through enormous change—world wars, great depressions, huge migrant intake—large changes to the fabric of this country. But it is fair to say that since Federation there has been one group of Australians who have been disadvantaged by comparison for that entire period. In that time other groups have used leverage, negotiation and bargaining power to improve their physical or their material lot. One group of Australians was not so fortunate, and we know who we are talking about: those with disability, whether by birth, genetics, affliction, time, age or the sheer vicissitudes of life.

That neglect has occurred from 1901 to the early part of this century under successive governments for reasons that do not need to be gone into. But in recent times our government has chosen to make the issue of persons suffering from disabilities, and families who have looked after those with disabilities, a priority. In doing so we did not determine it on the basis of what we the government or the advisers to the government thought was best, appropriate or achievable. We chose at the outset to make this an issue, to make it serious and to have that once-in-a-century reform that was going to permanently advantage those people who were suffering some or many forms of disablement. So we sent off a reference to the Productivity Commission to devise a scheme that could be implemented over time, with bells and whistles but, importantly, with funding and with efficiency constraints built in so that it would not fall over after two years, four years or six years because the government of the day no longer regarded it as a priority. The Productivity Commission reported back to the government and the government accepted the thrust of its recommendations, accepted the model that was recommended, in an objective fashion, and set about achieving that. But we are not fools in this government; we know that reform that takes a century to achieve, that has to last 50 or 80 years, needs to be done properly. We knew it would take time, that it would take five, eight or 10 years to build, and funding would have to be achieved over that sort of time, so we set about doing it in stages. We set out with a plan and we allocated, in the first round, over a billion dollars.

At no stage have the opposition or the minority parties been denied access to government ministers. At no time has their correspondence been returned unopened. We have invited them to participate, to share their ideas, to share their vision. But more than that, every day of the week when we
meet in this parliament, we have committees that examine expenditure, that go through proposals from government line by line to allocate funds to build policy, to create institutions, to hire persons to carry out jobs. The opposition has never been restricted from participating in any of those activities. In fact and in practice, there is a de facto, bipartisan, modelled approach to the building of a disability regime in this country. The opposition has an important role, and it is to question what this government is doing—in public, in the open, with Hansard and with reporters and filming. If we make mistakes we will respond to those.

What have we done so far? We have negotiated with the opposition. We have negotiated with all of the states. We have allocated a billion dollars of funding. We are going through models and trials in three or four different parts of Australia to see what works effectively and what does not, so that it can be spread. In May of next year, the government has publicly committed to bring down more detail, to allocate a significant amount of additional funds to the ongoing implementation of disability reform in this country. (Time expired)

Senator SMITH (Western Australia) (15:25): I also rise to take note of answers given this afternoon by Senator Wong with respect to questions asked by Senator Fifield. I would like to reflect on the very measured tone of my colleague Senator Fifield, who talked about his disappointment at the response that he received to quite legitimate questioning about how the National Disability Insurance Scheme would be funded. Instead we had a partisan barrage. I think we are all agreed that this issue needs to be elevated above party politics in the interests of all Australians but most particularly in the interests of those with a disability.

My Western Australian Labor colleague, Senator Bishop, made some interesting remarks about Federation. He pointed to the fact that there is one group of Australians who have been disadvantaged for the entire time of our Federation, and that is Australians with disabilities. I would like to add my concern, as a West Australian senator, that that disadvantage could be amplified under a national disability insurance scheme for West Australians who suffer a disability.

I would like to reflect on some of the attitudes of the West Australian government which, I think it is fair to say, are not necessarily aligned to those of the current federal government. The West Australian government's disability service system has evolved through 25 years of bipartisan reform and funding growth. That system is recognised nationally and internationally for its focus on individualised funding, on developing local relationships and for the support provided to people through the network of local area coordinators. That fact was recognised in 2011 in the Disability care and support report of the Productivity Commission and it recommended quite specifically that these features of the West Australian system must be adopted nationally through the National Disability Insurance Scheme. I think that those words are quite important for us to reflect on, particularly for those senators like myself and, might I add, Senator Bishop, who represent Western Australia.

The issue is very significant and absolutely deserves to be raised above the level of partisan politics. I would just like to reiterate a word of warning about the development of the scheme as we progress to, hopefully, not only the delivery of the legislation to the parliament but also a very clear funding commitment from this federal government about what it will do to fund in
its entirety a national disability insurance scheme. That word of warning comes from the West Australian government. The West Australian government also considers that the National Disability Insurance Scheme should build on the existing disability system in Western Australia, including local area coordinators, individualised funding and a strong disability services sector. These elements will continue to ensure that people with disability currently accessing services and supports will be provided with an equal if not better level of care.

The Commonwealth government's proposal that a new national agency take over responsibility for the system risks disrupting the services and supports that people receive by reducing flexibility to their local needs, changing the way the service providers are funded and undermining established relationships. These are important and critical issues that I look forward to reflecting on and representing the views not just of the West Australian government but of West Australians with disability services when that legislation comes to the Senate. I think it is worth adding—and reflecting on the fact—that the coalition was and is committed to a bipartisan approach to the delivery of better disability services for all Australians. It is disappointing given the coalition's proposition that a joint committee of this parliament should oversee the development and the implementation of this once-in-a-century opportunity. We need to exercise great caution at the moment that these expectations are not being unfairly raised and that this does not perpetuate itself as a cruel hoax on people with disabilities in our country. It is my great hope that this once-in-a-lifetime reform will deliver for West Australians with disabilities a better funding arrangement and better opportunities for a greater quality of life than they currently receive. Let me repeat that: I am hoping that the National Disability Insurance Scheme will deliver for West Australians with disabilities a better standard of care services than they currently receive. *(Time expired)*

**Environment**

Senator WATERS (Queensland) (15:30):

I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Waters today relating to environmental responsibilities. I want to start by reading into the record a quote from a young Labor MP in 1999, when our environment laws were being passed:

… in this legislation they have enabled the states and the Commonwealth to now go through a process where, through a bilateral agreement, in future the Commonwealth could say to Victoria—and states with track records of environmental vandalism like Victoria—‘Here, you have the responsibility for the Ramsar wetlands. Here, you have the responsibility for the environmental impacts of a toxic dump,’ and just let it happen.

The MP that was protesting that disastrous possibility of the federal government being able to hand over its powers to the states was, in fact, the current Prime Minister and so in 1999 Prime Minister Gillard thought the environment was too important to hand to the states. Back in April of this year, after a love-in with big business and a COAG meeting the next day, the Prime Minister made some statements that half the environment was too important to hand to the states, that the feds would retain responsibility for world heritage and for Commonwealth waters and for nuclear issues. Yet some confusion remains.

In Senate estimates a few weeks ago, I clarified in questioning of the officials
precisely what is on the table, so just how much of the environment powers of the federal government are these department officials preparing to hand over. They clarified for me that, in fact, everything was up for grabs, that there was nothing that the government wanted to retain responsibility for and that no part of the environment was too important to hand off to the states. We then had Minister Burke say he wants to keep charge of nuclear activities. So today, after my attempt to get some clarity on this incredibly important issue about which there is much community concern, Senator Evans has confirmed, on behalf of the Prime Minister, that, in fact, everything was up for grabs except for uranium mining. I thought that was an interesting turn of phrase, because uranium mining is but one aspect of the nuclear activities that are regulated by our federal laws. Does that mean that nuclear power plants or disposing of nuclear waste is going to get given to the states? Is it just uranium mining itself that will stay with the feds? So I am seeking some clarity on that point and I am disappointed that there still seems to be some confusion about just how little the government wants to retain of its responsibilities.

The COAG agreement that was negotiated by Labor back in April is, of course, backed to the hilt by Tony Abbott. We now know, following today’s clarification, that everything bar uranium mining is now going to be administered by the states. World heritage areas, threatened species, migratory species, internationally significant wetlands—all are the responsibility of the federal government and they are now going to be handed to state governments, which fills me with dread given that the government were not able to say whether they had looked at the capacity of the states to deliver these new responsibilities; looked at the job cuts, the jobs that have been severed through our environment departments, particularly in Queensland; or even looked at the track record of the states in attempting to protect the environment. If they did look they would see that the states have absolutely trashed the joint and rarely refuse any form of development.

This is really quite insulting to the legacy of Prime Minister Bob Hawke, who stepped in in 1983 and protected the Franklin from the ravages of the then Tasmanian state government, who wanted to stick a dam on the river. I think it is a craven shame that this federal Labor government is now crashing that previous record of a gradual expansion of federal environment powers, and I am sure that voters across the country will be surprised and incredibly dismayed that, in fact, it is now big business writing the environment policy of the Labor government. As I said before, there was a Business Council of Australia meeting the day before COAG and, in fact, big business had put a proposal to the Prime Minister about a week before and that was exactly what was delivered at COAG. Big business got everything they asked for. I am afraid it is not the PM that is in charge of our environmental laws anymore; it is the Business Council of Australia and those other big business groups. There are meant to be some standards that we are assured will protect the environment. Well, I am afraid the states are not complying with their standards and you only have to look at their records to know we cannot have any confidence that the states will act to protect the environment. That is why we need the federal government to keep its powers and that is why people will vote green if they care about the environment.

The DEPUTY PRESIDENT: Thank you, Senator Waters. I remind senators to address members in the other place by their correct titles.

CHAMBER
Question agreed to.

COMMITTEES

Government Response to Report

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:36): I present two government responses to committee reports as listed at item 15 on today’s Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated into Hansard.

Leave granted.

The documents read as follows—

Australian Government response to the Senate Environment, Communications, Information Technology and the Arts References Committee report:

About Time! Women in Sport and Recreation in Australia

Statement by the Minister for Sport, Senator the Hon Kate Lundy

The Australian Government has undertaken significant work in addressing the issues raised in the Senate Environment, Communications, Information Technology and the Arts References Committee report About time! Women in sport and recreation in Australia (About Time Report). This response to the About Time Report outlines action taken by the Australian Government, its current priorities and future agenda in this area.

For ease of reading, each recommendation of the About Time Report is cross referenced by footnote to “Appendix 1”.

The Australian Government seeks to ensure that the agenda for women in sport is reinvigorated as we consider contemporary issues emerging in the sports sector. It is important to move away from a focus on assertive action in a limited number of areas to implement a range of new initiatives that have been introduced since the About Time Report.

Historically, women and girls have experienced barriers to their participation in sport, recreation and physical activity. Over the last decade in particular, strategies have been developed in Australia to redress this situation and advance opportunities for women and girls. These strategies have resulted in more women and girls being involved in sport, recreation and physical activity (for adults up from 59.9 per cent per cent in 2002 to 63 per cent in 2009–101 and girls aged 5 to 14 from 61 per cent in 2000 to 67 per cent in 20092) and more competitive opportunities for them, both in Australia and internationally.

However, barriers to women and girls participation unfortunately still exist. In 2006, the About Time Report found the factors that are directly responsible for the low participation rates of women and girls in sport, recreation and physical activity included:

• lack of access to appropriate, accessible, affordable and acceptable facilities and services
• lack of culturally appropriate facilities/programs
• social stereotyping
• lack of role models
• lack of time
• lack of childcare and lack of awareness of childcare options
• fewer opportunities available for participation
• reduced leisure time owing to family responsibilities
• lack of skills or perceived lack of skills
• lack of financial resources
• harassment
• lack of confidence in approaching activities alone, poor self image
• cultural and social pressures.

These factors indicated that major challenges would need to be overcome before women and girls could enjoy full participation in sport, recreation and physical activity. They also indicated that to understand and address the complex influences on female participation, issues such as the broader social, economic, cultural and physical context of the lives of women and girls and the impact of the current infrastructure of sport and recreation would need to be considered.
The Australian Government supports encouraging choice and opportunity for women and girls to take part in physical activity, as recommended in the About Time Report.\(^1\)

The Australian Government has made significant progress in this area since the release of the About Time Report. In 2010 the Australian Government announced its new policy, Australian Sport: The Pathway to Success, which identified the importance of boosting the number of Australians participating in sport. Key elements of this policy are:

- increased funding to targeted national sporting organisations to increase the focus on sport participation outcomes as part of their partnership with the Australian Government
- new funding measures to address particular issues affecting women’s participation, advancement and leadership in sport
- increased support for training opportunities for community coaches and officials.

On 10 June 2011, Sport and Recreation Ministers from the Commonwealth and all states and territories unanimously endorsed a National Sport and Active Recreation Policy Framework to guide the development of policies, strategies and programs by governments. The Australian Government led this process in the pursuit of a high performing sport and active recreation system that delivers increased participation, success in international competitions and strong national sporting competitions.

The Framework identifies priority areas for cooperation across government and provides a basis to set clear targets for a range of objectives including community participation, international success and sustainability of the Australian sport system.

Despite the positive developments the Australian Government has supported, the opportunity to accelerate progress in addressing the complex influences on female involvement in sport, recreation and physical activity continues to be a focus.

The Australian Government has identified opportunities presented by the reintegration of competitive sport in the education curriculum, and continuing to improve governance arrangements and the number of women in executive roles. This will better prepare national sporting organisations to take the next step to improved commercialisation opportunities of women’s elite sport competition.

Increasing the commercialisation potential of women’s sport through better governance of national sporting organisations and representation of women in executive roles will support the membership growth of sports and the participation rates of all Australians promoting a positive sporting culture providing strong leadership and ultimately contributing to strong, sustainable sports organisations and the broader sport system.

**Participation**

The Australian Government plays an essential role in supporting community sport and encourages participation in sporting activities with an emphasis on enjoyment. The Australian Sports Commission (ASC) works with national sporting organisations (NSOs) to facilitate structural and cultural changes in sport to provide a rewarding experience for all Australians from grassroots to an elite level, including through programs of inclusive participation.\(^4\)

At a practical level, to encourage participation in sport and recreation activities, the ASC provides development opportunities supporting community club level sporting organisations through the Active After-school Communities program, the Community Coach Training program and the Club Development Network resources. These initiatives aim to provide an environment that attracts and retains participants. The ASC has a long standing relationship with the Australian Council for Health, Physical Education and Recreation in developing participation programs, especially the Active After-school Communities.\(^5\)

In 2011–12, the ASC allocated a total of $20.5 million in ongoing and one-off funding to support participation initiatives in sports, consisting of:

- $17.2 million across 51 national sporting organisations (including the Australian Paralympic Committee)
- $1.1 million across eight national sporting organisations for people with disability
$2.2 million to support ‘Participation Demonstration Projects’ across eight sports.

Currently, a total of 24 sports are working to achieve participation outcomes with under-represented population groups and 11 national sporting organisations have been funded to support initiatives to increase participation by women. The 11 that have specifically identified women as a targeted population for additional assistance within their participation growth strategy are:

1. Australian Football League
2. Netball Australia
3. Basketball Australia
4. Australian Rugby League
5. Bowls Australia
6. Australian Rugby Union
7. Cricket Australia
8. Tennis Australia
9. Football Federation Australia
10. Touch Football Australia
11. Hockey Australia.

Other initiatives supported by the Australian Government assist women and girls in regional communities in addressing barriers to participation by:

- providing funding support to NSOs to deliver coaching and officiating programs, especially in regional areas
- funding the expansion of talent scouts and talent identification programs in regional Australia
- doubling the Local Sporting Champions program to provide financial support to 4000 more young Australians and their families to help junior athletes attend competitions across Australia.

One significant barrier to participation in organised sport, especially for young women, is body image. While the contributing factors to body image can vary considerably for individuals, the sport uniforms required to participate can also contribute. The regulations around uniform policies are generally mandated from international federation policies on uniforms. Where this is not the case, most national sports have policies in place that impact only at a national level, not at a club level. The Australian Government strongly encourages sports to review their uniform policies where appropriate.

Sport in education

In Australia, nearly three quarters of children do not meet the daily physical activity requirements of at least 60 minutes of moderate to vigorous physical activity every day. Furthermore, in the most recent research by the Australian Bureau of Statistics on this issue undertaken in 2009, 37 per cent of children aged between five and fourteen years of age did not participate in any sport organised by a school, club or association.

Despite compelling evidence of the critical role that sport and physical education plays in the development of a child’s intellectual, social, emotional, physical and linguistic skills, sport and physical education has become progressively marginalised in the school curricula. As a result, children are missing out on the opportunity to develop their motor skills along with broader life skills such as discipline, confidence, leadership, tolerance, cooperation and respect for others.

The Australian Government recognises the importance of physical education in schools and at their meeting on 15 April 2010, all Education Ministers agreed to prioritise health and physical education in phase three of the development of the Australian Curriculum. Education Ministers also agreed to the inclusion of health and physical education as a core learning requirement for all Australian students from Foundation to Year 10 and to maximise the number of school hours that students participate in quality physical education and sport each week as part of the school curriculum. The Australian Curriculum: Health and Physical Education is expected to be published in late 2013.

Australian Sport: The Pathway to Success lists as an Australian Government priority a National Sport and Education Strategy, which will aim to firmly embed quality sport and physical education in our schools. The Australian Government is currently leading the development of the National Sport and Education Strategy in an effort to overcome the participation barriers faced by some children, and measures will be developed to
address the high attrition rate of adolescent females.

Facilities
The Australian Government is supportive of measures put in place that will facilitate women’s access to sport and recreation services given the many barriers women face depending on their social and cultural backgrounds, their career and family commitments. Facilitating access to sport and recreation services is one way of making it easier for women to better manage the time pressures they face as a result of combining work and family responsibilities.

Since 2007–08 the Australian Government has invested more than $675 million in the development of sport and recreation facilities ranging from redevelopment works at large elite facilities to the construction or upgrade of smaller regional facilities. This funding has supported a wide range of sport and recreation activities at the local community level including upgrades to training facilities, lighting, clubhouses and establishing new playing fields. By increasing the number and quality of sport and recreation facilities the Australian Government has improved accessibility to infrastructure for women across Australia. The Australian Government will pursue enhanced access for women to sport and recreation facilities in future funding proposals.

This funding support will continue with further funding available for eligible sport and recreation infrastructure projects from the $1 billion Regional Development Australia Fund.

The Australian Government has made a significant investment in school infrastructure, including infrastructure which could be utilised for physical education and sporting activities, through the $16.2 billion Building the Education Revolution component of the Nation Building—Economic Stimulus Plan. There is scope for these same facilities to be used out-of-school hours by community groups for sporting activities as the Building the Education Revolution guidelines state that schools must agree to provide at no, or low, cost community access to libraries and multipurpose halls funded under the Primary Schools for the 21st Century element of the program. This includes reasonable access for community or not-for-profit groups in the local community.

Partnerships between schools and sporting clubs can maximise shared facility use to better enable sports to service local needs. School facilities have been traditionally underutilised in the after school and weekend timeslots. Greater community sport use of school facilities in these timeslots will produce economic efficiencies in terms of facility maintenance, repair and upgrade (particularly in drought and/or flood affected Australia) and allow these to be undertaken in a more timely and effective manner. A priority area in the National Sport and Education Strategy will be to improve community access to school facilities.

The Australian Government recognises the valuable role that occasional child care services play in delivering flexible, quality child care and enabling women to participate in sport and recreation activities. In order to assist parents' awareness of child care, this Australian Government created the mychild.gov.au website, Australia’s online child care portal. Here they will find information on different types of child care and how to get assistance with the cost of child care including where to find services with vacancies in their local area.

The Australian Government provides the Child Care Benefit and the Child Care Rebate to assist families with the cost of approved child care, including occasional care. The Australian Government has increased the Child Care Rebate from 30 to 50 per cent of out-of-pocket costs and up from a maximum of $4354 to $7500 per child per year to 2014. The Australian Government also increased the frequency of Rebate payments from yearly to quarterly, and has now introduced fortnightly Rebate payments.

The Australian Government will bring forward an agenda item at the next meeting of the Standing Council for School Education and Early Childhood to consider ways to address barriers to increasing the supply of child care in Australia.

High performance
Through increasing participation in active recreation and community sport, Australia will grow its pool of elite athletes who will continue
our fine tradition of excellence at national and international levels. The Government is committed to assisting athletes to pursue education and learning opportunities while participating at an elite level and pursuing career paths beyond sporting participation.

The National Athlete and Career Education program provides support for athletes at the elite level to help them achieve balance between sport and other aspects of their lives without compromising their sporting goals. It assists eligible athletes with career, education and personal development services as well as transitional support for athletes going through personal and sporting changes.

As at 9 April 2012, a total of 280 females were receiving scholarships at the Australian Institute of Sport. The ASC provides funding to support elite athletes through the Direct Athlete Support scheme. Through this scheme in 2010–11, $4,082,050 was provided to female athletes.

As part of the 2010 Budget, the Australian Government announced a $324.8 million increase in ongoing sport funding which included significant investment in our high performance athletes and retention of our high performance coaches. In addition, in early 2011, $3.55 million was allocated under the Green and Gold program to sixteen of Australia’s Olympic sports to enhance Australia’s medal outcomes at the 2012 London Olympic Games.

A further $300,000 was allocated for the Australian Paralympic Committee to support Paralympic Green and Gold initiatives, including developing a national scholarship scheme. In March 2012, additional funding of $640,000 through the Green and Gold project was announced bringing the total to almost $4.5 million. The focus of this funding was to deliver a range of projects primarily driven by the Australian Institute of Sport, aimed at enhancing athlete performance in London.

As part of the 2012–13 Budget, the Australian Government announced a $1 million commitment to the development of women’s football. This funding will support the expansion of the elite women’s competition (the W-League) from a seven team, 10 round format to an eight team, 12 round format. This will increase the potential for women’s football to attract broadcast and sponsorship funding and work towards becoming self-sustaining. The W-League provides a key stage in the development pathway for talented women footballers between state-based, community football and national team representation. The competition also provides women coaches, referees, other technical football staff and sporting administrators with enhanced opportunities to pursue a career path in the their chosen sport and profession.

An issue that is not only limited to women’s sport is the importance of reasonable coordination between national league competition programs and international representative commitments of athletes. While the scheduling of national league competitions is a matter for the responsible NSOs, the Australian Government encourages NSOs that administer or are associated with such competitions to consider international representative commitments of athletes in scheduling national league competition programs.

Recognition

The Australian Government believes it is important to recognise the achievements of Australian sportswomen and to promote them as role models to women and girls, as well as to the wider community. The promotion of role models, including from a range of diverse backgrounds, is one avenue for motivating women and girls to pursue a career in sport or to commence or continue participation in sport and recreation activities.

To ensure Australia’s elite athletes make the most of media coverage, the ASC provides media training for AIS athletes on an as needed basis. Additionally, the Australian Government provided $1 million to the Australian Paralympic Committee to assist in the broadcast of the 2012 Paralympic Games.

In 2008–09 the Australian Government commissioned research, Towards a Level Playing Field: Sport and Gender in Australian Media, which confirmed that female sport and male sport receive starkly disproportionate amounts of coverage on Australian television, despite the ongoing successes and strong participation levels of women in sport. This research followed and
is more expansive than, the 1996 research, An Illusory Image.

The Towards a Level Playing Field: Sport and Gender in Australian Media report assessed the quantity of media coverage and the representation of women and sport in that coverage. The report provided empirical data about the media coverage of female athletes that can be used to benchmark future research in this area. Coverage of women in sport made up nine per cent of all sports coverage in Australian television news and current affairs media, while seven per cent of non-news sport content on television was devoted to female sport. Male sport, on the other hand, occupied 81 per cent of television news and current affairs reporting and 86 per cent of non-news sport coverage on television. In each case the balance of coverage was ‘mixed gender’ or ‘other’ sport. The ‘other’ sport was almost all horse racing. The Australian Government will continue to work with the sport sector and the media to develop further strategies to improve the level of media coverage of women’s sport and support women and girls in sport.

To this end the Australian Government allocated $1.45 million in 2011 towards a one off scheme for Women in Sport Media Grants. Under this program, funding was allocated to NSOs to support media exposure of women’s sport in Australia. The funding assisted in production costs, marketing and promotion of the broadcast of national or international level Australian women’s leagues and competitions.

As a result of the positive outcomes from the initial funding, a further $2.7 million is being provided to targeted sports over the next two years (2011–12 and 2012–13) for the development of strategies to build capability in both new and traditional media that will be aimed at generating sustainable increases in media exposure. Sports receiving funding over the period include: Surfing Australia, Cricket Australia, Netball Australia, Football Federation Australia, Swimming Australia, Hockey Australia, Cycling Australia, Australian Rugby Union (Rugby 7s), Rowing Australia and Snow Sports Australia.16

The key element of these grants is that they support the growing professionalism of all aspects of women’s sport and provide resources to support live broadcasts directly to sports. The Australian Government will continue to support women’s sport broadcasting in the future and work with the sports to further enhance the commercial viability of their live sport broadcasts.

Commercialisation

Women’s sport is yet to receive the same commercial value or attention as its male sports counterparts. It lags well behind men’s sport in relation to its live to air broadcast coverage. While this has improved since the release of the report it is not yet at a satisfactory level. The Australian Government will continue to promote women’s sport and consult with relevant stakeholders to ensure the commercial capabilities of women’s sport continues to grow.17

Leadership

For too long the governance and administration of sport has been seen as a low priority. The Australian Government recognises that women are still underrepresented in sport leadership positions. To support organisations to improve their governance and administration the Australian Government this year released a revised set of sport governance principles for Australia’s NSOs to improve their governance arrangements.

The Sports Leadership Grants for Women program helps women develop the skills required to be effective leaders and role models for their sports. The Sport Leadership Grants and Scholarships for Women commenced in 2002–03 as a partnership between the ASC and the Office for Women. A total of $3.7 million has been provided in grants over the ten years the program has been operating.18

In March 2011, the Australian Government established the Women in Sport Leadership Register to assist the placement of women on boards and in executive positions where they can apply their training and experience to benefit Australia’s sport sector. The register is aimed at increasing the number of women on Australia’s sporting boards and to help promote inclusive cultures that support women in sport.19
Recently the Minister for Finance, Senator the Hon Penny Wong, announced that the Australian Government will establish a Women on Boards Network. Minister Wong highlighted that women on boards is not simply an issue of representation, but an issue of ability. Additionally, the Australian Government will fund a further round of board diversity scholarships in partnership with the Australian Institute of Company Directors to help provide a pipeline of qualified women.

The representation of women on the boards of government funded NSOs in 2011 was recorded as 23.5 per cent. The Australian Government will record the gender composition of government funded NSOs boards annually. In the public sector, the Australian Government is leading by example and has committed to achieving a minimum 40 per cent representation of women on Australian Government boards by 2015. As at 30 June 2011, the percentage of women on Australian Government boards was 35.3 per cent—an all-time high for the Australian Government.

Reaffirming the Australian Government’s position around the importance of governance principles and specifically to maintaining an appropriate gender balance on boards is critical to the ongoing success of the Australian Government’s policies in this area. The Australian Government will drive further change in this area.

Women in Sport Awards

To celebrate Australia’s achievement in women’s sport, the Australian Government has committed to sponsoring the Women’s Health I Support Women In Sport Awards, which will recognise our elite sports women, as well as the achievements of our hometown heroes, women in leadership positions and service to sport. In addition these awards will also include the reinstated Prime Minister’s Sportswoman of the Year award.

Women in Sport Unit

To ensure that all of these initiatives continue to develop and support Australian women in sport, the Australian Government will re-establish the Women in Sport Unit within the ASC to provide support and industry advice to sporting organisations.

Conclusion

The role that women play in the development of sport in Australia as participants, volunteers, athletes and sports leaders as coaches and administrators is vital. Yet despite the significant work the Australian Government has undertaken since the About Time Report was released, barriers to participating in sport and active recreation across a woman’s lifetime still exist. The new initiatives announced by the Australian Government are a further step towards ensuring equal participation and recognition for women in sport and active recreation and will be actively monitored and evaluated as they are implemented.

Appendix 1 Recommendations from About Time! Women in Sport and Recreation in Australia Recommendations

1. The committee recommends that the ASC and state and territory sport and recreation authorities, in collaboration with the Australian Council for Health, Physical Education and Recreation, develop and implement strategies to address the issue of the high attrition rates in female participation in sport and recreation activities.

2. The committee recommends that all levels of government consider extending resources to a broader range of sports to ensure that women are provided with greater choice and opportunity for participating in physical activity including for example outdoor recreation and dance.

3. The committee recommends that, in light of the pressure on available sporting facilities, state and territory education authorities should work with sporting clubs and organisations, and local communities, to improve cooperation and access to facilities for children’s sporting activities, particularly schools.

4. The committee recommends that the ASC inquire into the dress code policies of sports organisations with a view to encouraging clubs, schools and sports organisations to review these policies.

5. The committee recommends that sporting organisations, with the assistance of the ASC and state and territory sport and recreation authorities,
develop strategies to provide more sporting activities focussed on participation and enjoyment.

6. The committee recommends that the Commonwealth, states, territories and local government recognise the importance of occasional child care in facilitating women’s participation in sport and recreation.

7. The committee recommends that sport and recreation provider organisations canvass members to establish the most suitable times that will enable women to participate in sport and recreation activities and facilitate access to women during those times.

8. The committee recommends that the Commonwealth encourage state and territory governments, and especially local government, to address the lack of women’s facilities at sporting venues.

9. The committee recommends that the ASC further develop and expand the AIS ACE career assistance program to enable a greater number of athletes to compete in elite sports. The committee recommends the AOC expand its ASPIRE Career Assistance Program.

10. The committee recommends that a concerted effort be made by governments, sporting organisations and the media to promote sportswomen as role models to girls and women and to the wider community. This recommendation aims to motivate girls and women to pursue a career in sport and to motivate them to commence or continue participation in sport and recreation.

