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SITTING DAYS—2011

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RADIO BROADCASTS

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Thomas Mark Bishop, Suzanne Kay Boyce, Patricia Margaret Crossin, Mary Jo Fisher, David Julian Fawcett, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore and Louise Clare Pratt
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 Robert James Brown
Deputy 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 Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

Printed by authority of the Senate
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<th>State or Territory</th>
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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.

**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—A Thompson
GILLARD MINISTRY

Prime Minister
Deputy Prime Minister, Treasurer
Minister for Regional Australia, Regional Development and Local Government
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Minister for School Education, Early Childhood and Youth
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Trade
Minister for Defence and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Infrastructure and Transport and Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Sustainability, Environment, Water, Population and Communities
Minister for Finance and Deregulation
Minister for Innovation, Industry, Science and Research
Attorney-General and Vice President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Minister for Resources and Energy and Minister for Tourism
Minister for Climate Change and Energy Efficiency

Hon. Julia Gillard MP
Hon. Wayne Swan MP
Hon. Simon Crean MP
Senator Hon. Chris Evans
Hon. Peter Garrett AM, MP
Senator Hon. Stephen Conroy
Hon. Kevin Rudd MP
Hon. Dr Craig Emerson MP
Hon. Stephen Smith MP
Hon. Chris Bowen MP
Hon. Anthony Albanese MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Tony Burke MP
Senator Hon. Penny Wong
Senator Hon. Kim Carr
Hon. Robert McClelland MP
Senator Hon. Joe Ludwig
Hon. Martin Ferguson AM, MP
Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
Minister for the Arts
Minister for Social Inclusion
Minister for Privacy and Freedom of Information
Minister for Sport
Special Minister of State for the Public Service and Integrity
Assistant Treasurer and Minister for Financial Services and Superannuation
Minister for Employment Participation and Childcare
Minister for Indigenous Employment and Economic Development
Minister for Veterans’ Affairs and Minister for Defence Science and Personnel
Minister for Defence Materiel
Minister for Indigenous Health
Minister Assisting the Prime Minister on Mental Health Reform
Minister for the Status of Women
Minister for Social Housing and Homelessness
Special Minister of State
Minister for Small Business
Minister for Home Affairs and Minister for Justice
Minister for Human Services
Cabinet Secretary
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Treasurer
Parliamentary Secretary for School Education and Workplace Relations
Minister Assisting the Prime Minister on Digital Productivity
Parliamentary Secretary for Trade
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary for Defence
Parliamentary Secretary for Immigration and Multicultural Affairs
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing
Parliamentary Secretary for Disabilities and Carers
Parliamentary Secretary for Community Services
Parliamentary Secretary for Sustainability and Urban Water
Minister Assisting on Deregulation and Public Sector Superannuation
Minister Assisting the Attorney-General on Queensland Floods Recovery
Parliamentary Secretary for Agriculture, Fisheries and Forestry
Minister Assisting the Minister for Tourism
Parliamentary Secretary for Climate Change and Energy Efficiency

Hon. Simon Crean MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Warren Snowdon MP
Hon. Jason Clare MP
Hon. Warren Snowdon MP
Hon. Mark Butler MP
Hon. Kate Ellis MP
Senator Hon. Mark Arbib
Hon. Gary Gray AO, MP
Senator Hon. Nick Sherry
Hon. Tanya Plibersek MP
Hon. Mark Dreyfus QC, MP
Senator Hon. Kate Lundy
Hon. David Bradbury MP
Senator Hon. Jacinta Collins
Senator Hon. Stephen Conroy
Hon. Justine Elliot MP
Hon. Richard Marles MP
Senator Hon. David Feeney
Senator Hon. Kate Lundy
Hon. Catherine King MP
Senator Hon. Jan McLucas
Hon. Julie Collins MP
Senator Hon. Don Farrell
Senator Hon. Nick Sherry
Senator Hon. Joe Ludwig
Hon. Dr Mike Kelly AM, MP
Senator Hon. Nick Sherry
Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade
Leader of the Nationals and Shadow Minister for Infrastructure and Transport
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts
Shadow Treasurer
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House
Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee
Shadow Minister for Energy and Resources
Shadow Minister for Defence
Shadow Minister for Communications and Broadband
Shadow Minister for Health and Ageing
Shadow Minister for Families, Housing and Human Services
Shadow Minister for Climate Action, Environment and Heritage
Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship
Shadow Minister for Innovation, Industry and Science
Shadow Minister for Agriculture and Food Security
Shadow Minister for Small Business, Competition Policy and Consumer Affairs

Hon. Tony Abbott MP
Hon. Julie Bishop MP
Hon. Warren Truss MP
Senator Hon. Eric Abetz
Senator Hon. George Brandis SC
Hon. Joe Hockey MP
Hon. Christopher Pyne MP
Senator Hon. Nigel Scullion
Senator Barnaby Joyce
Hon. Andrew Robb AO, MP
Hon. Ian Macfarlane MP
Senator Hon. David Johnston
Hon. Malcolm Turnbull MP
Hon. Peter Dutton MP
Hon. Kevin Andrews MP
Hon. Greg Hunt MP
Mr Scott Morrison MP
Mrs Sophie Mirabella MP
Hon. John Cobb MP
Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
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<td>Shadow Minister for Employment Participation</td>
<td>Hon. Sussan Ley MP</td>
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<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Universities and Research</td>
<td>Senator Hon. Brett Mason</td>
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<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
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<td>Shadow Minister for Regional Development</td>
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<td>Shadow Special Minister of State</td>
<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Minister for COAG</td>
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<td>Shadow Minister for Tourism</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Ageing and Shadow Minister for Mental Health</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate</td>
<td>Senator Mitch Fifield</td>
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<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
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<td>Chairman, Scrutiny of Government Waste Committee</td>
<td>Mr Jamie Briggs MP</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Hon. Philip Ruddock MP</td>
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<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
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<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Teresa Gambaro MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
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<tr>
<td>Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee</td>
<td>Hon. Tony Smith MP</td>
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<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
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<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator Hon. Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
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Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health  Mr Andrew Laming MP
Shadow Parliamentary Secretary for Supporting Families  Senator Cory Bernardi
Shadow Parliamentary Secretary for the Status of Women  Senator Michaelia Cash
Shadow Parliamentary Secretary for Environment  Senator Simon Birmingham
Shadow Parliamentary Secretary for Citizenship and Settlement  Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Immigration  Senator Michaelia Cash
Shadow Parliamentary Secretary for Innovation, Industry, and Science  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Fisheries and Forestry  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Small Business and Fair Competition  Senator Scott Ryan
WEDNESDAY, 14 SEPTEMBER 2011

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Wednesday, 14 September 2011

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9:30, read prayers and made an acknowledgement of country.

BUSINESS

Consideration of Legislation

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (09:31): I move:

That the government business orders of the day relating to the Customs Amendment (Anti-dumping Measures) Bill 2011 and the Customs Amendment (Anti-dumping Improvements) Bill 2011 may be taken together for their remaining stages.

Question agreed to.

NOTICES

Withdrawal

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (09:31): I move:

That the government business notice of motion No. 2 relating to the variation of hours of meeting and routine of business be withdrawn from the Notice Paper.

Question agreed to.

COMMITTEES

Clean Energy Future Legislation Committee

Appointment

The DEPUTY PRESIDENT: A message has been received from the House of Representatives transmitting for concurrence a resolution relating to the formation of a joint committee. Copies of the messages have been circulated in the chamber.

The House of Representatives message read as follows—

(1) That a Joint Select Committee on Australia’s Clean Energy Future Legislation be appointed to inquire into and report on the provisions of the following bills:

(a) Clean Energy Bill 2011;
(b) Clean Energy (Consequential Amendments) Bill 2011;
(c) Clean Energy (Income Tax Rates Amendments) Bill 2011;
(d) Clean Energy (Household Assistance Amendments) Bill 2011;
(e) Clean Energy (Tax Laws Amendments) Bill 2011;
(f) Clean Energy (Fuel Tax Legislation Amendment) Bill 2011;
(g) Clean Energy (Customs Tariff Amendment) Bill 2011;
(h) Clean Energy (Excise Tariff Legislation Amendment) Bill 2011;
(i) Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Bill 2011;
(j) Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment Bill 2011;
(k) Clean Energy (Unit Shortfall Charge—General) Bill 2011;
(l) Clean Energy (Unit Issue Charge—Auctions) Bill 2011;
(m) Clean Energy (Unit Issue Charge—Fixed Charge) Bill 2011;
(n) Clean Energy (International Unit Surrender Charge) Bill 2011;
(o) Clean Energy (Charges—Customs) Bill 2011;
(p) Clean Energy (Charges—Excise) Bill 2011;
(q) Clean Energy Regulator Bill 2011;
(r) Climate Change Authority Bill 2011; and
(s) Steel Transformation Plan Bill 2011.

(2) That the committee consist of 14 members, four members of the House of Representatives to
be nominated by the Government Whip or Whips, three members of the House of Representatives to be nominated by the Opposition Whip or Whips, one Greens member, one non-aligned member, two senators to be nominated by the Leader of the Government in the Senate, two senators to be nominated by the Leader of the Opposition in the Senate, and one Greens senator.

(3) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(4) That the persons appointed for the time being to serve on the committee shall constitute the committee notwithstanding any failure by the Senate or the House of Representatives to appoint the full number of senators or members referred to in this resolution.

(5) That the committee elect a Government member as its chair.

(6) That the committee elect a member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members shall elect another member to act as chair at that meeting.

(7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(8) That four members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include at least one Government member of either House and one non-Government member of either house.

(9) That the committee have power to call for witnesses to attend and for documents to be produced.

(10) That the committee may conduct proceedings at any place it sees fit.

(11) That the committee have the power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(12) That the committee report on or before 4 October 2011.

(13) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(14) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur with the action accordingly.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (09:32): I seek leave to have the message considered immediately.

Leave not granted.

Senator LUDWIG: I move:

That the consideration of the message be fixed for a later hour today.

Question agreed to.

BILLS

Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "but the Senate:

(a) notes:

(i) the government response to the Bradley reforms may impose increasing regulation on the higher education sector,

(ii) the growing burden of red tape and regulation imposed on small businesses, not-for-profit organisations, higher education providers and industry by the Gillard Government, and

(iii) that the increasing regulatory burden represents a broken election promise by the Labor Government which said that it would only
introduce a new regulation after repealing an earlier regulation – a ‘one in, one out’ rule; and

(b) calls on the Gillard Government to adopt immediately the Coalition’s red-tape reduction policy which will seek to reduce the cost of the Commonwealth's regulatory burden by at least $1 billion per year.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (09:33): I thank those members who spoke on the Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Bill 2011. The bill before the chamber amends the Higher Education Support Act 2003 to implement the government's package of initiatives outlined in Transforming Australia’s Higher Education System.

The government understands that the Australian economy today and in the future will require more Australians to be degree qualified. The bill will ensure our nation’s universities are able to meet the increasing demand for higher qualifications from students and employers and our nation's future workforce needs. The government is committed to achieving the ambitious goal it set for national attainment, and the government wants to increase the proportion of 25- to 34-year-old Australians with a qualification at bachelor level or above to 40 per cent by 2025. This is the major reason for the introduction of demand driven funding for undergraduate student places at public universities. Australian universities will no longer be asked by the government to ration Commonwealth supported student places among students competing to get a bachelor degree.

The government recognises that it will continue to have a role in the national oversight of our higher education sector and will retain some powers to assist achievement of those outcomes and to enable it to respond to national imperatives. There may be circumstances in which the Australian government needs to limit the extent of future growth in expenditure for unallocated undergraduate places, and the minister will be able to do this by specifying a maximum grant amount for these places in a university's funding agreement. There will also be protections in the legislation for universities to ensure the minister cannot reduce an institution's funding or force it to cut back on its previous year's enrolments. These are not protections that currently apply in the current system of funding universities on the basis of fixed numbers of places, which is based solely on the minister's decision to allocate places to individual universities. These protections which are written into the bill are new and substantial, and they provide an additional level of reassurance for universities as they move to demand driven funding for undergraduate places.

The government will be monitoring demand and supply for graduates in all disciplines in the early years of implementation of the new funding system. The bill ensures the government has the capacity to respond to any new skill shortages and, if necessary, to the oversupply of graduates in particular areas. The measures in this bill for demand driven funding of undergraduate places provide for much needed investment in higher education. As a result of these reforms, universities will be able to grow with confidence and diversify in response to student needs.

Consistent with the shift to a demand driven funding system, the government agreed in its response to the Bradley review that the student learning entitlement, or SLE, provisions of the act would be abolished from 2012. The student learning entitlement currently limits a person's eligibility to study at university as a Commonwealth supported student to the equivalent of seven years of full-time study. Abolishing the entitlement
will reduce the regulatory burden on universities and allow them to get on with teaching the next generation of students. The dialogue between universities and the government plays an important role in determining future policies and funding. It assists in understanding the strategic directions of universities in response to government's initiatives. Mission based compacts provide an important process of dialogue and communication between universities and the government. The amendments proposed by this bill will ensure the universities’ and government's investment of time and effort for compacts is recognised as part of the overall requirements for funding under the act.

I would particularly like to thank the members who contributed to the debate regarding the application of free intellectual inquiry. Free intellectual inquiry will become an object of the act. Table A and table B providers will be required to have policies that uphold free intellectual inquiry in relation to learning, teaching and research. We believe that, as autonomous institutions, universities are best placed to determine how they wish to articulate their commitments to free intellectual inquiry. This bill reflects the government's continued commitment to invest in Australia’s universities and to expand opportunities for Australians to obtain a higher quality higher education.

Question negatived.
Original question agreed to.
Bill read a second time.

In Committee
Bill—by leave—taken as a whole.

Senator MASON (Queensland) (09:39): by leave—I move opposition amendments (1) to (3) on sheet 7107 together:

(1) Schedule 2, page 13 (line 1) to page 23 (line 4), omit the Schedule, substitute:

Schedule 2—Amendments relating to student learning entitlement

Higher Education Support Act 2003

1 Section 70-1
Omit "7 years", substitute "8 years".

2 Section 73-5
Repeal the section, substitute:

73-5 Ordinary SLE

Ordinary SLE for persons eligible immediately before 1 January 2012

(1) A person who was an eligible person immediately before 1 January 2012 has at the beginning of that day an increase of 1 *EFTSL in the person’s *ordinary ESL.

Ordinary SLE accruing after 1 January 2012

(2) A person who (by birth or otherwise) becomes an *eligible person for the first time on or after 1 January 2012 has at the beginning of that day an *ordinary SLE equal to 8 *EFTSL.

Meaning of eligible person

(3) An eligible person is:
(a) an Australian citizen; or
(b) a citizen of New Zealand; or
(c) a *permanent visa holder.

3 At the end of section 73-30
Add:

(2) Schedule 3, item 1, page 24 (line 6), after "free intellectual inquiry", insert "for students, researchers and teachers".

(3) Schedule 3, item 3, page 25 (line 10), after "free intellectual inquiry", insert "for students, researchers and teachers".

On behalf of the opposition I have moved several amendments to the bill and they
relate to two areas: student learning entitlements and free intellectual inquiry. I noted the parliamentary secretary's comments at the second reading stage with respect to the student learning entitlement and indeed free intellectual inquiry. Can I briefly address that. Indeed, these amendments go to those issues. While the government and indeed members on the crossbenches have argued in debate on this bill that there are, firstly, very low instances of professional students in Australian universities—that has been the claim—and that there are, secondly, problems with effectively administering this legislation, the opposition believe strongly that simply abolishing the student learning entitlement is sending the wrong message both to the student and also to the taxpayer. That is why we have sought to amend this bill.

In fact, it is true that there are low levels of professional students in Australian universities. I accept that. The opposition accepts that. As a result of the Howard government reforms and the introduction of the student learning entitlement, to abolish the student learning entitlement in its entirety—which is what this bill seeks to do—might see the return of students doing degree after degree for decades at significant public expense, with no ability for the government to recover their HECS debt. That is the problem. Understanding that there have been some substantial changes in the way some undergraduate degrees are taught, the coalition believes the upper level of student learning entitlement should be set at eight years rather than the current seven years. The parliamentary secretary correctly adverted to the fact that currently the student learning entitlement is seven years. The opposition's amendments propose that it be eight years. There is a specific reason for that. This would allow students to undertake, for example, a bachelor of science degree with additional honours years and then complete a medical degree on top of that. In other words, eight years would cover almost every contingency.

I want to make this point; I want to make it once but I want to make it as loudly as I can: far from losing their relevancy over time, the student learning entitlements, the opposition believe, are even more important under the student demand driven system that this bill establishes. Let me explain why. The opposition believe that abolishing the student learning entitlement, which is what this bill does, combined with abolishing the restrictions on the number of Commonwealth supported places, which this bill also does, results in a system where an unlimited number of students can study for an unlimited amount of time. Let me say that again. What this bill does is allow an unlimited amount of students to study for an unlimited amount of time. The coalition will not carry that. We believe that it is appropriate to draw a line somewhere. We think eight years is about right. Seven years may have been too short. Undergraduate degree structures in this country have changed over the last few years, and the opposition understands that. But we do not believe that the taxpayer should bear the burden of an unlimited number of students studying for an unlimited amount of time. That is why we urge the Senate to adopt the coalition's amendments.

The other issues that are covered in these amendments relate to free intellectual inquiry. I noted the parliamentary secretary's comments with respect to them. Can I say I agree with what the parliamentary secretary said, largely. Free intellectual inquiry is very important and the coalition of course supports it. But I want to raise this issue. It is true that many students—I am being candid here, of course, as I always am in the Senate—many conservative students, feel at times that academics do not treat them appropriately. They believe sometimes there
is bias and they believe that their own intellectual inquiry is hindered. That is why the coalition seeks to amend this bill to ensure that students also have the right to free intellectual inquiry.

I listened to what the government and those on the crossbenches said. They argued that in fact free intellectual inquiry is covered already by the bill. Well, the opposition believes it should be made very, very clear that that is the case. As you would appreciate, Chair, when I was lecturing I was always a host of objectivity. I had students who had quite silly views, echoing some of Senator Carr's views, for example. But of course I treated them with great objectivity and marked them appropriately. But I cannot be certain that all academics are such paragons of virtue. That is why I have raised these issues. I think it is important that, while academics must be able to pursue free intellectual inquiry—and I do not have any argument with that at all—so should students.

Out of abundant caution, Parliamentary Secretary, I urge you and the government to accept the coalition's amendment that students be included and that free intellectual inquiry be made a right for them. That would satisfy me, the coalition and, I think, many hundreds of thousands of undergraduate students in this country.

**Senator LUNDY** (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (09:46): The government does not support these amendments. These issues have obviously been considered at great length. Consistent with the shift to a demand driven funding system, the government agreed, in response to the Bradley review, that the student learning entitlement provisions of the act would be abolished from 2012. The student learning entitlement currently limits a person's ability to study at university to seven years of full-time study, subject to a series of exceptions which allow for extra time.

Since the introduction of SLE in 2005, students are increasingly enrolling in double degrees and longer medical programs. Despite this, the figures collected by the Department of Education, Employment and Workplace Relations show that fewer than 0.2 per cent of current higher education students are at risk of exceeding their entitlement. Abolishing this rule will cut through this unnecessary and ineffectual piece of red tape and make it easier and simpler for all Australians to access higher education, including those who wish to return to study later in life to learn new skills.

Australia's universities, which have long been required to divert resources to administer this costly and ineffective entitlement system, argued in a submission to the Productivity Commission in 2009:

There is … no policy objective being served by the SLE, and there are considerable savings that can be achieved from its removal. As the first students subject to the new arrangements will shortly be exhausting their SLE, it is particularly timely to solve this issue now to avoid problematic decisions having to be taken regarding upcoming enrolments.

The government's decision to remove this piece of red tape has been well received by many, including the Group of Eight universities, who said:

Wherever there is a chance to cut red tape it should be taken. Regulations should only be imposed when there is a demonstrable need for them.

... ... ...

Australia does not have a systemic problem of excessively long study periods that is found in some other countries.

Even the former Minister for Education, Science and Training, now the Deputy
Leader of the Opposition, has acknowledged that the student learning entitlement is flawed policy. In July 2006, in a speech to the John Curtin Institute of Public Policy about university regulation, the member for Curtin described the student learning entitlement as red tape, and she said:

Turning to the ubiquitous issue of government red tape – I am happy to listen to sensible suggestions as to how I can remove impediments to diversity and increase flexibility. As a result of the AVCC’s report on red tape, I have agreed to consider the abolition of the Student Learning Entitlement which measures a student’s consumption of commonwealth supported education.

So it is disappointing that the coalition is now fighting to defend a policy that the then minister for education had hand-picked to be scrapped. In fact, by seeking to amend the student learning entitlement to allow an ordinary entitlement of eight years they are simply adding to the red-tape burden. Abolishing this Nelson era rule will free up universities and allow them to get on with teaching the next generation of students. It will ensure that students are able to commence and complete their studies on the basis of merit. For these reasons, the government opposes amendment (1) moved by the opposition.

I also have comments with respect to amendments (2) and (3), relating to freedom of intellectual inquiry. The government does not support these amendments either. The bill introduces into the act, as I said before, new protections for freedom of intellectual inquiry within Australian universities. Universities will be required, as a condition of funding, to have a policy which upholds free intellectual inquiry in learning, teaching and research. Proposed new section 19-115 provides:

A higher education provider that is a Table A provider or a Table B provider must have a policy that upholds free intellectual inquiry in relation to learning, teaching and research.

The opposition's revised amendments add nothing to the bill, which already provides these appropriate protections for freedom of intellectual inquiry in the domains of learning, teaching and research. For these reasons, the opposition amendments will not be supported by the government.

Senator MASON (Queensland) (09:51): I thank the minister for her contribution. I have heard those comments by the member for Curtin before. You are quite right: she did say that; but it was not in the context of a bill that seeks to uncap student places. This bill uncaps student places and, by getting rid of the student learning entitlement, means that students can study for as long as they like as an undergraduate. The import of this bill—and I am now repeating myself, but this bears repeating—is to uncap student places so as many students as want to can now study at Australian universities for as long as they want to. That is the implication, the result, of this bill. Of course that has impose[s] on Treasury. It is fair to say that while forward estimates indicate base funding being made available for new students who will commence as a result of the uncapping of student places, the government has not thus far made allowances for infrastructure and other costs over the forward estimates that will also be required to fully implement an uncapping of student places.

To cut a long debate very short, the problem simply is this: the government really has not done its homework about how much the uncapping of student places will cost the Australian economy and the Australian Treasury. Now is not the time for this debate, but I do want to emphasise that the reason the opposition is seeking to amend the bill is simply that we do not believe the taxpayer should have to fund an unlimited amount of students studying for an unlimited amount of
time. With the greatest respect to the minister and the government, the government has not answered that. The administrative convenience of universities, while very important—I accept that—is not the only consideration certainly so far as the taxpayers are concerned.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (09:53): I take this opportunity to assure the opposition that the government will be monitoring demand and supply for graduates in all disciplines in the early years of implementation. I know the opposition has received that assurance from the Minister for Tertiary Education, Skills, Jobs and Workplace Relations and we will be making sure very close monitoring and observation of the new implementation occurs.

Question put:
That the amendments (Senator Mason's) be agreed to.

The committee divided. [09:58]
(The Chairman—Senator Parry)
Ayes.....................28
Noes.....................33
Majority................5

AYES

Abetz, E
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Scullion, NG

Back, CJ
Birmingham, SJ
Boyce, SK
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Ronaldson, M
Williams, JR

NOES
Bilyk, CL
Brown, CL
Cameron, DN
Crossin, P
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Milne, C
Polley, H
Sherry, NJ
Singh, LM
Sterle, G
Urquhart, AE
Wright, PL

Bishop, TM
Brown, RJ
Conroy, SM
Di Natale, R
Faulkner, J
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Rhiannon, L
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ

PAIRS

Adams, J
Brandis, GH
Fisher, M
Heffernan, W
Payne, MA
Ryan, SM

Evans, C
Arbib, MV
Collins, JMA
Pratt, LC
Xenophon, N
Feeney, D

Senator Wong did not vote, to compensate for the vacancy caused by the resignation of Senator Coonan

Question negatived.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

Senator LUNDY: I move:
That this bill be now read a third time.

Question agreed to.

Bills read a third time.

COMMITTEES

Clean Energy Future Legislation Committee

Appointment

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business
in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (10:02): I move:

That the Senate concur with the resolution of the House of Representatives contained in message No. 258 relating to the appointment of the Joint Select Committee on Australia's Clean Energy Future Legislation.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (10:03): Mr Acting Deputy President, the coalition believes that this suite of bills should not be submitted to a truncated joint committee as proposed by the Greens and the Labor Party. If we cast our minds back, for example, to when we had tax reform in this country, four separate specialist Senate committees were used over a period of five months to adequately air the issues at stake.

The Labor Party boasts and would say that its so-called carbon tax reform—that is anything but a reform; if anything, it will deform the Australian economy—is the biggest change and reform ever in Australian economic history. The Labor Party went to the 2007 election promising Operation Sunlight. Remember that term—Operation Sunlight—where the Labor Party said it would allow the sun to shine in, that everything would be adequately examined and that the Australian people, through the parliamentary processes, would be given sufficient time to consider all the issues on each and every occasion. Yet, here we have the suggestion of a joint committee to report by 5 October, if I am not mistaken—in literally a few days—on that which the Labor Party claims to be the biggest reform ever in Australian economic history.

The simple fact is the Labor Party and the Greens are trying to truncate this so that they can go to Durban with a piece of legislation that has passed the parliament. The Australian nation has been in this space before. If we cast our minds back to the Carbon Pollution Reduction Scheme—that dismally failed—the imperative on that occasion was that we have it legislated by Copenhagen so we could waive some legislation around at Copenhagen and prove to the rest of the world what great leaders we were. Of course, what happened at Copenhagen was that not a single country was willing to sign up to that which, had we passed this legislation, would have made us look like the clowns of Copenhagen. Not having learnt from that, this Green-Labor alliance now wants Australia to look like the dunces of Durban, because they want this legislation passed so Ms Gillard can go to Durban and waive the legislation around and say: 'How clever are we? We are the only country in the world willing to deform our economy, to shed jobs and to shed wealth without making one slight bit of difference to the world's environment.'

The only environment that Labor and the Greens are concerned about is the environment within the United Nations, and Mr Rudd's standing and Ms Gillard's standing. We, as the coalition, will not be part and parcel of sacrificing the Australian national interest on the altar of Mr Rudd and Ms Gillard's vanity. It is going far too far for this parliament to agree to this suite of changes. I thought at one stage it was 13 bills, then it was 18, and I now understand it is 19 bills. Why is it that we should not fully explore the impact of this legislation? This carbon tax has a far-reaching impact. It will not only be on the 500 so-called biggest polluters. If it is the 500 biggest polluters, give us the list of the 500. It is about 500; it is not exactly 500. The government says, 'We cannot give you the list, but pass our legislation.' This is a government that is all about its own personal vanity and also a government led by the Australian Greens.

This Prime Minister, who is now seeking to drive this through the parliament with a truncated Joint Select Committee on
Australia's Clean Energy Future Legislation, is the Prime Minister that went to the election last year claiming, 'There will be no carbon tax under a government I lead.' She has a choice: she either leads this government and has, therefore, misled the Australian people or she does not lead this government because Senator Bob Brown and the Greens lead it. That is the question the Labor Party has to answer. It is not only Ms Gillard that needs to answer this question. Every single Labor backbencher has to look in the mirror and ask: given that I was elected on a promise of no carbon tax, how can I faithfully seek to represent my electors by voting for this legislation?

The Australian people are quite right to ask: how is it that a few Greens can dictate the policy when over 90 per cent of the parliamentarians in both houses in this place were elected on a bipartisan policy—and I want to stress this—of no carbon tax? Every single Labor member, every single coalition member, and I assume the new Democratic Labor Party senator as well, was elected on a promise of no carbon tax. The reason is that Ms Gillard will do anything she needs to do to retain the Prime Ministership. She will do anything and she will sacrifice the national interest in her vain bid to remain Prime Minister.

This carbon tax will have far-reaching consequences. I visited a manufacturer in Geelong with Senator Michael Ronaldson. It was a new business just restarting after a hiatus of a couple of years. Interestingly, their power bill in rough terms in manufacturing came to $50,000 per month. If you take the government at its word—and I know it is foolish to do so, but let us do so just for this occasion—a 10 per cent hike in power prices would mean that over a 12-month period a start-up business now has $60,000 wiped off its bottom line just for its energy input. They said, 'Gee, that is a big hit, Senator.' Well, yes, it is. Moreover, they pay rates to the local government, don't they? Local government are huge consumers of energy. What are local government going to do? They will have to increase their rates, passed on to this company, to pay for the increased cost of energy and street lighting. So this small manufacturing business, just starting up again after a hiatus of two years, will see their costs increase by at least $60,000 per annum, if not a lot more.

We can go to the volunteer sector as well. What about Meals on Wheels? What about those that provide shelter to the homeless? They have energy bills as well. They will be slugged with this 10 per cent impost and that is being very generous to the government because most commentators are now saying the impost on energy bills will be a lot higher than 10 per cent. So you can look at the small business sector, you can look at the volunteer sector and you can look at big business. You can have a look at our mining and exports. Is this joint committee going to deal with all these aspects of all the legislation by 5 October? Of course not. The government and the Greens simply do not want proper scrutiny of this legislation because they are scared of what it will reveal if we go through this mammoth wad of papers and examine it word by word, clause by clause.

There is a huge issue at stake in relation to this carbon tax. It is a fundamental point. Senator Ludwig is busily making notes. The one point that he has to answer in this debate is: why did he and each of his cabinet colleagues go to the last election promising no carbon tax? Labor knew it was bad policy. Labour knew that, if Ms Gillard went to the people of Australia at the last election and said, 'Under a government I lead there will be a carbon tax because we will save the world through it,' she would not be Prime Minister today. Mr Abbott would be the
Prime Minister of a majority coalition government. There is no doubt about that.

Indeed, when we said to the Australian people at the time, 'Don't believe the Labor Party,' what were we accused of? Senator Ludwig's Queensland colleague, the hapless Treasurer Mr Swan, said, 'It is an hysterical allegation.' In fact, it was not hysterical. It was historical because the Labor Party has form. They promise one thing before an election and then do exactly the opposite after. Every Australian that is old enough will remember Mr Keating promising the L-A-W law tax cuts and, as soon as he was re-elected in 1993, he repealed the laws. Not only did he not provide the tax cuts but he actually increased taxes. So we were being historical, not hysterical. How can the Labor Party look in the mirror every morning and say, 'How come we are going down this path'? There is a simple reason. Ms Gillard was willing to sell the national interest so she could remain Prime Minister. 

I think that the Australian people are very responsible people, very sincere people. If they thought a carbon tax would provide a dividend for the environment, they would actually support it. But the overwhelming evidence is that a carbon tax in Australia, with Australia going it alone, will not provide an environmental dividend. That is the overwhelming evidence that you cannot overcome. The coalition would be willing to revisit this issue in the context of the world uniting and saying: 'Let's all do this together. Let's walk in lock-step to ensure that we all bring emissions down without disadvantaging one or the other country.' We would be willing to look at the issue again, but Australia acting alone is sheer lunacy. It is economic vandalism and will do nothing for the Australian environment. These are the issues that need to be discussed.

Indeed, Ms Gillard herself before the last election was so convinced that there was no consensus in the Australian community about going down this path that she was going to have her—what was it?—citizens assembly or something. There was to be an assembly of 150 people to try to build a consensus. She did not have the climate change group; she dropped that. Why? Because the Greens said it was a dumb idea, and for once I agree with the Greens. It was a dumb idea. It was a stupid idea and should never have been put up, but it indicates how devoid the Labor Party are of policy.

But the Labor Party have, and I congratulate them on this, developed a consensus in the Australian community about climate change. The consensus is: no carbon tax. That is the consensus that Ms Gillard has been able to grow and develop within the Australian community. She is now confronted with this consensus, which is overwhelming, even in my home state of Tasmania. I have seen some figures recently showing
overwhelmingly that the Tasmanian people, like the Australian people in the national opinion polls, are awake to the nonsense of a carbon tax being introduced with Australia acting alone.

Let’s not have this nonsense that people all around the world are adopting it. The minister might like to explain to the Australian people and the Senate in this debate what Japan is doing, what France is doing, what the United States is doing, what New Zealand is doing, what Canada is doing, what New Hampshire is doing. Let’s hold up the great economies that Ms Gillard held up like California when she was over there, and like Spain. These are the economies that have gone down this route and they are now economic basket cases in anybody’s language.

Take the European Union’s trading scheme, which is one-tenth of that which we would impose on our own nation. It is 10 times as high, 10 times as devastating and, what is more, 10 times as portable. We know there are scandals in the European system. In as sophisticated a country as Norway they are now having investigations into the rorting of the carbon tax scheme over there. With 10 times as much money available here, one would anticipate that there will be 10 times the temptation to rort the system. Where are the protections in this legislation in relation to that? Where are the protections to ensure that over $3 billion worth of Australian capital does not flow out of our nation each and every year in the vain pursuit of purchasing carbon credits elsewhere in the world?

These are matters worthy of detailed consideration, not to be lightly dealt with by a so-called joint committee that will look at these matters for a matter of a few days and then report with a foregone conclusion. This is a matter deserving of this parliament’s specialist committees having a very, very close look at the detail—how it is going to impact on the volunteer sector, on the small business sector and on big businesses.

Speaking of big businesses, let’s turn to our export industries. Ms Gillard goes to the coalmines and says, ‘No worries—the coalmining and coal export industry will go full throttle under my government.’ Strange, that, isn’t it? We are willing to sell our coal to the rest of the world for one purpose only: they will burn it for energy. And we will sell it to them without a carbon tax. But if Australians in Australia want to burn Australian coal they will be subjected to a carbon tax. Some people might say that that is a double standard. Most people would say that there is some inconsistency here. But this is typical of Labor Party policy, because coal now seems to have gone into the same category as uranium. The Labor Party says of uranium, ‘Yes, let’s export it to the rest of the world to allow them to make energy from it,’ but then they say to the Australian people it is somehow immoral for Australians to use their own uranium to create energy in Australia. So the inconsistency is in fact consistent on both uranium and coal, but the Australian people are quite right to ask: where is the consistency, where is the morality, in that stand? And there is none. There is an inconsistency that cannot be explained.

We as a coalition support the view that these matters should be canvassed in detail and given due consideration, but to try to set up a joint committee with a truncated timetable so that we can become the dunces of Durban like Mr Rudd wanted us to be the clowns of Copenhagen is not on the coalition’s agenda. We will not bend to the Greens in relation to this. We will fight this carbon tax all the way and ensure that all aspects of it are properly exposed for the benefit of the Australian people.
Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (10:23): We have just heard ‘10 times this’ and ‘10 times that’. I think what we just heard was 10 times the ignorance of what we normally find from the coalition when it comes to a discussion of climate change and how to appropriately act upon it. I preface my remarks with the fact that the science is just becoming very clear that this year we are going to have an even greater record of ice melt in the Arctic. The scientists are coming out saying that they are finding an even more extreme Arctic ice melt than in previous years, and we know the impact of that. They are suggesting that, rather than having an ice-free Arctic in 70 years, we might end up having an ice-free Arctic in 30 to 40 years.

We know what that means for species extinction for a start. Nobody can escape the fact that, whatever technological response people might have to the impacts of extreme weather events, there is nothing we can do to save species which are going to extinction because of climate change.

I know that, when you talk to people around the world about their local environments, what they talk about is the changed conditions, and no more so than in Tasmania, where the fishing community talks at length about the warming of the east coast waters off Tasmania, about the fact that the eastern Australian current is now moving further south into Tasmanian waters and the cold up-surge from the Antarctic is receding, which is allowing the incursion of predators into that environment, destroying the kelp beds, undermining the fishery and so on. That is just a local example in Tasmania of the physical response that is going on with climate change as we see it as a regular event.

Having said that, at the same time as we are having this debate, the Bureau of Meteorology have been briefing the Queensland cabinet about the likely impacts this summer of extreme weather events. They are talking about the likely formation of at least four cyclones off the Queensland coast and the likelihood of extreme rainfall events, and already in Queensland people are on alert because of extreme fire danger.

Australia more than any other continent in the world is vulnerable to climate change, and we are seeing climate change accelerating, so we have no option but to address climate change if we are serious about making sure that not only this generation but future generations and our fellow species on this planet have an opportunity to live and experience and appreciate a similar environment to the one we have now. Frankly, we are losing that race.

I am the first to say that, whilst what we are doing with this carbon package of bills begins the process of transforming Australia to a low-carbon economy and begins the process of addressing climate change seriously, it does not go far enough. If the Greens had been in government, we would certainly have been aiming for a much higher level of ambition than the bills generate, but we are pleased to say that the bills do not prevent any of the areas being increased in their level of ambition over time. That is because we know that as the world wakes up to itself there will be a move internationally for every country to lift its level of ambition in terms of greenhouse gas emission cuts and the speed at which it transforms its economy. The thing about all of these carbon bills is that, if the coalition were interested in actually reading them, they would find that there is no limit to parliament in the future being able to increase the level of ambition without having to pay compensation, which was one of the major problems with the Carbon Pollution Reduction Scheme. It would have meant considerable compensation if Australia raised its ambition to a
greater than 25 per cent cut—and that will be necessary over time. We need to be net carbon zero by 2050. Eighty per cent is not enough but 80 per cent is a long way better than where it was before at a 60 per cent cut, and that is one of the things we were able to achieve as part of the Multi-Party Climate Change Committee.

Having said that, I think it is essential that we concur with this motion from the House of Representatives, which urges that we set up a joint committee to allow the community to have input into these bills and to allow the coalition to actually get across the policy, because we have heard a whole lot of sloganism and fear tactics out there and a lot of unsubstantiated statements but we have not heard any engagement of the policy issues that are in these bills.

This series of legislation goes to a package which is saying that, in order to get our greenhouse gas emissions down and allow ourselves to have a consistent message for investors—and that is one of the key components here; the reason we have power prices going up now is that there has not been the investment that needed to occur, and that is because of the level of uncertainty. What we are now doing in this package of bills is that, on the one hand, we are introducing an emissions trading scheme, a market based mechanism that will require those businesses that are big polluters to pay for their pollution to the atmosphere. Over time that will force them to reduce the level of emissions and it will help to drive a transformation in the energy sector out of coal fired generation and into gas. But that is not going to be enough to bring on renewable energy. We know that. A $23 price is nowhere near enough to bring on renewable energy, and so we need to bring in a series of measures that will promote renewables. If we are to have the transformation that I am talking about, and if we are going to have it in the time frame that is necessary and get to 100 per cent renewable energy as quickly as possible, we have to be building at scale, right now, large renewable energy generation capacity and also we have to be investing in a grid—and a smart grid at that—so that we can then take up the opportunities that energy efficiency provides. The coalition has gone back to an eastern European model of government regulation and government paying for everything. It is an extraordinary irony in Australian politics that the party which so prides itself on supporting business has actually abandoned business, abandoned market based mechanisms, abandoned economists and instead just gone back to a government regulatory way of dealing with a cut of only five per cent—and even that will not be achieved by what the coalition is actually proposing.

We are putting in place a mechanism that will allow a massive investment in renewable energy in Australia. The community desperately wants this investment in renewable energy. Australia is blessed with some of the best renewable energy resources in the world and so a key component of this package is an investment in renewable energy—$10 billion to be invested in renewables over time. This will enable the community to become what the British call prosumers—that is, producers of energy and consumers of energy at the same time. For somebody to make decisions about how much they will pay to generate from their house, how much they will pay to buy in and where they can engage in energy efficiency, you need a smart grid. One of the key components in the legislation requires the Australian Energy Market Operator to state art looking at planning for 100 per cent renewable energy. When the community understands this is a key component of the legislation, they will be excited by it. Australians want to see the technology
developed in Australian universities by Australian experts actually in the field in Australia. One of the things people raise with me all the time is that they are fed up with our best and brightest going overseas because there is no hope for them working for a renewable energy future in this country. This legislation emphasises the ability of this country to do good things.

It is the same with energy efficiency. We know that buildings are one of the major emitters of greenhouse gases, and in addition bringing in energy efficiency reforms gives us a healthier workplace. Go to any green building and you will find it is healthier, you have greater productivity from your workforce, fewer sick days, and it is a cheaper building to run. That is where we need to be going in this country with the built environment, and this is an incentive. And this is all a jobs creator. All these things are about adding sophistication into the economy, instead of doing what the coalition wants—for us to be Asia's quarry: dig it up, cut it down and ship it overseas. Keep digging up the coal and send it out of the country; put in the gas wells and send the gas out of the country; that is all you need to do. The Greens believe it is time to look at the fact that we have hollowed out the manufacturing sector. We need to build resilience in the Australian economy; we need to build a competitive position in a low-carbon economy. That is what these bills start to do.

Equally, there is a fourth pillar—the Carbon Farming Initiative, which has been through both houses of parliament. This initiative addresses the fact that rural and regional Australia can play a major role in enhancing carbon in the landscape—enabling farmers to do what they actually want to do but have not had the money to do, and that is engage in stewardship of the land and so improve not only their soil carbon but their management of biodiversity by revegetating areas and improving degraded areas of their properties. All of these things are in the bills. That is why it is exciting and that is what why what we are hearing is the last gasp from the coalition in opposition to this—because there is no roar out there in the community. Business is satisfied that this is going ahead and that they will engage with it.

That is where I come to the great big lie out there at the moment in the statement by the Leader of the Opposition, Mr Abbott, that he will repeal these bills. I am glad to have the opportunity to put this on the record. Every time the Leader of the Opposition stands up and says he will repeal these bills he is building a bigger and bigger and bigger and bigger lie. He is not going to repeal the bills. We had all that with the Carbon Farming Initiative—day after day, 13 hours in this place, about how bad it was. It was bad, bad, bad for rural Australia and then we heard this weak little voice in the House of Representatives on the third reading saying, 'Oh, the coalition will not repeal the Carbon Farming Initiative if it gets into government'. Round one, the first major plank of the new clean energy package going through the parliament, and the coalition says they will not repeal it. Let me put it on the record that they will not repeal any of these bills. This legislation will not be repealed. It is a great big lie. I want the Leader of the Opposition to be out every day saying he is going to repeal it, because we will find exactly the same thing happening again—his opposition will fade away into nothingness.

His opposition will fade away into nothingness because business is seriously engaged. Big business in Australia is going to have to buy permits, we are going to have small businesses across the country making the changes, we are going to have consumers looking at how they can engage and we are
going to have superannuation investors— with trillions of dollars in superannuation— looking at investing in the smart grid. People will be looking at investments in new renewable energy projects, and they want certainty for their investment. They need to know the terms of that investment—it is over a long period of time—and if they invest they will not thank the coalition for coming in and trying to repeal the legislation. Furthermore, when they buy these carbon permits there will be property rights and the coalition will have to compensate every big business around the country who has bought and banked carbon permits. They will have to go out there and compensate them. All I can hear is an echo around the country—this great big new lie. That is what this promise that the coalition would repeal these bills will end up being—because it will not repeal them. Therefore, I would urge the coalition to stop carrying on with this sham. The coalition refused to participate in the multi-party climate committee. Two positions were made available for the coalition to participate in that committee. If they had been serious about engaging in climate change they would have been on the committee and in the debates on how best to bring in carbon pricing in Australia in a way that was integrated across government, that ensured that the people paying were the polluters, that the community was compensated in the way it has been proposed and that is exactly what we have done.

I would like to hear the Leader of the Opposition, Tony Abbott, stand up and say that he will remove the increases to the pension and that he will reduce the tax-free threshold when he gets elected. He will not do it and it will not happen, because it is a great big new lie. That is why I think, as we get closer and closer to the next election, people will see this for what it has been. It has been a giant, hot air bubble of fear that is rapidly losing any kind of impetus in the community. Business have been coming out in the last 24 hours, saying, 'We're engaging this legislation, we're looking at how it will affect our businesses and we are working out ways we will engage with it.' What we are getting for business, the community, our children and fellow species are internally consistent pieces of legislation which will start the process of seriously reducing greenhouse gas emissions, transforming the energy sector out of coal into gas, investing in renewables, getting into energy efficiency and enabling rural and regional Australia to play its part. We will see an increasing number of people exposing the kind of nonsense that we have heard. Senator Abetz has stood up here and said that other countries are not doing anything. If you say it over and over again, all it will do is reinforce the ignorance of Senator Abetz.

California is going to an emissions trading on 1 January next year. It is the eighth largest economy in the world. Four provinces in China are going to emissions trading. That is a huge economic equation. They are going to that with a view to going to national emissions trading within a few years time. We have the European Union and New Zealand and there will be an international linkage of these.

Yesterday there was a briefing in this building by four experts, who have been brought here by the climate commission. And I note that nobody from the coalition bothered to turn up, because why would you let information get in the way of ignorance? One was a policy adviser from California and one was from the World Bank, who was an expert in the grid. They were talking about their ability to engage with Australia, to learn from each other and to link those economies. These are enormous opportunities for Australia and Australian businesses. That is not being lost on the business
sector, nor is it being lost on the next generation of academics and young people leaving our universities with skills, who want to use those skills to secure a safe climate for the future. That is what young people want. People want to align their values with their work, because it makes you happier if you align your values with your work. Young people are saying: we want to put our shoulder to the wheel in whatever we do to reduce climate change, to reduce greenhouse gas emissions and to use our brains and our best endeavours for the betterment of this country, the planet, our children and fellow species. And good on them.

That is why you have such a large number of people with the Australian Youth Climate Coalition across Australia. Everywhere I go young people are motivated because they are worried about species extinction. People ridicule the Greens when we talk about the fact that the polar bear, for example, is drowning in the Arctic because of the loss of the sea ice and because they cannot hunt and feed, so they are starving in some areas. We are watching a tragedy of an iconic species. But they are not alone. There are species in every ecosystem losing out because of the changes we are seeing with climate change. In Northern Australia, we have seen the impacts of the extreme flooding events last year on the Barrier Reef, with sediment all over the sea grasses and the impact on the dugongs, for example. This is in our own country. As I said, in Tasmania the sea urchin is impacting on the magnificent kelp beds on the east coast of Tasmania, not to mention on the productivity of the fishery. No matter how much carrying on there is from the opposition, trying to beat up fear, the reality is that people in Queensland know that climate change is real. They have experienced it with the extreme weather events. People in Victoria who lived through the fires understand extreme weather events and so do people all around the world witnessing what we have seen with food insecurity as a result of some of these events.

