INTERNET
The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2011

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

Senate Officeholders
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, 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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(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 Hon. Julia Gillard MP
Deputy Prime Minister, Treasurer Hon. Wayne Swan MP
Minister for Regional Australia, Regional Development and Local Government Hon. Simon Crean MP
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate Senator Hon. Chris Evans
Minister for School Education, Early Childhood and Youth Hon. Peter Garrett AM, MP
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate Senator Hon. Stephen Conroy
Minister for Foreign Affairs Hon. Kevin Rudd MP
Minister for Trade Hon. Dr Craig Emerson MP
Minister for Defence and Deputy Leader of the House Hon. Stephen Smith MP
Minister for Immigration and Citizenship Hon. Chris Bowen MP
Minister for Infrastructure and Transport and Leader of the House Hon. Anthony Albanese MP
Minister for Health and Ageing Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs Hon. Jenny Macklin MP
Minister for Sustainability, Environment, Water, Population and Communities Hon. Tony Burke MP
Minister for Finance and Deregulation Senator Hon. Penny Wong
Minister for Innovation, Industry, Science and Research Senator Hon. Kim Carr
Attorney-General and Vice President of the Executive Council Hon. Robert McClelland MP
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate Senator Hon. Joe Ludwig
Minister for Resources and Energy and Minister for Tourism Hon. Martin Ferguson AM, MP
Minister for Climate Change and Energy Efficiency Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
| Minister for the Arts                      | Hon. Simon Crean MP |
| Minister for Social Inclusion             | Hon. Tanya Plibersek MP |
| Minister for Privacy and Freedom of Information | Hon. Brendan O'Connor MP |
| Minister for Sport                        | Senator Hon. Mark Arbib |
| Special Minister of State for the Public Service and Integrity | Hon. Gary Gray AO, MP |
| Assistant Treasurer and Minister for Financial Services and Superannuation | Hon. Bill Shorten MP |
| Minister for Employment Participation and Childcare | Hon. Kate Ellis MP |
| Minister for Indigenous Employment and Economic Development | Senator Hon. Mark Arbib |
| Minister for Veterans’ Affairs and Minister for Defence Science and Personnel | Hon. Warren Snowdon MP |
| Minister for Defence Materiel             | Hon. Jason Clare MP |
| Minister for Indigenous Health            | Hon. Warren Snowdon MP |
| Minister for Mental Health and Ageing     | Hon. Mark Butler MP |
| Minister for the Status of Women          | Hon. Kate Ellis MP |
| Minister for Social Housing and Homelessness | Senator Hon. Mark Arbib |
| Special Minister of State                 | Hon. Gary Gray AO, MP |
| Minister for Small Business               | Senator Hon. Nick Sherry |
| Minister for Home Affairs and Minister for Justice | Hon. Brendan O'Connor MP |
| Minister for Human Services               | Senator Hon. Mark Plibersek MP |
| Cabinet Secretary                        | Hon. Mark Dreyfus QC, MP |
| Parliamentary Secretary to the Prime Minister | Senator Hon. Kate Lundy |
| Parliamentary Secretary to the Treasurer  | Senator Hon. David Bradbury MP |
| Parliamentary Secretary for Education and Workplace Relations | Senator Hon. Jacinta Collins |
| Minister Assisting the Prime Minister on Digital Productivity | Senator Hon. Stephen Conroy |
| Parliamentary Secretary for Trade        | Senator Hon. Justine Elliot MP |
| Parliamentary Secretary for Pacific Island Affairs | Hon. Richard Marles MP |
| Parliamentary Secretary for Defence      | Senator Hon. David Feeney |
| Parliamentary Secretary for Immigration and Multicultural Affairs | Senator Hon. Kate Lundy |
| Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing | Senator Hon. Nick Sherry |
| Parliamentary Secretary for Disabilities and Carers | Senator Hon. Jan McLucas |
| Parliamentary Secretary for Community Services | Senator Hon. Julie Collins MP |
| Parliamentary Secretary for Sustainability and Urban Water | Senator Hon. Don Farrell |
| Minister Assisting on Deregulation and Public Sector Superannuation | Senator Hon. Joe Ludwig |
| Minister Assisting the Attorney-General on Queensland Floods Recovery | Hon. Dr Mike Kelly AM, MP |
| Parliamentary Secretary for Agriculture, Fisheries and Forestry | Senator Hon. Nick Sherry |
| Minister Assisting the Minister for Tourism | Hon. Mark Dreyfus QC, MP |
| Parliamentary Secretary for Climate Change and Energy Efficiency | Senator Hon. Nick Sherry |
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and 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]
SHADOW MINISTRY—continued

Shadow Minister for Employment Participation                      Hon. Sussan Ley MP
Shadow Minister for Justice, Customs and Border Protection        Mr Michael Keenan MP
Shadow Assistant Treasurer and Shadow Minister for Financial      Senator Mathias Cormann
Services and Superannuation
Shadow Minister for Childcare and Early Childhood Learning        Hon. Sussan Ley MP
Shadow Minister for Universities and Research                     Senator Hon. Brett Mason
Shadow Minister for Youth and Sport and Deputy Manager of        Mr Luke Hartsuyker MP
Opposition Business in the House
Shadow Minister for Indigenous Development and Employment         Senator Marise Payne
Shadow Minister for Regional Development                         Hon. Bob Baldwin MP
Shadow Special Minister of State                                  Hon. Bronwyn Bishop MP
Shadow Minister for COAG                                         Senator Marise Payne
Shadow Minister for Tourism                                       Hon. Bob Baldwin MP
Shadow Minister for Defence Science, Technology and               Mr Stuart Robert MP
Personnel
Shadow Minister for Veterans' Affairs and Shadow Minister         Senator Hon. Michael Ronaldson
Assisting the Leader of the Opposition on the Centenary of
ANZAC
Shadow Minister for Regional Communications                       Mr Luke Hartsuyker MP
Shadow Minister for Ageing and Shadow Minister for Mental         Senator Concetta Fierravanti-
Health                                                           Wells
Shadow Minister for Seniors                                       Hon. Bronwyn Bishop MP
Shadow Minister for Disabilities, Carers and the Voluntary       Senator Mitch Fifield
Sector and Manager of Opposition Business in the Senate
Shadow Minister for Housing                                       Senator Marise Payne
Chairman, Scrutiny of Government Waste Committee                  Mr Jamie Briggs MP
Shadow Cabinet Secretary                                          Hon. Philip Ruddock MP
Shadow Parliamentary Secretary Assisting the Leader of the        Senator Cory Bernadi
Opposition
Shadow Parliamentary Secretary for International Development      Hon. Teresa Gambaro MP
Assistance
Shadow Parliamentary Secretary for Roads and Regional             Mr Darren Chester MP
Transport
Shadow Parliamentary Secretary to the Shadow Attorney-General     Senator Gary Humphries
Shadow Parliamentary Secretary for Tax Reform and Deputy         Hon. Tony Smith MP
Chairman, Coalition Policy Development Committee                  Senator Fiona Nash
Shadow Parliamentary Secretary for Regional Education             Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for Northern and Remote            Mr Don Randall MP
Australia
Shadow Parliamentary Secretary for Local Government               Senator Simon Birmingham
Shadow Parliamentary Secretary for the Murray-Darling Basin       Senator Gary Humphries
Shadow Parliamentary Secretary for Defence Materiel               Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for the Defence Force and           
Defence Support
SHADOW MINISTRY—continued

Shadow Parliamentary Secretary for Primary Healthcare
Dr Andrew Southcott MP

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, 6 JULY 2011

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Wednesday, 6 July 2011

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

PARLIAMENTARY OFFICE HOLDERS

Temporary Chairmen of Committees

The PRESIDENT (09:31): Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator Kroger as a temporary chair of committees.

BILLS

Carbon Credits (Carbon Farming Initiative) Bill 2011
Carbon Credits (Consequential Amendments) Bill 2011
Australian National Registry of Emissions Units 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 "and further consideration of the bill be an order of the day for 3 sitting days after a draft of the final regulations relating to the bill is laid on the table".

Senator XENOPHON (South Australia) (09:31): I am in continuation from last night on this issue. When I was speaking on this issue last night, there was real concern about the use of the word 'significant' in the bill in terms of a threshold. What does 'significant' mean? Does it mean 20 per cent, 30 per cent or 40 per cent, particularly in the context of water use? In other words, if a carbon farming measure is approved and the minister only has to consider if it has a significant adverse impact on water in a particular area where the Carbon Farming Initiative is planned, what impact will it have on food security, local ecosystems and the viability of adjoining farms in that area if there is an issue of interception? My concern is that the word 'significant' gives too much leeway and is simply too dangerous because, at the very least, it could lead to a number of unintended consequences when it comes to the whole issue of an appropriate threshold to consider before a Carbon Farming Initiative is approved.

Ultimately any project that will have any adverse impact on water availability or Australia's food security should not be approved. We have seen the difficulties with managed investment schemes. We have seen the damage that managed investment schemes have caused to agriculture and family farmers. We have seen the damage that managed investment schemes have caused to water availability by distorting the water market, which has prejudiced many small farmers throughout Australia, particularly in the Murray-Darling Basin. That has been an issue of great complaint from irrigators in the Riverland in South Australia, which I represent.