11. The committee recommends that NSOs review, and modify if required, the timing of national league competitions to facilitate participation by elite sportswomen in Australia’s national representative teams.

12. The committee recommends that appropriate organisations with an interest in women in sport and recreation be funded by the ASC to provide skills training in the areas of leadership, communication skills and successful team building; and that the Commonwealth fund the Commission to implement this.

13. The committee recommends that the ASC continue to provide opportunities for women sport leaders to attend workshops and forums to develop techniques for successful networking.

14. The committee recommends that the Sport Leadership Grants for Women be continued and that the Commonwealth increase funding for this scheme.

15. The committee recommends that the Australian Government provide financial support, to be administered by the ASC, for initiatives that provide specific opportunities for greater ongoing coverage of women’s sport. The committee believes the ASC should administer funding of up to $3 million per annum, and that the initiative be reviewed after approximately three years.

16. The committee recommends that the government consider allocating up to $1 million to the Australian Paralympic Committee to assist with production and associated costs of televised coverage of the forthcoming Paralympics, and that the arrangement stipulate that a condition of accessing this funding be that there be balanced coverage of male and female athletes.

17. The committee recommends that the Australian Government provide financial support, to be administered by the ASC, for the training of athletes and sports administrators to better utilise media opportunities.

18. The committee recommends that the government fund the ASC to replicate in 2008–09 the surveys and analysis performed in the 1996 report An Illusory Image.

   1 Australian Bureau of Statistics 4177.0—Participation in Sport and Physical Activities, Australia, 2002 and 2009–2010
   2 Australian Bureau of Statistics 4901.0.55.001—Children’s Participation in Sport and Leisure Time Activities, 2000 to 2009
   3 About Time Report Recommendation 2
   4 About Time Report Recommendation 5
   5 About Time Report Recommendation 1
   6 About Time Report Recommendation 4
   7 About Time Report Recommendation 7
   8 About Time Report Recommendation 8
   9 About Time Report Recommendation 3

Preamble

The Australian Government welcomes the opportunity to respond to the report of the Joint Standing Committee on Migration’s titled Enabling Australia: Inquiry into the Migration Treatment of Disability. The report was published in June 2010.

The Australian Government believes that the health requirement plays an important role in:
- protecting Australia from public health risks;
- containing public expenditure on health and community care services; and
- preserving the access of Australian residents to health and community care services in short supply.

The Government agrees that the health requirement should be updated and improved. As such, the Department of Immigration and Citizenship launched a review of the requirement in 2010. As a result of this review there are a number of activities that the Department will undertake, or has already completed, which address recommendations of the Committee.

The Government is grateful for the work the Committee has taken in respect to this important subject and for all those who contributed with their submissions and evidence to the Committee.

The Government's response to the recommendations made by the Committee follows.

A number of the recommendations have already been implemented. The Government has committed to a rigorous investigation of the feasibility of other reforms.

Responses and Recommendations

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1. The Government will increase the Significant Cost Threshold to $35 000 on 1 July 2012.

A review of the significant cost threshold has been completed and on 1 July 2012 the significant cost threshold will be raised to $35 000 in line with current health expenditure.

**Recommendation 1 - Accepted**

The Committee recommends that the Australian Government raise the 'significant cost threshold' (which forms part of the Health Requirement developed under the Migration Regulations 1994) to a more appropriate level.

The Committee also recommends that the Department of Immigration and Citizenship quickly complete the review of the 'significant cost threshold'.

2. The Government has committed to further investigate a net benefit approach.

The Department of Immigration and Citizenship is currently assessing the feasibility of a net benefit approach. This approach, if feasible, will dramatically change the way in which the health requirement is applied to visa applicants. It will result in a more individualised and flexible legislative, policy and procedural framework.

Under the proposed approach, any applicant who is found to have a health condition which is likely to result in a significant cost, will have their, and their family's, likely contributions to the Australian community considered. This would involve an economic assessment of the applicants' likely net fiscal contributions (by a Net Fiscal Benefit Model) coupled with an expansion of the health waiver scheme so that social contributions and compassionate and compelling circumstances could also be considered.

An inter-departmental committee process has begun to support the feasibility assessment of this approach. Stakeholder consultations are also occurring.

The Department of Immigration and Citizenship intends to report the outcome of the feasibility study and inter-departmental committee views to the Government in 2013.

**Recommendation 2 – Supported in Principle**

The Committee recommends that the Australian Government adopt a contemporary Health Requirement for prospective permanent and temporary migration entrants under the Migration Act 1958 (Cth). The Committee recommends changes to the Health Requirement include changes to the assessment criteria, processes and waiver options. These are outlined in subsequent recommendations.

The proposed net benefit approach would be a more contemporary health assessment process for temporary and permanent visa applicants. It would involve significant changes to the assessment criteria, processes and health waiver options.
Recommendation 3 – Supported in Principle

The Committee recommends that the Australian Government amend Schedule 4 of the Migration Regulations 1994 to allow for the consideration of the social and economic contributions to Australia of a prospective migrant or a prospective migrant’s family in the overall assessment of a visa.

The proposed net benefit approach would allow for the consideration of the likely social and economic contributions to Australia of a prospective entrant identified as having a health condition likely to result in a significant cost for health and community care services. The contributions of the entrant’s family unit will be considered where relevant.

The economic contributions could be measured by a Net Fiscal Benefit Model which, based on some characteristics of the applicants, would calculate and model into the future the likely fiscal net contributions of the family unit to all levels of the Australian Government. The health costs would be included as an input in this model.

An expansion of the health waiver scheme would mean that the social contributions of an applicant and their family could be considered.

Recommendation 8 (b) – Supported in Principle

The Committee also recommends that the Australian Government revise the approach which assesses visa applicants’ possible health care and service needs against ‘the hypothetical person test’. This test should be revised so that it reflects a tailored assessment of individual circumstances in relation to likely healthcare and service use.

The proposed net benefit approach will involve, as part of the overall health requirement assessment, a consideration of an applicant’s individual circumstances.

As part of the health requirement review, the application of the hypothetical person test will be reviewed.

Further, in July and November 2011 amendments were made to the Migration regulations to exclude the costs of services unlikely to be accessed by temporary visa applicants from their assessment. This signals a significant and justified departure from the hypothetical person test for this group.

Recommendation 10 – Supported in Principle

The Committee recommends that visa decision-makers in the Department of Immigration and Citizenship be provided with the discretion to consider mitigating factors for any visa stream once a ‘does not meet’ the Health Requirement decision is received from a Medical Officer of the Commonwealth. These factors may be used to mitigate the ‘significant cost threshold’.

Under the proposed fiscal net benefit approach, mitigating factors will be considered. Likely fiscal benefits will be used to offset the likely cost to Governments (including identified costs for health and community care services). An expansion of the health waiver scheme will allow for the consideration of other social mitigating factors.

Recommendation 11 - Accepted

The Committee recommends that the Australian Government review the operation of the ‘one fails, all fail’ criterion under the Migration Regulations 1994 to remove prejudicial impacts on people with a disability.

The Government accepts this recommendation and will review the operation of the current ‘one fails, all fail’ criterion regardless of the outcome of the feasibility study into the net benefit approach.

The proposed net benefit approach would consider the likely benefit of a whole family unit. As such, the ‘one, fails, all fail’ criterion may no longer be applied.

Recommendation 12 – Supported in Principle

The Committee recommends that the Australian Government amend the criterion for assessing waivers to the Health Requirement to include recognition of the contribution made by carers within the family as an offset to health care or community services costs identified in the process.
The contributions of carers within a family unit are currently considered through the health waiver scheme. The Government does not propose to remove the consideration of the contributions of carers from the health waiver. The proposed net benefit approach may also calculate the fiscal benefit to Australia of that carer.

Recommendation 16 - Supported in Principle

The Committee recommends that the Australian Government work with State and Territory Governments to expand the waiver option to the Health Requirement for skilled migration visa classes to a broader range of skilled visa categories, targeting areas of skill shortages and rural and regional development schemes.

The Government supports this recommendation in principle. The proposed net benefit approach would see an expansion of health waivers across many more visa subclasses. Officers considering a health waiver can, and would continue, to consider whether an applicant's skills are in demand or necessary for regional development.

3. The Department of Immigration and Citizenship has made significant changes to improve transparency and information resources

The Department of Immigration and Citizenship has made many changes to systems and client information designed to improve transparency of the health assessment process since the release of the report.

Recommendation 5 - Accepted

The Committee recommends that the Department of Immigration and Citizenship make the current 'Notes for Guidance' publicly available. It further recommends that, when such papers are revised, their updated version be placed on the Department's website as soon as possible. 'Notes for Guidance' and associated background information should also be referred to in the Department's Fact Sheets for prospective visa applicants.

The Government accepts this recommendation. All endorsed Notes for Guidance have been uploaded to LEGENDcom. LEGENDcom is an electronic database of migration legislation and policy documents available to the public on a subscription basis. The Department of Immigration and Citizenship is committed to ensuring that new or revised papers are uploaded as soon as practicable.

Recommendation 6 - Accepted

The Committee recommends that the Department of Immigration and Citizenship publish on the Department's website the cost calculation methodology used by Medical Officers of the Commonwealth in assessing the costs associated with diseases or conditions under the Health Requirement.

In 2011 the Department of Immigration and Citizenship revised the information available to applicants on the internet. New health requirement web pages were published on 11 November 2011. Information concerning the costing process was included.

Recommendation 7 - Accepted

The Committee recommends that the Department of Immigration and Citizenship provide each applicant with a detailed breakdown of their assessed costs associated with diseases or conditions under the Health Requirement.

The Department of Immigration and Citizenship have made significant system changes to allow Medical Officers of the Commonwealth to record further information about a health case in a more structured way. This includes a requirement to record a detailed breakdown of services required and costs associated with these.

When clients are found not to meet the health requirement, they are provided with information including the medical opinion. Recently the Department of Immigration and Citizenship has revised this information to include further details about the identified condition and services required. A clearer explanation of the regulations is also provided.

4. The Government will streamline the health waiver for humanitarian visa applicants

On 1 July 2012 the health waiver for humanitarian visa applicants will be streamlined. Under the streamlined health waiver, a
humanitarian visa processing officer will not consider any costs for health or community care services undue. This means that a health waiver can be granted more efficiently.

The Department of Immigration and Citizenship will review the effect of this policy and determine if it is desirable to make legislative changes so that offshore humanitarian visa applicants are not assessed against the cost element of the health requirement at all.

**Recommendation 14 - Accepted**

The Committee recommends that the Australian Government amend the Migration Regulations 1994 to provide access to consideration of a waiver to offshore refugee visa applicants involving disability or health conditions on compelling and compassionate grounds. Consideration should also be given to extended family members for the same treatment in the same circumstances.

All offshore humanitarian visa applicants can access a health waiver. A health waiver allows the consideration of all circumstances of the applicant and their family. The Government does not intend to remove the health waiver from this visa stream.

**Recommendation 15 – Partially Addressed**

The Committee recommends that the Department of Immigration and Citizenship create a priority visa category for refugees who have sustained a disability or condition as a result of being a victim of torture and trauma. The Committee recommends that similar visa consideration is provided to immediate family members within the offshore refugee program.

The Government does not support the creation of a priority visa category for humanitarian visa applicants with a health condition caused by torture or trauma. The Government will continue to resettle humanitarian visa applicants based on need. The Department of Immigration and Citizenship will continue to process cases as a priority if the United Nations High Commissioner for Refugees refers applicants for priority settlement. The Government also already has a priority visa category for women at risk and their families.

The streamlining of the health waiver for humanitarian visa applicants will result in a faster, more certain and simpler process. The streamlining of the health waiver will be particularly beneficial to applicants with a significant health condition due to torture or trauma as they generally do not meet the health requirement on cost grounds only.

5. **The Government has committed to review other aspects of the health requirement**

The Government commits to review further aspects of the health requirement in line with the Committee's recommendations.

**Recommendation 13 - Accepted**

The Committee recommends that the Australian Government review the requirements for health examinations for short term visas under the Family Visits program.

The Government will review the requirements for health examinations for short-term visas under the family sponsored visitor stream.

**Recommendation 17 - Accepted**

The Committee recommends that the Australian Government investigate the introduction of a voluntary bond or other scheme for visa applicants to indemnify against, or manage health care or community services costs assessed under the Health Requirement of the Migration Act 1958 (Cth).

The Committee recommends that any introduction of such a bond or other scheme should not prejudice those applicants that are unable to provide a surety.

The Government has advised the Australian State and Territory Health Ministers Conference that a review of the health insurance requirements for temporary visa holders is being undertaken by the Department of Immigration and Citizenship. The Government anticipates that the review process and outcome should be finalised by the end of 2012.

6. **The Government does not support these recommendations**

The Government does not intend to take action to implement the following recommendations.
Recommendation 4 – Not Supported
The Committee recommends that the Australian Government amend the Migration Regulations 1994 (in particular Public Interest Criteria 4005, 4006A and 4007) so that the assessment of diseases and medical conditions are addressed separately from the assessment of conditions as part of a disability.

The Government does not support this recommendation. The current method of assessing whether visa applicants meet the health requirement does not discriminate between applicants who have a disability, disease or a combination of both, with all applicants being treated in an equal and fair manner. It should also be noted that under most domestic legislation, such as the Disability Discrimination Act 1992, disability is defined broadly and encompasses a range of health conditions. The Government supports this broad definition.

The Government will continue to focus on the overarching aims of the health requirement rather than distinguishing between applicants with a disability and applicants with another health condition.

Recommendation 8 (a) – Not Supported
The Committee recommends that the Australian Government remove from the Migration Regulations 1994 the criterion under Public Interest Criteria 4005, 4006A and 4007 which states that costs will be assessed 'regardless of whether the health care or community services will actually be used in connection with the applicant'.

The Government does not support the recommendation to remove the criterion that costs should be assessed ‘regardless of whether the health care or community services will actually be used in connection with the applicant’. The current construction allows a Medical Officer of the Commonwealth to consider the costs of all services that are likely to be required to appropriately treat the health condition and support the applicant. A Medical Officer of the Commonwealth will not consider costs associated with the condition that a hypothetical person would be unlikely to require. The Government believes that the current consideration is appropriate as it does not create an expectation that migrants could or should only access limited services and caters for significant changes in circumstances which can occur.

Recommendation 9 – Not Supported
The Committee recommends that the Australian Government amend Regulation 2.25A of the Migration Regulations 1994 in a manner which does not bind the Minister of Immigration and Citizenship to take as final the decision of a Medical Officer of the Commonwealth in relation to ‘significant cost’ and prejudice to access’ issues, and provides scope for Ministerial intervention.

The Government does not support this recommendation. The current regulations state that a processing officer must take the opinion of a Medical Officer of the Commonwealth to be correct. This provision prevents case officers from substituting their own views as they do not have the required specialist skills or knowledge to make a decision as to whether an applicant with a serious health condition meets the requirement. The legislation does not curtail review rights.

Applicants can and do submit further information to the Department of Immigration and Citizenship after been found not to meet the health requirement. A Medical Officer of the Commonwealth considers the new information before issuing a fresh opinion (or confirming their original opinion).

Formal review of the visa decision is also available through the Migration Review Tribunal. The Tribunal can request a review of the original medical opinion (with or without providing new information) which is conducted by a Medical Officer of the Commonwealth working in a different organisation than the original assessing doctor.

The regulation does not limit an applicant’s right to apply for ministerial intervention. In a ministerial intervention case, the medical opinion does not constrain the Minister’s personal decision. Generally a range of medical information, which would include the opinion of a Medical Officer of the Commonwealth as well as other specialists, would be submitted and considered by the Minister.
Recommendation 18 – Not Supported

The Committee recommends that as part of its proposal to amalgamate Australian discrimination law, the Australian Government review the Disability Discrimination Act 1992 (Cth) with particular reference to the section 52 migration exemption, to determine its legal implications for migration administration and conduct expert consultations on its impact on people with a disability.

The Government does not support the recommendation on the basis that section 52 of the Disability Discrimination Act 1992 has been sufficiently reviewed and amended to ensure that persons with a disability are treated in a fair manner.

The exempting section accords with the formal Declaration of Australia’s understanding that the Convention on the Rights of Persons with Disabilities would not impact on the health requirement for non-nationals seeking to enter, or remain, in Australia where such requirement is based on legitimate, objective and reasonable criteria. Currently, all visa applicants are uniformly subject to the health requirement, regardless of disability and/or disease, and there is no explicit focus on disability as a basis for excluding persons.

Additional Recommendation A – Not Supported

We recommend that the Government remove the exemption of the Migration Act 1958 from the Disability Discrimination Act 1992.

The Government does not support the recommendation on the basis that section 52 of the Disability Discrimination Act 1992 has been sufficiently reviewed and amended to ensure that persons with a disability are treated in a fair manner.

The exempting section accords with the formal Declaration of Australia’s understanding that the Convention on the Rights of Persons with Disabilities would not impact on the health requirement for non-nationals seeking to enter, or remain, in Australia where such requirement is based on legitimate, objective and reasonable criteria. Currently, all visa applicants are uniformly subject to the health requirement, regardless of disability and/or other health condition. There is no explicit focus on disability as a basis for refusing visa applications.

Additional Recommendation B – Not Supported

In the event that Recommendation A is not accepted, we recommend that the Government acknowledge that rejecting temporary visa holders as permanent visa holders solely on the basis of the birth of a child with a disability is discriminatory and develop protocols to address this.

The Government does not support this recommendation. The Government has received advice that the current application of the health requirement is lawful and does not discriminate against applicants with a disability.

Government Response to Parliamentary Joint Committee on Law Enforcement Report Examination of the 2010-11 Annual Reports of the Australian Crime Commission and the Australian Federal Police

The Government welcomes the Committee’s Report and is pleased to respond to the Committee’s recommendation.

Recommendation 1:

The committee recommends that the AFP annual report include the average number of days taken to resolve cases for each category of complaint, to enable the committee to better monitor the timeliness of complaint resolution.

Agreed

Information will be provided in the 2011-12 AFP annual report on the average number of days taken to resolve complaint matters in relation to Serious Misconduct/Category 3 investigations. While listing the average number of days taken to resolve matters can be helpful, alternative metrics can provide a more accurate and timely indication of changes in performance against benchmarks. Future AFP annual reports will reflect these new metrics, and it is anticipated that this will provide the Committee with the ability to better monitor the timeliness of complaint resolution.
Joint Standing Committee on Treaties
Report 125: Review into Treaties tabled on 7 and 28 February 2012
Government Response
Recommendation 5
That the Australian Government work with the states and territories to implement a national preventive mechanism fully compliant with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002 as quickly as possible on ratification of the Optional Protocol and the exercise of Article 24 of that Protocol.
Agreed.

It is likely that the Australian Government will utilise Article 24 to delay the implementation of obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment regarding a National Preventive Mechanism. There is significant planning and consultation that must take place in order to develop a rigorous and robust National Preventive Mechanism. The Government appreciates the Committee’s acknowledgement of the complexities involved in developing and finalising arrangements for a National Preventive Mechanism.

Should Article 24 be utilised upon ratification, the Government intends to implement a National Preventive Mechanism compliant with the Optional Protocol as quickly as possible.

The Government agrees with the Committee that the development of the National Preventive Mechanism should not be delayed unnecessarily and notes that early work on this has already begun.

The Australian Government is committed to broad consultation as it works on the development of a National Preventive Mechanism.

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DOUMENTS

Affordable Housing
Order for the Production of Documents
The DEPUTY PRESIDENT (15:36): I present a response from the Minister for Housing, Mr O'Connor, to a resolution of the Senate on 23 August 2012 concerning affordable housing.

AUDITOR-GENERAL’S REPORTS
Audit Report No. 9 of 2012-13
The DEPUTY PRESIDENT (15:36): In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General:

BILLS

Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012
Explanatory Memorandum
Senator WONG (South Australia—Minister for Finance and Deregulation) (15:37): I table an addendum to the explanatory memorandum relating to the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012. This addendum responds to concerns raised by the Scrutiny of Bills Committee.

DOCUMENTS

Tabling
The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today’s Hansard.
COMMITTEES
Community Affairs Legislation Committee
Legal and Constitutional Affairs Legislation Committee
Membership
The DEPUTY PRESIDENT (15:37): The President has received letters requesting changes in the membership of various committees.

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:37): by leave—I move:
That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—
  Discharged—Senator McKenzie
  Appointed—
  Senator Boswell
  Participating member: Senator McKenzie

Legal and Constitutional Affairs Legislation Committee—
  Appointed—
  Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012
  Participating member: Senator Wright.

Question agreed to.

BILLS
Australian Charities and Not-for-profits Commission Bill 2012
Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012
Returned from the House of Representatives
Message received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

Fair Work Amendment Bill 2012
First Reading
Bill received from the House of Representatives.

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:38): I move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Second Reading
Senator WONG (South Australia—Minister for Finance and Deregulation) (15:39): I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—
FAIR WORK AMENDMENT BILL 2012

The Government was elected in 2007 with a commitment to bring fairness, balance, flexibility and simplicity to the Australian workplace relations system.

Prior to the 2007 election Labor released two detailed policies on workplace relations, including a clear plan about how we would move from WorkChoices to Fair Work.

The Government has delivered on our commitments.

Under the Fair Work Act and the Government's economic policies:

- 16,000 enterprise agreements covering more than 2.2 million employees have been approved;
- Around 7 million Australians are currently protected from unfair dismissal; and
- More than 800,000 jobs have been created since this Government was first elected in 2007.

CHAMBER
There have also been landmark achievements in particular sectors:

- The historic equal remuneration decision for workers in the social and community services (SACS) sector awarded wage increases of between 23 and 45 per cent to SACS workers in recognition of the fact their work had been traditionally undervalued due to the predominantly female workforce;

- We now have consistent protections for TCF workers across the national workplace relations system; and

- We have implemented a Road Safety Remuneration System to make sure there are real protections for drivers across Australia, who would otherwise face economic pressures to drive dangerously long hours that put all Australian road users at risk.

**Fair Work Act Review**

The Government has also delivered on its commitment to undertake a review of the Fair Work Act within two years of its full implementation.

On 22 December 2011 I announced an independent Panel of three experts to review the Fair Work legislation.

The terms of reference for the review were wide-ranging, encompassing an assessment as to whether the legislation was meeting its objectives and any areas for improvement.

The consultative approach the Government adopted during the development of the Fair Work Act was mirrored by the review Panel, which issued a discussion paper, received over 250 written submissions and held meetings and roundtables with a large range of stakeholders. The Panel’s report was approved by the Office of Best Practice Regulation.

The Panel concluded that:

- the Fair Work Act is working well and is meeting its objectives, and

- the economic outcomes under the Fair Work Act have been favourable to Australia’s continuing prosperity.

The Panel made 53 recommendations to Government.

Since receiving the Panel's report, I have been discussing the recommendations with employers, employer organisations, unions, Fair Work Australia and the Fair Work Ombudsman, as well as state and territory governments.

I have also held two roundtable discussions with small business representatives to discuss the Panel's report and the Government's proposed response, as well as other workplace matters important to small business like compliance, advice and superannuation.

It has become obvious from these consultations that there is broad support for around one third of the recommendations. These are the recommendations reflected in the Bill I am introducing today.

I will continue to work with stakeholders on the remaining recommendations with a view to introducing further legislation in the new year.

**Key elements of the Bill**

The Fair Work Amendment Bill includes four main elements:

- changes to the unfair dismissal provisions to improve the integrity of the application and hearing process and to align the timeframes for making unfair dismissal claims and general protections dismissal claims at 21 days;

- changes to the structure and operation of Fair Work Australia as recommended by the Review Panel and proposed by the President of Fair Work Australia;

- a process for determining the most suitable funds to be listed as default funds in modern awards that meets the principles and model outlined by the Productivity Commission in a way that is workable for employers and employees; and

- other technical and clarifying amendments recommended by the Review Panel and for which there is broad agreement amongst stakeholders.

I thank the members of the National Workplace Relations Consultative Council who have endorsed the Government's broad approach in responding to the Review, and to the NWRCC members who have assisted the Department of Employment and Workplace Relations and
Treasury in reviewing this Bill and providing technical feedback.

Unfair dismissal

Under the Fair Work Act around 7 million Australians are protected from unfair dismissal. We are proud of that fact.

We are proud that the Review Panel did not recommend wholesale changes to the unfair dismissal regime, because it reflects a balance between the interests of employees and the interests of employers.

We are proud that small businesses have told us that the Small Business Dismissal Code is working for them, that proceedings before Fair Work Australia are improving and that the Fair Work Ombudsman is working with them on information and compliance.

On this basis we are waiting for the Opposition to confirm they will not wind back unfair dismissal protections for hardworking Australians and their families, to anything resembling what they implemented when last in office.

However, this Bill does amend the unfair dismissal and general protections provisions as recommended by the Review Panel. The amendments are to ensure the right of an employee to bring an unfair dismissal claim is better balanced against the right an employer to ensure they are only required to respond to applications that are genuine, and to ensure that Fair Work Australia has the power to deal with unreasonable conduct in relation to a claim - including dismissing an application and additional powers to award costs in certain circumstances.

In relation to improving applications, the Government has announced that the independent review Panel's recommendation that additional information should be required to be provided in applications about the circumstances of the dismissal is supported and we will work with Fair Work Australia to implement that recommendation.

This Bill will also implement the independent Review Panel's recommendation that the timeframes for lodging an unfair dismissal claim and a general protections claim involving a dismissal should be aligned at 21 days. This will ensure that:

- dismissed employees make the right claim in the right jurisdiction;
- employees have an appropriate timeframe to seek advice about a dismissal so they can make this choice in an informed way; and
- employers will respond to one claim in respect of a dismissal, not an unfair dismissal claim and later a general protections claim.

The Panel's recommendations relating to costs orders where a party to an unfair dismissal matter has caused the other party to the matter to incur costs by an unreasonable act or omission are also reflected in this Bill. This recommendation reflects the Panel's concern that unscrupulous lawyers or agents are encouraging dismissed employees to pursue unfair dismissal claims without merit on a no-win no-fee basis.

This Government believes in protecting workers from unfair dismissal, but also acknowledges that from time to time some people will pursue unreasonable claims. In these circumstances, there is a need to strike a balance. These amendments would enable costs orders to be made against a person or their legal representative when they have unreasonably pursued a claim but importantly will not stop a party with a genuine claim from robustly pursuing that through the avenues available to them.

Similarly, the Bill will also allow applications to be dismissed in certain circumstances, such as when the applicant, without any reasonable explanation or excuse, fails to attend a hearing or comply with an order made by the Commission or has failed to discontinue an application after a settlement agreement has been concluded.

Let me make it absolutely clear - these amendments are intended to provide cost consequences for applications without merit and for actions taken during proceedings that are unreasonable. However they still ensure that employees with a genuine claim can fully pursue a remedy for an unfair dismissal. That is balanced and fair.

During my consultations, small business representatives have been particularly supportive
of these recommendations. My feedback from employers is that both small businesses and larger businesses will benefit from these amendments in terms of reduced vexatious or speculative claims.

Technical Amendments

The Bill will also implement several technical and clarifying recommendations made by the Review Panel, including that, in line with a recent decision of a Full Bench of Fair Work Australia, opt-out clauses cannot be included in agreements and clarifying that under this Government statutory agreements cannot be made with a single employee.

There are also technical amendments implementing the Panel's recommendations in relation to the notification requirements for scope orders and what may be included in a notice of representative rights to employees.

The Bill provides clarity around how protected action ballots can be conducted, while preserving the existing strict requirements and processes that must be satisfied before protected industrial action can be taken.

It confirms that an official from one union cannot act as a bargaining agent for an employee where that union does not have coverage, and implements the Panel's recommendations on applications to vary modern awards.

Fair Work Australia

The Government is proposing a number of changes to the structure and operation of Fair Work Australia. A number of the changes are recommended by the Review Panel, and further changes have been proposed by the President of Fair Work Australia and considered by the members of the NWRCC.

First, the Government will give effect to the Panel's recommendation to change the name of Fair Work Australia.

The new name will be the Fair Work Commission.

There has been much debate about the appropriate name for the national workplace relations tribunal in recent times. The Government considers "Fair Work Commission" accurately reflects the functions of this body and is consistent with the establishment and role of the Commission within the Fair Work system; in particular as the Commission takes its functions and powers from the terms of the Fair Work Act.

The Bill includes administrative changes recommended by the Review Panel, such as allowing any Presidential member to make stay orders, allowing acting Commissioners to be appointed if required, as well as providing for the Governor General to appoint the General Manager on the nomination of the President. This change brings the procedure for appointing the General Manager into line with the appointment of the Registrar of the Federal Court.

The Bill also includes additional measures relating to the internal structure of the Fair Work Commission that the Government considers will improve the operation and integrity of the body.

The measures include creating two statutory positions of Vice President. This will assist in attracting senior practitioners to the Commission – a highly desirable outcome given the significance of the matters the Commission deals with, and to ensure assistance can be provided to the President in managing the work of the Commission as required.

The Bill also contains a clear and transparent process for handling complaints against members of the Commission. It also contains amendments to better deal with the disclosure of conflicts of interest.

There are a number of procedural amendments relating to the handling matters before FWA, such as allowing certain matters to be referred to a Full Bench when it is in the public interest to do so. These reflect terms used in previous workplace relations legislation and are designed to ensure the Commission can be responsive to the interests of parties and respond effectively and efficiently to certain matters when required.

Default superannuation funds in modern awards

As I announced on 15 October, this Bill includes measures reflecting the Government's response to the Productivity Commission's inquiry into default superannuation funds in modern awards.

That inquiry delivers on the Government's 2010 election commitment to review this
important issue and I thank the Productivity Commission on behalf of the Government for their comprehensive engagement with this subject.