I look forward to this committee process, I look forward to representing the Greens on this committee and I look forward to getting these bills through and the legislation being operational by 1 July next year. I especially look forward to Mr Abbott, the Leader of the Opposition, defending the great big new lie that he will repeal the bills, because there is no way he will do it. The community will be horrified when they find out just what an empty promise that is. (Time expired)

**Senator FIFIELD** (Victoria—Manager of Opposition Business in the Senate)
(10:43): And so it starts—the steps by the Australian Labor Party to deny appropriate scrutiny of the carbon tax legislation. It starts here and it starts now with this motion. Let us be clear: this motion seeks to corral 19 bills into one committee. Basically, the motion seeks to rack 'em and stack 'em. It seeks to rack the bills into one committee and to stack the committee. What I mean by 'stack' the committee is that the crossbenchers in the House get two members on this committee. The Australian Labor Party get four members on this committee. The coalition only get three members on this committee. So we have four ALP and two crossbenchers—that is, six versus three coalition members. The coalition comprises darn near half the members of the Australian House of Representatives. But it is a stack and they are seeking to rack 'em. It is bad enough that the government sought to evade the scrutiny of the Australian people. It is bad enough that the government went to the Australian people with a lie. It is bad enough that the government formed office on the back of a lie. That lie—perhaps the greatest lie known in Australian contemporary history—was that the Gillard government would not implement a carbon tax. The
words that the Prime Minister used—I think you know them well, Mr Acting Deputy President Back—were, 'There will be no carbon tax under a government I lead.' Does anyone seriously believe that the Labor Party would have won enough seats to cobble together a government had they come clean with the Australian people at the election? Of course they would not. In fact, every Labor member of the House of Representatives and every Labor senator who was facing the people at the last election was in fact elected, put into office, on a platform that there would be no carbon tax. If there is any mandate here in this parliament it is a mandate from the people to not have a carbon tax. That electoral fraud—in a moral sense I use that phrase—is something for which the ALP will be and should be answerable and accountable to the people at the polls. And who knows when that will be.

But the place where the government of the day is accountable and is answerable between elections is this place and the other place. That occurs in the committees and in the debates of this parliament.

Having managed, quite successfully I must say, to evade public scrutiny, the least the government should do is to allow the most full-blooded scrutiny and debate in this place. The model for parliamentary scrutiny of significant economic change—I do not use the word 'reform', I use the word 'change'; the carbon tax is not an economic reform, it is an economic change—is the GST. The GST, I believe, was for good. It must have been for good. Even the Australian Labor Party must agree with that, because they did not seek to repeal the GST legislation once they came into office. I would argue that the carbon tax, in contrast, is change which is for ill. It is change which is far, far wider reaching. It has a much greater reach into the Australian economy than the GST did. As such, as a more significant economic change, it does deserve even greater scrutiny. As I say, the model for scrutiny is the GST.

I think it is important to go through the steps which the previous government went through to ensure adequate scrutiny of the GST. Firstly, the coalition—minor detail to the Australian Labor Party—went to a poll. The coalition went to an election and said, 'It is our proposal, it is our intention, if elected, to introduce a goods and services tax.' That is what we did. We sought a mandate; we received a mandate. No hiding, no subterfuge, no lies: a mandate was sought and it was granted. Minor detail—just a technicality for those opposite. But on this side of the chamber we think it is kind of important. Having won a mandate, it was submitted to the most searching and the most searing scrutiny of any package of legislation that has been before the Australian parliament.

On 2 December 1998 the package of GST bills was introduced into the House of Representatives. It sat on the table until 7 December. Then almost 15 hours was allocated to the second reading debate. That legislation was passed on 10 December 1998. The GST legislation then spent five months going through Senate committees—five months. That is pretty extraordinary when you think about it. Compare it to the mere weeks of scrutiny that this carbon tax legislation, which will been more profound in its effect on the economy, will have. The next step in that process of scrutiny was on 25 November 1998. The Senate, at the start of that five-month period, established the Senate Select Committee on a New Tax System. That committee also referred issues to three separate Senate references committees. You might be aware, Mr Acting Deputy President Back—and I am sure you are—that references committees are actually chaired by the non-government parties, which again I think is an important part of scrutiny. Those
committees had until the end of March 1999 to report. The legislation went to the Community Affairs References Committee, the Employment, Workplace Relations, Small Business and Education References Committee and to the Environment, Communications, Information Technology and Arts References Committee. This was a good and a proper process. The bills were introduced, they sat on the table, there was adequate debate, they came to the Senate, they went to four Senate committees and there was five months of examination. We did not rush. Contrast that with what is proposed here. The House will have 12 hours to consider 19 bills. There are more than 1,000 pages of legislation and there will be 12 hours to consider 19 bills.

We did the right thing when we were in government. This government should follow that example. The truth is there is no rush. There is no rush for this legislation. It may be a self-evident proposition to those on this side of the chamber, but if there is a delay of many months the world will not end. I know that is hard for some in this chamber to comprehend, but if there is decent examination over many months of this legislation, let us be clear: the world will not end. The new rationale which the Australian Greens are citing for rapid passage of this legislation—and we can only conclude that the government concurs with this—is the Durban conference in December. I put much more stock in the view of the Australian people and place much greater significance on the need for appropriate scrutiny than I do on the desire of the government and the Greens to strut at Durban, to be able to wave their legislation around and say: 'Aren't you impressed? Look what we've done.' I actually do not care what anyone in Durban thinks, whatever country they are from. All I care about is what the Australian people think, what the effect of this legislation will be on their standard of living and what the effect will be on the capacity of Australian businesses to go about selling their goods and services, making a living and employing people. That is what I care about.

One of the best predictors of future behaviour is past behaviour. Copenhagen was the last big conference at which we had lots of people strutting around—remember Mr Rudd? He was doing the big strut at Copenhagen. I do not think anyone would think that was a huge success. Thank goodness we did not fall for the argument that we absolutely had to pass the ETS legislation before Copenhagen because otherwise we would be left behind because the rest of the world was going to agree at Copenhagen. Well, they did not. They were never going to. Nothing hangs on Durban.

The government should withdraw this motion. They should withdraw the 19 bills from the House. They should discharge those bills from the House. They should call an election. They should submit themselves, this tax and the legislation to the judgment of the Australian people. I have to confess that I have some doubts that they might win an election seeking to sell a carbon tax. I just have that sneaking suspicion, but let us say I am crazy, let us say I am wrong, let us say the Australian Labor Party score the most stunning electoral victory in Australian history by going to the next election saying, 'We will introduce a carbon tax.' Let us just ponder that for a moment. I am happy to assume that that is a theoretical possibility. I am happy to concede that, if the government discharged the legislation in the House, called an election and said to the Australian people, 'Vote us in; we want to introduce a carbon tax,' it is a theoretical possibility that they could win. I confess that I have a few doubts that they would, but let us assume that they did win. Then by all means reintroduce the carbon tax legislation.
But, whether they did that or whether they were in the circumstance they are in now, they should ensure that there is appropriate time, something in the order of five months, to give proper parliamentary scrutiny to this legislation. Even if the whole parliament agrees on legislation, that legislation still should get appropriate scrutiny. That is our job. We are legislators. Particularly in the Senate, it is our job to scrutinise. It is our job to critique. It is our job to review. It is our job to question even legislation which we might support. That is our job. We are a house of review in the Westminster system.

It is clear that the government do not respect that role. The government do not respect that function of this chamber. It is also clear that the government lack the courage to face the people. We know they are gutless. We know they lie to the Australian people. We take that as read. We do not expect them to call a snap poll to do the right thing to put their proposition to the Australian people. But, if they are not going to do that, at the very least they should have the decency to observe a proper parliamentary process. That should be the minimum that they do. Sure, they lie to the Australian people. They are the Australian Labor Party; that is what you expect. They will face their judgment at the next election. But the place where the government are accountable between elections is in this place. The place where their policies and their legislation should be scrutinised is here in this place.

There should be a proper allocation of legislation to the appropriate Senate committees. In fact, we already have a very good committee which is chaired by Senator Cormann, the Senate Select Committee on Scrutiny of New Taxes. The title of that committee is very interesting. There has not really been a need before for a Senate committee specifically to scrutinise new taxes, because most previous governments, Labor or Liberal, have introduced new taxes but have often had offsetting tax cuts pursuing the process of tax reform. This is a need which Senator Cormann and his committee are very well fulfilling. There is the opportunity for the Senate to take advantage of that committee. We have references committees. We have standing legislative committees. They are there for a purpose, and there should be an appropriate and sensible allocation of these bills to those committees for scrutiny.

We will not be complicit in facilitating the electoral deceit of the Australian Labor Party. We know that the Australian Labor Party in this place will seek extra hours. We know that they will seek extra sitting weeks, the purpose of which is to give effect to a lie. We feel under absolutely no obligation to facilitate that in any way, shape or form. But there should be appropriate scrutiny. There should be no rush. There is no reason—no reason at all. I urge those opposite to salvage some dignity. I know there are Labor members and Labor senators who are appalled by the intention of this government to introduce a carbon tax. They will tell you, as you sit next to them quietly during a division, what they really think. They will tell you in the corridors of this place what they really think. Senator Conroy, who has been outed in the press, makes it clear to any businessman who will listen that the carbon tax will be a disaster for the Australian economy and that he does not support this. We know that. And we know Martin Ferguson’s real view. We know the view of the adults in the Australian Labor Party. The view of the grown-ups is that they do not want a carbon tax.

The way for the Australian Labor Party to salvage some dignity, if they are not going to call an election and if they are not going to abandon the carbon tax, is to decouple themselves from the Australian Greens. I think we had an example a little earlier as to why that
should be the case. Senator Milne referred to 'fellow species'. I do not think most Australians or even most Labor senators would be comfortable with being referred to as just a 'fellow species' of other animals. Mr Acting Deputy President Back, you have a veterinary background, and even you might be a little uncomfortable with being referred to as a member of a 'fellow species'. It is strange language. I know that in Senator Milne's contribution it was put in the context of species extinction. But if there is a species that is facing extinction, I think it is the members of the Australian Labor Party in the House of Representatives. If they persist in pursuing this deceit—if they persist in seeking to legislate their lie from the last election—then I think they will indeed be the ones facing species extinction.

It is time for the Australian Labor Party to take the field again for working people. They have vacated that space. The only parties in this place, and in the other place, that represent working people are the Liberal Party of Australia and the Nationals. The Australian Labor Party have completely vacated that field—and they wonder why working people are deserting them in droves.

The Labor Party should abandon this venture. They should discharge the carbon tax bills in the House of Representatives. They should have the decency to call an election. They should have the decency to seek a mandate from the Australian people for the introduction of a carbon tax. If they really have the strength of their convictions—if they really believe that the virtues of a carbon tax for the Australian economy are self-evident—then they should have no hesitation in putting that to the Australian people. But they have yet to do so. They did not do so before the last election and they are not proposing to give the Australian people an electoral opportunity in which to do so. We on this side of the chamber sought to facilitate that possibility through a plebiscite bill. The government opposed that in the other place. We think that would have been an appropriate mechanism for the Australian people to have their say, but that mechanism was also denied them.

I hope this legislation is not passed, but if it is passed through the House and if it is passed through the Senate then we on this side vow that the fight against the carbon tax will not be over. The fight against the carbon tax will go on. We will take the repeal of the carbon tax to the next election. If the carbon tax legislation has been implemented in this parliament, we will repeal it in the next. That is our solemn commitment. That is our promise to the Australian people. The fight on the carbon tax in this place starts today and will continue. (Time expired)

Senator CORMANN (Western Australia)  (11:04): The people of Australia do not want this carbon tax. The Prime Minister promised them before the last election that there would be no carbon tax. Now the Prime Minister wants to rush this bad carbon tax through the parliament, because she realises that the more time the parliament and the people of Australia have in which to talk about it—the more time they have in which to scrutinise it—the more unpopular this bad tax is likely to become.

History and the people of Australia will judge the Prime Minister harshly for the deceit inflicted on them before the last election. History and the Australian people will judge every single Labor Party member and senator harshly for supporting a tax which clearly is not in our national interest, which clearly is going to inflict a lot of harm on household budgets and on the economy without doing anything to help reduce global greenhouse gas emissions.

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CHAMBER
The government is speaking the truth when it says that we have been having a debate in this country for some time now about this whole concept of pricing carbon. The longer this debate has gone on, the more people have realised that there is absolutely no prospect of reducing global greenhouse gas emissions through a price on carbon in Australia if none of the other major emitters are going down that same path. To ask people in Australia to accept a price on carbon when China, the US, India and a whole range of other countries we compete with are not going down that path will just push up the cost of everything here in Australia. It will make us less competitive internationally, it will cost jobs and it will put our energy security at risk—all without doing anything to help reduce global greenhouse gas emissions.

The people of Australia were entitled to believe, after three years of debate on this—between 2007 and 2010—that the Prime Minister, Julia Gillard, had come to the same conclusion. We had a very intensive debate in the parliament and across Australia over the last three years. That debate was in the context of, and in the lead-up to, the so-called Copenhagen conference. At that time, people thought there was a prospect that countries around the world might reach agreement on an appropriately comprehensive global arrangement to price carbon. That did not happen. In this chamber we voted twice against the Carbon Pollution Reduction Scheme legislation proposed by the Rudd government. The Senate voted twice against that legislation, with coalition and Greens senators joining to defeat a piece of legislation that was clearly seen by the Senate as inadequate. But what is on the table now is at least as inadequate, if not more inadequate, as what was on the table before.

After the debate that went on between 2007 and 2010, in the last parliament, we now know that Ms Gillard went to see Mr Rudd and said, 'Kill the CPRS; don't go ahead with it.' It is a matter of public record that the Prime Minister went to the last election promising that there would be 'no carbon tax under a government I lead'. We also know that the Prime Minister went to the last election saying that she would do everything she could to build community consensus around the proposition of pricing carbon. She clearly has given up on that. She clearly is trying to ram this legislation through not just this parliament but against the express wishes of the Australian people.

After the election, when put under pressure by the Greens and in an effort to hold onto government by Senator Bob Brown's fingernails, she went out in February and said there will now be a carbon tax. But she also said, 'I'm going to do everything I can to convince people that this is a good idea.' Guess what? The judgement is in, and people do not like it and do not want it. People understand that it will not do anything to help reduce greenhouse gas emissions. They understand that it will push up the cost of electricity, that it will push up the cost of everything, and that it will cost jobs and put Australia's economy under pressure for no good reason.

We were told back in February: 'Don't you worry. People might not like the carbon tax now but as soon as all the detail is out, as soon as people know about the compensation, as soon as people know about the transitional assistance, it will be okay and people will like it. Once people see the detail, people will like what they see.' Guess what? The detail was announced and people still did not like it. We were then told that the Prime Minister was going to wear out her shoe leather. The Prime Minister was going to walk up and down every main street of every town and convince people, one by one, that this carbon tax is a good idea, that this carbon tax is all Australia needs. After two
weeks of that, the carbon tax was more unpopular than ever. Very quickly the Prime Minister gave up on that as well because she was confronted by real people on the streets of Australia and real people in the shopping centres of Australia who called it for what it was. We well remember the Prime Minister in a shopping centre in Queensland being confronted with the question: why did you lie to us? Why did you tell us before the last election that there would be no carbon tax only to turn around after the election and say that there will be one?

During that two weeks of meeting with real people who were telling her the truth, what the Prime Minister realised was that the worst thing the government could do would be to allow too much debate and too much scrutiny of this dud tax. I have been chairing the Senate Select Committee on the Scrutiny of New Taxes for the last 12 months or so. When we put on the agenda for the committee an inquiry into a carbon tax, the Labor members of the committee said, 'How can you put that on for this committee, because there will be no carbon tax?’ This was actually after the election. In hindsight that is quite funny. When my committee wanted to have a look at the carbon tax to be introduced by the government, or at any other pricing mechanism on carbon or at an emissions trading scheme, Labor members of the committee in September or October of last year said, 'How can you possibly put that on the agenda for this committee, because there won't be one?'

The detail was announced on 10 July and the legislation, a thousand pages of it, was released on 29 July, but through my committee we have only been able to scratch the surface. Treasury and Department of Climate Change and Energy Efficiency officials appeared before a number of hearings and were unable to answer a whole series of very important questions in relation to this very bad tax. This government does not want officials of the Treasury or of the Department of Climate Change and Energy Efficiency to be exposed to too many questions. The secretary of the climate change department, for example, was asked where the figure of 500 big polluters came from. He said, 'It won't be 500; it'll be way less than that.' He said that it would be about 400 or something like that, only to be told by the minister within three or four hours to correct his evidence, because the government's advertising campaign was of course built around the proposition of 500 big polluters. Far be it from the Minister for Climate Change and Energy Efficiency to allow the accusation to stand that this was misleading advertising from the government, based on evidence from his own departmental secretary.

Treasury was not given time to properly model the carbon tax package that was actually announced and Treasury never actually assessed the impact of the carbon tax on jobs. We have been told by the Treasurer, Wayne Swan, that the carbon tax will have no impact on jobs, and he relied on Treasury modelling to make that assertion. But, when you look at it, Treasury never assessed the impact on jobs at all. Treasury assumed that there would be no impact on jobs. They included a rule in the model to say there will be no impact on jobs and then the Treasurer dishonestly went out and said, ‘Look at this Treasury modelling, it shows there will be no impact on jobs.’ There is lie after lie after lie in that Treasury modelling and, of course, we have had people appear before us—very credible economic modellers like Frontier Economics—who have said quite bluntly that the assumptions that are used by Treasury in their modelling, presumably at the direction of the government, are not plausible, are not realistic and are not real-world assumptions. The impact of that is that the Treasury modelling
severely underestimates the impacts that the carbon tax will have on the cost of living, on the economy and on jobs and severely overestimates the impact that it will have on reducing emissions. Now the truth of the matter is that, even on the government's own figures, it is a pretty bad tax because electricity is going to go up by 10 per cent in year one and go up and up after that as the carbon tax continues to go up. Even on the government's own figures, emissions in Australia are not going to go down; emissions in Australia are going to continue to go up from about 578 million tonnes to about 621 million tonnes.

So then the government says, 'Oh, but emissions are going to be lower than they otherwise would have been'—interesting, so where are those emissions going to go? Those emissions are going to go to manufacturing businesses in China, India and the US and all the other places that manufacturing businesses in Australia compete with, but the businesses in those countries will not be facing that same cost. As we make overseas manufacturers more competitive and help them take market share away from equivalent businesses here in Australia, all we will be doing is shifting emissions overseas, arguably into places where environmental standards are lower and where emissions are going to be higher. All we will be doing is imposing a sacrifice on people here in Australia without actually making any difference to the environment.

We are told that the carbon tax is going to stop the floods, stop the droughts, stop sea levels rising and save the kelp beds off the coast of Tasmania. If only we had known that a carbon tax could fix all of those ills! We should have come up with it a long time ago. But, guess what: I do not believe that a carbon tax will stop the floods; and I do not believe that a carbon tax will have any impact on rising sea levels. A carbon tax which will shift emissions overseas, a carbon tax which will reduce emissions in Australia in a way that will increase them by arguably more in other parts of the world, is not effective action on climate change; it is a deliberate act of economic self-harm.

This is exactly the point that the Australian people understand. The Australian people understand that not only were they lied to before the last election but they are still being lied to now. They are being asked to believe that somehow putting on a $23 a tonne tax on carbon is going to stop sea levels rising. They are being asked to believe that this $23 a tonne tax on carbon, which is going to push up the cost of their electricity, is somehow going to save the kelp beds off the coast of Tasmania. Well, guess what: it will not. It will hurt people's hip pocket, it will increase cost-of-living pressures and it will put jobs at risk, but it will not save the kelp beds off the coast of Tasmania to the extent that they are actually at risk.

I look at this whole issue and wonder. If the Prime Minister was really committed to pricing carbon, if the Prime Minister was really committed to a carbon tax and if she really thought it was such a good idea, why didn't she tell the Australian people before the last election? Why did she stop trying to build a community consensus? Why did she stop wearing out her shoe leather? Why does she now want to ram it through this parliament without having taken this proposal for significant economic change to an election so that the Australian people could pass judgment? The reason is this Prime Minister knows that the Australian people do not want it and that, given an opportunity to pass judgment, they would chuck her out of office. That is why she is
trying to rush this through. That is why she never told the Australian people the truth before the last election. That is why she did not even try to build community consensus. This Prime Minister has divided Australia in her incredibly irresponsible and reckless push to impose a carbon tax. She has divided Australia rather than build community consensus. She has united a large part of Australia against this government in her attempt to ram through this carbon tax.

The single reason why the government are moving this motion here today is they do not want on the committees with the job of scrutinising these sorts of pieces of legislation senators who will ask the hard questions, because they do not have the answers. Incidentally, when I look at the composition of this committee in this motion, I see a significant outrage as far as the Senate’s representation on it is concerned. It is funny that from the House of Representatives there is to be representation from the opposition, from the government and from the Greens and there is provision for one non-aligned member to be appointed to the committee, which is to consist of 14 members—so four members to be nominated by the government from the House of Representatives, three members to be nominated by the opposition from the House of Representatives and one Greens member and one non-aligned member to be nominated. But look at who is in this motion to represent the Senate. From the Senate all we get are two senators from the government, two senators from the opposition and one Greens senator. What about Senator Xenophon and Senator Madigan? There is no representative from the cross-bench. Both Senator Xenophon and Senator Madigan have taken a very close interest in this carbon tax issue. Senator Xenophon has done so at great personal expense on occasions. Senator Madigan is a very hard-working and very active member of the Senate Select Committee on the Scrutiny of New Taxes. He happens to be the true labour representative of working families across Australia—the only labour representative of working families across Australia in this chamber. The Australian Labor Party has sold out working families across Australia. But because Senator John Madigan, who represents the DLP in this chamber, does not agree with the Australian Labor Party on its push for a carbon tax, he has been completely ignored. He has been cast aside. The government effectively has three senators represented on this committee; the opposition has two; and the crossbench, consisting of Senator Xenophon and Senator Madigan, has been completely ignored.

The carbon tax is a bad tax. The carbon tax is a tax which we were promised we would not have. The people of Australia do not want this tax. The people of Australia were promised they would not get this tax. The people of Australia will judge the Prime Minister harshly at the next election for having lied to them at the last election. The people of Australia will judge every single Labor member and senator in this parliament harshly at the next election because they are all part of this deception. Instead of doing the right thing and allowing proper scrutiny of this legislation to proceed, instead of doing the right thing and taking it to an election after it is properly scrutinised, they want to ram a bad piece of legislation through this chamber, which they well know the Australian people do not want, and the Australian Labor Party stand condemned for it.

**The ACTING DEPUTY PRESIDENT**

(Senator Crossin): Minister, I am going to give you the call.

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate and Minister Assisting the
Attorney-General on Queensland Floods Recovery) (11:24): This motion started out as a message from the House of Representatives.

**The ACTING DEPUTY PRESIDENT:** You need to move that the question be now put.

**Senator LUDWIG:** I move: That the question be now put.

**Senator Ian Macdonald:** Madam Acting Deputy President, I rise on a point of order. There are clearly at least two other speakers who would like to participate in this debate. Is it appropriate to call the minister next when he has indicated he wants to stifle further debate, to effectively guillotine this debate? Could I, by way of point of order, suggest that you may in those circumstances want to call other senators who might want to speak and leave the minister who has clearly indicated he wants to terminate the debate to the time when nobody else wants to speak?

**The ACTING DEPUTY PRESIDENT:** I understand that I can call the minister to move that motion. He has indicated that that is what he is going do, and he has done that. The minister has moved that the question be now put.

**Senator LUDWIG:** On the basis that two further speakers on the other side want to speak, I will allow them to speak before I move the motion. I seek leave to withdraw the motion.

**Leave granted.**

**Senator IAN MACDONALD (Queensland) (11:26):** It is a little difficult for me to actually acknowledge the actions of the minister in allowing further speakers, but I do thank the minister for his cooperation in allowing further discussion. I understand for the record that the minister has indicated that he is happy to allow two further speakers on this motion, and so I do thank the minister for that. It is very important that those senators who do have a view on the motion before the chair should have the opportunity to put their points of view.

Just by way of recapitulation, what we are doing is discussing a message from the House of Representatives which requests the concurrence of the Senate to a resolution to set up a joint select committee on Australia's Clean Energy Future legislation, which is to be appointed to inquire into and report on 19 bills that are listed in the motion. They all relate to the Clean Energy Bill 2011, which is a nice way of calling or labelling or titling the carbon tax bills.

This joint select committee is to look into all of those 19 bills that impose on Australians a carbon tax. Just over a year ago the leader of the Labor Party, the then Prime Minister and now current Prime Minister, promised hand on heart to all Australians that she would not introduce a carbon tax with those famous words: 'There will be no carbon tax under the government I lead.' It was not a spur of the moment commitment or promise that she made. It was a commitment that she repeated a couple of times. In fact, her assurance was repeated by the deputy leader of the Labor Party, Mr Wayne Swan, when he responded to Tony Abbott, who had suggested to the Australian public that, if Labor were elected, we would have a carbon tax. Mr Abbott told the Australian public that; but Mr Swan said that Mr Abbott was being hysterical in even suggesting that the Labor Party would introduce a carbon tax. The Prime Minister at the time, Ms Gillard, promised once and then promised again the day before the election: 'There will be no carbon tax under the government I lead.' Because of that assurance, and because of the fact that every member of the Labor Party was seen by the
electorate to be running to the election on a policy of no carbon tax, a lot of people who would not have voted for Ms Gillard and her team changed their mind, because they believed her. If Ms Gillard had got up the day before the election and said, 'Australians, we need a carbon tax; I am going to introduce one', I will bet you anything—and any observer, student or person learned in politics could tell you—the Labor Party would have been absolutely thrashed at the last election. But they were not thrashed—well, they were thrashed but not thrashed sufficiently to change the government—because Ms Gillard promised there would be no carbon tax.

To make matters worse, the government then introduced 18 different bills to impose this carbon tax. Those 18 bills were dumped on the opposition's table a couple of days ago. I certainly have not had any opportunity to read even one of those bills. We all do have other work to do in this chamber. I want to spend some time reading all of those 18 bills to get an understanding of what they are about. I want to read the explanatory memorandums for all of those bills and then I want to debate those bills.

But if this proposal for so-called 'time management' passes, then I and all of my colleagues are going to have one minute per bill as the time we are allowed to debate them when they get to the Senate chamber. I understand the Green-Labor alliance has agreed upon these curtailments of speaking time when the bills come into the chamber. There is not much I can do about that. I will be voting against those proposals but I suspect the coalition of Greens and Labor will prevail on that issue.

Accepting that, I would like to have a look at these bills in committee and get some evidence from experts on each one of them. I could assess those bills much more carefully if we followed the normal Senate practice—that is, bills that are introduced into the Senate go off to a Senate committee. Under the rules of the Senate, every senator can be a participating member of those committees and I and all of my colleagues from all sides of the chamber would have the opportunity then of hearing witnesses, getting expert advice, looking at the fine details and drawing out the many errors that we are going to find in these bills. We know without even looking that there will be errors in these bills.

We are only too well aware of the Labor Party's record when it comes to hasty introduction of legislation and government action—just look at the pink batts fiasco. That was rushed in supposedly to fix a problem. It turned out to be one of the greatest wastes and one of the most dangerous actions taken by any government. It cost the Australian public millions and millions of dollars, not only to install these batts but also then to take them out to save houses from being burnt and to save further deaths. It is a given that there will be in these 18 bills errors, unintended consequences and issues that highlight how futile this all is. We all know the Treasury figures that show by 2020, even with this massive tax on every Australian, we are going to increase the amount of emissions coming from Australia. So it will be a big tax but the amount of emissions coming from Australia will increase.

I always say, if the rest of the world were doing something then certainly Australia should be doing something, but, in spite of the protestations of the Prime Minister, we will be leading the world on a tax of this nature and extent that no other country has imposed. I remind listeners to this debate that Australia emits less than 1.4 per cent of total world carbon emissions. So, even if we stopped every emission, it would make absolutely no difference whatsoever to the changing climate of the world—not one iota
of difference. But we are not even proposing to cut the 1.4 per cent of emissions that Australia is responsible for. We are only going to cut five per cent of that.

This huge tax is all about—

Senator Hanson-Young interjecting—

Senator IAN MACDONALD: You don't like the truth of this, Senator Hanson-Young? Clearly the Greens do not want the facts to be known. Tell me, Senator Hanson-Young, is it true or not true that Australia emits less than 1.4 per cent of world emissions?

Senator Hanson-Young: Why don't you refer it to the committee?

Senator IAN MACDONALD: You are absolutely right. I am not going to get the chance to go to the committee. Thank you very much, Senator Hanson-Young. It should go to a committee. I should be able to raise these points at a committee. I should be able to call witnesses. I should be able, with you, to question experts on whether it is true that Australia emits less than 1.4 per cent of world carbon emissions. I know what the experts will say, and it would be good if you were on the committee because you would understand from the experts that Australia only emits less than 1.4 per cent of world carbon emissions. You would also learn that stopping five per cent of that—we are aiming for five per cent—is not going to make one iota of difference to the changing climate of the world, and you know that. I would love to be in a committee with you, Senator Hanson-Young, where we could get the experts and we could get that all in. But I am not going to be given the chance. The Greens have a total of 10 members of parliament. Yet on this sole committee that is being set up to look at this legislation, the Greens will have two representatives: one from the lower house and one from the Senate. How many will the Liberal and National parties have on this committee—bearing in mind that the Liberal and National parties have more members and senators than any other party in this parliament? We have about 150 Liberal and National members of parliament and on this committee we will have three members from the House of Representatives—nominated by the opposition whip—and two senators. So out of 150 parliamentarians, the Liberal and National parties will have five people on the committee. Roughly speaking, that is one per 30 members of parliament. By contrast, the Greens will have two members on the committee to represent their 10 members of parliament. How fair is that? What Australian would think that was a fair go? What Australian would think this proposal will make our democracy work?

This is a rump party, the Greens political party, that has very little support around the nation, yet this party will get two members on this committee out of its 10 members of parliament. Our parties, which represent more than 50 per cent of the Australian public, are going to get five members. When you add the Labor Party's representation to the Greens' representation on the committee, the Labor Party will get another four from the House of Representatives and two senators. There will be a total of six from the Labor Party—a non-aligned member, I see—and two from the Greens. So it is eight to five. The party that represents most Australians, that has the biggest political representation in this chamber and in the whole parliament, will get a total of five people on the committee.

This new committee, this gerrymander, is not going to follow the Senate practice of allowing participating members. Why is that not happening, Senator Hanson-Young? You and your Labor mates put this deal together. Why are you going against the normal Senate practice of allowing every senator to take part in committee investigations and not
allowing participating members? The answer is that the Labor Party and the Greens do not want scrutiny of these bills. That is why this motion sets out that the committee will have a restricted amount of time to deal with 18 separate bills.

This committee will have a very substantial majority from the Labor-Greens alliance. Yet the opposition represents more Australians in this parliament both in numbers and in the percentage of votes at the last election. And if opinion polls are to be believed around the country, the view of Liberal and National parties is reflected in a substantial majority of Australians. According to the opinion polls, most Australians do not want this tax, yet the Greens and the Labor Party are pursuing this undemocratic process of restricting debate on the bills.

Senator Hanson-Young said, ‘Save it for the debate on the bills when that comes.’ Senator Hanson-Young, my allocation of time to address each one of these bills is one minute. What will I be able to say in one minute? That is my share of the time that you and your Labor colleagues have imposed on this parliament. What sort of questioning can I raise in my one minute dealing with these bills?

In all the long years I have been in this parliament, I have never seen anything as undemocratic as this particular motion and the way it intends to deal with this legislation, allowing me and all my colleagues one minute per bill. Senator Hanson-Young says, 'Why don't you save this for the debate,' Senator Hanson-Young, I am a fast talker but in one minute I will not be able to question the minister, I will not be able to question anyone on your side on some of your stupidity in the case of these carbon tax bills and I will not be able to ask you: what difference will five per cent of less than 1.4 per cent make to the changing climate of the world? I would like you to answer that, Senator Hanson-Young. You will get plenty of time to talk on it, but I will get one minute per bill. How democratic is that? It is an affront to all Australians that a bill which is going to impose a major tax on the cost of living of every Australian will be rammed through this parliament by an unholy alliance, actually a holy alliance, I suspect, of the Greens and the Labor Party.

I have had to listen to the pious principles that have been espoused by the Greens Senate leader, Senator Brown, over all these years, that: 'We never guillotine anything. We may not agree with you but we allow full debate on everything.' What has happened to that principle? That has gone out the door. It just proves the point I always make about the Greens: they are full of hypocrisy. They are so hypocritical in their policies and in their approach to this issue. 'Yes, we should have a full debate.' Senator Hanson-Young interjected, saying, 'Save this for the debate on the bill,' yet I am going to get one minute. How democratic is that?

People have voted for the Greens in the past thinking that they were a party of the environment—what a joke that is!—and a party of some fairness and democracy. What will people in the electorate now say about a party which is going to allow every senator only one minute to debate each one of these 18 bills which will impose on every Australian perhaps the largest cost-of-living increase that has ever been imposed by this parliament?

The motion for the setting up of this committee is undemocratic. It is contrary to all the principles of the Senate. It is contrary to all the principles that every senator has always cherished. In this chamber, we have a proper committee process, we look into bills and we elucidate the mistakes that we all know will be there. That process has stood the test of time, and it is being thrown aside.
by the Greens political party and the Labor Party in their alliance to curtail debate on these most important bills.

I urge the Senate to reject this message from the House of Representatives. I urge the Senate to go back to its normal procedure of setting up a Senate committee, which would have every senator as a participating member, so that we can fully investigate all of these 18 different bills. (Time expired)

**Senator BOSWELL** (Queensland) (11:46): We are being asked to agree to a motion to appoint a joint committee to consider 18 bills that will come before this house in one cognate debate, in which each of us will have one minute per bill to speak. This motion gives us an opportunity to discuss why we need a full-blown Senate committee inquiry into these bills. This is the greatest con in the world. I can understand the Greens. I think Senator Macdonald was being a bit harsh on the Greens. The Greens have been totally successful. They have been terribly successful. Why are we rushing? Because Senator Bob Brown wants to go to South Africa and swan around and say, 'This is what I got.' That will increase the Greens vote—no doubt about it. So they have been terribly successful.

The most unsuccessful people in this parliament are the Labor Party. They are lining up like a bunch of lemmings to go over a cliff. It amazes me. It is almost as though it is fatalistic: 'We're going to die. Let's do it. Let's do it together.' Everyone in the Labor Party knows that at least 20 or 30 of them are going to be collateral damage. But the Greens have told them to charge: 'Go into it. We've blown the whistle. Go over the top.' And, like lemmings, they are going over the top, and they are going to get completely wiped out. But they cannot see it. They cannot see that they are being led around by the nose by the Greens. The people out there see it. They see the Greens now as anti-Semitic. They see the Greens as supporting the boycott of chocolate shops. Even the Greens vote is going down. But when the Greens vote goes down it is two per cent off the Labor vote also. I warned Labor when they were at 34 per cent. I said, 'Disengage yourself from the Greens or you will bottom out at 25 per cent.' Well, they have bottomed out at 25 per cent. They are at 27 per cent now, but the Greens have lost two per cent and that takes them to 25 per cent. They have bottomed out.

**Senator Hanson-Young** interjecting—

**Senator BOSWELL**: Senator, you should be very proud of yourself. You have led these people into a perfect trap, an unbelievable trap. The surprising thing is that they are too stupid to see it. But they know that, come the election, there is going to be an execution. Twenty or 30 of them are going to be collateral damage. We know it. The polls are telling us. The people are telling us. I have not seen Labor on the nose so badly since 1974. People distrust the Labor Party because they have been misled and they have been lied to.

But let us get back to the debate. There are three totally good reasons that this is an absolute con and cannot work. First, if a carbon tax is going to work it has got to be imposed on the whole world. It is no good Australia, with 1.4 per cent, pulling its weight or doing more than its share. It is not going to make the slightest bit of difference. You have got to go out and convince the people in the Third World countries—the big emitters, the people that are trying to make a quid, the governments that are trying to pull their people out of poverty—that they should pay an increased price on their handful of rice, on their cooking oil, on their electricity, on the steel they use, on the cement they use. You have got to convince the people of
Indonesia, the Philippines, India. And do you think they are going to listen to you? Those countries have not got the slightest intention of leaving their people in poverty, and neither should they. For this to work, you have got to convince them. So this fails on the first attempt. You will never convince the people in the Third World—and you should never be able to convince them—that they have got to starve, live in inferior houses and not have any industry because nine of you over there want to take the Labor Party around by the nose.

The second reason it will not work is that it is based on a lie. This modelling is a lie. It is based on the assumption that every country in the world is going to achieve this by 2016. You do not have to believe me, but a guy called McKibbin, who is one of the leading economists in Australia, has said that there is absolutely no modelling that the government is prepared to release. A person called Henry Ergas says in an article: Answering these questions would be easier if the government opened the kimono on the actual model. Given access to the model itself, we would know exactly what it assumes. And the implications of changing those assumptions could be tested.

The government will not release its model. The other day in a Senate Committee on Climate Policy hearing I asked Ms Quinn whether anybody could buy this modelling. She said yes. I asked if someone was to rock up with a cheque in their hand, could they buy the modelling. Someone was listening to me at the time, and he went with a cheque in his hand wanting to buy the modelling. He was refused the modelling. So the modelling is not there. There are reams and reams of paper but the official modelling is not available. That is another case of misleading the parliament, of misleading the people. This carbon tax is based on an assumption that the rest of the world is going to comply by 2016. That is not going to happen, and everyone in Australia knows it is not going to happen.

The third reason is China. In 2021 China will replace Australia's projected emissions reduction—57 million tonnes—in just one day and Australia's projected emissions savings, including purchase of international permits, in less than four days. I remind the Senate that China's consumption of coal grew by 15 per cent in 2010. It went to 435 million tonnes. Australia only produces 420 million tonnes. So the total production of Australia's coal, which is a major export, would go over to China.

Reducing carbon emissions has to be approached on a world basis. People out there are not stupid. If you could turn up and say 'I can assure you that this will work', you might get a bit of bite out there in the electorate. But you are not getting that. People would probably listen to you if you could prove that it would work. But there are three reasons it will not work. Firstly, you will not ever convince Third World countries that they can do it—they cannot do it. They are trying to pull their people out of poverty while the Greens sit over there on their parliamentary salaries and try to keep the Third World in poverty. That is what they are trying to do. The second reason it will not work is that it is based on an assumption that everyone else in the world will be working off the same plan in 2016. The third reason it will not work is that China is upping and upping its use of coal—and it is cutting down wind generation, because it is inefficient. That is an issue for another time.

We need time to investigate these facts that I have raised. They are facts supported by prominent modellers and economists—but they cannot get the government's modelling. I asked about the modelling and was told that people could get it, but when someone rocked up with a cheque they were told
they could not get it. The Labor Party is supposed to represent workers, and it knows it is going to destroy jobs, so why is it going ahead with the legislation? Because the Greens want it. Senator Macdonald was a bit harsh on the Greens. The Greens have played the Labor Party off a break. The stupid part about it is that the Labor Party does not even know it is getting played off a break. The leader of the Greens will go over to Durban and he will prance around on the world stage and say, 'Hey, look what I have done'. If he was really honest he would say, 'Look what I have done—I have confined the Third World to poverty; I have made sure they are not going to get out of poverty'. That is, effectively, what the Greens want. They want Aboriginals to stay in poverty; they do not want them to use their own land and they do not want them to work in the cement industry or in an industry on Stradbroke Island. They want to close it all down and keep people in poverty. If that is what the Greens want to do, and that is where their market is, good on them. But I fail to understand why the Labor Party just meekly follows the Greens down this path to destruction.

I want to illustrate one case, speaking on behalf of the National Party and the coalition. Some of the biggest employers in rural Australia are abattoirs. They employ huge numbers of people. You can roughly equate the number of cattle killed per day with the number of people employed in abattoirs. This tax is going to cost abattoirs between $2.5 million and $3.5 million. That is a big variation; they are still working on the figure—but it is certainly $2.5 million and probably higher. These abattoirs are the iron lungs of country Australia. They employ the people who live in the towns and then there are teachers in the towns, and so it goes on. The abattoir I have in mind is a huge employer, and it sustains the town. A carbon tax placed on the abattoir will affect the town. What will happen to these 600 workers? According to the Greens: 'It'll be right. Just pass your costs on.' But this particular abattoir is competing overseas against countries which do not have a carbon tax. Our companies will have to sell meat, with a high dollar and no carbon tax, while competing against others who have no carbon tax. They are terrified.

There are implications not only for abattoirs. If you take an abattoir out of the buying ring, it affects the price with the pressure pushing up the price of cattle. The other day probably the second last tannery in Australia rang my office. This guy said to me, 'I will need a miracle to survive. I'm doing it hard now but I cannot see how I will survive when a carbon tax comes.' There are another 200 process workers at this tannery, people who would probably find it hard to get a job anywhere else. The implications from that are not only for the 200 people. This particular tannery works on kangaroo leather—it makes cricket balls and footballs. I am glad you think it is funny, Senator Ludwig. It is about as funny as you closing down the cattle industry in North Queensland. I hope you get a laugh when you find everyone going broke because of your ill-considered—

Senator Ludwig: Madam Acting Deputy President, I rise on a point of order. Could you kindly address your remarks to the chair, Senator Boswell. Senator Boswell, the humorous issue was about something other than what you were talking about, quite frankly, but I do not think I need to make that personal explanation. It would be better if you kept to the debate at hand rather than wander, as you seem apt to do, across a whole range of areas.

The ACTING DEPUTY PRESIDENT (Senator Crossin): Senator Boswell, I want to remind you that we are debating the
motion moved by Senator Ludwig in reference to a message from the House of Representatives.

Senator BOSWELL: If the minister was showing amusement about something else, I do apologise. We have in front of us a mental picture of closure of abattoirs and tanneries, where process workers are to be put on the dole. So you cannot blame me, if I see someone on the other side smiling, for getting upset about it. If Senator Ludwig tells me he was amused by some other issue, I accept that and I apologise.

In 2050, we are going to be sending $57 billion offshore to buy certificates. What are we going to get for it? Nothing—we are going to get some certificates back. We cannot even run renewable energy. There are so many scams happening now on renewable energy. What do you think is going to happen when we have to buy certificates from Western African countries? Do you think they are going to be fair dinkum? What are we going to buy? Even Norway, a fairly sophisticated country, is at the moment in the middle of a huge scam on emissions trading certificates.

This is designed to fail. The tragedy will be that in failing it will destroy a lot of manufacturing jobs in Australia—in the tanneries, in the abattoirs, in rural Australia and in Golden Circle right in the heart of Mr Swan's area. People will be able to buy imported pineapple from Thailand or wherever they bring it in from. But the great Golden Circle company will have to pay a carbon tax. Already it is under pressure and shedding jobs. Already imports are coming in because of a high dollar. All these things are happening now and they are happening right in front of us.

What is the Labor Party's answer to manufacturing? 'Don't worry about any of that. We'll get Peter Beattie. We'll pay him a thousand bucks a day and he will fix it all.' If that is not shades of GroceryWatch, Fuel-watch or 'Peter Beattie watch', I do not know what is. It is a shame and a nonsense. You will not address the issue because you will not stand up to the Greens. We saw it yesterday. You would not support a resolution condemning the Greens because they are your partners. You are handcuffed to them and they are leading you around and playing you all for fools. I do not know when you will wake up. Sometimes I do not think you will ever wake up, but one day, when there is an election—and that election could come any time between now and in two years—there will be a severe reckoning with the Labor Party.

We need a meaningful Senate or House of Representatives inquiry to investigate these 19 bills. There are going to be mistakes—there always are mistakes and unintended consequences. We are going to spend the next 12 months trying to sort them out through amendments because we have to get there before Senator Bob Brown goes to Durban. This is another example—if we needed further examples because we get them every day of the week—of the Greens telling the Labor Party what to do. The people have had a gutful of it. You should stand up and get a bit of courage. You should stand on your own feet!

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (12:06): We are now debating, notwithstanding the submissions that have gone before, the establishment of a Joint Select Committee on Australia’s Clean Energy Future Legislation. This has already passed through the House of Representatives, where a majority saw the need for the
establishment of the joint select committee. Now it is in the Senate for concurrence.

Carbon pricing and climate change policy have been widely debated in Australia for more than a decade, including through some 35 parliamentary inquiries. This joint committee will be the 36th. In 1998, the first review of emissions trading was conducted by an Australian government. Work undertaken by the then Howard government, most notably by Professor Peter Shergold, concluded that pricing carbon through a market based mechanism was the best approach to tackling climate change. Professor Ross Garnaut has conducted two major reviews on Australia's best policy options for tackling climate change. But there is more. The Multi-Party Climate Change Committee met for nine months before completing its work in July this year. That is how the government's Clean Energy Future package was developed. This just gives you a frame of reference for when those opposite complain about their inability to participate in the debate.

What we have heard from those opposite has a tinge of hypocrisy, I think. On the one hand, they complain that they will not have the ability to participate; on the other hand, they do not want us to act. It is the latter which is, I believe, the real motivation behind the complaints from the other side. The federal coalition, the Greens and Independents were all invited to participate in the Multi-Party Climate Change Committee. Guess what? Only the coalition declined the opportunity to participate in the development of this fundamental public policy reform. They could have been part of that; they could have participated in that. But they chose not to. So I do think the debate this morning is tinged with a little hypocrisy from those opposite.

The government has engaged widely, including through business and NGO roundtables, as part of the Multi-Party Climate Change Committee process. The government released the framework for its carbon pricing policy and sought feedback. Draft legislation was released for consultation in late July and over 1,300 submissions were received. Every single committee established by the former coalition government, without exception, had a government majority. In contrast, this government is not seeking to have a government majority on this committee. That is indicative of the inclusive approach we have taken. The government has been open, transparent and consultative throughout this process. We have shared with the Australian community all the available research which has informed our thinking.

It is now time to get on with business, to establish the joint select committee, to progress the legislation, to progress towards a clean energy future. Labor's plan will cut carbon pollution and drive investment in clean energy technologies and infrastructure—in solar, gas and wind. It will help build the clean energy future which future generations deserve. It will not help us that the opposition remain, effectively, climate change sceptics. The rest of the world is acting and we need to act with them.

I was not going to take up too much time in this debate, but I think one of the things I do need to do is dispel this position that the opposition bring to the parliament. There is an old equity proverb: 'You should come with clean hands if you are going to whinge about the process.' Let us look at the opposition's record on process. I take this from an essay entitled, The Senate a paper tiger?, where Labor Senator Chris Evans is quoted summarising the impact of the coalition's strategies on the passage of legislation through the Senate between 1 July 2005 and 16 December 2005. During that
period, the gag was used 16 times, thus reducing the time available for critical scrutiny of government business by the opposition and the minor parties. The guillotine was applied and the gag was used three times on the Telstra bills and Family First Senator Steve Fielding was denied the opportunity to speak. On 11 October 2005, debate over a variation to the routine of business and sitting hours was gagged twice. On 3 November 2005, debate was gagged on a motion relating to hours and routine of business. On 8 November, the gag was used over Labor's proposed amendment to the reference of the Senate Education, Employment and Workplace Relations Committee's inquiry into the provisions of the Workplace Relations Amendment (Work Choices) Bill 2005. On 1 December, Work Choices legislation was guillotined and debate gagged. On 5 December, antiterror bills and two welfare bills were guillotined and gagged.