I also think it is important that we recognise early adopters of emissions reduction schemes. Indeed, that is something the Prime Minister has previously said. I agree with her that, if you have been an early adopter, you should be credited for it. I have previously spoken about the importance of early adopters and recognising irrigators who have invested significantly in water infrastructure. Well, the same theory applies here. Farmers who have taken the initiative and invested heavily in projects to independently reduce emissions should be included within this scheme. Until July 2010 they were able to access the Greenhouse Friendly scheme, but since the government's
announcement in 2008 that it would introduce the Carbon Farming Initiative, their ability to trade their credits has been severely impacted. While the two-year notice was beneficial on the one hand, it also meant that credits effectively lost their value and participants in the Greenhouse Friendly scheme were unable to sell their credits. This is something that ought to be explored in the committee stages of this legislation. There also needs to be consideration for early adopters under this scheme and I will be supporting the opposition's amendment to this effect.

As I mentioned earlier, I have a number of other amendments that I will move in the committee stage. In addition to the amendments I have already mentioned, I indicate now that I will be moving an amendment to require the administrator to publish on its website, within 14 days of providing its decision to the person who made the request, its reasons for supporting or refusing the proposed methodology. It is also important that one of the functions of the Domestic Offsets Integrity Committee is that it monitor all scientific research relevant to the issue of permanence and adjust permanence obligations under the act to reflect best evidence. If we are going to do this, let us rely on the evidence because, on the issue of permanence, there is a real concern amongst a number of farmers about the lack of certainty that causes. 'Permanence' is defined in the act as '100 years'. On the face of it, that gives a great deal of confidence. But it is not realistic in the context of farming practices and it is not realistic in getting a good outcome.

Let me quote from page 35 of the Senate committee report. The Chairman of the Carbon Farming and Trading Association, Michael Kiely, said:

No farmer would be silly enough to agree to 100 years for soil carbon or 100 years for anything. A finance lender would want to know seriously the impact on the value of the property of agreeing to such a thing. We did some research into the 100 years thing and discovered it was a policy decision, not a scientific measure ...

That is a real concern. We need to listen to key stakeholders such as the CFTA. It would be foolish not to listen to those who have that firsthand practical knowledge. This was a recommendation about the issue of permanence in the inquiry into these bills. It is important that the DOIC continue to update, amend and improve the scheme into the future. These are just some of the amendments I will be moving. I look forward to discussing them and debating them in more detail. I think we all agree, in this chamber, that a carbon-farming initiative is a good idea. I see agriculture as being part of the solution rather than being part of the problem when it comes to carbon but it is the detail and the implementation that will determine the effectiveness of such a scheme. If we get the detail or the implementation wrong this will be very bad news for Australian agriculture, and the monitoring and enforcement of the scheme will be vital.

This scheme has the potential to be useful in the steps towards reducing CO₂ and towards tackling climate change. I urge those who are sceptical about climate change to take the precautionary principle and, as Rupert Murdoch once famously said, give the planet the benefit of the doubt. But if we are going to use measures, let us use measures that are effective. Let us use measures that are cost effective, sensible, practicable and which can be well implemented.

Without knowing the full details of the government's carbon plan— it is only a few days away; this Sunday the government will make an announcement in relation to this—it would be very difficult and indeed very foolish to proceed with this legislation. That
is why I will be supporting what the opposition is proposing—that we wait for the regulations. I will be putting up an alternative proposal, which I hope will be circulated shortly, in the form of a second reading amendment, that at the very least as a fall-back position we wait until next Sunday. In other words, this can wait until the next sitting period because it would be too risky, too problematic and too fraught with difficulties for this piece of legislation to be dealt with and finalised before, at the very least, we know details of the government's carbon pricing plan. I support Senator Birmingham's second reading amendment that this bill be further considered only after a draft of the final regulations is tabled, but as an alternative—the fall-back position—we should not deal with this legislation this week until we know what the government is proposing.

Let us go back to what this bill is about. The explanatory memorandum of this bill says that this initiative has been designed to be complementary to a carbon pricing mechanism. We know that the Oxford English Dictionary defines 'complementary' as mutually complementing or completing each other's deficiencies. This bill will have a lot of deficiencies unless we get some more details about the carbon-pricing mechanism and the carbon-pricing details that the government will announce in just a few days time.

I want this carbon-farming initiative to be effective. I want it to work. I want it to be effective in reducing CO₂. Agriculture has a key role to play but I am very concerned that the framework of this bill, because it is complementary, is predicated on what a carbon-pricing mechanism will do, and until we have the details of that carbon-pricing mechanism I urge my colleagues on both sides of the house to be cautious and sensible and wait until we get those details this Sunday. That is something that I strongly urge my colleagues to do; otherwise we could well be back here in a few months time trying to unravel legislation that needs to be changed by virtue of the government's announcement this Sunday.

Senator CORMANN (Western Australia) (09:40): This bill is the government's attempt to introduce direct action policy. They do it badly but they are trying. The coalition agrees with the bipartisan commitment to reduce greenhouse gas emissions and has committed to the bipartisan five per cent reduction on 2000 emissions by 2020. This bill, at its essence, is about voluntary financial incentives for farmers to improve land as a means of reducing Australia's emissions. It tries to do this by creating incentives for farmers and landholders to undertake voluntary land-sector abatement projects. The government will provide saleable Australian carbon credit units in return for eligible carbon offset projects to achieve carbon abatement and improved soil resilience. Carbon farming would have additional environmental benefits such as reducing salinity and erosion, protecting biodiversity, regenerating landscapes, improving water quality and improving agricultural soil productivity. Incentives for carbon farming are earned through abatement of greenhouse gases by capturing and destroying methane emissions from landfill or livestock manure or by removing carbon from the atmosphere and storing it in soil or trees—for example, by growing forests.

So far, so good. In principle the coalition agrees with what the government is trying to achieve with this but there are some flaws in it. We would like to see the detail in the regulations before we finalise our consideration of this legislation. I also note the comments that Senator Xenophon has just made that the government shut down a very successful scheme that was previously
in place—the Greenhouse Friendly scheme put in place by the Howard government. Shutting that scheme down took Australia backward rather than taking us forward in addressing our challenge of helping to reduce global greenhouse gas emissions.

But there are some things that we can do to make this legislation better. If the government supports the sensible amendments that we will be putting forward in the committee stages there is no doubt that this could be a very good way of making a sensible contribution to helping reduce global greenhouse gas emissions, moving forward.

But this comes in a broader policy context. This comes in the policy context of the government wanting to impose a carbon tax on Australia. This comes on top of the government wanting to impose a carbon tax when none of our major overseas trade competitors that are relevant in this context will impose either a carbon tax or an emissions trading scheme.

The carbon tax that the government is proposing to impose as of 1 July 2012 will push up the cost of everything. It will make Australia less competitive internationally so it will cost jobs. And it will do all of that without helping to reduce global greenhouse gas emissions. Why? Because it will make overseas emitters more competitive than equivalent Australian businesses, including those in Australia that are operating at world’s best practice in terms of environmental standards. This will mean that overseas emitters will take market share from Australian businesses, which will mean that we will shift emissions overseas and we will shift jobs overseas. That will mean that a carbon tax, in the absence of an appropriately comprehensive global agreement to price emissions, will reduce emissions in Australia in a way that increases emissions, arguably by more, in other parts of the world. This is a fundamental flaw in what the government is putting forward. Yesterday I asked the Minister for Finance and Deregulation, Senator Wong, a series of questions in question time about why carbon emissions from coal were worse than carbon emissions from petrol. If people have no choice but to use their car, why should electricity not be exempt from the carbon tax as well as petrol? Families who have to access electricity from coal fired power stations will equally not have any choice, no chance to avoid doing so.

Verve Energy in Western Australia gave evidence to the carbon tax inquiry that, irrespective of a carbon tax, they will have to continue to use coal as part of their energy mix to the same if not to a growing extent in order to ensure energy security in that state. This means that, given they are currently responsible for 8½ million tonnes of emissions, given that they are currently the 11th biggest emitter, they will have to pay between $160 million and $200 million worth of carbon tax, which will be passed on either to consumers by way of higher electricity prices or to taxpayers because, as a state owned enterprise, the electricity generator is, in that context, very likely to make a loss.

Because Minister Wong was unable to answer the questions, she went for a distraction. She made a statement in this chamber that somehow I had made a statement in September 2007. She said yesterday in question time:

I am interested that Senator Cormann has asked me about taxing petrol, because I was surprised to find his comments in the chamber, in September 2007, where he said of Mr Howard's emissions trading scheme: This will be the most comprehensive ETS, in the world, broader in coverage than any scheme currently operating anywhere; a world-leading scheme to cover 70 to
75 per cent of total emissions. By including large emitters alone, the scheme would cover 55 per cent of total emissions; however—and this is the best bit, Mr President—by including transport and other fuels the coverage of the scheme is significantly increased.' So Senator Cormann used to back an ETS which covered petrol.