This Government wants to improve the operation of the superannuation system to boost the retirement incomes of Australians into the future.

Superannuation is a critical part of the industrial, economic and social safety net in this country. It provides a living wage for working Australians in their retirement, allowing Australians to retire in comfort and with dignity.

The default fund system is particularly important because it is relied on by all employees who do not make active choices over their superannuation fund. This is estimated to be around 70 per cent of all Australian employees.

As noted in the Productivity Commission's Report, over the eight years to 2011 default funds had an after-tax rate of return of 6.4 per cent compared with 5.5 per cent for non-default funds.

Notwithstanding this outcome, the Government agrees with the Productivity Commission's recommendation that there should be increased transparency and contestability in the process of determining which funds should be listed as default funds in modern awards.

We will create an Expert Panel within the Fair Work Commission to assess funds on the basis of clear and objective legislative criteria. The Panel will be made up of part-time members, with suitable experience in superannuation, finance or investment management as well as members of the Fair Work Commission.

The Government proposes that the Expert Panel would also subsume the existing Minimum Wage Panel. This will provide a broader pool of qualified experts to assist the work of the Fair Work Commission, whilst ensuring that experts with appropriate expertise are used for particular functions.

The criteria against which funds will be assessed, are largely those proposed by the Productivity Commission.

We agree with the Productivity Commission that the review should be conducted in an open and transparent way, against clear and objective criteria. We agree that the process should be open to all funds with a generic MySuper product and that the analysis of the funds against the statutory criteria should be conducted by an Expert Panel within the Fair Work Commission, comprising experts with experience in superannuation, finance and investment management, as well as Fair Work Commission members.

The Bill I introduce today includes measures to implement all of these recommendations, as part of a new system for the selection of default funds in modern awards.

Under the provisions outlined in this Bill, all funds with a generic MySuper product will be able to apply to the Fair Work Commission for selection as a default fund on an equal basis, which will bring greater contestability to the system.

The Bill I introduce today includes measures to implement all of these recommendations, as part of a new system for the selection of default funds in modern awards.
consideration and the Full Bench will also do this task in an open and transparent way.

The Government proposes that each modern award could include at least 2, but no more than ten default funds, unless the Commission is satisfied that there are particular circumstances relating to the range of occupations covered by the award to warrant the inclusion of more than ten funds.

The Government has departed from the Productivity Commission's recommendations in this respect to ensure that each modern award remains simple, relevant and workable for the employers and employees in the particular industry each award covers.

This process will occur every four years, in line with the four year review of modern awards, commencing in 2014.

The Government has adopted this approach as it provides the greatest benefits to Australian workers in the long-term. This approach will ensure that the default funds listed in modern awards are the best performing MySuper funds and modern awards continue to be simple and stable documents that best meet the needs of the employers and employees covered by them.

**Conclusion**

This Bill represents another important example of the Government's ongoing commitment to provide a balanced and effective workplace relations system and a superannuation system that operates to maximise the retirement incomes of Australian workers.

The Bill follows extensive consultation on policy questions and technical detail with many stakeholders, in particular members of the superannuation industry, members of the National Workplace Relations Consultative Council and their technical advisers through the Committee on Industrial Legislation.

However, this is not the last step. I am committed to continuing to work with stakeholders on making appropriate amendments to the Fair Work Act where there is a clear policy justification and where they reflect the Government's clear policy frameworks.

I retain an open mind on all remaining recommendations from the Fair Work Act Review Panel – and none of them have been ruled in or out.

I note the Opposition have said they support the overwhelming majority of the Panel's recommendations. Given this Bill reflects the non-contentious aspects of the Panel's recommendations, includes measures to improve the operations of Fair Work Australia and delivers an improved process for choosing default superannuation funds in modern awards, I trust that the Opposition supports the Bill and assists its passage through the Parliament.

I commend the Bill to the Senate.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, which commences in 2013, in accordance with standing order 111.

(Quorum formed)

**MOTIONS**

**Biosecurity**

Senator XENOPHON (South Australia) (15:42): I move:

That the Senate notes the Government’s approach to biosecurity and quarantine matters in respect of Australian agriculture and issues of WTO compliance.

This is a crucial issue. The concerns from industry and our farming sector about Australia’s biosecurity and quarantine arrangements are ongoing. There have been several past Senate committee inquiries, including a comprehensive report from the Rural and Regional Affairs and Transport References Committee in April this year. There are also currently not one, not two but three separate inquiries under the same committee into the proposed imports of potatoes, pineapples and ginger. We have also seen past cases relating to apples, beef from BEC affected countries, and pork.

This is tied in with issues of food labelling. Issues have also been raised in the inquiry of the Select Committee on...
Australia's Food Processing Sector—a very useful inquiry chaired by Senator Colbeck—which raises issues about whether there are backdoor ways for produce to come into this country and circumvent fair labelling requirements. Part of the problem is that our food labelling laws in this country are simply too weak. They are not just weak but positively misleading in the way that products can be described as 'Made in Australia' but they only include a 51 per cent so-called substantial transformation in Australia, which in effect means that you could have orange juice, for instance, that is 90 per cent Brazilian concentrate but, because of packaging and the water being added here and the final processing taking place in Australia, you can still label that orange juice as 'Made in Australia'. To me, that is entirely unsatisfactory. It is actually deceives consumers as they cannot make an informed choice as to whether they want to buy Australian produce. That, in turn, has an impact in terms of biosecurity concerns by virtue, for instance, of our closer economic relationship with New Zealand. That is a very important relationship, but there are concerns that, for instance, fruit and vegetables contaminated with pesticides could be imported to New Zealand, repackaged there and sold in Australia as a product of New Zealand. That was identified in the select committee inquiry into the food-processing sector, chaired by Senator Colbeck, and is very much a live issue.

It is clear that there is considerable concern among some people in this place that, as parliamentarians, we should be doing much more to protect our producers—and I do not mean protect in the old tariff way of protection but protecting our producers from disease and from their produce being contaminated. That goes to the heart of Australia's clean, green image as a producer of the finest quality food and produce. That is something that we must protect—we must protect our producers from pests and diseases that could literally destroy entire industries. Yet we see inquiry after inquiry into our biosecurity measures. We hear from witness after witness who can quantify the impact that an exotic disease will have on their industry, and sometimes the impact can be quite subtle. For instance, concern has been expressed to me by apple growers in the Adelaide Hills and, indeed, around the country that, about allowing the importation of New Zealand apples. New Zealand has for many years had fire blight, a disease that can be absolutely devastating for the apple and pear industries. Even if the disease has not come in, by virtue of those apples being allowed to be imported into the country, those producers are looking over their shoulder. They are wondering, 'When will the outbreak occur? Should I be making a major investment decision in terms of a packaging plant or planting more trees or making a significant investment decision that will require mortgaging my home if there is even a very small chance of that disease coming into this country through the importation of those New Zealand apples.'

We heard just recently during the current Senate inquiry into potatoes that zebra chip disease has the potential to devastate the Australian potato industry. We heard from representatives just a week ago—Tasmanian, Victorian and South Australian growers as well as the peak body, AUSVEG—about the potential for devastation through zebra chip and the impact it has had on New Zealand. We still are trying to find out what the true science is in relation to that and I do not think that the department responsible for this has considered all of the evidence. I do not believe it has considered the most recent evidence, which is very concerning when it comes to the potential impact. Even though there is all this talk of a closed loop, as
Senator Heffernan says time and time again in the committee that he chairs, every human endeavour is prone to failings. The risk is just enormous of something going wrong and the risk matrix being used by the department really needs to be looked at. I know that Senator Boswell has been quite passionate in leading the charge in relation to issues around the importation of pineapples and ginger and the potential impact it has on disease. The question needs to be asked whether the current risk matrix used by the department is appropriate.

The question also needs to be asked whether we are drawing a literalist, purist interpretation of WTO rules in a way that other countries do not. I understand the importance of world trade. I understand the importance for a small, open economy such as Australia to be open to trade and be a great exporting and, indeed, importing country, but there must be a key safeguard when it comes to the issue of keeping our clean, green image in agriculture intact. That is something that ought to be quite sacrosanct, and I am concerned that the current risk matrix, the current resources being employed and the current approach to biosecurity in this country are inadequate.

I want to recount to you a conversation that occurred at the hearing. I cannot, because I am bound by an undertaking I have given to the person who relayed this conversation to me to not disclose the names of the parties, and it will not be useful for my colleagues to speculate about who those people would be, including the government official involved. At the hearing into the potato inquiry, it was put to me that there was a conversation between a senior official who had a role in biosecurity—not trade but biosecurity—and a potato industry representative. The official is alleged to have said to the potato industry representative—and there were a number there—that this is actually causing harm to our international reputation or that this does have an effect on our international reputation in trade terms. This has an effect through people around the world reading the Hansard and damaging our reputation as a trading nation. I will be circumspect in relation to what more was said, but, if that is the case, it concerns me because I would have thought the role of the department is, first and foremost, related to biosecurity.

Dealing with issues of trade is Minister Emerson's department. Of course, if one of Minister Emerson's officials put that position forward, I could understand that because it was coming from a department responsible for trade. But, if someone involved in issues of biosecurity is expressing a position in respect of trade, saying that this could be counterproductive to Australia's trade, I think that is quite improper. I think that is the wrong approach to take and it raises to me issues of an inherent bias in the approach. The people involved in that conversation know who they are, but I think it is important that that be put on the record and seen as an improper approach to take to that.

It reminds me of the remarks made by the head of the CFMEU, Michael O'Connor, a union leader who I actually have a lot of respect for. He said at an international trade forum for the timber industry several years ago that in Scandinavia there was a joke about Australia when it comes to the WTO. We are referred to as the 'free trade Taliban' because we take such a fundamentalist, literal, purist approach to free trade issues that no other country does. So I believe that the current approach to biosecurity and quarantine arrangements is concerning. In many instances we are told that it will all be okay and that there is only a small risk. But a small risk can have a massive impact. To write off the concerns of Australian producers, many of whom have been
involved in the agricultural sector for generations, is unreasonable. To go one step further and in some instances to accuse producers of scaremongering is, I think, completely unfair.

Let us get back to basics. As a nation we are blessed geographically. In part our geography has enabled us to remain free of most of the major pests and diseases affecting production in the rest of the world. We have a reputation of being clean and green, and this is not something we should take lightly. In recent years there has been a shift towards the idea of free trade as the absolute, or it appears to be that in terms of biosecurity arrangements. It is quickly taking over as a priority ahead of protecting our own interests in countless sectors, including manufacturing, innovation and investment as well as agriculture. I acknowledge Australia's position. I acknowledge that we are a signatory to the WTO, but the query that I have is: are we taking too much of a literalist, purist approach to WTO rules to the disadvantage of protecting our clean, green image?

The importance of accepting products from other countries so that they will import our products in turn is often talked about. That theory does not seem to get taken to the next steps: what happens if the products we export become a biosecurity risk for that country because of a disease or pest that has been introduced through other imports? What would they do then? I look to my home state of South Australia and in the Adelaide Hills the town of Lenswood is well known for producing some of the nation's finest apples, pears and cherries. In July last year I went to a 200-strong rally in Lenswood attended by farmers, families, schoolchildren and, much to everyone's chagrin, even politicians. These locals were protesting against the proposed importation of New Zealand apples, which are known carriers of fire blight, as I have indicated. We know that fire blight is highly contagious. We know that it has had a massive impact in North America, Europe and of course New Zealand. We do not have fire blight yet but, despite the significant impact fire blight could have on our apple and pear industry, the import permits were allowed.

That is why I put up legislation, the Quarantine Amendment (Disallowing Permits) Bill 2011, so that the parliament can have the ultimate say, based on the science, based on the evidence, but this is such a fundamental issue that we ought to have a say on this. This is an issue that goes to our food security, that goes to ensuring that our agricultural sector has a fair go and is able to fight to survive on a level playing field. Goodness knows how difficult it is with the high value of the Australian dollar and the value of commodity prices for them to do that. We need to ensure that our farmers are not pushed to a tipping point of being unviable as a result of not having appropriate and thorough quarantine measures.

When we look at the issue of New Zealand potatoes which could carry the devastating tomato and potato spilled, a destructive drug that transmits a condition called zebra chip which results in black stripes and a burnt taste that makes potato inedible when cooked, I think it is important that we look at the risk matrix. We should look at issues that Senator Colbeck—who I note is in the chamber—has very capably raised in the Senate committee process about how the risk matrix works, to ensure that there is a risk process, to ensure that our own industry is not exposed to a pest or disease that has an irrevocable impact on that industry. The psyllid does not just affect potatoes; tomatoes, capsicum and eggplant crops are also at risk. Combined, these crops represent $1.5 billion worth of agricultural production in Australia. My home state of
South Australia has much to lose should the pest enter Australia. South Australia produces 80 per cent of the nation’s fresh washed potatoes and the industry employs 2,000 South Australians—a huge economic impact in my home state. But one tiny bug has the power to wipe all that away, and what is there to be gained from such a great risk.

We know that the Closer Economic Relations trade agreement with New Zealand includes a clause that allows other country to decline products if they pose risks to domestic industry. New Zealand was prepared to challenge that clause and take the case all the way to the WTO. Would Australia do the same thing if New Zealand refused to import certain goods? We will wait and see. In principle the CER is good for those countries but we should not let free trade principles stand in the way of protecting our clean, green image. Much more needs to be done in relation to the matrix, as Senator Boswell has quite rightly pointed out. More needs to be done to ensure that industries are not forever looking over their shoulder in terms of the impact of these pests and diseases, so that they can make long-term investment decisions with some certainty. If Australia did become infected with one of these diseases or pests, would other countries keep taking our products and put themselves at risk? I very much doubt it. One of the reasons we have such great success in Asia, in Japan and South-East Asia with our products is our clean and green image.

We are not just talking about imports. In June last year another Senate committee inquiry was undertaken into the eradication of the Asian honeybee. This inquiry looked at how Australia responds when we discover that a pest has already arrived. In this case the Asian honeybee was discovered in the Cairns region in 2007. Since then over 350 nests have been found and destroyed. This bee is a virulent pest, one that targets and consumes all available food resources, cutting out the native and European bees. It is also a natural carrier of the varroa mite, which can decimate existing colonies. The collapse of native and European honeybees in Australia would mean significant environmental impacts. It is not just the honey industry that would be affected, it would also affect industries that rely on natural pollination for their crops. I know that Senator Milne, for instance, was a very active participant in that inquiry and senators from all sides of the fence understood what the potential impact of this would be in terms of its environmental impact, the impact on other crops. The concern here was that it was the view of some experts that the Asian honeybee was not ineradicable. This decision obviously affected the way that infestations were approached and many who were fighting against this pest felt that the government had decided to surrender and accept that this particular pest was now here to stay.

The process for dealing with infestation of pests is incredibly complex, but the question has to be asked as to whether enough was being done to eradicate this pest and whether we did throw everything at it. Even if it costs several million dollars more but the impact ensures that we do not have a multibillion dollar impact on our agricultural industry, that is a matter that needs to be taken into account.

These are matters that will not go away. The fact that there have been so many Senate inquiries into this reflects not just the will of the Senate to have these inquiries but also an ongoing concern that our biosecurity arrangements must be looked at more deeply, must be forensically dealt with and must have the adequate resources to deal with these matters. When it comes to WTO
obligations we need to get appropriate advice, not just from those who take a literal—some would say fundamentalist—interpretation of how the WTO rules should apply but from those who are willing to push the envelope and say: 'No, we should not go down this path. We should challenge these rules. We should not take them as a given.' It concerns me that the approach of some in biosecurity is basically to fly the free trade flag in a way that takes a purist interpretation.

To give an example in an area not to do with agriculture, in relation to a question I asked today about wind turbines and wind towers, we have seen just recently that a number of companies based in China have been slapped with tariffs in the United States of 30 per cent to 70 per cent in relation to those wind towers. We are not producing them anymore in Australia, as I understand it—or the Australian manufacturing has shrunk to a negligible amount—and those very companies that were slapped with tariffs in the United States recently are now able to import into our market without any duty and without any penalty for the dumping of goods. Why is it that the United States Department of Commerce is taking a much more active approach to protect their industry from dumped products? Why are we not taking a more active approach in this country to ensure that diseases and pests are kept out of this country at all times, so that we do not make the same mistakes that other countries have made.

You really need to question the effectiveness of New Zealand's biosecurity arrangements, given that they have had. I think there is an agreement there from Senator McKenzie. It has raised issues. It is not a criticism of the good men and women who work in the ministry of agriculture in New Zealand, but there is a real issue there of why so many diseases have got into their country in recent times, particularly in relation to zebra chip disease. Why are we not taking more active steps? This issue will not go away, and it is an issue that requires urgent reform. I believe much more can and should be done to protect Australia's clean, green image in agriculture.

Senator FURNER (Queensland) (16:02): I welcome the opportunity to speak about the Gillard government's commitment to Australia's biosecurity system because this government inherited a run-down biosecurity system and we have been doing the right thing by Australian farmers and by the community. We are building a biosecurity system for today and for the future. I will say a bit more about that later.

Firstly, I want to remind senators about the role of the biosecurity system and then talk about the role of parliamentarians. Our biosecurity system exists to protect Australia's unique biosecurity status. I repeat: to protect Australia's unique biosecurity status. That is what it is there for. To do that, biosecurity decisions must be based on science. If they are not based on the science, then, quite frankly, they put the Australian community at risk. That is a lesson that the Leader of the Nationals, Mr Truss, became only too familiar with when he ignored all of the evidence, including warnings from industry, and assured the community that 'there would never be an outbreak of equine influenza in Australia'. We all know what happened in August 2007.

citrus canker, and a poorly managed investigation into its source in 2004; and let us not forget sugarcane smut in 2006; and the biosecurity quinella of Asian honeybees and equine influenza in 2007. They flogged off Australia's post-entry quarantine facilities, stripping hundreds of millions of dollars from the budget. Now, Campbell Newman is making the same short-term budget mistake. He is flogging off Queensland's Eagle Farm post-entry quarantine facility, without consultation with all the affected parties. They say a lot but deliver very little. They were all alarm and no action on New Zealand apples and Mr Cobb, despite the profligacy of the Leader of the Opposition, has not managed to get a single dollar to improve Australia's biosecurity system through the shadow cabinet.

If they checked what they said about quarantine with their record in government and in opposition, they would hang their heads in shame. It was up to the Labor government to commission a comprehensive review of the quarantine and biosecurity system—the Beale Review. The review made 84 recommendations to improve Australia's biosecurity system, one of which was to take the politics out of the system. The government has agreed, in principle, with the recommendations and is systematically implementing Beale's recommended science based risk-return framework.

With respect to potatoes from New Zealand, there is a Senate inquiry into the matter. The minister has announced an independent review of the department's potato report and no decision has been made on the matter. In fact, the Senate Rural Affairs and Transport References Committee has three inquiries into science based import policy reviews, one of which is into potatoes from New Zealand. The other two are inquiries into ginger from Fiji and pineapples from Malaysia.

Because of those inquiries, I will not make any further comment on those topics. But I will say that all of the participating senators on those inquiries are politicians; none are plant pathologists. Perhaps of even more concern is that none of the National Party senators on the committee seem to have the slightest grasp of risk assessment. They seem to think that the risk assessment matrix, which is used to assess risk, is some kind of biosecurity ouija board. Perhaps that is why they have such a bad track record on biosecurity, because risk and risk management is too big a concept for the monkeys in the zoo. Senator Xenophon, by the way, is a lawyer and, as a lawyer, he should—

The ACTING DEPUTY PRESIDENT (Senator Boyce): Senator McKenzie, are you making a point of order?

Senator McKenzie: I am. I am wondering who the monkeys in the zoo are, because I was at the inquiry into potatoes and biosecurity. I did not see any monkeys in the room. I do not know what Senator Furner is referring to, and I can assure him that the Nationals are very well aware of the issues with the risk management system under this government.

The ACTING DEPUTY PRESIDENT: Senator McKenzie, that is not a point of order.

Senator FURNER: As I was saying, Senator Xenophon is a lawyer and, as a lawyer, he should know there is no conflict between Australia's biosecurity system and Australia's commitment to science based decision making and our rights and obligations at the World Trade Organisation or in any of our bilateral trade agreements. He knows that none of the multilateral and bilateral trade agreements that Australia is a
party to limit our capacity to protect human health and the environment as long as these measures can be justified. Australia's biosecurity is not sacrificed in favour of trade objectives; in fact, it is protected by Australia's trade objectives. Australia's stated approach on biosecurity—

Senator Xenophon: Madam Acting Deputy President, I rise on a point of order. The point of order is that Senator Furner is purporting to say what is in my mind and what knowledge I have about a particular matter. Unless I have made a particular statement that can be referred to, I do not know whether it is fair to say what I know or do not know.

The ACTING DEPUTY PRESIDENT: Indeed, are you claiming to have been misrepresented, Senator Xenophon?

Senator Xenophon: Unless Senator Furner is a mind reader, yes, I am.

Senator Kim Carr: This is quite frivolous, Madam Acting Deputy President.

The ACTING DEPUTY PRESIDENT: Senator Carr, there is no point of order.

Senator Furner: Australia's biosecurity is not sacrificed in favour of trade objectives; in fact it is protected by Australia's trade objectives. Australia's stated appropriate level of biosecurity protection—and I remind the Senate that this statement was made when Warren Truss was a minister—is manage risk to a 'very low level but not zero'. That is because zero risk is impossible. Zero risk would mean no wind, no ocean currents, no migratory birds, no immigration, no tourism, no mail. None. Senator Heffernan might be excited that zero risk would mean no imports, but it would also mean no exports. There would be no vessels, no aircraft arriving here to load up the $36 billion worth of agricultural products to the export markets that Australia's regional communities depend upon.

If any senator in this place has any evidence that would support tougher conditions on the import of ginger from Fiji, potatoes for processing from New Zealand or tomatoes from Timbuktu they should provide it to the scientists in the department. If the scientists ignore serious evidence that would stand up to academic scrutiny, then that is the time to bring it before parliament, not before it is ignored. If the motivation is to discredit biosecurity itself, to attack public servants, to pull a political stunt or to use our biosecurity system as a form of protection from competition, wouldn't that be ironic! The once great Liberal Party, the party of deregulation, the party of the free market, the party opposed to interventionist government, are being bullied by the agrarian socialists over there. The monkeys are in control of the circus again, trashing our international reputation, trashing the biosecurity system and trashing the environment all at once—in the same way that Mr Abbott bullied the Nationals into voting against wheat market reform yesterday, in the same way that Mr Abbott broke his clear election commitment on illegal logging and in the same way that Mr Abbott is running out of puff on carbon.

The Labor Party is the only party in this place with a clear commitment to protect Australia's biosecurity system. We are the only party with a track record of investment in the sort of biosecurity system Australia needs, and the lack of a policy from those opposite and the crossbenchers is something Australia's farmers should be concerned about.

Senator Colbeck (Tasmania) (16:11): I have to say that I am very surprised that that is all the government can come up with on this particular issue. But I guess Senator Furner decided to take the road of discretion being the better part of valour and quit while he was well and truly behind, because I have to say that I have sat in some of the inquiries...
that the senator referred to and Senator McKenzie and Senator Xenophon were at those hearings. I did not see Senator Furner at the hearings, for example, on potatoes, ginger or pineapples for that matter. Nor was he at any of the inquiries on apples, Asian honey bees—which he did mention. If that is all the government has got to offer to this debate, it is a clear demonstration of their complete and utter failure in the management of AQIS and biosecurity matters since they came to government in 2007, and I am more than happy to run through some of the examples that we have had to deal with in that period of time.

Senator Xenophon quite rightly talked about Australia's unique status—in fact, that is probably about the only thing that Senator Furner got right in this debate—in respect of its biosecurity. We are fortunate to be an island continent. The fact that we are an island continent or an island nation gives us significant protections from a whole range of pests and diseases that other countries have to deal with. I sincerely believe that it is the role of members in this place to ensure that we do maintain, as Senator Furner quite rightly says, a science based approach to our biosecurity, but our role is also to ensure that there continues to be community confidence and industry confidence in that system. That is what the Senate inquiry's has undertaken. I think there have been three or four inquiries into apples from New Zealand over a period of time. It went through a WTO challenge process, and we ought not be frightened of that. It has been through a number those processes, as has been mentioned already in this debate. There are currently inquiries into pineapples, potatoes and ginger. It is quite reasonable that that process is undertaken. In respect of potatoes, the government is doing a science review right now. Senator Furner said they have not made a decision, and they have not, but it has been the science based submissions that have come from industry that have led the government to the approach that they should conduct a review of the science to make sure that they have all that they need to ensure that we do not end up with zebra chip in Australia. We just cannot afford to impose those additional costs and that disease on our industry.

I think we all understand the importance that trade has to this country and that we cannot afford to have artificial non-tariff barriers around our trade because there will be retaliation. But we should not apologise for the strength of our biosecurity system. All of us in this debate have talked about the status of this country in respect of biosecurity, and not for one moment should we apologise for wanting to stand up for that. We should ensure that we have the strongest possible science based biosecurity system to ensure that that status is retained. I do not apologise for any of the work that I have done on that in my time here. But we must demonstrate to industry that we are actually undertaking appropriate processes.

Senator Furner referred to the work that the government is allegedly doing with respect to biosecurity. Correct. It did commission the Beale review—a significant piece of work that had a number of recommendations, and we acknowledge that that process took place—but what have they done since? This government has only taken up one of the recommendation from the Beale review. What was that recommendation? That recommendation was to remove a 40 per cent rebate for export fees and charges—in other words, increase the cost of export for Australian industry into its overseas markets by removing a 40 per cent rebate. They were prepared to do that and they asked industry to just deal with that cold turkey—a $40 million impost on Australian exporters overnight back in 2009.
Members of the coalition quite rightly said that was not on. The government said: 'It's a terminating program. You made the decision to make it a terminating program'—referring to the opposition when we were then in government—'so we're just going ahead with what was coalition policy.' That is not the case. They know as well as we know that a government at any point in time can make a decision to continue any particular program. Do not try to pin on us the Labor Party decision to remove the 40 per cent rebate on AQIS export fees and charges, because it was a government decision at the time. They were going to impose it from day one—that $40 million extra cost. And $34 million of that cost, as Senator Williams said a moment ago, was on the beef industry—one of Australia's major agricultural export industries. 'Just flick a switch and find an extra $30-odd million and impose that on the cost of your business.'

Quite rightly, members on this side said that is not on. The coalition moved a disallowance motion for those new AQIS export fees and charges, and that motion was duly passed by the chamber. The government was obviously fairly desperate to get new export fees and charges into place and they did a deal with Senator Milne at the time. They were prepared to put in an extra $20 million—I think that was the deal. They even gave Senator Milne the opportunity to announce the deal, attempting to sideline the opposition. Fortunately, the other Independents in the chamber were prepared to stay with the opposition and refused to accept that deal. The opposition actually held out and said, 'That deal is not acceptable because it doesn't actually achieve anything for the industry. Okay, there's $20 million extra sitting there.'

The opposition held out and called for an inquiry, and every single industry commodity group involved in the process came in and said: 'We don't want this. We're not prepared to accept it.' The government told us that they could deal with these reforms within 12 months. The government gave evidence to the inquiry, 'We can change the system in 12 months time.' We did not believe them and industry did not believe them, more importantly.

The opposition then went back to the government and said, 'If you're prepared to do a real deal, we'll consider it.' That is what happened. We asked for the immediate recommencement of the reform process. We asked for a reinstatement of the 40 per cent rebate for the following two years. We asked for a removal of all debt incurred by the industry in the period from 1 July, when the new fees and charges would come into place, to the time when we struck the deal, which was in September. One thing they promised to do that they have not is to do a study of the legitimate costs of government—what the government reasonably should pay for. They said that they would do it and they still have not done it, and it is now three years later. We asked for a cost-recovery impact statement for each sector and we asked for a review on an annual basis.

The government was even prepared to ask industry to pay for the cost of redundancy of government employees. They wanted the meat industry to pay the cost of the redundancies for AQIS employees. We said that was not on. Most importantly, we wanted to ensure that smaller players were not negatively impacted by the process. As several inquiries into the fees and charges occurred, more and more small players came out of the woodwork. The government did not even realise that the cool-store industry was going to be affected by the process until we told them. They had no idea of the reach of this decision into the Australian export sector.
Of course, in the end, Minister Burke did a deal with opposition shadow minister John Cobb and me. Instead of $20 million, this put an extra $67.4 million into the process with a two-year cycle to do it. Unfortunately, they did not even meet that deadline. It took them three years to finalise horticulture.

Worse, at estimates back in May, the horticulture sector, who were listening to the estimates process, found out through answers given to us that a deal had been done over a month beforehand but nobody had bothered to tell them. So the minister announced that there was a $6 million deal with the horticulture sector. They were happy with it—once they found out about it—but nobody had bothered to tell them. Only this year in the budget has the government started to allocate any funding towards one of the principal recommendations of the bill review, which was to start to update the IT systems, and even then the money is only to patch up the holes in the base of the system that they currently have. They are still not working towards building a new system; they are basically patching up the base. That is the information that we have to date.

Then we come to all of the incursions. Senator Furner talked about the Asian bee incursion. There are a number of question marks about the date it actually arrived, but the critical element of this whole discussion is the government's management of the problem. They went to a critical meeting where they were to decide whether or not the Asian bee was eradicable or not, and the most respected entomologist bee specialist in the country was not at the meeting. Why was he not at the meeting? It was because they lost his email address. So for that reason, the government goes ahead and makes a decision that this potentially devastating pest to Australia—and not just to the honeybee industry, as has already been quite rightly mentioned by Senator Xenophon, but to agriculture more broadly—is not eradicable. But the person with the most knowledge about it is not in the room because the government lost his email address. What a complete and utter indictment.