There is an old equity proverb to the effect that if you want to come and have this debate, you should come with clean hands. Clearly you do not have clean hands in this debate. We have come to this debate with clean hands. We have ensured that there has been a consultative process. We asked you to participate in a multi-party climate change committee, but you refused. You will continue, as you have outlined, to just simply say no, to take a negative, carping approach and to argue neither the policy nor the substance of the debate—you will continue to use process to just simply say no. Those on this side of the chamber are getting on with business. We are looking forward to a clean energy future. We would like to have a good policy debate on this, but I do not hold up a lot of hope for it, quite frankly. Question put:

That the motion (Senator Ludwig's) be agreed to.

The Senate divided. [12:18]

(The President—Senator Hogg)

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

AYES

Arbib, MV
Bishop, TM
Brown, RJ
Carr, KJ
Crossin, P
Faulkner, J
Furner, ML
Hanson-Young, SC
Ladlam, S
Marshall, GM
McLucas, J
Moore, CM
Rhiannon, L
Siewert, R
Sterle, G
Urquhart, AE
Wright, PL

Bilyk, CL
Brown, CL (teller)
Cameron, DN
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
McEwen, A
Milne, C
Pratt, LC
Sherry, NJ
Singh, LM
Thistlethwaite, M
Waters, LJ

NOES

Abetz, E
Bernardi, C
Boswell, RLD
Brandis, GH
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Parry, S
Scullion, NG
Xenophon, N

Back, CJ
Birmingham, SJ
Boyce, SK
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Ryan, SM
Williams, JR (teller)

PAIRS

Collins, JMA
Evans, C
Farrell, D
Lundy, KA
Polley, H
Stephens, U

Payne, MA
Fisher, M
Adams, J
Ronaldson, M
Colbeck, R
Bushby, DC
Senator Wong did not vote, to compensate for the vacancy caused by the resignation of Senator Coonan

Question agreed to.

BILLS
Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011
Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Amendment Bill 2011
Offshore Petroleum (Royalty) Amendment Bill 2011
Offshore Resources Legislation Amendment (Personal Property Securities) Bill 2011

Second Reading
Debate resumed on the motion:
That these bills be now read a second time.

Senator PRATT (Western Australia) (12:21): When this debate was interrupted I was talking about the importance of protecting human health and safety and our marine environment in order to ensure that Australia's offshore petroleum industry is the best and safest in the world and that it can continue to contribute to Australia's ongoing energy security and economic prosperity. These very strong standards do not appear in a vacuum. Government must insist on and uphold the very highest possible standards. There have been a number of other discussions and inquiries that pinpoint the need for our legislation to be consolidated into a single national approach and a single national regulator. I understand that the state government of Western Australia has a great deal of knowledge and expertise, but it is not really viable to keep separate regulatory bodies. This is a national and international industry and needs to be regulated as such. I certainly accept—and believe it is of fundamental importance—that there is a need for a continuing state and territory role in major decisions and engagements.

Senators may recall the Varanus Island incident which had a devastating impact on the economy of Western Australia for quite some time. If this incident taught me anything, it was that one of the causes was the lack of clarity about who was responsible for the regulatory oversight of the accident site. The explosion actually took place at the watermark. Underwater is in the federal jurisdiction and land is in the state jurisdiction. This highlights the nature of the complexities that we are dealing with in this legislation.

The reviews and the extensive consultation with jurisdictions and industry all point to one thing: that the continuation of the regulatory status quo is not an option for us anymore. The legislation before us today recognises the very important connection between the integrity of structures, the safety of people and the protection of our environment. That is why, in creating a national offshore regulator, the Gillard government importantly is expanding NOPSA's existing safety and integrity functions to include regulation of day-to-day operations and also the environmental plans of those operations.

The separation of offshore regulation and titles administration in this legislation is also significant, as we need to avoid any potential or perceived conflicts between these two functions. This will avoid any potential or perceived conflicts between the regulation of activities, on the one hand, and the protection of the environment and the promotion of exploration and development, on the other.
State and territory ministers will continue to have a key role in title decisions and full access to information about projects in Commonwealth waters offshore from their state or territory. State and NT ministers will also be able to access technical advice from NOPTA about title matters as well as seek advice from their own departments.

These reforms will have implications for all state governments, such as Western Australia, and the Northern Territory involved in oil and gas. Our government knows that. Regulator and administrative responsibilities and staffing and revenues will all be affected. In developing these reforms, the Australian government has paid particular attention to the concerns raised by the Western Australian government. For example, we have made sure that the states have a role in decision making in Commonwealth waters and these reforms will retain the role of the joint authority within them. Both NOPSEMA and NOPTA will be headquartered in Perth. This is especially important, given the high level of activity that is occurring right around the state of Western Australia and the fact that Perth is the base from which much of that activity occurs.

We can see from the lessons learnt from past serious and very critical incidents that there is a strong imperative to form a strong national offshore regulator that has at its very core the important functions of safety. That is the safety of people and safety for our environment. We must avoid potential, or even perceived, conflicts between regulation and titles administration and exploration and development. It is about streamlining to make clear just who is responsible at the end of the day for regulation. We have had many unfortunate incidents where that has not been clear to us. So that there can be a stronger and better future in the regulation and safety of the offshore oil and gas industry in Western Australia and right around the nation, it is really important that these bills before the Senate are supported. I commend the reforms to the Senate.

**Senator CASH** (Western Australia) (12:27): I too rise to speak on the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011. This bill is part of a package of five bills about the administration and regulation of petroleum and greenhouse gas storage operations in Commonwealth waters. It is important to remember that these bills have a very long history and to understand how these bills have come before the Senate today in their present form. As a senator for Western Australia, I have had concerns for some time about the package of the bills, in particular as they appeared in their original form.

Let us not forget that the Commonwealth of Australia is a body established as a federation of the states and is just one element of the ongoing federation. As a committed federalist, I have been particularly concerned about the introduction of a national offshore petroleum regulator, as I do not believe that a reasonable case for change from the existing joint system has been made. Western Australia stands to be the state most affected by this legislation. We are the most active petroleum jurisdiction in Australia with an estimated 60 per cent of offshore activity being conducted off our coast. There are currently five LNG developments with onshore LNG processing plants at various stages of development. These major resource developments underline the fact that Western Australia stands as the state that is most affected by this legislation. We are the most active petroleum jurisdiction in Australia with an estimated 60 per cent of offshore activity being conducted off our coast. There are currently five LNG developments with onshore LNG processing plants at various stages of development.
It is a proven fact that Western Australia has a significantly better understanding of its own territorial waters than Canberra based Commonwealth bureaucrats, particularly as a large proportion of current and potential offshore gas fields are off the Western Australian coast. It was made clear in the submission from the Western Australian Department of Mines and Petroleum to the Senate Economics Legislation Committee inquiry into these bills that there was no support in Western Australia for the removal of its role as the regulator of offshore petroleum. Mr Sellers, who is the Director General of the WA Department of Mines and Petroleum, gave evidence to the committee confirming the position of the Western Australian government, which believes that there was no need to change the system, on the basis that the current joint system works adequately and encourages consultation between both the state and the Commonwealth governments.

As stated in the explanatory memorandum, the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 will amend the Offshore Petroleum and Greenhouse Gas Storage Act 2006. It will establish two new regulatory bodies to administer and regulate petroleum and greenhouse gas storage operations in Commonwealth waters in the Australian offshore area. The new bodies will replace the designated authorities, who are the state and Northern Territory ministers, who, through their departments, have to date performed and exercised powers conferred directly on them by the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and its predecessor act, the Petroleum (Submerged Lands) Act 1967. The proposed establishment of the national offshore-petroleum regulator is not supported by all the states and territories and is recognised as a grab by the Commonwealth for greater control of the resources industry.

Western Australia has a significant resource base. The responsibility for the management of these resources is a major task of the WA state government. The efficiency, effectiveness and success of the resource industry in WA are directly attributable to the dedicated manner in which the WA state government has approached this task for more than 100 years. In WA the mining and resources industry underpins our state economy, and the benefits of our resources industry have significant flow-on effects to the rest of Australia. There is no doubt that the success of the industry—because it is an export based industry—means that flow-on effects have benefited the wider Australian community more than with any other Australian industry in recent years. It is estimated that, of Australia's oil and gas reserves, about 78 per cent of crude oil and 92 per cent of natural gas are located off the coast of Western Australia.

Senators will be aware of the history of the joint agreement between the Commonwealth and the states that was concluded at the Premiers Conference on 29 June 1979 and became known as the Offshore Constitutional Settlement. The Offshore Constitutional Settlement was instigated to determine the question of how to divide management of resources and responsibilities in the territorial sea between the Commonwealth and the states. This arrangement followed a decision of the High Court in 1975 which, as a consequence of the seas and submerged lands case, determined that the Commonwealth had sovereignty over the territorial sea, including the seabed beneath the three nautical miles of waters now called coastal waters.

Since the Offshore Constitutional Settlement in 1979, the agreed structure between the Commonwealth and the states for the
management of offshore petroleum and gas developments is carried out through a joint authority, which comprises the relevant state minister and the relevant federal minister acting in concert, and it is important to recognise that the operative words to the joint authority are 'working in concert'. That is what the joint authority is all about—the state and Commonwealth governments working together in concert. The joint authority for each state and the Northern Territory comprises the responsible Commonwealth minister and the relevant state or Northern Territory minister. The joint authorities make the major decisions under the act concerning the granting of petroleum titles, the imposition of title conditions and the cancelling of titles, as well as core decisions about resource management and resource security. The 'designated authority', which comprises the minister from the relevant state or territory, in conjunction with the relevant state or territory department in which the professional expertise lies—and, again, that is the relevant state or territory department—has responsibility for the more day-to-day administrative aspects of managing the offshore petroleum regime in the agreed areas, such as drilling approvals and other tasks. To date the joint authority and the designated authority have worked well to the benefit of both the Commonwealth and the states.

It is certainly true to say that there has been some overlap between state and Commonwealth functions, which has delayed the capacity of the states to efficiently and effectively manage some of the aspects of the Offshore Constitutional Settlement areas, and these issues have been the subject of discussions by COAG.

Whilst I note that in the revised explanatory memorandum it is stated that there will be no change to the joint authority arrangement with respect to petroleum titles that have been in place since 1980, I believe that, consistent with the coalition senators' dissenting comments in the Economics Legislation Committee inquiry into the national regulator bill, the importance of the 1979 constitutional settlement appears to have been overlooked with the drafting of this legislation. In that inquiry, my colleague Senator Alan Eggleston sought clarification of the issue of the 1979 constitutional settlement in the following terms:

Senator EGGLESTON: Just for the record, would you like to quickly outline the constitutional settlement, which I think was drawn up with the Fraser government.

Mr Norris: … That offshore constitutional settlement was in fact an agreement between the Commonwealth and the states to really put in place a co-operative approach to administering the offshore area and, in our view, it is an approach that has worked very well for all of those years.

Mr Norris also said:

… what is happening is that the designated authority's role is being removed and replaced by the titles administrator. That is a significant shift away from what has effectively been in place for about 30 years—put in place by the Offshore Constitutional Settlement where there was a cooperative administrative arrangement which has successfully applied for all that period of time.

For these bills to work, they require the support of not only this parliament but also the state governments. I was disappointed that these bills were introduced in the other place in July prior to any agreement being reached between the WA government and the Commonwealth government in relation to some of the outstanding issues, particularly between the Commonwealth and the WA government. Western Australian Minister for Mines and Petroleum Norman Moore, who is the longest serving member of parliament in Western Australia and regarded by many in the industry as the most experienced and competent minister for mining and petroleum
in Australia, has for some time been actively engaged in discussions with Minister Ferguson in relation to the impact of these bills on the state of Western Australia. At the time of the introduction of these bills into the House, no agreement had been reached. The failure of the federal government to understand the potential negative impact of these bills on Western Australia was very disappointing and showed continuing contempt for the Western Australian government by the federal government.

The federal government, however, has now conceded that the impact of the bills must be monitored by both state and federal parties. I note that, since the introduction of the bills in the other place, a memorandum of understanding has been reached between the federal government and the WA state government and it was signed by the respective parties in August 2011. The memorandum of understanding is the formalisation of a commitment by the Commonwealth government to meet the Western Australian government's concerns with the national regulator bill and associated bills.

Under the MOU, the respective state and federal agencies will now develop the detail for consideration and implementation. In particular, as set out in the 'background' to the MOU, it is stated:

Minister Ferguson agreed to consult with Minister Moore on alternatives that Minister Moore may wish to propose in order to reach agreement and thereby co-operate regarding the passage of legislative reforms aimed at establishing NOPTA and NOPSEMA.

On 20 April 2011 Ministers Ferguson and Moore met and discussed the alternative arrangements proposed by Minister Moore. The Ministers reached an "in principle" agreement to co-locate NOPSEMA, NOPTA and elements of WA DMP subject to resolving operational details. This Memorandum is intended to formalise that agreement.

I would also like to read into the record the Hon. Norman Moore's letter, dated 17 August 2011, to the federal minister, the Hon. Martin Ferguson, regarding the memorandum of understanding for the cooperative arrangements. It reads:

Dear Minister

Thank you for your letter dated 11 August 2011, formalising your commitment to meeting the Western Australian Government's concerns with the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and associated Bills, as outlined in my letter to you of 3 August 2011 and discussed at our meeting on 10 August 2011.

Your commitment to improving the relationship between the State and Commonwealth petroleum regulators is appreciated. I have signed the Memorandum of Understanding to support the proposed cooperative working arrangements and co-location of the National and State Petroleum Regulators. Attached is a copy for your records.

I look forward to our agencies now developing the detail under this agreement for our consideration and implementation.

However, I need to reiterate that the Western Australian State Government remains opposed to the Commonwealth's decision to create NOPSEMA and NOPTA.

Yours sincerely

NORMAN MOORE MLC
MINISTER FOR MINES AND PETROLEUM

Whilst an agreement has been signed between the government of Western Australia and the Australian government by way of the memorandum of understanding, the government of Western Australia has made it very clear that it remains opposed to the establishment of NOPTA and NOPSEMA.

The establishment of these bodies will not automatically improve the areas of the regulatory system that require reform, those being environment and native title. Similarly, there is no evidence to suggest that existing arrangements are not working. Evidence to
the Senate Economics Legislation Committee inquiry established this when my colleague Senator Eggleston challenged the federal bureaucracy in the following exchange:

Senator EGGLESTON: Would you say the Western Australian regulatory system has been deficient, in any way?

Mr Livingston: I do not believe these reforms are addressing any identified deficiency in WA regulation.

Whilst I am pleased that the Australian government has been able to formalise its commitment to the Western Australian government regarding the concerns that it has with the national regulator bill, I must say to the government that, as a Western Australian senator, I shall be watching closely to ensure that the concerns of the Western Australian government are alleviated throughout the implementation process.

Senator MARK BISHOP (Western Australia) (12:42): There are a number of amendments contained in this suite of bills: the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and related bills. However, in today's contribution I want to confine my comments to the government's principal objectives in having the bills passed through the Senate today. The first objective is to establish a single, well-resourced national regulator for onshore safety, well integrity and environmental approvals. The second is to provide for a national titles administrator for offshore petroleum mining and greenhouse gas storage activities.

The models put forward reflect the recommendations of the 2009 Productivity Commission review. They also reflect the recommendations of the Montara commission of inquiry. There have been 18 months of consultation with industry, states and the Northern Territory. It has been a long road. These reforms are about safety, environmental protection and day-to-day operational consents in the oil and gas sector.

We need to ensure our operating standards are the best and the safest in the world. In order to facilitate that, the functions of the existing national safety regulator, the National Offshore Petroleum Safety Authority, will be increased and its name changed. The new regulator will be known as the National Offshore Petroleum Safety and Environmental Management Authority. Last year the parliament approved an expansion to its responsibility to include all aspects of well integrity regulation. This bill before the chamber today builds on that foundation. The aim is to have, as I have said, a single national offshore petroleum regulator, a regulator that will ensure the safety of Australia's offshore petroleum workers and the environment in which they work, a regulator that will cover the journey from exploration through to decommissioning. Secondly, the bill seeks to establish a single national body for the administration—

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Stephens): Order! It being 12.45 pm, we move now to matters of public interest.

Youth Suicide

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (12:45): I rise to speak today about an issue that is often not discussed publicly. Although we see ourselves as a progressive society, I feel there are still topics that are viewed as taboo. In my opinion, youth suicide is one of them. As Dan Haesler of the Sydney Morning Herald reported:

There is a silent killer in our schools, stalking the youth of Australia. It is silent because we don't talk about it. It is not cancer or obesity. It is
suicide, and as many as five Australian children attempt it every day. Suicide, particularly youth suicide, is a major public health issue in my home state of Tasmania, where the rate is 18 per cent higher than the national rate. Both of my daughters during their year 10 high school years had classmates who committed suicide. Not only is the effect tragic for the family but the entire school community and the greater community suffer this devastating loss.

According to the ABS, in the 15- to 19-year-old age group suicide accounted for a total of 113 registered deaths in 2003. There can be many causes for youth suicide, including depression, mental illness, body image issues and alcohol and drug related problems. Statistics also tell us the location has an influence on suicide, with rates being higher in rural areas than in metropolitan areas. It has been found that youths in rural areas, and especially males, are twice as likely to commit suicide as those in the city. Suicide is a particularly devastating occurrence, with the effects on the family and the wider community being significant. Therefore, statistically, almost everyone in Australia is going to be affected by attempted suicide, death from suicide or the death of a loved one from suicide. There are approximately 2,000 deaths from suicide per year in Australia at present. It is estimated that more young people die from suicide than from car accidents. Eighty per cent of deaths from suicide occur in males and 80 per cent of all suicide attempts occur in females. This makes it quite clear that it can happen to anyone.

In 2002 suicide accounted for 25 per cent of all male deaths and 15 per cent of all female deaths in the 12- to 24-year age bracket. I would encourage you all to take a moment to properly digest these figures. Suicide accounted for 25 per cent of all male deaths and 15 per cent of all female deaths of individuals aged between 12 and 24 years. This is shocking and disturbing. It says to me that we—the community and this legislature—must do more to prevent this tragic loss of life. For every death from suicide it is estimated there are 10 to 30 times as many attempted suicides or episodes of deliberate self-harm. According to headspace, the national mental health foundation, there are a number of reasons for self-harm:

It may be a way of telling other people about your distress and asking for help, a way of coping with stress or emotional pain, or a symptom of a mental illness like depression. Sometimes it suggests that you are thinking about suicide. Not everyone who self-harms is suicidal, but sometimes people die as a result of their self-harm behaviour.

It must be remembered that those who have attempted suicide are much more at risk than the rest of the population of eventually repeating the act but dying on the next attempt.

It has become quite clear to me that negative body image is a contributing factor to suicidal thoughts, attempted suicide and death through suicide in young people. I have spoken on a number of occasions in this place about my concerns about the negative body image issue. An example is that of body dysmorphic disorder, BDD. Put simply, this refers to a preoccupation with real or imagined physical defects. It has already been established that young people have a large amount of external pressure to look a particular way as prescribed by the media, celebrity culture and society's current opinion of 'beauty'. This strict view of 'attractiveness' can lead to disorders such as BDD. A recent study has indicated that individuals who suffer from this disorder have far higher than average rates of suicidal thoughts and suicide attempts. People may become so distressed by the 'defect' that they avoid social situations or take great pains to camouflage what they see as their flaws.
They often suffer from other psychiatric conditions as well, such as major depression, eating disorders or substance abuse problems. In a recent study led by the Butler Hospital in Providence, Rhode Island, researchers found that of 200 people who had ever been diagnosed with BDD, 78 per cent said they had contemplated suicide at some point. More than one-quarter had actually tried to take their lives. ABC News recently reported:

Youth suicide rates have dropped during the past decade but it is still one of the main causes of death for people aged between 15 and 24. Suicide accounts for the deaths of one in four males and one in five females between the ages of 20 and 24.

In July this year Mr Steve Irons MP, federal member for Swan, had this to say to the Standing Committee on Health and Ageing:

Considering youth suicide prevention specifically, it is clear that family, friends and teachers have a significant role when it comes to managing the wellbeing of young people … The committee considers that it would be useful for parents, peers and teachers to be trained to recognise the signs of mental distress and be equipped to start a conversation providing ‘at risk’ young people with advice on the resources that are available or putting them in contact with a specialist service.

I could not agree more. In my opinion, we need to ensure the involvement of teachers, parents and peers to guarantee that young people are aware of every avenue of help available to them.

Recently, in my home state, my local member, Geoff Lyons MP, and I held a first speech competition. One young lady from Launceston College spoke about her desire to go into mental health and become a doctor to deal with mental health. She is in the process of establishing a group within that college environment for young people to be able to get together and support each other. She is a most passionate young woman. I can see our society, and particularly my home state, where I hope she will always remain, as being a great advocate for young people and people with mental health issues. She was an inspiration to me—an outstanding young person from Launceston. I again quote Dan Haesler, of the Sydney Morning Herald, who reported:

Schoolchildren spend more hours a week, face to face, with their teachers than with any other adult. The World Health Organisation tells us that our current crop of year 7 boys and girls will face a greater threat from depression than from any other disease by the time they reach 30.

That is alarming. As with everything, a comprehensive approach will achieve the best results and, on this particular matter, the support networks of family, peers and educational professionals could make a dramatic difference. I would like to acknowledge all the wonderful work that is currently being undertaken by both government and non-government organisations in an effort to reach out to young people who are affected by suicidal thoughts, depression and other mental illnesses.

However, I would also like to encourage all Australians to continue a public discussion about these issues to help remove the social stigma. Talk with one another about youth suicide, know the signs, recognise the risk and utilise the resources. As I have just mentioned, there are so many positive things that can help and will work that are being done by organisations to help people who suffer from mental illness. I would like to take a moment to acknowledge their amazing dedication and to outline some of the services that they provide to our community. The Kids Helpline is a counselling service for children and young people aged between five and 25. It operates 24 hours a day. Kids Helpline counselling responds to more than 6,000 calls each week about issues ranging from relationship breakdowns and bullying
to sexual abuse, homelessness, suicide thoughts, drug and alcohol use. The telephone number is 1800 55 1800. Beyondblue, the national depression initiative, is another organisation that is there to help with any depression related problems. According to beyondblue:

Mental health problems are the major health issues that young Australians face. Adolescence and early adulthood are often periods of great change, for example, developing a sense of identity, becoming more independent from parents and taking on greater responsibility during the transition from school into work or higher education. The challenges faced by many young people can lead to emotional problems.

Most people have their first experience of depression during adolescence or young adulthood. Overall, it is estimated that 6 to 7% of young Australians aged 16 to 24 will experience depression in any year.

Beyondblue also point out:

Depression can be very disabling, especially if it is left untreated. Struggles with school, work or relationships can last longer and may lead to the person not achieving their full potential, be it at work or in their relationships. Depressive disorders are also the most common risk factor for suicide.

With this information in mind, it is helpful to know that there are organisations within our community whose express purpose is to help people cope with mental illness, depression and thoughts of suicide.

It is important to reiterate that depression can affect each and every one of us and it can be very debilitating within a family. My own family has been touched by depression. It has an enormous impact on families and it can be hereditary. But we have to talk about it, discuss it and take the necessary action to support not only our young people but all of those with any form of mental illness. According to Depression Counselling and Psychologist Services in Australia:

International research has repeatedly shown that at least 70% of people who commit suicide have done so when their feelings, thinking and ability to survive have been badly affected by depressive illness.

As a nation, I believe it is our responsibility to continue the conversation to help bring depression and youth suicide out of the shadows.

As I said at the beginning of my speech, my 15-year-old and 16-year-old daughters were each confronted by one of their peers taking their own life. These young men appeared to have everything before them. They were strong academically, great sports-people, prefects and role models for other students. On seeing the devastation to that family and the school environment I decided that I needed to speak to my daughters about depression and the experience of my family. I told them that it did not matter what their feelings were or what issues they were being confronted with; we—I, as a mother, and my husband—were there to talk to them. It would not be an issue of whether we would always respond in the way they might always like, and we may not always have agreed with some of their actions, but the door has to be open for young people. That is why I commend the many thousands of people who volunteer to help those who are suffering from mental illnesses, particularly when it comes to youth suicide. As I said earlier, the young girl at Launceston College is to me an outstanding role model. This is a young person who will be able to reach out to her peers and ensure that the stigma in our community is removed, because it is so terribly important that, whatever form of mental illness somebody is confronted with, they know that they are going to be heard, they are going to be listened to and there is help available for them.
Australian Defence Force: Submarines

Senator JOHNSTON (Western Australia) (13:00): At the last election Labor promised Australians that it would provide the Australian Defence Force with the means to keep our borders secure. That pledge was made in the context of Labor’s 2009 white paper, which contained $275 billion of defence acquisitions. To date we have seen little money provided to support those acquisitions. In fact in May Labor announced that it was actually taking $4 billion from the defence budget. At the same time we have seen that our submarines are dysfunctional, with capability significantly diminished and their future sustainment uncertain and, more importantly, unfunded.

We are now in desperate need of a practical plan to restore Australia’s submarine capability. Prior to the advent of the Collins class, Australia consistently maintained a regionally superior force of capable and reliable conventional attack class submarines. Australian submarines and their heroic crews provided specialist capabilities that have for a long time successfully deterred armed aggression against Australia and advanced our national interests regionally. The Collins is a Labor legacy bequeathed to us in the 1980s. It has a long and unhappy history of intractable design and technical problems.

Despite these problems, the 2006-07 annual report of the Department of Defence reveals that under the management of the Howard government the Collins met 98 per cent of readiness targets in 2007 and mission capability was substantially achieved. Today’s figures are anybody’s guess. The government is so embarrassed about its lack of capability and reliability that it no longer publishes these figures for the Collins. Not only do we not disclose our ‘task ready days’ for this platform but we cannot even mention ‘unit ready days’.

A government that fails to properly maintain a reliable deterrent platform vital to our nation’s defence is as much a threat to our national security as any external threat. Generally we all try to leave politics out of defence issues but, having said that, we are duty bound to intervene when policy unravels through incompetence, inaction or both; section 51(vi) of the Commonwealth Constitution demands nothing less of each of us. Today I draw to the attention of senators the dangerously moribund state of our submarine force and a looming gap in this key strategic element in our nation’s defence. I point to a department that is struggling to achieve any reasonable outcomes and highlight a clear lack of any leadership or initiative from a government in malaise and a minister in lethargy.

Let me start by reminding senators just why the nation invests significant millions of hard-won Australian dollars in submarines in defence of our island nation. Submarines have stealth. Stealth provides a submarine with covertness, the military advantage of initiative and surprise and the ability to operate in hostile environments with little or no risk—to hide its location and intentions from a well-equipped and potentially more capable enemy. A stealthy, capable submarine makes for a truly very difficult-to-detect asymmetric weapon and one of the most cost-effective defence deterrents by any measure or perspective.

Despite the tireless and courageous efforts of our dedicated and highly skilled submariners, Australia's submarine force is not what it must be if it is to fulfil our requirements and expectations. From the beginning, the Collins had very significant reliability and capability problems. In 1999 the then minister, John Moore, commissioned the McIntosh-Prescott report. The report highlighted fuel system problems, diesel engine problems, noise issues, propeller issues,
periscope and mast issues and combat system issues, to mention but a few of the more obvious problems besetting the class. Simply put, the boats were not fit to be sent into harm's way.

A Submarine Capability Team was put together and a spend of over $1 billion was initiated to fix the platform systems, the combat systems and the manning issues. Although some progress was made, it was short lived. Ten years later we still see a submarine force with intractable, ongoing problems. To put it bluntly, the Collins as a class is inherently unreliable, technically challenging to maintain and difficult to crew. We rarely have more than two submarines available to go to sea and there have been instances of late where there have been none—repeat, none—available in defence of our nation.

At the same time we have seen the costs of maintaining these submarines skyrocketing. It was revealed in the February estimates that in the six years to 2010 submarine sustainment costs went from $203 million per annum to $325 million per annum—a 60 per cent increase. At the same time, the number of boats available has been substantially in decline. Defence officials agreed that this was 'of concern to us' but did their best to sidestep questions as to whether the spend represented any value for money for the taxpayer.

At May's estimates, Defence revealed that the sustainment cost had climbed by a further $90 million to $443 million per annum—a 25 per cent increase across five months and a 120 per cent increase over seven years. Again the availability of boats continues to fall. In other words, we are paying more and more for less and less, with the defence minister having completely lost control of the sustainment cost of this force element group. By comparison, our closest ally, the US, has on any given day over half of its 54-strong submarine fleet actually at sea on planned operations.

The failure to achieve reliability with our submarines has had a devastating effect on our submariners and the wider Australian Defence Force. Having two boats randomly available for operational service—and that is on a good day—does not allow our submariners to practise their trade regularly enough to gain the competence and confidence needed to fight and win. To make matters worse, the constant need for our submariners to fight defects rather than the enemy has seen an exodus of experienced personnel from the ranks of our submarine force. The money set aside for a mid-life improvement program that would have kept our submarines technologically ahead of the game and regionally dominant is consumed simply getting the boats into the water.

Defence at Senate estimates now concedes that our submarines are less capable than the new entrant boats in the region, which have better indiscretion ratios on account of their air independent propulsion systems, greater operating depths, greater manoeuvrability and agility, greater quietness, digital sonar arrays, highly advanced and totally integrated combat systems, advanced weapons and more capable countermeasure systems. The dominance Australia once had in regional submarine capability has, despite the best efforts of our very committed submariners, evaporated. A lack of submarines has also meant that our anti-submarine warfare forces have had limited assets to train against, limited opportunity to develop and test tactics, and limited opportunity to test and trial new anti-submarine warfare technologies.

The current situation with our submarines has also weakened our overall defence posture in terms of deterrence. Most nations in our region have a reasonable under-
standing of the parlous state of our submarine force. Not being able to send them to major exercises such as RIMPAC or having them break down very publicly in Singapore has not served to assist us. This year we are scheduled to spend $443 million on simply sustaining our ailing Collins class fleet. It should be remembered that each of the six boats cost about $1 billion and that HMAS Rankin was commissioned in 2003 and is currently in Adelaide being cannibalised for parts and will likely never swim again. It has lasted less than 10 years of its planned 25.

Defence has recognised the need to eventually replace our Collins class submarines. However, instead of Defence going through a proper and robust analysis, as is normally the case when a new or military replacement capability is planned, a future submarine force solution was politically injected into the 2009 Defence white paper by the then Prime Minister Kevin Rudd. Like so very many of his grand and elaborate visions, it was not well thought through. The Defence white paper describes a Walt Disney style, large conventionally powered submarine that no-one has ever built. Mr Rudd's grand plan called for 12 unique submarines designed to Australia's exacting requirements. Defence does not have a good track record with respect to high-risk, high-cost developmental projects and Rudd's plan was fraught with massive danger from day 1.

Even if a unique and indigenous submarine program could be run perfectly and deliver a world-leading, large conventional capability, it is inconceivable that such a capability could possibly be worth the $36 billion the independent Australian Strategic Policy Institute estimates that such a submarine fleet would cost to build. Proper cost-benefit analysis was not carried out to identify alternative solutions to our future undersea warfare needs. The use of highly capable and effective military off-the-shelf submarines—perhaps slightly modified—the use of submarine tenders and the forward basing of submarines are alternatives that should have and must be properly explored. However, what is most perplexing is that Labor has never put forward a proper business or economic case with respect to the grand Rudd vision. This plan is naive, to say the least, and precisely why no Labor defence minister has even been near the file or put it to cabinet or is even willing to discuss it in public. There is, however, a case to build our future submarines in Australia. An in-country build of a proven submarine design is an option that must be fully considered by whoever is in government. Such an approach could provide benefit across the national manufacturing sector and serve as a foundation for future submarine sustainment and enhancement.

The Future Submarine Project, as we all know, has stalled. Defence is at a standstill, as is the Australian defence industry. The minister's lack of interest in solving the Collins sustainment problem and delaying any action by instigating three concurrent inquiries—one internal and two external—so that the issue is effectively swept under the carpet for at least a further six months is completely counter to the national interest.

The Coles review, commissioned to investigate the problems with the Collins class, is not due to report until April next year. The minister is clearly groping around for direction and has no idea which way to turn. Because of this, he has worryingly stated—and the alarm bells are now ringing very loudly—that he will not turn his mind to the development of the new submarine until the problems with the Collins class have been sorted out. This is a folly of national proportions. The minister has effectively hamstring the Future Submarine Project with all of the problems of Collins. The obvious danger, given the recent facts
and history, is that the progress of SEA 1000—that is the new project—will remain dependent upon the resolution of the Collins issues, which on present indications means a delay which creates a significant shortfall in our capability, or, in other words, a capability gap.

Our submarine capability gives every indication of heading in the same direction as our amphibious force capability: missing in action when urgently required. Collins is at the top of the DMO’s projects-of-concern list and has been there for some time, despite the first of this class being launched over 20 years ago. Even if a concerted and hugely expensive program were embarked upon to extend the life of Collins, it must be recognised that these submarines lack the capability edge we require to be dominant in our sphere of influence. Unlike the amphibious ship debacle, which saw the Navy unable to respond in a time of national civil need, when we call upon our submariners to do their bit it will not be because we have a cyclone on the way, it will be because of a very serious military need or threat.

Unless decisive action is taken, Australia faces losing its hard won submarine warfare capability. This is most likely to occur at exactly the time when our great ally, the United States, will be at its nadir in terms of submarine numbers—an attack submarine force of only 39 submarines is anticipated in the year 2030. It is imperative that we do things differently. To continue to bleed scarce resources from other critical defence capabilities and vital social infrastructure is simply not an option.

With Collins there have been numerous internal Defence reviews, independent reviews and Auditor-General reports, as well as the generation and regeneration of an integrated master schedule, in-service support contract renegotiations, the rewriting of the Navy to DMO materiel sustainment agreements, a PricewaterhouseCoopers led submarine capability improvement program, and the recently commissioned Coles review. Unfortunately, neither Pricewaterhouse nor Coles will likely come up with a silver bullet or any solution at all. What they will do is buy the minister time as he treads water avoiding any real decision to advance the capability, old or new.

The defence minister has simply lost control of the costs of the sustainment of the Collins. Unable to think of anything else, he has now moved to a situation where he is attempting to smother or hide the problem, or delay the inevitable, with review upon review. With 348 very senior executive service officers in Defence being paid, on average, $276,000 a year plus car plus benefits, why does the minister have to go to highly paid consultants to give him advice at every turn of every corner? Our submarine force does not need another review. What is required is judgment and leadership from the review stricken defence minister. Whilst he dithers and procrastinates, whilst he bobs and weaves avoiding any difficult decision, our national security is further jeopardised.

The solution is to crank up a process that yields a viable plan that is affordable, pragmatic and a return to basics—a plan that will provide government with all the necessary tools and information to sign off on a future submarine program that is, in a word, doable. To continually ignore or defer the problem, as three successive Labor defence ministers have done, has been a significant mismanagement of public policy, not to mention a waste of money. The defence minister thinks the issues associated with our Collins class submarines are maintenance issues. He also thinks our future submarine program can be delayed year after year. It cannot. Both issues are more than this. They are issues of national security and as such the minister has
a responsibility and a fundamental obligation to address them in a timely and effective way.

**South Australian National Football League**

**Senator HANSON-YOUNG** (South Australia) (13:15): The matter I rise to speak on today is one of great importance to my home state of South Australia. As people here would know, I am not only a proud South Australian but also a proud football supporter. Despite the fact that my team, the Double Blues—Sturt—is at the bottom of the SANFL ladder, it is all right; we still have the best ground in the league in the heart of Unley.

The South Australian National Football League games are currently televised on the ABC. This is a critical public service for the people of South Australia. Many of my constituents, both in the city of Adelaide and in the rural and regional areas, watch the game on a weekly basis and are very passionate about being able to turn on the television and see their team playing. Unfortunately, though, it seems that the ABC is considering axing the telecast of these games and competitions. I believe this would be doing South Australia a great disservice.

This is something my colleagues here on the east coast may perhaps not appreciate, because we do not play union or—what is that other game?—league. We play football—Aussie rules. The SANFL is so important to South Australians. Football is the No. 1 sporting code in South Australia. In fact, established in 1877 as the South Australian Football Association, the SANFL is now the oldest football league of any code in Australia. This makes it one of the oldest organised competitions in the world. The game of Aussie rules in South Australia was played in 1843, and generations upon generations have enjoyed this sport.

Not only is football a source of friendly rivalry between SA club supporters—and there is also a little bit of friendly rivalry around the teams among South Australian members of parliament—but it also brings people together. It brings families together on a weekly basis. It is pretty commonplace for teenagers to disagree with their parents on a lot of things but, at the end of the day, Mum and Dad and the kids come together to barrack for the family team. When I moved from Victoria—and that was an issue for the supporters of the SANFL—I had to become a true supporter of the local family team of Sturt before I was truly accepted, not just as a South Australian but as a member of the family. It is something that we South Australians pride ourselves on. It is something that is very innate, a part of our local community.

I understand from media reports that the ABC will be making a decision with respect to the broadcasting of these games within the next few months. I know that many members of parliament are concerned about the outcome. Our colleague Kate Ellis, from the other place, has raised this as well. She is particularly passionate about keeping these games on air.

I am going to be giving notice of a motion today in support of keeping the broadcast of these games alive. I look forward to getting support not just from my South Australian colleagues in this place but also other members of the parliament. In my view, the continuation of the SANFL broadcast falls directly within the ABC’s charter—in particular, section (a)(i): to provide ‘broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community’. What could do that better than broadcasting the games of the local SA football to the local SA community?
It is a disturbing trend that programs are being cut for what appear to be simply commercial reasons. This is not what we expect from a national broadcaster which is, in effect, not just a news service but a public service. In this context, I note the recent decision of the ABC to cancel Saturday afternoon bowls after 30 years of their being on air. Of course that is disappointing. It is a program watched by over 200,000 Australians on the mainland each week. We know that bowls is a sport valued by many people in the community, and it provides a key platform for televised women’s sport. I understand that the ABC has also canned local sport in the Northern Territory. The NT Sports Awards, the NT rugby union finals and the Tiwi Islands grand final have all been axed.

I really do hope that the ABC thinks long and hard before making decisions to axe any more programs that are so critical to our sense of community and of who we are, both as a nation and within our respective states and territories. I urge the ABC not to axe the coverage of our local football in South Australia, and I urge my fellow senators to support my motion calling on the ABC not to dump its coverage of our local SA footy. I have also just sent a tweet to members who follow me on Twitter, asking them to tweet a message to ABC Managing Director Mark Scott to let him know that South Australians want to keep our football on air and that we need to be thinking long and hard before we axe these important cultural and community identities from our television screens.

Building the Education Revolution Program

Senator Gallacher (South Australia) (13:20): I rise to speak about Building the Education Revolution. It was an enormous national undertaking, with around 24,000 construction projects. The vast majority of these projects, approximately 92 per cent, have been completed, and 99 per cent have been commenced. This investment of $16.2 billion in school infrastructure by the Labor government significantly increased the infrastructure spend in an area that had been sadly neglected by the coalition government. We only have to look at the coalition’s record to see that the Investing In Our Schools Program accounted for a tiny fraction of funding compared with the BER. I have had the great opportunity to experience the benefits that these projects have created. In my first two months as a senator for South Australia I have been welcomed into schools to visit and open their new or upgraded facilities. In these two months, it has been humbling to witness their appreciation for the investment they have received. Not only are principals expressing their appreciation; the parents, the community and, most importantly, the students and teachers are doing so. At the end of May 2011, we measured the success of the Labor government’s BER program. From its implementation, over 5,000 new buildings, over 4,000 new classrooms, over 2½ thousand new libraries, over 2½ thousand multipurpose halls, over 1,500 grounds and sporting facilities and over 250 science centres have been completed.

The Building the Education Revolution was an important part of the economic stimulus package that saved Australia from an economic meltdown. This stimulus package saved jobs. It is expected that the project will support around 120,000 jobs throughout its life. That stimulus kept Australia out of recession and kept unemployment low, unlike most other developed nations. Australia’s unemployment currently stands at 5.3 per cent, compared with 9.1 per cent in the United States. So this economic stimulus package has worked. It was a major component in allowing our economy to function and was a major factor in the creation of over
750,000 jobs since Labor came to government in 2007.

In the Australian Primary Principals Association survey of 30 April 2010, 97 per cent of all respondents across all sectors reported that their students would benefit from the Primary Schools for the 21st Century program. An overwhelming 96 per cent also agreed that the National School Pride Program would benefit children, and more than 90 per cent of principals indicated that their schools were receiving projects that the community wanted. It is a real shame that these positive stories are not getting covered. When the principal of one school invited the media, the first question asked was whether there were any problems. When the reply was negative, there was no interest from the media. Sure, this is not a front page news event for a newspaper, but for the local communities involved this is a great story.

In my short time as a senator I have been fortunate to open BER projects all over South Australia. I have been able to see the great work done in these schools, I have seen the refurbished classrooms at Richmond Primary School, the new library and refurbished classrooms at St Monica's school, the new library at St Ignatius' College, the new multipurpose hall at Catherine McAuley School, and the new multipurpose hall and classrooms at St Jakobi Lutheran School.

At every event, the school community has been extremely appreciative of the new facilities that the students are able to utilise, because people know that the investments made will go to the benefit of students. When I talked to the principals and staff of these schools, they seemed quite surprised that some people have been engaging in misinformation about the projects. They feel they received a great deal and, from their experience in talking with the wider community, people agree that these projects were great value for money. Catholic education representatives were glowing in their assessment of the Building the Education Revolution.

Talking to the students was simply wonderful. These are highly intelligent students, apparently insulated in this ever-changing technological world. The students absorb information at lightning speeds, and it gives me great hope for our future as a highly skilled and intelligent nation. That is why they need the best facilities at this stage of their lives. They need facilities that cater to students' educational needs but also give them great pride in their schools, making education more valuable and enjoyable. I think all acknowledge the fact that, without the government stimulus funding, many of these projects would have been only a dream of the school boards, principals, parents and friends and, indeed, students.

I would like to spend a bit of time talking about each school's project. Richmond Primary School was the first BER project I visited and I was highly impressed with the refurbished classrooms. Some of the year 7 students took me on a tour of the building, and they were able to articulate the benefits of the new classrooms. The students took great pride in the new buildings. Student Joshua Whitaker-Lockwood wrote in the school newspaper:

> It stands sharp against its surroundings. It is pearly white and it is smooth and soothing to the eye. The building inside has swirling paintings hanging on the walls adding to the modern yet classy sense and reality. The colours on the building provide a gentle relief from the rest of the buildings which are all spotty, brown, brick walls which are sharp to touch. The building is very open with many windows allowing the sunlight to flood the rooms.

Obviously Joshua takes great pride in the new buildings. Principal Lindy Brooke, from Richmond Primary, said:

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CHAMBER
I have been working in education for 30 years and I have never seen this kind of investment before. The school was able to move into the 21st century from old classrooms built in the 1970's being replaced by new classrooms, badly needed because of the growth the school was experiencing. The project was able to employ approximately 150 workers.

The next school I visited was St Monica's, a catholic school with a rich history. They were able to construct a new library and to refurbish classrooms. The project is state of the art, and the school took great pride in the construction of the buildings by documenting the process with photographs and presenting a book to me and the Prime Minister. The value of the constructions was around $2.1 million and approximately 30 workers were employed. I understand that the BER project has enabled the elimination of old asbestos-ridden buildings and created vibrant new educational spaces and a library. The project has also created large play spaces in areas that were once restricted by older buildings.

Year 7 student Jessica Harris of St Monica's school wrote a message to Prime Minister Gillard in the book they created. She wrote:

To Prime Minister Gillard, We hope that you enjoy this book. Please come to visit St Monica's to see our beautiful new learning areas.

Again, this is students taking great pride in their school. On the same day I was able to travel to the junior school campus of St Ignatius' College, another Catholic school, opening up their new $3 million library. Again the same sentiments were shared, and every person speaking remarked on the positives of the project. The project was supported by the employment of approximately 200 workers. The headmaster, Father Robert Davoren, reiterated to me:

The Saint Ignatius' College Junior School BER Project, the MacKillop Building, is a once in a lifetime opportunity. It has provided the College with the unique advantage of incorporating a significant historical site, used by Saint Mary of the Cross MacKillop, into the project itself. This exceptional environment will now give students the chance to learn more about the life of Mother Mary and the devoted work of the Sisters of St Joseph. The Library and classrooms will continue to benefit generations of students to come.

Just last week I also was able to visit the Catherine McAuley School. The Catholic Catherine McAuley School received $3.2 million for a multipurpose hall. The school also shares its grounds with Playford Primary School, which were able to build a new gym through their funding. This facility will enable the school to have a performing arts centre allowing greater opportunities in drama, music and the arts. Also the main hall will allow for whole-of-school gatherings for liturgies, assemblies and gymnastics. This is just another successful piece of school infrastructure and, importantly, it provided local jobs in the area. I would like to convey Principal Georgia Dennis's sentiments. She stated in her speech:

Whilst this facility has always existed in our Education Brief the realisation has only ever been the stuff of dreams—that is until the Federal Government announced the Building the Education Revolution Stimulus package and the dream evolved into the concept, the plan, the design and finally this amazing building.

She went on to say:

We convey our heartfelt thanks to the federal Government for providing the future focus and funds for these combined projects. Their foresight in the face of the economic crisis has enabled schools across the nation to build and use facilities that they would never have dreamed possible without expensive loans and fund raising from already burdened communities.

It was quite a poignant speech, because it clearly outlines the fact that none of this would have been a reality if it was not for the political courage of the Labor government. This is the same courage and vision that a coalition government would never have possessed.
Finally the last school I was able to visit was St Jakobi Lutheran School, who received just above $2.1 million in BER and National School Pride funding. The school constructed a new multipurpose hall, which will now directly benefit a growing student population within the school. The school has an extremely rich history and is situated in the rolling hills of the Barossa Valley, just outside Lyndoch. I must say the views from the multipurpose hall, looking out into the countryside, are truly world class. I hope the students do not get as distracted as I was on the day I was there. I understand that this will benefit not only the school but the whole community, who will be able to access the hall for community events.

I know over the next few months I will have even more BER openings to attend, mainly in the regional areas of South Australia. As I did with these schools, I will speak with all the stakeholders, such as the principals, students and the local community, to see if their project has been a resounding success, so much like the schools I have visited so far. The Building the Education Revolution that I have seen has been a proven success: not only have we seen the facilities that will provide many generations of students and the community with improved resources, but the program will allow many schools to move into 21st century education facilities. Schools that were relying on 1970s facilities can now be proud that their students have the very best learning facilities. Our future leaders need to be taught in an environment that allows them to make good use of the opportunities they are provided.