I never made any such comments in this chamber or anywhere else. The minister misled the chamber. I suspect that she did not deliberately mislead the chamber. I suspect the minister's misleading of the chamber was due to some sloppy staff work. I suspect it was due to some incompetent hollowmen in her office giving her bad advice. If this is the quality of the advice she is getting in order to structure a political attack on the opposition, I really worry about the quality of the advice she is getting on the important matters of the nation. If this is the quality of the advice she is getting to run a cheap political attack in the context of not being able to answer a very important question, then no wonder we are looking at $107 billion of net government debt and no wonder we are looking at record levels of deficit year after year under this Labor administration. Clearly, this is a government that is not getting very good advice indeed. If the minister had any decency, she would come into this chamber and apologise.

Clearly, one of her advisers did have a look at my first speech in this chamber and she did, out of context, quote one particular sentence. The sentence she quoted did relate to the proposition of an emissions trading scheme:

The government's recent announcement of a national emissions trading scheme, including offsets for trade exposed industries, is a positive and sensible approach to addressing global warming.

I encourage all members opposite, and indeed people across Australia, to read my whole first speech because, if I may say so myself, it was a very good speech. In order to make sure that members opposite have a good understanding of what I actually said at the time, I am going to read them the whole quote. It is very important to have a very good understanding of what was said at the time. Let us remember that this was in August 2007 when the coalition did support an emissions trading scheme. In August 2007, all of us assumed that the United States would have an emissions trading scheme by 2010, that Japan would have an emissions trading scheme by 2010, that China would have an emissions trading scheme by 2015 and that India eventually would have an emissions trading scheme.

We know that Penny Wong, the then Minister for Climate Change and Water, and the then Prime Minister, Kevin Rudd, went to Copenhagen in December 2009. Copenhagen was a massive failure and everything changed. When the facts change, good governments reassess the facts and are prepared to go for a policy rethink. This is actually what the government did at the time. The then Deputy Prime Minister, Julia Gillard and the—sadly, still—Treasurer, Wayne Swan, went to the then Prime Minister, Kevin Rudd, and said: 'We should kill this ETS. This ETS is bad news, given what happened in Copenhagen.' That was very sensible advice. No doubt that is why the by-then Prime Minister, Julia Gillard, in the lead-up to the last election, said, 'There will be no carbon tax under the government I lead.' She realised in 2010 that what all of us thought in 2007 may happen was not happening, that there was no foreseeable prospect or likelihood of any emissions trading scheme or any carbon tax in countries like the United States, Japan, China or Russia—many of the trade competitors of Australia. I will read the whole quote because I think it is important that senators opposite are aware of what I said back in
August 2007. I know that Senator Ludwig is very interested to hear what I said:

Climate change is a challenge we are facing as a global community. If we take a sensible and considered approach to meeting that challenge, Australia can play a pivotal role in facilitating the production of clean energy for the world ... we are blessed with immense reserves of clean energy in the form of gas and uranium. No other place in the developed world has such reserves. Moreover, the growing bulk of this energy is being exported directly or indirectly in the form of processed resources to China, the epicentre of the world's growing energy challenge.

I am still reading—it is a very good speech. It goes on:

Our greatest possible contribution to addressing climate change is to export more energy. Each unit of clean energy exported from Australia reduces the consumption of less clean energy in China and elsewhere and, therefore, reduces greenhouse gas emissions.

That is exactly what a carbon tax in Australia—a price on carbon in Australia—in the absence of an appropriately comprehensive global agreement to price emissions will make harder to achieve. It will make it harder for Australia to maximise our exports of clean energy because it will make it harder for us to increase production of LNG and uranium. If we were serious about reducing global greenhouse gas emissions rather than just patting ourselves on the back for a reduction in domestic emissions here in Australia which will increase emissions in other parts of the world, we would be exporting more LNG to China—where, if LNG displaced coal, it could save five to nine tonnes of emissions for every tonne of emissions produced in Australia—and exporting uranium to India, which is something that this government is not prepared to do.

The speech is really good. It continues:

The Kyoto protocol failed to recognise the unique role that resource and technology intensive countries like Australia play in providing clean energy to the world. That is never more relevant than in a state like Western Australia.

That is an important point. I know that Labor senators get really irate when I say that if we are truly focused on one thing that is to reduce global greenhouse gas emissions—

Senator Ludwig interjecting—

Senator CORMANN: Here I am going to say something that is going to shock you, Senator Ludwig: if our focus was really on the reduction of global greenhouse gas emissions, it might be in the world's best interest for Australia to increase its emissions if, by our doing so, we could help to reduce emissions by a greater amount in other parts of the world. That is the point this government does not seem to understand. This government is focused on the concept that Australia is somehow an island, that somehow the sky around Australia has a boundary around it. This government thinks that, instead of the rabbit-proof fence, we have a carbon-emissions-proof fence around our sky, as if carbon emissions in other parts of the world will not make it to Australia and vice versa. There is no 'carbon-proof fence' around Australia, but who knows—one day this government may think that it would be a good policy. The way they are going, they might as well try to set up a carbon-proof fence. It would only be as ridiculous a proposition as their carbon tax proposal, which is before us at the moment.

Further on in my first speech I said:

The government’s recent announcement of a national emissions trading scheme, including offsets for trade exposed industries, is a positive and sensible approach to addressing global warming. Going forward we need to remain vigilant against pursuing one-policy-fits-all measures that fail to recognise our unique capacity, particularly in Western Australia, to use
more energy and reduce global greenhouse gas emissions at the same time.

That is a fundamental point which, because it is inconvenient, this government completely fails to understand. If you look at the government's green paper back in the post Garnaut review days, there was a little sentence that recognised this point. However, it was removed in the white paper. Why did this happen? I asked officials from the climate change department. It was removed because in the absence of an appropriately comprehensive global agreement on pricing emissions this policy principle was too difficult to 'operationalise' as part of a price on carbon in Australia.

I was quite an active participant throughout 2009 in the policy debate on the proposed emissions trading scheme. We had a robust debate across Australia and across both sides of politics—and we had one also within our own party—about what the best way would be for Australia to help reduce global greenhouse gas emissions. The coalition, along with the Greens, Senator Xenophon and Senator Fielding, voted against the government's Carbon Pollution Reduction Scheme, first in August 2009 and then in November-December 2009. Because Senator Wong is so interested in what I have had to say about imposing a price on carbon, I will share my thoughts with her and help her advisers to find the right quote by pointing them in the right direction. In the great West Australian newspaper on 6 October 2009 I said:

I do not think we should negotiate amendments with a view to pass the ETS legislation before Copenhagen … This flawed legislation—the CPRS legislation—will push up the cost of everything, put pressure on our economy and not reduce global emissions. We should wait until we know what the rest of the world is prepared to do before finalising Australia's position on the ETS.

A few days later, the same paper, the great West Australian, read:

WA Senator Mathias Cormann said waiting until after the Copenhagen conference before finalising an Australian ETS was common sense.

"Unless other relevant countries come on board with similar trading schemes, we would make overseas polluters more competitive, export emissions and jobs and any reduction in local emissions would be more than offset with increased emissions overseas," He said. "That is not an effective way for Australia to help reduce global emissions."

To finalise the trifecta of quotes, I go to the Weekend Australian, which is another very good paper. In it there was an article by Lenore Taylor, who is very supportive of emissions trading and putting a price on carbon. It read:

… West Australian senator Mathias Cormann said what he meant last week. "After Copenhagen, the coalition parties should decide on the best policy on emissions, which may or may not include an ETS." That, of course, is the point. After Copenhagen—after we realised that there was no likely prospect of an emissions trading scheme, carbon taxes or explicit prices on carbon in a whole range of countries that Australia competes with—it was very clear that imposing an ETS or a carbon tax in Australia was not in our national interest because neither would help to reduce global emissions. That was the conclusion that the Labor government reached before the election, only to change its mind under pressure from the Greens after the election. The Greens voted against the emissions trading scheme because they thought it was not tough enough; it will be interesting to see what sort of carbon tax or emissions trading scheme they will be supporting as of Sunday. We will be looking
very carefully at what the Greens are proposing to do.

One of the other unfortunate untruths that is being told in this argument is what the minister said again on Q&A on Monday—that is, that somehow the coalition is saying that nobody else is doing anything. The coalition, of course, not saying that Australia is not doing anything either; Australia is doing a fair bit and could do more. But the point is this: if we are going to do more and if we are going to ask people to make sacrifices, that 'doing more' has to actually make a positive difference. A carbon tax and an emissions trading scheme in the absence of an appropriately comprehensive global agreement will not make a positive difference; arguably, it will make things worse. It will result in increased global emissions, not less, even though you might be able to pat yourself on the back about having reduced emissions domestically.