Then of course there is myrtle rust. I do not think anybody yet fully understands the potential impact of the incursion of myrtle rust into Australia. It has spread broadly throughout the south-east. It is going to have a significant impact on our forests, but I do not think we really understand the potential risks and the problems that will occur.

We also come to a matter that has been through a number of Senate inquiries and, as I indicated earlier, a WTO challenge—and that is, apples. How does this government handle that? The Prime Minister, before the finalisation of the WTO process, goes to New Zealand and announces to their parliament that we will take their apples. She does not say anything here in Australia; she does not wait for the completion of the WTO process. She goes and announces it. And, to add insult to injury, when the WTO process is completed, when the final protocols have been designed, the New Zealand growers are told before the Australian growers are told. What sort of respect does this government have for our agricultural sector when that is the sort of action that they undertake? Why is it that there is such concern in this chamber about the government's management of biosecurity?

Then we had the decision that was made, on my understanding, in the then Minister for Trade's office—and I am sure Senator Williams would have some understanding of this too—to allow beef from BSC-infected countries without a risk analysis process, and the industry was forced to sign confidentiality agreements so that the information would not get out. Without any analysis of risk, we would just allow beef to
come in from countries that have been infected with BSC. Through the activities of the coalition that was overturned. There was a risk identified; the government had not done the work. Yet the government claims that it has some real desire to maintain our status, when it is making decisions of that nature. You have got to be kidding me.

We then go on to the incursion this year of potential foot and mouth diseased materials from South Korea. It took 14,000 man hours to round this material up. Over 100 tonnes of material came in from South Korea, which was potentially at risk of foot and mouth disease. We asked a question on notice at estimates: can you tell us whether the IT system has been used to track down some of this information? What answer did we get back? It was, 'You did not tell us which IT system you were talking about so we can't answer the question.' What sort of respect for this parliament, for this chamber, for the estimates process, is that sort of answer? The reality is that they did most of the work by hand. Their systems could not actually do the work that they were looking for. Granted, it was spread far and wide, but why not just give us a straight answer so we can try to provide a level of confidence to our constituents and to the broader community about the efficacy of our programs and our processes? Why can we not just get a straight answer from the government?

It was the same thing when the import risk assessment process around apples was being discussed, and we saw something similar again in the inquiry around potatoes last week. The whole process for the importation of apples from New Zealand was based around their standard orchard practice. The industry asked to see that—a simple request, you would think: can you show us your standard orchard practice?

We were told—because the New Zealanders said—it was commercial-in-confidence. We could not see it. We were not given access to that information. We fought over it; we asked questions about it; the industry asked questions about it, for months and months and months. When we finally got to the bottom of it, when the New Zealanders finally relented, we found that the full detail we needed to know was in the import risk assessment documents. Why could they not just say that in the first place? Why could they not give us that simple answer? Then they wonder why people do not trust what they say, why people have doubts about the process, when all you need is to give a simple answer to a question, to let people understand that everything you need to know is contained in the import risk assessment document. All of the other things that are in the standard orchard practice do not relate to the process of importing apples from New Zealand.

It is very, very simple. This government, through a range of activities, has brought upon itself a number of inquiries, as has been mentioned during the debate today. We do not have confidence in their decision-making. I am not having a go at the departmental officials, I have to say. It is the government's direction of the department that is lacking. You look at the situation with respect to the Beale review, the one decision they have made is to charge industry more. When it comes to the key recommendation, which was to upgrade the IT systems, it took them over three years to allocate any money for it, and then some of that was taken out of industry funds as their contribution. I commend Senator Xenophon for bringing the motion to the chamber, because it is an opportunity to demonstrate how poorly this government is managing Australia's biosecurity system.
Senator MILNE (Tasmania—Leader of the Australian Greens) (16:31): I rise today to comment on the motion on biosecurity and quarantine arrangements put forward by Senator Xenophon. I concur with many of the things that have been said in the chamber today in relation to what has been the poor management of Australia's biosecurity and the ongoing list of incursions that are occurring in all kinds of ways. The Greens have been long-time supporters of trying to improve the biosecurity system. We backed the Beale recommendations, for example, and I have referred numerous times to matters for inquiry by the Senate Standing Committee on Rural and Regional Affairs and Transport, for example, on the issue of beef imports and mad cow disease, the Asian honeybee—I pushed that as hard as I possibly could. Time after time what we get are trade considerations completely outweighing appropriate biosecurity.

We now have a situation where nothing will change under the coalition either. The reason I say that is that there has been an agreement between the Labor Party and the coalition that, when push comes to shove, it is about free trade agreements. That is what the whole process is about—free trade agreements. No matter how many times you say that free trade agreements are not benefitting Australian farmers, that Australian farmers cannot possibly get a level playing field because they are competing against farmers who are not meeting the costs of environmental compliance or labour standards, the reality is that that is the case. We were told so much about what the US-Australia Free Trade Agreement was going to do but it was a disaster. It has not delivered for Australian farmers at all. In fact it has cost us a great deal. I just smile to myself and remember Minister Vaile talking about the 300,000 jobs in rural and regional Australia that were going to come from the US-Australia Free Trade Agreement, but they never materialised.

Exactly the same thing will happen with the Australia-Malaysia Free Trade Agreement and the Transpacific Partnership Free Trade Agreement, which is being negotiated now. Most people in rural and regional Australia do not have a clue that that is under way and that, once again, we will see the US come back for what it did not get under the US-Australia Free Trade Agreement. The issue is this: under a free trade agreement, Australia accesses overseas markets on the basis of minimal risk—'negligible risk' is the term. So the instruction to Biosecurity Australia is that if we want our goods accepted under negligible risk then other countries expect to land their product in to Australia under the same definition of negligible risk. We are constantly accused of using biosecurity as a way of getting around negligible risk but what actually happens is that Biosecurity caves in and allows the import.

At the moment, we have not only all those problems that have been cited, including potatoes from New Zealand, but also a threat of the ginger nematode coming into Australia. For example, with our ginger industry, particularly around the Bundaberg processing plant with its famous Bundaberg ginger beer, we are prepared to threaten that to allow ginger to be imported with a nematode associated with it. Why? Because we are pursuing more free trade. It is a really stupid decision. I can say exactly the same when it comes to fresh pineapples. I worked with Senator Boswell previously when it came to bananas.

There is no use us fighting this commodity by commodity, product by product, because the answer is the same every time. We get done over, because it
does not matter how much you raise the new science, under our import risk assessment system the new science, for some reason, does not count. What we have to do is challenge the import risk assessment system rather than try to do it with individual products, because we lose every single time. Each time we are told, 'It is negligible risk,' but the loss if that negligible risk leads to the outcomes that you might expect—the potato and tomato psylla is a classic case—could wipe out an industry. That is the risk we are looking at.

That is why the Greens have said it is time to go to the transparency of the import risk analysis process. We have to go to the scope and quality of the science used and the ability to upgrade that process for the latest science. We need to look whether the latest scientific evidence relevant to particular pests and disease threats is being considered or not and the adequacy of the risk assessment matrix being used by DAFF. I am very well aware that the rural and regional committee did seek to secure an independent expert assessment of the DAFF import risk assessment matrix. They wrote to the DAFF secretary to ask that that happen and that any decisions be put on hold until the matrix was looked at. Of course DAFF has refused that request, so we are back to square one. We are back to where we have been, and it is not going to be any different under the coalition because they will come in and, regardless of whether they are in government or in opposition, they are going to agree with the government of the day or the opposition of the day that trade trumps quarantine and biosecurity. That is the fact of the matter.

How do we know that that is the government's response? Look at how they have walked away from the Beale review. This has not received much publicity, but the fact of the matter is the government have walked away from their acceptance of and commitment to the Beale recommendations on independent science based decision-making, and above all you can see it because they said that they would accept the recommendation to enact a new independent and statutory biosecurity assessment body. One of the Beale review recommendations was for the establishment of such a body, but the government rejected it. First of all they accepted it but now they have walked away from it and rejected it.

They have done a complete 180-degree turn by investing that role in the powers of the director of Biosecurity who is in fact the secretary of DAFF. We will be back to exactly where we were despite the Beale review and the acceptance of the Beale review recommendations. The secretary of DAFF is going to do it. They are even proposing to dump the current eminent scientists panel that advises on import risk analysis. We are not even going forward, we are going backwards, and we are going to go even further backwards in terms of the analysis of the science. Not only is there a backflip on Beale's improvements to the scientific independence and rigour of import risk analysis but they are proposing even less in the new act than exists now.

This is at the heart of industry and environmental concerns with the new act. I think it is really important to raise that to let people know that that is where the Greens are going to be coming from in this assessment of the new biosecurity act. The Greens believe that, far from taking us forward and implementing Beale, we are going backwards to exactly where we are now, which is saying as far as Australia is concerned we are prepared to risk certain agricultural products and sectors because we want to pursue business as usual with our absolutely zealous adherence to free trade.
This is one of those really stupid ideological commitments from both the government and the coalition. They believe free trade is good and must be pursued at all cost regardless of any analysis. Why do we not have evidence based analysis? Has it worked? What is it doing for rural and regional Australia? There is no evidence base. The Productivity Commission had a look at free trade agreements and it said, 'Yes, it is pretty much as the opposition to the US-Australia free trade agreement said. We have to do the analysis. We have this mantra that it must be good. When I was asked to address the NFF last week on the biggest problem facing Australian agriculture, I said it is the mindset that business as usual can be pursued, only let's do it bigger, let's do it faster, let's do it more expansively. As Einstein said, you do not solve problems with the same mentality that created them. That is exactly what you are doing. The most precious commodity Australia has in a global environmental when we are threatened with greater food insecurity is the fact that we have managed to keep ourselves free of a lot of pests and diseases over time. A clean and healthy ecological system is going to support agricultural production as other countries run up against food insecurity. We will all suffer the same consequences of extreme weather events and climate change at different times, but we will have greater resilience in our ecosystems and our soils if we have saved ourselves from these incursions of disease.

I am really passionate about this. We are going the wrong way, and for all that the coalition might bang on about how they do not like it and they want more money put into biosecurity, they are as bad as the government when it comes to the ideological decision to prefer free trade over biosecurity and to allow us to compromise our biosecurity in order to swing some trade deals, even though no analysis of those deals will say how those deals will benefit rural and regional Australia. If these free trade deals have been so great for rural and regional Australia, why is our manufacturing sector in food processing collapsing from one end of the country to the other? Why are we losing? Why do we have such a high level of mental health issues in rural and regional Australia? Why are farmers struggling to stay on the land? All of these issues point to the fact that the whole system as we currently have it is not working for the people who live in rural and regional Australia. How clever is opening up free trade agreements to get larger volumes of cheap imports into Australia to undermine jobs further?

One thing I heard in talking to one of the manufacturing sectors in recent times is that we have got to the point where foreign investment in agriculture will lead to the purchase of dairy farms in Australia being 100 per cent offshore. The purchasers will then buy 100 per cent owned processing facilities. They will produce milk powder and send it back to the foreign country involved where it will be rehydrated and turned into ice cream. The ice cream will be sent back here cheaper than the Australian manufacturers could make it. The upshot will be that we will lose even more food processing. That is the consequence of pursuing free trade without incorporating the costs of environmental compliance, biosecurity compliance and labour standards when you negotiate free trade agreements.

I thought it was pathetic to see the Minister for Trade and Competitiveness, Craig Emerson, saying that they tried to get labour standards into the deal but it did not work out. There are now two side papers in relation to that. It is not good enough. It is a philosophical view which is failing the country. It is failing us in rural and regional
Australia and it is failing us in our environment. In the case of myrtle rust, I warned the rural and regional committee at least a year before we had the incursion that it was making its way from Hawaii and it was already on its way here. I asked: what are we doing about it? We were guaranteed in the rural and regional committee that they had a risk-management team on board, that they would be able to fix it and that we would know about it—'Don't worry, it's all under control.' It is not.

And look at what happened. It went from that flower farm to the Sydney markets and those infected flowers were sent from one end of the country to the other before anything was done about it. Then the excuse was: it probably was in the environment already; it could have come from a national park nearby; that is what could have happened—so it was already too late. And what is the consequence? We are going to lose massive amounts of our native vegetation because of that. Eucalypt rust is going to spread. It is already in the Lamington National Park and a number of other areas around Australia, and we are going to see that whole encroachment right down the east coast of Australia.

Biosecurity is not just about agricultural production, it is about the natural environment. We are now seeing a massive loss of our natural environment as a result of that incursion. In exactly the same way as the Asian honeybee, we will see the same thing happening when it comes to native bees and the cross-pollination that is required in native flora around the country. It is a massive cost to us in a biodiversity sense as well as in an agricultural production sense.

It is about time we got some hard-nosed analysis. It is about time some sacred cows got looked at on an evidence base, and that we poured money into what is precious—that is, protecting our competitive advantage on biosecurity terms, clean and green, protecting our own biodiversity and protecting our farmers by getting into these agreements. There are real costs associated with these trade agreements and with selling our farmers and our environment short. I thank Senator Xenophon for putting this on the agenda today.

Senator IAN MACDONALD (Queensland) (16:46): I am pleased that Senator Xenophon has raised this debate and I congratulate Senator Colbeck on his contribution, which is detailed and comes from one of the few people in this chamber who understands biosecurity and quarantine matters.

I am in the strange position of agreeing with some of what Senator Milne has just been saying, except that Senator Milne cannot help herself—things are wrong, this government is doing things wrong, but somehow it is always the fault not of the Labor Party but of the coalition. Let me bring a touch of reality to this debate. If everything Senator Milne says is right, if the Labor government has been so poor in cutting funding and cutting staff, then why has she not done something about it? If our quarantine and our borders are in such an atrocious situation, why has Senator Milne not done anything about it? As she knows, it is the Greens political party in Australia that keeps the Labor Party in government.

Ms Gillard said before the last election, 'There will be no carbon tax under a government I lead.' The Greens were at least honest and they said, 'Yes, we do want a carbon tax.' So after that election promise, the Greens went to Ms Gillard and said to her, 'If you want our support, you will bring in a carbon tax.' Similarly, the Greens went to Ms Gillard and said, 'In spite of your knifing of Kevin Rudd over this, if you want
our support we want a big mining tax to address all those horrible, multinational millionaire companies.' So the government said, 'Yep, we want your support.' Ms Gillard said, 'I want to be Prime Minister. I want the power. So whatever you say, Greens, we will do, notwithstanding that I have made a solemn promise to the Australian public that I would never do something—for example, introduce a carbon tax.'

Let me ask the Greens if they are concerned about biosecurity. Senator Milne talked about the impact of government mismanagement and inaction on biosecurity. If they are so concerned, why do they not do exactly what they did with the carbon tax and say to the government: 'You want our support to stay in power? Then you will do what we say in relation to biosecurity.' But do Senator Milne, the Greens and Mr Bandt do that? No, they get up here and criticise a government that has now been in power, regrettably, for five years, and somehow it is the fault of the opposition that our borders in this area of biosecurity and quarantine are so porous.

I agree with a lot of Senator Milne's criticism—not all of it—but why does she not do something about it? I would love someone from the Greens to contribute to this debate and explain that. The Greens are able to encourage Ms Gillard to go from a solemn promise that there will be no carbon tax to introducing the world's biggest carbon tax. Why did she not do that with quarantine and biosecurity? I would be very interested for anyone from the Greens to participate in this debate and tell me that. It is a pretty simple question.

From the coalition's point of view, we believe that you can have free and open trade, and encourage trade. Indeed, over many years in government the Liberal and National parties—who, I might say, represent most of the farming electorates in rural and regional Australia—have always been very keen to expand our agriculture production and our agricultural exports. In my own portfolio area one of the things that I am very keen to do, and the Greens will be totally opposed to this, is to ensure that all of that good mosaic of agricultural lands up in Northern Australia—the plentiful supply of water up in Northern Australia—is used to produce green and clean food to not only help Australia financially with exports but also help provide food for those seven billion people in the world who go to bed hungry or underfed every night. We have a duty to do that and I think we can do that. We can provide food for the world and at the same time provide employment and wealth for Australians. That is what the coalition has always been on about. But because coalition members represent the farming areas in this parliament, we also are very concerned about imports of other commodities that may impact on our clean and green image. I understand that if you are going to have free trade it has got to be two-way. The real benefit of free trade is that our farmers—and I will name the beef industry and sugar industry in particular—rely on the most free form of trade to make sure that we can export our meat, sugar and wheat anywhere in the world, and we do not want other countries imposing trade barriers on Australian farmers. That is why Australia has always been at the forefront of trying to get a
genuine, honest free trade regime. But we will not do that at the cost of having to accept imported foods that are not subject to the same very stringent quarantine rules that apply in Australia, or should apply in Australia.

I can think of any number of occasions when government officials, perhaps under too much influence of the trade department, have been prepared to cut corners. Senator Colbeck, Senator Milne and Senator Xenophon gave examples where quarantine officials seem to have been overborne. Of course, under the Labor government, funding to Biosecurity Australia and to the quarantines services has been slashed so much that the bureaucrats who used to be there—the officers who could really look at these things—no longer exist. So you can understand why (a) there are not as many of them to do the work; and (b) under a Labor government perhaps they are overborne by the trade minister. You would understand why the agriculture minister has very little or no authority, and that has been demonstrated time and time again in this chamber—you can understand why he is disregarded—but that has an impact on Australia's biosecurity and quarantine.

But, I have to confess, that happened even under the Howard government. The difference is: because most of the farming electorates around Australia are represented by Liberal and National party people, they would not take that lying down. I could identify a number of examples, but the one that perhaps was closest to me, and it happened five or six years ago, was the banana industry. In the interests of free trade we were looking at bringing in Philippine bananas. If they meet the standard there is no reason why they should not be brought on. But I and my colleagues—particularly Senator Boswell, to give credit where credit is due—fought and fought and fought with the industry to show that the government rules, the risk analysis and the science that allegedly went into that were simply wrong. As a result of persistence from coalition members of this parliament, we forced Biosecurity Australia to have another look and to apply some real science to the issues involved. Once that real science was applied, it was found inappropriate to bring in the bananas that were the subject of that inquiry. As a result of that, the banana industry in Tully and elsewhere in Queensland continues to flourish in a clean and green way.

I might say, as an aside, that for all Senator Milne's protestations about how interested the Greens are in rural and regional Australia and how interested they are in farmers, they do not like to think about what the carbon tax is doing to the banana industry. Many players will be put out of business by the huge increases in the prices of electricity and refrigerant that are so essential for the banana industry. But I digress from the issue of quarantine.

That example of bananas was a good example of where parliamentary vigilance by people from the Liberal and National parties was able to force the authorities to apply the science properly, and the banana industry was saved. Currently I know the Senate Rural and Regional Affairs and Transport References Committee—and I again congratulate Senator Colbeck and Senator Boswell—are doing very good work on the pineapple import issue. Their perseverance, their diligence, their vigilance will, I am sure, ensure that the proper science is applied to the pineapple industry. Just last Friday I was privileged to be a guest at the opening of the new pineapple factory at Yeppoon, near Rockhampton. What a wonderful event that was and congratulations go to all those farmers and investors who put their money into that new facility with confidence in their industry. It was regrettable that the current
federal Labor member for Capricornia, Ms Livermore, was not there. Perhaps she had a good excuse for that and I do not know but it was a bit disappointing. But I was pleased to be there along with Mr Bruce Young, the LNP member for Keppel, and Ms Michelle Landry, the person who will be the next member for Capricornia, being the LNP candidate. It was good to be there to get an understanding of that very significant industry. Certainly when you see the passion and the care with which the participants involve themselves in that industry you can understand why they are concerned about what the import of foreign pineapples might do to their industry and their hard-won reputation for having a clean and green image and for the wonderful product that they produce in that part of the world.

Again I give credit to those on our side who have been in the forefront of doing this. Senator Milne will get up and say 'me too' and also she will add that it is not the Labor Party's fault but all the coalition's fault. I can never quite understand the logic. They are in government but it is still the coalition's fault! Senator Milne cannot help herself and whenever there is blame to be attributed always it is never to her left-wing associates in the Labor Party. We in the coalition believe that you must have the most stringent rules and regulations. Quarantine services must be appropriately funded. Whenever the Labor government, as is their way, see a problem, do they ever do anything about it? No, they set up an inquiry, they have an assessment, they have a review and they have a conference or a forum. Certainly after coming into government the Labor Party did nothing about biosecurity and quarantine, but then they thought that they had better pretend that they were doing something. Have a summit? No, they tried that and that disappeared without trace at great expense to the Australian public. But they thought they would establish the Beale review to look at quarantine, and this review, which was set up by the Labor Party, found it was impossible to escape the conclusion that quarantine and biosecurity agencies were 'significantly under-resourced, putting Australia's economy, people and environment at significant risk'. That review made 84 recommendations. Of those 84 recommendations made, as I think it was, in 2009, how many have been actually actioned by this Australian government?

Senator Xenophon: How many?

Senator IAN MACDONALD: Well, would one surprise you, Senator?

Senator Xenophon: Nothing would surprise me.

Senator IAN MACDONALD: Eighty-four recommendations with one recommendation acted upon—and which recommendation was that? The recommendation for the removal of the 40 per cent rebate to our exporters, especially hitting new and emerging industries that have seen their registration costs go up by about 100 per cent. You might recall, Mr Acting Deputy President, that in the 2009-10 budget Labor cut cargo-screening resources at ports and airports by some $58 million and then new legislation by the Labor government in the last year or so moved 79 positions from airports, where they were funded by the taxpayer, to cargo areas which were funded by industry, so putting more costs on Australia's ever-struggling farming industry, and the story goes on and on.

I repeat that the coalition believes that the most stringent biosecurity standards must be applied for any goods that anyone wants to enter into Australia. We welcome free trade but it has to be on a level playing field. Whilst Senator Milne criticises free-trade agreements, what she should be criticising is not the particular agreement as such but the
way it has been dealt with by this Labor government. You can understand why a government who can set up a tax like a mining tax that discourages investment but when the chips are down does not raise one dollar of revenue—so a government that is that incompetent—cannot properly manage the biosecurity and quarantine rules. So it is not free-trade agreements as such that are the problem but the way they are implemented, the way they are managed and the way they are administered. I think it might have been Senator Colbeck or it might even have been Senator Milne who mentioned the fairly recent beef imports that caused real problems. Unfortunately the Labor Party government had no idea.

Senator Xenophon: Senator Colbeck.

Senator IAN MACDONALD: So Senator Colbeck, was it? It might have even been Senator Xenophon.

Senator Xenophon: No, it was Senator Colbeck.

Senator IAN MACDONALD: The BSE beef was imported without any real risk assessment analysis. So this is what you expect from the Labor government.

It is an area of great interest to me as a Queensland senator. I have mentioned the bananas and the pineapples. Ginger from around Nambour and around Bundaberg, in that part of my state, is another industry that is under some threat because of the way the rules are being administered. We have to make sure that science is properly sought, properly gained and properly applied to all of these import proposals. I conclude by again thanking Senator Xenophon for raising what is a very important issue and I commend the motion to the parliament.

Question agreed to.

BILLS

Equal Opportunity for Women in the Workplace Amendment Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator URQUHART (Tasmania) (17:07): I resume my speech for the third time. The agency's advisory and education functions will be enhanced. The contemporary data focus will allow the agency to see and target advice and education as effectively as possible as particular sectoral or industry issues emerge. And, in a win for smaller organisations with fewer than 100 employees, they will still not be required to report but will be able to access the agency's expertise and expanded online resources, boosting gender equality in all Australian workplaces.

The bill facilitates the engagement of senior management and employees. The chief executive officer, or equivalent, will be required to sign-off on organisation reports, and consultation with employees is a defined gender equality indicator. Over time, the improved and standardised data set will assist the minister in setting industry-specific minimum standards against the gender equality indicators. Minimum standards will not come into effect until reporting in 2015 and will be developed in close consultation with stakeholders.

The bill also improves the transparency and fairness of the compliance framework and the consequences of non-compliance. The agency will be able to check compliance by seeking information from employers relevant to compliance. Employees and shareholders will be provided with access to the report, and employees and employee organisations will be provided with opportunity to comment on the report. The
consequences of non-compliance are the same as the existing provisions but with a focus on improving transparency and consistency of application. If an employer does not comply without a reasonable excuse, they may be named in a report to the minister or more broadly. Employers may also not be eligible to compete for Commonwealth contracts, grants or other financial assistance.

Those opposite use the great bastion of fear, the potential for increased red tape, to strike fear into every CEO. I would describe these reforms as more like pink tape—a lighter shade of regulation that makes compliance simpler and more meaningful. With the additional resources for education and industry assistance, this reform demonstrates a government that cares about working together towards gender equality. The rhetoric we hear from those opposite shows their true colours. I refer to paragraph 1.44 of the coalition senators’ dissenting report into the Senate committee inquiry into this legislation. In that they said:

Coalition Senators are of the view that gender equality should be an aspirational goal …

What—an aspirational goal? On this side, we produced the first female Prime Minister and first female Premier from my home state of Tasmania, and we have built our ranks of females in this place and parliaments across the country to around 38 per cent while the conservatives languish at around half of that, or just one in five are female politicians. Labor has an active goal to increase female participation. We are getting on with the job of destroying the joint, not aspiring to one day trying to find the time.

I conclude today with a contemporary story from a young woman in my home town of Devonport. She told me that, as a young woman at the start of her career, it was a demeaning process to sit at a table in front of her male boss and have to beg for what was essentially a human right and to have it repeatedly refused. Equality in the workplace is all she desired. Requests for her skills to be recognised were never heard. She says she was made to feel as if she should be just thankful for having a job in the first place. This is not a blue-collar factory job like I spoke about earlier. This young lady scored a near perfect score on her high school certificate and wanted to pursue her passion for writing in her home town. She says she was young and tried to rationalise that the job market was tough, but she could not ignore the injustice of commencing induction at the same time as a male employee and observing that he progressed much further and faster in the workplace.

Upon repeated requests for an upgrade, simply to reflect her existent skills, she was told to be less impatient and to wait her turn. At the time, she tried to comprehend this as she was at home with her parents and her male colleague had a wife and family to support. We all know that is not right. All of us know that people should have the wages and conditions that reflect their skill and effort at work.

I commend this bill to the Senate.

Senator BOYCE (Queensland) (17:11): On the coalition side, we are put in the position yet again of finding the intention of government legislation reasonable, as they express it, but the implementation, yet again, is a complete example of slapdash behaviour. The unknowns that are left in this legislation are too much for any party that is seeking to be a responsible government. The way this is being handled is irresponsible and slapdash. Of course, we should not be surprised by that, but I guess we live in hope.

The coalition has a strong and proud history of gender equity and of moving towards addressing every aspect of gender
equity. We were the government that enacted the initial Equal Opportunity for Women in the Workplace Act in 1999. It was in 2001 that the coalition government forced employers to report to the Equal Opportunity for Women in the Workplace Agency for the first time under this act. We initially developed the carrots and we agreed that there needed to be sticks attached, and the reporting process for that was developed. I have no doubt that, if there were currently a coalition government in place, we would be looking at further developing and amending that act, but not in this way. We would do it in a responsible way that set out to achieve some real goals.

We also need to look at this government's history in the area. As we come to the very end of 2012, with probably only a few weeks of sittings next year, even if we go towards the middle of the year, they have finally produced a piece of legislation. Of course, as I pointed out earlier, it is an extraordinarily flawed and empty piece of legislation, but they have produced some legislation. At the 2007 election they committed to this if they won government. They rushed into getting a review done. That was started in 2009—it only took almost two years for them to decide to have a review. That was conducted by KPMG, who came up with a very extensive report.

As a great admirer of the EOWA and the Office for Women, I inquired at estimates hearing after estimates hearing when this report might be available and when it might be acted on. I commented a number of times on the position that the acting director of EOWA, Ms Mairi Steele, had been placed in. She acted in the position for well over two years. The government has since appointed Ms Helen Conway to the position. In my view, both women are doing an excellent job and I think EOWA as an organisation has undertaken its mission very, very well. It certainly now is time, in my view, to extend that mission—but not this way. It is a shame that the government has brought in this legislation in this format, as far as we can see from the coalition side, simply to say, when the election is called, 'We've fulfilled that promise.' Once again, it is all smoke and mirrors. Just look at the external veneer; do not try and dig down because there is nothing to dig down to. There is nothing in it.

A number of people have made comment on the gender equity pay issue, but I would like to ensure that we have those statistics there. We agree with the government that action is needed—it is action that is needed, though, not this government's bill. The gender pay gap is stagnating at 17½ per cent. These are figures provided by the Equal Opportunity for Women in the Workplace Agency in August. An interesting change that has come about is that it is now the financial and insurance sectors that have the largest pay gap, and that is 32.7 per cent. It is embarrassing; it is just not acceptable.

The Australian Bureau of Statistics has shown us that an ongoing problem is the way the gap between women's and men's wages increases over time. The Bureau of Statistics shows that women working full time earn on average $1,193.50 per week; men pick up an extra $252.80, taking home $1,446.30 a week. So the disruption that leaving the workforce to have children can cause can be huge. Ms Conway, the current director of EOWA, has said that the research shows that a woman who takes one year of maternity leave experiences, when she goes back into the workforce, a reduction in her hourly wage of almost five per cent. If she stays away from the workforce for three years, that figure leaps to 10 per cent. I agree that there must be a shift in Australian culture to make it acceptable for both men and women to access flexible working arrangements.
without financial penalty and still have the opportunity to progress their careers.