The Labor government was able to do this, and in doing so it kept an economy going. These projects saved jobs in tough economic times and created jobs in an industry that was likely to suffer if the country went into recession. Thankfully, the Labor government steered the ship through the worst financial crisis since the Great Depression. As a result of Labor's good management, we see improved facilities for students and their local communities, an economy that avoided recession, a nation with strong economic fundaments and a country with low unemployment compared to the rest of the world.

I would like to finish by recording the thanks expressed by so many of these schools directly to the Prime Minister, Julia Gillard, for her role as education minister throughout the global financial crisis and for, most importantly, the implementation of the Building the Education Revolution.

Member for Dobell

Senator FIERRAVANTI-WELLS (New South Wales) (13:35): On 24 August I raised certain matters regarding the member for Dobell. In my capacity as Liberal patron senator for Dobell, I have since visited there on various occasions. Constituents have raised with me their concerns and have been openly critical of his continued presence in the other place as their representative. Many want the answer to the basic question I have been raising: who is representing the people of Dobell? It certainly is not Craig Thomson, given his noticeable absence from public duties since that fateful day at the Mingara Recreation Club when he abused the Salvation Army worker, following his objection to certain comments I had publicly made about him and his lack of credibility. I raised certain discrepancies in reports about his conduct and that of the member for Shortland. Neither Mr Thomson nor Ms Hall has responded and my questions remain unanswered. I raised the disgraceful episode of Mr Thomson lobbying a Central Coast firm to give his ex-wife a job at the same time as they were seeking federal funding for a jobs incubator. I raised his conduct regard-
ing the threat made to withdraw the funding of the jobs incubator after certain comments on local radio critical of the Gillard government's lack of delivery of a GP superclinic. Despite these serious matters being raised, there has been deafening silence from the member for Dobell. Meanwhile, little progress has been made with the GP superclinic and the people of Dobell will need to wait up to nine years to get a clinic that will be a quarter of what was originally promised by the Australian Labor Party. As for the promised $2.7 million for the jobs incubator—again, nothing. Despite the happy snaps with Minister Albanese and the three applications for the promised money, nothing has been forthcoming and the unemployed young people of the Central Coast are still waiting.

On the last occasion, I spoke of the preparations by the local councils for the official opening of the largest civil engineering project ever on the Central Coast—apart from work on the F3—the Mardi-Mangrove Pipeline on 30 August. As anticipated, Mr Thomson failed to attend. One would have thought that, with such a large project which the ALP has so consistently promoted, it would have been opened by the Prime Minister or at least the responsible minister, Anthony Albanese. One would have thought the local member would have graced such an important event with his presence. But, no, it was left to Senator Don Farrell to represent the Gillard government at the opening. According to media reports, Craig Thomson decided not to attend this important event. One can only assume that this was to avoid media scrutiny and having to answer the ever increasing mountain of hard questions. But it appears that this is not the only event that Mr Thomson has missed.

On 2 September, I attended a schools expo at a local school with my state colleague Chris Spence. There was no sighting of Mr Thomson on that day. On 7 September there was the opening of the BER at the Wyong Christian School—again, no show. It was left to Mr Thomson's neighbour Ms O'Neill to fly the flag. On 9 September, there was the blessing and opening of the Aitken Hall trade centre at MacKillop Catholic College at Warnervale—again, no show by the member for Dobell, and it was left to Senator the Hon. Jacinta Collins to represent the government. I am advised that there have been other events in his electorate which, under normal circumstances, local members would have attended, but not the member for Dobell. And let me foreshadow another key event which he is not likely to front up to. This Friday, 16 September, at 10:15 am there will be the opening of the New Soldiers Beach Surf Club. The cost of this project was $3.5 million, with $2.5 million of federal funding. At this stage, indications are that he will not be attending. I will certainly be looking for him at the opening. Under normal circumstances, local members are very keen to attend such events. But when you are running away from media attention and do not want to answer hard questions, it is precisely the sort of event that you do miss.

I would also like to focus today on another of the many unanswered questions about the misleading conduct of the member for Dobell, and this is about Coastal Voice Community Group Inc. Misleading conduct has been a constant feature of the career of the now member for Dobell. In the mid-1990s Mr Thomson ran a sophisticated campaign to lure psychologists and other health employees from a rival union—the New South Wales Public Service Association. This involved publishing a series of newsletters entitled 'Psychologist Update', which purported to provide information about psychologists' wages and conditions. The matter eventually found its way to the New South Wales Industrial Relations Commission, where the judgement reads:
Information which was provided was in a number of respects inaccurate and known to be so and was presented in a fashion designed to disguise that it had emanated from the HREA through Mr Thomson.

Furthermore, the commission also found that Mr Thomson and the Health and Research Employees Association had deliberately breached an agreement between the two unions not to intrude on each other's turf and then misled the PSA about the front campaign that he was running. It ruled that Mr Thomson and his union had 'completely misrepresented the activities upon which Mr Thomson was then engaged'. It also found that the union had attempted to mislead the commission in relation to Mr Thomson's activities, ruling that there was 'a continuation of that (misleading) approach in the proceedings'. It concluded that Mr Thomson himself was not a reliable witness:

Regrettably, I am unable to accept Mr Thomson's evidence in a number of respects.

It found that the whole misleading campaign by Mr Thomson and his union was:

... reprehensible, exploiting an opportunity which had presented itself without any regard for the arrangement it had made in the past with the PSA and then deliberately misleading that Union as to the steps it was taking in breach of that arrangement.

The IRC's judgement was upheld by the full bench on appeal. It was clear from then that Mr Thomson had form.

After moving to the Central Coast from Melbourne to further his political ambitions, Mr Thomson established Coastal Voice, which purported to be a 'community group'. Its incorporation document states its principal activity to be a 'volunteer aged care hotline'. Instead, in 2006, in the lead-up to the Dobell preselection, Coastal Voice bombarded the electorate with glossy brochures, with Mr Thomson featuring prominently—not much about aged care. The sign-up brochure for Coastal Voice claimed that it was 'formed in early 2006 by ... a small group of 4 concerned people'. Under the heading 'Why I joined Coastal Voice', the brochure features appearances from these four locals. All of these supposed 'locals' were linked to the ALP or the HSU. Kerry Stratford is a former ALP local government candidate. Brian Kirk ran for the Gosford Council for Labor. Chrisalee Stevens was a co-convenor of a local 'Your Rights at Work' campaign and subsequently authorised Mr Thomson's campaign material. The fourth, Matt Burke, was a Young Labor member who had put his university studies on hold to work full time on Mr Thomson's campaign. A Matthew Burke was also the media contact for Mr Thomson's campaign at an HSU email address. Another person publicly linked to Coastal Voice was Bill Thompson, a former Labor member of Wyong Council.

Coastal Voice purported to be 'local' and 'non-partisan', but clearly it was not. It was set up by Craig Thomson whilst he was secretary of the union—the HSU. Its domain was registered to the national office of his union in Melbourne. Craig Thomson was and remained the contact. Its glossy four-page newsletters attacked the Howard government over all manner of things. It even attacked it for not assuming responsibility over local planning laws! Of course, Mr Thomson's involvement with Coastal Voice was extolled in his ALP website biography. Since Mr Thomson was preselected, Coastal Voice appears to have died a quiet death. It has published no more glossy newsletters, and its website, which featured no less than 71 news items on it in barely a year before Mr Thomson's preselection, has had only one item added to it since by Mr Matt Burke in July 2007.

In the New South Wales parliament on 10 August 2011 the Minister for Fair Trading, Anthony Roberts, was asked about Coastal Voice. He advised the follow-
ing pertinent facts: Coastal Voice was incorporated on 3 May 2006; the person who registered the group at the time and who remained its public officer was Craig Thomson; its registration paperwork stated its principal activity, as I have said, was to operate a volunteer aged care hotline; importantly, it had failed to lodge its annual financial statements in 2007, 2008, 2009 and 2010; and that Fair Trading was commencing the process of cancelling the registration of the association. Mr Roberts notes that this action could have been commenced in 2010 but the New South Wales Labor government failed to act on this—surprise, surprise that the New South Wales Labor Right did not move on one of its own. Mr Roberts advised that on 2 August Fair Trading issued a formal notice to the public officer by post and that Coastal Voice had until 30 August to respond.

Of course, the public officer of Coastal Voice who was written to on 2 August was Mr Craig Thomson. On 10 August, a Daily Telegraph article reported statements from Criselee Stevens, 'a former member of federal Labor MP Craig Thomson's inner circle'. The report confirms that union money was used both to establish Coastal Voice and to fund glossy Coastal Voice brochures for Craig Thomson. Ms Stevens said the HSU 'would have paid for the set-up costs and the print run, the glossy brochures' for Coastal Voice.

Minister Roberts also reported to the New South Wales parliament on 10 August:

At this stage no account of Coastal Voice moneys has been provided to Fair Trading, as required by the act. That is both unacceptable and unlawful. The people of New South Wales deserve to know that community groups and associations in their area are both real and responsible in their use of funds and in relation to their reporting responsibilities.

An article in the Australian on 26 August asserts that Mr Thomson:

…told the Australian earlier this month that he quit Coastal Voice after entering federal parliament in 2007.

Not true, according to Minister Roberts, who responded:

My department has never received any notification of resignation or change of public officer from Coastal Voice Community Group since it was first registered in 2006. I am advised that there is no record whatsoever to support the claim that Mr Thomson quit in 2007. If Mr Thomson has evidence that he quit in 2007 he should present that evidence to Fair Trading immediately, otherwise he should correct the public record and clarify any misconception that he did resign in 2007.

The article concludes that, informed of the minister's comment, Mr Thomson said he had nothing to add. Of course not, because the public record is correct and he is lying.

The 30th of August came and went, and so on 31 August 2011 Fair Trading New South Wales issued a media statement about Coastal Voice and the failure of the association to respond to Fair Trading's notice of 2 August. It advises:

Fair Trading will now commence an investigation into financial records maintained by the association. The Fair Trading investigation will help finalise the current cancellation proceedings because it will identify any assets held by the association and who exercised control of those assets.

Perhaps the records may shed some light on where some of the $100,000 or so of missing funds from the HSU have gone. Under the relevant legislation, upon cancellation of registration of the association, Fair Trading is obliged to secure any assets of the association and may then distribute these to another, similar organisation. But most importantly, the investigation may result in
further action being taken against the association and its office bearers.

Meanwhile, back in Dobell, Mr Thomson is the member you have when you do not have a member. Indeed, he is more than missing in action. It is little wonder that Labor insiders are reportedly saying that the local ALP branches in Dobell are wavering in their support of Mr Thomson, yet the Prime Minister chooses to stubbornly maintain her confidence in him. On 9 September, the Australian quoted Mr Thomson as saying:

'I will make a comprehensive statement in the near future.'

That same day, the Australian reported:

Labor MP Craig Thomson is expected to rely on the disappearance of financial records and slack union rules when he makes a 'comprehensive statement' to defend allegations he misused his union credit card. But he faces a dilemma over his claim that another person forged his signature on the card dockets for a brothel, after NSW police determined they were genuine.

'We are satisfied that the person who used the card was the person whose name was on the card,' a senior police officer told the Australian.

'It would have been deception if somebody else used it; that would have been a crime.'

When asked about this yesterday, Ms Gillard dismissed the issue and said it was a question for the individual member. We will wait with bated breath for Mr Thomson's statement but, given his form since the 1990s, one can hardly expect a full and frank disclosure. It is clear that the constituents of Dobell have lost confidence in their local member. How can the Prime Minister possibly continue to have confidence in this man?

Johnston, Mr Elliott, AO, QC

Senator McEWEN (South Australia—Government Whip in the Senate) (13:49): My thanks to Senator Bernardi for agreeing to share this remaining time. I would like to pay tribute to Elliott Johnston QC AO who died in August this year, aged 93 years, after a lifetime dedicated to the pursuit of justice. Mr Acting Deputy President Fawcett, I am sure you would agree that while South Australia has an enviable tradition of great progressive reformers, Elliott Johnston was without doubt one of the legends of the South Australian left.

At a service held in September at Adelaide University in his memory, hundreds of people gathered to remember this affable and courageous man who was a lawyer, a QC, a justice of the Supreme Court of South Australia, a royal commissioner, a rusted-on trade unionist, a great orator, a writer, a mentor, a passionate advocate for Indigenous Australians, a football fanatic, a Shakespeare fan, a husband and a father. At other times in his life he was a soldier, a student activist, the founder of a very successful law firm and occasionally a candidate for political office, albeit not a successful one. Perhaps most intriguingly, he was for most of his life a proud member of the Communist Party of Australia.

It is hard to know what aspects of Elliott's life to concentrate upon in this short tribute but a brief biography demonstrates that from an early age he was destined to a life of using his considerable talents in the pursuit of justice and on behalf of those less fortunate than himself. He was born in 1918 in North Adelaide and attended Unley High School and Prince Alfred College, where he was a student with a scholarship, and won the state prize for economics. From there he went to the University of Adelaide where he studied law and so began his life of political activism combined with a stellar legal career. This was the late 1930s, a time of great realignment and upheaval in the world and in Australia. Following the Great Depression, in which ordinary working people and the disadvantaged suffered most,
Australians watched the civil war in Spain and the rise of fascism in Europe, as well as Australia's own commitment to World War II.

On campus, Elliott helped establish the National Union of Australian University Students—the forerunner of the NUS. He was an editor of On Dit, the student newspaper, and with others he started the Radical Club. He was passionate about student democracy and resisted attempts by the conservatives on the university council who, like the Menzies government, wanted to shut down debate and dissemination of left-wing ideas during the war.

Elliott was also instrumental in setting up the University of Adelaide peace group, which was opposed to all wars. However, like so many other young people at that time, he joined the Australian military forces and was eventually called up, undertook military training and was posted to Papua New Guinea towards the end of the war. In 1941, when Germany had turned against Russia, Elliott finally joined the Communist Party of Australia. That was to be a lifelong relationship only broken when he had to resign his membership of the party to become a justice of the Supreme Court of South Australia.

In 1942, Elliott entered another long-term relationship and that was with his wife, Elizabeth Teesdale Smith, another lawyer and communist who, like Elliott, used her relatively advantaged background and considerable talents on behalf of others. She was the first woman to lead a trade union in South Australia—my former trade union, the clerks union.

Together, Elliott, Elizabeth and their friend and comrade, Harry Krantz, worked to bring about the first common rule industrial award for white-collar clerical workers, the so-called clerks award. That was truly a monumental advance in industrial relations, providing for the first time an award that included a classification structure based on different levels of work that clerks undertook.

Elliott was also passionate about improving the lot of workers who were injured on the job and took on many workers compensation cases that provided legal precedents, which are still used today and which became the hallmark of the work of the legal firm he established, Johnston and Johnston, now known as Johnston Withers. He particularly took on WorkCover cases or workers compensation cases for the Greek and Italian migrant communities in Adelaide, who of course worked mainly in the manufacturing sector.

Elliott did not use his legal skills just for industrial matters; he took on many well-known civil and criminal trials, as outlined in Penelope Debelle's excellent biography Red Silk. He and the other lawyers in his firm took on cases arising from protests against the Vietnam War, protests against apartheid in South Africa, cases about women's rights, sex discrimination and native title matters. Not all were successful but Elliott would always give it his best shot and his firm continued to accept many referrals from the Law Society's Poor Persons Legal Assistance Scheme.

As was said by everyone at his memorial service, Elliott was a brilliant legal practitioner and had appeared in the High Court and the Privy Council. By the end of the 1960s, he had reached the stage in his career when, had he not been a communist, he would have been a shoe-in for an appointment as a QC. His name was put forward for that position by the then Chief Justice John Bray but was rejected by the then Hall Liberal government because of Elliott's membership of the Communist Party—a very controversial decision in
South Australia and a decision that was overturned when Labor was elected, and the then Labor Premier, Don Dunstan, made Elliott a justice.

Elliott continued to combine his commitment to justice with his legal career. He was particularly supportive of Indigenous Australians and was an inaugural chairman of the Aboriginal Legal Rights Movement and continued as co-patron of that organisation, along with Lowitja O'Donoghue, until his death.

In 1983, Elliott resigned his membership of the CPA and took up the Bannon government's initiative to join the bench and he was known then as the 'communist judge'. He served until his retirement and in 1989 was appointed lead commissioner of the Royal Commission into Aboriginal Deaths in Custody and delivered a seminal report into that tragic matter.

It was said at his memorial service that we are unlikely to see a man like Elliott Johnston again. Sadly, I have to agree.

Gallagher, Master Angus Terry Ryan

Senator BERNARDI (South Australia) (13:57): This week I became a godfather to a good friend's son. In today's day and age when the development of a child's faith is usually considered secondary to the fulfillment of their every whim, such a role would be considered by many as anachronistic. But for me the honour of being asked to take a formal role in the guidance of a child's spiritual journey is both humbling and a cause for some pride—humbling because, despite my many failings, which are often noted in this place, another family considered me worthy of a permanent place in their child's life; I was proud because, even with the frailties that I exhibit, my friends have seen some qualities in me that they recognise as important in the development of their child.

This dichotomy between eternal values and human actions is symptomatic of the moral challenges that confront us all. For two millennia mankind has understood the higher calling that was demonstrated by the life of Jesus Christ and we have subsequently failed to live up to his example. Whilst almost all historical accounts say that Jesus was a real figure, it is the devotees of the Christian faith that believe him to be the son of God. For the non-Christian, the divinity of Christ is cause for question, but few can question the example that he set for us all.

Today, while many of us do seek to live virtuous lives modelled on his example, we fail every day to live up to these aspirations. I accept that these failings are part of human nature and are in themselves not cause for condemnation, but there is something within us all that burdens our hearts and our demeanour when we transgress against others. Some would consider this a manifestation of the natural law that lives within all of our hearts and others would simply say it is metaphysical hocus-pocus.

However, whatever one's personal beliefs in matters of faith, one cannot separate the life of Christ and his importance to Western culture. Our society is built on this Judaeo-Christian tradition and it serves as the bedrock of our civilisation. That is why the tradition of godfather is so important to me. It suggests that even in a secular world undergoing change there is a continuing belief that we can all have a positive impact on another's life. In short, it is a daily reminder that life is simply not about ourselves but about our obligation to the next generation.

In my case, my new task is to help Angus Terry Ryan Gallagher on his spiritual journey in accordance with his baptismal faith. I have no doubt it will be quite a journey for both of us, but already the honour of being entrusted with this role has reinforced my
belief that we need to be vigourous in our
defence of the important values and tradi-
tions lest we fail our future society.

QUESTIONS WITHOUT NOTICE

Member for Dobell

Senator BRANDIS (Queensland—
Deputy Leader of the Opposition in the
Senate) (14:00): My question is to the
Minister representing the Prime Minister,
Senator Evans. I refer the minister to the
statement by the member for Dobell last
Thursday that he would make a comprehe-
sive statement in relation to the serious
allegations against him and to his further
statement yesterday that he would no longer
make such a statement. When will the Prime
Minister insist that the member for Dobell
make the comprehensive statement which he
undertook to make to the parliament?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate)
(14:00): I have no advice about whether or
not Mr Thomson, the member for Dobell, is
going to make statements about matters or
not make statements about matters. That is
clearly a matter for him. But I would observe
that Senator Brandis has been very keen to
courage the police to investigate matters
relating to the HSU, and it seems to me that
one of the barriers to someone making a
statement about their involvement in issues
is an ongoing police investigation. So it does
not surprise me that someone would consider
their position before saying too much, given
there is an ongoing police investigation. But
those are clearly matters for the member for
Dobell.

I would remind the Senate that there are a
number of investigations occurring in rela-
tion to concerns that have arisen in relation
to the administration of the HSU. I and the
government make no comment on those. We
have consistently said that this is a matter for
those authorities to pursue. It is important
that they are allowed to do that work free
from any political interference, free from
people ringing their mates, encouraging them
to give directions perhaps to officials about
how they should or should not respond. That
is not the sort of behaviour that I think assists
at all.

The other thing I would remind the Senate
of, which I think should be dear to the hearts
of all senators, is the presumption of natural
justice and the capacity for people to have a
fair hearing and deal with the appropriate
authorities unencumbered by political
comment or political pointscoring. It is
certainly a policy I have pursued in relation
to coalition members who from time to time
have had difficulties relating to matters. The
former Democrat Senator Murray also had
those difficulties. We chose not to comment
on them. We continue that policy, and I
suggest Senator Brandis would serve himself
and the parliament well by following that
policy as well.

Senator BRANDIS (Queensland—
Deputy Leader of the Opposition in the
Senate) (14:03): Mr President, I ask a
supplementary question. Given the minister's
acknowledgment that the New South Wales
police investigation into the Health Services
Union extends to the member for Dobell,
does the Prime Minister continue to have full
confidence in him, does she still consider
that he is doing a fine job and does she still
hope that he serves in the parliament for
many, many, many long years to come?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate)
(14:03): I think the presumption of that que-
ston is that I have somehow acknowledged
that the police inquiry was into the member

CHAMBER
for Dobell. I did not say anything of the sort. I indicated that there was an inquiry into matters related to the Health Services Union. I know that from what I have read in the newspapers. I have no official advice on that other than what I know from the newspapers. I am surprised that a shadow Attorney-General, someone who hopes to be the Attorney-General of this country, would engage in this way, given that there is an active police investigation going on. I have heard Senator Brandis lecture people before about allowing the courts to do their job, about the presumption of innocence, about proper legal principles; but he seems to want to flout all of those in some desperate political attempt to muddy up the member for Dobell. I think we should let the proper authorities pursue their inquiries, we should maintain a proper role as members of parliament and we should not interfere with the role of those investigative authorities. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:04): Mr President, I ask a further supplementary question. I refer to the Prime Minister's statement on 31 August attacking the Chief Justice for inconsistency. What does it say about the standards of this government that the Prime Minister appears to have more confidence in Mr Craig Thomson than she does in the Chief Justice of Australia?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:05): As I understand it, Senator Brandis, the shadow Attorney-General, who has taken to ringing police ministers encouraging them to take an interest in matters relating to ongoing police investigations, now seeks to lecture me and the government about propriety in these matters. I do not take that sort of advice from Senator Brandis. He has done himself great damage in recent weeks by the way he has abandoned all the things he used to hold dear in order to seek some temporary political advantage. I think—as an observation—that that will come back to haunt him, because his credibility when it comes to these matters will now be measured against his performance on this matter.

In terms of the Prime Minister's commentary on the High Court case, can I just say it is perfectly appropriate in a democracy that members of parliament and others debate High Court decisions and pass commentary on them. That is part of a robust democracy and I think it is perfectly appropriate that people do express their views when important decisions are made. (Time expired)

**Economy**

Senator GALLACHER (South Australia) (14:06): My question is to the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. Can the minister inform the Senate of the important productivity benefits of the COAG agenda to deliver a seamless national economy?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:06): I thank the senator for his question. Under the former Howard government, we saw a neglect of the important national productivity and investment agendas, particularly in terms of working with state governments to drive national reform and improvements in the competitiveness of our national economy. But this government has taken on those challenges very seriously and we are pursuing reforms on a number of fronts on top of the major investment we are making in education and training as well as infrastructure. We are focused on making life easier for business by implementing COAG
national partnership agreements to deliver a seamless national economy. This COAG agenda covers 36 areas of reform, including 27 business regulation reforms and eight competition reforms. COAG, understanding the importance of reducing red tape for workplaces and small businesses, agreed that occupational health and safety harmonisation was one of the most important of the economic reforms on the agenda. Rightly so.

The figures released today demonstrate the tangible economic benefits that will flow from having a single set of safety standards. The analysis estimates that occupational health and safety harmonisation will deliver productivity benefits to our economy of up to $2 billion a year. That is in addition to $250 million per annum in benefits from red tape reduction and improved safety standards. This report confirms the value to business and to workers of having harmonisation of occupational health and safety law in this country. It is important that all state governments fulfil their commitment to deliver on this very important economic reform and I urge them to do so.

Senator GALLACHER (South Australia) (14:08): Mr President, I ask a supplementary question. Can the minister advise the Senate of any support for the historic reform of occupational health and safety laws across the country?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:08): I am very pleased to say that a number of states have already passed relevant legislation. It has been introduced into this parliament and into a number of other parliaments, or is about to be. But there has been some backsliding by a couple of governments in recent times. Victoria and Western Australia have been sending signals that they may not be as committed as their earlier commitments seemed to reflect. Figures released today show that not implementing the reform will cost the Victorian and Western Australian economies $62 million and $26 million respectively. Not harmonising would actually cost the their economies, and there would be a very negative result for the development of a seamless national economy and the benefits that would flow to business from these reforms. I was very concerned today to see that Senator Abetz seemed to be hedging his bets as well, given the previous strong Liberal Party support for reform. Again they seem to be taking a different occupational health and safety laws and 400 sets of regulations. They recognise that business cannot continue to wait for this important reform and they have all called on governments to deliver by the agreed deadline of 1 January 2012. Peter Anderson, representing ACCI, is a strong supporter of harmonisation. He has called on state governments to ensure those laws are in place by January 2012. There is strong business, union and community support for getting this reform done, and we must do it.

Senator GALLACHER (South Australia) (14:09): Mr President, I ask a further supplementary question. Is the minister aware of any potential roadblocks to the harmonisation of OHS laws?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:10): I am pleased to say that a number of states have already passed relevant legislation. It has been introduced into this parliament and into a number of other parliaments, or is about to be. But there has been some backsliding by a couple of governments in recent times. Victoria and Western Australia have been sending signals that they may not be as committed as their earlier commitments seemed to reflect. Figures released today show that not implementing the reform will cost the Victorian and Western Australian economies $62 million and $26 million respectively. Not harmonising would actually cost their economies, and there would be a very negative result for the development of a seamless national economy and the benefits that would flow to business from these reforms. I was very concerned today to see that Senator Abetz seemed to be hedging his bets as well, given the previous strong Liberal Party support for reform. Again they seem to be taking a
negative attitude and are walking away from vital measures. *(Time expired)*

**Asylum Seekers**

Senator **RONALDSON** (Victoria) (14:11): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. Does the government consider that its five-for-one people swap deal with Malaysia is binding?


Senator Cash: It should be a very simple yes or no answer

Senator **CARR**: What was that, Senator Cash?

The PRESIDENT: Senator Carr, ignore interjections and just address the question.

Senator **CARR**: I will do my best to answer the question. The government is honouring the commitments it has made to increase the humanitarian intake. The rest of the transfer agreement will require the support of the Australian parliament, and the legislation for that is currently being drafted. I understand we are still waiting on the response from the opposition to that. The legislation will require the support of a majority of members of the House of Representatives and a majority of senators. We look forward to hearing what the coalition has to say on the matter.

Senator **RONALDSON** (Victoria) (14:12): Mr President, what a remarkable answer to the question. I therefore ask the minister—

Senator **Ludwig**: Mr President, I rise on a point of order. You have pulled senators from the other side up for making commentary before going to the question. They are serial offenders and I ask that you rule out of order that part of the question which is commentary.

The PRESIDENT: On 24 August this year I circulated a memo to all senators reminding them that it was not proper to preface a question with a statement. It is a ruling that has been given before in this place; it is not something that I initiated. I remind all senators that when they ask their supplementary question it should be a supplementary question without a preface.

Senator **RONALDSON**: I think I am reading into the minister's answer—

The PRESIDENT: Senator Ronaldson, you have been asked to ask the question.

Senator **RONALDSON**: I am asking the minister a further question. I am reading into the minister's answer that he believes that the deal is binding. On that basis can I refer him to clause 16 of the deal, which provides:

This Arrangement represents a record of the Participants' intentions and political commitments but is not legally binding on the Participants.

Senator **CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (14:15): The question there is somewhat vague. I have indicated that the government's intention—

Government senators interjecting—

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

Senator **CARR**: The government's intention is to pass legislation that will enable the Malaysian agreement. So in the same way that we intend to transfer 800 persons to Malaysia, we also intend to take on the 4,000 refugees we are committed to as part of this agreement.

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT: Order! When there is silence, we will proceed.
Senator CARR: There is no intention here by the government to indulge the opposition with any suggestion that we are not going to attempt to proceed with this agreement via the necessary legislation. The question of whether or not the legislation is carried by this parliament will require, obviously, the support of the opposition. We have not heard any response from the opposition to that proposition. (Time expired)

Senator RONALDSON (Victoria) (14:16): Mr President, I ask a further supplementary question. Minister, given that the deal with Malaysia is not legally binding, how can the government guarantee that Malaysia will comply with it or, indeed, comply with any Australian law? What protections do dumped asylum seekers have with the Malaysian government—its own law—rather than observe a non-binding arrangement?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:17): We have clearly indicated that we do have arrangements with Malaysia which the government have confidence in. The government have clearly indicated our intention to proceed with that agreement. I might suggest that this is a position which stands in sharp contrast, when we are talking about human rights, with the position the opposition have taken in regard to Nauru.

Senator Ronaldson: Mr President, I rise on a point of order as to relevance. We have a minister who, at best, has been vague, and who, at worst, simply does not understand his brief or the issue. I invite you to ask him to return to the question.

The PRESIDENT: The minister has 36 seconds remaining to answer the question.

Senator CARR: I find it fascinating that the opposition have this preoccupation, as they see it, with their new-found interest in the question of human rights, given that they have been pursuing the issue of Nauru for so long when there was no agreement with—

The PRESIDENT: You need to come to the question, Senator Carr.

Senator CARR: The issue here is that the government intends to pursue the Malaysian agreement. It is seeking the legislative authority of the parliament to do so. The government is looking to the parliament to pass the legislation which will be introduced next week. (Time expired)

Media Inquiry

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:19): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Is the minister aware of the release of an opinion poll by the public interest group NewsStand showing that a two to one majority of Australians back a media inquiry? If he is, can he account for the position of the opposition as espoused by Mr Turnbull that there should be no media inquiry? Is Mr Turnbull totally out of touch with public opinion or is he simply trying to send a warm glow down to Holt Street?

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) (14:19): I thank Senator Bob Brown for his question. Like you, Senator Brown, I am indeed surprised that those opposite are so out of touch with public opinion on this issue. Perhaps they should simply keep reading the Australian each morning.

The government believes it is necessary to support the independence and integrity of the media in the face of technological change and that the public have a right to have trust in our media. As I said earlier today when announcing the inquiry, a healthy and robust
media is essential to the democratic process. Labor believes it is incumbent upon government to ensure that regulatory processes and industry structures are sufficiently strong to support the continuation of a healthy and independent media that is able to fulfil its essential democratic purpose and to operate in the public interest. I made this very clear a little over an hour ago, but let me repeat it for those whom seem to have missed it. The government is not interested in attacking any one media organisation or in seeking to reduce the necessary scrutiny of the political process that is at the heart of a functioning

Opposition senators interjecting—

The PRESIDENT: I remind senators that any interruption to the answer is disorderly. It does not help question time with people wanting to throw their comments into the ring during question time. Post question time, that is at 3 pm, there is a time for people to put forward in a robust manner their views on these issues. That is when it should be done.

Senator CONROY: The media inquiry will be conducted independently of the government as is imperative in a free and democratic society. A former justice of the Federal Court of Australia, Ray Finkelstein QC, will conduct the inquiry, assisted by Dr Matthew Ricketson, Professor of Journalism at the University of Canberra and a former practising journalist. The government is delighted that those eminently qualified—(Time expired)

Senator BOB BROWN (Tasmania)—Leader of the Australian Greens (14:22): Mr President, I ask a supplementary question. The NewsStand poll shows that 87 per cent of people believe it should be easier to make complaints about the media. I ask the minister if he is aware that Mr Turnbull has complained that the inquiry may put some sort of legislative backbone into the Press Council. Can the minister say why it is that Mr Turnbull would want the Press Council, against the public interest, to remain a jellyback?

Senator Brandis: On a point of order, Mr President—

Senator Carr interjecting—

Senator Conroy interjecting—

Senator Ian Macdonald: Goebbels would be proud of you, Stephen.

The PRESIDENT: Order on my right!

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy! I remind you that the time to debate the issue, if you wish to debate it, is post question time. I have said that already today. Senator Brandis is entitled to be heard in silence.

Senator Brandis: The question asked the minister to speculate on Mr Turnbull’s motives and thinking. That is not a proper question—it is conjectural, it is based on hypothesis and it is beyond what the minister can possibly know.

Senator Ludwig: On the point of order, Mr President: if we were all to adopt that broad interpretation, many of the questions from the opposition would be ruled out of order.

Opposition senators interjecting—

Senator Ludwig: I am entitled to be heard in silence.

The PRESIDENT: Order!

Senator Ludwig: In question time in this place we allow a broad latitude for the question, and the response should be directly relevant to the question.

Honourable senators interjecting—

The PRESIDENT: Sit down, please, Senator Ludwig. Order! I am entitled to hear the person in silence. That is why I have sat the minister down. If you want to debate the
issue, there is an appropriate time or you can take successive points of order. That is fine.

**Senator Ludwig:** The fallback always is that the minister may respond to that part of the question which he can respond to. That is what the standing orders say. There is no point of order raised by Senator Brandis. Senator Brandis has not asked that the question be ruled out of order. So I humbly submit that the question is in order.

**Senator Birmingham:** On the point of order, Mr President: I would draw your attention to your memo to all senators of 25 August 2011 in which you state:

A question inviting a minister to comment on opposition policies is strictly out of order—

you then go on to say—

although questions seeking the minister’s knowledge of how other policy proposals would affect matters within that minister’s responsibility have been ruled in order.

Mr President, I would contend that both the primary question of Senator Brown and the supplementary do no more than invite the minister to comment on Mr Turnbull’s words or policies and are therefore clearly out of order on the basis of your own ruling.

**The PRESIDENT:** The minister need only answer the question insofar as it applies to the minister's portfolio.

**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) (14:26): As I said earlier, Australia has traditionally been well served by media institutions. As citizens in a democracy, we rely on the media to scrutinise the actions and decisions of those in power, to hold business and political leaders to account, to reflect and contribute to our national identity—

**Senator Brandis:** What about what you said about the Daily Telegraph?

**Senator CONROY:** The Daily Telegraph have a democratic right to be biased and I have a democratic right to point out their bias. We need media which are independent, diverse and capable of putting the public interest above the interests of media owners, whether those are governments or private shareholders—

**Senator Ian Macdonald:** Goebbels would be proud of you, Stephen.

**Senator Bob Brown:** On a point of order, Mr President: that is the second time Senator Macdonald has referred to Goebbels and the minister, and I ask him to withdraw that comment. He said, 'Goebbels would be proud of you,' to the minister. I think that should be—

**The PRESIDENT:** I have not heard those interjections, Senator Brown.

**Senator Bob Brown:** I ask you, Mr President, to ask the member if he said that and to have it withdrawn.

**The PRESIDENT:** I have not heard those comments. People know, if those comments are being made, that they should not be made.

*Honourable senators interjecting—*

**The PRESIDENT:** Just wait! If people find them offensive, I have asked, on a previous occasion when someone took offence at such comments—but it was the person to whom they were directed who took the offence—for the comments to be withdrawn and that was followed through. I have not heard, on this occasion, what was taking place. I am just asking people to be careful what they say within this chamber.

**Senator Ian Macdonald:** On Senator Brown's point of order, Mr President: I am quite open in saying that I did say that Goebbels would be proud of Senator Conroy—
and he would be. If Senator Conroy finds that offensive, I will withdraw it.

Senator Conroy: I did not make him withdraw because I did not hear him say it.

The PRESIDENT: I did not hear him say it either, but I advise people that those comments should not be made.

Senator Chris Evans: On Senator Brown's point of order, Mr President—

Honourable senators interjecting—

The PRESIDENT: Order! On both sides!

Senator Chris Evans: I am not one to be terribly precious about such things in the chamber and have engaged in vigorous debate across the chamber myself. So I do not pretend that I do not support that. But, while I think you quite rightly said that I do not support that. But, while I think you quite rightly said that you did not hear the comment made—and neither did I—the senator, to his credit, got up and admitted to the comment. It then becomes, I think, a question for you as to whether or not it is appropriate. I think this is the second occasion where a coalition senator in the last few days has referred to senators on the crossbenches, comparing them to Nazis. I do not think that is appropriate. I do not think it is a standard this Senate should set. As I said, given that the senator informed you, Mr President, that he made those comments and that he was prepared to withdraw, I think it would be best for all concerned if the senator just withdrew.

The PRESIDENT: Senator Macdonald, it will help us get ahead with question time if you withdraw.

Senator Ian Macdonald: I do not know what is wrong with Senator Evans's hearing, but I did withdraw.

The PRESIDENT: All right. That is withdrawn. Let's proceed.

Senator CONROY: Crucially, we have asked the inquiry to investigate ways by which to substantially strengthen the independence and effectiveness of the Australian Press Council, including in relation to online publications and with particular reference, Senator Brown, to the handling of complaints. The government wishes the inquiry to report on the ability of the media— (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:31): Mr President, I ask a further supplementary question. Is the minister aware that the EMC poll released today by NewsStand shows that 70 per cent of people believe too few people control the media in Australia? Is the minister aware that, in response, the opposition spokesperson has conjectured that the make-up—

Opposition senators interjecting—

The PRESIDENT: Senator Brown, resume your seat. You are entitled to be heard in silence. Order!

Senator BOB BROWN: The opposition is very tetchy on this. Are the comments of Mr Turnbull simply reflecting those of the Tea Party?

The PRESIDENT: Again, Senator Conroy, you need to answer only those parts of the question that relate to your portfolio.

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) (14:32): The media inquiry I announced today will focus on print media regulation, including online publications and the operation of, as I said, the Press Council. The government believe a separate and distinct examination of the pressures facing newspapers and their newsrooms, including online publications, will enhance our consideration of the policy and regulatory settings.
Australia needs to ensure that the news media continue to serve the public interest in the digital age. The inquiry will be asked to assess the effectiveness of the current media codes of practice in Australia, particularly in light of technological change, the impact of this change on the business model that has supported investment in journalism and the production of news, and ways to enhance media diversity in the digital area.

For the opposition spokesman in this area to pretend that he is supportive of what has gone on is to beggar belief. Mr Turnbull has been a consistent supporter of— (Time expired)

Asylum Seekers

Senator CASH (Western Australia) (14:33): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. Is the minister aware of statistics published by the Malaysian ministry of justice that in the five years between 2005 and 2010 some 29,000 unlawful entrants to Malaysia were subjected to the punishment of caning—an average of 16 floggings per day every day—and that this is the routine penalty, under section 6(3) of the Malaysian Immigration Act, for asylum seekers entering that country? Is the minister also aware that that was one of the considerations which the High Court took into account in striking down the so-called Malaysian solution?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:34): I thank the senator for her question. As I have indicated several times this week, the government's arrangements with Malaysia are such that people who would be transferred to Malaysia would not be caned. They will be treated with dignity and respect and in accordance with human rights standards, and that clearly means no caning. It is important to note—

Opposition senators interjecting—

The PRESIDENT: I remind senators that if you wish to debate it, you debate it at 3 pm.

Senator CARR: It is important to note that transferees will have legal authority to remain in Malaysia and will be able to work.

I think it is appropriate, given this newfound interest in human rights, that we contrast the policy the government has with that of the opposition, who have a policy of returning people on the high seas, of towing people back. At the last election Mr Abbott was on the public record as saying he would be picking up a phone if he was sitting in Kirribilli, ringing up our gunboats and telling them to tow people back to Indonesia. What sort of human rights approach is that? What is the human rights approach of the opposition when it comes to Nauru? You used Nauru, which of course was not a party to any human rights arrangements whatsoever. What is the approach that you have suddenly discovered, in terms of your interest in human rights, given your long history of abuse of people who actually are seeking to exercise their rights both onshore and offshore? I find it remarkable, Senator Cash, that you could suddenly cry these crocodile tears in terms of human rights. We have seen the long history of opposition to human rights by those opposite.

Senator CASH (Western Australia) (14:37): Mr President, I ask a supplementary question. Given that the people swap deal with Malaysia is of no binding legal force and unenforceable by Australia, does the government accept that its policy places men, women and possibly children at the risk of brutal physical punishment in direct contravention of Australia's obligations under the UN Convention against Torture?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research)
It really is extraordinary—the crocodile tears we are hearing on these issues! In the case of Malaysia the facts are very clear: the asylum seekers will be there with the permission and the agreement of the Malaysian government; they will have legal authority to remain in Malaysia. There are agreements to ensure opportunities for asylum seekers' claims to be considered and Malaysia will not be sending any refugees back to persecution in their countries of origin.

This contrasts with the position of the opposition, which was to send people back. There was a great risk of drowning as a consequence of their deliberate policy to ensure that unseaworthy boats be pursued—

Honourable senators interjecting—

The PRESIDENT: Order on both sides! Senator Carr has 19 seconds remaining.

Senator CARR: It is a remarkable feat that you think that drowning people at sea is a question of respecting human rights.

Senator Cash: Mr President, my point of order is in relation to relevance. The question I asked was a very narrow question: does the government accept that its policy places men, women and children at risk of brutal physical punishment in direct contravention of Australia's obligations under the UN Convention against Torture? It demands a relevant answer.

Senator Ludwig: As I was saying on the point of order, there are two parts to it. The first part is the opposition have simply used that as an opportunity of restating the question. The second part is that the minister was answering the question that was asked. It is not an opportunity for those opposite to simply restate the question again, even if it is not in quite the same form. On that basis there is no point of order. The minister has been answering the question directly.

Senator Ian Macdonald: Mr President, on a further point of order: you ruled that my saying to Senator Conroy that Goebbels would be proud was unparliamentary and yet the minister in his answer accuses the opposition of wanting to drown children, which is a far more heinous accusation than 'Goebbels would be proud'. Mr President, in fairness I ask you to require the minister to withdraw the comment that the coalition wants to drown children.

The PRESIDENT: If that is what was said, it needs to be withdrawn.

Senator CARR: Mr President, it is not what was said. What was said was that the coalition policy—

The PRESIDENT: Just wait a minute. I have points of order before me which I will deal with.

Senator Bob Brown: Mr President, on a point of order: you previously ruled that if you did not hear a comment you could not rule on it. I ask you to reflect on that and say if there is a different interpretation here.

The PRESIDENT: That is not a point of order, Senator Brown; that is a point of argument and debate. On the point of order that was taken, I believe the minister is answering the question. I do draw the minister's
attention to the question. The minister has 12 seconds remaining to answer the question.

Senator CARR: Mr President, what I have said—

Honourable senators interjecting—

A government senator: He said he didn't say it.

The President: I did ask if that was what was said and I was assured that that was not what was said. I can only go on that, Senator Macdonald.

Senator CARR: What I have said is the opposition is crying crocodile tears on human rights standards, given their policy was to tow boats back to sea, the consequence of which was that they risked people drowning at sea. What we have is an

(Time expired)

Senator CASH (Western Australia) (14:43): Mr President, I ask a further supplementary question. Does the government consider exposing innocent people to the risk of brutal torture is a humane asylum seeker policy? Senator Cameron, this part of the question is for you and the Left of the Labor Party: when will the Australian Labor Party ever live down the shame?

Honourable senators interjecting—

The President: When there is silence we will proceed.

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:44): Is it seriously being suggested by those opposite that the party of children overboard are going to lecture us on human rights? That is a remarkable proposition. The people who supported children overboard—those who pursued that as a matter of policy—are now claiming that they are suddenly interested in human rights? What a preposterous suggestion. Senator Cash's question is offensive. It is offensive to suggest that that is what the government is about, given the history of that party and given its appalling involvement in the abuse of human rights throughout this whole issue.

DISTINGUISHED VISITORS

The President: Order! I draw to the attention of honourable senators the presence in the gallery of the Speaker of the ACT Legislative Assembly, Mr Shane Rattenbury MLA, and the Clerk, Mr Tom Duncan. On behalf of all senators I wish you a warm welcome to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Parliamentary Budget Office

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:46): Mr President, my question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister update the Senate on how the establishment of the Parliamentary Budget Office will affect the existing Charter of Budget Honesty rules around disclosure of election policy costings? Are the current rules going to change?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:46): I want to make it very clear to the chamber that the rules for the disclosure of election policy costings will remain the same. In fact, the joint select committee on which Senator Joyce served and of which Mr Pyne was deputy chair unanimously recommended that:

Apart from the conditions for who can make a request for costings, the caretaker period costings service of the PBO is to be consistent with that of the Charter of Budget Honesty Act 1998.

This makes perfect sense. As Treasurer Costello said when he introduced the Charter of Budget Honesty:

By requiring the costings to be to made publicly available, there is limited scope for the results of the costings to be misrepresented.
Unfortunately, whilst the government agrees with the joint select committee and whilst the government agrees with former Treasurer Costello, the coalition no longer does. The coalition, the party that introduced the Charter of Budget Honesty, has now become the party of budget dishonesty. That is their position when it comes to the Parliamentary Budget Office. What a fall from fiscal grace. This is the party that used to have Mr Costello and Senator Minchin—people who were serious about the balancing the budget. Now they have Mr Hockey and Mr Robb, led by Mr Abbott, who have a 100 per cent failure rate when it comes to election policy costings, who are not in government today in great part because they got their election policy costings wrong and who now have a $70 billion black hole that they do not know what to do with. So they want to walk away from the Charter of Budget Honesty because they want to hide from the Australian people the extent of their budget black hole. They are the party of budget dishonesty. (Time expired)

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:48): Mr President, I ask a supplementary question for Senator Wong. Has the minister seen any arguments suggesting that the Charter of Budget Honesty rules be changed? Who would benefit from changing the rules to reduce transparency around election costings?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:48): It is important to recall how we got here. After the election, all parties signed up to the principle of a Parliamentary Budget Office. We then had a parliamentary committee that reported unanimously, including that the Charter of Budget Honesty framework would be retained. That report was supported across the parliament. Mr Hockey himself called for the PBO to be set up. But Mr Hockey has realised that he has a $70 billion black hole, so he wants to try to hide it, because he cannot fix it. So he is walking away from the Parliamentary Budget Office and walking away from the Charter of Budget Honesty because he has realised he cannot fix the black hole. What a disgrace from a party that used to have some fiscal and economic credibility. It used to be a party that believed in budget honesty. It is now a party that is all about budget dishonesty.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:49): Mr President, I ask a further supplementary question. Can the minister outline to the Senate what support the model proposed by the joint select committee has received and whether this model is still as widely supported as it was when the committee reported?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:50): The only ones who would benefit from changing the rules to reduce transparency are those politicians who are hiding a $70 billion black hole, and that is those opposite. It is extraordinary that Senator Joyce actually signed up to the opposite position. I know he is busy contemplating his move to the lower house and his move to knock off Mr Truss. He might be on the phone to someone right now saying, 'I really need that seat.' I am sure those opposite would like to contemplate, were they ever to win government, the prospect of Senator Joyce being the Deputy Prime Minister. But the point is this: the coalition, through Senator Joyce and Mr Pyne, signed up to the Charter of Budget Honesty principles. Mr Hockey is walking away from it because he is too afraid to try to manage his $70 billion black hole. (Time expired)
Carbon Pricing

Senator EDWARDS (South Australia) (14:51): Mr President, my question is to the Minister representing the Prime Minister, Senator Evans. Can the minister explain why the government has allocated only 19 days to consider 19 bills in a single committee for its carbon tax legislation, effectively giving one minute per member per bill for debate?