The point is: Australia is an emissions-intensive export-oriented economy. Access to cheap coal is one of the reasons why we have a very significant international competitive advantage. If we undermine our strengths in a way that will not help to reduce global greenhouse gas emissions, well, we are just being completely economically irresponsible. The way a US Republican congressman described it a few days ago, it would be 'unilateral economic disarmament', and that is not something that Australia should do. We should not be going for unilateral economic disarmament. Countries around the world understand this. Countries around the world are adopting direct action policies—whether it is the US, whether it is China—and of course what the minister does not say when she says 'other countries are doing their bit' is that other countries that we compete with are going for direct action and not for a toxic carbon tax which will make them less competitive.

Senator BOSWELL (Queensland) (10:00): I was not going to speak on this and I am not as prepared as I should be. My colleague Senator Nash handed me a bill of some 291 sections, and there are a couple more. We are being asked to vote on this bill when we have not got a clue what it actually means because all the detail, we hope, will be announced on Sunday. We are being asked to vote on a pig in a poke. No-one can possibly vote for this legislation unless we have the detail: how many acres of trees are we supposed to plant; are these trees going to affect food production; are these trees that we plant going to affect the townships; if we plant so many trees, are they going to have an impact on the sugar mills or the rice mills or the dairy farms? Because if you plant trees, you do not plant food and that food production cannot be processed and that has effects on the towns and employment in the towns.

This bill has had as much thought process go into it as the carbon taxing regime that the government is trying to put into place. It is about as silly as taxing Australia on carbon production. It is absolutely stupid and we are asked to vote for it. I will be supporting the amendments that we do not vote for this, that we do not carry the debate any further unless we know the detail. It is, really, an insult to this side of the chamber—or any side of the chamber. The Greens demand this, the government capitulates, a bill goes up and we have not got a clue what is in it. We are told: 'The details will be on Sunday. Please wait for this.' I say to the government: 'You have your new paradigm. It does not matter whether this bill comes in today or in two weeks time, the Greens are going to support you. You have got the numbers. Just execute the numbers more conservatively. Do not go in and try to hit the Senate over the head with a sledgehammer because that is what
you are doing by asking us to vote for something that no-one knows what is in it.'

We have a direct action plan. I do not know whether this covers that. When I asked our spokesman John Cobb, he said: 'Look, there's no detail in this. Any responsible government could not possibly ask for a decision to be taken on this bill without any detail.' I suspect we will be under the lash of the new paradigm and Senator Milne will support the government on this. We will vote against it. Senator Milne will support the government and we will have a piece of legislation in that will make about as much sense as a carbon tax in Australia.

While Senator Ludwig is in the chamber I will report that I went to Indonesia last week to try to sort out some of the terrible mess that he has left over. There are people without food; people who work in cattle lots—80,000-odd of them—who have not got jobs; the insult that we have offered our neighbour of cutting off their food supply without even telling them. It is going to take a lot of diplomacy to unravel that mess. The total ill will in insults that have been offered to the Indonesians is hard to comprehend unless you go over there. They have an industry that has a lot of support over there, a lot of people working in it, and just to go and cut their supply off is unbelievable.

That is not what I want to talk about today; I will talk about that at a later stage. But the thought occurred to me when I was over there, as I saw some of the world's most extreme poverty and the government trying to do what it could to create employment, to give the people jobs: I wonder what the Indonesian contribution will be. Here are these people living in absolute poverty—they cannot even afford the kerosene for their stoves at night—going out working huge numbers of hours, and we are going to say to them: 'We want you to make a contribution to reducing carbon. We want you to live in extreme poverty. We want you to increase the price of electricity, increase the price of food, increase the price of building. We don't mind if you live in a hovel and we don't mind if you've got nothing to eat and we don't mind if you haven't got a job, but you've got to pull your weight on the environment.' What a stupid, idiotic idea. It is about as sensible as cutting off their food supply. This is what the people in Australia are saying. There is no thought in these processes. They come along with a rush of blood to the head: 'We'll have an ETS, we'll have a carbon tax and we'll expect the rest of the world to pull its weight.' I can tell you, Senator Ludwig: these people cannot go anywhere. They are trying to get out of poverty. They are trying to get somewhere decent to live. They are trying to have something to eat. They are trying to provide a job. The government is trying to provide jobs—even going to the extent of not being efficient, because efficiency costs jobs but being inefficient to provide jobs. They do not have machines, they do not have things that will cut jobs down.

And then we come along and say: 'We have 1.4 per cent of the world's emissions and we will strangle our economy by trying to reduce it by 40 per cent. We will put steelworkers' jobs on the line, we will put cement industry jobs on the line and we will strangle our economy. We will put the jobs of all those people on the line. We will increase the costs of farms by 20 per cent—reduce the price of farmers' profits by 20 per cent.' It will ripple right through the economy. And what will it be for? For nothing. It will achieve nothing. These Third World countries that produce most of the emissions cannot move anywhere. Do you think India are going to say, 'We are going to cut our emissions down'? Senator Ludwig, maybe you can tell cabinet, if they leave you...
there without sacking you for your terrible mistakes—you should be sacked; if you had an decency, you would resign.

The ACTING DEPUTY PRESIDENT (Senator Pratt): Senator Boswell, please direct your comments through the chair.

Senator BOSWELL: Madam Acting Deputy President, I am sorry and I will direct them through you. It is just stupidity that this government can murder and emasculate our economy to try and reduce our emissions by 40 per cent. That is business as usual. They expect us to do it and, in return, the only way that can be effective is if the rest of the world joins us and reduces their emissions. Then you go to these impoverished countries—where the government is doing their best, doing their utmost, to give people jobs, to give people a living, even if it is $100 a month—and expect them to make a sacrifice for the environment, when they are living on the poverty line. You cannot do it. Any government that did it would be thrown out. There would be revolutions in the streets if you put the cost of food up. Yet we merrily go along and say, 'The world is doing something'. Let me tell you, Senator Ludwig, through the chair: in 2020, China's emissions will have risen by 496 per cent, and India's by 350 per cent. I do not know what Indonesia's will be but it will be significant.

One thing Indonesia said to me was: 'Well, you might have cut our meat supply off but you are going to be generous in sending a lot of industry over to us. You are going to send all your heavy industry over to us and maybe that will in some way pay us back for what you have done to our meat industry.' They know that the cement industry will go over there, the steel industry will go over there and the heavy industries will go over there. We will have achieved absolutely zero, because all we will have done is push our heavy industries off into Third World countries. Maybe that is a way to give them a bit of a kick-start but it will not do much for our people over here.

We are told that we are not alone in this—everyone is pulling their weight; everyone is doing something. They are, to a lesser extent. But the best one I read was that Brazil is going to change its light bulbs. That is their contribution to reducing emissions. Good on Brazil. We are going to emasculate our industry while Brazil changes its light bulbs. How stupid is that. How absolutely stupid that we are saying we are going to introduce a carbon tax universally around Australia. We are the only single country that is going to do this. Yes, the EU has a carbon tax, and that carbon tax will extract $2 billion in five years. Let us say it is $2.5 billion. That is what a carbon tax is going to take out of the economy of the EU, which is probably 20 times bigger than our economy. But, at the behest of the Greens, we have to make a sacrifice. The Greens want a sacrifice. The Greens want blood. The Greens want workers' blood. Who goes along with it? Senator Ludwig and all the other Labor senators, because they have not got the guts to say: 'This is just ridiculous. This is just stupid.'

In one year the Australian scheme will take out over $10 billion. That is what we are going to extract from our economy. We have heard about the US regional schemes. All the states are doing their bit. No-one is bludging on the system. Everyone is doing things. In two years they have extracted well under $2 billion. I cannot believe the stupidity of the absolutely ridiculous proposition that we are being asked to support. Let us forget whether the science is right or wrong. I have never questioned the science; I do not think there is an answer to the science. You do not have to go to the science to know this is the most ridiculous scheme that was ever put up because it will not work unless everyone
You have to realise it. The National Party realised it when they were fighting against One Nation. There is only one way to stop it: stand up for your constituents and prove that the Greens are completely hopeless, useless and not in this world. Until you face that, you are dead meat and you are going to get carved away, inch by inch. At the end of next election you will not have the Oakeshott and the Windsors to rely on; you will be absolutely emasculated and run out of office. It will take you another four or five terms to recover.

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) (10:17): I would like to thank senators for their contribution to the debate on the Carbon Credits (Carbon Farming Initiative) Bill 2011, Carbon Credits (Consequential Amendments) Bill 2011 and the Australian National Registry of Emissions Units Bill 2011.

I would also like to thank members of the land sector and Indigenous working group for their important contribution to these bills. The government has listened and acted in response to the issues raised. The recommendations by the National Farmers Federation is a case in point, and today I will move an amendment to the Carbon Credits (Carbon Farming Initiative) Bill to add to the list of matters that must be considered to include whether there is a significant risk that that kind of project would have a significant adverse impact on land access for agricultural production.

The government has committed to create opportunities in the agricultural, forestry or legacy waste sectors for the creation of new revenue streams through the reduction or storage of carbon pollution. The Carbon
Farming Initiative fulfils this commitment. It would contribute to improving farm productivity, create jobs in regions, provide new opportunities for Indigenous communities, enhance our biosecurity and build resilience to the impacts of climate change. Around the country, innovative farmers, landholders and scientists have been developing ways to improve the health of agricultural soils, improve herd efficiency, recycle waste and to farm and manage their land more sustainably.