I accept the name change that the government is proposing with this legislation, although I would argue about whether it is an urgent change that needs to happen. The mindset where we are talking about gender equality, not equal opportunity for women, in the workplace is something that we certainly need to address. I read a report recently—it perhaps included more academic jargon than I have picked up myself—about the need to 'de-gender' the workplace and parental leave. I had been arguing for some time that, until we started genuinely meaning 'parental leave', not 'maternal leave', we were not going to see equality in the workplace. The report I am talking about, from Ernst and Young, makes the point though that men also have breaks in their careers, while they go on sabbaticals or into study et cetera, and yet in that time they do not lose their career paths in the way that women appear to when they go on maternity leave.

I was interested in some of the Scandinavian examples, where it is culturally common for the mother to take the first six months of parental leave so that they can breastfeed the baby and then for the father to take the second six months. This means that employers know that men and women of child-rearing age are going to be people with broken careers. It starts to set up a new culture around the employment of women. I still strike people who say, 'We can't do too much here because no-one will ever employ a woman of child-bearing age.' I just find that very difficult to believe in this day and age, and yet, to quote from the Ernst and Young report, the researcher, Ms Jenelle McMaster, said:

You bring men and women in about equal numbers at the beginning of their careers. There is a [career] curve upwards for men and a curve downwards for women in the workforce. That was known as the stupid curve. I tend to agree with her. Flexibility of workplace arrangements is good for families; it is not just good for women. It should be something that we can change our work cultures to accept and to take on board.

But let us get back to the problems that this government have already created in this area, where they claim to have such a philosophical superiority over the coalition. For example, their Paid Parental Leave scheme does not include superannuation, which ours would include. When you look at the facts that the relatively poorest people in Australia are retired single women, I think it is not unreasonable to say, 'For goodness sake, if you kept the super in at the parental leave stage when the women are younger, the compounding of that towards the end would lead to better results.' Not only that but we also have the government's cap on salary sacrificing contributions to superannuation now. As I said, women retire with far less superannuation than men. I can give you those figures, Mr Acting Deputy President. Their opportunity to build superannuation is surely greatest in their post-childbearing years when they are likely to be in more senior positions and therefore in a position to be able to salary sacrifice. And what does this government do: it chops them off at the pass. There is no allowance for the fact that women continue to be the poorest retirees, not even any thought about how they would do this.

The committee inquiry into this report from the coalition made what I thought was a particularly important point. We believe that the majority report by the government selectively highlighted submissions around the legislation. They did not acknowledge the evidence that came from poor old business and industry representatives, unions, academics and lobbyists. These are
the ones who said that this legislation needs changing and amending. We have very great concerns about a number of areas. Once again we have this government saying, 'Oh well, we'll just let private enterprise pick up the bill,' in the same way as they have done for the parental leave scheme, starting off initially by having the FAO administer the parental leave scheme payments but then pushing it back to private enterprise. These imposts might only cost 0.2 or 0.5 per cent of gross profit but when you put 10 or 12 of them in a row onto companies at the same time that we have the carbon tax and other impost from this government—and the most egregious one of the lot is the move to have monthly tax payments from private companies rather than quarterly tax payments—the cost to business becomes unsustainable. It is just ridiculous the way this has gone on.

One of our strongest objections to this legislation is that it does not apply to the public sector. I am aware that the Public Service Commissioner does look at the issues of diversity within the public service but not to any extent to the level that private enterprise is now going to be asked to do this. Whilst Senator Urquhart might think that it is quite good that employees and employee organisations will have access to the information of companies around gender equity and gender pay, we on the coalition side are very worried about this. It is not difficult to see that this information could be used by unions to run campaigns seeking higher pay across an industry because they find that one organisation in the industry is paying on average higher wages.

It is quite frightening the power that this bill would give to the minister to do almost anything he or she wants to do. There is nothing in it. I will quote from the Australian Industry Group in their initial submission to the KPMG review. They said:

Overall it may be worthwhile in Ai Group's view to introduce a form of positive recognition for organisations which submit regular reports, to provide an incentive to do so. This may be more appropriate and effective than the alternative, which is to penalise those who do not report. While EOWA recognises outstanding organisations through its "employer of choice awards", there are of course numerous organisations which regularly report but for a variety of reasons do not apply for or receive such awards. Recognising organisations which regularly submit compliant report, such as a certification process, could be considered.

Of course it could be considered, but this legislation would wipe out that potential for compliant organisations which are doing exactly what they should be doing, which are reporting, which have programs in place, which are getting good outcomes and getting increases. No, they have to go on reporting just like any other organisation. They never get a break from it. They have the cost of it every year irrespective of how it goes. That is just one issue. The other issue in terms of removing carrots is the fact that there will be no recognition of any sort, whether by award or by anything else, for organisations that are doing the right thing, and trying to do the right thing. Carrots and sticks have to be the way this goes, yet there is nothing in here. It is basically, 'Let's take away the carrots and just keep the sticks.' Of course, not only have you got the sticks which are spelt out in the bill, which I have just listed—

Debate interrupted.

**DOCUMENTS**

The **ACTING DEPUTY PRESIDENT**

**Senator Mark Bishop:** Order! It being 5.30pm, we will now turn to consideration of government documents.

**Australian War Memorial**

Debate resumed on the motion:

That the Senate take note of the document.
Senator RONALDSON (Victoria) (17:31): I had the great honour today to join the Leader of the Opposition, the Prime Minister and many dignitaries to see the recipient of—

The ACTING DEPUTY PRESIDENT: Order, Senator Ronaldson. The time clocks were not set. You now have five minutes.

Senator RONALDSON: Thank you. Today I was fortunate to be at Government House, where our 99th recipient of the Victoria Cross was awarded same by the Governor-General. Corporal Daniel Keighran VC was awarded the nation's highest military honour. I will not go through the citation but I would encourage all honourable senators and indeed all Australians to read the citation about this remarkable young man. The stories that were told today, as is always the case, I suspect, with a citation, did not actually reflect the extraordinary contribution of this young man to the event for which he was awarded the VC, and I suspect words can never accurately cover such deeds of extraordinary heroism. This is a young man to whom this country owes an enormous debt of gratitude. He is the 99th recipient of the Victoria Cross, and the Hall of Valour in the Australian War Memorial will commemorate his fine deeds and commemorate forever his sacrifice for this country.

I would very briefly like to say that there have been some changes at the Australian War Memorial. Major General Steve Gower has retired. Major General Gower suffered a dreadful loss this year, with the loss of his wife, Heather. I am sure I speak for everyone when I say that our thoughts are with him. The new director, who will be known to many in this chamber, will take up his position in December, and that is Brendan Nelson, a former member of the other place.

I also want to talk about several other matters in the time left to me, and I will talk about this a bit later on. The Department of Veterans' Affairs annual report for 2011-12 gave us a stark reminder of the rapid demise of those men who fought for this country during the Second World War. There are only 69,200 combat veterans remaining. Over the last 12 months, 12,000 of these men have passed away, at an average of more than 30 every day. Indeed, that is the changing face in this country in relation to the veterans community. More than half of all DVA clients are aged 80 and over and one-third of DVA clients are women—war widows, in fact. By 2020, DVA projects that the number of VEA beneficiaries will fall from 330,621 this year to 207,300, a decline of more than one-third. By 2020, I suspect that we will be talking about World War II veterans in their hundreds and not in their tens of thousands. By 2020, our war widow population is expected to fall to about half the number today.

However, I think it is important to note—and this is the point of this contribution—that, by 2020, the number of veterans eligible for benefits under the SRCA, the Safety, Rehabilitation and Compensation Act, and the MRCA, the Military Rehabilitation and Compensation Act, will rise as a result of the last 20 years of increased deployment frequency. As is probably not widely known, there have been more than 60,000 young Australians, young men and women, who have served this nation overseas in the last 20 years—a number which is consistent, remarkably, with those who served in Vietnam. It is a very large number of young men and women who have served this country.

Whilst the government has slashed advocacy funding and support to those best placed to help these men and women, the veterans community will do what it has
always done, which is to step up and help those in need. I do want to talk about this in my last 24 seconds, and if I get chance I will refer to it later on. We owe these young men and women more than we gave to those who returned from Vietnam. What we did to those young men returning from Vietnam is a dark stain on this nation's history. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**AusAID**
Debate resumed on the motion:
That the Senate take note of the document.

**Senator Faulkner** (New South Wales) (17:37): I wish to address some brief remarks on document No. 6, addendum to the AusAID annual report, which of itself makes very interesting reading, particularly if you are a statistician or a mathematician. I am particularly interested in the primary document, the annual report itself. The past year has been an important year in the organisational structure of AusAID. In July last year, the government launched a new aid strategy, An Effective Aid Program for Australia. The annual report is the first since the adoption of the new policy. The report notes a number of AusAID initiatives, including a new three-tiered framework across all agencies involved in aid: measuring the progress of the aid program and the projected result, strengthening data collection to accurately track progress and a higher standard of quality assurance based on their value and the level of risk.

In relation to the first of AusAID's two outcomes—to assist to reduce poverty and achieve sustainable development in line with Australia's national interest—the AusAID annual report states that the aid program during 2011-12 has met or exceeded all key performance indicators. Hundreds of thousands of people, the report tells us, have been helped out of poverty through employment and assistance programs and tens of thousands of children have been provided with relief. The doors of education have swung open to benefit hundreds and thousands of boys and girls in our region. New cases of HIV-AIDS are down and access to clean drinking water is up.

I note particularly the governance and integrity issues that the report highlights. In March, AusAID undertook a major restructure, and this restructure has resulted in the creation of a new Risk Management and Fraud Control Branch. Fraud officers were appointed to PNG, Indonesia and the Philippines. Improving fraud control practice across this agency has involved quarterly reporting to the Executive and Audit Committee, annual reporting to the Australian Institute of Criminology, mandatory fraud control training for AusAID staff in Australia and overseas and due diligence checks on contractors involved in aid programs.

With respect to external integrity operations, I also note that AusAID have had no judicial or tribunal decision held against them which pose a significant impact on operations and there have been no Commonwealth Ombudsman investigations. It is also worthy of note that AusAID has had just three assessments by the Information Commissioner in relation to FOI.

Finally, in the time available to me, let me say that the AusAID Transparency Charter launched in November last year has already led to greater visibility for taxpayers over how their dollars are being spent and what results are being produced. Let me say that I, for one, intend to take a close interest in the work of AusAID in the time ahead and also, of course, a close interest in the effectiveness of that agency's programs and accountability mechanisms.
The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Senator Faulkner, do you seek leave to continue your remarks?

Senator FAULKNER: Well, I was not planning on it, Mr Acting Deputy President.

Senator Mason: Why not?

Senator FAULKNER: But if it would assist the chamber, as always, I am happy to help. If the opposition would like me to do that, well, I will just fall into line. So I seek leave to continue my remarks.

Leave granted; debate adjourned.

NBN Co. Limited

Debate resumed on the motion:

Senator RONALDSON (Victoria) (17:43): In relation to document No. 10, NBN Co. Ltd., I read with great interest an article in yesterday's Australian, which I of course will not hold up because that is unparliamentary, but I will refer to that document. It is by Kevin Morgan, who was the ACTU member of former ALP leader Kim Beazley's advisory committee on telecommunications. It is headed: 'NBN's commercial viability is a joke'. This article is on page 12, and I think it is imperative that all those opposite at least read it so that they can know what a complete and utter farce the NBN is. In the article, Mr Morgan quite rightly indicates:

This financial year NBN Co will receive $4.7 billion, with a further $6.1bn billion to be injected in 2013-14.

He goes on to say:

But the pretence the NBN is commercial is dissolving and the McKinsey assumptions that led the ABS to grant the NBN its off-budget standing are no longer tenable. Much has changed.

He went on to say:

These failures haven't stopped NBN Co from paying 10 executives $640,000 in bonuses for the past 12 months. Hardly the mark of a commercial organisation. And the delivery of the few connections that have been established has scarcely occurred in a commercial manner. Technicians have been paid $500 for a half day's work to install an NBN box in a home, and when no work has been scheduled they have been paid $700 a day "idle time".

He went on to say:

Most tellingly, the revised corporate plan released in August confirms the original plan was way off the mark. The latter underestimated the size of the fibre network by 14 per cent about 25.000km.

Fourteen per cent—25,000 kilometres! And he finishes up—and this really has to be read, this article:

Like everything else about the NBN, its prices are driven by political, not commercial, imperatives.

I will repeat that:

Like everything else about the NBN, its prices are driven by political, not commercial, imperatives.

Indeed, this report just highlights again the Gillard Labor government's failure to manage public finances, to get things done and to do things well. On managing public finances, in 2007 Labor claimed that the NBN would require $4.7 billion from taxpayers. That was it! No more—no more than the $4.7 billion. Now, after almost four years, we already have $2.8 billion spent in taxpayers' funds and $923 million in losses. This financial year, as I said before, NBN Co. will receive about $4.7 billion and another $6.1 billion in the next year. No-one has any idea what the ultimate cost of this NBN will be! But, of course, it is off budget. As this Mr Morgan said, 'What a disgrace!' and:

... the pretence the NBN is commercial is dissolving and the McKinsey assumptions that led the ABS to grant the NBN its off-budget standing are no longer tenable.

I just want to turn to getting things done. Labor originally claimed in 2007 that the NBN would be completed by 2013. Hello!
We are very close to that now. They are now saying that it will be 2021 but, of course, every deadline has been missed. Two years ago Labor promised that by June 2013 1.3 million households would have NBN fibre and that NBN Co. would have 560,000 paying customers. NBN Co. only has 24,000 households connected to fibre and just 6,400 paying customers, and NBN Co. has now downgraded its estimates for next June to only 54,000 premises connected to fibre, a far cry from 1.3 million.

In relation to doing things well, the Labor Party has clearly taken a monopoly approach to broadband, and while broadband prices have fallen by 69 per cent since 2005 NBN Co. now wants to triple its charges to consumers by 2020 as a very warm welcome to Mr Conroy's monopoly.

I do just want to talk quickly about the local effects in my patron seats of Ballarat, Bendigo, Corangamite and Corio. In Corangamite, the Liberal candidate, Sarah Henderson, has pointed out that the southern part of Geelong missed out on the NBN in the first rollout, and Goulburn Plains Shire Council reports on being bullied by NBN Co. (Time expired)

Senator IAN MACDONALD (Queensland) (17:48): I also want to comment on the 2011-12 report on the NBN Co. Ltd. Fortuitously, I am a member of the joint oversight committee. It met on Tuesday night of this week. Unfortunately, even though it was there for four hours there was still not enough time to fully hold the government to account for what will turn out to be the greatest white elephant ever to confront Australia.

I think the cost at the moment, on my calculations, is something like $60 billion and rising. I think that all senators, and perhaps those listening who did not hear question time, would have been interested if only Senator Birmingham had got some answers to the questions that he raised in question time today. He asked the minister three questions, but one of them was: was it true that 60 per cent of the senior officers of NBN had moved on since NBN started? I think he had some statistics about the number of board members that had changed over since this organisation started.

I can understand that people are very concerned about the way that this entity is operating. Senators will recall that Mr Mike Kaiser, a failed Labor member of parliament from Queensland who had to resign in disgrace over a vote-rigging matter, was actually the first publicity officer—or whatever they call him in polite corporate terms, but he was a publicity officer; I think he was their 'communications executive'. You will recall, Mr Deputy President, that it came out in evidence—that is all on the record—that Senator Conroy said to Mr Quigley, 'Oh, you're looking for a communications officer?' And Mr Quigley said, 'Yes I am'. Senator Conroy said, 'Why don't you have a look at Mike Kaiser?'

Senator Conroy said that he did not know Mr Kaiser, but he did confess to suggesting to Mr Quigley that he might look at Mr Kaiser. Of course, it ended up that Mr Quigley did not advertise the position or call for expressions of interest; he just simply appointed Mike Kaiser, a former disgraced Labor parliamentarian in Queensland, and paid him a very handsome sum. I forget exactly what it was—it is all on the record—but I think it was something like $350,000 to be the communications officer for NBN.

When another person was trundled in in that role a few months back we said, 'Well, what happened to Mr Kaiser? Has he left you?' At the time—I think this was going back three or four months—we were told. 'Oh, no, Mr Kaiser is still there; he's been
promoted.' This was to something, as I recall—forgive me if I am wrong—between $400,000 and $500,000 a year, and he had taken on another role. We did not get the opportunity last Tuesday night to ask whether he was still on the payroll, but at that price one would think you would be crazy to give up that position. I know that most parliamentarians can only dream of that sort of financial return. I wanted to raise as well the issue of the rollout in the town of Townsville, where I have my electorate office. There is an area of Mundingburra between China Street, Ross River Road, Nathan Road and the Ross River which has had overhead wires put in. As I said to Mr Quigley the other day, my office phone has been in meltdown—we still have copper wire there—from people complaining about these ugly wires at the lowest level coming through this quite nice suburb of Townsville. The complaints to my office were not just about the visual pollution of these but also about concern for what will happen when a cyclone comes along. The question they were asking me was: 'Does that now mean that when the cyclone comes along and blows over an electricity pole, which now has the NBN wire on it, not only will we be without electricity, which we could overcome by a generator, but we will be without any form of telecommunications?' I am anxiously awaiting a response from Mr Quigley to that question.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

Department of Broadband, Communications and the Digital Economy

Debate resumed on the motion:

Senator RONALDSON (Victoria) (17:53): The Department of Broadband, Communications and the Digital Economy, of course, has oversight of the NBN. As I was saying earlier on, the Golden Plains Shire Council is also reported to have been bullied by NBN Co., with NBN Co. defaulting the town of Napoleons to slower satellite services rather than reconsidering where to build an NBN communications tower proposed for their town. Many rural areas across these electorates have also been overlooked on the basis that it is too expensive to roll out the NBN in low-density housing areas, effectively leaving many rural areas behind.

'Too expensive' does not seem to be a problem for NBN Co. in other ways, though. As has been pointed out, they have paid their board and key executives $26 million over the past three years and $640,000 in bonuses for the past year. How could you possibly pay anyone a bonus on the back of what we have heard about how far behind this rollout is and what the cost has been? It absolutely beggars belief. There are approximately 1,620 employees, so I am told, earning an average of $175,000 as of June this year.

There is $20 million of advertising for the NBN ahead of next year's election. That is despite cuts to other programs exceeding a billion dollars plus in 2012-13. We have already heard today issues about Barwon Health in Geelong, with their funding being slashed, which undoubtedly will impact on services in Geelong. Quite rightly, the Liberal candidate for Corangamite, Sarah Henderson, has been very, very angry about this and expressed her anger on behalf of her community, where we have seen these cuts.

It is interesting: the NBN Co.'s own executive apparently are not convinced themselves about where they are going. It is not just us but also the executive. Five of the eight directors recruited in 2009-10 to run NBN Co. have resigned. Five out of the eight directors recruited two years ago have
resigned. This is a clear example of Labor's waste and mismanagement; their complete and utter disregard for rural Australians; and their complete and utter disregard for those people who have chosen to live outside the major metropolitan areas, who have the same entitlement to these services who live in capital cities. Why is it that regional and rural Australians should suffer? Why is it that rural and regional Australians should suffer from the sort of waste and complete and utter mismanagement we have seen in relation to the NBN Co.? Why are they the ones ultimately paying for this? It is completely unreasonable.

Look at the advertising program for the NBN—to advertise failure, effectively—and also look at the carbon tax advertising. I think the total by the end of this financial year will be some $110 million. Isn't that a coincidental figure! It is exactly what the cost would be of giving fair indexation to men and women on DFRDB and DFRB, who are currently not getting proper and fair indexation. Those who have served this country are not deserving, apparently, of fair indexation. Those who have served this country are not deserving of having their indexation of the military superannuation on the same basis as aged pensioners and service pensioners, but we can spend $20-odd billion on NBN advertising and $110 million on carbon tax advertising. So exactly where are the priorities?

We have a government that is wasting money on advertising and a government that will not look after our own military superannuants. We have a government who are letting down regional and rural Australia quite dramatically, not just in relation to the NBN and telecommunications but also, as we know, to health. Geelong, a major regional centre, has had budgets slashed and services reduced. That can be the only outcome of this. This is a government that is on the teat of debt. There is $150-odd billion of net debt at the moment. Who knows where it will finish up? It took the last coalition government 10 years to pay off $96 billion. Our children are probably going to require twice or three times that to pay off this bill of waste and mismanagement. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Australia Post

Debate resumed on the motion:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (18:00): This report of the Australian Postal Corporation is interesting. As I did at estimates, I congratulate Australia Post for the very substantial profit that they achieved in this financial year. Unfortunately, I do not have the page in the report where the profit is related, but from memory it was in the order of $280 million. Isn't that a coincidental figure! It is exactly what the cost would be of giving fair indexation to men and women on DFRDB and DFRB, who are currently not getting proper and fair indexation. Those who have served this country are not deserving, apparently, of fair indexation. Those who have served this country are not deserving of having their indexation of the military superannuation on the same basis as aged pensioners and service pensioners, but we can spend $20-odd billion on NBN advertising and $110 million on carbon tax advertising. So exactly where are the priorities?

We have a government that is wasting money on advertising and a government that will not look after our own military superannuants. We have a government who are letting down regional and rural Australia quite dramatically, not just in relation to the NBN and telecommunications but also, as we know, to health. Geelong, a major regional centre, has had budgets slashed and services reduced. That can be the only outcome of this. This is a government that is
a mail centre the noise from the trucks coming in at 3 am and 4 am unpacking parcels and dropping them on the cement and from forklifts going backwards and forwards—and, as you know, for workplace health and safety reasons every time they go backwards they beep—has become intolerable for the residents, who have been there for a long time.

We have been trying to get Australia Post to move that major industrial operation. The Rockhampton Regional Council have made it quite clear and have passed resolutions to the effect that, if it were not a government agency, it would have been shut down years ago because that sort of activity is not appropriate for a residential area. But, because it is a government agency, it is above the Rockhampton city council planning guidelines.

I have been arguing this with Senator Conroy with no success and with Mr Fahour, the Managing Director of Australia Post, for a long period of time. At these estimates when I was congratulating Mr Fahour about his significant increase in profit I asked, 'You couldn't use $10 million of that profit to shift the Rockhampton mail exchange out to the industrial estate where it belongs?' He conceded there. I helped report him to the Australian Competition and Consumer Commission for competitive neutrality breaches because they do not comply with the rules and regulations of the Rockhampton city council. Whilst Mr Fahour was not prepared to say he would use some of that profit to do this, he did give me some encouragement in saying that Australia Post might be looking at how to move this mail centre from this residential area out to the industrial estate. I continue to urge Australia Post to do that as a good citizen. It would also increase the efficiency in their operation and it could be a win-win situation for everyone involved. I am anxiously awaiting an announcement on how they are going to spend the $6 billion on the capital expansion in Queensland. (Time expired)

Question agreed to.

Australian Institute of Family Studies
Debate resumed on the motion:
That the Senate take note of the document.

Senator RONALDSON (Victoria) (18:06): During an answer this week the Minister for Foreign Affairs, Senator Bob Carr, chose to stoop to the lowest level that I have seen in this chamber since my time here. It was a deeply offensive personal attack on the children of one of the coalition female senators. Not only was it a deeply offensive attack; it breached all conventions in this place in relation to personal attacks on families. What has underpinned the integrity of this chamber and the other place is that families are out of bounds. They are off limits, and the fact that the man who ostensibly seeks to represent this country internationally could stoop to that level, as I said, was deeply, deeply offensive. It was a grubby attack unbecoming of anyone—unbecoming of someone who is a former Premier of a state in this Commonwealth and unbecoming of anyone else.

Isn't it interesting? A month ago we saw a politically motivated attack on the opposition leader, and we saw a succession of female ministers coming out to attack. Where were they the day before yesterday when there was an attack on someone's family—the children of a female coalition senator? Absent. They did not have the intestinal
fortitude to do anything about it. They did not go to the foreign minister and say, 'That's not on.' The person who also deeply disappoints me—someone who I have great respect for—is Senator Evans. Senator Evans should have told Senator Bob Carr to come back in here and apologise. My understanding is that phone calls were not returned. If this Prime Minister is serious about this campaign she is running then she cannot sit back and let one of her senior members attack the family of a coalition female senator. Otherwise she will be judged for what it was, and that was a cheap political stunt—no more and no less. You cannot have it both ways. You cannot be part of a campaign against one member of this wider parliament and then, when one of your own steps over the line and attacks the family of another member of parliament, sit idly by and not comment. This was just further indication that this vile attack on the opposition leader five weeks ago was all about politics.

We saw another example of that with the remarkable support by the Prime Minister of this country for the former Speaker of the House of Representatives. When did we see that Prime Minister make any comments on or stop supporting the member for Fisher until he chose to resign? The most appalling comments, sent by way of text, got the prime ministerial imprimatur, because the Prime Minister chose not to make any comment about them and chose not to cut loose the member for Fisher at that time.

So we have seen a vile, politically motivated attack on the Leader of the Opposition. We saw a vile attack by Senator Bob Carr, one of the most senior ministers in this nation, on the family of a female coalition senator, and not a word was spoken. I am not going to embarrass them by naming the Labor female senators in the chamber tonight, but I ask those opposite this: you surely must have thought that attack on the family of Senator Kroger by Foreign Minister Bob Carr was the most despicable action that we have seen in this chamber. We are not going to stoop to where Senator Carr is. There are plenty of opportunities, but we are not going to do it, because we believe families are sacrosanct. (Time expired)

Repatriation Commission
Military Rehabilitation and Compensation Commission
Department of Veterans' Affairs

Debate resumed on the motion:
That the Senate take note of the document.

Senator RONALDSON (Victoria) (18:12): Mr Deputy President, I do not think you were in the chamber before, but I spoke today of Corporal Daniel Keighran VC, who received his VC from the Governor-General today. I thought it would be of interest to senators that, indeed, Daniel Keighran was a driver of the Bendigo-built Bushmaster vehicle, an Australian-made vehicle. Our newest VC, of whom we are so terribly, terribly proud, was actually a driver of those Bushmaster vehicles.

I want to also talk about some matters that I was raising in the context of a matter earlier on. I was talking about the Department of Veterans' Affairs, and I mentioned to the chamber the number of World War II veterans who unfortunately are passing away at such a rapid rate. This year, of course, we remember the 70th anniversary of the darkest days of the Second World War, a conflict which cost more than 39,000 Australian lives. Earlier this year we commemorated the 70th anniversary of the bombing of Darwin, the first ever enemy attack on the Australian mainland. We commemorated this event on the first ever Bombing of Darwin Day, and I want to pay tribute to the fantastic efforts of my colleague from the other place Natasha
Griggs, whose motion to establish the day was unanimously adopted by both houses of parliament. Natasha, you have left a quite remarkable legacy by pushing this issue so hard. We have also marked the 70th anniversary of the fall of Singapore, the Battle of El Alamein and the Battle of Milne Bay. And 1942, of course, marked the turning point in the war both in our region and in Europe. I want to make some comments about Kokoda. Notwithstanding the views of academics like Professor David Horner, who I notice is currently a member of the Gillard Labor government's hand-picked Anzac Centenary Advisory Board, the battle for Kokoda was an extremely important part of Australia's campaign against the Japanese. Defeat on Kokoda, as in Milne Bay, was not an option. The stories of those Australians who served in the mud, the rain and the jungle terrain in one of the world's last untouched wildernesses are timeless. The courage of these men is without question and their contribution is without question. For someone to come out publicly to reflect on both that battle and, by default, those who fought in it, I think, is a deeply, deeply disappointing outcome.

I was talking before about the young men and women who have served this country in the last 20 years, and what we need to do to not repeat the mistakes we made for those who returned from Vietnam. I spend a lot of time with Vietnam veterans, and I am quite frankly sickened to hear some of their stories of being spat upon on their return from Vietnam. These young men were doing no more and no less than serving this nation at the request of the nation.

Senator Fierravanti-Wells: Jim Spigelman.

Senator RONALDSON: Indeed. For them to be treated in that way, I still believe, is a matter of deep national shame. We have 60,000 young men and women who have served in the last 20 years returning to this country. They are going to require this nation to support them for at least the next 70 years. Honourable senators might not be aware that the youngest client of DVA is under 12 months of age. This nation is going to have to support those young men and women and their families for many, many decades. If we as a nation forget what the uniqueness of military service is and, if we as a nation stop supporting and reflecting on the sacrifices those young men and women have made, then we will repeat the mistakes of Vietnam. This nation cannot afford to do so. This nation owes these young men and women for their service to this country. We cannot continue to slash those support mechanisms, such as BEST funding, which is about—

(Time expired)

Senator IAN MACDONALD (Queensland) (18:18): I support what Senator Ronaldson said in relation to the last document. It is important that we learn from Vietnam. Without putting too fine a point on it, what happened in those Vietnam War days—and, regrettably, I am old enough to have been around—was that the government of the day pilloried the effort in Vietnam. They had a particular political aversion to the war in Vietnam. Unfortunately, the government of the day could not distinguish between their aversion to the political implications of that war and the Australian troops who fought in it. The Australian troops went there, as Senator Ronaldson rightly said, as servants of their nation. The government of the day had sent them there. They did not make the decision. They did not particularly have a political ideology on that war. They went there because they were told to go there, and they did.

But when they returned there was a different government in charge and the new government had a political aversion which,
regrettably, it allowed to roll over, disgracefully, onto the returning troops. There were some horrible incidents, as Senator Ronaldson has indicated, and some of those veterans even today still talk about the way they were treated. It was not their fault they were there. The government of the day stands condemned, and always will stand condemned, for the fact that they could not draw the line between the troops, between the diggers, and their political aversion to that particular conflict.