Government senators interjecting—

The PRESIDENT: Senator Edwards, resume your seat. I remind those on my right that the senator is entitled to be heard in silence.

Senator EDWARDS: Does the minister consider this adequate parliamentary scrutiny—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Edwards, resume your seat. It is on both sides.

Senator EDWARDS: Does the minister consider this to be adequate parliamentary scrutiny and parliamentary accountability for what will be one of the biggest and most complex legislative changes in this nation’s history?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:52): Senator Edwards, I thank you for the question. I will give you a bit of advice because you are new: you have been set up by your colleagues. There is a reason why none of the frontbench asked this: they were all here when the Howard government guillotined through bill after bill. They were here when we were given a matter of hours to deal with bills. We were given 30 minutes before second reading speeches were introduced. What we have done is allow time for proper debate of the legislation. There is a proper joint select committee and we are setting aside two weeks to debate those bills. How we use that time will be up to the opposition. Whether they engage with the bills, whether they take a positive attitude to examining the bills, is up to them. If, as we have seen over the last two weeks, they just deliberately waste time and seek not to engage in the proper parliamentary process is a decision for them. I say to the senator: be very careful what they give you to stand up and ask, because the record of the Howard government in these matters was appalling. This government has given people a month’s notice and a Senate select committee. The bills are available now and, when we come to debate them in the Senate, a full two weeks will be set aside for that debate. We encourage you to actually take an interest in the content rather than just in the rhetoric.

Senator EDWARDS (South Australia) (14:54): Mr President, I ask a supplementary question. I thank the Minister representing the Prime Minister for reminding me of the Howard era. Is the minister aware that, even after putting the GST to the people at an election, the Howard government established four Senate committees, with an average of 121 days each—a total of 480 days through which the committee process was able to scrutinise the legislation. Is the government’s refusal to submit the carbon tax legislation to an election or to the same level of parliamentary scrutiny just another example of how far it is willing to go to avoid the kind of public accountability—(Time expired)

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:54): I encourage Senator Edwards to go and have a look at the Hansard and examine the Howard government’s handling of the Work Choices legislation, and he will never have the gall to stand up and ask such
questions ever again. As I said, despite all
the earlier inquiries into this subject matter,
there will be a full joint select committee
inquiry. There will be two weeks of Senate
debate set aside to deal with those bills. It is
a question about whether the opposition will
engage in serious public policy or continue
with negative rhetoric.

Senator EDWARDS (South Australia) (14:55): Mr President, I ask a further
supplementary question. Given that the
Prime Minister said in the other place yester-
day that the vote on her carbon tax legisla-
tion will be judged by every Australian,
judged now and judged in the future, why
won't she take it to an election so that she
can be judged by every Australian and
judged now?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Jobs and Workplace Relations and
Leader of the Government in the Senate)
(14:55): I think Senator Edwards has learnt
about how quick people are to judge
members of parliament. We get judgement
all the time, some of it fair and some of it
unfair, and I think he has had a baptism of
fire in that regard. At the next election, we
will all be judged and we will all be held
accountable for how we vote on this legisla-
tion. I will be voting for it and I will be
happy to explain my position publicly. We
will all have to, as I say, seek the support of
the Australian people. Democracy in Austra-
lia requires governments to go to elections
and stand on their record. This government
will do so and we will do so proudly.

Blade Electric Vehicles

Senator MADIGAN (Victoria) (14:56):
My question is to be Minister for Innovation,
Industry, Science and Research, Senator
Carr. Can the minister explain why Blade
Electric Vehicles, Victoria, Australia's only
licensed all-electric vehicle manufacturer,
was blocked from participation in the 2011
Melbourne International Motor Show by the
controlling parties until media pressure
gained it entry for the last two days and why
it has been denied a supply of any locally
made car bodies from GMH, which has
benefited by over $140 million from the
government's green car fund?

Senator CARR (Victoria—Minister for
Innovation, Industry, Science and Research)
(14:57): I thank Senator Madigan for his
question and for his interest in manufactur-
ing, particularly automotive manufactur-
ing, which I think he appreciates is an
interest that I share. I am familiar with Blade
Electric Vehicles, and I have had the oppor-
tunity to visit the plant and to drive a vehicle.
I am advised, however, Senator Madigan,
that the Australian International Motor Show
which was held in Melbourne was jointly
organised by the Federal Chamber of
Automotive Industries and the Victorian
Automobile Chamber of Commerce.

The government does not provide any
financial support for the motor shows and
has no part in the organisation of those
shows. I understand that the government did,
however, provide support to Blade Electric
Vehicles in August 2008. Blade was in fact
awarded $120,000 in funding in that year to
develop its battery management system,
BMS, and its conversion technology facilita-
ting full electric vehicle retrofit applications
for the smaller car sector. The project was in
fact successfully concluded in 2010. I
believe that the company is a good company
and it is undertaking innovative products.
The question of its relationship
with General
Motors is, however, a commercial one. The
sourcing of the bodies that it is using is based
on its commercial arrangements with respec-
tive companies. So it is not a question that
the government has sought to intervene in
regarding those commercial arrangements
between General Motors and Blade.
Mr President, I ask a supplementary question. Can the minister explain why a competitor to Blade, a company named Better Place, has benefited—through an associated company, EV Engineering—from $3½ million in government support through the green car fund and has recently commenced receiving car bodies from GMH?

Senator MADIGAN (Victoria) (14:59): The arrangement that was entered into in regard to Better Place was actually a consortium of companies. It was not just Better Place. The consortium comprised automotive component suppliers Air International, Bosch, Continental and Futuris, and, in fact, electric vehicle infrastructure and services provider Better Place. It was a proof-of-concept project which will demonstrate the technical viability and market appeal of a large, rear-wheel-drive electric vehicle based on Holden's Commodore. Again, the relationship is strictly a commercial relationship between the consortium and General Motors. Of course, it is not the only arrangement we have entered into in support of electric vehicles. We have also provided support to a range of vehicle projects including the Nissan Leaf and battery technologies through the Nexteer, which is a project which involves some 250 new jobs being created. (Time expired)

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:59): Mr President, I ask a further supplementary question. In light of the government's commitment to the supposed level playing field, can the minister assure the public that taxpayers' dollars are not being used to create a monopoly for a predominantly foreign owned company at the expense of a fully accredited Australian owned company, Blade Electric?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (15:01): The government has no interest in creating a monopoly. In regard to the automotive industry, our approach is to ensure that we actually take a technologically neutral stance in regard to the promotion of any particular automotive technologies. What we have sought to do is to ensure diversity and that we are able to ensure that the manufacturing componentry is able to be produced so that a range of options can be pursued. The process by which we have done that is through co-investment, whereby individual companies are required to actually invest their own money in partnership with government so as to ensure that they have the necessary skin in the game. No approach has ever been taken on the basis of developing a monopoly for any technology or to particularly take any favoured view towards any one company within the automotive industry. So, Senator, our approach is to ensure that we remain one of the— (Time expired)

Senator Chris Evans: Mr President, I am sure you would be pleased to know that I am asking that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Asylum Seekers

Senator MADIGAN (Victoria) (15:00): The Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Senators Ronaldson and Cash today relating to asylum seekers and the Malaysian agreement.

Minister Carr set a new low today when he answered these questions in question time. For Minister Carr to come into this chamber and accuse the opposition of not respecting the human rights of asylum seekers when it
comes to our policies is an act of absolute hypocrisy. Who can forget what the former Leader of the Opposition, Kevin Rudd, said in November 2007 in relation to turning back the boats? I quote this as to what Kevin Rudd said:

Kevin Rudd has taken a tough line on border security, warning that a Labor government will turn the boats back ...

That was what your policy was going to be prior to the election: you were going to turn the boats back. So to come in here and accuse us on this side of the chamber of not respecting the rights of asylum seekers is an absolute disgrace. But what is even worse is to say that this side's policies were responsible for the deaths of asylum seekers coming here, because we all know what the Prime Minister told caucus on Monday, don't we? We all know that the Prime Minister told the Labor Party caucus that four per cent of people coming to this country by boat drown. Do you know what that means? It means that under the current government's policies, on their watch, approximately 440 people have possibly drowned in trying to come to Australia. So don't you ever come into this place and try to tell us that when it comes to our policies we do not respect the human rights of others, because based on that statistic, which your own Prime Minister in caucus told you about, you are an absolute disgrace.

But it does not stop there, does it? The government is still committed to the Malaysian solution. The government is still committed to a solution which the other place found so abhorrent that they passed a motion condemning the government's legislation in this regard. Why did they do that? They did that for a number of reasons. First and foremost, the House of Representatives—the other place—knows that, under the Malaysian deal, for the people that we send to Malaysia there is a very good chance that they will be caned. Why is that? We heard it from the minister himself today. The agreement that has been drawn up between the government of Australia and the Malaysian government is not legally binding, so it does not matter what the minister comes into this place and says in relation to guarantees by the Gillard government that asylum seekers that we send to Malaysia will not be caned. They have no legal basis at all for making that claim, because the agreement that they have entered into is a non-binding agreement. On top of that, section 6(3) of the Malaysian Immigration Act actually gives Malaysians the right to cane and flog—put it any way you like, I can tell you right now it is not very nice—asylum seekers who enter their country. You cannot say that that is not true because statistics themselves do not lie. I say to the Left of the Labor Party: you must be very, very proud of the policies that your government is entering into. Sixteen people a day, sixteen refugees a day, are flogged in Malaysia, and you come into this parliament and ask us to agree with you in condoning a policy that is in breach of our international obligations on torture and that, without a doubt, will see people that we send to Malaysia under your government policy caned. That is a disgrace.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:08): What an outrageous contribution, yet again, from that side. They come into this place and try to lecture us about human rights. Let us not forget what happened with 'children over board'. I know you are very good at trying to rewrite history but the people will judge you, as they have in the past, on your history of human rights and what happened with 'children over board' and with the Tampa. Your policy is one of sink or swim. Not only are you going to turn back the boats but you want to tow them out to sea. What happens then? We on this side of the cham-
ber know, as a government that is concerned about the welfare of these refugees. We are concerned about them. Those people are coming here by boat because they are desperate for a new way of life.

Of course we are supporting the Malaysian solution. It is a test for those opposite who come into this chamber and espouse and lecture on all sorts of issues, including this one, and of what Mr Abbott is going to do. Is he actually going to put the welfare of these refugees and the Australian people above his own political advantage? We know what his position will be on that. He will never do it, because all he is about is—

Senator Furner: Nauru.

Senator POLLEY: Nauru, Nauru, Nauru and oppose, oppose, oppose at whatever cost it may be to these people's lives. I am really quite disappointed in Senator Cash when she tries to make accusations about our record on the treatment of children. What about the children who have been locked up in detention centres? What about the Howard government's record on that in the past? So let us not try to rewrite history, as you have done time and time again. As a government, we will be bringing the legislation into the parliament, and that is when those opposite will have their opportunity to put their names on the record and vote. If they do not support the legislation to allow the processing in Malaysia or any other destination decided by the minister, then they will be judged on that.

Each and every one of us in the chamber knows that Mr Abbott has been told—he has been advised by the officials—that his preferred position of Nauru will not work; it will fail. We know that. Those on the other side know that. This is all about the opposition's strategy to oppose, oppose, oppose in order to gain some political momentum to help their cause. But the reality is that the option of Nauru is too expensive—a billion dollars. It is not even ready for operation.

As I have said, when it comes to this government, the issue of refugees is a very emotional one. When men, women and children who, in most cases, get on an unseaworthy vessel in order to come to this country, we will as a government always have the overriding obligation to prevent loss of life and to ensure that we take every action possible to stop people smugglers and those who organise that trade—not the victims. We have compassion for the refugees. We have real compassion.

Senator Abetz interjecting—

Senator POLLEY: I am not going to stand here and have interjections from you, Senator Abetz, when you are trying to lecture me on compassion for refugees or human rights issues. We will all be judged in history on what happens with this issue and on every other issue, including the $70 billion crater because your party has now walked away from openness and transparency when it comes to budgets.

Senator Abetz: What has that got to do with refugees?

Senator POLLEY: It has everything to do with the credibility of the opposition. It has everything to do with the credibility of Tony Abbott and the fact that he no longer has any credibility when it comes to the issue of refugees, because he is known as Mr Flip-Flop. (Time expired)

The DEPUTY PRESIDENT: Before I call Senator Bernardi, could I remind senators to address their remarks through the chair and please address the members of the other house by their correct names and titles.

Senator BERNARDI (South Australia) (15:13): In commencing my address, I must say that I do have respect for Senator Polley, but she does herself no credit by making
outlandish claims in this debate. We have a very serious situation on our hands. We have thousands of people who are paying people smugglers and hopping onto leaky boats to come to Australia in order to gain residency here through what many regard as the back door. What has come to light is that an estimated four per cent of the people who undertake this journey die in the process. It has been denied; it has been the unspoken hideous, grotesque part of this entire process until it was let slip in the leaky Labor caucus. We know that this government has been busily saying that it has nothing to do with their processing regime; it is not pull factors. We also know that this government is incredibly discredited on this and any other item. I was horrified when Senator Carr today said the coalition's policies were responsible for people dying. That is simply untrue and, whilst the minister denied saying it, I think Hansard will reflect that his choice of words or judgment was simply appalling. The difficulty is that it is not just the government in this circumstance. We have an even more insidious threat that is happy to capitalise on this human misery, and that is the party of Greens. The party of Greens do not want to have any offshore processing whatsoever. They want anyone to hop on any boat, whatever they can afford, and float over here and be released into our community irrespective of the security issues or the dangers.

This is one of the great dangers to our country—the people who sit in the wedge on my left are people who are happy to trade in human misery for their own political advantage. There are some in the Labor Party who genuinely have an objection to offshore processing from a humanitarian perspective but they have not yet confronted the issue of all of these people dying in the attempt to get here. This government has since tried to cook up a number of solutions: a regional processing centre in East Timor and, the most recent one, the Malaysian solution.

I share their concerns. I do not want people coming to this country in a boat. I do not want them paying people smugglers to get here to claim refugee status. I make that point up-front, but it is simply wrong to transfer them to Malaysia to conditions where they will be subject to punishments or where there is very little security or safety for them. To do it under the guise of some sort of humanitarian issue is simply preposterous.

I know those on that side of the chamber are looking for a political fix and there is a political fix. It is very straightforward: bring back temporary protection visas, speak to the President of Nauru and stop the boats. It is only by stopping the boats that you are going to stop people dying in attempts to come here. It is only by stopping the boats that you will stop the budget catastrophe that you are unleashing on the Australian people by having to build the great monuments to your failure—the detention centres. You probably have not been to some of these detention centres but I can tell you it is a grotesque example of how hopeless the Labor Party has been about managing this issue.

You stand with shame, all of you, because your failures are resulting in more and more people risking this perilous journey and dying in the process. You still refuse to accept that your policies have anything to do with it. If you had a shred of decency and integrity you would pick up the phone to the President of Nauru. You would bring back temporary protection visas.

*Honourable senators interjecting—*

**The DEPUTY PRESIDENT:** Order! Senator Bernardi, address your remarks through the Chair please.

**Senator BERNARDI:** Mr Deputy President, if they had a shred of decency and integrity they would stop this insidious trade
in people. They would stop the swap of people between Malaysia and Australia. We know how they can stop it but they will not, such is the ego, the hubris, that emanates from that Labor caucus. Goodness knows why everything they touch turns to custard. Goodness knows why they are so arrogant in how they approach this. We have got a policy failure; we have an integrity failure. It is costing people's lives and billions of taxpayers' dollars and these people simply do not seem to care. It is a shame; it is a travesty; it is an indictment upon this party.

Senator GALLACHER (South Australia) (15:18): I listened with great interest to those on the other side lecture us about how we should do business, but it is pretty simple. We are committed to offshore processing. We want to destroy the people-smuggling business. We share your empathy; we do not want people drowning at sea.

Senator Cormann interjecting—

Senator GALLACHER: You just need to listen for a second and learn something. Australia has the greatest humanitarian effort in the world. We do well with refugees. This is a broken system that needs fixing; we simply need to restore offshore processing. The High Court decision is a setback. You need to set aside your political motives and use some guts, some determination, and share our commitment to fix this. Australians are probably sick of the political arguments about this. They simply want it fixed. Your comments about Nauru do not hold water. Nauru is unsound policy. I think the people smugglers are well informed: send people to Australia, they go to Nauru, which is an expensive stopover for us, and eventually they get resettled in New Zealand or Australia. The people smugglers sell that message—if you get to Nauru there is a 95 per cent chance of being resettled.

We want to have an orderly migration process. We want our humanitarian effort to be successful. We do not want an ineffective opposition policy costing another billion dollars and we certainly do not want your thoughts and political aspirations to obscure the fact that we need to solve this issue. You have been asked to come to the plate, to step up and have a go at solving this problem.

The agreement with Malaysia has the support of the UNHCR who believe this is an opportunity for better protection of refugees in the region. The UNHCR wants certain protections in place for transferees and so do we, but this will be a policy that is consistent with our international treaty obligations on human rights. The Labor government feels that it is doing the right thing in destroying the people-smuggling trade. This Labor policy is about putting in place a regional framework to destroy the people-smuggling trade. Step up to the plate and join us on that. The reality is that four per cent, as has been stated here today, of those who take that perilous step to pay for a passage to Australia do not make it. Members on the other side really have to join us on this and put a stop to that. You need to support our policy, get in there, put your numbers up, put your heart and political will with the Labor Party and solve this once and for all for Australians. You simply cannot keep being obstructive and throwing stones in respect of all of this. And you lecture us! What about Tampa and children overboard? There has been 10 years of debate on this subject. We need to fix it and you need to come to the party so we can get this issue resolved. As the weeks go by—

Senator Cash interjecting—

Senator Cormann interjecting—

The DEPUTY PRESIDENT: Order, senators on my left!

Honourable senators interjecting—
The DEPUTY PRESIDENT: Order! Senator Gallacher is trying to get through his speech. Would you let him continue. There should be silence from the senators on both sides of the chamber.

Senator GALLACHER: On this side of the chamber, we believe that this agreement with Malaysia is the only policy that will break the people-smuggling trade, that awful trade where people are making huge amounts of money by allowing people to pay for passage to Australia and risk their lives and their children's lives by putting them on boats—and not all of them make it here. As we were told in a briefing the other day, we do not even know about some of the boats that sink before they get to our waters. We need that stopped. We need the party opposite to come to the table, actually get stuck in and support our position to get offshore processing going. Let us get back to doing what we do best—accepting humanitarian refugees without the tragedy of asylum seekers getting on leaky boats and not making it.

Senator EDWARDS (South Australia) (15:24): I also rise to take note of the answers given by Senator Carr to questions asked by Senator Ronaldson and Senator Cash. Indeed, this Malaysian swap deal has some very serious problems. There has been policy catch-up ever since 2007. Despite all the promises made by Kevin Rudd prior to that election, it has been policy catch-up ever since. From the outset, adequate protections were not put in place. It has been like a rabbit in the headlights. We have been jerked from East Timor to Papua New Guinea and to Manus Island.

Today, we have heard that the Malaysian agreement is not even binding, that it is only an intention and that the proper protections are in place. However, it is not legally binding. So the government cannot even guarantee that sufficient safeguards will be in place for asylum seekers that they plan to dump in Malaysia. Minister Carr evaded the question; in fact he gave a lesson in speaking without answering the question. He did not even address clause 16. Clause 16 says that it is not a legally binding agreement on the parties. This is yet another half-baked idea the Gillard government can add to its long list of policy disasters: the carbon tax, the live cattle export ban, the pink batts, cash for clunkers, GroceryWatch, school halls etcetera.

People smuggling is a business flourishing in the offshore countries because Labor is handcuffed to the Greens. Why don't you sort the policy out with the Greens whom you are handcuffed to on this issue? On this side, we have a plan, a plan that has been proven to work. In fact, the Australian people re-elected the Howard government in 2004 on the plan of managed asylum seeker migration. Why is this government wasting time and taxpayers' dollars when there is already a proven plan? We would restore temporary protection visas and the processing centre on Nauru. Have some backbone. Minister Carr said 'jellybacks'. Talk about the pot calling the kettle grimy bottom.

We need to turn those boats around when circumstances permit. Do you know what message that sends to the people who are in the business of people smuggling? The message will be very quick: they cannot bring people to this country because there is a threat that they will be towed back. It does not mean that they will be towed back; it means that they know that they will be towed back and that threat is imminent. It will destroy their business plan. They do not have any authority to say that those people will be able to get here and the wealthy asylum seekers will not be able to queue jump those people legitimately seeking to come to this country.
Nauru is a signatory to the UN convention on refugees and this will take effect later this month. Nauru will introduce domestic laws that will give support to the protections and obligations it has signed up to. Nauru is not signing up for a five-for-one swap. We must stop the boats. Nauru is not the answer on its own; it involves a range of measures that the coalition will put in place to strengthen our borders—which Labor have continued to weaken.

Do we really want to send asylum seekers to a country where almost 30,000 people were caned over a five-year period up to 2010? Do we really want to send children to a place where they will be denied access to public schools, where there is only one clinic funded by the UNHCR that is shared with 94,000 refugees and countless more asylum seekers? No. This government is a policy vacuum on managing our borders. It is cruel and over 400 have perished. If four per cent of people died every time they got onto an aeroplane every morning in this country there would be outrage. This is an outrage.

Question agreed to.

CONDOLENCES
Jull, Hon. David Francis

The DEPUTY PRESIDENT (15:29): It is with deep regret that I inform the Senate of the death, on 13 September 2011, of the Hon. David Francis Jull, a former minister and member of the House of Representatives for the divisions of Bowman and Fadden, Queensland, from 1975 to 2007. I call the Leader of the Government in the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (15:30): by leave—I move:

That the Senate records its deep regret at the death, on 13 September 2011, of the Hon. David Francis Jull, former Member for Bowman and Fadden, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

I have had to speak on a number of condolence motions in this place, and it is sometimes quite difficult to do when you did not know the person. But I had the pleasure of knowing David Jull—not well, but I knew that he was a very personable and interesting man. I know that, as well as his old Liberal colleagues, a lot of Labor members were very fond of him. So there is a much stronger personal connection with David Jull for many senators in the chamber. I know everyone was shocked and terribly saddened to hear of his passing.

David Jull was born in Kingaroy, Queensland, on 4 October 1944. After being educated at the University of Queensland, he had his first career in broadcasting—which I did not know—as a presenter on radio and television from 1963 to 1965.

Senator Fifield: Great voice!

Senator CHRIS EVANS: That is an interesting background that I did not know about. From 1965 until directly before his election to parliament in 1975, he held the position of Director of Television for TVQ in Brisbane. As a Brisbane media personality, David could boast that his face was the very first on Brisbane's Channel 0, appearing on screen as the network's first newsreader. I am sure he used his excellent broadcasting skills and voice to mount a successful campaign for the House of Representatives in 1975, as the Liberal candidate for Bowman, a seat he won and held until the Hawke government was elected in 1983.

After his electoral defeat, David Jull took up the position of Deputy Manager of the Queensland Tourist and Travel Corporation. His passion for travel continued throughout his parliamentary career, and I know he gave
many a parliamentarian advice on destinations and travel packages, to their delight. I think at times it was a full-time job for him. People used to say to me: 'If you want to know how to get somewhere and want the cheapest ticket, go and ask David. Buy him a cup of coffee and he'll save you a thousand bucks.' I know many colleagues from both sides of the parliament used to take his advice. I think some of them went on some pretty exotic routes at times. But he always made himself available to provide that advice across the parliament.

It was only a short time later, at the 1984 election, that he was re-elected to the parliament as the member for Fadden, a seat he continued to hold until his retirement at the 2007 election. He was elected 11 times, which is an astonishing record for any parliamentarian and beats Sir James Killen's record for service in the House of Representatives. At a time when the average time of service in the parliament has been reducing, it is truly a remarkable record.

After serving as a member of the shadow ministry from 1989 to 1994, he was appointed to the first Howard government ministry as Minister for Administrative Services in March 1996, serving until September 1997. He resigned as a minister in 1997, following allegations made regarding his role in overseeing parliamentary allowances. His contribution to the parliament continued, though, and he was a big contributor to the committees of the parliament. He served for a decade as Chair of the Parliamentary Joint Committee on ASIO and later as Chair of the Parliamentary Joint Committee on Intelligence and Security, where he presided during its important inquiry into the performance of the Australian intelligence services in relation to Iraq's weapons of mass destruction during 2003-04.

I had the pleasure of being on a delegation which he led to Indonesia in 2003. It was a delegation that included Senator Natasha Stott-Despoja and my former leader Kim Beazley. It was very well led by David Jull. His affability and ability to get on with people and to provide a sense of team within the delegation did him proud. We had a very successful delegation, and that in part was a reflection of his style and inclusiveness. I very much enjoyed his company, although I think he had a couple of bad habits that probably did not contribute to good health. Ill health during his time in parliament obviously was an issue. It was with great relief and joy that he overcame cancer, after being diagnosed in 2005. As the Prime Minister said yesterday, it is a matter of deep regret that, after 30 years in public life, his retirement was obviously far too short, just four years.

David Jull is very fondly remembered by members of this parliament on both sides of the chamber. On behalf of the government, I offer condolences to his family and to his many friends in this parliament.

Senator IAN MACDONALD (Queensland) (15:36): I am honoured to join the Leader of the Government in the Senate in speaking to this motion of condolence for the late David Francis Jull, or 'Jully', as he was known to all of us. I am particularly grateful to the Leader of the Opposition in the Senate, Senator Abetz, for allowing me to be the principal speaker on this motion. I also want to acknowledge our deputy leader, Senator Brandis, a fellow Queenslander, who has kindly allowed me to second the motion.

I want to extend to David's family and friends—particularly his sister, Gwen; brother, Peter; sons, Michael and Jay; and nephews, Stephen and Andrew—the condolences of all senators and in particular the condolences of some Queensland senators.
who worked with David in various forms over the years: Senator Brandis, Senator Mason, Senator Boyce, Senator Boswell and Senator Joyce.

With some of my remarks, I know that other former parliamentary colleagues and friends would want to be associated. I particularly mention two of David's best mates, former Senate leader Robert Hill and Mr Christopher Pyne MP, both of whom lived with David in their Canberra establishment for all of the time that David and his colleagues were in Canberra together. I know that former senators MacGibbon, Herron and Parer and previous Queensland MPs who worked with David—John Moore, Don Cameron, Kathy Sullivan, Kay Elson and Peter Lindsay, to name a few—would also want to be associated with some of my remarks. I know that his long-term and very loyal staffer and friend Anne Quinlan will be devastated by David's passing.

All those who worked with David were influenced by his commitment, energy and humour and by his passionate beliefs in liberalism and the Liberal Party. David was, as Senator Evans has mentioned, elected as the member for the Brisbane bayside electorate of Bowman at the 1975, 1977 and 1980 elections but was defeated in 1983. He returned to federal parliament as the first member for Fadden in 1984 and was elected handsomely at every subsequent election until his retirement in 2007. In David's final speech to the House of Representatives on 19 September 2007 he quoted the 129th psalm:

Many a time have they fought against me. Yea, many a time they have fought against me from my youth up, but they have not prevailed against me.

As he said then, he was particularly pleased that he left this place in his own time. They, as he said, did not get him. I was never quite sure who he meant by 'they'! David was a real liberal and, as one of his long-term friends Tom Harley said of him was 'a figure of constancy with his liberal values'. He was a genuine small 'l' liberal and his whole life and his work in parliament reflected that.

Not that the Liberal Party ever has any factions, but David could always be relied upon when his vote or influence was needed in preselections or elections to the executive. He did involve himself very closely with party units in his own electorate and when necessary to help his friends in the wider Queensland scene. He was very much involved in what were the awful eighties for the Liberal Party, with leadership challenges from Peacock to Howard to Peacock and then to Hewson then Downer then Howard again. Jully was certainly a player in many of those events.

Jully was passionate about the tourism industry and in fact had worked in that industry prior to his second entry into parliament. He was a great advocate for tourism, particularly in Queensland, and contributed in many ways to its success in its halcyon days. He was also one of the most knowledgeable people in relation to aviation matters and took that to extremes by knowing the history of every single aircraft flown domestically by both Qantas and Ansett. He was able, without hesitation, to advise important details like when and where an aircraft was manufactured, where it had flown, how many problems it had had that needed to be rectified and which aircraft had the most comfortable seats. He was not all that fussed with Ansett Airlines, which he would always refer to as 'Criminal Air'. This followed a policy altercation he had had with a very prominent former owner of Ansett—now deceased, I might say—who had threatened to have him killed because of certain policy arguments he had had about Ansett. He was not much more complimentary about Qantas, either, and I recall he had a name for
David will be remembered for many good works, for the help he gave to constituents and for the contribution he made to Australia. However, as Senator Evans mentioned, there are many former colleagues from both sides of parliament who are eternally grateful to David for advice, itineraries, and even on occasions bookings at the right price, for any airline journey around the world. In fact, again without much thought, he could tell any prospective traveller the daily schedules for aircraft flying to anywhere in the world, and it was not too difficult to learn from David when the first plane left Stockholm bound for Kathmandu.

I think David was happiest in his parliamentary duties when he was the shadow minister for tourism and aviation, and he would often talk about how aviation and tourism was so inextricably intertwined. Perhaps his unhappiest moment in parliament but one that he never mentioned, not even in his final speech, was the time of his departure from the ministry. Every parliamentarian aspires to ministerial office and, after many years as a shadow, David was appointed Minister for Administrative Services in the first Howard government. It was a large and complex portfolio dealing with the total operations of government. The 1996 Howard government had a debt of some $96 billion to pay off and so the focus of all ministers was cost cutting. This particularly fell to the Minister for Administrative Services, who was required to find savings across a range of government operations. David did this very well.

There was a period in the early days of the Howard government when some ministers got into some trouble. There was a particularly prominent minister who was under media and other scrutiny. It was suggested to David Jull by a 'higher authority' that he should ensure that only the essential facts of the particular issue were released. It later transpired that more facts became public and in the subsequent hue and cry it was necessary for someone to fall on their sword. David did this although he was completely blameless. The irony of it all was that David, through his days in the Queensland Liberal Party, was never a great fancier of the National Party and the fact that his departure from the ministry resulted from the indiscretions of a National Party minister with whom David had had only a professional relationship was something that I think hurt David the most. But I repeat that he never expressed any bitterness about his treatment and never mentioned it in any parliamentary speech.

For the last decade of David's parliamentary career he was the very distinguished chair of the Joint Committee on Intelligence and Security, and he had this role during the time of 9/11 and the war on terror that followed. He can rightly claim some credit for the fact that Australia has never suffered from any onshore terrorism attacks since that time. Jull was a great raconteur, a joke teller extraordinaire and his humour and irony were legend. He was a big man, in all senses of the word, a nice bloke and a very loyal friend to have. I have many fond memories of my association with David, which curiously preceded our political involvement. His father, who was an Anglican minister, baptised me at St Mary's in Redcliffe when I was a baby. We often would mention that.

His deep voice and his presence suited him brilliantly for his earlier career as first of all a radio journalist and subsequently a front of camera TV journalist. He was assistant manager of Channel 10 in Brisbane. Even following his retirement from parliament, David helped out with a couple of com-
COMMUNITY RADIO STATIONS IN THE BRISBANE-GOLD COAST AREA.

Among his many other good deeds and words, David Jull will always be remembered for his part in the formation of a serious policy group of likeminded individuals called the Black Hand Society. This far from exclusive society brings together some of the finest minds, the greatest wit and the best bons vivants from around the country once a year, usually on the eve of the annual Liberal Party Federal Council meeting. The only business transacted at these meetings involves a number of penetrating, ever so slightly disrespectful but always enjoyable speeches. David was always a principal participant in these gatherings and very often the MC. The Black Hand Society will continue forever and every meeting will be a commemoration of the life, wit and loyalty of David Jull.

His one fault in my mind was that he refused to give up smoking until it was too late. As a result he suffered from lung cancer for which he had several operations. His fight with cancer resulted in the loss of one lung and part of the other lung but he never gave up. He was always cheerful through a very torrid treatment process and he never let his illness get him down. I am particularly grateful that recently a group of David's Queensland parliamentary colleagues got together for a very long lunch at which David was at his sparkling best, as we lingered over one, or two or more bottles of a very good red. We left that lunch believing that David had again won his battle. Several weeks later a special meeting of the South Wing Group, another once a year gathering, this time of former Howard government ministers, was specially convened in Brisbane to enjoy David's company and presence. Unfortunately, at that meeting David was clearly not well but he did not let that interfere with his enjoyment of the gathering of his old ministerial colleagues, including John Howard, all of whom had made a special effort to be with David in what turned out to be his last meal with us all.

David was a man of faith, a great and loyal friend to all those who knew him well, and he will be sadly missed. May he rest in peace.

Question agreed to, honourable senators standing in their places.

PETITIONS

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

HALAL ISLAMIC FOOD

TO THE HONOURABLE PRESIDENT AND MEMBERS OF THE SENATE IN PARLIAMENT ASSEMBLED

This petition of certain citizens of Australia draws the attention of the Senate to the dramatic expansion of Halal Islamic food in Australia and the lack of choice for those citizens who do not wish to eat Halal certified food that has been dedicated to the Islamic deity "Allah" and certified by an Islamic Authority who charge a fee.

We therefore humbly request the Senate to ensure that Halal Islamic food does not become the norm in Australian shopping centres, schools or defence bases etc and to ensure all Halal Islamic food is clearly labelled with a legible description and that Australian customers always have the choice of Halal Islamic food or non-Halal Islamic food, as we oppose any imposition of Sharia Law in Australia.

And your petitioners, as in duty bound, will ever pray.

by Senator Faulkner (from 34 citizens).

MARRIAGE

TO THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE SENATE IN PARLIAMENT ASSEMBLED:

Noting the following:
- that marriage is currently defined in the Marriage Act (1961) as being '... the union of a man and a woman to the exclusion of all others, voluntarily entered into for life,' each element of
which is essential to the integrity of marriage and each of which was inserted into the Marriage Act on a bipartisan basis in 2004;
- that marriage is one of the great institutions on which our society is built;
- that marriage provides for a stable family and is the umbrella under which Clerk of the Senate children are nurtured and grow; and
- that marriage is worthy of protection and support;

We, the undersigned petitioners, call on the Senate to support the definition of marriage as currently contained within the Marriage Act (1961)

by Senator Parry (from 22 citizens).

Kimberley Coast

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned shows:

The site on the Kimberley coast known as The Horizontal Falls, a world class feature and natural phenomenon, a place of special significance to the people of the Kimberley and an attraction to overseas visitors, is under threat from a proposal to mine copper there, and we the undersigned object strongly to any mining and associated activities near this area which would threaten the environment and tourism in this region.

Your petitioners therefore request that the Senate:

Ensures that mining does not take place near the Horizontal Falls, and that action is taken by the Commonwealth to ensure the area is protected into the future.

by Senator Siewert (from 259 citizens).

Petitions received.

NOTICES

Presentation

Senator ABETZ: To move:


Senator SIEWERT: To move:

That the Senate—

(a) notes that:

(i) the Japanese Government annually issues permits for the capture and killing of more than 20,000 dolphins and porpoises, and

(ii) the hunting of smaller cetaceans is a deliberate circumvention of any bans on the commercial killing of whales; and

(b) urges the Australian Government to:

(i) condemn the slaughter of dolphins and porpoises by Japan, and

(ii) recognise that the killing of dolphins and porpoises is coastal whaling.

Senator BILYK: To move:

That paragraph (17) of the resolution of appointment of the Joint Select Committee on Cyber Safety be amended to read:

(17) That the committee may report from time to time but that it present its final report no later than 30 April 2013.

Senator CAROL BROWN: To move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 September 2011, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the funding of political parties and election campaigns.

Senator SIEWERT: To move:

That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 22 September 2011, from 4.30 pm, to take evidence for the committee's inquiries into the Commonwealth contribution to former forced adoption policies and the Professional Services Review Scheme.
Senator HANSON-YOUNG:
Senator WRIGHT:
Senator McEWEN: and
Senator BIRMINGHAM: To move:
That the Senate—
(a) notes:

(i) the future of the South Australian National Football League (SANFL) broadcast on the Australian Broadcasting Corporation (ABC) is in doubt, and

(ii) the South Australian Football Association was established in 1877 (later to become the SANFL) making it the oldest football league of any code in Australia and one of the oldest sporting codes in the world;

(b) recognises the coverage:

(i) is enjoyed by thousands of South Australians and football is intrinsic to the culture of this state and the nation as a whole, and

(ii) is consistent with the ABC's charter which refers to broadcasts that contribute to national identity and cultural diversity; and

(c) calls on the ABC to maintain its broadcasts of SANFL games.

Senator FIFIELD: To move:
That the Senate notes the Gillard Government's failure to implement a sound fiscal strategy.

Senator MOORE: To move:
That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of Schedule 3 of the Social Security and Other Legislation Amendment Bill 2011 be extended to 19 September 2011.

Senator LUDWIG: To move:
That—

(1) On Monday, 19 September 2011:

(a) the hours of meeting shall be 10 am to 6.30 pm and 7.30 pm to 11.10 pm;

(b) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(2) On Tuesday, 20 September and 11 October 2011:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.10 pm;

(b) the routine of business from 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(3) Divisions may take place on:

(a) Monday, 19 September 2011, before 12.30 pm; and

(b) Thursday, 15 September and 22 September 2011, after 4.30 pm.

(4) The following bills shall be called on and be considered under a limitation of time and that the times allotted for all remaining stages be as follows:

Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and 4 related bills—commencing immediately until 11.30 am on 19 September 2011

National Health Reform Amendment (National Health Performance Authority) Bill 2011—commencing immediately after the preceding item until 1.40 pm on 19 September 2011

Education Services for Overseas Students (Registration Charges) Amendment Bill 2011 and a related bill—commencing immediately after the preceding item until 6.30 pm on 19 September 2011

Schools Assistance Amendment Bill 2011—commencing immediately after the preceding item until 10 pm on 19 September 2011

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011—commencing immediately after the preceding item until 1.40 pm on 20 September 2011

Tobacco Plain Packaging Bill 2011 and a related bill—commencing immediately after the preceding item until 10.15 pm on 20 September 2011

Australian Energy Market Amendment (National Energy Retail Law) Bill 2011—commencing immediately after the preceding item until 11 am on 21 September 2011
Migration Amendment (Complementary Protection) Bill 2011—commencing immediately after the preceding item until 6.30 pm on 21 September 2011.

(5) An amendment or request for an amendment to a bill considered under this order shall not be considered in committee of the whole unless it was circulated before the commencement of the consideration of the order of the day on the first day it is called on under this order.

(6) Subject to paragraph (5), this order operate as an allocation of time under standing order 142.

Senator MILNE: To move:
That the Senate—
(a) notes that:
(i) microbreweries are important niche businesses in Australia, providing valuable job opportunities and economic growth, particularly in rural and regional areas,
(ii) microbreweries need recognition within the tax system through the Microbrewery Refund, given that they are competing in a domestic market heavily dominated by large multinational companies,
(iii) the Microbrewery Refund was introduced in 2000 and that the definition of a microbrewery has not been reviewed and is now markedly out of step with industry reality; and
(iv) the maximum excise refund has remained capped at $10,000, while the beer excise has been raised twice a year for the past 11 years with the consumer price index; and
(b) calls on the Government to amend:
(i) the definition of a microbrewery under regulation 2AB of the Excise Regulations 1925, so that a microbrewery is defined as a brewery that produces up to 300,000 litres of beer annually, replacing the current maximum volume of 30,000 litres, and
(ii) paragraph 50(1)(zzd) of the Excise Regulations 1925 to remove the maximum of $10,000 excise refund that can be claimed in a financial year.

Postponement

The following items of business were postponed:

Business of the Senate notice of motion No. 1 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the establishment of an inquiry into media in Australia, postponed till 15 September 2011.

General business notice of motion No. 335 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to News International Limited, postponed till 15 September 2011.

BUSINESS

Leave of Absence

Senator KROGER: by leave—I move:
That Senator Fisher be granted leave of absence from 13 September 2011 to 23 September 2011, for personal reasons.
Question agreed to.

COMMITTEES

Gambling Reform Committee

Meeting

Senator McEWEN: At the request of Senator Crossin, I move:
That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 20 September 2011, from 4 pm.
Question agreed to.

Rural Affairs and Transport

References Committee

Meeting

Senator KROGER: At the request of the Chair of the Rural Affairs and Transport References Committee, Senator Heffernan, I move:
That the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on
Wednesday, 14 September 2011, from 4.30 pm, to take evidence for the committee's inquiry into the live export trade, together with the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2].

Question agreed to.

**Community Affairs References Committee**

**Reporting Date**

Senator SIEWERT: I move:

That the time for the presentation of the report of the Community Affairs References Committee on the funding and administration of mental health services be extended to 20 October 2011.

Question agreed to.

**NOTICES**

**Withdrawal**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:52): I withdraw general business notice of motion No. 383 standing in my name.

**BILLS**

**Telecommunications Amendment (Mobile Phone Towers) Bill 2011**

**First Reading**

Senator BOB BROWN: I move:

That the following bill be introduced: A Bill for an Act to amend the *Telecommunications Act 1997* and the *Australian Radiation Protection and Nuclear Safety Act 1998*, and for related purposes

Question agreed to.

Senator BOB BROWN: I present the bill and move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

**Second Reading**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:53): I present the explanatory memorandum and move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

The Telecommunications Amendment (Mobile Phone Towers) Bill 2011 amends the Telecommunications Act 1997 to introduce the precautionary principle for the installation of mobile phone facilities, to improve consultation with communities, scrutiny of site choices and expand the opportunities for appeal.

One of the purposes of the Telecommunications Act was the facilitation of a secure and comprehensive network to ensure national coverage for mobile phones. Nearly 15 years on the network is near completion, excepting some rural and regional areas. Many of the new facilities in our built-up areas aim to increase data download speeds rather than complete the network.

Since its introduction developments have occurred that are not captured by the Act, including the emergence of infrastructure developers and installation of ancillary equipment such as radio units. The intention of the height limits in the Act has also been undermined by carriers as the limits do not include antennae, brackets and other equipment.

The widespread powers given to telecommunication carriers to site their facilities have sometimes resulted in community dissent. While there is an industry code in place that outlines best practice, this code is not ultimately enforceable, leaving some people frustrated at their lack of recourse.

The bill will widen the opportunities for appeal for people concerned about the site of a facility and intensify the Australian Communication and Media Authority’s scrutiny of applications for permits and its complaints handling role. It will
also remove the exemption for "low-impact" facilities from local or state government planning processes.

Concern about the effects of accumulated exposure to electromagnetic radiation (EMR) is at the heart of some community dissatisfaction with the current Act. The bill will require telecommunications carriers and developers to consult people living within 500 metres of a proposed facility and gives those residents broader opportunities to appeal an installation. It also introduces a 200 metre buffer zone around sensitive sites such as schools and hospitals.

As part of the consultation process carriers will be required to provide Electromagnetic radiation (EMR) exposure maps and five-year plans for facility development to local governments, which will be publicly accessible.

Some European countries have taken a more cautious approach to allowable EMR exposure limits because of the absence of scientific consensus on the long-term effects of EMR exposure. The bill requires the Australian Radiation Protection and Nuclear Safety Agency to review the Australian limit within six months of the bill's introduction and then every five years, specifically looking at the practices of other countries.

The precautionary principle comes into play when there is a suspicion that an action may cause harm to the health of humans or the environment. In the case of mobile phone facilities there is no scientific consensus on the effects of long-term accumulated exposure to EMR, especially for children and adolescents. As such, carriers should take a cautious approach to the siting of facilities because there is an absence of evidence that they do not cause harm.

This bill aims to provide a better balance between the need for a secure and connected mobile telecommunications network and a community's right to protect itself from potential harm and determine the appropriate location for certain infrastructure.

I commend this bill to the Senate.

Debate adjourned.

MOTIONS
Convoy of No Confidence
Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:54): I, and also on behalf of Senator Nash, move:

That the Senate—

(a) notes that:
(i) in Australia, people have a democratic right to protest peacefully, and

(ii) the carbon tax and 'Convoy of No Confidence' rallies held outside Parliament House, Canberra, in August 2011 were peaceful; and

(b) requests that the Leader of the Australian Greens (Senator Bob Brown) and the Leader of the Government in the Senate (Senator Evans) apologise on behalf of their parties for derogatory comments made such as 'Convoy of No Consequence', 'Convoy of Incontinence' and 'it's a general smorgasbord of whingers'.

Question put.
The Senate divided. [15:59]
(The President—Senator the Hon. JJ Hogg)

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

AYES
Abetz, E
Birmingham, SJ
Boyce, SK
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Scullion, NG

Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Ryan, SM
Williams, JR
Senator WATERS (Queensland) (16:02):

I move:

That the Senate—

(a) notes that:

(i) 7 September was Threatened Species Day, and that this day in 2011 commemorated the 75th anniversary of the extinction of the thylacine (the Tasmanian tiger),

(ii) the global rate of species extinction is greater now than at any time in human history; and

(iii) Australia currently has 1785 nationally threatened plant and animal species;

(b) agrees that:

(i) as one of the most biodiverse countries in the world, Australia has a special responsibility to protect our unique species, which are inherently precious and must be preserved for future generations, and

(ii) it is incumbent upon this generation to arrest the global decline of biodiversity; and

(c) calls on the Government to commit, in its upcoming reform package to the Environment Protection and Biodiversity Conservation Act 1999, to reverse the decline of Australia’s biodiversity, including by strengthening the Act to preclude the Minister from granting any approval that would push a species to a higher level of endangerment.

Question put.

The Senate divided. [16:03]

(The Deputy President—Senator Parry)
Question negatived.

Wilders, Mr Geert

Senator DI NATALE (Victoria) (16:07): I move:

That the Senate—

(a) condemns the personal invitation by Senator Bernardi to racist Dutch politician Geert Wilders to visit Australia; and

(b) calls on Senator Bernardi to withdraw that invitation, or, if not, for the Leader of the Opposition (Mr Abbott) to intervene.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Flooding Recovery) (16:07): by leave—The government did not support the attempt by the Liberal Party yesterday to condemn individual senators of the Australian Greens. Today the government will also not support a motion to condemn a senator of the Liberal Party. However, the government does not agree with the views of Mr Geert Wilders. The Senate has important business to get on with in the national interest and this should take precedence over condemning individual senators.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:07): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator BOB BROWN: Contrary to what Senator Ludwig just said, the government did support the opposition's attack on the Greens yesterday, but it is dissembling from a very clear challenge to Senator Bernardi, who has invited this racist MP from the Netherlands to come to Australia.