The Carbon Farming Initiative will create incentives to protect our natural environment and adopt more sustainable farming practices as well as mitigate climate change. Increasing carbon storage in agricultural soils improves soil health and productivity. Revegetation will help restore degraded landscapes and protect biodiversity. Tree planting can help to address salinity and reduce erosion. This is important because the agricultural sector in Australia is likely to be one of the most strongly affected by climate change.

The Carbon Farming Initiative balances environmental integrity with administrative simplicity. An independent expert committee, the Domestic Offsets Integrity Committee, has been established to ensure that estimation methodologies are rigorous and lead to real and verifiable abatement. This committee is now consulting on five draft methodologies with more in the pipeline, including matters such as re-afforestation; forest management and native forest protection; savanna fire management; landfill gas recovery and manure management; and management of methane from livestock, soil carbon and biochaff.

Carbon storage has to be permanent if it is going to be treated as equivalent to carbon emissions from the industrial sectors. The provisions to deal with permanence are rigorous, yet they are flexible and well suited to Australian conditions. We have also put in place arrangements to ensure that adverse impacts are avoided. Some have commented about the threat to prime agricultural land from tree planting. The government is confident that prime agricultural land is not at risk, and the legislative structure will prevent perverse outcomes: (1) while permanent tree planting will be rewarded, those responsible must take into account applicable natural resource management plans; (2) all state, territory and Commonwealth requirements must be complied with, including any water entitlements which may be required; (3) managed investment schemes will not be eligible because short rotation commercial forestry will fail the common practice test and management investment schemes will be explicitly excluded; (4) the economics of carbon credits are such that land use change is likely to occur on marginal agricultural land as evidenced by recent estimates of abatement by the department of CSIRO. It must also be remembered that the Carbon Farming Initiative is not just about tree planting but also covers a wide range of agricultural practices which reduce emissions, such as better fertiliser use, manure management and enhancing soil carbon. Many of these practices increase the productivity of prime agricultural land and this initiative will provide a new income stream for those who take up new and more sustainable farm practices.

The proposed legislation includes provisions to exclude activities that carry a high risk of adverse outcomes on the environment and local communities through a negative list which will be contained in regulation. The government will include activities on the negative list that pose a significant risk to the availability of water, to the conservation of biodiversity, to employ-
ment or to local communities. These activities will not be eligible to receive carbon credits under the Carbon Farming Initiative. The Department of Climate Change and Energy Efficiency has undertaken a first-pass risk assessment of carbon forest activities and released this for public comment.

The government's position is that the following activities be on the negative list: establishing vegetation on land cleared of native vegetation since 1 July 2007, establishing a known weed species, establishing forest in conditions where it would risk impacts on the availability of water and establishing a forest as part of a managed investment scheme. The government recognises the need to monitor issues that may be raised with crediting methodologies and will engage with local government, natural resource management bodies and other stakeholders on whether additional activities should be added to the negative list. The government also recognises the need to act promptly with respect to these issues to ensure that perverse outcomes for biodiversity or agricultural land use are avoided. Negative list activities and the circumstances in which they apply will be tightly defined to avoid prohibiting low-risk projects.

With the content of the key regulations and the first methodologies now published, there is no reason to delay the passage of these bills. Investment in further methodologies and the underpinning science is dependent upon stakeholders having certainty that the initiative will actually go ahead. This is why it is essential for parliament to pass these bills and not continue to find excuses for delay. The environmental integrity of the Carbon Farming Initiative is essential to the value and credibility of the credits that are created.

The government recognises that some types of carbon projects indirectly cause emissions elsewhere in the economy through the effect of leakage. For example, a project based on preventing logging in part of our native forest estate could lead to an increase in logging elsewhere in the country if demand for timber remains. If unaddressed, leakage can reduce or even obviate abatement from such projects. The regulatory framework requirement for streamlined accounting treatments for leakage are to be incorporated in the methodologies. The Department of Climate Change and Energy Efficiency is currently developing mandatory guidelines to establish the accounting rules for dealing with leakage. This will be based on a discounting approach which identifies the likely risk and extent of leakage for projects based on forecasts about supply and demand in the relevant market. The government will work closely with key stakeholders to develop this guidance.

Another key to environmental integrity is the risk of reversal buffer. The government recognises the need to keep this under review as further evidence is gathered of potential risks. The CSIRO is well placed to do further work in this area.

The government is committed to ensuring Indigenous Australians can participate in and benefit from the Carbon Farming Initiative. The first methodology to be released for public comment under the Carbon Farming Initiative, 'savanna fire management', could inject over $2 million of revenue each year to projects such as those in western Arnhem Land. The government is consulting with Indigenous Australians to work through implementation issues with this initiative. In committing to ensure that they stand to benefit to this end, clarifying the consent rights of non-exclusive possession with native title holders will be important.
The government also recognises that other groups may need to be prescribed by regulation as having eligible interests, in particular those who hold mining leases over an area of land or have a legitimate interest in projects involving the same area of land, will be prescribed as eligible interests. The government also accepts the need to work with natural resource management bodies to improve the consistency of regional planning. The government recognises the need to help build carbon literacy amongst landholders and has already engaged Landcare facilitators to communicate the benefits and responsibilities involved with the initiative to interested stakeholders. We will continue to work with landholders, including Indigenous leaders, to ensure that they have the greatest ability to capitalise on the benefits of this very substantial opportunity for regional Australia.

In summing up, these bills before the Senate today will provide real opportunity to regional and rural Australians to be part of the climate change solution. We do appreciate that this sector needs to learn more about the potential abatement opportunities by making a start with the Carbon Farming Initiative and getting projects on the ground. I commend the bills to the Senate.

I table two replacement explanatory memoranda, relating to the Carbon Credits (Carbon Farming Initiative) Bill 2011 and the Australian National Registry of Emissions Units Bill 2011.

Question put:
That the amendment (Senator Birmingham’s) be agreed to:

The Senate divided. [10:33]
(The PRESIDENT—Senator Hogg)

Ayes.........................30
Noes.........................33
Majority.....................3

AYES
Abetz, E
Birmingham, SJ
Boyce, SK
Cash, MC
Cormann, M
Eggleston, A
Fifield, MP
Heffernan, W
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Parry, S
Ryan, SM
Williams, JR (teller)

AYES
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fisher, M
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Scullion, NG
Xenophon, N

NOES
Arbib, MV
Bilyk, CL
Bishop, TM
Brown, CL
Brown, RJ
Cameron, DN
Carr, KJ
Collins, JMA
Conroy, SM
Crossin, P
Di Natale, R
Dunne, D
Gallacher, AM
Hogg, JJ
Humphries, G
Lundy, KA
McEwen, A
Milne, C
Polley, H (teller)
Siewert, R
Stephens, U
Waters, LJ

PAIRS
Adams, J
Urqhart, AE
Back, CJ
Farrell, D
Brandis, GH
Ludwig, JW
Cooman, H
Thistlethwaite, M
Ferravanti-Wells, C
Evans, C
Ronaldson, M

Question negatived.

Senator XENOPHON (South Australia) (10:37): I move the second reading amendment standing in my name on sheet 7121:
At the end of the motion, add: "and further consideration of the bill be an order of the day for the first sitting day after 10 July 2011."

Question put.

The Senate divided. [10:42]

(The PRESIDENT: Senator Hogg)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
</tr>
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<tbody>
<tr>
<td>31</td>
<td>35</td>
</tr>
</tbody>
</table>

Majority..........4

**AYES**

- Back, CJ
- Birmingham, SJ
- Boyce, SK
- Cash, MC
- Cormann, M
- Eggleston, A
- Ferravanti-Wells, C
- Fisher, M
- Humphries, G
- Joyce, B
- Macdonald, ID
- Mason, B
- Nash, F
- Payne, MA
- Scullion, NG
- Xenophon, N
- Bernardi, C
- Boswell, RLD
- Brandis, GH
- Colbeck, R
- Edwards, S
- Fawcett, DJ
- Fifield, MP
- Heffernan, W
- Johnston, D
- Kroger, H
- Madigan, JJ
- McKenzie, B
- Parry, S
- Ryan, SM
- Williams, JR (teller)

**NOES**

- Arbib, MV
- Bishop, TM
- Brown, RJ
- Collins, JMA
- Crossin, P
- Faulkner, J
- Furner, ML
- Hanson-Young, SC
- Ludlam, S
- Lundy, KA
- McEwen, A
- Milne, C
- Polley, H (teller)
- Rhiannon, L
- Siewert, R
- Stephens, U
- Waters, LJ
- Wright, PL
- Bilyk, CL
- Brown, CL
- Cameron, DN
- Conroy, SM
- Di Natale, R
- Feeney, D
- Gallagher, AM
- Hogg, JJ
- Ludwig, JW
- Marshall, GM
- McLucas, J
- Moore, CM
- Pratt, LC
- Sherry, NJ
- Singh, LM
- Sterle, G
- Wong, P

**PAIRS**

- Adams, J
- Bushby, DC
- Coonan, H
- Ronaldson, M
- Thistlethwaite, M
- Farrell, D
- Evans, C
- Urquhart, AE

**PAIRS**

- Abetz, E
- Carr, KJ

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**In Committee**

Bills—by leave—taken as a whole.