It would have been so easy for the Prime Minister of the day to have said: we totally oppose this fight against communism, we totally oppose the war in Vietnam, but we are very, very proud of our troops who have been doing what their government asked them to do. Unfortunately, the government of the day did not say that and the returning troops were pilloried in the political groundswell that occurred at that particular time. It was a disgraceful part of Australia's history. That is why John Howard and people like Senator Ronaldson are going overboard to make sure that, when troops come back—and it does not matter the reason or the cause for their deployment overseas—they are treated as heroes.

There would be many things for which John Howard will have a real legacy for his prime ministership, but one of them will clearly be how John Howard, who went through the era that I did, was determined to make sure that every returning troop was treated as a hero. He set out to increase the prevalence, relevance and support for every military celebration from Anzac Day to Kapyong. It was John Howard, because of his experiences after Vietnam, who put money—and more than that, he put his own personal aura—into making sure that all of those troops were treated as heroes. In that respect I agree with Senator Ronaldson's remarks on this document.

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:21): I also wish to take note of the document we are talking about today. In doing so, I think the previous contribution has been a rewriting of history. It is true that in Australia we did not treat our servicemen returning from Vietnam properly. I was not of an age to know then; I was not old enough. But I have read the history and I think it was not a time in our history that we should be proud of. But to then take the next step, as Senator Macdonald has done, and sheet the blame home to one political party alone is taking a step too far. We are talking about people who are still hurting. Many of them we know. Many of them all of us in this chamber have worked with, working through some of the terrible trauma they are still living with. But to pick open a sore in the way that Senator Macdonald has just done is unfair to them, does not help them and is, in my view, a rewriting of history. To apportion blame in such a blanketing way is hurtful. There are returned Vietnam servicemen who have served as Labor members of parliament. To blanket all of us in the way you just did is wrong, unfair and I totally take exception to it.

**Senator FIERRAVANTI-WELLS** (New South Wales) (18:23): I too would like to make a short contribution to take note of this report. I listened very carefully and with great interest to what Senators Ronaldson and Macdonald both said. I am married to someone who was in the Navy for 35 years and served with great distinction. When you are in a family where Vietnam is remembered and is remembered very, very respectfully—let us not forget that there are certainly people, my husband and my husband's friends among them, who remember those days, who saw how our
returned servicemen were treated when they did come back. Senator McLucas, it certainly is a stain on our history. But it is also a stain on our history that people who served in Vietnam were, as Senator Ronaldson said, justly spat upon when they came home. It is yet another stain on our history that many of our young people serving in the military—who were at university, for example—were told that they were better off not wearing their uniforms to university, or not being seen in public in their uniforms, because of the fact that there was this negativity against people who had served in Vietnam.

But what really galled them was to see those people who had stood on the streets and who had railed and protested against the Vietnam War—in ways that made those returning veterans sick to the stomach—subsequently promoted and going on to careers of distinction. You know who I mean—the Speigelmans of this world and others who went out there to protest and who did not, in my view, cover themselves in glory when doing that. Veterans saw them promoted into positions of rank. That did gall them, and it still galls them. Senator McLucas, you may not have been privy to some of those conversations of people who did return and who did serve in the military with distinction, but I have been. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Department of Sustainability, Environment, Water, Population and Communities

Senator McKenzie (Victoria) (18:27): I rise to take note of SEWPac’s annual report and to note the Australian Landcare Council—a wonderful coalition initiative: local solutions to local environmental issues, direct action, environmental action, conservationists and farmers coming together on projects around stewardship of the land—annual report was also tabled. But again, real funding has been slashed to the Landcare budget, reconfigured, rebadged under the current government, so that now it is focused on national priorities. Basically, you need the Great Barrier Reef in your backyard to actually access these funds. There is significantly less money available for local projects than before.

The Nationals understand the importance of Landcare, as do the Liberal Party, and I rise to comment because, last week, one of the original architects of Landcare, Alex Arbuthnot, was presented with the NFF Award of Honour. Alex Arbuthnot was on the blackberry task force and showed significant leadership working with conservationists and agricultural organisations around the construction of Landcare. He was also a president of the VFF. On accepting his award at the NFF congress last week, Alex thanked the community and the leadership throughout the agripolitical world over his time, but he also, importantly, thanked his wife Isabel because Isabel Arbuthnot was the farmer of the family—milking those cows while Alex was away advocating for his community.

I want to briefly mention the coalition’s solution to the slashed Landcare funding. We understand the importance of these groups to local communities, the value of the more than 4,000 Landcare groups in Australia. We will reinstate support for these groups—almost 40 per cent of farmers were previously involved in Landcare organisations—and we will also restore the funding of the 56 natural resource management regions to 2007 levels. We need local solutions rather than having the centralised planning politburo of the current Greens-Labor government continually taking away from local and direct action on the ground on environmental issues and rebadging money so that locals cannot access
it to do the real, important work that these community groups do. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The DEPUTY PRESIDENT: Order! It being 6:30 pm, the time for consideration of documents has expired. The documents that are still on page 21 will remain on the Notice Paper.

DOCUMENTS
Consideration

The following orders of the day relating to government documents were considered:


Australian Security Intelligence Organisation (ASIO)—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Research Council—Report for 2011-12. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Department of Immigration and Citizenship—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Cash debate was adjourned till Thursday at general business.

Migration Agents Registration Authority (MARA)—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Cash debate was adjourned till Thursday at general business.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Cash debate was adjourned till Thursday at general business.


Department of Foreign Affairs and Trade—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Department of Regional Australia, Local Government, Arts and Sport—Report for 2011-12, including report on the operation of the Protection of Movable Cultural Heritage Act 1986. Motion of Senator Bushby to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Australian National Preventive Health Agency—Report for the period 1 January 2011 to
30 June 2012. Motion of Senator Bushby to take note of document called on. On the motion of Senator Fierravanti-Wells debate was adjourned till Thursday at general business.


Australian Trade Commission (Austrade)—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Mid-year economic and fiscal outlook—2012-13—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong). Motion of Senator Bushby to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.


Tourism Australia—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.


Department of the Prime Minister and Cabinet—Australia in the Asian Century—White Paper, dated October 2012. Motion of Senator Bushby to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

International Air Services Commission—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Australian Centre for International Agricultural Research (ACIAR)—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Outback Stores Pty Ltd—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Indigenous Business Australia—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Repatriation Medical Authority—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2011-12, including reports of the Defence Force Remuneration Tribunal and the Merit Protection Commissioner. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

PERSONAL EXPLANATIONS

Senator FIERRAVANTI-WELLS (New South Wales) (18:30): I seek leave to make a brief personal explanation.

Leave granted.

Senator FIERRAVANTI-WELLS: I wish to correct something that I said. I believe I said 'justly spat on'. I meant to say 'unjustly spat on'. I just wanted to correct the record.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Membership

The DEPUTY PRESIDENT (18:30): The President has received a message from the House of Representatives informing the Senate of the appointment of Mr Slipper to the Joint Standing on Foreign Affairs, Defence and Trade in place of Mr McClelland.

BILLS

Fair Work Amendment (Transfer of Business) Bill 2012

Personal Liability for Corporate Fault Reform Bill 2012

First Reading

Bills received from the House of Representatives.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:30): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed on the Notice Paper as indicated on today’s Order of Business. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:31): I move:

That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—
Fair Work (Transfer of Business) Bill 2012

I am pleased to deliver on the Government’s commitment to introduce legislation extending the existing transfer of business protections in the Fair Work Act 2009.

The Fair Work Amendment (Transfer of Business) Bill 2012 extends the existing transfer of business provisions in the Fair Work Act to certain former state public sector employees that transition into the national system as a result of a sale of assets or outsourcing of work to a national system employer.

The Government does not accept that these employees should be worse off, or that they should have their entitlements put at risk, simply because their jobs are outsourced.

The bill is a necessary response to this challenge - to ensure that these employees generally retain the benefit of their existing terms and conditions of employment by protecting them where a transfer of business occurs between their former state employer and an employer covered by the national workplace relations system.

These reforms mean that the Commonwealth will establish for the first time, a nationally consistent set of transfer of business rules for public sector employees that will protect their entitlements when they transfer to a national system employer. Employees in the Commonwealth, Victorian, and Territory public sectors are already covered by the Fair Work Act and already have the benefit of the transfer of business protections. However, those protections do not currently extend to public sector employees in the remaining jurisdictions which leaves them at risk when things like outsourcing and assets sales occur. That is why this bill is necessary and a priority for the Government.

The bill will, as far as possible, reflect the transfer of business provisions in Part 2-8 of the Fair Work Act.

The transfer of business rules under the FW Act

The transfer of business rules in the Fair Work Act reflect the Government’s clear policy intention to protect employees’ existing terms and conditions of employment where their employer changed but their work stayed the same.

These protections apply where the two employers enter into certain transactions such as an asset sale or an outsourcing arrangement.

These rules are designed to balance the protection of employee terms and conditions of employment with the interests of employers in structuring their assets and operations efficiently.

These rules also provide certainty for all parties. The arrangements they replaced were overly complex, often difficult to apply, legalistic and sometimes resulted in employees losing the benefit of their industrial instruments even though they were performing exactly the same work for the new employer. Those pre-existing rules also applied to a narrow set of business transactions – for example, they rarely covered the outsourcing of work.

The findings of the Fair Work Review

The recent post-implementation review into the operation of the Fair Work Act, which the Government publicly released on 2 August 2012, had the following to say about the existing transfer of business rules:

• ‘The [Fair Work Review] Panel considers there is a clear need to protect employees in transfer of business situations. The alternative is to allow employees to be exploited by the structuring of businesses and contracting arrangements.’
• ‘On the basis of stakeholder submissions, academic advice...analysis of cases under the provisions and an examination of the provisions themselves, the broader legislative definition succeeds in providing better protections for employees than the previous arrangements did.’
• ‘...the scope [within the transfer of business framework] for employers to determine the appropriate outcome for their business on
application to FWA provides significant flexibility.’

The overwhelming evidence suggests that the transfer of business provisions deliver a balanced framework that provides both fairness and flexibility to employees and employers.

The Panel made one recommendation in relation to a particular aspect of the transfer of business provisions and the Government is considering that recommendation in the context of its response to the review.

What is a transfer of business?
In broad terms, the transfer of business rules apply where:
• an employee transfers to a new employer within three months of their employment terminating with their old employer; and
• the employee performs the same or similar work for the new employer as they did with their old employer; and
• the old employer transfers assets or outsources work to the new employer, or undertakes certain corporate restructuring activities, such as movements to associated entities.

Where these conditions exist, the default rule is that the transferring employees’ existing workplace instrument transfers with them to their new employer. Fair Work Australia has broad powers to ensure that these rules operate fairly to both transferring employees and the new employer.

The bill

However, the current rules only apply where both the old and new employers are covered by the national workplace relations system. In other words, they must both be covered by the Fair Work Act.

Employees in the Commonwealth, Victorian, and Territory public sectors are already covered by the Fair Work Act and already have the benefit of the transfer of business protections. However, public sector employees in the remaining jurisdictions, Queensland, New South Wales, South Australia, Tasmania and Western Australia do not.

That is why the bill will amend the Fair Work Act to enable certain employees in these jurisdictions to retain their existing terms and conditions of employment where they transfer from a public sector employer to the national workplace relations system as a result of a transfer of business.

The bill will do this by:
• providing for the transfer of employees’ terms and conditions of employment from an old public sector employer to a national system employer where there is a connection between the two employers;
• preserving the transferring employees’ existing terms and conditions of employment, whether those terms are reflected in a relevant State award or agreement, by the creation of a federal instrument containing those terms and conditions and recognising service and certain accrued entitlements such as annual leave;
• enabling Fair Work Australia to make orders that modify the general effect of the transfer of business rules, where appropriate;
• providing for the interaction between the transferring terms and conditions of employment and the Fair Work Act, including the National Employment Standards, and other necessary transitional and technical provisions.

Preserving entitlements for certain transferring employees

Transferring employees’ terms and conditions of employment from the old employer to a national system employer will be protected under the bill through the creation of a new federal instrument - a ‘copied State instrument’.

The instrument will copy the existing terms and conditions of employment for a transferring employee where those terms are derived from a State award or agreement. This will enable those terms and conditions to transfer across to the national system with the employee where there has been a decision to sell assets or outsource work so that the employee will continue to benefit from the conditions in their existing industrial instruments.

To put it plainly, transferring employees’ existing terms and conditions of employment as set out in their industrial instrument will be protected.
The bill also ensures that a term of a copied State instrument has no effect to the extent that it is detrimental to an employee, in any respect, when compared to an entitlement of the employee under the National Employment Standards.

The bill will also generally ensure that an employee’s service with the old employer counts as service with the new employer for the purpose of determining the employee’s entitlements under the copied State instrument.

This means, for example, that an employee’s accrued annual leave entitlement is preserved when they transfer to the new employer and their entitlement has not already been paid out by the old employer.

Orders to modify the effect of a transferred instrument

Similar to the position under the existing Part 2-8 of the Fair Work Act, the bill confers power on Fair Work Australia to make orders that modify the general effect of the transfer of business rules in certain circumstances.

In particular, Fair Work Australia will be able to make orders regarding the coverage of certain instruments, including enabling transferring workplace instruments to better align with the new employer’s business operations.

In some circumstances it may also be in the interests of transferring employees and a new employer to consolidate terms and conditions of employment in a copied State instrument, so that they can apply to more than one employee. This may be the case, for example, when different instruments set out similar terms and conditions for transferring employees.

To this end, Fair Work Australia will also have the power to make orders that ‘consolidate’ various workplace instruments applying at a workplace. For example, FWA may order that a copied State instrument for a particular transferring employee is also a copied State instrument for both transferring and non-transferring employees, having regard to the views of the relevant employees and the new employer.

Conclusion

The Government takes very seriously moves by any employer to attempt to restructure their business operations that would have the effect of undermining employee entitlements. This Government will not countenance employees incurring real cuts to their pay and conditions because of decisions by their employer to sell assets or outsource work.

Employees should be able to retain the benefit of their existing terms and conditions of employment in circumstances where there is a transfer of business – that is, where their employer changes but the work stays the same.

There are some who might say that this bill is unnecessary, because employers can already agree in the course of contractual negotiations for any transferring employees to maintain their existing terms and conditions of employment with the new employer.

However, that approach does not provide certainty for employees and does not provide protection for their hard earned entitlements. It allows employers to restructure their businesses with no ongoing protection for employees’ terms and conditions.

Nor does that approach reflect the policy intent underlying the Fair Work transfer of business rules. It is not grounded in fairness, nor does it provide the nationally consistent and transparent set of rules which this bill provides.

This bill protects employees moving from the state public sector to the national workplace relations system. It does so by putting in place, as far as possible, a nationally consistent set of rules which will protect public sector employees’ existing terms and conditions of employment as set out in their industrial instrument where a transfer of business occurs between their former state employer and an employer covered by the national system.

I commend this bill to the Senate.

Personal Liability For Corporate Fault Reform Bill 2012

Today I introduce a bill to amend a number of Commonwealth Acts across several portfolios, including the Corporations Act, as part of the Government’s commitment to implement the directors’ liability reform – a reform of the Council of Australian Governments’ (COAG)
National Partnership Agreement to Deliver a Seamless National Economy.

This reform commits all jurisdictions to establishing a nationally consistent and principled approach to the imposition of personal criminal liability on directors and corporate officers for corporate fault. The initiative aims to remove regulatory burdens on directors and corporate officers that cannot be justified on public policy grounds, and to minimise inconsistency between Australian jurisdictions in the way personal liability for corporate fault is imposed in Australian laws.

This reform, agreed to by COAG in November 2008, followed earlier reviews that had recommended reform.

Calls for reform stemmed from the recognition that there appeared to be an increasing tendency for personal liability provisions to be introduced in Australian law as a matter of course and without robust justification.

These provisions had the potential to operate in a manner that was both unfair and inefficient — unfair in the sense that an individual could face a criminal penalty for a breach of the law by a corporation when the individual had no knowledge of or control over the breach; and inefficient to the extent that company directors could face excessive risk of personal criminal liability, which may detract from their strategic and entrepreneurial responsibilities.

A further concern was that inconsistencies in the standards of personal responsibility both within and across jurisdictions were resulting in undue complexity and a lack of clarity about responsibilities and requirements for compliance.

For example, directors and corporate officers have been held to be personally liable in one jurisdiction for an act by a company, but not in another; or been held personally liable for an act by a company in day-to-day business operations, over which they could not reasonably be expected to exercise control.

To address these concerns, COAG endorsed a three-step approach to reforming derivative liability in Australia.

First, COAG endorsed principles to guide jurisdictions when imposing personal liability for corporate fault. Guidelines were also developed to provide greater clarity and consistency in the way the COAG principles would apply.

Secondly, all jurisdictions would undertake a thorough audit of their legislation against these principles and recommend amendments to bring them into line with the principles.

The outcomes of the audits by the Commonwealth, States and Territories were also collectively reviewed to ensure that the principles had been applied appropriately.

Thirdly, jurisdictions would commit to implementing the audit outcomes by introducing legislation to make any necessary amendments to their laws by the end of 2012, and to apply the COAG principles when drafting future legislation.

The COAG principles and guidelines, which have guided the amendments in this bill, are concerned with personal liability provisions that hold directors and other corporate officers criminally liable because an offence has been committed by the corporation. They are not concerned with circumstances where such officers may be held liable as a result of their personal involvement in the commission of an offence.

While recognising the need for a more principled and consistent approach to the imposition of personal liability for corporate fault, this need has been balanced against the importance of holding corporate officers directly accountable to the community for the actions of their company, where there are important public policy considerations at stake. Personal liability would typically be justified in circumstances where directors and corporate officers have been negligent in relation to their company's contravention, resulting in significant public harm, and where the liability of the corporation is unlikely on its own to sufficiently promote compliance.

Examples of significant public harm include corporate misconduct which could result in significant harm to the national economy, to public health, or to vulnerable persons. For this reason, a number of offences that provide
personal criminal liability for corporate fault will remain in the law.

In assessing the appropriateness of the directors' liability provisions in the Commonwealth legislation against the reform principles, we have taken into account a number of factors – including the seriousness of the harm a corporate offence would cause, the effectiveness of only penalising the corporation, and the general appropriateness of punishing the individual for the conduct of a corporation.

To give effect to the COAG directors' liability reform commitment, the bill removes a number of provisions in Commonwealth legislation – such as in Corporations Act and the Therapeutic Goods Act. The bill also reforms various provisions either to remove criminal penalties, or to make clear the circumstances in which criminal penalties will apply.

Minco Approval
The Ministerial Council for Corporations has been consulted in relation to amendments to the Corporations Act, and has approved the amendments contained in this bill.

Summing Up
In summing up - the Personal Liability for Corporate Fault Reform Bill amends Commonwealth legislation to bring it into alignment with the COAG principles and guidelines for the imposition of personal criminal liability for corporate fault. This bill will ensure that a person is only made criminally liable for the fault of a corporation where it is fair and reasonable to do so after taking into account:

- the nature of the harm that the crime would cause;
- the extent to which corporate officers can directly control the relevant corporate conduct; and
- the effectiveness of other forms of penalties and enforcement against the corporation alone.

This reform, once implemented by all jurisdictions, will significantly reduce the overall number of laws containing directors' liability provisions nationally.

This will reduce the regulatory compliance burden on businesses, while at the same time retaining laws that are necessary to ensure that company directors and other corporate officers take reasonable steps to ensure that their companies comply with its obligations under the law.

This is an important red tape reduction that will benefit all Australian businesses. In particular, the application of a consistent set of principles by the Commonwealth and all States and Territories will provide greater certainty for companies that are subject to both Commonwealth and State or Territory laws, and those that trade in multiple jurisdictions, thus helping to promote a more seamless national economy.

I commend this bill to the Senate.

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

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

COMMITTEES
Constitutional Recognition of Local Government Joint Select Committee Appointment

The DEPUTY PRESIDENT (18:32): The President has received a message from the House of Representatives transmitting for concurrence a resolution proposing the formation of the Joint Select Committee on Constitutional Recognition of Local Government. Copies of the message have been circulated in the chamber.

Senator McLucas (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:32): I seek leave to have the message considered immediately.

Leave granted.

Senator McLucas: I move:

That the Senate concurs with the resolutions of the House of Representatives contained in
message No 544 relating to the appointment of the Joint Select Committee on Constitutional Recognition of Local Government.

**Senator IAN MACDONALD** (Queensland) (18:32): I am just not sure whether we were conscious of the fact that this motion was coming forward. We no doubt will be supporting it. *(Quorum formed)* I am pleased to see that this committee is being formed. When I was local government minister in the Howard government, this issue was constantly raised with me. I always used to say to local government: 'I understand the principle. I support it in principle. But do not come to me until you can assure me that there will be no state opposing this constitutional recognition.' When I asked local government to do that, they rightly felt that they could not do that at the time. It has moved on a lot since then.

**Senator IAN MACDONALD:** I will. Thank you, Mr Deputy President. I proudly served on a local government for 11 years before I came into this chamber, and then I had three years here as the minister for local government. I am delighted to see that this is moving on. I know local government themselves are very keen for constitutional recognition. I am totally supportive of most of their arguments.

A friend and associate of mine, Mr David Crisafulli, is now the Queensland Minister for Local Government, and I know he has some views on this issue as well. I am sure this committee will be consulting widely and will be ensuring that the views of all of the states are taken into account. I look forward to the determinations of this committee when they report in due course.

Question agreed to.

**Constitutional Recognition of Local Government Committee**

**Membership**

The Deputy President (18:38): The President has received letters from party leaders seeking the appointment of members to the Joint Select Committee on Constitutional Recognition of Local Government.

**Senator McLUCAS** (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:38): I move:

That Senators Rhiannon, Singh and Sterle be appointed as members of the Joint Select Committee on Constitutional Recognition of Local Government.

Question agreed to.

**Electricity Prices Committee**

**Report**

Debate resumed on the motion:

That the Senate take note of the report.
Senator XENOPHON (South Australia) (18:39): A number of speakers have already discussed this matter earlier in the day. This is an important report. If the Senate Select Committee on Electricity Prices had sat for a longer period and held further hearings, more could have been achieved. Notwithstanding that, the report is a substantial body of work.

At the outset, I want to thank the committee secretariat, led by Ms Sophie Dunstone, for the work they have done. In a very short period of time they have put together a substantial body of work; they organised the hearings and put together the evidence. I am very grateful to Sophie Dunstone and the entire committee for the work they have done.

In is important that we set the scene in relation to this matter. I note that Senator Christine Milne from the Australian Greens suggested an inquiry into electricity pricing. I think that, on any objective analysis, Senator Milne's proposed terms of reference, which were largely picked up by the government, set out some of the key issues of concern. I did not see them as being driven by ideology, since they fairly summed up many of the problems in the electricity sector. As I understand it, the terms of reference were picked up by the government as a result of negotiations for this inquiry with the Greens.

The terms of reference included inquiring and reporting on: identification of the key causes of electricity price increases over recent years; legislative and regulatory options to reduce peak demand; and investigation of mechanisms that could assist households and business to reduce their energy costs, including the identification of low-cost energy efficiency opportunities, opportunities for improved customer advocacy, arrangements to support and assist low-income and vulnerable consumers with electricity pricing, and improved reporting by electricity businesses of their performance in assisting customers to save energy and reduce bills. The terms of reference also included looking at issues of direct load control and pricing incentives, of storage technology, of energy efficiency and of related matters. The terms of reference were broadly all-encompassing.

Not surprisingly, this report effectively comprises four reports. The majority report largely reflects the government's view, but I support a number of the measures dealing with the need for transparency and reform. I want to talk shortly about the issue of consumer advocacy and some of the stories we heard from consumer groups. The coalition put their view forward, and I think their main focus has been the carbon tax. There is no question that the carbon tax has been a factor—not the main factor but an additional material factor—in the cost of electricity price rises. The Australian Greens made a number of recommendations about having a national energy intensity target and a national energy savings initiative. I think that too is worth looking at.

For my part, I think it is important that we look at a couple of issues. I will focus firstly on the issue of the Renewable Energy Target and the way it is structured in terms of the renewable energy credits. I think this is an important issue that deserves further debate, further discussion and ultimately further forensic analysis down the track. I also want to talk about consumer advocacy and people power and the way in which we have some real improvements happening as a result of people raising these issues quite publicly, and I want to thank one of the key drivers of that.

I believe it is important that we have a mandated a renewable energy target of 20 per cent by 2020, and that is a legislated target of 41,000 gigawatts of electricity to be
produced by renewable sources in the period 2020 to 2030. My issue is not with that target but with the way the target is achieved through an over-reliance on one form of technology. It favours a form of technology—wind power—that does not provide reliable baseload power. That means that coal fired power stations need to be kept on standby once the wind dies down. I think Senator Chris Back from Western Australia, who was the Administrator of Rottnest Island a number of years ago, can tell us a few stories about the unreliability of wind turbines there.

My concern is that we have not put the investment into baseload reliable renewables such as geothermal, solar thermal and tidal power—that is where the future is. Those parts of the renewable energy market have been starved for investment because the system is skewed towards wind power. There need to be incentives for the use of renewables which provide reliable baseload power. I think that time will tell us that the efficiency, the effectiveness and the cost to consumers of wind power—because of its intermittent nature and its unreliability—mean that it is not a good thing for consumers and, ultimately, not a good thing for the environment. Unless you have reliable baseload power, you will go backwards, and not having reliable baseload power does distort the market in a way that is very concerning. We need to tackle the issues of unreliable baseload power, and we need to look at the most cost-effective way of reducing the impact on the environment. I do not have a difficulty in having gas fired power stations, for instance, as a transitional measure, because gas is 40 per cent or 50 per cent cleaner than coal. In saying all this, I am not criticising the committee, but I think that the committee will need to look, further down the track, at these big issues of unreliable baseload power and the protection of the environment.

I turn now to the issue of consumer advocacy, because we heard from witnesses some terrible stories of the way that some retailers have behaved, and one consumer group representing Victorian consumers made the point that the fact that Victoria has the highest churn of consumers switching electricity companies does not mean that the market is working; on the contrary, it shows that the market is in some respects dysfunctional. I pay tribute to the work that Leon Byner, who is a radio presenter on radio FIVEaa, has done in giving consumers a real voice in my home state of South Australia. His program raised issues about exit fees, and the state government has announced that exit fees will go. Leon played a key role leading up to this change. His program exposed the activities of door-to-door shonks, including an attempt to sign up to a power contract a child who was a minor. One of the more incredible stories I heard—which, unfortunately, was borne out by the fact that it is now being investigated very seriously by the ACCC—was of a man entering a house unauthorised, refusing to leave and saying, allegedly, 'It's okay; I'm from AGL.' That, to me, is unsatisfactory conduct. I have had complaints at my office, following Mr Byner's program, of people being offered discounts and getting nothing like the discounts they were offered. That sort of unethical behaviour must be tackled by some decent consumer protections. Rod Sims, the chairman of the ACCC, has publicly thanked Leon Byner's program on radio FIVEaa for the work that it has done on exposing rorts and unacceptable behaviour, and the fact that the ACCC is investigating them is welcome.

We need to make the point that people power does make a difference and that consumers, by speaking out about
unfortunate and unethical practices, can drive changes in enforcement and in policy. It is very interesting that Senator Anne McEwen, who has participated in this inquiry and is from my home state of South Australia, made the point on Leon Byner's program that someone from an electricity retailer had tried to strong-arm her but that she had told them where to go, in—I am sure—very polite but no uncertain terms. I am sure that Senator McEwen can look after herself in the face of that sort of behaviour, but many others cannot. The practices raised on Leon Byner's program on radio FIVEaa highlighted the human face of how consumers have been affected.

This committee inquiry has been useful. We need to go further to look at the matters which I have raised and which will not go away. Too many consumers are hurting because of massive increases in electricity prices, but there are things that we can and should do to ameliorate the impact of the increases and to improve our system for the benefit of all consumers.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Government Response to Report

Debate resumed on the motion:

That the Senate take note of the document.

Senator FAWCETT (South Australia) (18:49): I rise to speak to the government response to the final report of the Foreign Affairs, Defence and Trade References Committee inquiry on procurement procedures for capital projects. The time available does not allow justice to be done to the scope of the report or, indeed, to the paucity of parts of the government response. However, I will take a little time to talk in broad terms about the scope, the priority and the purpose of the report. Afterwards, in the time remaining, I will address just a few of the specific responses that the government has come back with.

Whilst the title of the report specified an examination of Defence procurement, the scope of the report recognised that procurement is an activity that occurs within a system. Systems engineering tells us that we cannot tweak reform or change one component of a system without considering the inputs from other parts of the system and the flow-on effects of changing that one component. What we see in many organisations—and particularly in Defence—is that often, when dysfunction is identified or there are outcomes which are not what people desire, there is a focus on one part of an organisation and an expectation that a new process or tweaking things at the edges will somehow remediate problems which may well have developed over many years and involve many parts of the organisation in question. The committee held discussions with a wide range of witnesses across the defence spectrum—the uniformed services, the groups within Defence, the Defence Materiel Organisation, the defence industry, academics, think tanks, peak bodies and individuals who had worked in industry and who had worked in defence. Importantly, within those groups there were subsets of people who chose to come and give their evidence in camera. They wanted to give evidence because they were so passionate and believed that there were reforms which could be made to this process, but they wanted to do so in camera because they did not feel free to put their views in the public space. They thought that publicly taking on some of the entrenched views might have disadvantaged them.