Senator Bernardi interjecting—

Senator BOB BROWN: Senator Bernardi is calling me disgraceful for making it clear that he did invite this racist MP from the Netherlands to come to Australia. He should be taken on his own words on that. I read from the Spectator magazine where he makes it clear that:

After extending an invitation to Wilders to visit Australia, I took my leave en route to Brussels …

If his own comment is wrong, he should explain that to the Senate. Of course, we do not prescribe who does or does not come to this country, but it is a very different thing when a member of the Senate does invite to come to Australia a speaker of inflammatory and racist comments which besmirch Islam and besmirch people who practise their religion. The government has decided to support the opposition in defence of Senator Bernardi. That speaks for itself.

Question put.

The Senate divided. [16:11]

(The Deputy President: Senator Parry)

Ayes .................9
Noes ..................43
Majority ..............34

AYES
Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

NOES
Arbib, MV
Bilyk, CL
Boyce, SK
Bushby, DC
Colbeck, R

Bernardi, C
Boswell, RLD
Brown, CL
Cash, MC
Cormann, M

CHAMBER
Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Carbon Pricing

The DEPUTY PRESIDENT: I have received a letter from Senator Fifield proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The Gillard Government's plan to damage business and consumer confidence through the introduction of a carbon tax.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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

Senator COLBECK (Tasmania) (16:14):

It is indeed a pleasure to speak to a letter put to the Senate by Senator Fifield. It is true: there is a crisis of confidence throughout the business and consumer sector. I do not think there is any doubt about that. All the indicators demonstrate that there is crisis of confidence throughout the business and consumer sector. There is absolutely no question that the introduction of a carbon tax is a significant element in that crisis of confidence.

We have seen in recent weeks the complete crisis that runs through the manufacturing sector at this moment. In fact, Mr Paul Howes, one of the four people responsible for choosing our Prime Minister—or deciding that the last one should be dethroned—said that Australia’s manufacturing is in its deepest crisis since the Great Depression. If that is not an issue of crisis of confidence, I do not know what is. The published polls also talk about the crisis of consumer confidence and business confidence. In fact, in my home state of Tasmania confidence is the lowest I have seen it for a long, long time.

We see now the spectre of this country, under the governance of the Gillard government, being considered a global sovereign risk. We all know that finance is very mobile. It will pick its best point to go to. I have not heard since the early 1990s, when the Labor-Greens government came into power in Tasmania, the strength and the vehemence of concern being expressed by business and the community around the sovereign risk that relates to government. Not only do we have that crisis of confidence in Tasmania but, unfortunately for Australia, we now have it nationally. We have global financiers looking twice before they invest in this country because they are concerned about this country’s sovereign risk.

We have seen the issues around this carbon tax that the government proposes to introduce providing considerable confidence
concerns to industry. We know that industries overseas are not going to be subjected to the globe's biggest carbon tax. This carbon tax is going to raise something on the order of $9 billion just in its first year. It is going to increase power prices by 10 per cent in the first year, and they will go up by more than that afterwards. It will increase gas prices by nine per cent just in the first year, and it will be more and more every year after that.

I do not know what has specifically been happening in other states, but in my home state of Tasmania we have had a 40 per cent increase in energy prices over the last two years. That is projected to increase another 20 per cent in the next 12 months. The government is going to impose a 10 per cent increase in energy prices over and above that. Tell me why there would not be a crisis of confidence. Tell me why there should not be any concern in the local community about the capacity of people to pay their power bills. Why is it that the elderly are staying in bed rather than paying their power bills, so that they can keep warm? Why is it that consumer confidence is so low? Why is it that business confidence is so low? It is because of the performance of this government and governments like this, particularly governments that are dependent upon the Greens to stay in power, such as the government in Tasmania.

That is why the economy is so soft. That is why manufacturing and consumers are so concerned that at a time when things are tough, particularly for manufacturing, the Gillard government is giving us an additional cost—a carbon tax that is applied across the economy, that trickles down right through the economy and will cost $9 billion a year. Yet the actual cost of abatement is less than $2 billion. Applying a $9 billion cost to the economy when the real cost of abatement is less than $2 billion does not make sense, and the community understands this. The business community certainly understands it. That is why it is saying it is concerned about investment and about the future of manufacturing. And that is why Mr Paul Howes says that Australian manufacturing is in its deepest crisis since the Great Depression.

When manufacturing is in that sort of crisis, why would you add the additional burden of a carbon tax? It just does not make sense, but it reinforces the fact that this government is so far out of touch. I was on King Island for a couple of days last week, talking to the community over there and hearing their scepticism about the promised impact of the carbon tax. The Prime Minister dropped in there on her way to Tasmania a few weeks ago. When confronted in the street she said, 'But the impact is less than one per cent.' She forgets that the impact in a remote regional community like King Island is actually magnified because of the additional costs of living in that community. She forgets that the only way for those communities to get on and off the island is to fly, and 30 per cent of the overhead costs of the airlines that service the island is for fuel.

**Senator Ryan:** They can swim.

**Senator COLBECK:** Perhaps they might like trying to swim, Senator Ryan, but I can assure you they prefer to fly if they can. But 30 per cent of the overhead costs of those airlines is fuel, which will go up by 10 per cent. The Prime Minister says that if a business puts up its prices by more than one per cent she will send the ACCC after them. Why wouldn't a business be concerned about having the ACCC banging on their door because their business costs have necessarily been driven up by more than one per cent? For those airlines with overhead costs of 30 per cent for fuel, a 10 per cent increase in the fuel price will put up their prices by three per cent. It is not difficult to do the mathematics. But Prime Minister Gillard says, 'If they go
up by more than one per cent, we'll send the ACCC around to have a look at them to see what the circumstances are.'

Another small business that I am aware of in my hometown of Devonport is an aluminium powder-coating business. They have done their numbers and their power price will go up by 10 per cent. They also use gas, which is going up by nine per cent. Their baseline costs will also go up by three per cent, coincidentally. So will that small aluminium powder-coating business have the ACCC coming in to talk to them? What about the vegetable processor at Forth whose power bill is $600,000 a year? This will cost them an extra $60,000. But what will they get for that? What will be the impact on the environment for that $60,000? There is a vegetable processor down the road a little further whose power bill is $1 million a year, so that will be an extra $100,000 on top of their costs, just for the carbon tax. They also have a $1.4 million fertiliser bill but they have not been able to determine what the additional cost for the carbon tax will be because that information is not available to them, yet here we are starting to debate the legislation in the parliament this week.

There is another major vegetable processor who is about to spend $17 million, albeit with some assistance from the Commonwealth and state governments. After having spent that $17 million to mitigate it, they will still have an annual bill of $1 million on top of their operational costs. We all know that that will most likely go back to the farmers. They cannot charge the supermarkets because they will not bear the cost. I could give you a number of examples. There are dairy farmers who will pay $10,000, on average, per dairy farm and an additional $8,000 to $10,000 in costs coming back from the processor.

There is no doubt that there is a crisis of confidence. All of the economic indicators demonstrate that there is a crisis of confidence, and the carbon tax is playing a significant role in generating that crisis of confidence.

Senator URQUHART (Tasmania) (16:25): There is one side of this place that has a plan to damage business and consumer confidence and it is not my side of this place. There is one side that come in here day after day after day, ranting about how our way of life is being ruined. They forget that Australia's economy is outperforming the world. We are in our 20th year of economic growth, which is a record unmatched by any other advanced economy. They forget that through Labor's quick action during the global financial crisis and the resilience of our economy we are now in a strong position. They forget that Australia's GDP is significantly higher than its pre-GFC level while many advanced economies are still struggling to make up for lost ground. They forget that our unemployment rate is lower than all but one major advanced economy.

They always forget that Australia has lower government debt and lower budget deficits than any of the major advanced economies and that we will return to a budget surplus sooner. They forget that, in the May budget, real growth in spending averaged one per cent a year over the five-year forward estimates. That is the lowest average growth rate in any five-year period since the 1980s. They forget that, in contrast, real spending growth averaged 3.7 per cent a year in the last five years of the former coalition government. The Gillard Labor government understands that it is important to keep government spending growth low so as not to crowd out private sector investment, something the former government seemed to forget in its final years. They forget that there are currently severe
economic problems across the world, from the Mediterranean to the United States. Their focus is so insular that they forget that these global issues weigh on the minds of businesses and consumers, resulting in movements in the confidence of these groups.

It is clear that the opposition have lost their way and are stuck in a deep hole of negativity. They concentrate on blustering negative anecdotes, and the facts are blatantly against them. The facts are that, under this Labor government, Australia has low unemployment, strong job creation, record terms of trade and an unprecedented pipeline of business investment. And whilst our fundamentals are strong, the government has a clear plan to maximise Australia's opportunities by getting back in the black by 2012-13, investing in productive capacity and boosting participation, moving to a clean energy future and advancing tax reform.

Today we focus on Labor's plan to cut carbon pollution and drive investment in clean energy technologies and infrastructure like solar, gas and wind. It will help build a clean energy future for our kids and our grandkids. Labor is committed to cutting carbon pollution because climate change is an issue that is not going to go away. Treasury estimates that if it does not put a price on action now, a price over $60 a tonne would be required to make the necessary cuts in carbon emissions.

It is unfortunate that those opposite have come in here today to completely misrepresent the Gillard Labor government's goal in this space. Today, they have put forward a matter of public importance that states:

The Gillard Government's plan to damage business and consumer confidence. They also purport that those on this side of this place have come here with a wrecking ball, seeking to destroy the way of life of hardworking Australians. There is one side of politics that has the wrecking ball out and it is definitely not this side. We have a plan for Australia's future and we are the party standing up and making the tough decisions. Labor are the party saying yes to taking action on climate change, not hiding behind two letters found consecutively in the middle of the alphabet.

Every cent raised from the carbon price will help businesses to make the transition to a clean energy economy, assist households and tackle climate change. The Gillard Labor government will support small businesses through the transition to a clean energy future, as we appreciate the important contribution small businesses make to our economy and to supporting jobs. The carbon-pricing mechanism will not apply to small business. It will apply to around 500 of the biggest polluters who will be required to pay for their pollution. Small businesses will not have to count or monitor their carbon pollution or electricity use. They will not have to fill in a single form as part of the carbon price reform.

Specifically, the Gillard Labor government is delivering a small business assistance package worth $1.3 billion in the 2013-14 income year to businesses with an annual aggregate turnover of less than $2 million. Ninety-six per cent of Australian businesses, approximately 2.7 million small businesses, fall into this category—hardly the wrecking ball those opposite continue to somehow believe. Further, while most small businesses will not be materially affected by the carbon price, the Gillard Labor government recognises the huge contribution small businesses make to our economy, so we are extending the small business instant asset write-off...
threshold to $6,500. This will boost cash flow and help small businesses to grow and invest in assets.

The Gillard Labor government will also establish a $40 million program to provide information to small businesses and community organisations on practical measures they can take to reduce their energy costs. Being able to get clear information from trusted sources is vital to small business. This program will be delivered through grants to industry associations and non-government organisations which have established relationships with small businesses and community organisations.

The Gillard government will also provide additional funding to improve delivery of clean technology advice and other non-grant business support programs to small and medium businesses. These include the supplier advocates and Enterprise Connect. Enterprise Connect advises small businesses on knowledge, tools and expertise to improve productivity, increase competitiveness and realise their growth potential. I have seen the benefits of Enterprise Connect's work first-hand where their services resulted in an expansion of the Hivotech workshop in Burnie, Tasmania. That is one example, of many, of the fantastic work undertaken by Enterprise Connect, a program that those opposite have threatened to axe, a program that actually solves a problem with industry: where small and medium sized business owners do not have the time or expertise to take their business to the next step, Enterprise Connect provides advisers with real business experience to facilitate the next steps in a business's journey. Additionally, all businesses in the food-processing, metal-forging and foundry industries will be able to apply for grants for energy efficiency improvements under the $200 million Clean Technology Food and Foundries Investment Program.

This Gillard Labor government sees assisting households through the transition to a clean energy future as vital for both consumer and business confidence. The initial carbon price of $23 per tonne will have a modest impact on overall household living costs. The Treasury estimates that it will trigger an increase in the consumer price index of 0.7 per cent, or $9.90 per week in average household living costs, of which about half is due to higher household energy bills. That is why nine out of 10 households will get assistance under the Household Assistance Package, to support them through the transition but to also support those small businesses that rely on household expenditure. In fact, almost six million households will get assistance that meets or exceeds their expected average price impact.

Those opposite do not see supporting households through the transition to a clean energy future as important. Not only will their plan to cut emissions, which one can only hope they still hold, cost the average household $1,300 per year but they will also rip away the government's entire Household Assistance Package. So not only will those opposite seek to slug households with a $1,300 new tax that they will give to some polluters, whom they have chosen, but they will rip away any assistance that includes any increases in the pension, unemployment benefits and family tax benefits. So much for looking after consumer confidence! Just yesterday, the Australian Council of Social Service said:

ACOSS has long accepted the overwhelming scientific consensus that climate change will affect us all, and are motivated by the stark reality that people who live in vulnerable situations and on low incomes will be affected first and worst.

This is the reason we have argued that effective and equitable action is vital to reduce carbon pollution and we are keen to work with all
parties to help build a community consensus around the solutions.

It then went on to say:

ACOSS is satisfied that the householder assistance package will provide people on low incomes with sufficient compensation to cover the anticipated modest increases in costs flowing to consumers.

Under the Gillard Labor government, assistance is permanent and it will increase. The extra payments are indexed to any future consumer price increases. (Time expired)

Senator Ryan (Victoria) (16:11):

Senator Urquhart, in her address, took exception to the motion as submitted by Senator Fifield and its reference:

The Gillard governments' plan to damage business and consumer confidence through the introduction of a carbon tax.

I suppose Senator Urquhart objected to the use of the word 'plan' in particular, as if the government had an intention to do this, so that has prompted me to think of something. I am genuinely unsure as to whether it is a plan by the government in the sense that I think Senator Urquhart referred to because, while it seems comprehensive and it seems orchestrated and it seems to be implemented with gusto in terms of negative impacts upon small business, I am not quite sure if it was actually intended in that particular way. But let us go through the list of measures that have been undertaken and have made life more difficult for small businesses and have attacked them as the very basis of our economy and, most importantly, have attacked small business people, not just as the basis of our economy but as the basis of our communities. I do not disparage those who work in larger companies—I have myself—but when you go down to the local footy club—whether it be rugby, rugby league or Aussie rules—or when you go to the local netball club, the banners around the footy field or the netball field are those of the local sponsors. They are the people who tip in a bit to actually help those community organisations work and the people who often make up the CFAs in my home state of Victoria. Often the local leaders in our community are small business people. This is one of the most objectionable facts about what Labor has done to the small business community: it has attacked these people who are the fabric of our community. But let us go through the list. We cannot start without mentioning the carbon tax. It is the point of today's debate. But then, of course, there was the promise that there would never be an increase in the superannuation levy, which was announced before the last election in part of the tax ambush of the Australian community. There is the reregulation of the labour market. There are the attacks in this budget particularly on contractors—because, God forbid, we actually let people become contractors and work at a pace that they wish to and do projects that they wish to. I note Senator Cameron has just taken a note, and I am sure he will have something to say about this.

This budget launches an attack on a most basic right, and that most basic right is to choose when and how one works.

We have the destruction of sectors of the economy through ill-thought-out programs like pink batts. There was quite a sustainable home insulation industry before the government announced the pink batts program that turned out to be such a disaster. Many of those people were the ones who suffered and saw their businesses destroyed because of the disasters that this government announced and implemented after it was warned that their programs would cause substantial problems. You cannot throw out a few billion dollars to people in the economy without any conditions about entry into the industry, other than having a help line and a phone number that you ring up and get your cash from, and not have an impact on the
industry that is there—that employs people. The businesses that were operating worked. But in order to meet the government's illusion of economic activity—it wanted to flap around and look like it understood what was happening with the global financial crisis—it destroyed an industry. What worries me is that more and more in recent weeks we are seeing this potentially happen in the renewable energy space.

We have the budget deficits and the record levels of government borrowing that are having a direct impact upon interest rates. That has two impacts. The government is crowding out private sector borrowing, which is basic economics and which has been identified in reports from committees of this house. Not only does that mean the government is forcing up interest rates through massive demand for funds; it is also putting at risk the fact that our banks are huge importers of foreign capital—some of the largest in the world—and that our banks need the good credit rating of the Australian government, and that demand is putting pressure on the dollar. When the government is out there borrowing such funds and when interest rates are higher than they need to be because inflation is being fuelled by this government's completely irresponsible budgeting, we also have a situation where that forces interest rates higher than they otherwise need to be, which forces the dollar higher than it needs to be. So any small business that is operating in an import competing space—where people can either buy offshore or substitute goods or substitute services—are having a more difficult time than they need to because of this government. It actually looks like a fairly comprehensive list, and I have not even mentioned them all because of time constraints.

What this government has is a complete lack of understanding of the challenges faced by small business and particularly small business people. They are not just numbers on a spreadsheet. They are people who have a limited number of hours. They have the same 168 hours a week that you and I have, Mr Acting Deputy President, and every extra burden, every little bit of business whereby this government makes life more difficult for them, works out as less time in the business or less time with the family. But this government does not understand that. They do not understand the challenges and the ethic of small business people.

But the question is: is it a plan? I am not quite sure, because while this government has shown that it is appalling with implementation, I suppose we could not deny the fact that it could be just an accident. It could be an accident that is simply based on incompetence or indifference. So, whether it is a plan or not in the sense that Senator Urquhart used, I am not sure. The truth is that it is probably a combination of them all. But more important is this government's stubborn refusal to acknowledge the evidence. The evidence of damage to the small business community and to business confidence is nothing short of extraordinary. I will just go through some examples from over the last few months.

The June quarter ACCI-Westpac Survey of Industrial Trends showed a downturn in business expectations, sentiment and outcomes. It says that the imposition of new taxes and soft demand from the household sector were among the key concerns of the businesses that were surveyed. Profit expectations for the next 12 months were at their lowest level in two years, with business facing rising production costs without the ability to pass these on to consumers. But I suppose the carbon tax will fix that, because we keep hearing about how the carbon tax is going to solve all the problems of the world. It is going to lead to new jobs and new industries in Australia. It is the first tax in the
history of humanity that has created jobs, as if there is no deadweight economic loss to a tax.

If we ignore that, then let us go to the next one. In July the Sensis Business Index showed that business confidence fell from 44 to 28 per cent in one survey—the second biggest drop in the 18-year history of the index. I suppose the only pity about that is that we did not have a similar survey during 'the recession we had to have' in 1991. Small business support for Labor was down at levels not seen since the dying days of the Keating government. But this government did not listen to that. In July 2011 the ACCI Survey of Investor Confidence showed that business conditions had fallen to a level not seen since the survey began in 1998. In August, the Australian Retailers Association survey found that 83 per cent of retailers are expecting consumers to spend less as a result of Labor's carbon tax, with a further 85 per cent believing the carbon tax will have a negative impact on business profitability. But that is okay because the Labor members opposite know more about small business than do the people surveyed.

Let us make an important point here about Labor's so-called renewable energy package, which we all know is a euphemism for the carbon tax: they did not model the impact on small business. They did not model the impact on small business at all. There is nothing in that package that talks about what is going to happen to the critical sector of the Australian economy that employs roughly half our people—nothing, except $30 million or $40 million to advertise to try and make small business not be as worried. But they are not as silly as the government thinks. In August, the ACCI Small Business Survey confirmed that small business conditions and expectations continue the trend of the previous 12 months and continue to fall. Profit growth, sales revenue and selling prices all declined as well as investment, most importantly, in building structures and equipment. If we go back to the eighties—and I remember reading and hearing speeches from then Labor ministers—the key driver of the future of the economy was business investment. When that starts to decline, it is the beginning of a very long tail that will lead to declining investment. The government might say they are investing, but that is no substitute for private sector investment. The government is levying a new tax, shelling it out to its favoured industries and prohibiting other industries—like trying to clean up coal use. The government using the power of patronage is not the path to having future strong investment, particularly in small business.

I will go on. In September, the ABS figures revealed that retail was continuing to soften. Finally, earlier this month, the latest Sensis Business Index showed that small business profitability fell during the current quarter and again with expectations continuing to fall in the next 12 months. Business confidence in the current government fell from 28 to 15 per cent and support for the carbon tax was a record minus 48 per cent. If the government will not listen to small business people, if it does not care about small business people, then the very least it could do is to start listening to the evidence. That is only a number of business surveys and ABS surveys from June to September and the evidence is overwhelming. Whether it is a plan or a result of their incompetence, I will not try to peer into their souls but I will say that a refusal to listen and being ignorant is just as negligent as not knowing at the beginning.

Senator CAMERON (New South Wales) (16:45): While I am always pleased to follow Senator Ryan, and I am always pleased to deal with the arguments that Senator Ryan puts up, I give more respect to Senator Boswell, Senator Joyce and Senator
Williams who do not believe in climate change and make no bones about it. There is a basis for their opposition to the government doing the right thing because they do not believe there is anything happening in climate change. They are climate change deniers.

But that is not the case with Senator Ryan and it is not the case with Senator Birmingham and Senator Colbeck, and that makes it even worse. The hypocrisy to actually come here and argue against something that you know needs to be resolved is the worst kind of hypocrisy, and that is the problem with the argument that Senator Ryan has put up. I just happened to stumble across some remarks of a would-be senator, Scott Ryan, at the Victorian Senate candidates climate change debate back at the Elgin Inn in Hawthorn on 7 November 2007.

You do not want to be reminded? Senator Ryan has bolted! Senator Ryan has gone; he does not want to be reminded of what he said. Well, I will put it on the record because I am sure he will not put it on the record. This is him trying to become a senator, trying to argue, 'Vote for me because I am such a great person on the environment'. He said he agreed 'there is a scientific consensus that climate change is occurring and it is human induced'. You would not think so from that lot that we just heard from him. He said:

The Liberals' policy is based on four main planks. The first one is:

- Recognising that we have a responsibility to preserve the environment for future generations.

What he has just come out with will not do anything for that. He went on to say:

- Understanding that climate change poses unique risks to our economy and environment.

He should tell Senators Boswell, Joyce and Williams. It is great that we have actually got a scientist in the National Party now. It is a real plus—a scientist in the National Party, Senator McKenzie—and I have asked her to give some basic scientific lessons to the leadership of the National Party in relation to climate change. It really is a big job for her and I hope she takes it up. I do not like her chances with Senator Boswell, Senator Joyce and Senator Williams but she should at least give it a go. She said she is a scientist and deals in scientific fact.

Let's come back to Senator Ryan. He said the third point was that the Liberal Party had:

- Responsibility to provide technological and policy leadership as one of the world's larger economies and a leading nation in the region.

How often have we heard those on the other side argue that we are only a small player? We should not be doing anything on climate change; we should just bail out to pollute all we like because we are a small country. Senator Ryan seems to have forgotten what he said back at the Elgin Inn in Hawthorn on 7 November 2007. He went on to say:

- It is our responsibility to reduce greenhouse gas emissions at the lowest possible cost.

Then he has the hypocrisy to come here and support a direct action approach, the so-called 'direct action', which we know is the most expensive approach to deal with climate change. Every economist worth their salt says this is a nonsense. We know that the former Leader of the Opposition, Malcolm Turnbull, now says it is nothing more than a fig leaf. It is a fig leaf from the opposition so they can ditch any approach to climate change as soon as they have the opportunity.

Senator Ryan went on to say on 7 November 2007:

The Liberals' policy on climate change is based on: grants to assist the development of low emissions technology; expanding the mandatory renewable energy target to 30,000 gigawatt hours by 2020, equivalent to 15 per cent of Australia's electricity production.
He goes on:

We will introduce a comprehensive and world's best practice emissions trading system.

**Senator McLucas:** Did he?

**Senator CAMERON:** He did say that. He said that on 7 November 2007 and the hypocrisy of Senator Ryan beggars belief. When he was trying to win the support of environmentalists in Victoria to become a senator, he said, 'We will introduce a low-cost best-practice emissions trading system'. I do not hear him saying that now that he is in here. He has his backside on the red leather and he is running a mile from his promises and running a mile from his position. I say it again: he said that the Liberals would introduce 'a comprehensive world best practice emissions trading system'. They have gone a long way from that.

So I do not really place much weight on the arguments from Senator Ryan. As I said, at least with Senator Boswell you know that he is a climate change denier, you know that he does not believe in the science and you know why he has taken the position he has taken. But from the hypocrisy of those who would go out in 2007, like Senator Ryan when he was trying to get the Victorian public to elect him to public office, and say all these things and then run away from those principled positions when they are in the Senate trying to claw their way up to the front bench of the Liberal Party, we know there is a problem. We know there is no credibility in terms of his position and we know that the scientific position is just ignored.

I turn quickly to what Senator Colbeck said. He said that capital is mobile and there is a sovereign risk because we are putting a price on carbon. I am on the Senate Select Committee on Scrutiny of New Taxes—for my ills, but I am there. We have a submission from the Investor Group on Climate Change. Who is on that group? AMP Capital Investors—and I would listen to them before I would listen to Senator Ryan—Australian Super, BT Investment Management—and I would listen to them before I would listen to Tony Abbott and the coalition—Cbus, Colonial First State Global Asset Management, Deutsche Bank Equity Research, Institute of Financial Services, Goldman Sachs, Merrill Lynch, Perpetual and UBS Investment Bank. What do they say? They say that we have to deal with climate change because to not deal with climate change is a problem and that that creates the sovereign risk. The biggest sovereign risk is not dealing with this, and the longer we delay dealing with it the more expensive it will be to deal with. They go on to say, 'The Leader of the Opposition's position on direct action is not a policy that is reasonable or will deliver.' They say that investors represented by the IGCC consider the coalition's policy:

... to be ... costly and ... unviable for capping national emissions.

So not only is it the complete opposite of what Senator Ryan said when he was trying to win public office and what he is now denying; the people who actually advise where you should invest say it is costly and not viable in capping emissions. They say, 'It will be a direct cost to the taxpayer.' And we know that that cost will be $1,300 for every taxpayer. The polluters will be told, 'You just pollute; we'll just tax.' That is their line: 'You just pollute and we'll just tax.' It will cost every taxpayer $1,300 to fund a policy that the market says is unviable and the market says is costly. Instead of doing what we are doing, looking after the Australian public, these people are taxing them and pushing a policy that is unviable.

Finally, the hypocrisy from Senator Ryan knows no bounds. He was out there telling the Victorian community that he believed in climate change, that he will do something
about it, that he will put in an emissions trading scheme and then as he climbs up the greasy pole he runs away from that.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (16:55): I am extremely disappointed in what we have heard from the two government senators—I hope that Senator Singh does a better job. Neither of the government senators went to the trouble of actually addressing the issue before the chamber. Senator Cameron spent the first eight minutes of his 10-minute spiel attacking the man. He did not once mention the issue of the impact of the government’s plans on business, small and large. He spent eight minutes attacking Senator Ryan. He spent eight minutes recounting past statements made by Senator Ryan and made no mention of what the government’s plans will do to small business. It smacks of a government that is trying to hide from the challenge and divert from the issue. The last two minutes he spent talking about one submission to the Senate Select Committee on Scrutiny of New Taxes. Senator Cameron, I am also a member of that committee—

Senator Cameron: You never attend.

Senator BUSHBY: I have read all the submissions and I have been to a number of the hearings. That one submission that you referred to may well have said what you said it did, but the vast majority of submissions to that inquiry have said that the government’s approach will not work and it will come at great cost to small and large business. Of course, the submitter that you referred to represents financial interests. Why wouldn’t financial interests welcome the introduction of a new tradeable market? Of course they would like it. There is money to be made from it. They are going to love it.

Senator Urquhart harked back to the fact that we have had 20 years of unbroken economic growth. Of course we have. We have had an amazing period of economic growth that has come on the back of reforms undertaken by both the Hawke government and the Howard government. The Hawke government reforms, major reforms like floating the Australian dollar and opening up the Australian banking industry to foreign competition, were all made with the full support of the coalition at the time. The major positive economic reforms under the Howard government were opposed by the then Labor opposition. The reality is that the reforms that were made under the Hawke and Howard years were what set the Australian economy up to withstand the 2007 global financial crisis and what occurred afterwards. It was not the appalling decisions made under Rudd and Gillard; it was the fact that we went into that so far ahead of every other developed nation in the world. So it is not surprising that we came out ahead of every other developed nation in the world.

Senator Urquhart also claimed that we have lost our way. She spent half of her time attacking us over what we were doing and the way we were talking down the economy. If we have lost our way and that is a problem, what does she say about the Prime Minister who upon becoming Prime Minister said that her government had lost its way and that that was why she was needed at the helm at the time? The way she has led Australia since she became Prime Minister is only leading to one outcome—that is, the loss of jobs and an increased cost of living.

Senator Urquhart also cited Treasury modelling and used that as some form of justification for the amazing positive benefits that are going to flow from this new toxic carbon tax. The fact is that the government will not release the Treasury modelling. We have no idea what assumptions are in the Treasury modelling. We are not even sure that the forecasts in the modelling are based on the carbon price that the new tax will start
with. They cannot confirm that. They will not tell us. But, if you have to look at modelling, there is modelling and there is modelling. I had many discussions with then Secretary of the Treasury, Ken Henry, about the veracity of forward modelling. He admitted over and over again that you cannot put a lot of store in the actual figures, that all they are is an indication of where things might go based on the assumptions that you plug in at the time. If you are going to look at modelling, you can look at the state modelling that we have seen in New South Wales, Victoria and Western Australia. In all cases it shows massive job losses in each of those states. That is modelling conducted by the treasuries in each of those states. Whether they are right or the federal government modelling is right I guess time will tell, but the reality is that you cannot just stand there and look at modelling and say: modelling says there will be XYZ; therefore, that is what is going to happen. It is entirely dependent on the assumptions that are built into the modelling in the first place and then the circumstances that actually apply to what you are modelling as you move forward.

Senator Urquhart also mentioned that there was $1.6 billion in compensation for small business. I am not entirely sure what that was, but she went on to say that there were 2.7 million small businesses that will be eligible. If that is the case, even if you accept that there is $1.6 billion available for small businesses to tap into—and that is $1.6 billion over two years—that works out to around $30 per annum per business. If you look at it, even on the government’s figures electricity is going to go up 10 per cent. If you were, say, a small drycleaner, you might have an electricity bill of $16,000 or $17,000 a year. You would get a $1,700 increase in the cost of your electricity—as a result of that 10 per cent increase. I do not think $30 a year compensation is going to go far in offsetting that $1,700 increase.

Senator Urquhart also mentioned that ACOSS was happy with the compensation. I can tell you that the compensation for households is a three-card trick. Even if you accept—which I do not—that the compensation that is being offered is sufficient to adequately cover the start price of $23 on this carbon tax, what happens when that $23 turns into $33 or $50 or $350, the figure that Treasury’s own modelling predicts it will reach in 2050? CPI indexation is not going to match an increase in cost to $350 per tonne of carbon. There is no way that the compensation is going to catch up. I think ACOSS and anybody else who represents low-income earners who thinks that this compensation is going to be adequate to ensure that people on low incomes do not suffer as a result of the carbon tax need to go and have a good hard look at their figures and revise their position.

The fact is that this government is introducing the carbon tax at the worst possible time. Australia’s manufacturing sector is already under pressure. A carbon tax will increase costs, which overseas competitors will not have to pay. Jobs will go offshore to factories which in all likelihood will actually emit more emissions than Australian manufacturers would in making the same product. Under the current economic circumstances, business simply cannot afford another tax. Yesterday—and Senator Ryan has mentioned some of this—the National Australia Bank put out its confidence index, which showed a dramatic fall in business confidence. Now is not the time to slap another tax on. Dun and Bradstreet yesterday released a report which showed that in the June quarter there was a 12½ per cent increase in insolvencies, and that followed 4½ per cent in the previous quarter—and this is at a time...
when, internationally, insolvencies are at a record low. But in Australia in the last quarter they went up 12½ per cent.

Businesses cannot afford a new, big, toxic tax at the moment. It is the worst possible time. This is because it will put them at a major disadvantage. There will be no level playing field when it comes to the carbon tax, because no other country is planning to impose an economy-wide price on carbon. The Productivity Commission report of just a couple of months ago clearly stated that not one other country on earth is bringing in an economy-wide carbon tax or emissions trading scheme—not one other country—and yet we are planning to do that. In the United States, all moves towards a national cap-and-trade scheme have been abandoned. While Europe has an ETS, it does not cover the whole economy and it provides many industries with free emissions permits. Just by contrast, the European ETS raises only $500 million a year, while Labor's carbon tax will raise $9 billion in its first year. That is $500 million in the European ETS—

Senator Singh interjecting—

Senator BUSHBY: which, as I said, Senator Singh, did not cover the whole economy and provides many industries with free emissions. It is not a fair comparison. Australian industry, by being saddled with a $9 billion tax a year in a much, much smaller economy than Europe has, compared to a $500 million a year tax in the European ETS, is saddled with a huge competitive disadvantage either when Australian businesses are looking to compete with businesses from Europe or, alternatively, when European businesses are looking to come into the Australian market. They will be able to undercut us and put our manufacturing industry, which is already under threat and suffering from a high Australian dollar, under great pressure. It can only be bad for jobs and for the economy.

Further, the government claims that China is acting to reduce its carbon emissions, but the fact is that China's emissions are forecast to rise by 500 per cent by 2020. We are looking at trying to reduce our emissions by five per cent by 2020. In the meantime, China's emissions are going to go up by 500 per cent by that same year. (Time expired)

Senator SINGH (Tasmania) (17:05): Well, haven't we been enlightened in here this afternoon by those senators opposite regarding their understanding of business and consumer confidence when it comes to the clean energy package before us! They are the party who come in here and talk about business confidence when they are the party that business have no confidence in. You are the party which have developed your $70 million black hole, which business certainly would not have any confidence in, which talk completely of budget dishonesty, not honesty—

Senator Bushby: Talk about your plan!

Senator SINGH: but, having said that, I am happy to talk about the plan, Senator Bushby. I am pleased that you, as a Tasmanian senator, contributed to this MPI today because it allows me to provide some insight into some of the holes in your arguments that you put forward. Firstly, I would like to congratulate the coalition again. Two days in a row now, you have set the MPI to provide the government with the opportunity for a positive contribution, in this debate, on the clean energy bills—to once again provide this place with an outline of our energy future legislative package.

First we have had Senator Urquhart already highlight the consumer confidence in this package, as supported by ACOSS—and which will be ripped out by those members opposite. But I would like to give you an
example of how businesses are looking forward to this new clean energy future. In fact, Senator Bushby and Senator Colbeck, who also contributed to this debate, will be happy to know that it is actually a business in Tasmania. I was fortunate to attend the opening of a brand new Alstom Australia workshop in Cambridge in Tasmania. Alstom's Tasmanian operations are part of a much larger organisation, but they are full of confidence and they always have been when it comes to a clean and sustainable energy future and the innovation that comes with it. That is why they are investing in Tasmania.

That is why Alstom have worked with Hydro Tasmania since 1994. They have broadened their core hydroelectric engineering services to include the manufacturing, refurbishment and installation of components for the mining, metals-processing, forest-processing and ship-building industries. They have cultivated a skilled, experienced and flexible workforce because they believe in a clean energy future package. It has given them great confidence in the future of their company and the viability of clean, green energy—so much so that they have spent $11 million on a purpose-built workshop in Tasmania. It is a 1.6-hectare site that includes space for future growth of their company.

That is business confidence. That is proof of business confidence in this government's package. And this investment obviously has spin-offs for other Tasmanian businesses. It is not only for Alstom but for all those businesses that Alstom will associate with. That is just in Tasmania, let alone all the other industries, businesses and areas in other parts of the country that will benefit from this package.

There is one other major beneficiary. The construction of the Alstom workshop was undertaken by a Tasmanian company called Derwent Park Developments. Derwent Park Developments employs more than 50 builders, subcontractors and suppliers. From Tasmania, Alstom services some of Australia's largest hydro and thermal electricity suppliers—Hydro Tasmania, as I mentioned, Aurora Energy, Nyrstar, AGL, Stanwell, Eraring and Snowy Hydro. So I ask: how is this not a wonderful example of business confidence at work? This is just one story though. I have every confidence that there are many other stories of success and many more to come.

Australia can be only a better place if we encourage businesses like Alstom that are becoming sustainable. To support this, the Gillard government will establish a range of grants to assist businesses to take these steps. This is more positive news that those opposite would not want to know about. An $800 million Clean Technology Investment Program will provide grants to manufacturers to support investments in energy efficient capital equipment and low-pollution technologies. We also have the Clean Technology Food and Foundries Investment Program, which will provide $150 million over six years to be available to the food-processing industry.

I would like to raise something that Senator Colbeck and Senator Bushby have touched on, and that is the issue of industries overseas that will not be subject to a price on carbon. As Senator Bushby touched on briefly, there are emissions trading schemes in place overseas. We have 89 countries accounting for over 80 per cent of global emissions and over 90 per cent of the global economy that have pledged to reduce or eliminate their carbon pollution by 2020. Scores of countries have already started the transformation to a low-pollution economy. Thirty-two countries and a number of US states have already had emissions trading schemes. This is not something new. An emissions trading scheme is something that
has been in place in other parts of our globe now for some time.

On top of that, those other big polluting countries—for example, the opposition members named China—are also introducing emissions trading schemes. The five trading partners of China—including Japan, the US, Korea and India—have implemented or are piloting emissions trading schemes or carbon taxes at the national, state and city level. They are all acting, as is this government. We are acting because we take the issue of clean energy seriously. We want to cut carbon pollution. We are acting on climate change because we believe the science and we understand the business confidence that follows from that, like the example that I have given of Alstom.

I encourage those opposite to read and to get their heads around this clean energy package. It might take a while; there are a number of components to this package. Perhaps they have not got their heads around all of it yet. But when they do over this week, next week and beyond they will notice that there is a lot of support for business. Senator Bushby would care about this, one would think, because he would know, coming from Tasmania, that we have a number of small businesses in Tasmania. In fact, 95 per cent of businesses in Tasmania are small business. That is why this government will be providing support to small business. On top of that, the Gillard government recognises that the move to a low-carbon future poses some challenges, and that is why the carbon-pricing mechanism will not apply to small businesses. Instead, it will apply, as we have heard but as the opposition need to be reminded again, to around 500 of the biggest polluters in Australia. Small business will not have to count or monitor their carbon pollution or electricity use. They will not have to fill in a single form as part of the carbon price reform.

While most small businesses will not be materially affected by the carbon price, we recognise the huge contribution that small business makes to our economy and so we will extend the small business instant asset write-off threshold to $6,500. This will boost cash flow and help small businesses to grow and invest in assets which may be more energy efficient. The government will also establish a $40 million program to provide information to small business and community organisations on practical measures they can take to reduce their energy costs—more good news, Senator Bushby; more good news to those opposite that perhaps they do not want to know about, because we know they are the party of negativity. We know they are the party of nay-sayers who do not want to act, who want to stay in their conservative world of not acting on the big issues, the big reform issues that this country has to tackle and has to face, as they are doing in China, as they are doing in the European Union, as they are doing in parts of the US, in Japan, in Korea and in so many other current parts of the world, India and the like. All these countries are moving to cut their carbon pollution so that our children will enjoy a cleaner energy future.

**The ACTING DEPUTY PRESIDENT (Senator Ludlam):** The time for this discussion has expired.

**BUSINESS**

**Leave of Absence**

**Senator CAROL BROWN:** by leave—I move:

That leave of absence be granted to Senator Collins today, for personal reasons.

Question agreed to.
COMMITTEES

Scrutiny of Bills Committee
Report


Ordered that the report be printed.

DOCUMENTS
Tabling

The Clerk: Documents are tabled in accordance with the list circulated to senators.

Details of the documents appear at the end of today’s Hansard.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:16): by leave—I, and also on behalf of Senator Parry, present a petitioning document relating to marriage.

COMMITTEES

Clean Energy Future Legislation Committee
Membership

Senator CHRIS EVANS: by leave—I move:

That Senators Milne, Pratt and Urquhart be appointed as members of the Joint Select Committee on Australia's Clean Energy Future Legislation.

Question agreed to.

Foreign Affairs, Defence and Trade Legislation Committee
Membership

Senator CHRIS EVANS: by leave—I move:

That Senator Sterle replace Senator Stephens on the Foreign Affairs, Defence and Trade Legislation Committee for the period 18 to 21 October 2011 and that Senator Stephens be appointed as a participating member of the committee.

Question agreed to.

BILLS

Business Names Registration Bill 2011

Business Names Registration (Transitional and Consequential Provisions) Bill 2011

Business Names Registration (Fees) Bill 2011

First Reading

Bills received from the House of Representatives.

Senator CHRIS EVANS: I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:18): 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—
BUSINESS NAMES REGISTRATION BILL 2011

The Business Names Registration Bill 2011 is part of a package of cognate bills. The package comprises:

• The Business Names Registration Bill 2011;
• The Business Names Registration (Transitional and Consequential Provisions) Bill 2011; and
The Business Names Registration (Fees) Bill 2011.

These bills, along with subordinate legislation, will create a national business names registration system.

Currently businesses need to register their names in each State and Territory in which they trade. Each jurisdiction has its own processes and fees. The proposed national registration system, to be administered by the Australian Securities and Investment Commission (ASIC), will mean businesses pay one fee to register nationally, using an online application process.

The idea of having uniform national business names registration laws across Australia has been around for a long time. As the result of an agreement among all Attorneys-General, uniform business names registration laws were put in place in all jurisdictions in 1962-63. Unfortunately there was no mechanism put in place to maintain uniformity, nor to prevent multiple registrations of the same name across Australia.

In 2008 the Council of Australian Governments (COAG) agreed that the Commonwealth would assume responsibility for the registration of business names. This reform proposal was one of 27 regulatory reforms forming part of the National Partnership Agreement to Deliver a Seamless National Economy. An Inter-Governmental Agreement for Business Names was signed on 2 July 2009 by the Commonwealth, States and Territories.

The national names registration system, combined with a number of other related initiatives such as the National Australian Business Licence and Information Service and the Australian Business Account, are estimated to provide benefits of $1.5 billion over 8 years to business, government and consumers.

The Commonwealth has no power to regulate all business names registrations in Australia, therefore the establishment of a national business names registration system and the legislation which underpins it relies on a referral of constitutional powers from the States to the Commonwealth. The States therefore must enact referral legislation to give effect to the national registration system, and the Commonwealth legislation is drafted in such a way that the national system cannot commence if any State does not refer or adopt the legislation.

The business names registration legislation package will set up a new national business names Register, to be operated by ASIC. Any entity carrying on a business in Australia using a name other than its own will be required to register with ASIC. This will enable the identification of the entity behind a business name.

The national registration system will assist new businesses by providing a joint online application for an Australian Business Number (ABN) and national business name, two of the most common registrations undertaken by those starting a new business. Combining these two common start-up registrations in a single online process will make it simpler to start a new business.

Under the new system, businesses will only need to complete a single online application, and pay a single fee, to register a business name nationally. This will mean, for most businesses, reduced registration costs and a simpler process, especially for businesses that trade in more than one State or Territory.

At present, a business operating in every State and Territory faces a cost of more than $1,000 to register a business name for three years. Under the national registration system, businesses will only pay one fee, which will be in the order of $70 to register for three years. An optional $30 fee will apply for a one-year registration.

To assist with identification of the entity behind a business name, the national registration system mandates an ABN for any new business name registration. Currently all State and Territory business name registers allocate a business name number. The allocation of such a number will no longer take place under a national system.

The Register will enable any party – be they a consumer or another business – to ascertain who the entity is behind a business name.

The Register will prevent identical business names in the States and Territories being
registered in the future. It will also prevent the registration of otherwise undesirable names such as names that are misleading to consumers, or offensive.

The national Register will also provide national rules to apply in relation to the use of business names when a person is disqualified from carrying on business.

Consistent with trademark law, registering a business name under this legislation will not give rise to any proprietary rights over that name.

Existing businesses will not need to do anything when the national registration system commences. Their existing State and Territory business name registrations will automatically be transferred into the new national business name Register.

People who are thinking of starting new businesses will be able to apply to register their national business names online, at any time, and in most cases will receive confirmation of registration immediately. Applicants will be able to follow a link to Australian trademark and domain name searches, which may be important to them in choosing their business names.

The new national registration system will commence after all States refer business names powers to the Commonwealth, or adopt the Commonwealth legislation. It is envisaged that States will have completed this process by March 2012, and the national registration system will commence by the end of May 2012.

Extensive consultation was undertaken to reach agreement among the Commonwealth, States and Territories on the structure of the proposed national registration system and the legislation which will establish it. Extensive public consultation was also undertaken, including two rounds of public consultation on draft legislation.

Full details are contained in the explanatory memorandum.

BUSINESS NAMES REGISTRATION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2011

The Business Names Registration (Transitional and Consequential Provisions) Bill 2011 is part of a package of cognate bills. The total package will, along with subordinate legislation, create a national business names registration system.

Existing businesses will not need to do anything when the new national business name service commences. Their existing State and Territory business name registrations will automatically be transferred into the new national business name Register.

Where there are identical business names currently registered in different jurisdictions, the proposed arrangements under the legislation will not require existing businesses to spend money on reissuing stationery or replacing signage. These businesses will be able to keep their existing business name, however a distinguishing mark will be placed on the business name Register allowing specific businesses operating in different jurisdictions to be identified.

My comments in relation to the Business Names Registration Bill 2011 also apply to this bill.

BUSINESS NAMES REGISTRATION (FEES) BILL 2011

The Business Names Registration (Fees) Bill 2011 is part of a package of cognate bills. The total package will, along with subordinate legislation, create a national business names registration system.

The Fees Bill is a taxing measure which will impose the fees for registering business names in the new national registration system.

At present, a business operating in every State and Territory faces a cost of more than $1,000 to register a business name for three years. Under the national system, businesses will only pay one fee, which will be in the order of $70 to register for three years. An optional $30 fee will apply for a one-year registration.

My comments in relation to the Business Names Registration Bill 2011 also apply to this bill.

The ACTING DEPUTY PRESIDENT (Senator Ludlam): In accordance with standing order 111, further consideration of these bills is now adjourned to the first day of the next period of sittings.
Indigenous Affairs Legislation Amendment Bill (No. 2) 2011

First Reading

Bill received from the House of Representatives.

Senator CHRIS EVANS: I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:19): I table a revised explanatory memorandum relating to the bill and 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—

INDIGENOUS AFFAIRS LEGISLATION AMENDMENT BILL (NO. 2) 2011

This Bill makes minor amendments to certain governance and business arrangements for portfolio bodies under the Aboriginal and Torres Strait Islander Act 2005.