**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) (10:45): I table three supplementary explanatory memoranda relating to the government amendments to be moved to the Carbon Credits (Carbon Farming Initiative) Bill 2011, the Carbon Credits (Consequential Amendments) Bill 2011 and the Australian National Registry of Emissions Units Bill 2011. The memoranda were circulated in the chamber on 5 July 2011.

**CARBON CREDITS (CARBON FARMING INITIATIVE) BILL 2011**

Bill—by leave—taken as a whole.

**Senator CORMANN** (Western Australia) (10:46): by leave—I, and on behalf of Senators Birmingham and Colbeck, move coalition amendments (1) to (7) on sheet 7080:

1. Clause 5, page 14 (after line 2), after the definition of *Kyoto unit*, insert:

   **land**, in relation to an eligible interest in an area of land, includes the surface and the subsurface of the land.

2. Clause 5, page 16 (after line 26), after the definition of *native title*, insert:

   **native title future act provisions** means the provisions of Division 3 of Part 2 of the *Native Title Act 1993*.

   [consequential – application of native title future act provisions]
(3) Clause 44, page 70 (lines 24 to 29), omit subclause (7), substitute:

(7) For the purposes of this Act, if the area of land is land rights land in a State or Territory, the Crown lands Minister of the State or Territory holds an eligible interest in the area of land.

[consent of State or Territory minister]

(4) Clause 45, page 71 (lines 4 to 8), omit subclause (2), substitute:

(2) For the purposes of this Act, the Crown lands Minister of the State or Territory holds an eligible interest in the area of land.

[consent of State or Territory minister]

(5) Clause 45, page 72 (lines 27 to 32), omit subclause (7), substitute:

(7) For the purposes of this Act, if the area of land is land rights land in a State or Territory, the Crown lands Minister of the State or Territory holds an eligible interest in the area of land.

[consent of State or Territory minister]

(6) Clause 301, page 301 (line 26), before "This", insert "(1)".

[consequential – application of native title future act provisions]

(7) Clause 301, page 301 (after line 26). at the end of the clause, add:

(2) To avoid doubt, the native title future act provisions apply to any consent under this Act in relation to native title land.

[application of native title future act provisions]

These amendments are essentially designed to improve what is currently bad legislation because there are some important issues which have been identified by the WA state government and others around Australia. There is the potential for some real negative ramifications for states with significant areas of crown land if these amendments are not approved by the Senate. Of course, the Senate is the states house, so I am sure that senators on all sides of the chamber will reflect on their responsibilities to act as representatives of the states and will very carefully consider the amendments that the coalition is putting forward and, of course, then support them. They are sensible amendments that would improve what is currently somewhat flawed legislation.

I will go through the amendments in detail. As a senator for Western Australia, I will focus a little bit on some of the circumstances in WA to make a point, but it does have broader application. Of WA, 36 per cent is vacant crown land. The amendments that we are proposing would make the following changes. States need to have what would be described as an 'eligible interest' over crown land. Under the bill as drafted it is not clear at all that state governments would have an eligible interest over all crown lands and, given that the state could incur residual liabilities as a third party under the carbon maintenance obligations in the bill, for example, the coalition believes it is only reasonable that state governments should have a declared eligible interest in the land and be consulted before a carbon farming scheme is allowed. So amendments (3), (4) and (5) ensure that the relevant state minister in all states has an eligible interest over projects on crown lands.

There is also the issue of subsurface rights. It is important to make clear that subsurface rights are protected in the bill, particularly to avoid negative impacts on petroleum tenements. Amendment (1) addresses the subsurface rights issue by expanding the definition of eligible rights in land to include subsurface right interests in land.

Further, in relation to native title, exclusive possession native title holders under the bill have an eligible interest in carbon sequestration. This effectively gives them a right of veto and requires further consultation in addition to that required under the Native Title Act 1993 future act process. This kind of veto power would have
negative ramifications on development and as such would not be in the national interest or in the interests of respective state economies. The amendment makes clear that the Native Title Act 1993 future act provisions apply to native title consents under this proposed legislation. The issue is addressed in amendments (2), (6) and (7).

In this context, I will read relevant correspondence that I received from the Minister for Mines and Petroleum, Minister for Fisheries, Minister for Electoral Affairs and the Leader of the Government in the Legislative Council in the great state of Western Australia. I will just read it in part:

I am writing to express the concerns of the Western Australian State Government with regards to the content which is intended to be drafted into the Commonwealth Government's Carbon Credits (Carbon Farming Initiative) Bill 2011 (CFI bill). I believe it is important that you … are aware of the potential implications of the proposed legislation to Western Australia's land and tenure system, and resource exploration and production. The concerns contained in this letter were expressed by the following State Departments: the Department of Regional Development and Lands, the Department of Mines and Petroleum, and the Office of Native Title.

According to the Proposed treatment of native title and land rights land under the CFI Bill discussion paper circulated by the Commonwealth Department of Climate Change January 2011, there are three ways that land interests are relevant to projects under the CFI bill:

- First, the proponent must have the legal right to carry out the project.
- Second, each sequestration project proponent must have the carbon sequestration rights.
- Third, for sequestration projects, each holder of a registered interest on Torrens system land or legal interest on Crown land (called 'eligible interests') must provide their consent.

So this bill will:

… deem that exclusive possession native title holders are eligible to participate in the carbon sequestration scheme; i.e. exclusive possession native title holders have 'eligible interests'. Further, no other person is taken to hold the applicable carbon sequestration right in relation to the project area or the legal right to carry out the project. As the holders of an eligible interest, the native title holders would need to provide their consent before any sequestration project may proceed on the land.

In Western Australia ownership of minerals and petroleum resources are vested in the State. Mineral exploration and mining entities may access rights to minerals, subject to payment of rents and royalties, by obtaining mining titles to exclusively explore and develop the mineral resources. Mining in Western Australia is administered under the State's Mining Act 1978. Similarly, exploration and production of petroleum is permitted only under the provisions of the Western Australian Petroleum and Geothermal Energy Resources Act 1967.

In the same way as an owner of freehold land has an interest in that freehold land, the State of Western Australia has an underlying interest in Crown land, including Crown land that is determined to be exclusive possession native title. The CFI bill however makes no provision for the State to be consulted or, as the holder of an interest in Crown land, to give consent for sequestration projects. As with any other party with an interest in Crown land, the State should also be required to give consent to any CFI scheme including any CFI scheme proposed on exclusive possession native title land.

There is potential for the State of Western Australia to have liabilities to third parties if a carbon sequestration project is created over Crown land without the State's consent. For example, the land could have been allocated for a major resource or other development, or the area may be subject to a contract to give tenure over that land. Conflicts may arise if mining or petroleum tenements are granted over areas where native title parties intend to or already have implemented carbon farming projects. There is no mechanism under the proposed legislation to
address the potential conflict between a carbon sequestration project and existing and future mining and petroleum tenements. Therefore, the State of Western Australia would require notification and consent provisions in any carbon sequestration project to effectively prevent conflict with any other existing interests in the land.

If the legal right to carry out a CFI project ceased to exist or the project participant ceased to be eligible to participate in the CFI scheme, the State could incur residual liabilities as the owner of the land under the carbon maintenance obligation (CMO). The CMO will require that carbon stocks be maintained by subsequent owners. As persons having an interest in land could be affected by a CMO, one of the underlying principles of the CFI scheme is to ensure these persons provide their consent to the land being a part of the scheme. Accordingly, the Commonwealth proposes that native title holders and claimants must provide consent to use of the land for a carbon sequestration project, but fails to acknowledge the State's ongoing interest in Crown land.

As exclusive possession native title holders are going to be regarded as having an eligible interest in carbon sequestration and must give consent before any sequestration project may proceed on the land, this requires consultation and negotiation on top of that already required by the Commonwealth's CFI proposal. The State has grave concerns that the current formulation of the Commonwealth's proposed CFI legislation could create considerable difficulties for the administration of Crown land in Western Australia. This is due to, firstly, Western Australia's unique position with regard to the extensive amount of land subject to determined exclusive possession native title … and the potential for significantly more land to become exclusive possession native title. Also, the State's concern is a result of the nature of Western Australia's land tenure system and the importance of resource exploration and production to the State. Accordingly, these circumstances need to be considered and addressed before the draft bill is finalised.

The State through its ownership of minerals and petroleum has interests in Crown land and therefore any scheme that enables any interest in carbon sequestration should require the State's consent.

And he goes on.
The reason I have read all of this into Hansard is this. The government is proposing legislation which the coalition supports in principle but which seriously needs to be amended to address these issues. We do not want to have negative, unintended consequences when it comes to economic development in this context in the state of Western Australia, because keeping economic development strong by keeping the mining industry strong, and through strong development of our petroleum and mineral resources is, of course, in the national interest.