The committee was looking at how to treat procurement as a system, not just what to do with the Defence Materiel Organisation and the Defence Capability Development
Group—disappointingly, that is largely where the government's response focuses. We were also looking at the structure of the groups within Defence, including the fact that the service chiefs do not have the degree of responsibility they need in order for them to be held to account to the level that we—and clearly, from reports in the media, the public—expect them to be held.

The committee also looked to the role of government and how government decisions—or delayed decisions or lack of decisions—or actions impacted on the ability of Defence to work productively with the capital it had been allocated. It is particularly important to get this right. At a time when the whole of the economy is under some stress and government spending has been cut in many areas, including in defence, it is particularly important that the money allocated is used effectively.

The Australian Institute of Company Directors has written some good, prescient articles about the term ‘capital productivity’—a useful concept in looking at the investment of taxpayers' money across a portfolio. But, in the use of that money, if there is not a good relationship between the executive and the department, or if the governance is not appropriate, then unnecessary opportunity costs and wastage can result. At a time when money is tight, that is not a good outcome for the taxpayer.

It is therefore important that the Senate is able to look at the whole of this organisation, the whole of this procurement process, and the composite parts that feed into it and draw from it—and to make recommendations. So it is particularly disappointing to see in the response, particularly in the executive summary, some language which implies that the report was, shall I say, tolerated by the department. In paragraph 3 it more or less says, ‘Well, we considered it to see what further insights might be offered on top of all the good things we are already doing.’

I recognise that Defence is working hard. There are many good people within the department who are working very diligently. But they are working within a system that has not been as functional as the taxpayer, the parliament and, indeed, many in Defence wish it to be. It is particularly galling, when we have taken a whole-of-system approach—almost going back to a greenfields approach, asking what fundamentally needs to change—that comments come back saying, ‘We will not agree with the recommendation because that recommendation is inconsistent with the government's previous public advice.’ Well hello! We know that! That is part of the reason we made the recommendation. We were saying that perhaps we need to step back and look at whether there is a way we can make the whole system work together better.

Accountability is a classic case. There was a lot of discussion about accountability and how that could improve outcomes. Defence comes back and talks to us about the Rufus Black report and some of the reforms they are putting in place. But we also looked back at Kinnaird and Mortimer and we looked at some of the symptoms pointed to by Black and Pappas—and many of them point to the need for serious organisational reform. A good paper was written just recently by Will Clegg, who used to work for ASPI and is now in the UK on a scholarship. The paper looks at how the ADF can be sustained in a time of tight fiscal conditions. One of the points he brings out aligns with and agrees with many of the things that were discussed during this inquiry and in the report. He talks about the fact that an organisation which is input driven will often have more longer term organisational dysfunction than an organisation which is output led.
Many of the committee's recommendations look at some of those macro organisational changes. What is the role of the many groups within Defence? Is the matrix model still the most important model? Should that be collapsed in part in order to empower the service chiefs—to give them command and control of all the elements they need to do their job so they can be held accountable? The government's response does not go to any of those types of considerations. It points merely to the process reforms they are looking at enacting, particularly within the Defence Capability Development Group and the Defence Materiel Organisation.

In the two minutes I have remaining, I will touch on three or four areas where I believe there is some progress, some acceptance, but where implementation will be critical. Risk management is the first. I am pleased to see that the response from the government recognises that risk management is an issue which needs work. I am disappointed to see that they talk about the fact that part of the response is more training in the process. In fact, you need to understand that, right through the interactions with government, through the DMO and through to the interaction with industry, there are many things which drive risk—and all of those elements need to be considered in managing it.

We have become very risk averse and it is important that we do not, perversely, increase risk through extending processes to such a length—trying to minimise or exclude risk—that we actually become risk avoiders as opposed to risk managers. There are very few things involving technical capabilities, whether in the resource sector, the building sector or the defence sector, where you can eliminate risk. We need to have the appropriate people to recognise risk and we need to have the systems in place so that it is not buried or hidden when it does not suit the agendas of those who have sought to sell a capability to government as off-the-shelf or low risk.

I am pleased to see the response from the government talks about competence; I am a little disappointed to see that it focuses almost straightaway on additional training. Competence is a combination of both qualifications and experience. It is important that the government plan for how it will not only give people training but also give them the requisite experience so that they have the competence required to do the job. I believe it is important also that we look at having levels of competence that are predetermined for certain roles within the procurement process and, if that competence level is not met, the project should not go ahead until the Commonwealth has procured those skills.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Gambling Reform Committee Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator FIERRAVANTI-WELLS (New South Wales) (19:00): In speaking to the third report of the Joint Select Committee on Gambling Reform, on the prevention and treatment of problem gambling, I would like to traverse some events that occurred today—in particular, the totally inadequate response given to me by Minister Evans about the advice that this government sought from Oakton Consulting in relation to the precommitment trial.

I remind the Senate that on 22 January this year Minister Macklin publicly released to Clubs ACT her offer for a trial of mandatory precommitment in the ACT. She outlined the parameters of the offer and the conditions attached to it. The reason I am aware of this
is that I sought documents under freedom of information from both Minister Macklin and FaHCSIA. Those documents disclose that on 23 January and 24 January media inquiries about conflict of interest were directed to the minister's office. I do not understand how this government could not have thought about the potential of a conflict of interest when they were giving money to Labor entities such as the Canberra Labor Club. I might add, to quote from the Canberra Labor Club Ltd annual report 2009, that their 'simple philosophy' is that any profits that are not required to further the club itself be paid to the ACT branch of the Labor Party.

I remind the Senate and those opposite that since 2006-07 the Canberra Labor Club has donated $2.5 million to the ALP. So, naturally, Australian taxpayers are entitled to be sure that no money from this trial will go to the ALP coffers and that everything is above board. Obviously the journalists in January worked this out, saw the offer, saw no reference to potential conflicts of interest and made inquiries of the minister's office. All of a sudden, on the Friday afternoon, 27 January, we start seeing urgent advice being sought by the department from Oakton Consulting.

When I asked questions about this at the last estimates, I was told by the department that there had been communications between Minister Macklin's office and the department. But, interestingly enough, there was nothing in the documents that were disclosed to me from Minister Macklin that made reference to these communications. Obviously somebody is not being truthful about what transpired between the minister's office and the department. I wait with anticipation for the response from the department in relation to these communications. I suspect that following these media inquiries somebody suddenly thought, 'Goodness me, we had better get this advice because of course there must be a conflict of interest—or at least the potential for a conflict of interest. I am amazed that nobody in the minister's office and in the department thought that, hello, they should get some advice beforehand. Of the $2.9 million in monthly incentive payments that are going to be made as part of this trial, $724,000—about a quarter—is going to the Canberra Labor Club Group and the Canberra Tradesmen's Union.

As part of the FOI process I was told that, no, I could not get this advice because it was part of a deliberative process. I followed that up at estimates. I was told that they were still considering it. Whether it is deliberative or still being considered, now that the legislation is before the parliament I would have thought that the public interest would be prevailing and that that public interest would require disclosure of this advice, and any other advice, that has been given in relation to this very important matter—considering the amount of money that is going to the Canberra Labor Club Group and the Canberra Tradesmen's Union. You would think that any modicum of transparency would require that.

So much for Operation Sunlight—there is nothing Operation Sunlight about this transaction. The public interest requires that this advice now be disclosed, otherwise what are those opposite hiding? What is in this advice that the government does not want the Australian taxpayers, who are funding this operation, to know? I would have thought that Mr Wilkie and the government's Greens alliance partners would want to assure themselves that there is no conflict of interest. Maybe not. This issue goes to integrity and transparency in the process that is providing taxpayers' money to clubs that are participating in the trial. Integrity, or lack of integrity, is something that goes to the very heart of this government and this Prime Minister's office.
Minister. But then what can you expect from a Prime Minister who is resorting to sexism? Sexism is the last refuge of the incompetent woman, the last refuge of the quota girls. Yes, I have been out in public talking about the quota girls, but it is despicable what this Prime Minister is doing.

Senator Feeney: Keep going, because our numbers are rising!

Senator FERRAVANTI-WELLS: Quite frankly, Senator Feeney, I would not feel particularly comfortable sitting in a place when I was only here to make up the numbers.

This Prime Minister is taking and using sexism in a most despicable way, to hide her incompetence. As a woman in this parliament, I am ashamed of her conduct. I am ashamed of the way that she is carrying on. I am ashamed of the way Minister Roxon and Minister Plibersek go out there with their handbags, as part of the 'handbag hit squad' going on about Tony Abbott. It is absolutely despicable.

It is a question of integrity. It is a question of lack of transparency. The government should be disclosing that advice. What is it that they have got to hide? I think what is happening here is that this money is going to organisations like the Canberra Labor Club Group and the Canberra Tradesmen's Union Club. So I call on Minister Evans, I call on Minister Macklin and I call on this government to release that advice, to make that advice public. If you have got nothing to hide then you should be releasing that advice. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Government Response to Report**

Senator McKENZIE (Victoria) (19:11): I seek leave to move a motion in relation to the Australian government's response to the Senate Environment, Communications, Information Technology and the Arts References Committee report *About time! Women in sport and recreation in Australia*, which was presented earlier today.

Leave granted.

**Senator McKENZIE:** I move:

That the Senate take note of the document.

I thank the Senate for allowing me to speak briefly on the government response to this report. It really sparked my attention when I saw this on the red this morning because, back in the day, when I was lecturing in physical education at Monash University, I actually referred to this report. What a great surprise that, six years after it was tabled in the Senate, we get a government response. It took six years for them to move on women's sport and to give us a bit of an oversight!

The deputy chair for the inquiry was the late Judith Adams. The report discussed a range of issues about women at the time accessing and participating fully in sport. One of the issues it went to was the coverage of female sport in the media, something that my mother has been an extremely strong advocate of. I do not want to call her out for
the Herald Sun, but she is the anonymous caller from Leongatha who at regular intervals lets them know how many girl tennis players were in the sports pages as opposed to how many footballers.

Be that as it may, the issue of women's, particularly young women's, participation in physical activity, in sport, is complex. It is not as simple as mandating the number of hours people must watch girls playing sport—role models, money et cetera. There are sociocultural issues also that are at play, and issues with the education of young women and how we run our phys. ed. classrooms. This was an area of my research. For instance, you may be interested to know that when children are in primary school boys and girls participate in sport and physical activity at roughly similar rates. And yet when they get to high school, particularly adolescence, something happens: the boys continue with their sport and young women tend to drop out, and there are complex reasons why they do. Those of us whose professions are around health and physical activity are trying to find out why that is at a local level.

Briefly, I would just like to return to the issue of coverage of women's sport in the mainstream media. I am a keen 'country' netballer, I will say—nothing elite about my game—but I remember that getting up early on a Sunday morning to watch the coverage of the national league was something that I did because that was what I was passionate about. Now, we have sell-out crowds not only for the international Silver Ferns and Diamonds games but even for our national league—and it was my privilege to attend the semifinal in Melbourne with the Vixens going down to the Magic. Be that as it may, I think that shows that over time the professionalisation of women's sport is occurring as some of these strategies are attended to.

One of the things in the response that I am a little concerned about, though, is under the strategy around leadership. It says that the Australian government will drive further changes in the area of gender balance on boards, specifically in the context of sporting boards. Going to Senator Fierravanti-Wells's comments on quotas, that is something that I would have an issue with—using gender in sport from a governance perspective—because I think that sometimes in sports such as netball, where the predominant cohort of people playing it in our society is female, it is totally appropriate that the majority of people on those boards are female.

Similarly, for other types of sports: where there is a totally rational reason for a gender imbalance in the participation rates then it is totally appropriate for those who are of the gender that is mostly participating to be represented likewise on the boards. I would be concerned if quotas were brought into sporting boards. I will have a lot more to say on this particular government response, and so I seek leave to continue my remarks later.

Leave granted, debate adjourned.

COMMITTEES
Consideration
The following orders of the day relating to committee reports and government responses were considered:


Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia’s overseas representation – Punching below our weight? Motion of Senator Moore to take note of report agreed to.

Treaties—Joint Standing Committee—Report 130—Treaty tabled on 14 August 2012. Motion of Senator McKenzie to take note of report called on. On the motion of Senator Back debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade Legislation Committee—Final report—Defence Trade Controls Bill 2011 [Provisions]. Motion of the chair of the committee (Senator Stephens) to take note of report agreed to.

Community Affairs References Committee—Report—Palliative care in Australia. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Community Affairs Legislation Committee—Interim and final reports—Low Aromatic Fuel Bill 2012. Motion of the chair of the committee (Senator Moore) to take note of reports agreed to.

Community Affairs References Committee—Report—The factors affecting the supply of health services and medical professionals in rural areas. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to. Debate adjourned till the next day of sitting, Senator Back in continuation.


Rural and Regional Affairs and Transport References Committee—Interim (2) and final reports—Australia’s biosecurity and quarantine arrangements. Motion of Senator Back to take note of reports called on. Debate adjourned till the next day of sitting, Senator Back in continuation.

Orders of the day nos 2 to 4 and 6 relating to committee reports and government responses were called on but no motion was moved.

AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 2 of 2012-13—Performance audit—Administration of the Regional Backbone Blackspots Program—Department of Broadband, Communication and the Digital Economy. Motion of Senator Back to take note of document called on. Debate adjourned till the next day of sitting, Senator Back in continuation.

Auditor-General—Audit report no. 3 of 2012-13—Performance audit—The design and conduct of the first application round for the Regional Development Australia Fund—Department of Regional Australia, Local Government, Arts and Sport. Motion of Senator Bushby to take note of document called on. On the motion of Senator Back debate was adjourned till the next day of sitting.

Orders of the day nos 3 to 8 relating to reports of the Auditor-General were called on but no motion was moved.

ADJOURNMENT

The DEPUTY PRESIDENT (19:17): Order! I propose the question:

That the Senate do now adjourn.

Grey Electorate: Education Funding

Senator GALLACHER (South Australia) (19:17): I rise to make a contribution on what is becoming my special subject, the electorate of Grey. In doing so I just want to preface my remarks by noting the contribution of Senator Macdonald and actually quoting Senator Macdonald, because his contribution in the Rural, Regional Affairs and Transport Reference Committee debate earlier ended with, 'So, in the end we have a complete failure from a dysfunctional...
government that has absolutely no interest in anyone outside the capital cities of this country.

I am going to place on the record the abundance of interests that the Labor government has in regional Australia that I can personally attest to. I think the fact that Senator Macdonald does make some provocative remarks is part of the political process. But if he makes factually incorrect remarks then I think it is incumbent on me and others to take him to task on that.

I can start off in Wallaroo: $925,000 under the Building the Education Revolution and the National School Pride project. For those who do not know where Wallaroo is, it is on the Yorke Peninsula. Port Kenny Primary School: $250,000 for a new covered outdoor learning centre. Port Kenny is between Port Lincoln and Streaky Bay. Roxby Downs Area School got $3 million to build a new multipurpose hall. For Roxby Downs we have now moved to the medium to far north. At Elliston Area School, back between Port Lincoln and Streaky Bay, there was $850,000 for new classrooms and $75,000 for a new shade structure. At Spalding, back in the mid-north, there was $250,000 for a covered outdoor learning centre and $50,000 for refurbishments. At Flinders View Primary School there was $2 million for new classrooms and the refurbishment of classrooms. Flinders View is in Port Augusta.

At Solomontown Primary School—we are now back to Port Pirie—there was $2.5 million for the rebuild of their library and classrooms, and $150,000 for a new shade structure. At Snowtown, just across the road from Port Pirie, there was $925,000 for a refurbishment of their classrooms. Samaritan College—we are up at Whyalla now—got $3 million for a new multipurpose hall and $1.9 million for a 21st century science centre. Back in Roxby now, in the far to mid north, St Barbara's Parish School got $2 million for a multipurpose hall. Curramulka Primary School got $925,000 for building refurbishment and a new multipurpose hall. Curramulka is on the Yorke Peninsula.

At Yorketown, just down the road, there was $1.7 million for the refurbishment of their library, their hall and their dual science and language laboratory. At Eudunda, just outside the Barossa Valley, there was $2.8 million to refurbish their library and to construct a new science centre. Cummins Area School received $2 million out of the BER for a new library and $150,000 for refurbishments. Cummins is on the Eyre Peninsula. Waikerie Primary School—we are now in the Riverland—received $500,000 to refurbish their library. Loveday Primary School, just down the road from Waikerie received $300,000 for their covered outdoor learning centre, and Crystal Brook Primary School—we are back over near the Port Pirie area—received $2 million for the construction of a new multipurpose hall. These BER projects are just a tiny percentage of the openings that I have attended in regional South Australia. My predecessor, Senator Hurley, officiated at hundreds. The fact is that in August 2011 133 schools in Grey had received BER funding. Interestingly, whilst attending many of these openings, the member for Grey actually voted against the BER. This vitally important infrastructure has given our schoolchildren 21st century facilities within which to learn. But, most importantly, it has sustained the regional and rural economies of these towns and in some cases very small towns. It has sustained employment of apprentices, plumbers, electricians and architects. This is what the Labor government has actually done. It is not fiction. By any stretch of the imagination,
you could not say that Grey is not heart-and-soul regional Australia.

But there is more—trade training centres. The trade training centres are another important contribution to education throughout Australia and are vitally important in regional Australia. I have represented Minister Garrett for two openings: the Cummins Area School trade training centre, specialising in agriculture; and Caritas College, specialising in electrotechnology—both training local kids to get local jobs in local areas.

I move on to the Regional Development Australia Fund, which delivered a grant to the APY Lands arts centres—no surprise there—of $2,841,084. There was the construction of a shared bicycle and walking path from Tanunda to Gawler, constructed by the Barossa Council and located in the Barossa Valley. The total cost of the project was $5,446 million. The Regional Development Australia grant was $810,000. There was Energising the Flinders—a green infrastructure project for the future. The Regional Development Australia grant was $830,000. There was the Port Lincoln airport upgrade. The total cost of the project is $12,669,518. The Regional Development Australia grant was $4.5 million. There is the Streaky Bay Oval Precinct Development. The District Council of Streaky Bay will be delivering the project and the total cost of the project is $2,851,400. The Regional Development Australia Fund grant is $1,721,000. There was also a project to rebuild the Port Pirie Men's Shed and community complex in Port Pirie. Uniting Care Wesley is delivering the project with a Regional Development Australia Fund grant of $1.1 million.

I could go on and on to list these projects in regional Australia from only the very short time that I have been a senator. I would note a couple of really interesting projects. I had the absolute pleasure of officiating last week at Bungaree Station. For those who do not know Bungaree Station, it is a very interesting story. The fact that the principal of the station, George Hawker, is the brother of David Hawker, ex-Speaker of the House of Representatives, had no impact. They received their grant because of the value of the proposal. I saw an extremely vibrant tourism project co-funded by this Labor government.

I move on to another Tourism Quality Project recipient. I have not visited this project, but I read about it with great interest. It is the extension of the David Ruston Rose Visitor Centre at the National Rose Centre of Australia, which received a grant of $100,000. Former minister the Hon. Nick Sherry stated:

Nearly half a million visitors spent $111 million in the Riverland region last financial year.

More than 700 businesses on the Riverland region depend on tourism to some extent.

Nearly half of those companies employ fewer than 20 people, so the vibrancy of the region's small business sector increasingly hinges on tourism.

And that's a picture mirrored across the country.

So the National Rose Centre is not just good for roses—it's good for the regional economy.

In that quick snapshot I have placed on the record factual events and factual spending, displaying the absolute commitment of this government to regional Australia. I could go on to criticise and lay out the coalition record in this matter. But in my concluding one remarks I want to simply say this to Senator Macdonald: if he is really serious about placing factual statements on the record, it may well be a good idea to have a cup of coffee with the latest senator to come to this place, Senator Ruston, whose company was
the recipient of $100,000 in Tourism Quality Project grants—and a very worthy recipient.

Murray-Darling Basin Plan

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (19:27): I rise tonight to touch base with the issues pertaining to the Murray-Darling Basin Plan, for which the number has been announced today. I think it is very important that now the number has been announced there is a process of negotiation that opens up between the state governments to put on the record that we have got to find out exactly where the state governments are so that we are not left in some sort of quandary as to their position—and also where peak industry bodies are on this number and, most importantly, where the towns are.

I think it is important at the start that we also get a few other facts and figures out. Everyone of us here, to get by, to get through the day, is going to take around 2,000 litres of water for the food you drink and the clothes you wear. You might not think you are consuming that, but you are. It is part of the process. To maintain your lifestyle—your food and clothing—takes about 700,000 litres of water a year. You might not think you are directly associated with irrigation or water, but if you dig down through it you most certainly are.

We note that 2,750 gigalitres is the nominated figure at this point in time and in excess of 750 gigalitres has already been got back through programs such as the Living Murray agreement. There was about 500 gigalitres in that. We are talking about 3,500 gigalitres of water. That water is what is required to look after, feed and clothe about five million people a year. We have to always look at the other side of this equation. When we are talking about water and the environment we are also talking about our capacity to feed people. When we reduce our capacity to feed people—and we might say that it is for the benefit of the environment—either somebody somewhere else in the world who we used to feed or someone domestically we used to look after is not being fed, or we import food. We know that the global food requirement is escalating, so in doing so we expose people overseas to starvation or, in some instances, a time of privation and death—or, at the very least, we force up the price of food in our nation.

It is fair to talk about the environment but we should also acknowledge that it is not a one-way street. This is not something that comes with no cost. It comes with a cost. Just because you cannot see the cost does not mean the cost is not there. That is why, as we go forward towards the culmination of the negotiations aimed at trying to come to a conclusion on this, we have to be so careful.

The other place where caution is required is the effect on regional towns. This is not so much about the farmer, because they will be compensated and paid out; it is about the person who lives in the town. That person has paid their mortgage off on their house. That house is a reflection of their efforts to pay for it over 30 or 40 years. Reflected in the bricks and mortar are their endeavours. If you take the economic rug away from a town and diminish the value of that house then you have stolen from that person, whether it is the pensioner who has retired in a country town, the person who built the motel business, the person who built the tyre business or the person who bought the chemist shop. You must accept your responsibility to these people. That is why we have to be ever so careful about how we manipulate the economic fundamentals in these towns. There is no way that these people are getting compensated. They just wear the cost.
There is the reality of the water requirement for the production of food. This nominated amount and the water that has come back thus far have the capacity to deal with, clothe and feed five million people a year. People talk about us becoming the food bowl for Asia. As part of the Asian century we are going to be their food bowl. That is a great statement. It is wonderful, but let us put some meat on the bones. How are we actually going to do that if we are closing down our productive farming areas? Where is the alternate farming area that we are opening up to compensate for the area we are closing down that feeds and clothes five million people? If we do not do that then these are just fallacious statements made with the expectation that people are naive and will not actually drill down through the statements. How on earth can you provide food for Asia when you are closing your food production capacity down?

I get very concerned when I see people very close to this debate, such as Tony Windsor, making statements that are completely and utterly factually wrong. Here is a classic one. Mr Windsor had an inquiry into the latest iteration of the Murray-Darling Basin Plan expressing the desire for an extra 400 gigalitres of water and $1.7 billion. I do not know how on earth you could actually do that. The numbers just do not stack up. In his own media release he got everything wrong. First of all, he got a classic one wrong. He put out a media release on 26 October saying that the bill which talks about the sustainable diversion limits that allow the five per cent increase and decrease had been passed. It had not. He was the one chairing the inquiry into it. What a remarkable trick.

The unfortunate thing is that he also got the figures wrong. He said it was 500 gigalitres of water. No, it is not; it is 710 gigalitres. Maybe if his inquiry had gone for longer than 27 minutes, which was its duration, he would have realised that the bill he was talking about had not been passed. This is a concern. These people are put forward—sometimes I think pushed forward—by the Labor Party as the oracles to assuage the community and say that everything is fine. The first thing you must make sure of is that you get your facts right.

Lately Mr Windsor said we should not be concerned. An article by Lenore Taylor states that Mr Windsor said:

Based on everything … Tony Burke has told me, and all the figures on the record, the real amount of water that has to be delivered to the environment is at most 800 gigalitres … farmers should look hard at the actual numbers rather than the rhetoric because they may never get a better deal than this.

Mr Windsor, 800 gigalitres is more water than the whole of South Australia uses. It is more water than the whole of Queensland uses. It is a substantial amount of water. I hope this is not the case, but if he thinks there is nothing much to 800 gigalitres then maybe he would like it to come out of his area and see how they feel about it. It would bring economic devastation.

We are giving our best endeavours to get to some conclusion. Why would I, as part of the coalition, try to work as best I can with the Australian Labor Party, with Senator Feeney and his cohort, to get a resolution? Because I know full well that if I am not part of that process then the Australian Greens will be. We saw yesterday the perfect example of what happens if you rely on the Australian Labor Party and the Australian Greens: they always get the numbers. The WEMA Bill was a perfect example of that. They can get it through because they have the numbers. So we must remain at the table in negotiations on this, because the worst thing that could ever happen to people in regional Australia is if they had to start relying on Senator Sarah Hanson-Young to
I say to the people of the basin: we are doing what you asked us to do—to stay at the negotiation table and to try to bring this to some sort of conclusion as best we can. We do not remove the opportunity to pull out of it if we have to, but we will do our very, very best on your behalf to try to come up with some resolution that you can live with.

Wakakirri Festival

Senator WRIGHT (South Australia) (19:37): In August this year I had the pleasure of attending a wonderful event in Adelaide, at the Adelaide Entertainment Centre. I arrived at the entertainment centre and I was whisked backstage to find nearly 1,000 excited schoolkids talking excitedly with each other, lining up to get their face make-up done and nervously anticipating what they were going to be doing, because they were going to be participating in a festival which I had heard about for quite some time but had not actually witnessed before. The children of friends of mine had attended this festival, which is called the Wakakirri festival. I finally had the opportunity to witness it, and it was wonderful. It was a night of performances that went from seven to nearly 11 without a break; there was not an interval. Right to the end those kids, who had been waiting backstage until it was their turn to perform, behaved and performed impeccably, and it was a wonderful night.

I learnt more about the Wakakirri festival through participating in that event, and I found out that it is a national festival which has been designed to encourage creativity and thinking skills in children. It is based on the concept of story. The oldest form of learning and teaching, in many ways, is the use of storytelling. The festival uses storytelling, with the children telling the stories that they have created themselves as the focus for what has now become a national performing and creative arts festival available for every school in Australia.

The festival has something called the Wakakirri challenge, and that is a challenge to the schools and the children that are participating to develop a meaningful story among themselves. They will usually do it from a unit of learning they might be doing in their curriculum, or it might be a community issue that they have become aware of. So often the issues are very meaningful and thoughtful. They might be issues like bullying, homelessness, reconciliation or natural disasters and coping with those. What I saw that night, which was the primary school Wakakirri challenge, was each school providing a performance from three to seven minutes—but every single one went for the full seven minutes—onstage to an audience of several thousand parents and friends in the auditorium. The students have the ability to use a combination of dance and drama or singing and drama to tell their story. They develop the stories and then they decide how they are going to act them out and perform them.

The performances were absolutely wonderful, without exception. The themes were moving, they were funny, they were thought-provoking and they were always interestingly ethical, posing questions of right and wrong. For instance, the night that I was there, there were schools that performed a story about the role of the Women's Land Army in World War II, which they had been studying in class and decided to explore in more detail. There was one story that was about bullying. Another one was about conserving water and the importance of that, which in arid South Australia is a very important issue. There was one about the importance of being an individual and thinking for yourself. Another school did a
Korean folktale with an interesting moral, and another story was a lovely one about a young boy sitting at the feet of his grandfather and being taken on a journey back into history through the tales of his grandfather. These were performed with between 20 and 120 children, and they were amazing. They were obviously hugely well rehearsed and interesting, and they ran without any hiccups at all the whole night.

An additional motif of this important festival is the motif of sustainability, and they have a philosophy of using, re-using and recycling all the props and costumes and always considering whether their activities in generating the stories and performing them are sustainable. There are two reasons this is good. One is obviously that it enhances environmental awareness among the students, but as well as that it means that they share that environmental awareness with their parents and their friends. At the end of the performance there are two spokespersons for the schools who get up on stage and practice their public speaking skills before a venue filled with thousands of parents. They explain not only how they came across the story and developed it but also how they applied the sustainability philosophy to the props and costumes. The other reason it is very good is that in the early days of the festival, which started in about 1992, it quickly became a bit competitive and too expensive for some schools to participate, and one of the really important philosophies about the Wakakirri festival is that it is open to every single child and school in Australia, so there is no cost to enter. There is no financial impediment to any child. Of course, requiring participants to be resourceful and to develop their props and their costumes in a sustainable way has evolved into a whole philosophy for the festival, which is good for the environment, for creativity and for resourcefulness and creates a hands-on approach where you create art from scratch. You need to think about the consequences of what you are using to build and what you do with materials at the end of the process, so the children are being encouraged to take responsibility for their actions.

Three members of the team are interviewed after the performance on the story. They talk about why they chose it and how they developed it, they talk about the sustainability aspect, and finally they also talk about who helped them create it. They refer to their parents and teachers. Often the teachers were highly lauded, and there was lots of parental assistance as well. So they were being taught acknowledgement and gratitude. As I said, these were amazing young students from primary school standing up on a stage at the Adelaide Entertainment Centre and speaking to an audience of thousands.