At present, several statutory positions established under that Act are referred to by the term 'General Manager' – that is, the heads of Indigenous Business Australia, the Indigenous Land Corporation, Aboriginal Hostels Limited and the Torres Strait Regional Authority.

However, the roles undertaken by occupants of those positions have changed in nature since the positions were created. The term 'General Manager' will be changed to 'Chief Executive Officer' as a better reflection of the responsibilities and expectations of these agency heads.

The change will bring these agencies into line with the majority of other Commonwealth statutory authorities and companies, whose agency heads have the title of Chief Executive Officer. This includes, for instance, the Australia Council for the Arts, Screen Australia, the Australian Film, Television and Radio School and the Australian Sports Commission.

The Chief Executive Officer title is a more appropriate term for agencies that have a board of Directors (as these agencies do), and meets the general expectation that a Chief Executive Officer is more senior than a General Manager. We expect that this change will help the Boards of these agencies to attract a higher calibre of candidate for agency head positions.

A further minor amendment will remove a redundant reference to review under the Administrative Decisions (Judicial Review) Act 1977 for two discontinued Aboriginal Hostels Limited schemes – the Community Support Hostel Grant Scheme and the Student Rent Subsidy Scheme. These schemes have not existed for a number of years, so the reference to them is no longer appropriate.

The provision for handling of information held by Indigenous Business Australia is also being amended. The narrow focus of this provision has, in the past, prevented information from being disclosed to agencies with responsibility for overseeing Commonwealth administrative practices – such as the Ombudsman and the Privacy Commissioner.

It has also prevented information being given to Commonwealth agencies working in joint initiatives with Indigenous Business Australia, and State and Territory agencies seeking to work more closely with Indigenous Business Australia to achieve better outcomes for Aboriginal and Torres Strait Islander people and communities.

The amended provision aims to overcome these difficulties – but only with the continued appropriate protection of sensitive information. The relationship of confidence between Aboriginal and Torres Strait Islander people and the agencies established for their benefit is an important public interest that we need to preserve.

The new provision is also consistent with established information-handling arrangements (such as in the family assistance law and the Paid
Parental Leave Act 2010) that protect information while still permitting the proper work of the Commonwealth and its agencies.

Lastly, the Bill amends the Aboriginal Land Rights (Northern Territory) Act 1976 and the Coordinator-General for Remote Indigenous Services Act 2009 in relation to the power to appoint a person to act as the Executive Director of Township Leasing or the Coordinator-General for Remote Indigenous Services.

At present, the power to make these acting appointments must be exercised by the Minister personally, with no capacity to delegate the power.

It will now be possible for the Minister to delegate the power under each Act to the Secretary or a Deputy Secretary of the Department, without the need for the Minister to make acting appointments personally. Appointments can then be made when there is a vacancy in the office – during any period when the Executive Director or Coordinator-General is absent from duty or from Australia, or when the Executive Director or Coordinator-General is, for any reason, unable to perform the duties of the office.

The ACTING DEPUTY PRESIDENT (Senator Ludlam): In accordance standing order 111, further consideration of this bill is now adjourned to the first day of the next period of sittings.

Consumer Credit Protection Amendment (Fees) Bill 2011
Report of Legislation Committee

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:20): At the request of the Chair of the Economics Legislation Committee, Senator Bishop, I present the report of the committee on the Consumer Credit Protection Amendment (Fees) Bill 2011, together with submissions received by the committee.

Ordered that the report be printed.

Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011
Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Amendment Bill 2011
Offshore Petroleum (Royalty) Amendment Bill 2011
Offshore Resources Legislation Amendment (Personal Property Securities) Bill 2011

Second Reading
Debate resumed.

Senator MARK BISHOP (Western Australia) (17:20): When I was last addressing the legislation before the chair, the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and related bills, we were making the point that the legislation had a number of objectives. I concluded my discussion on the first objective. Secondly, the legislation seeks to establish a single national body for the administration of titles in Commonwealth waters. It will be known as the National Offshore Petroleum Titles Administrator, NOPTA.

Under the new system the administration of titles will be centralised, replacing the designated authority system currently in place. The result is that there will be consistency and efficiency across Commonwealth waters. It should be noted, however, that the joint authority, comprising the Commonwealth minister and the relevant state or territory minister, will be retained. This will ensure the joint authority remains the decision maker for key petroleum title...
decisions. There is a continuing role for ministers in decision making on petroleum projects that could impact upon their state or territory. In effect, NOPTA will make recommendations to the joint authorities on key title decisions. It will also administer titles and collect data relating to petroleum and greenhouse gas storage activities in Commonwealth waters. As is currently the case, the responsible Commonwealth minister's view would prevail in the event of a disagreement.

NOPTA will not be an independent statutory authority, ensuring that, in turn, it remains properly responsive to the joint authority. With the separation of offshore regulation and titles administration, the reforms seek to avoid conflicts between these two separate functions.

It is also important to note that the reforms include full cost recovery from industry. This move is likely to eventually reduce costs on the sector. Fees will be used exclusively for the regulation of petroleum and greenhouse gas storage activities and not for other government activities. Of course, fees will be subject to regular reviews and there will be annual financial reports.

Ninety per cent of Australia's known petroleum resources are located in Commonwealth waters. That said, Western Australia plays an important role in supporting the oil and gas industry. The North West Shelf Venture, located off our coastline, is the largest resource development project in Australia. To date, it is the largest resource development project in Australia's history. It accounts for more than 40 per cent of Australia's oil and gas production. So I for one am not suggesting that states and territories should be sidelined. Indeed, it is critical that they are involved. But there is an argument for a national approach.

Obviously, a national regulator will have implications for state and territory administrative responsibilities, staffing and revenues. But that does not mean that states will not have a say in the process. There is no doubt that a national offshore regulator is a pressing and necessary reform. The Productivity Commission's review recommended it as a minimum and industry overall supports it. The current system is riddled with unnecessary regulatory burdens. A single authority would avoid much of the duplication that currently exists.

The new authority will have responsibility for resource management, pipelines and environmental approvals, and compliance. This recognises the fundamental link between the safety of people and the protection of the environment. We believe that, by including the functions to regulate environment plans and day-to-day operations, it will ensure a streamlined administrative process. The removal of bureaucratic duplication should also reduce approval times for projects.

Those are the principal objectives of the bills, but what of the vision? As I have previously said, the aim is to have a national regulatory authority that is well resourced. The vision is that, ultimately, it will have an international dimension. Most petroleum companies operate in multiple jurisdictions. While each jurisdiction has its own regulatory framework, the goal is the same: to protect workers and to protect the environment. We need to play our part by having effective prevention and intervention measures. We also need to be prepared to respond if the worst occurs. As the Minister for Resources and Energy has previously stated, from the Montara Commission of Inquiry:

… we learned what happened, what should have happened, and what changes are needed to addresses the deficiencies identified.
With the expansion of LNG projects, particularly in Western Australia, we are on target to become the second largest exporter in the next five years. That is a huge industry to manage effectively, properly and efficiently. However, with great opportunities invariably come great challenges. So the government believes maintaining the status quo is not an option. As we have seen in the case of both the Montara and Macondo incidents, their impact can have long-term consequences not confined to small or limited geographical locations.

Reports of inquiries into both incidents found they were preventable. It was also found that there was a culture of complacency within industry and its regulators. As a result, the bar for best practice in safety performance has been raised. Community expectations are greater and scrutiny is being and will continue to be intensified. To effect change we all understand there has to be meaningful collaboration between industry, government and regulators. Our common goal is or should be a safe and sustainable sector.

As I have said, it has been a long process, but we have the support of industry and, I understand from comments made here today, the in principle support of the shadow minister and the opposition.

There has been, however, resistance from some sections that view the new authority as nothing more than a power grab by the Commonwealth. That is a short-sighted view. Perth is already a centre for offshore petroleum exploration and development companies. We also have an enviable reputation in offshore petroleum production. With our vast resources and rapidly expanding oil and gas sector we are clearly the oil and gas capital of Australia. The announcement that the federal government will headquarter the independent national regulatory authority in Perth will further cement that position.

Further, we do have the potential to look beyond the horizon. We are uniquely placed to be industry leaders in the South-East Asia region. It is an opportunity we should grasp. It is an ambition we should all share.

Recently, the federal government hosted an International Offshore Petroleum Regulators and Operators Summit in Perth. This summit brought together over 400 representatives from governments, regulators and operators. Events such as this showcase our expertise, our innovation and our commitment to improving safety performance. It also acknowledges the importance of the offshore oil and gas industry in sustaining our country's economic prosperity and security.

I can say with confidence that these reforms to our regulatory system have strong support. The new authority will ensure operating standards are the best and safest in the world. Western Australian senators have a further incentive to support these measures. The National Offshore Petroleum Safety and Environmental Management Authority will enhance our state's standing in the global oil and gas industry, provide guidance in the future and a system that others can emulate and copy. In a state and in an industry that has such an international focus and that is faced by international demands, that is a significant development and something we should all welcome.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (17:29): I would like to rise to concur and note that the coalition will be supporting the government on this issue in a sense of bipartisanship and a sense that we have the capacity to work together to bring about effective government. Despite the illusion that so many people try to dispel, that we always say no, this is yet
another example of where we say yes. Support for this type of legislation, the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and related bills, shows the capacity of the government and opposition to work together. I know Senator Eggleston will be having something to say on this.

It is interesting to note at this point in time how issues such as this get through because they are competent, they are logical and they move forward. Yet on other issues such as the carbon tax, which is completely illogical, we have every reason to oppose it. It is amazing that in our nation on a day like today, where we see Moody's downgrading the French banks, with all the uncertainty in the world, we have the juxtaposition of two different issues. One is the export of a product to try and bring strength to the Australian economy, to protect the Australian economy, to keep it vibrant and to extend our capacity to earn money. That is one thing we should be supporting.

But in the other place, on its way here, is another piece of legislation that in a time of absolute global uncertainty takes us down the perilous, stupid and culpable path of bringing in a carbon tax. It will completely pull the economic rug out from underneath Australia and lead us down the path of so-called green jobs. What we have here in this legislation is assistance for real jobs so people can earn real money to keep our nation strong, as it should be in this time. What the carbon tax will do is send us down the tube.

**Senator EGGLESTON** (Western Australia) (17:32): I must say I agree with the comments made by my colleague Senator Joyce. The carbon tax certainly is a flight of fancy which is going to add greatly to the cost of almost everything in Australia and leave us out on a limb, as nobody else in the world seems to be going down this pathway. One has to wonder why common sense does not prevail and we do not just stop and wait for a while and see whether anybody else is going to follow this example.

But what I would like to talk about is the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and related bills. This legislation in its final form is actually a victory for the Senate processes. Over 60 per cent of Australian oil and gas processing is conducted in WA waters, with well-known names such as the North West Shelf and Pluto soon to be joined by other great projects such as Gorgon, Browse and so many others. There will be at least five large LNG plants on the Western Australian coast.

In the past the oil and gas industry off the WA coast was jointly regulated by the Western Australian and Commonwealth governments, and these arrangements worked very well for many years. However, over the last year or so the Commonwealth decided that it should have sole responsibility for the regulation of offshore petroleum developments and proposed to terminate the joint Commonwealth-state administration of these matters in Western Australia. In its place, the Commonwealth sought to establish a national regulator by transforming the NOPSA agency into NOPSEMA—the National Offshore Petroleum Safety and Environmental Management Authority—and creating a National Offshore Petroleum Titles Administrator.

Under this legislation's original proposals, the joint arrangements would have ceased and the Commonwealth would have become the sole regulator. The Western Australian government had some very serious and legitimate concerns about these proposals and began a process of negotiating with the Commonwealth to address these concerns.
and, in particular, to preserve the joint administrative structure, which, as I said, had worked well. There really did not seem to be any reason why this arrangement should not have continued.

The Commonwealth justified the setting up of a single offshore regulator on the grounds of safety, very largely. It referred to the Varanus Island explosion off the north-west coast and the Montara spill off the coast of the Northern Territory as justification for having a single national administrator. However, in evidence to the Senate Economics Legislation Committee the WA Department of Mines and Petroleum witnesses suggested that in fact the Commonwealth agency, NOPSA, was the key agency at fault in both of those incidents. In the case of Montara it failed to supervise the Northern Territory agency responsible, and in the case of the Varanus explosion the WA Department of Mines and Petroleum had contracted out the supervision of the maintenance of the pipelines and wells to NOPSA, which did not carry out that supervision. It seems there was a failure there in the inspection of the pipes.

Other concerns of the WA government included that there was no requirement to notify WA of the location of any exploration licences issued by the Commonwealth off the Western Australian coast, and of course there are many environmentally significant areas near the WA coast such as the Ningaloo Reef in the north-west and the pristine Margaret River in the south. These are areas where the WA government would not be happy for oil exploration to occur, and yet under this legislation as proposed the WA government was not given any right of consultation over projects in sensitive areas. Even if they happened to be in what were legally Commonwealth waters, the WA government felt there was a need to have consultation with them about the location of projects because there is always an onshore component to any offshore oil and gas project, which would involve the state providing infrastructure such as port facilities, housing, towns, roads, airports and so on. Accordingly, the WA government had the quite reasonable view that it should have some prior knowledge of the location of such developments as it would have to bear the cost of the onshore infrastructure.

Importantly, in the new legislation the WA government was excluded from the process of calculating royalties from the North West Shelf which had been provided for under the constitutional settlement with the Fraser government. This would have meant that the WA government would not have known the amount of royalties due to it for three to six months after these moneys were actually collected, which would have posed problems for budgeting and forecasting for the state. Amazingly, even though the WA government was in the process of negotiating a solution to these issues in good faith, the Commonwealth abruptly terminated the discussions and introduced new legislation which did not address any of the Western Australian government's concerns. While this heavy-handed action led to legislation which was passed in the House, the Senate exercised its house of review option and referred the legislation to the Senate Economics Legislation Committee. A Senate inquiry was held in which the coalition members of the committee highlighted the quite legitimate concerns of the Western Australian government. In the Senate inquiry, the coalition senators in their dissenting report concluded:

The manner in which the Commonwealth government has introduced this legislation without having advised the WA government given that the ongoing negotiations with them were not concluded, is disgraceful.

Further, in Western Australia, the Commonwealth government's actions in doing this imply a totally
unacceptable attitude of disrespect over the interests of the sovereign state of Western Australia and the underlying precepts of the federation.

Fairly strong words. The coalition senators' dissenting report also recommended:

That this legislation not be proceeded with until:

- The current ongoing negotiations between the Commonwealth and WA government are concluded;
- the very reasonable concerns of the WA government have been resolved by agreement between the two governments concerned; and
- references to the 'Designated Authority' are changed to 'the Western Australian Member of the Joint Authority' rather than the proposed 'Titles Administrator'.

The Titles Administrator would have been a Commonwealth official. The strength of these criticisms by the coalition senators on the committee apparently resulted in the Commonwealth reconsidering its position and produced the very different and much more acceptable legislative package which is before the Senate today. Under these new arrangements there is an in-principle agreement to co-locate NOPSEMA, NOPTA and elements of the WA Department of Mines and Petroleum, as has already been referred to by a number of speakers. This will mean that these agencies will be located in Perth subject to resolving operational details. That is appropriate given that such a large proportion of the offshore oil and gas industry is located in Western Australia.

The legislation also provides for resolution of the issue of offshore petroleum royalties. The role of the WA government in the administration of offshore royalties has been restored in this legislation. The legislation also provides for consultation and notification by the Commonwealth on environmental plans with both the WA and Northern Territory governments. Also provided for is notification of actions which might have an impact on local communities and early notification of incidents such as oil spills. There is also acknowledgement of the issue of resource security. Given that WA receives 90 per cent of its domestic gas from the Commonwealth offshore areas and that the state electricity system depends on this gas, the state of Western Australia needs to know without delay about anything which could affect gas supplies to the south-west. Furthermore, a protocol has been developed to ensure that consistent approvals are in place for the different jurisdictions through which any pipeline might pass from an offshore well to the state controlled waters and on to state land. There is also provision for the Western Australian government to be informed about proposed new developments so that WA can, in a timely way, plan infrastructure to support any offshore activities in Commonwealth waters.

These arrangements go a long way to satisfying what were the legitimate concerns of the WA government about the way the Commonwealth initially went about putting in place this legislation. Nevertheless, the question that remains is why the federal government did not deal with the Western Australian government more respectfully in the first place and conduct real and meaningful negotiations on these issues and seek to reach an agreement earlier than occurred. It is tempting to conclude, regretfully, that some Canberra bureaucrats seem to have forgotten that the Commonwealth of Australia is a federation of sovereign states and that the states do have legitimate and legal rights and interests.

In conclusion, this is why this legislation, responding to the legitimate interests of the WA government as well as those of the Northern Territory, is a victory for the processes of the Senate, which after all is the states house in the Australian parliamentary system.
Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (17:44): It is with great pleasure that I conclude the second reading debate on the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011 and associated bills on behalf of the government and my ministerial colleague Mr Martin Ferguson, the Minister for Resources and Energy and the Minister for Tourism. Firstly, I thank all senators who participated in the debate. I do not necessarily agree with all the views expressed, but certainly as a group they have well outlined the intent of the legislation. The reforms in this bill, together with those in the complementary bills, will help deliver on the Australian government's commitment to ensure the Australian community's confidence in the regulation of offshore petroleum and reinforce our competitive advantage as a preferred location for investment.

I note there has been some criticism of my colleague Mr Ferguson, the minister. I strongly refute and reject that criticism. I think this is a very, very sound outcome of the negotiations between Minister Ferguson and the Western Australian Minister for Mines and Petroleum, the Hon. Norman Moore MLC. Yes, there has been a lot of intense and strong discussion, but there has been an outcome; there has been an agreement. I can assure the Senate that Minister Ferguson, one of the most hardworking, committed and knowledgeable ministers in his areas of responsibility, has been at the forefront of bringing those discussions to a conclusion.

The other point I would make is just a mild rebuke to the previous speaker. I do not think it is fair to blame, as he did, some Canberra bureaucrats for having forgotten the views of the states. I have been involved in a lot of negotiations with Commonwealth public servants and the states, in my capacity as Minister Assisting on Deregulation and Public Sector Superannuation, over the seamless national economy reforms. At the end of the day, of course, the minister, subject to cabinet, makes the final call. I do not think bureaucrats should be unfairly criticised for their hard work and the commitment that they bring to these types of negotiations. So I do not accept that criticism of so-called Canberra bureaucrats.

I am pleased to advise that the Minister for Resources and Energy, the Hon. Martin Ferguson, and the Western Australian Minister for Mines and Petroleum, the Hon. Norman Moore MLC, have recently finalised their negotiations and have now executed a memorandum of understanding on cooperative working arrangements between the proposed Commonwealth regulator and the WA Department of Mines and Petroleum. The ministers have also exchanged correspondence outlining their agreement on how the new regulatory arrangements will proceed. I understand these agreements have now removed the Western Australian government's opposition to the national regulator bills. I commend the Western Australian minister, Minister Moore, for his constructive contribution to the development of these arrangements. As I said earlier, the intent of the legislation has been very well outlined by a range of speakers and, while I do not necessarily accept some of the critique, we have had significant debate on these measures. They have been well outlined, so I do not intend to repeat what has been said by previous speakers on a number of occasions.

To conclude, before we go to the committee stage—I know there are a couple of amendments to consider—I table the memorandum of understanding and the related correspondence.
Question agreed to.

Bills read a second time.

In Committee

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

(Quorum formed)

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:52): As I indicated in my speech in the second reading debate, the Greens have a number of amendments to the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011. While we are supportive in principle, as I outlined in my speech, we think improvements can be made to the bill—and improvements not only to the bill but also that offer better protection for the environment. Given the extra environmental responsibility that NOPSEMA is going to have, we believe it is important that there be environmental expertise on this new regulator. One of my amendments is about increasing the membership of NOPSEMA, and others go to who is the environmental decision maker in terms of making decisions under the EPBC Act. Some time ago I outlined some concerns about that. I will briefly go into those. Hopefully I will not hold up the chamber too long, but I do want some explanations from the government and some further detail about a couple of issues. I now move amendment (2) on sheet 7119:

(2) Schedule 2, page 83 (after line 21), after item 427, insert:

427A Paragraph 656(1)(b)

Omit "4 or 6", substitute "at least 5, and not more than 7, ".

This amendment increases the membership of the NOPSEMA board to make sure there is somebody there with environmental expertise. As I said, I understand that you do not represent organisations on boards anymore, but the Greens believe that we do need this expertise in the environment on the NOPSEMA board. I commend the amendment to the chamber.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (17:56): The government will be supporting the amendment to increase the number of NOPSEMA board members to allow environmental expertise to be added to the board. The government understands the arguments from the Greens in this matter. We do think it is a reasonable approach so we are supportive of the amendment.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:56): by leave—I move amendments (1) and (3) on sheet 7119 together:

(1) Clause 2, page 3 (at the end of the table), add:

10. Schedule 7 The day after this Act receives the Royal Assent.

(3) Page 147 (after line 31), at the end of the bill, add:

Schedule 7—Other amendments


1 After subsection 478(2)

Insert:

(2A) The Titles Administrator must not approve the transfer of a title if the transferee, or any of the transferees, is the subject of a Commission of inquiry that is being conducted, or is to be conducted, by a person appointed under section 780A.

2 Application—transfer of title

The amendment made by item 1 of this Schedule applies in relation to Commissions of inquiry established on or after the commencement of that item, whether the application for a transfer of title was made before, on or after that commencement.
3 At the end of Part 9.1 of Chapter 9
Add:

747A Decisions under this Act must not be the subject of certain declarations

A decision or class of decisions under this Act must not be:

(a) specified as an action or a class of actions; or

(b) accredited as a management arrangement or authorisation process;

for the purposes of a declaration under section 33 of the Environment Protection and Biodiversity Conservation Act 1999.

Note: Section 33 of the Environment Protection and Biodiversity Conservation Act 1999 allows a declaration to be made that certain environmental actions do not require approval under the Act.

4 Application—decisions under the Act

The amendment made by item 3 of this Schedule applies in relation to declarations made on or after the commencement of that item, whether the decision was made before, on or after that commencement.

5 Before section 780A

Insert:

780AA Applications under this Act may be suspended while Commission of inquiry underway

(1) The Minister may suspend consideration of an application made under this Act by an entity if the entity is the subject of a Commission of inquiry that is being conducted, or is to be conducted, by a person appointed under section 780A.

(2) The suspension continues to have effect until the earlier of the following days:

(a) the Commission of inquiry is completed;

(b) the Minister revokes the suspension.

6 Application—suspension of applications

The amendment made by item 5 of this Schedule applies in relation to Commissions of inquiry established on or after the commencement of that item, whether the application was made before, on or after that commencement.

7 After Part 9.7 of Chapter 9
Insert:

Part 9.7A—Notification of vacated areas

777A Notification of vacated areas

The Titles Administrator must notify the Minister administering the Environment Protection and Biodiversity Conservation Act 1999 of all vacated areas as soon as practicable after the areas come into existence.

8 Application—notifications

The amendment made by item 7 of this Schedule applies in relation to vacated areas that come into existence on or after the commencement of that item.

These amendments add new provisions to enable the government to choose not to grant licences to companies where there are significant question marks over their ability to manage oilfields when they have caused significant accidents, for example like the Montara incident. This was an issue I raised during the course of the inquiry into PTTEP, where PTTEP were allowed to acquire leases and titles when they were being investigated for what was a very serious incident. This occurred with the granting authorities knowing full well, from the company's own submissions to the inquiry and from the transcript of the inquiry, that there were serious concerns about PTTEP's operations.

Specifically the amendments insert a new section, 478(2A), providing that the Titles Administrator must not approve the transfer of a title where the transferee is the subject of an inquiry being conducted under part 9.10A. They also insert a new section 780AA, specifically allowing the minister to suspend consideration of applications under the act while an entity is being similarly investigated. It is important to note that these provisions are triggered when an entity is under investigation under the commission of inquiry provisions of part 9.10A. This requires a 'significant incident', which we believe is an appropriately high threshold.
These provisions deal with the fact that companies, despite the fact that they may have caused a significant incident, can still be granted titles. I understand there were issues under PTTEP where in some instances the titles were requiring transfers—rather than being granted, the licences were being transferred. We have sought to deal with that through these amendments. This is to ensure that we treat appropriately companies who have caused serious incidents, or it looks like they have caused serious incidents to the point where for example there is a commission of inquiry to look into it. We still have this farcical situation in this country where these companies can acquire further licences.

We believe these are sensible amendments. They protect our environment—and this is about protecting our environment. That is what this new regulator is supposed to be doing—managing the sector and ensuring environmental management. To us, this is common sense. We do not give someone we think has caused a serious incident further licences when we do not know their capacity to safely manage their operations. We believe this significantly improves the regulation of the industry and I commend the amendments to the chamber.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:01): The government will not be supporting amendments (1) and (3). We have a significant policy concern with the proposed amendments relating to entities subject to a commission of inquiry. We believe there are legal problems with the way the amendments will work in practice. It was a deliberate policy decision when providing for commissions of inquiry into significant offshore incidents that they focus on causes of adverse events and how to prevent similar events happening in the future, not to allocate blame to particular companies. This is for the courts and other legal processes to determine. Therefore, we believe your proposals to prohibit the Titles Administrator from approving transfers involving an entity subject to a commission of inquiry, and provide for formal decisions by the minister to suspend applications from entities subject to a commission of inquiry, would undermine the no-blame nature of the inquiry. I also note that the minister can already effectively suspend applications through existing operational and administrative means, as was done during the Montara inquiry. Similarly the Titles Administrator could refrain from approving a transfer.

It should also be noted that entities are not the subject of the commissions of inquiry; incidents are the subject of the inquiries. So the proposed amendments fail to make clear what relationship between an incident and a particular company would justify making a decision against the company. The causes of the incidents can be complex and the minister would have to prejudge issues before the facts had been established by the inquiry. It is also unclear how references to an entity would work, given that applications are usually made by a group of companies.

With respect to the amendment relating to declarations under the Environment Protection and Biodiversity Conservation Act 1999, the Productivity Commission review of regulatory burden on the upstream petroleum oil and gas sector and the independent review of the Environment Protection and Biodiversity Conservation Act 1999 both recommended streamlining environmental approval processes under the EPBC Act and the offshore petroleum legislation. Therefore the government cannot agree to an amendment that would preclude the possibility of streamlining environmental approvals processes. Having said that, the government accepts unequivocally that decisions on matt-
ers that have been determined to be matters of national environmental significance that fall within the scope of the EPBC Act must be made by the minister responsible for the administration of that act. The government does however contemplate NOPSEMA providing the EPBC Act minister advice on such matters where relevant to offshore petroleum operations regulated by NOPSEMA. The weight which that minister attaches to such advice will depend upon the rigor with which NOPSEMA prepares such advice and the respect NOPSEMA has earned with the EPBC Act minister's department as a result of previous advice tendered in relation to such matters.

In regard to notification of vacated areas, as part of its consideration of offshore marine parks policy, the government has been giving preliminary consideration to the possibility that the area defined by a petroleum title immediately adjacent to a marine protected area that is surrendered or terminated be reassessed for possible inclusion in that protected area. This assessment has made it clear that such a policy would not be free from substantial difficulties and complexity and should not be introduced without detailed consultation with stakeholders. While the government will not support this amendment at this time, it will continue to give consideration to the policy behind it. For those reasons, the government does not support the amendments.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (18:05): I indicate on behalf of the opposition that, for reasons somewhat similar to those outlined by Senator Sherry on behalf of the government, the Greens amendments do not enjoy the support of the opposition.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:06): The minister has gone to some of the issues I was going to subsequently ask some questions about. I did not actually go into those and I apologise. Amendment (3) covers a multitude of changes, which I was going to handle sequentially. If the minister will bear with me, I do want to ask some questions about each of the changes.

Can we go back to the issue around transferability of titles and the comment the minister made about PTTEP. If I understood correctly, processes with PTTEP are being suspended. If I recollect correctly, PTTEP were granted the transfer of some licences and then were subsequently applying for other licences as well.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:07): My advice is that it was actually companies that were transferred, rather than an ownership change. Companies were transferred as distinct from—and it is an important distinction—the ownership being transferred.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:07): In other words, when PTTEP changed from one entity to another—is that what you are saying?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:07): Yes, the ownership of the company changed from that which had existed—I am not sure who the ownership was with at that time; I do not recollect—to another totally new owner, a different owner. That was the change that occurred. The registered company, the proprietor, was still
the same. It was the overall ownership of the company that changed.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:08): Thank you for that clarification; I understand where you are coming from now. The minister can expect some further questions on notice, because that ownership had changed about nine months or so prior to the Montara incident and PTTEP, I understood, were subsequently involved in a number of other licence transfers. But I may put those questions on notice.

The point here is that, whether it is PTT or not, there is potential under the act at the moment for companies which have been involved in an incident to apply for licences. I understand the distinction that the minister was making between the incident and the company, but in this particular incident there were pretty clear reasons for concern about the operations of this and associated companies—certainly from the evidence that was coming out in the commission of inquiry—enough, I would have thought, to make the government concerned about granting licences to those same parties until the matter was cleared up.

Hopefully this sort of incident will never happen again in this country, but you can never say never. Is the minister saying that he believes there is already enough power under the act to suspend somebody's application or not grant somebody an application because they have been involved in a previous incident or in an ongoing incident that is yet to be resolved?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:10): Where there is a change of ownership—that is the actual ownership of the entity, the company—yes, the minister does have the power. However, the minister cannot prejudice, as I said in my earlier remarks, the outcome of an inquiry or some other equivalent judicial process and make a decision to exercise that power prior to the outcome and conclusion of those processes.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:11): I will try to finish this because I know we want to get it finished, but I want to be clear and on the record. Does that mean that you believe the act does not enable the minister to do that or are you saying that that is the way the present minister would choose to implement the act?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:11): A responsible and cautious minister would administer that power under the act in the way I have described.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:11): I thank you for that clarification. I will ask just one more question on this area, then I promise I will move on. Under the current provisions of the act, if an incident were sufficiently significant—and I would maintain that Montara was—and if there were clear liability with a company or that company had clearly caused the accident, is there power for the minister to say, prior to a commission of inquiry, 'No, we will not grant that lease because of the seriousness and significance of the issues involved in this incident'? That power would not, of course, be as clear as we were trying to make it with this amendment, but is it there under the current act?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:11):
Tourism) (18:12): Yes, the power is there under the act, but the minister would approach such a decision to exercise that power—very obviously, I think—with great caution.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:13): I thank the minister for his answer. I will now move on to items 3 and 4 under amendment (3), which deal with the issues around the prohibition of decisions and actions under the Offshore Petroleum Act from being accredited under the Environment Protection and Biodiversity Conservation Act. As I said in the second reading debate, we are very concerned that we do not want to see the environment minister or the environment department being sidelined during the assessment of the environmental implications of offshore oil and gas operations.

While I acknowledge that the amendments to the regulatory regime proposed by the government do not themselves address the role of the environment minister or say that NOPSEMA will take that role over, we are deeply concerned that we do not want to see the environment minister or the environment department being sidelined during the assessment of the environmental implications of offshore oil and gas operations.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:14): I do not think I can add a great deal more to what I said previously, but we do acknowledge that the environment minister, under the EPBC Act, can, on advice on such matters, exercise his or her authority.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:15): Can I paraphrase to say 'No, you won't give us that assurance'?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:15): I have given you the assurance within the context and the parameters I have outlined to the Senate. That is the extent to which I can give what you would describe as an assurance.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:15): Just for the record, you can guarantee we are going to be watching this like a hawk to ensure that this does not happen.

I will go to item 7, which requires the Titles Administrator to notify the environment minister when the titles have been vacated. This would allow the environment minister to easily know of and consider marine areas for further protection when it is clear that the areas are not of interest to resource companies. Australia is embarking—and I touched on this in a speech I gave in this place yesterday—on what I hope is a rigorous exercise to put in place a system of marine protected areas around this country. Again in this place yesterday we heard of the values of the marine environment and we heard of the need for marine protection. We understand of course, and continue to
express our concern about, resource exploitation overriding the need for marine protection, but where an area has been vacated by the resource sector we think it is fair enough that the minister be notified that the area has become available, which would facilitate their consideration of whether that area should be included in a marine protected area of some form.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:17): Again, I do not think I can add a great deal more to my previous comments. However, firstly I would emphasise that this government—and, I have to acknowledge, the previous government under former Prime Minister Howard—believe conceptually that what you are suggesting should be considered and could be possible. However, there are some quite substantial difficulties and complexities around implementation. We as a government do not rule out this approach, but I am advised that there is a ‘vibe’ going on in terms of considering this policy. I must say that is the first time I have had a ‘vibe’ used to describe a sort of process.

Are there public servants today or this week working on this? No, there are not. Is it a consideration by the current minister, Minister Burke? Yes, it is, but there is nothing actively before him on the matter. As I said, conceptually there is agreement that this is the right approach. Work has been done in the past, obviously—thought, consideration, some musings in writing, I assume, as part of that—but it has not been concluded and I cannot advise you as to any time frames for when that work would be completed.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:20): I thank the minister for the answer and I hope ‘the vibe’ continues. When you say some work has been done, is it possible to let us know what that work is, or is it just that everyone now has ‘the vibe’?

The TEMPORARY CHAIRMAN (Senator Cameron): And the musings.

Senator SIEWERT: And the musings.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:20): I would have to take it on notice to give you some further advice as to
what has actually occurred in this area. Obviously that has to go to the minister, Minister Burke in this case, so I would have to take it on notice.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (18:21): Thank you. If you could take it on notice that would be much appreciated. I have a final question, which goes to the release of acreage. Under this new process, is it envisaged that there will now be a wider consultation process carried out when acreage is released?

**Senator SHERRY** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:21): One of the difficulties here—and I am sure Senator Siewert will appreciate it—is that people have different perspectives of consultation and what is consultation, and perhaps a positive conclusion, depending on a particular individual organisation's perspective, is then consultation but a negative one is not. We argue that the views of all organisations are taken into account in terms of such consultation. We do not see that the current process needs to be changed in that regard.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (18:22): Is that a public consultation? I am talking about before those acreages are released. There is a process that is undertaken once the areas have been released. Is there a process of public consultation that occurs before the areas are released?

**Senator SHERRY** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:23): I am advised that the department will enter into consultations with those parties that are interested in particular acreage. I am not sure whether acreage is the correct term these days.

**Senator Williams**: It is acreage.

**Senator SHERRY**: Acreage, is it? It would do for you and me, but I am not sure what we would describe it as today in metrics. There is a public gazetting that takes place, so if an individual organisation wants to express a view at that point they would be able to do so. There would be consultations for organisations and individuals. Environment departments obviously are interested as well as companies and other state departments. Specifically I assume we are going to NGOs. I would have to take that part of it on notice. The officials are not aware whether there is any specific engagement or consultation with NGOs before gazettal.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (18:25): I would appreciate it if you would take it on notice. If NGOs are consulted, it is certainly not my understanding that it is widespread. So I would be interested to know how that consultation occurs.

**Senator SHERRY** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:25): The officials here do not have the detailed information. The environment department would consult with X but we would need to find out who they consult with—perhaps state environment departments as well or their equivalents. We will find out what the extent of that consultation is with NGOs and other interested organisations.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (18:26): Thank you. If you could take that on notice, that would be appreciated. My final question on that issue is: if that consultation process is found to be not adequate, would NOPSEMA
be able to recommend that a new process be established for consultation before new acre-age is released?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:26): The consultation process is one for the department. NOPSEMA, because it is clearly a separate regulator, would not have an engagement involvement in the consultation by the department. It would be kept quite distinct and separate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:27): I take your point. They could provide advice, though, could they not, to the department about ensuring that there is a better process of engagement in the overall process of environmental and oil industry regulation?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:27): I understand your perspective, but it is the intention to maintain a very, very clear boundary between what is seen as the regulator and promotion of the sector. That is certainly the intention of this government.

Question negatived.


Third Reading

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (18:29): I move:

That these bills be read a third time.

Question agreed to.

Bills read a third time.

National Health Reform Amendment (National Health Performance Authority) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (18:30): The National Health Reform Amendment (National Health Performance Authority) Bill 2011 proposes to establish another new authority, the National Health Performance Authority. It introduces amendments to the National Health and Hospitals Network Bill 2010, only passed in the other place on 21 March. The Health and Hospitals Network Bill establishes the Australian Commission on Safety and Quality in Health Care as an independent statutory authority. If enacted, this bill will amend the National Health and Hospitals Network Bill
2010 by changing its title to the National Health Reform Act 2011.

Despite all this bureaucracy, we have still further legislation to come, which will establish a third statutory authority, the Independent Hospital Pricing Authority, which is currently the subject of a Senate inquiry. This legislation is part of the so-called health reform process so loudly touted by former Prime Minister Rudd and health minister Roxon on their magical mystery tour of hospitals, complete with blue scrubs. From memory, it went for months and months and months, but it fell in a heap when the current Prime Minister knifed the former Prime Minister, so that the health reforms so solemnly promised by Mr Rudd and then Ms Gillard ended up as a new accounting system announced on 2 August. Four years after it was promised, the 'health reform' was a deal that was more about money than about better health outcomes for patients. The chairman of the Australian Health Care Reform Alliance, Professor John Dwyer, summed it up to the ABC as 'a reform package in a financing/accounting sense rather than a system sense'.

The Prime Minister capitulated and gave the states billions of dollars so she could appear to be achieving something. In her year of decision and delivery, we have a health deal that will deliver something—maybe—in 2014 at the very earliest. This is what we have seen this year, her so-called year of decision and delivery: guarantees on elective surgery waiting times and emergency department treating times have become targets; promised private hospital treatment has disappeared; penalties for poor performance have been dropped; rewards have become up-front payments; and states have become the gatekeepers for the much hyped National Health Performance Authority.

Mr Rudd claimed in 2008 that an increase in funding in health could support an additional 3,750 beds in 2009-10. This number was to grow to 7,800 by 2012. The reality is far, far different. The State of our public hospitals report in 2010 reported an increase of only 11 measly beds across Australia. Mr Rudd and Ms Roxon promised that there would be no further bureaucracy in the health sector, but this bill introduces a new bureaucracy, the first of two new authorities with their attendant boards, secretariats and associated staff.

When the initial bill was introduced last year, the coalition called for the government to provide all provisions to establish all these bodies at the one time so that we could see the full intent of the government and the interaction between these bodies. But, as is usual for the health minister, we have a piecemeal approach of bill after bill and amendment after amendment, with all the attendant risks of poor outcomes as this minister tries to get it right.

It is worth recounting the history relating to this bill, this authority it creates and the warnings and concerns that have been loudly sounded. It is yet another outstanding example of the ineptitude of this government. When the health minister introduced the initial bill in September last year, as is the case with virtually anything this government attempts to do in health, it was described as historic and delivering on the government's health reform agenda. Of course, the so-called reform agenda was somewhat different back then. These were the Rudd-Roxon reforms for a hospital network that would be funded nationally and run locally. At that time, the now Prime Minister, Julia Gillard, was still on board with Kevin Rudd's reforms, telling the Committee for Economic Development of Australia in November last year that:
From July 1, the Commonwealth's share of hospital funding will increase to sixty per cent. GST retention and dedication to health care will commence.

But, like so many of this government's promises, that of course did not come to pass. Earlier this year Julia Gillard unceremoniously dumped the Rudd clawback of GST, and the commitment to be the major funder of public hospitals has now become only a commitment to provide around 40 per cent of public hospital funding.

Yet in last year's election campaign the Prime Minister also stated:
I regard health care as one of the greatest responsibilities of any government. … If my government is returned to office on August 21, I will pursue our national reforms until the job is done.

We all know that standing by commitments and promises to the Australian people is not a high priority for this Prime Minister or her government. Of course, the same Prime Minister who spoke the famous words 'There will be no carbon tax under a government I lead' yesterday introduced 18 carbon tax bills that will add cost burdens to generations of Australians. Reform, in the form of this bill, follows the classic Labor path whereby 'reform' means creating another bureaucracy on top of the layers upon layers of bureaucracy.

The National Health Performance Authority is to be charged with monitoring and reporting on the performance of Local Hospital Networks, public and private hospitals, primary healthcare organisations and other bodies that provide healthcare services—an incredibly wide-ranging brief. Unfortunately, the bill provides absolutely no performance indicators that the proposed authority would monitor and report upon. The government controlled House of Representatives Standing Committee on Health and Ageing held an inquiry into this bill. There was one extremely brief public hearing for the Department of Health and Ageing to answer seemingly one question. A report from the committee was tabled with just one recommendation, that being for the House to pass the bill with a minor amendment requiring an annual report to parliament. Given that submissions to the inquiry outlined serious reservations regarding this legislation, coalition members presented a dissenting report stating that it would be unwise for the House to pass the legislation until stakeholder concerns were addressed. The dissenting report noted that there are far too many unanswered questions about the National Health Performance Authority and that the house should not debate the bill until the government clarifies matters. It also noted that a number of stakeholders who wanted to contribute to the inquiry were unable to due to the haste with which the inquiry was conducted.

So it is worthwhile looking in some detail at what some of the stakeholders said about this legislation. The Australian Medical Association, for one, has called for the legislation to be deferred, wanting an assessment of the impact of the legislation and detail of what data must be provided to the authority by health provider organisations. The explanatory memorandum to this legislation states that its measures will have no regulatory impact on business or on individuals. The AMA bluntly responded:
We do not believe this is a true statement. The AMA is concerned that smaller private hospitals and medical practices will not be able to cope with some as yet undefined data collection. The AMA wants the data that is to be provided to the new authority to be included in a disallowable instrument and to be made publicly available prior to the passage of this bill through parliament. It expresses concerns that the legislation does not provide any information on the...
interaction between this proposed authority and the Australian Commission on Safety and Quality in Health Care, established in the prior legislation, or the proposed Independent Hospital Pricing Authority. This stakeholder wants consultation about what the authority will do. It wants open and transparent processes. It wants accountability to parliament.

The Consumers Health Forum of Australia is another stakeholder wanting more information on the areas of performance to be assessed by this proposed authority. Its submission states:

... we consider that it is appropriate, and indeed necessary, for the legislation to outline at least a minimum scope for the areas of performance to be assessed by the Performance Authority.

Among other numerous concerns, at another point it says:

CHF would like to see more detail about the functions of the Performance Authority ...

Consumers Health Forum also wants greater safeguards for patients in relation to information the authority may gather and release. Clarity, transparency and scrutiny are aspects that recur through stakeholder submissions.

The Australian Private Hospitals Association has concerns that this new authority will simply add 'yet another layer of compliance burden for both the public and private hospital sectors'. Its submission to the inquiry stated that any national data collection must replace the current system of multiple reports to multiple government agencies which it says place 'a significant regulatory compliance burden' on private hospitals. The association argues for real reform, but it too wants scrutiny of the data that hospitals may have to provide to this proposed authority. It also says that when that data set is decided upon it should be presented to parliament as a regulation so that, as their submission says, 'it may be properly and publicly considered'.

The bill was also the subject of a Senate committee inquiry. The submissions to the Senate inquiry raised even greater concerns about this bill. The Royal Australian College of General Practitioners warns that the provisions of this bill hold long-term threats to 'harm the current high standard of medical services, and consequently health services, delivered to the community'. Catholic Health Australia held similar worries. In its submission to the Senate it stated:

The legislation as currently drafted is very broad—indeed vague—on the scope, range and detail of data that will be required to be submitted.

It wanted to see details set out in regulations as this would enable parliament to exercise oversight. It said such detail was needed to avoid 'unintended consequences' and that the authority should 'not result in health services unduly focusing on particular performance indicators to the detriment of their overall performance'.

Apart from those overriding issues, stakeholders found myriad problems with this bill. The College of General Practitioners was concerned about virtually every aspect of the proposed performance authority, from its composition to its functions and powers, its independence and its relationship to the other authorities this government has and is proposing to establish. A body with such wide-ranging reach over every aspect of health care, the college submitted, should draw on expertise from all sectors, yet the only specification for the make-up of the authority in this legislation is that one of its members must have experience in rural health. The college pointed out that it was unclear whether general practice will be monitored by the authority, and clarity is needed on the issue. It fears that if general practice is to be monitored then onerous data collection and reporting requirements could be imposed on already overworked and
overstretched general practitioners and subtract from their capacity to deliver services to communities. Finally it noted that there is a 'significant overlap between the roles and functions of this authority and the Australian Commission on Safety and Quality in Health Care'.

Catholic Health Australia echoed many of those points, also calling for 'clarity' on the role of the authority noting that the Australian Commission on Safety and Quality in Health Care, the Australian Institute of Health and Welfare and the Australian Bureau of Statistics already collect data on hospitals and health services. CHA also wanted the legislation drafted in such a way that the governance arrangements of the authority would reflect the make-up of Australia's health system and therefore would have members with knowledge of public and private hospitals, primary health care and private or non-government healthcare provision.

The Australian Institute for Primary Care and Ageing also raised significant issues with the 'functional overlap' between this authority and the already operating Australian Commission on Safety and Quality in Health Care, overlap that would 'place a substantial administrative burden on individual health services'. Its criticisms noted that there was 'no objective for the performance authority itself and the bill provides only a list of its functions'. In response to the minister's past rhetoric about the importance of this new bureaucracy, the institute stated:

… it is difficult to see how the Bill will create the 'backbone of a modern, integrated, high-performing health system' when the Bill itself does not appear to be integrated.

A submission from the Council for Procedural Specialists queried the very need for the authority proposed by this bill. It said it could find 'no justification or compelling case as to why it needed.' It submitted that Australia already has an independent major national agency to provide reliable, regular and relevant information and statistics on Australia's health and welfare—that is, the Australian Institute of Health and Welfare. It said it had 'concerns about the agenda, nature and ultimate purpose of this new agency' and said 'the establishment of a new authority may have a wider purpose than that which is currently being outlined.' So we have these recurrent themes throughout many of the submissions to both the House and the Senate committees—namely that there is a lack of clarity about this legislation and the authority it will establish, vagueness about what it will do, a lack of goals and objectives, concern about duplication with other new agencies this government is establishing and with existing agencies, worries about the administrative burden being placed on health service providers and concern about the composition of the authority board.

In assessing stakeholder commentary on Labor's so-called health 'reform', researchers in the Parliamentary Library found that many of the concerns raised by stakeholders were pertinent. In fact, the Bills Digest to this legislation raises more questions than it answers. Let me just take some of the issues raised in the Digest. It points out:

It is unlikely that the Authority, as a single entity, will be able to achieve these objectives ...

This Bill does not provide any details on how the three national governance agencies will work together to deliver improvements in the Australian health system ...

It is not yet clear how the ‘upstream’ National Health Performance Authority proposed in this Bill will connect with ‘downstream’ factors, namely health care providers ...

This Bill ... does not give the Authority any enforcement powers; it cannot compel state and territory governments, private and non-government organisations to provide performance data, and it cannot compel individual providers to...
make changes that will lead to better performance ...

It is unclear how many primary health care providers will be monitored directly by the ... Authority ...