But this government is pushing ahead with a national mining tax which seeks to collect about 65 per cent of its revenue out of iron ore production in Western Australia over the next decade. If that were to go ahead, this government would of course have a very significant interest in what happens with minerals exploration and production in Western Australia. But that is separate legislation and I am not going to get too distracted. It is bad legislation which we will oppose because it is deeply flawed and comes out of a flawed process.

However, there are some issues here, in the context of the interaction between the carbon farming initiative legislation and native title legislation, and various other provisions that are relevant to state and territory governments, that have not been adequately addressed in this legislation. They should be addressed, in the interests of making sure that this legislation can operate effectively. But they also should be addressed to ensure the ongoing strong economic development in states like Western Australia, because that is in the national interest. Finishing off where I started, given that this is the states' house and the Senate was set up by our forefathers as the chamber of this parliament with a particular focus on the interests of states—every single senator in this chamber represents a state or territory in Australia—the issues raised by the Western Australian government are legitimate. They are issues that senators should consider very carefully. On behalf of the coalition and, in particular, Senators Birmingham and Colbeck, who join me in proposing these amendments for the coalition, I commend these amendments to the Senate. I hope that all senators will support them.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (11:00): I rise to say that the Greens will not be supporting the coalition's amendments. We will not support amendments which undermine native title rights and, in particular, undermine the capacity of Indigenous people to maximise their benefits under the carbon farming initiative. We see this as one of the pieces of legislation which will genuinely provide opportunities for Indigenous people. I think it is appalling that what is being proposed is the agenda of the Liberal Western Australian government to undermine the rights of Indigenous people and to undermine the native title provisions.

I indicate to the chamber that the Greens not only will be opposing the coalition's agenda to undermine the rights of Indigenous people but also in a little while will be moving an amendment which expands the capacity of Indigenous people to maximise the benefits under the Carbon Credits (Carbon Farming Initiative) Bill.

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) (11:02): The government will not be supporting the amendments. The first amendment seeks to clarify that land includes the surface and subsurface, of
particular interest to the West Australian government, which has raised concerns about potential negative impacts on petroleum and mineral tenements. The government accepts that there is policy merit underlying this amendment, but in this form it may not achieve the intended outcome. The government will consider providing clarification in regulations to clarify that a person who holds a mining lease in relation to an area of land holds an eligible interest in that area of land. For these purposes a mining lease is a lease or licence, however described, conferring on the holder the right to mine or recover minerals or petroleum on a specified area of land. A mining lease does not include a permit or licence to fossick, prospect, explore, assess or undertake other activities ancillary to the mining or recovery of minerals or petroleum.

The other amendments relate to Crown consents for projects being undertaken by exclusive native title or freehold land rights holders—that is, on Indigenous held land that is equivalent to freehold. The bill currently removes the need for any relevant minister, either the minister administering a land rights scheme or the state Crown minister, to consent to projects on Indigenous held land that is equivalent to freehold. These amendments which the government opposes would reverse this position so that the state Crown ministers would have a consent right—effectively a veto—on any projects on Indigenous held land that is equivalent to freehold.

Senator BIRMINGHAM (South Australia) (11:03): I rise to support the amendments moved by Senator Cormann both on my behalf and on behalf of Senator Colbeck. This is an important matter which was considered by the Senate Environment and Communications Legislation Committee inquiry into this legislation. It identified a submission to the inquiry by the Premier of Western Australia, the Hon. Colin Barnett, who considered the carbon sequestration right provisions in the bill. He said in his correspondence to the committee:

… by a clear negative implication, indicates that the relevant State Minister does not hold an "eligible interest" in State Crown land if that land is not Torrens system land and is subject to a determination of exclusive possession native title.

The committee said:

Premier Barnett was of the opinion the bill 'arbitrarily limits and curtails the rights of the State over State Crown land' and 'the Bill is discriminatory in relation to the State's interests as the State is treated differently from private land owners'.

These are serious concerns, along with so many concerns the opposition has about the approach the government has taken to this legislation. They are and remain unresolved in the approach the government has taken. I urge the government to reconsider and engage in some discussion with the states about this matter. I was chatting to my friend and colleague the shadow minister for COAG this morning who informed me that the next COAG meeting has been deferred yet again. It seems that the government is reluctant to talk to the states about terribly much at all present for fear of finding disagreeable premiers when it gets to the table or something. But on this matter it is important that the government speak with the states and get it resolved.

I note that there was broad discussion around issues related to native title in the committee report. Even in the majority government comments there was a finding and a recommendation:

… the government address obstacles to indigenous participation in the CFI, including resolving outstanding uncertainties in relation to participation by holders of non-exclusive native title.
Whilst Senator Cormann's amendment may address other matters, I challenge the minister to identify what steps the government has taken since its own senators identified that there were outstanding uncertainties surrounding this legislation and how it will operate in this regard. These are matters that it is important to resolve, and they are important for all stakeholders, be they the Indigenous groups that may see opportunities to participate or state governments that have a not unreasonable expectation that interests in crown land and the like are managed in a certain environment. What is the government doing to provide some certainty in the framework for all of these various stakeholders and to respond to the committee report and the recommendation, which was not a recommendation of coalition or opposition senators but a recommendation of the government's own senators? There were many recommendations about this legislation, and throughout this committee debate I hope that we will hear from the government what steps they have taken to address their own senators' concerns. If they have not taken steps then, of course, it again raises the question of why we are being asked to debate this legislation and finalise this legislation here and now without the full details of the regulations and complementary legislation on the table. Minister, I would again draw your attention to those remarks of Premier Barnett that were identified by the committee and, indeed, to your own government senators' findings in the committee report regarding outstanding uncertainties in this space.

Senator XENOPHON (South Australia) (11:08): In the majority report of the Senate committee that looked into this, recommendation 7 was:

The committee recommends the government address obstacles to indigenous participation in the CFI, including resolving outstanding uncertainties in relation to participation by holders of non-exclusive native title.

I understand what the minister, Senator Conroy, has said—that this would act as a right of veto. Could he expand on that? This was a recommendation of government senators in the majority report. It acknowledged the very serious concerns that were raised by the National Native Title Council and the Kimberley Land Council. The National Native Title Council said that the bill gave certainty to exclusive native title rights holders and treated them in a way that was 'fair and appropriate', and the government is to be commended for that in relation to the bill. But the NNTC, the National Native Title Council, said:

The failure to provide a clear pathway for non-exclusive native title holders into participation in offset projects is a major weakness …

When you consider the submission and evidence of the NNTC, it says, for instance:

Let us take Western Australia as an example. Approaching 20 per cent of the state is subject to an existing native title determination and, of that approaching 20 per cent, probably 90 per cent or 85 per cent is non-exclusive native title. This bill, other than by the mechanism of an Indigenous land use agreement with a state or territory government, provides no opportunity for non-exclusive native title holders to participate.

If you want to deal with Indigenous opportunity and this particular issue, there is enormous uncertainty. The National Native Title Council's significant concern is that:

… by sidelining the treatment of non-exclusive native title, by relegating the treatment of that issue to the Native Title Act, in fact the Carbon Farming Initiative bill is excluding non-exclusive native title holders from participation.

The Kimberley Land Council say:

The treatment of non-exclusive native title is discriminatory and fails to accord proper importance to the interests carried by native title.
The KLC observes that the effect of the proposed system would be to confer proprietary rights in carbon on holders of non-exclusive non-native title interests, while excluding non-exclusive native title holders simply by reason of the type of proprietary interest they hold. The KLC considers that there is a real risk that such an approach is inconsistent with the Racial Discrimination Act…

So my questions to the minister are: firstly, has the government got advice as to any potential breaches of the Racial Discrimination Act in relation to the concerns expressed by the Kimberley Land Council; secondly, how is the government addressing the, I think, very legitimate concerns of the majority of the committee, a committee that is chaired by a government senator and that has looked at this very, very carefully? Senator Cameron and his committee have done a very diligent job in exploring, I think very fairly, the concerns that have been raised. The committee recommended that the government address obstacles to Indigenous participation in the CFI. How does this bill address those concerns of the committee, and is there an issue with the Racial Discrimination Act? It is a real concern to me that the Kimberley Land Council has flagged that there could be a Racial Discrimination Act action taken because of this bill.

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) (11:12): I am just taking as much advice as I can on your many questions, Senator Xenophon. I am told that our advice is that in no way does anything we have done breach the Racial Discrimination Act. We are supporting the Greens' amendment, which I think addresses many of your concerns, and we are still in the process of some ongoing consultations about some other issues. I think the Greens' amendment deals with many of your concerns, and we are very supportive of that.

Question put:
That the amendments (Senator Cormann’s) be agreed to.