Which schools were involved? In Adelaide the performance spanned schools from the Adelaide Hills and the north of Adelaide, with some of the more disadvantaged suburbs in Adelaide, to the south, again with some of the more disadvantaged suburbs. There were government and non-government schools, and certainly the majority of the schools were not particularly affluent. It is free to enter, which means there is no financial impediment to those students and schools who would like to enter, and it has now become a vital part of the curriculum for many schools, particularly for government public schools and lower-socioeconomic-status schools across Australia. Now 20,000 kids from all over Australia, in every state and territory, participate in the Wakakirri festival every year. There is also a Wakakirri for high schools and a Wakakirri outback program. The outback program is fascinating. It gives an opportunity for
schools in remote and regional areas to produce a day-long festival celebrating their stories, their community and their culture. They provide workshops in scriptwriting, storyboard writing, filmmaking and production, and the schools create and share stories with their community for the festival day. It becomes a total celebration—a very special day for communities, jam-packed with activities—and it showcases the talents of the entire local community. There are film screenings of students’ films in front of the whole community. There are live performances from not only the students but also community members as well. There is culture, sports, music, art, dance, health and career workshops, and there are lots of stalls featuring the work of local artists. And there is a free community barbecue with all hands on deck to cater for what turns out to be a massive sausage sizzle. In 2012 there were communities surrounding the Halls Creek area in Western Australia, there was an outback program festival into Ceduna in South Australia and in Barunga in the Northern Territory. At the Barunga festival 250 students attended from seven area schools.

As I said, Wakakirri started in 1992 from an excellent idea from the person who is still the current festival director, a man called Adam Loxley. It went national in about 1996 or 1997 and now, as I have been outlining, is a huge and vitally important festival for many, many children. Unfortunately, the future of the festival is under a cloud because of that perennial challenge that many good initiatives face, that of ongoing funding. Over the years they have received some federal government funding, starting with Brendan Nelson in 2005. The federal department of education was always very supportive, giving some funding from the student wellbeing section. However the department last allocated a figure of $200,000 to cover two years and advised the festival that that would be the end of it as, under the national education agreement, the federal funding had been diverted to the states.

Unfortunately, despite queuing up with many other organisations, there has not been sufficient state funding forthcoming to the festival to ensure they will be able to survive. They have sought alternative funding and they have pared back and cut staff, but they still need some basic, ongoing, reliable, definite funding every year for things that are fixed costs like the venue hire. That is why, in Adelaide, there was a performance from 7 pm to 11 pm without an interval because, that way, they could have 16 schools each night and they could avoid having a third night. It was a long night for the kids, but it was a way of trying to keep the festival going.

There are many, many benefits. There is thinking and reflection, there is creativity and resourcefulness, there is environmental awareness and responsibility, there is teamwork and sharing, but most important, of course, there is that sense of pride of belonging and accomplishment that was so evident to me in every smile on every face of every student in that performance that night. There were no fewer smiles at the end of the night than there were at the start. It seems to me that $100,000, which is the amount that would be needed to ensure the continuity of the festival—a festival that is open to all children irrespective of their ability to pay for it and that does such wonderful, good things—is a small price to pay for such a valuable, inclusive event.

Health and Aged Care

Senator McEWEN (South Australia—Government Whip in the Senate) (19:48): Tonight I would like to make mention of some innovative aged-care and health
initiatives funded by the Gillard Labor government in the South Australian electorate of Barker and, in particular, in the regional city of Murray Bridge.

Before I discuss those initiatives, I would like to congratulate two Murray Bridge doctors who were this week announced as the joint winners of the Telstra Rural Doctors Association of Australia Rural Doctor of the Year Award 2012. Dr Martin and Dr Fiona Altman have both worked in general practice in Murray Bridge as well as providing obstetric, anaesthetic, surgical and intensive care services to the local hospital. The doctors have demonstrated an outstanding commitment to rural health and community service and are very worthy winners of the award.

The rural city of Murray Bridge has a population of about 19,000 people and it is predicted to grow to 30,000 people by 2025. It is one of the most buoyant regional economies in South Australia. While the population will increase, so too will the number of elderly residents in the area.

As we know the Gillard Labor government are committed to ensuring Australia has a quality aged-care system that meets the needs of the future. For this reason, we have implemented a number of initiatives to make certain that every Australian, no matter where they live and what their financial means, receive the high quality aged care they deserve. The government believe that it is important for older Australians to live independently in their own homes, if they wish to do so, for as long as they wish. However, we recognise that as you get older everyday tasks—things like unscrewing a lid on a jar or getting dressed in the morning—can become a challenge. We are therefore increasing access to care and support services in the home so people can remain comfortably there for as long as possible. To help us achieve this we rely on the cooperation and support of thousands of local aged-care organisations across the country. The Murray Mallee Aged Care Group in Murray Bridge is just one of those organisations. Operating across the Murraylands and the Murray Mallee region, the organisation has been providing tailored, in-home support services specific to the needs of elderly residents for almost 20 years.

For older people residing in regional areas, the effect of ageing can be exacerbated through the change in family and social structures, including fewer children and grandchildren living locally to provide support. In 2009 the MMACG received a federal government grant of $1.1 million to explore the benefits of assistive technology and telehealth in the care of older Australians. Together with researchers from the University of Adelaide's Australian Population and Migration Research Centre, the MMACG have spent the past three years exploring how resources, aged-care services and activities could be provided to the elderly in regional areas through technologies such as iPads and laptop computers and through the training in how to use those devices.

It was with great pleasure a few weeks ago that I represented the Minister for Mental Health and Ageing, Mark Butler, at the official release of the findings into the research project, which was called 'Linking rural older people to community through technology'. In what was a very entertaining afternoon, I heard in great detail all about how the study was conducted, the outcomes of the study, and the many jokes, laughs and challenges encountered along the way.

While conducting the study, the researchers discovered that of all the candidates in the interview phase, 50 per
cent had all family ties located more than 100 kilometres away from their homes. Additionally, only 8.1 per cent of those interviewed had used email or the internet previously, mainly to keep in touch with family and friends. From the outset, this research project was going to be a challenge. But with many dedicated workers and volunteers, and with a large group of elderly people willing to learn, it was most certainly going to be worthwhile. It was clear from the start of the study that the participants wanted to learn. They wanted to be involved in the information technology age and they wanted to be able to use the new technologies with ease. One comment from a participant was they wanted to be involved to know what their grandchildren are talking about. Another simply said they wanted to keep up with modern technology and keep in touch with family.

There were, as to be expected, many ups and downs during the study. However, the outcomes were positive. Results indicated that for participants using new technologies not only to keep in touch with family and friends but also to maintain contact with care providers, their self-rated health outcomes increased dramatically, there was a decrease in feeling of loneliness and they found it much easier to access community information.

Ninety-one-year-old Ken Goody was one of the participants in the trials. He lives 250 kilometres east of Adelaide in the small Mallee town of Pinnaroo. He learnt how to use an iPad. He said, 'When I've got nothing else to do I play games on it and every day I start it up to see if there's any emails.' Ken went on to say that he checked his email first thing in the morning and last thing at night to see if he had heard from anyone. He said: 'I'm living on my own. I still like somebody to speak to and, if necessary, I phone up my granddaughter and have a word with her or send an email to my oldest daughter or my youngest daughter and it keeps me in touch with everybody.'

Through the technology, participants had found a new confidence and a new lease on life. Indeed, Alastair said that, after suffering from a stroke, he used the iPad to rediscover his passion for reading using iBooks, and also started studying by correspondence to become an ESL teacher. Using an iPad to read was much easier than using books because he did not have to physically turn the pages. Another participant, Jeanette, who lives alone, used the iPad to play online games and encouraged her sister to also buy one, so now they play the games together as well as communicate with each other on Skype.

At the conclusion of the study, results overwhelmingly proved that given the right device, along with personalised and localised training and support, older people of all ages will take up and continue to use new technologies to keep better connected to family, friends and the community. The participants responded very favourably, saying things like, 'I have realised you are never too old to learn new technology' and 'I'm not as dumb as I thought.' Everyone involved in the MMACG project deserves our heartfelt thanks for their great work. The federal Labor government's investment in this study helped prove that technology can combat loneliness in the elderly. It also demonstrated that technology can improve the life of the elderly at home by supporting and enhancing positive ageing experiences.

Along with the government's aged-care reforms, we are also working to improve the nation's health system. In the cities and regional areas one of the government's priorities has been increasing the numbers of allied health professionals. We realise that health reform cannot and will not occur without having the right number of
appropriately trained doctors, nurses and medical staff on hand when you need them. For this reason, I was delighted to return to Murray Bridge last week to attend the opening of the Flinders University Rural Clinical School building, funded through a $1.46 million grant from the federal Labor government's Increased Clinical Training Capacity program. The modern, efficient new clinical building will increase the training capacity for doctors, nurses and allied health students across Murray Bridge and the northern areas of South Australia. This is great news for students and for the region. Not only will this facility help to increase the clinical training capacity in the Murray Bridge area and northern regions of the state, it will also ensure that all trainee health professionals educated there will be able to work with real people professionally across a broad range of settings and in multidisciplinary areas.

While training our future medical professionals is one thing, I know that for many regional towns across Australia retaining those medical professionals is often a task in itself. For this reason, through our health reform package, the government has also committed an extra $34.9 million in the 2012-13 federal budget to meet the increased demand of GPs wanting to move to and remain in rural and remote communities such as Murray Bridge. Our government's commitment to improving the education and training of our junior medical professionals, combined with our initiatives to retain GPs in regional areas, are great steps forward in ensuring that Australia's health system will suit our nation into the future and will serve our Australians who live in regional areas.

On my recent trips to Murray Bridge, I saw firsthand the benefits of the Gillard Labor government's investments in the area. I visited the area a lot last year and earlier this year for BER ceremonies, and I know that government investments instil a great sense of pride in communities like Murray Bridge. I congratulate all of the community organisations in Murray Bridge and the local government there. They have a great track record in securing federal government funding and for using that funding wisely, efficiently and for the benefit of Australians lucky enough to live in one of our great regional cities.

Senate adjourned at 19:57

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Financial Management and Accountability Act—Financial Management and Accountability Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA) [F2012L02112].

Greenhouse and Energy Minimum Standards Act—


Health Insurance Act—

Health Insurance (Cleft Lip and Cleft Palate Services) Determination 2012 [F2012L02113].

Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Service and Rockhampton, Bundaberg and Gladstone Mobile MRI Service) Determination 2012 [F2012L02118].

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 6) [F2012L02111].

Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 7) [F2012L02114].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Fair Work Act**

(Question No. 1990)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 August 2012:

With reference to the Fair Work (Registered Organisations) Bill 2012:

1. Was the General Manager of Fair Work Australia consulted at any time during the development of the legislation; if so: can details be provided, including dates, times and who consulted with the General Manager, i.e. the department, the Minister and/or the Minister's office.

2. Was the General Manager of Fair Work Australia aware of the Government's intention to amend the Fair Work (Registered Organisations) Act 2009 prior to the Minister's announcement; if so, can details be provided.

3. Has the bill address the concerns that the General Manager of Fair Work Australia expressed in a press release dated 7 May 2012; if so, how have these concerns been abated; if not, why not.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

1&2. The General Manager was consulted by the Department on or about 19 April 2012 in relation to the development of the Fair Work (Registered Organisations) Bill 2012.

3. The amendments to the Fair Work (Registered Organisations) Act 2009 (RO Act) addressed the concerns of the General Manager that were expressed in her press release of 7 May 2012 by providing a broad power to refer matters to the Commonwealth Director of Public Prosecutions (CDPP), the Australian Federal Police (AFP) or relevant state and territory police forces for action in relation to a criminal offence.

The amendments also enable the General Manager to disclose information acquired in the course of an investigation conducted under the RO Act if such disclosure is likely to assist in the enforcement or administration of a law of the Commonwealth, a State or a Territory.

**Sustainability, Environment, Water, Population and Communities**

(Question No. 2131)

**Senator Siewert** asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 31 August 2012:

Given that: (a) in 2010, a team of scientists led by noted biologist Dr John Woinarski reported a 71 per cent decline in small mammal numbers in Kakadu National Park for the period between 1996 and 2007, in addition to recording declines among other animal groups; (b) possible causes have been discussed by Dr Woinarski in the peer reviewed scientific journal *Wildlife Research*, including the spread of cane toads across Northern Australia, unsuitable fire regimes and feral cats; and (c) Dr Woinarski and his team have called for an urgent management response in Kakadu National Park, notably adaptive management trials and targeted research on the population dynamics of the rare and unique fauna:

1. Is the Minister aware of this paper.

2. Can an outline be provided of the department's response to this crisis.

3. Apart from ongoing monitoring, what action is being taken to determine the possible causes of this wildlife decline.

4. Are fire proof exclosures, free of cats and toads, being set up.
(5) Is the department establishing 'extinction-proof' captive colonies of endemic and threatened species inside and/or outside the Kakadu National Park.

(6) What action is being taken by qualified biologists to identify the status of the endemic and threatened animals of Kakadu National Park before they actually become extinct.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) The Minister is aware of Dr Woinarski's report and the worrying issue of small mammal decline in Kakadu National Park and across Northern Australia, including Queensland, Western Australia and the Northern Territory.

Potential causes for the decline include disease, predation and over-grazing by feral animals, and inappropriate fire regimes or, as is most likely, a combination of all these factors.

(2) In accordance with the Kakadu Management Plan, park staff continually review and adapt key management tools such as the fire, feral animal and weed control strategies to ensure they reflect the most up to date research and accord with best practice in conservation management.

Traditional owners and park staff work closely with the park's Research Advisory Committee to ensure its research agenda responds to priority management issues such as small mammal decline. The advisory committee consists of 15 scientists, experts in a number of disciplines, drawn from a variety of institutions both academic and government. Kakadu park staff also work closely with Dr Woinarski who provides important services to the park and collaborates with park staff on periodic fauna surveys of Kakadu.

As prescribed in the Management Plan, Kakadu traditional owners and park staff collaborate with researchers from a number of institutions and organisations - in particular with researchers from the Northern Territory Government and Charles Darwin University - to better understand what is happening and protect the park's biodiversity.

In partnership with the North Australia Hub of the National Environmental Research Program (NERP), the park is collaborating on a number of significant research projects in Kakadu, including on small mammal decline and climate change.

One of these projects is focusing on the potential role of feral cats as a cause of small mammal decline.

During 2010/2011, biodiversity surveys located a number of individual quolls and another small population of quolls persisting despite the presence of cane toads.

- Results from these surveys have been used to prioritise potential sites for the cat exclosures proposed under the NERP project.
- The next biodiversity 'hotspot' survey is scheduled for the 2012/2013 wet season and will target Oenpelli pythons and Kakadu's giant skink.

Kakadu's approach to fire management is based on a mix of traditional Indigenous burning practices and modern science and has been applauded by fire experts in Australia, and has been adopted as a model elsewhere. There continues to be room for improvement in the use of fire in the park, in response to input from traditional owners and researchers working in the park.

The Stone Country Fire Management strategy targets an area of the Arnhem Land Plateau that is a biodiversity 'hotspot' with a high number of endemic species. The strategy allows for fine scale fire management, paying particular attention to threatened species and communities such as the sandstone heath community. Park staff walk the stone country with traditional owners, working together on fire management. Implementation of the first five years of this strategy is currently under review.

Kakadu's strong relationships with its neighbours, particularly the Indigenous communities to the east, has led to the development of cross-tenure approaches to land management. For example the park works
closely with an adjoining Indigenous Protected Area (IPA) to collaboratively manage fire on the 
Arnhem Land Plateau.

(3) Following Dr Woinarski's suggestion of a possible disease-related cause for the decline, a study was 
carried out to investigate this hypothesis but did not reveal any blood-borne diseases or significant 
parasitic infections as causal factors in the decline.

Kakadu's biodiversity 'hotspot' survey program targets threatened species habitats, including those of 
small mammals. This research has identified several sites with higher numbers of small mammal 
species than previously noted, although they are still not at the population levels recorded prior to the 
decline.

The park maintains one of the longest running fire plot research and monitoring studies in the 
country and seeks opportunities to refine aspects of this research. Recently Kakadu successfully 
partnered with the University of Tasmania to secure Australian Research Council (ARC) funding to 
assess the impact of the grass-fire cycle on biodiversity in Kakadu's stone country.

The Minister recently agreed National Environmental Research Program (NERP) funding for the 
Northern Australia Hub Terrestrial Biodiversity Conservation project. This includes an initiative to 
better understand the impact of feral cats on small mammal decline.

- Currently research is focussing on how best to monitor cat numbers using remote cameras.
- Based on preliminary trapping and remote cameras, several potential sites for cat exclosures have 
  been selected.
- Once this project is completed the exclosures could potentially be used to reintroduce threatened 
species to the park in an area free from feral predation.

Kakadu is collaborating with Sydney University and the Northern Territory Government on a 'toad-
averse' quoll release program. Captive-bred quolls are fed a small dead toad laced with a nausea-
inducing chemical. The quoll then associates the smell and taste of cane toads with feeling sick.

Early indications are promising with released animals persisting and breeding in the wild and 
apparently passing on their toad aversion to their young.

So far 70 quolls have been released and 50 individuals have been trapped. Of these:

- 12 were from a population persisting in the wild
- 20 were toad averse trained individuals
- 17 were juveniles.
- The origin of other individuals is unknown

DNA testing has shown that about half the juveniles are offspring of toad-averse trained females. One 
recently trapped quoll was the grand-daughter of a trained quoll that had been released. This is very 
encouraging as it suggests that toad-averse trained females are passing this information to their young.

(4) Fire is an essential part of Kakadu's and northern Australia's ecology. Exclosures are being 
established to measure the impact of cats on small mammals but these do not exclude fire or toads. This 
decision was taken by the researchers who designed the research project.

(5) No captive colonies of endangered species have been established in Kakadu. However the park has 
played a key role in the Northern Territory Government's Island Ark project, under which threatened 
northern quolls have been translocated to toad-free offshore islands. The relocated quoll populations are 
doing very well and breeding successfully.

Once the cat exclosure project is underway, there is potential to consider the re-introduction of 
threatened species.
The biodiversity 'hotspot' surveys, full fauna and flora surveys and 136 fire plots continue to provide important information on the status of Kakadu's biodiversity. Kakadu's fire plot survey program provided the information that initially identified the small mammal decline in the Top End.

In addition to the research and management approaches mentioned above, the park coordinates an incidental fauna sighting program which is a valuable addition to the existing structured research programs. Some of the more interesting recent sightings include:

- Oenpelli pythons
- Yellow chats
- Conilurus (rabbit eared rat)
- Rufous owl
- Black footed tree rats
- Mangrove monitors
- Quolls

A threatened species workshop is scheduled for early 2013 in Kakadu. The workshop will bring together researchers, park staff and traditional owners to look at the current status of threatened species management and to develop guidelines for inclusion in the next Management Plan.

Representatives from neighbouring IPAs will be invited to participate the workshop will which also help develop a threatened species management strategy, to guide future investment in research and management.

The current research funded through NERP has already started to yield important results. In particular, so many glyphis sharks were found in the South Alligator River that the number of scientific records for the country has now doubled. The research shows Kakadu is a really important area for these speartooth sharks, which is declared critically endangered in Australia and vulnerable in the NT.

**Budget Estimates: Question No. EW0292_13**

(Question No. 2160)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 13 September 2012:

With reference to the answer provided to question no. EW0292_13, taken on notice during the 2012-13 Budget estimates hearing of the Education, Employment and Workplace Relations Legislation Committee: Was the final version of the answer to question on notice no. 1728 (Senate Hansard, 10 May 2012, p. 3311) the same as that drafted by the department.

Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

No. The final version of the answer to question on notice no. 1728 is not the same as that drafted by the department.

**Sustainability, Environment, Water, Population and Communities**

(Question No. 2164)

Senator Waters asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 14 September 2012:

With regard to the announced budget cuts to the Queensland Department of Environment and Heritage Protection and its impact on the state government's ability to take on federal environmental responsibilities from March 2013, as planned by the Council of Australian Governments (COAG):
(1) Given that the Government is currently establishing standards to ensure federal environmental protections can be safely handed to the states, will these standards set requirements for adequate resourcing of the state and territory departments intended to take over federal government responsibilities.

(2) Prior to the COAG March 2013 deadline for the handing over of federal environmental responsibilities to state and territory governments, will the Government assess the impacts that the announced reduction of 220 full time equivalent positions from the Queensland environment department will have on the state government's capacity to take responsibility for protecting nationally listed threatened species and ecological communities, the Ramsar wetlands and listed migratory species.

(3) Are there any circumstances in which the Government will not comply with the COAG deadline for handing over these responsibilities to the state government; if so, can details of such circumstances be provided.

(4) If the Queensland environment department is not adequately resourced to take on the responsibilities, will the federal department pay for the additional resources required to ensure adequate resourcing of national environmental protection responsibilities.

(5) Will the Government's standards, currently under development, require that state and territory governments retain the responsibility for administering national environmental responsibilities, or will they be able to further delegate these responsibilities to local government authorities.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1). The Commonwealth is negotiating Approval Bilateral Agreements which will enable States to make decisions consistent with the protections and the standards of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The aim is to simplify environmental decision-making not to reduce protections. State and territory governments will be required to meet the performance standards of any agreement designed to reduce duplication, associated resourcing is a matter for state and territory governments.

(2). The Commonwealth is negotiating Approval Bilateral Agreements which will enable the states to make decisions consistent with the protections and the standard of the EPBC Act. The aim is to simplify environmental decision-making not to reduce protections. State and territory governments will be required to meet the performance standards of any agreement designed to reduce duplication, associated resourcing is a matter for state and territory governments.

(3). Negotiations for bilateral agreements are currently underway and the Commonwealth is working toward the COAG deadlines. Successful agreement will depend on the willingness of states throughout this process.

(4). State and territory governments will be required to meet the performance standards of any agreement designed to reduce duplication, associated resourcing is a matter for state and territory governments.

(5). The scope of state and territory assessment and approvals systems are currently being discussed, however Approval Bilateral Agreements will require the state and territory environmental management systems to meet the set outcome performance standards.

Medical Services Advisory Committee

(Question Nos 2167 and 2168)

Senator Abetz asked the Minister representing the Minister for Health, upon notice, on 17 September 2012:

With reference to the Medical Services Advisory Committee (MSAC):
(1) Did MSAC request that a national data collection of clinical outcomes for non-diabetic problem wounds and ulcers be implemented.

(2) Were the findings of the national study accepted by MSAC in the 2012 assessment Review of Interim Funded Service: Hyperbaric Oxygen Treatment (HBOT), report no. 1054.1; if not, why not.

(3) Was the data accepted as the best available data and embodied in the report.

(4) Did the MSAC report analyse the cost of HBOT as a primary treatment for problem wounds and ulcers, despite listing it as a secondary intervention in its clinical pathway.

(5) Is it correct that HBOT is overwhelmingly regarded as a second-line treatment for problem wounds and ulcers, to be used only after a standard treatment has failed over a period greater than 3 months; if so, why was HBOT analysed as a primary treatment.

(6) Did the report, dealing with 154 patients across Australia, suggest that there was an additional treatment cost of $331,256 if HBOT was used as a first-line treatment, a cost of $2,151 per patient.

(7) Did the MSAC 1054.1 committee state that the healing rates of HBOT and normal wound care are identical, without supporting evidence, and if the outcome is predetermined as being equal, can any form of additional treatment ever be cost effective.

(8) Is it accepted that HBOT has no genuine comparator as it is a second-line treatment.

(9) Can the Minister confirm that the patients included in the national wound care database presented only after having a wound for an average of 19 months, nearly 70 per cent of which healed after 6 months.

(10) Is the Minister aware of any other treatment with a comparable level of success in treating long-term indolent wounds.

(11) Will there be a shift in costs from the Federal Government to state governments as a result of withdrawing the Medicare number for HBOT.

(12) If the Medicare number is withdrawn, will hospital patients undergoing HBOT cease to receive cover from their private health insurance fund, thereby causing a further shift in costs to the states.

(13) Has any analysis been undertaken as to the consequences of this determination by MSAC on the hyperbaric facilities and their ongoing viability at the Royal Hobart Hospital, the Wesley Centre and other treatment centres in Australia, including those in Berwick, Brunswick, Sydney and Perth.

(14) Does MSAC have an independent appeals process when it recommends the withdrawal of public funding for existing treatments.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

(1) to (9)

Refer to the Assessment Report and Public Summary Document of the November 2011 MSAC meeting, available on the MSAC website at:


(10) All other treatments were considered by MSAC. Refer to the Assessment Report and Public Summary Document of the November 2011 MSAC meeting.

(11) Services provided by state and territory governments is a matter for them.

(12) Private health insurance fund providers make their own business decisions.

(13) MSAC’s role is to advise on the level and quality of evidence relating to the safety, clinical effectiveness and cost-effectiveness of medical services.

(14) In relation to MSAC application 1054.1, following a request from the applicant the MSAC reconsidered the application at its meeting of 2 August 2012 and confirmed its previous advice to
government, again unanimously. In response to a further request from the applicant, the Department arranged for independent review by the National Health and Medical Research Council (NHMRC). On 11 October 2012, NHMRC advised the Department that the MSAC process and assessment was sound. The applicants are able to make a new application to the MSAC at any time.

Employment Participation and Child Care
(Question No. 2227)

Senator Siewert asked the Minister representing the Minister for Employment Participation, upon notice, on 28 September 2012:

1) How many registered: (a) Aboriginal; and (b) non-Aboriginal, job seekers are there in the Kimberley.

2) How many registered: (a) Aboriginal; and (b) non-Aboriginal, job seekers are in stream 3 'significant barriers to employment'.

3) How many registered: (a) Aboriginal; and (b) non-Aboriginal, job seekers are in stream 4 'severe barriers to employment'.

4) How many registered: (a) Aboriginal; and (b) non-Aboriginal, job seekers are there on the Dampier Peninsula including Broome.

5) How many registered: (a) Aboriginal; and (b) non-Aboriginal, job seekers on the Dampier Peninsula, including Broome, are in stream 3 'significant barriers to employment'.

6) How many registered: (a) Aboriginal; and (b) non-Aboriginal, job seekers on the Dampier Peninsula, including Broome, are in stream 4 'severe barriers to employment'.

Senator Wong: The Minister for Employment Participation has provided the following answers to the honourable senator's question:

1) As at 31 August 2012, in the Kimberly Employment Services Area (ESA):

   a) there were 3,763 and 99 Aboriginal and Torres Strait Islander job seekers on Job Services Australia (JSA) and Disability Employment Services (DES) caseload, respectively.

   b) there were 403 and 84 non-Aboriginal and Torres Strait Islander job seekers on JSA and DES caseload, respectively.

2) As at 31 August 2012:

   a) 39,594 Aboriginal and Torres Strait Islander job seeker on JSA caseload were in Stream 3. Of these, 2,443 were in the Kimberley ESA.

   b) 117,020 non-Aboriginal and Torres Strait Islander job seekers on JSA caseload were in Stream 3. Of these, 57 were in the Kimberley ESA.

3) As at 31 August 2012:

   a) 30,140 Aboriginal and Torres Strait Islander job seekers on JSA caseload were in Stream 4. Of these, 1,067 were in the Kimberley ESA.

   b) 130,447 non-Aboriginal and Torres Strait Islander job seekers on JSA caseload were in Stream 4. Of these, 84 were in the Kimberley ESA.

4) As at 31 August 2012:

   a) There were 161 Aboriginal and Torres Strait Islander job seekers on the caseload of three JSA sites in Dampier Peninsula.

   In Broome, there were 536 Aboriginal and Torres Strait Islander job seekers on the caseload of three JSA sites; and 68 on the caseload of two DES sites.
(b) There were 7 non-Aboriginal and Torres Strait Islander job seekers on the JSA caseload in the Dampier Peninsula.

In Broome, there were 245 non-Aboriginal and Torres Strait Islander job seekers on the JSA caseload; and 70 on DES caseload.

(5) As at 31 August 2012:

(a) There were 119 Aboriginal and Torres Strait Islander job seekers on caseload of JSA sites in the Dampier Peninsula who were in Stream 3. In Broome JSA sites, 316 Aboriginal and Torres Strait Islander job seeker were in Stream 3.

(b) There was one non-Aboriginal and Torres Strait Islander job seeker in Stream 3 on the JSA caseload in the Dampier Peninsula. In Broome, there were 30 non- Aboriginal and Torres Strait Islander job seekers in Stream 3.

(6) As at 31 August 2012:

(a) There were 30 Aboriginal and Torres Strait Islander job seekers on caseload of JSA sites in the Dampier Peninsula who were in Stream 4. In Broome JSA sites, 159 Aboriginal and Torres Strait Islander job seeker were in Stream 4.

(b) There was one non-Aboriginal and Torres Strait Islander job seeker in Stream 4 on the JSA caseload in the Dampier Peninsula. In Broome, there were 55 non- Aboriginal and Torres Strait Islander job seekers in Stream 4.

**Medicare**

*(Question No. 2381)*

**Senator Cash** asked the Minister representing the Minister for Health, upon notice, on 16 October 2012:

With reference to the draft discussion paper entitled 'Review Stage 1: Retirement 410 Visa Holders and Access to Medicare' published by the department in September-October 2011, and given that British Expat Retirees in Australia provided comment on the draft discussion paper, notably in relation to the absence of any comment on the 457 temporary visas, and were advised that the department was considering the comments prior to finalising the document:

(1) Has this document been released in its final form; if so, can a copy be provided; if not, when is it expected to be published.

(2) Will a definitive report be published that explains the basis of the department's findings and recommendations.

**Senator Ludwig:** The Minister for Health has provided the following answer to the honourable senator's question:

(1) The review into the eligibility of retirement visa holders to access Medicare entitlements under Reciprocal Health Care Agreements has not been finalised. It is expected that a report about the review will be released by the end of this year.

(2) A report, once finalised, will be made available to stakeholders.