The frequency of reporting by the National Performance Authority is not specified in the legislation ... the Authority is reliant on the goodwill of ... organisations to provide information ...

Currently, the proposed legislation is silent on the arrangements for private hospitals ...

... the lack of any specific provision regarding private hospitals in the ... Bill ... highlights the jurisdictional limits of the Commonwealth.

In its conclusion, the Digest makes some further interesting points, again echoing the concerns of stakeholders, that this 'legislation does not appear to reflect the initial remit of the authority except in very broad terms'; that 'there is a lack of clarity about the role and function of the authority' and that what the minister outlined as that role in her second reading speech 'differs to what has been previously outlined by the government.' The Digest concludes:

This lack of detail combined with the lack of power attributed to the Authority raises questions about the extent to which the Authority can achieve its objectives as set out in the Bill ... or as articulated by Government.

In other words, this was a totally flawed piece of legislation which should not be before this parliament and the amount of amendments presented today clearly highlights that fact. The Australian Healthcare and Hospitals Association publicly expressed concern about the lack of consultation by the federal government with stakeholders in March. In its submission to the Senate inquiry, it stated:

It is clear that the legislation fails to recognise the formal role of state and territory governments as majority funders and system managers of public health services including overall responsibility (statutory and political) for the performance of LHNs—local hospital networks—public hospitals and state and territory primary health care services.

The West Australian Premier, Colin Barnett, made exactly that point in a submission to the Senate inquiry by stating:

I believe the Commonwealth has gone beyond what is contemplated as the role and function of the National Health Performance Authority in the Heads of Agreement I signed at the COAG meeting on 13 February 2011.

The Premier points out that the authority is being established on the basis of a joint agreement at COAG, yet the provisions of the bill would allow the Commonwealth minister, without consultation with the states, to extend the functions of the authority. That, the Premier said, was unacceptable to Western Australia. The Victorian minister apparently expressed similar concerns in a letter to Minister Roxon.

The government is establishing a new bureaucracy so that the demands on health services, hospitals and other providers to provide this data will be immense. The coalition will be moving an amendment. We believe that the burden is unchecked and we will be moving an amendment which will at least allow an independent assessment of the size of the task and of how much extra red tape will be created in the first 12 months. In my concluding remarks, I say that this is so typical of everything that has happened in health and in so-called health 'reform' by first Mr Rudd and now Ms Gillard in relation to this whole sad and sorry saga that has been health reform in this country. In the end it is very, very clear that, despite the promise that there would not be additional bureaucracy, all this is doing is creating more and more layers of bureaucracy, with more bureaucrats in Canberra, and not providing beds. This has become a debacle.
Debate adjourned.

**COMMITTEES**

**Clean Energy Future Legislation Committee**

**Membership**

The ACTING DEPUTY PRESIDENT (Senator Moore): Order! The President has received a letter from a party leader nominating senators to a joint select committee.

Senator McLUCAS: by leave—I move:

(a) Senators Birmingham and Cormann be appointed as members of the Joint Select Committee on Australia’s Clean Energy Future Legislation.

Question agreed to.

**DOCUMENTS**

The ACTING DEPUTY PRESIDENT (Senator Moore): Order! It being after 6.50 pm, the Senate will proceed to the consideration of government documents.

Department of Education, Employment and Workplace Relations

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (18:51): I move:

That the Senate take note of the document.

I rise to speak to the report that has been tabled today on the review of student income support reforms. I think many in the chamber would know that I and many of my coalition colleagues have a very keen interest in the release of this report and indeed in the broader issues surrounding students' access to education through youth allowance arrangements. In relation to the report itself, I will be making comments at a later stage when there has been an opportunity to go through it in more detail. One recommendation in it that strikes me is that, when it comes to independent youth allowance, students work full time for at least two full years. I think that is a retrograde step. It is obviously completely against the notion of trying to give regional students easier and better access to education; instead, this is a harder aspect that makes it worse for students. But I will explore that more at a later date.

What the report has done today is trigger the minister's response to a number of issues as they relate to the independent youth allowance. The minister, as part of the tabling of this report today, released the government's intention, when it comes to the independent youth allowance, to treat students in the inner regional zones the same as it does those in other regional zones. This is not something that is cause for any joy. While treating regional students the same, regardless of where they live, is obviously the right thing for the government to have finally done, not to treat them the same should never have been in the legislation in the first place.

I know that my colleague Senator Williams has been relentless in trying to make sure that we got a fair outcome for regional students. The coalition has been fighting for this particular outcome for inner regional students to be treated the same as every other regional student since March of last year, 2010, when the government brought in the legislation to treat regional students unfairly. On that very day, I and my coalition colleagues moved an amendment to do exactly what this announcement does today—to treat inner regional students the same as all other regional students. It was to do exactly that, and that was in March 2010. It was voted down. The only people who supported the amendment at that time were I and my coalition colleagues, not the government, not the Greens, not the Independents—no-one. Ever since then, we have taken every opportunity to give
parliamentarians on both sides of this chamber the opportunity to treat inner regional students the same as every other regional student. That was denied at every stage from November last year, when I tried to get my private member's bill through. It asked to do exactly what the minister has announced today. That bill was not even allowed to be debated. Since then, we have had the private member's bill, which, thanks to Senator Xenophon, got through the Senate but was blocked in the House of Representatives. That bill did exactly what the minister has done today.

We see this change happening today, and for what reason? None other than the pressure that the coalition and those out in the community have been putting on this government to make that change, because what is in place is simply unfair—and everybody knows it. Quite amusingly, I note that the minister today says that this change is a response to his Labor colleagues, the Independents and the Greens. They did not say boo until the coalition kept pushing and pushing and pushing the government to make this change. There was not one indication that I could see on the public record from Labor senators or members saying, 'We want you to make this change, Minister.' Yet, he has come out today and made that claim.

Senator Williams interjecting—

Senator NASH: Perhaps they were there behind closed doors, Senator Williams. But they certainly were not on the public record doing it. The Greens had every opportunity all the way along—over the last 18 months—to make this change, and they squibbed it. They walked away from regional Australia. We have finally seen this change today, yet we will wait and see what the legislation actually holds next week, when we finally see the detail, because I do not trust this government to get it right. But I hope they do, and I hope they finally treat all regional students with the fairness they deserve. I seek leave to continue my remarks.

Leave granted; debate adjourned.

DOCUMENTS

Consideration

The following government documents tabled earlier today were considered:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2011.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 639/11 to 642/11—Commonwealth Ombudsman’s reports.

Government response to Ombudsman’s reports.

QUESTIONS TO THE PRESIDENT

Asylum Seekers

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:56): by leave—Madam Acting Deputy President, I rise on a point of order and indicate that this is a matter arising out of question time. I would simply ask that you communicate this matter to the President for his ruling some time tomorrow. The point of order relates to an incident in question time where Senator Ian Macdonald raised with the President the following. Senator Macdonald asserted: 'The minister in his answer accuses the opposition of wanting to drown children.' The President quite rightly said: 'If that is what was said, it needs to be withdrawn.' The minister at the time against whom this accusation was made, Senator Carr, said, 'Mr President, it is not what was said.' He then later said:

What I have said is the opposition is crying crocodile tears on human rights standards, given their policy was to tow boats back to sea, the consequence of which was that they risked people drowning at sea.
In fact, the *Hansard* records that Senator Carr said, 'You think that drowning people at sea is a question of respecting human rights.' Given that the *Hansard* record shows that that is what Senator Carr actually said, given the President's ruling—and I accept that he did not necessarily hear that which Senator Carr said—and given that Hansard has now faithfully recorded that, there is no doubt in my mind that Senator Carr misled the President—that is one issue. But the simple fact is that that which was said does need to be withdrawn, and I would ask you to draw that to the President's attention. I thank the Senate for its indulgence.

**The ACTING DEPUTY PRESIDENT (Senator Moore):** Thank you, Senator. That will be referred to the President.

**ADJOURNMENT**

**The ACTING DEPUTY PRESIDENT (Senator Moore):** Order! I propose the question:

That the Senate do now adjourn.

**Layton, Mr Jack**

Senator **FAULKNER** (New South Wales) (18:58): Tonight I want to acknowledge the life and work of Mr Jack Layton, the Leader of the Opposition in the Canadian parliament, who recently lost his battle with cancer. He will certainly be remembered as an effective activist and courageous politician. Jack Layton was born in Montreal but raised in an Anglophone community in Hudson, Quebec. He was a teacher before entering politics as a city councillor in Toronto, where he became deputy mayor. In 2003 he was elected leader of the Canadian New Democratic Party before being elected to the House of Commons in 2004.

Jack Layton led his party's renaissance until his untimely death just a few weeks ago. At the general election in May 2011, the NDP under his stewardship became the official opposition in Canada for the first time in Canadian history. The NDP, like the Australian Labor Party, is an affiliate of the Socialist International and is a fraternal social democratic party in Canada. Under Jack Layton, the NDP went from strength to strength. In the 2004 election, a gain of six seats to 19 seats ensured the NDP would be a powerful parliamentary force in the Martin minority government. In 2006, the NDP gained 10 seats in the House of Commons and in 2008 another eight seats. During the incredible surge of 2011, the NDP went from 37 to 103 seats. No-one doubts that Jack Layton deserves great credit for his party's success.

Jack Layton did not win every battle he fought, but he fought his battles with vigour and passion. He presented a positive policy platform. In 2007, Jack Layton took on the banks when he criticised ATM fees. He said:

> We believe it's gouging when a person comes up and they want $40 or $60 of their cash and the bank is charging them $1.50 or $2, $2.50... That's a rate of payment which is very, very high—and unfair.

It appears there was little likelihood of success in this campaign but he was not deterred. He also proposed a limit on credit card interest rates to no more than five per cent above the prime rate, more power to federal regulators and tougher requirements for easy to understand terms and conditions. When the NDP supported the Paul Martin minority Liberal government from 2004 to 2006, Mr Layton campaigned hard to secure tax cuts for small and medium sized businesses and to delay tax cuts for big business in the budget. Intense negotiations ensued and resulted in a deal which produced a budget that delivered $1.6 billion for affordable houses, $900 million for the environment, $500 million for foreign aid
and $100 million for a pension protection fund for workers.

Jack Layton continuously fought for reforms to democratic processes in Canada. In 2004 he said a referendum on electoral reform would be a necessary condition of support for any minority government, although no referendum took place. He was an advocate of proportional representation. He recommended that electors have a right to vote in the local divisional or riding ballots, as well as voting for a party list in the separate PR ballot. He proposed that a certain number of seats in the House of Commons be allocated on a PR basis, in addition to the traditional first-past-the-post counting system for local constituencies. He was committed to the abolition of the unelected Senate chamber.

Jack Layton was also an advocate of government accountability. He proposed reducing the influence of lobbyists, strengthening freedom of information legislation and other accountability measures. On the issue of executive accountability, the NDP did achieve real legislative gains. The Federal Accountability Act of 2006 placed restrictions on former politicians and staff from becoming lobbyists for five years. The act also reduced the influence of political donations from corporate, personal and union donors, as well as significantly increasing protection for whistleblowers and providing increased powers for the Auditor-General to track government expenditure.

Jack Layton was outspoken against all forms of corruption, and government accountability issues twice led him to support motions of no confidence which dissolved the House of Commons. He deftly walked the delicate tightrope of Canadian language politics. He earned respect from both sides of the Ottawa River or, La riviere des Outaouais, and this was demonstrated by the NDP's success in winning an additional 58 seats in the province of Quebec in the 2011 election. Jack Layton said in his final letter to Canadians that like-minded Quebeckers had voted for 'something better...by working together in partnership with progressive-minded Canadians across the country'. His approach to politics was one of mutual respect and tolerance.

I join with all those across the globe who mourn this remarkable Canadian, and my sympathy goes to Jack Layton's family, his party and the people of Canada.

International Development Assistance

Senator HUMPHRIES (Australian Capital Territory) (19:07): I rise to talk about the phenomenon of Australia's contribution to international aid efforts and to talk particularly about aid with respect to assisting those with disabilities living in developing countries. The idea that those who have wealth should share that wealth with other people is an important part of the Judaeo-Christian culture that Australia has inherited. Sharing is essential to maintain and protect the collective sense of wellbeing and empathy is an essential value of what it is to be human. International aid is the instrument by which this very human practice occurs between different societies. The humanitarian justification is strongly tied to redressing the moral indignation associated with poverty in a world of immense potential and astounding wealth.

Aid can save lives and reduce suffering not just in the short term but in the long term. Debilitating diseases such as smallpox, tuberculosis, river blindness or leprosy have been controlled largely thanks to targeted development aid efforts. Food aid is at the root of the international aid system, although today it represents a relatively small proportion of total aid—only something like three to five per cent. Thanks to international...
emergency response, famines and other natural and human-made disasters no longer kill in the numbers they used to prior to the 1980s.

The distribution of aid not only helps to improve the lives of millions and to build goodwill; it also holds many benefits for Australia as a nation. Aid can improve regional security and can help our partner governments to improve law and order, and prevent disorder that can lead to the breakdown of social institutions. Australian aid helps manage threats such as people trafficking, illicit drugs, HIV-AIDS and diseases. Australia's economic and security interests are better protected through the creation of stronger communities and economies, and more stable governments.

Australian aid has been particularly effective in a number of ways in our region. It has helped wipe out polio in the Pacific region and it has seen more than 1½ million children immunised against measles and polio in Papua New Guinea. In other countries around the world, Australian aid plays a critical role in supporting both the stability and the legitimacy of national governments, as well as the viability of democratic nations. Of course, our aid should never be just about providing money; it should be and it is indeed about transferring skills, catalysing reform and leveraging the resources of countries to maximise development potential. It is also important to be realistic about what we can achieve with our aid.

Aid does not happen merely because we respond to that Judaeo-Christian impulse to extend help to those around us. It also is a reflection of values by Australians who lobby governments for particular outcomes. I doubt that any member of this chamber would be unaware—and I know you are not unaware, Acting Deputy President Moore—of the contribution to this debate made by organisations such as the Micah Challenge, a global Christian movement which has been working towards the fulfilment of the Millennium Development Goals, MDGs, and ultimately aims to achieve the ambitious but not unachievable goal of halving global poverty by 2015.

The Millennium Development Goals provide a concrete and numerical benchmark for tackling poverty in many dimensions. The eight main goals I am sure are familiar to many members of this place. They are: the eradication of extreme poverty and hunger; the achievement of universal primary education; the empowerment of women and the promotion of gender equality; the reduction of child mortality; the improvement of maternal health; the reduction in prevalence of disease, especially HIV-AIDS and malaria; the promotion of environmental sustainability; and the formulation of a global partnership for development. As I said, the aim by 2015 is to halve the number of people who live in poverty, specifically those who live on less than $1 a day. The millennium development plan endeavours to end hunger, malnutrition and disease through the promotion of equal educational opportunities, sustainable development and gender equality.

The progress that has been made against those goals is insignificant. A decade after the Millennium Declaration, we can point to undeniable progress on many fronts in many countries. There have been notable reductions in poverty globally, significant improvements in enrolment and gender parity in schools, reductions in child and maternal mortality and increasing HIV treatments. Steps have been taken towards improving environmental sustainability and developing countries are incorporating the MDGs into their development strategies. Of course that progress is threatened at the
present time by things like high food prices and the impact of international financial and economic crises. The changes to the environment, particularly shocks from climate, are important factors to also consider when looking at the production of food by many countries. Many countries are still racked by conflict and even in a post-conflict phase institutions are still weak in protecting individuals as they seek to make headway against poverty. However, setbacks like these should serve to remind us of how far we have actually come and how much closer the Millennium Development Goals are in many respects. I commend those goals again to members of this place and remind them that it is important for Australia to be part of the international process whereby we achieve those goals.

I had the good fortune yesterday to be part of the opening of the 'End the cycle' photographic exhibition at the High Court of Australia, where I joined with Richard Marles, the Parliamentary Secretary for Pacific Island Affairs, in opening the exhibition. It is an exhibition in pictures and words of the experience of people who are living in poverty with disabilities. Poverty and disability are inherently linked. As many as 50 per cent of disabilities are preventable and of course occur at a higher rate in countries where poverty is endemic and where assistance and treatment is less accessible. Disability can deepen poverty through institutional and social barriers and discrimination. Lack of access to education, health, employment services and other opportunities for social mobility means people with disabilities are among the poorest of the poor. They are subject to social and cultural stigma, resulting in them being hidden from view by their families and communities. They are the world's most marginalised people. They also suffer from other serious stigma relating to social and cultural factors. For example, in Senegal many communities consider disability to be a supernatural curse, and there have been high rates of infanticide of mentally and physically impaired babies because of the perception that these people carry some kind of curse.

I am pleased to say that the development programs of Australia and a number of other countries are focusing on this phenomenon of disability and poverty and are attempting to use programs to aid communities to address this issue. It is an important part of Australia's aid program that we address inequality. It is avoidable with attitudes that acknowledge that disability need not mean giving up the capacity to participate in a society.

A World Bank study estimated that the loss of GDP globally due to people with disabilities and their family members being excluded from income-generating activities was between US$1.7 trillion and US$2.2 trillion annually. That is between 5.35 per cent and 6.97 per cent of total world GDP. So clearly it is in our collective interests to empower people with disabilities to be part of the economy and part of their society. I commend Australia's attempts to ensure that is part of the process when we roll out aid from Australia.

Again I commend the Millennium Development Goals to members. I hope that we will renew our commitments to ensuring that Australian aid helps achieve the powerful and important goal of, by 2015, halving the number of people in this world who live on less than $1 a day.

**Income Management**

**Dementia**

Senator RHIANNON (New South Wales) (19:17): Last week I met with Margaret Goneis, Chair of the Aboriginal and Torres Strait Islander Advisory
Committee in Bankstown, and a dozen of her colleagues. A local Greens councillor, Malikeh Michaels, organised this meeting so we could discuss the Labor government's plan to introduce their controversial income management scheme into Bankstown from 1 July 2012. Margaret explained that many in her community are fearful about losing their independence if the income management scheme is trialled in Bankstown. The elders that I met with told me that no-one had explained to them why their community was being targeted.

Income management has made things harder and imposed racism and humiliation on Aboriginal people. It is a terrible waste of money in communities that are in desperate need of better social services and better employment opportunities. It is harsh, it has not worked, it has not influenced the spending decisions of women and it has not made their communities safer. The Australian Greens are calling on the government to abandon compulsory income management in the face of an ever-growing body of evidence highlighting the detrimental effect of the policy. My fellow Greens senator Rachel Siewert, as the Greens Indigenous affairs spokesperson, has been a powerful advocate for ending income management and for Indigenous people who are being adversely affected by the policy.

There is a robust, caring and connected community in Bankstown. Imposing this trial in this area, without consultation, is poor practice and reflects the bankrupt principles inherent in the scheme. Income quarantining will leave low-income families in Bankstown with extremely limited control of their day-to-day finances. Centrelink will be micro-managing people's budgets, and those caught up in the scheme will be forced to queue separately to other people in shops. This is a top-down, paternalistic initiative which is reminiscent of darker times, a deeply disrespectful and shameful way to treat people. A broad coalition of 50 groups have come together to stop the trial, evidence of the depths of opposition to income management being put in place. These groups include local community organisations, diverse religious and ethnic community groups, unions, welfare organisations, peak bodies and women's groups.

Recent reports into the impact of compulsory income management in the Northern Territory highlight the personal degradation that income management has placed on women. The Equality Rights Alliance report released in August has found the policy has led to social exclusion and a loss of self-respect for women yet had little impact on their spending habits. The report identified vulnerable women who had been placed in dangerous situations because they had avoided reporting family violence. Many women reported feeling afraid to speak to Centrelink, even in dire circumstances such as seeking to leave abusive relationships, because of their concerns about the impact on their income. The Equality Rights Alliance should be congratulated for the important work they have undertaken. More broadly, the report highlighted the despair and anxiety that Aboriginal people face as they try to live under government control.

The Bankstown campaign coalition has called itself 'Say No to Government's Income Management: Not in Bankstown, Not Anywhere'. It has joined forces with groups opposing the Northern Territory intervention to launch a petition calling for a national moratorium on income management. The petition calls on the government to abandon its plans to expand income management in 2012 to five trial sites, including Bankstown; to grant immediate amnesty to all people seeking to exit income management in the Northern Territory, Western Australia and Queensland; and to redirect spending
planned for income management into employment creation and social services. The Greens will continue to campaign for income management to be dropped and funding redirected to more constructive initiatives to support vulnerable people, such as job creation and community services.

On another matter, I wish to speak about dementia research and assistance funding. It is a little understood fact that dementia is fatal. In fact, dementia is the third leading cause of death in Australia, after heart attack and stroke. The incidence rates of dementia increase with age. One in four Australians over the age of 85 suffer from the condition. Without a significant breakthrough in dementia research the number of deaths from dementia will likely increase from 269,000 in 2011 to 981,000 by 2050. About one-third of these people, or 300,000, will be living in New South Wales. The prevalence of dementia in this state is set to increase by over 300 per cent between 2009 and 2050 if effective solutions are not found. New cases of dementia are also on the rise and in New South Wales will increase by around 400 per cent in the same time.

The only thing not increasing over time is funding from the federal budget for research to find treatments for Alzheimer's and dementia. There is an inexplicable disparity between funding for dementia and other chronic medical conditions. It is concerning that funding for the Dementia Initiative was cut in the 2011 federal budget. The invaluable support and services that were provided by this initiative to thousands of Australians with dementia, as well as to families of those affected, will dry up by June 2013.

Australia has an ageing population and we are facing a dementia epidemic. It is estimated that if funding does not increase Australia will experience a shortage of 150,000 paid and unpaid carers for people with dementia by 2029. Australia is in desperate need of a comprehensive and appropriately funded plan to respond to the increasing demands of dementia.

The government needs to increase dementia care services, improve diagnosis times and increase the safety of hospitals for patients with dementia. More research is also needed. Currently in Australia dementia research receives only $20 million, which is a little less than four per cent of the total amount spent by the Australian government on chronic diseases. I was shocked when I read those figures. Research funding is desperately needed to help achieve the breakthrough that is needed.

Concerned Australians will gather on 13 October to march to Parliament House in Canberra and demand better funding in the 2012-13 federal budget for research and assistance to those suffering from Alzheimer's and dementia. I urge members to support the critical need for the Australian government to maintain dementia as a national health priority and restore the Dementia Initiative cut in the 2011 federal budget, and to increase funding for dementia research in the 2012-13 federal budget. I congratulate Alzheimer's Australia and in particular the work of their CEO, John Watkins. Much of the material I have drawn on tonight has come from a briefing I received from them. Their work is most important.

**Asylum Seekers**

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (19:25): I understand that earlier in the adjournment debate it was alleged that I had misled the Senate. I understand Senator Abetz made some claims and selectively quoted from the Hansard to sustain his claim that I had misled the Senate. This is the
result of a conversation that occurred in question time today, when it was proposed by Senator Macdonald that I had said that the coalition wanted to drown children and you, Mr President, said to me that if that had been said, it needed to be withdrawn. I said that it was not said and that what I said was that it was coalition policy. When I saw the Hansard this afternoon following question time I read it carefully—it is important to ensure that we do not act improperly in these matters—having acted on my firm recollection of what had been said. I found these words:

There was a great risk of drowning as a consequence of their deliberate policy to ensure that unseaworthy boats be pursued—

Then there were various disputes and I said:

It is a remarkable feat that you think that drowning people at sea is a question of respecting human rights.

There is no question about what I advised you, Mr President—that I used the word 'policy' in reference to the Liberal government's approach to the pursuit of unseaworthy boats. It is a policy that Mr Abbott further articulated at the last election—a policy that they were going to turn the boats back by towing them out to sea. That was the position I put in question time today, and clearly the use of the word 'policy' was consistent with the assurance that I gave you, Mr President.

Senator Abetz has sneaked in here without any reference whatsoever to me, not pursuing the normal courtesy of advising a senator that you are going to make a vicious, sly and totally underhanded attack during the adjournment debate the way he has. It is somewhat beneath even Senator Abetz's pathetic standard to undertake such behaviour, particularly when the evidence is so clear. For him to play this sort of game in a desperate attempt to direct attention away from the remarks that Senator Macdonald had made concerning Nazi leaders, in reference to Senator Conroy, is truly pathetic.

The proposition that I advanced was simply that it was gross hypocrisy for the coalition to discover the question of human rights particularly given their appalling record in government. Cornelia Rau was detained in Baxter—and she was a permanent resident. I recall also that this position taken by the conservative government cost the Commonwealth considerable sums of money because of the compensation that had to be paid. Vivian Alvarez Solon was deported to the Philippines—an Australian citizen. We had the children overboard affair. We had a policy which sought to use the Tampa in a way that was totally inconsistent with our human rights obligations. For the coalition to make this claim that somehow or another they have moral superiority I think is to stretch the truth beyond all credulity.

What I said was that the coalition was crying crocodile tears on human rights, given that their policy was 'to tow boats back to sea, the consequence of which was that they risked people drowning at sea.' That is a direct quote from Hansard this afternoon. Further, I had indicated that it had been a policy position of their government to tow boats back to sea. I believe that to be absolutely consistent with the assurance I gave you, Mr President, and the assertion that I have misled the Senate is totally wrong.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (19:30): Mr President, now that you are in the chamber: Senator Carr scooted around all aspects of what he said during question time today. Those parts that he quoted are absolutely correct. What he did not quote to you, Mr President, are these words:

___
It is a remarkable feat that you think that drowning people at sea is a question of respecting human rights. That is a matter which surely must be withdrawn.

The PRESIDENT: Senator Abetz, this was referred, as you know, without my presence in the chamber before. The matter has been referred. The Hansard will be looked at closely and I certainly intend to come back with a statement.

Senator Carr has exercised his right to put his view. I am not making a judgment one way or the other. I will look at the process and, as you asked for the matter to be referred, the matter is now being taken into consideration. I certainly will be dealing with it.

Senator ABETZ: I thank you, Mr President, and just for the record I indicate that I did not raise this matter during the adjournment debate but before.

Ansett Airlines

Senator McEWEN (South Australia—Government Whip in the Senate) (19:31): Today I would like to acknowledge the 10th anniversary of the demise of Ansett Airlines. On this day in 2001, the accountants appointed to administer the voluntary administration of Ansett two days earlier determined that Ansett was no longer viable. Its fleet was grounded as were the fleets of its subsidiary companies—Hazeltion, Kendell, Skywest and Aeropelican—all of which provided services to regional Australians. With that decision we saw the end of an era and, eventually, the end of an airline which is still remembered fondly by most of us but especially by 15,000 employees who worked as part of the Ansett family.

For 66 years, Ansett dominated the Australian aviation market. It was an iconic, trusted and well-known company, sponsoring major Australian sporting codes including the AFL and cricket, and it was the official airline of the Sydney 2000 Olympic Games. The company gained worldwide recognition and was well known for its staff who loved their jobs and went beyond the minimum standards of service.

Many books have been written about why Ansett collapsed—with no shortage of reasons claimed. They include a federal government decision to allow foreign airlines to fly on Australian domestic routes; the start of cut price carriers like Impulse and Virgin Blue, some of which survived, some of which did not; the decision of Air New Zealand to buy Ansett when clearly Air New Zealand could not afford it; a top-heavy management structure at Ansett unable to adapt to a changing market; and, poor decisions about fleet purchases and what that meant for maintenance costs. All of these concerns were exacerbated by the events in New York on 11 September 2001, which saw airline travel around the world virtually come to a halt at the worst possible time for Ansett. At the time of its demise, it was losing an estimated $1.3 million per day.

No-one was given any advance warning of the grounding of the fleet. While thousands of passengers were suddenly stranded, many employees, unaware of the situation, turned up for work that day only to be told they were out of a job. Technicians, baggage handlers, check-in staff and flight attendants all suddenly found themselves without an income, without a livelihood, and facing the complete and total loss of their accrued leave and other entitlements.

Working for the Australian Services Union at the time, I worked closely with the Ansett delegates and members in the months prior to the airline's collapse. The ASU was the largest union at Ansett, and on this day in 2001 some 4,500 members lost their jobs. It was devastating to witness these people,
many of whom had become my friends, lose
their livelihoods overnight.

While the exact figures are unknown, it is
estimated that some 40 employees com-
mitted suicide in the months following the job
losses and an estimated 80,000 people in
related industries were also affected. I used
to get very annoyed in those days by people
who would whinge to me about the 90,000
frequent flyer points they had lost because of
the Ansett collapse, when I was
dealing
every day with people who had lost their
jobs. People still whine to me about their lost
frequent flyer points and I still lecture them
about the lost jobs.

Not everyone was so selfish in the face of
the collapse of Ansett. I well remember the
huge effort from Ansett staff, workers,
businesses, and even other airlines to try to
relaunch Ansett as Ansett mark 2. From the
collapse in September 2001 until March
2002, efforts were made to get Ansett flying
again with limited flights, no frills flights
and various enticements to get people back
onto the few aircraft that Ansett could get
into the air.

Airline staff who had never been
politically active became very politically
active and donned their uniforms to go to
lobby politicians. They campaigned in
the federal election in 2001 and fought as hard
as any seasoned union official to do what
they could to secure their jobs and entitle-
ments. Many of us remember the last flight
out of Adelaide and the realisation that
Ansett was gone forever.

The ASU was not going to stand by and
see workers lose their entitlements and so
began a long campaign to work with the
eventual administrators, KordaMentha, to
secure as much as possible for the staff of
Ansett who were owed more than $750
million in employment entitlements. The
Ansett unions fought collectively to get the
employee creditors to the front of the
creditors' queue and concerted campaigns
forced the then federal government to
implement the SEESA program, which
advanced $350 million to the administrators
and which the government sought to recoup
from the $10 per seat levy on Australian
airline passengers.

I am proud to let the Senate know this
evening that, after a decade of pursuing
workers' entitlements, the journey has come
to an end for former Ansett workers and for
the unions who fought for them, with
KordaMentha last month finalising the sale
of the last Ansett asset. On the eve of the
10th tenth anniversary of the airline's
collapse, the final dividend payment has
been made to workers. Over 14 instalments,
the average payment of the entitlements to
Ansett employees was 96c in every dollar, a
huge achievement and a relief after such a
long, drawn-out fight, especially after,
originally, the workers faced receiving just a
fraction of what they were owed. In all,
Ansett employees received $727.5 million
from the sale of Ansett assets and that makes
it the largest ever group administration in
Australia's history. While the final payment
cannot make up for lost jobs and lost careers,
I know that Ansett employees welcomed
each of those 14 payments.

Considering the circumstances, the spirit
of the Ansett workers has remained, on the
whole, positive. Many of the former workers
and employees of Ansett remain friends. We
come across them all the time working for
other airlines and even for Comcar.

Last weekend, across the country, many
events were held to mark the 10th anni-
versary of the airline's demise. The biggest
of those events, a reunion held in Adelaide,
attracted an estimated 500 former employees
from across Australia and, indeed, from
international ports. According to the member
for Hindmarsh, Steve Georganas, who attended the event, the reunion was a great success.

Ten years on, let us hope we have learnt some lessons about corporate incompetence and government inaction and the devastating effects it can have on working people. We have certainly learnt the value of working people sticking together when adversity strikes.

Senate adjourned at 19:38

DOCUMENTS

Tabling

The following government documents were tabled:

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2011.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 639/11 to 642/11—

Commonwealth Ombudsman’s reports.

Government response to Ombudsman’s reports.


Tabling

The following documents were tabled by the Clerk:


Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 18 of 2011—Information provided by general insurers and Lloyd’s underwriters for the purposes of the National Claims and Policies Database under Reporting Standard GRS 800.1, GRS 800.2, GRS 800.3, LOLRS 800.1, LOLRS 800.2 and LOLRS 800.3 [F2011L01894].


Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—

EPBC303DC/SFS/2011/26 [F2011L01890].


Export Control Act—Export Control (Orders) Regulations—Export Control (Fish and Fish Products) Amendment Orders 2011 (No. 1) [F2011L01888].

Higher Education Support Act—Revocation of Approval as a Higher Education Provider—East Coast Gestalt Training Incorporated [F2011L01892].


Departmental and Agency Files

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2011—Statements of compliance—

Broadband, Communications and the Digital Economy portfolio.

Innovation, Industry, Science and Research portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Asylum Seekers**

(Question No. 897)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 1 August 2011:

Has the department contracted for the provision of Employment Assistance Programs for:

(a) staff on Christmas Island; and

(b) staff at other immigration detention facilities

if so:

(a) who is eligible to access these programs at these facilities;

(b) what have been the contractual amounts paid and the corresponding contract periods for these programs at each detention facility since 1 January 2008;

(c) how many people have accessed these programs at each facility in each of these contract periods above or in each 6 month period since 1 January 2008; and

(d) has the department received statistical reports identifying critical issues affecting staff, if so, in each instance and for each facility:

(i) what issues have been identified;

(ii) what numbers or percentage of staff have been affected; and

(iii) what action has been taken to address these issues.

Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator’s question:

(a) Yes – Davidson Trahaire Corpsych (DTC) is the Department’s contracted provider and provides Employee Assistance Program (EAP) services for staff on Christmas Island.

(b) Yes - EAP programs and services are available for staff at all immigration detention facilities (IDFs).

(a) All departmental staff working at IDFs are eligible to access EAP services. EAP services may also be accessed by interpreter staff following critical incidents.

(b) EAP services, specific to IDFs, were not provided for the period 1 January 2008 to 31 December 2008. Departmental staff working at IDFs prior to 1 January 2009 did have access at all times to the Department’s existing national EAP services.

From 1 January 2009 to 30 June 2011, $2.63 million was paid to DTC for contracted EAP services provided specifically for staff working at IDFs. Table 1 provides a break down of EAP service costs associated with staff working at IDFs since 1 January 2009.

Table 1 – EAP service costs since 1 January 2009

<table>
<thead>
<tr>
<th>Location/ Service</th>
<th>Total Cost of services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christmas Island</td>
<td>$991,116</td>
</tr>
<tr>
<td>Curtin</td>
<td>$228,621</td>
</tr>
<tr>
<td>Leonora</td>
<td>$119,037</td>
</tr>
<tr>
<td>Darwin</td>
<td>$205,077</td>
</tr>
<tr>
<td>Scherger</td>
<td>$171,686</td>
</tr>
</tbody>
</table>
(c) Table 2 shows the number of staff who have accessed EAP services specifically provided by DTC to staff working at IDFs for each six month period since 1 January 2009, when such services commenced.

Table 2 - EAP services provided in each 6 month period since 2009

<table>
<thead>
<tr>
<th>Period</th>
<th>Christmas Island</th>
<th>Curtin</th>
<th>Leonora</th>
<th>Darwin</th>
<th>Scherger</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1/2009 - 30/6/2009</td>
<td>54</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>1/7/2009 - 31/12/2009</td>
<td>132</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>1/1/2010 - 30/6/2010</td>
<td>337</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
</tr>
<tr>
<td>1/7/2010 - 31/12/2010</td>
<td>458</td>
<td>196</td>
<td>18</td>
<td>170</td>
<td>94</td>
</tr>
<tr>
<td>1/1/2011 - 30/6/2011</td>
<td>673</td>
<td>251</td>
<td>40</td>
<td>256</td>
<td>184</td>
</tr>
</tbody>
</table>

(d) Yes. Confidential site specific reports are regularly provided by DTC to each IDF manager and the national OHS team.

(i) The issues vary from report to report, but include:
- staff accommodation;
- isolation and close living;
- travel and allowances;
- workload;
- work related interpersonal and relationship issues; and
- personal issues (e.g. family and relationship issues).

(ii) The overall number of staff accessing EAP services at each IDF is summarised in Table 2. It is not possible to provide the percentage of staff affected by particular issues. The dynamic nature of IDF operations means that the number of staff at each IDF changes and the duration of each deployment can vary. Consequently, percentages can not be accurately calculated.

Further, the Department’s EAP provider reports on the number of instances each service is accessed rather than the number of staff accessing each service. This means that it is not possible to know (for example) whether one person accessed EAP services 13 times, or 13 people accessed the service on one occasion each. Accordingly, it is not possible to report on the percentage of affected staff.

(iii) All critical issues identified by DTC and affecting individual staff are managed by the relevant IDF manager, the Detention Operations Division and appropriate support teams in national office, as required.

Department of Health and Ageing

(Question No. 912)

Senator Boyce asked the Minister representing the Minister for Health and Ageing, upon notice, on 16 August 2011:

With reference to the following answers to questions taken on notice during the 2011-12 Budget estimates hearings of the Community Affairs Legislation Committee:

(1) Question no. E11-392:
(a) what is the value of the consultancies contracts for the 2010-11 financial year;
(b) how many consultancies contracts were undertaken for each of the following financial years, 2008-09 and 2009-10, and for each contract what was its value; and
(c) how many staff were employed in each of the following financial years 2008-09, 2009-10 and 2010-11.

(2) Question no. E11-433, in which $0.5 million was allocated to the Australian Nursing Federation (ANF) to conduct a research study on staffing levels, skills mix and resident care needs in Australian aged care facilities:

(a) how much funding has the ANF received from the department since November 2007;

(b) can a breakdown be provided of that funding;

(c) to procure this funding, did the ANF take part in the usual tender process or grants process; and

(d) have details of the $0.5 million grant been published on the AusTender site or the department’s Internet site; if so, when was it published; if not, why not.

**Senator Ludwig:** The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(1) (a) During 2011, the Department entered into a total of 525 new consultancy contracts with a total value of $50,871,382.31.

(b) The Department entered into a total of 451 and 429 consultancy contracts during the 2008-09 and 2009-10 financial years respectively. Details of individual contracts and their values can be found in Section 4.3 of the Department of Health and Ageing Annual reports for the relevant financial years. These reports can be accessed at the following link: http://www.health.gov.au/internet/main/publishing.nsf/Content/Annual+Reports-3

(c) The Department’s staff numbers are recorded as part of the Annual Report process for each financial year. Staff numbers for respective financial years are displayed below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-09</td>
<td>4,926</td>
</tr>
<tr>
<td>2009-10</td>
<td>5,287</td>
</tr>
<tr>
<td>2010-11</td>
<td>5,421</td>
</tr>
</tbody>
</table>

Staff numbers include:

- Headcount figures of departmental staff at the end of each financial year (i.e 30 June)
- Inoperative Staff
- Staff employed at Australian Commission of Safety & Quality in Health Care. While externally funded, staff in this organisation are employed via the Department'

(2) (a) The Department has entered into nine (9) arrangements with ANF to the total value of $1,032,430.59 since 1 November 2007. These figures are according to the Department’s contract reporting system as at 25 August 2011.

(b) A breakdown of these nine contracts can be found at Attachment A.

(c) In the 2010-11 Budget, the Government announced that it would fund a body of research into the staffing inputs that are adequate to provide good quality care, supervision and support for particular resident profiles. The Department received a submission from the ANF which met the requirements of this research project and delivered value for money. A grant was then provided in accordance with the Commonwealth Grant Guidelines.

(d) Due to an administrative error, details of the grant provided to conduct a research study on staffing levels, skills mix and residential care needs were initially posted on the AusTender site on 14 July 2011, as opposed to the grants reporting webpage of the Department’s internet site. Details of the grant were removed from AusTender and published on the Department’s grants reporting webpage on 15 August 2011.
<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Vendor Name</th>
<th>Contract Start Date</th>
<th>Contract End Date</th>
<th>Contract Purpose</th>
<th>Contract Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>3000028398</td>
<td>Australian Nursing Federation</td>
<td>31/01/2008</td>
<td>30/01/2010</td>
<td>To Support the Community Aged Care Workforce - Mainstream Round 1</td>
<td>$24,200.00</td>
</tr>
<tr>
<td>3000029473</td>
<td>Australian Nursing Federation</td>
<td>29/04/2008</td>
<td>31/05/2008</td>
<td>To Provide Support for Publishing &quot;Nurses Paycheck&quot; Through the ANF Website</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>3000031225</td>
<td>Australian Nursing Federation</td>
<td>30/03/2008</td>
<td>15/02/2009</td>
<td>Funding Agreement with Standards Australia</td>
<td>$141,908.00</td>
</tr>
<tr>
<td>3000034705</td>
<td>Australian Nursing Federation</td>
<td>24/11/2008</td>
<td>1/09/2010</td>
<td>To Support the Coalition of National Nursing Organisations meetings</td>
<td>$113,300.00</td>
</tr>
<tr>
<td>3000035162</td>
<td>Australian Nursing Federation</td>
<td>23/12/2008</td>
<td>30/06/2009</td>
<td>To Develop an Evidence Base on Nursing in Primary Health Care</td>
<td>$25,630.00</td>
</tr>
<tr>
<td>3000038499</td>
<td>Australian Nursing Federation</td>
<td>29/06/2009</td>
<td>1/10/2011</td>
<td>To Provide Better Skills for Better Care Program Funds for Education &amp; Training of Aged Care Workers</td>
<td>$9,514.59</td>
</tr>
<tr>
<td>3000044961</td>
<td>Australian Nursing Federation</td>
<td>24/06/2010</td>
<td>29/07/2011</td>
<td>To Provide Secretariat Services for the Coalition of National Nursing Organisations &amp; Develop Framework for Nurse Credentialing</td>
<td>$97,883.00</td>
</tr>
<tr>
<td>3000050142</td>
<td>Australian Nursing Federation</td>
<td>29/06/2011</td>
<td>29/07/2012</td>
<td>To Provide Secretariat Services for the Coalition of National Nursing Organisations</td>
<td>$49,995.00</td>
</tr>
<tr>
<td>3000050380</td>
<td>Australian Nursing Federation</td>
<td>30/06/2011</td>
<td>30/06/2012</td>
<td>To Conduct a Research Study on Staffing Levels, Skills Mix, &amp; Residential Care Needs in Australian Aged Care Facilities</td>
<td>$550,000.00</td>
</tr>
</tbody>
</table>
Department of Regional Australia, Regional Development and Local Government

(Question No. 922)

Senator Joyce asked the Minister representing the Minister for Regional Australia, Regional Development and Local Government, upon notice, on 17 August 2011:

Can a list be provided of all office locations that the department leases or owns, including the following details for each location:

(a) office size;
(b) if leased, annual lease payments and lease cost per square metre;
(c) if leased, the length of the lease, including any options to terminate the lease;
(d) the value of any buildings owned; and
(e) depreciation costs on buildings that are owned.

Senator Sherry: The Minister for Regional Australia, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

The Department owns three buildings that are used as office accommodation:

<table>
<thead>
<tr>
<th>Location</th>
<th>Office size m²</th>
<th>Fair Value at 1 Oct 2010 transfer</th>
<th>Depreciation 1 Oct 2010 to 30 Jun 2011</th>
<th>Book value at 30 June 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christmas Island Settlement</td>
<td>844.24</td>
<td>$860,455</td>
<td>$43,752</td>
<td>$816,703</td>
</tr>
<tr>
<td>Norfolk Island - Military Barracks Building</td>
<td>404.80</td>
<td>$2,527,210</td>
<td>$21,099</td>
<td>$2,506,111</td>
</tr>
<tr>
<td>Jervis Bay</td>
<td>344.47</td>
<td>$89,437</td>
<td>$1,687</td>
<td>$87,750</td>
</tr>
</tbody>
</table>

The Department leases two office premises, as listed below:

<table>
<thead>
<tr>
<th>Building Address</th>
<th>Leased Space</th>
<th>Annual cost per m²</th>
<th>Fixed increase</th>
<th>Start date</th>
<th>End date</th>
<th>Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Mort Street, Canberra City, Ground, Levels 1 and 2</td>
<td>2,330.50</td>
<td>$380.00</td>
<td>$885,590</td>
<td>19/05/2011</td>
<td>18/05/2012</td>
<td>1 x 5 years</td>
</tr>
<tr>
<td>Part Level 21, Exchange Plaza, Perth</td>
<td>307.00</td>
<td>$439.91</td>
<td>$135,052</td>
<td>1/10/2010</td>
<td>31/03/2014</td>
<td>2 x 5 years</td>
</tr>
</tbody>
</table>

The Department also occupies office accommodation in Canberra, Newcastle, Orange, Wollongong, Townsville, Hobart and Bendigo. The Department of Infrastructure and Transport is the lessor of these offices. Facilities are provided to the Department under a shared service arrangement with the initial term being 1 October 2010 until 30 June 2012.
Department of Regional Australia, Regional Development and Local Government
(Question No. 924)

Senator Joyce asked the Minister representing the Minister for Regional Australia Regional Development and Local Government, upon notice, on 17 August 2011:
Can details be provided on the budgeted expenditure for the following items for each year of the forward estimates:
(a) advertising;
(b) travel and accommodation costs;
(c) hospitality and entertainment costs;
(d) information and communications technology costs;
(e) consultancies;
(f) education and training;
(g) external accounting;
(h) external auditing (not included in accounting costs);
(i) external legal costs; and
(j) costs associated with the membership of organisations.

Senator Sherry: The Minister for Regional Australia, Regional Development and Local Government has provided the following answer to the honourable senator’s question:
The department has allocated resources for the following expenditure items in 2011-12:
(a) advertising - $0.01 million.
(d) information and communications technology costs - $2.1 million: includes desktop support, help desk, gateway, internet, and financial management information system.
(f) education and training - $0.5 million.
(g) external accounting - $0.1 million: includes asset valuations and actuarial assessments of provisions.
(h) external auditing (not included in accounting costs) - $0.4 million ANAO financial statement audit.
(i) external legal costs - $0.4 million for legal costs and subpoena matters.
Specific budgets have not been allocated for items b, c, e and j. These costs will be met from broader budget allocations to business units.
As at 26 August 2011, forward year expenditure budgets have not been developed for the items listed above.

Commonwealth Heads of Government Meeting
(Question No. 1012)

Senator Rhiannon asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 22 August 2011:
Can details be provided of who has applied for a visa to attend the Commonwealth Heads of Government Meeting to be held in Perth in October 2011 as part of the delegation from Sri Lanka.
Senator Carr: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator’s question:

Privacy legislation prevents the release of any information pertaining to visa applications made by individuals unless the person to whom the information refers gives permission.

All applicants for visas for Australia must satisfy criteria specific to the type of visa applied for. Criteria are set in legislation, and if an applicant meets the criteria, by law they must be granted a visa. If they fail to meet the criteria, then by law they cannot be granted a visa.

Minister for Climate Change and Energy Efficiency
(Question Nos 1015 to 1017)

Senator Ian Macdonald asked the Minister representing the Special Minister of State for the Public Service and Integrity, upon notice, on 22 August 2011:

What salary and allowances are paid to the Minister for Climate Change and Energy Efficiency?

Senator Wong: The Special Minister of State for the Public Service and Integrity has provided the following answer to the honourable senator’s question:

The Minister for Climate Change and Energy Efficiency receives the same parliamentary base salary as every member of the Parliament receives; the additional salary payable to Cabinet Ministers as determined by the Remuneration Tribunal; and other allowances in accordance with relevant legislation and determinations.