The committee divided. [11:17]

(The Chairman—Senator Parry)

Ayes ...................... 30
Noes ...................... 37
Majority ............... 7

AYES
Back, CJ
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fife, MP
Heffernan, W
Johnston, D
Kroger, H (teller)
Mason, B
Nash, F
Payne, MA
Scullion, NG

NOES
Arbib, MV
Bishop, TM
Brown, RJ
Collins, JMA
Crossin, P
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Siewert, R
Stephens, U
Thistlethwaite, M
Wong, P

Back, CJ
Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Cornmann, M
Eggleston, A
Fierravanti-Wells, C
Fisher, M
Humphries, G
Joyce, B
Madigan, JJ
McKenzie, B
Parry, S
Ryan, SM
Williams, JR

Bilyk, CL
Brown, CL
Cameron, DN
Conroy, SM
Di Natale, R
Fenney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Waters, LJ
Wright, PL
Question negatived.

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) (11:21): by leave—I move government amendments (1) to (12) on sheet BR233:

(1) Clause 27, page 45 (line 24), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(2) Clause 29, page 48 (line 14), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(3) Clause 30, page 50 (line 11), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(4) Clause 31, page 52 (line 9), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(5) Clause 32, page 54 (line 10), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(6) Clause 33, page 55 (line 2), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(7) Clause 34, page 55 (line 25), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(8) Clause 35, page 56 (line 16), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(9) Clause 36, page 57 (line 4), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(10) Clause 37, page 57 (line 29), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(11) Clause 38, page 58 (line 27), before "the", insert "if the declaration relates to a sequestration offsets project—".
[land registration official]

(12) Clause 215, page 244 (line 5), omit "section 75AA", substitute "section 75".
[technical correction]

The amendments to requirements to notify land registration officials remove an obligation on the scheme regulator to notify state land title officers of emission reduction projects because, of course, doing so would be unnecessary. As currently drafted, the administrator must notify the land registration official of all declarations, whether they be in relation to sequestration offsets projects or emission avoidance projects so the register can reflect that a carbon maintenance obligation may apply. Carbon maintenance obligations, however, only apply in relation to sequestration offsets projects. There is therefore as a consequence no need to notify land registration officials of declarations in relation to emission avoidance projects. Item 1 addresses this issue by ensuring that the administrator is only required to notify the land registration...
official of declarations in relation to sequestration offsets projects.

The item 12 amendment, in reference in a note in the CFI bill, corrects a minor drafting error. Clause 215 of the bill deals with audits, and the note in subclause (2) refers to the conduct of audits being dealt with in section 75AA of the National Greenhouse and Energy Reporting Act 2007. There is, surprisingly, no such section. Instead, the reference should be section 75 of that act. Amendments to the Australian National Registry of Emissions Units I will deal with subsequently.

Senator BIRMINGHAM (South Australia) (11:23): I thank the minister and the government for moving these amendments. Obviously, as the minister has explained, the detail of these amendments is a sensible change. The detail will ensure that a copy of declarations is only required to be given to land registration officials if the declaration relates to a sequestration offsets project rather than an emissions avoidance offsets project. That is the common sense way this should operate and, accordingly, the opposition will support the government's amendments in this regard. However, I note that these amendments relate to the declaration of sequestration offset projects. The need to declare such offset projects stems from matters of the permanence of such projects and the need for future landowners or interested purchasers of land to understand the obligations that flow from that ongoing permanence.

As a result, I bring to the minister's attention recommendation 3 of the Senate inquiry into this matter. It looked at matters of permanence and urged the government to continue monitoring scientific research relevant to the issue of permanence and to adjust permanence obligations to the CFI to reflect international consensus on this matter.

That was a government senator's amendment and the coalition feels strongly that the matter of permanence needs as much clarity as possible. We note those who made strong submissions to the inquiry that the 100-year provisions were too long and would discourage some potential proponents from participating in the scheme. Equally, there were some who did not believe the 100 years was long enough.

The CFTA appeared before the inquiry and described the provision as the 'deal killer'. I will read an extract of the evidence that is highlighted in the inquiry. Mr Michael Kiely, Chairman of the CFTA, stated:

No farmer would be silly enough to agree to 100 years for soil carbon or 100 years for anything. A finance lender would want to know seriously the impact on the value of the property of agreeing to such a thing. We did some research into the 100 years thing and discovered it was a policy decision, not a scientific measure ... We believe that 100 years is a perverse outcome. The result is said to be necessary so buyers can be confident they are getting value—that is, genuine abatement—so they get nothing. There is nothing available for them. We have found examples where the IPCC and the Verified Carbon Standard have allowed other periods of time recently—20, 25, 30-odd years. We believe we could work within that sort of time frame.

AUSVEG, in appearing at the committee and in submissions, were also critical of the 100-year provision, stating:

... it would take a very brave farmer to agree to 100 year permanent arrangements in which they (and their children and grandchildren) will be held accountable for "natural disturbances such as drought that may cause carbon to be released from the soil".

Equally, placing all risk and costs as the growers' responsibility for "bushfire ... drought, or actions by neighbours or third-parties" belies the Government's own commitments to meeting its Kyoto obligations.
Given these serious challenges and immense uncertainty of carbon markets, it is quite unrealistic to expect vegetable and potato growers to sign 100 years commitments (with the threat of civil and criminal prosecution), undertake major investments, and change generational farming practices without any firm guarantees on the price they will be paid.

Another of those submitters which highlighted difficulty is CO2 Group Ltd. Its Chief Executive Officer, Andrew Grant, indicated:

It is a problematic issue in that, from an investment perspective, after the growth period you have a long maintenance obligation with no income off it. Whether that is 100 or 50 years is rather semantic post the growth period. So, for argument's sake, say you have a 50-year growth period. You then have a 50-year permanence obligation.

I highlighted these examples of evidence given to the committee to bring the minister's attention to the government recommendation about the need to monitor the research relevant to the issue of permanence and adjust permanence obligations in the CFI. I also seek, for the benefit and record of this debate, his response to what processes the government will put in place to honour that recommendation and ask how they are going to respond to the concerns that were highlighted through the Senate committee process and what they will do in this regard.

Again, I emphasise these were issues raised by the government dominated Senate committee not raised by the opposition. It is important for the stakeholders in this regard to actually get from the government some detailed response on the record as to how these issues will be dealt with going forward.

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) (11:29): It is something I dealt with in addition if I recall during my summing up speech. To be clear, it is an area where the government has recognised the need to keep this under review because the environmental integrity is the risk of the reversal buffer. The government accepts that there needs to be continuing monitoring of that. Particularly, it has recognised the need to keep this under review as further evidence is gathered of the potential risk that could occur.

The CSIRO is well placed to do further work in this area. Similarly, which you talked about, the permanence requirements which are relevant only for sequestration projects will also be monitored in light of international consensus on these issues. It is one of those areas where the government recognises some of the issues that you raise but it is important to put them in perspective. First of all to go through the approval process, if I use that broad frame, from the methodology being approved, the recognised offset entity, the project approval, reporting, crediting, the termination of transfer of projects through to compliance, all of that means that there are methodologies which will have to be dealt with. Then they can use those which adds to the framework to ensure that the project does actually provide that permanence and proponents will not have to hand back credits for losses caused by such things as you raised, namely the impact of a drought or a natural disturbance.

These carbon stores will recover as forests regrow. Of course we have seen across the eastern seaboard as droughts lift we return to, in some instances, other natural disturbances such as floods. But they too, as we have seen across Queensland, are recovered from. Having gone into some of these regions I have seen roads, infrastructure and bridges being rebuilt but also the return to farming in those areas which suffered damage. NRM's are also assisting in
returning areas to their natural state. All of that means that the proponents will not have to hand back credits for losses caused by those instances that you raised specifically.

Senator XENOPHON (South Australia) (11:32): I ask the minister, in terms of the matters touched on by Senator Birmingham about the commercial concerns, whether there will be difficulty in financing if you are locked into this. I am not sure where the 100 years comes from. Maybe the proponent of the 100 years was a fan of Gabriel Garcia Marquez who wrote One Hundred Years of Solitude. I am not sure where that comes from.

Senator Milne interjecting—

Senator XENOPHON: It is a good book, Senator Milne.

Senator Milne: You are showing off!

Senator XENOPHON: No, I am not showing off! The concern is this: did the government look at issues of commercial uncertainty by having such a period locked in? Has it received representations—presumably it has—in relation to this? It was reflected in the Senate inquiry about the impact that it could have on financing in some cases by virtue of the 100-year provision.

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) (11:33): The interesting issue here is the confluence of two matters. One is that we are happy to keep the permanence issue under review but it is essential to the environmental integrity of the scheme that we have to have that period which allows the scheme to operate and 100 years provides that permanency. The second matter you raised about the funding you could say that, with the way the commercial world works in relation to permanence, they are not coupled. You do not have to have, as I understand it, the commercial arrangement which matches that permanence. If you work through the schema, it is about the methodologies being approved. It is about the recognised offset integrity, the project approval, the reporting and the crediting. That is where the commercial entities will sit across that area and of course the termination of transfer of projects. You will have projects that will develop and have commercial outcomes and go for periods of time but that is distinct from the permanence. They are not interlinked in the way that you have described.

Question agreed to.

Senator LUDWIG: I move:

That progress be reported.

This motion is necessary to allow us to move to other business, I think by agreement with all those in the chamber.

Question agreed to.

Ordered that consideration of this bill in Committee of the Whole be made an order of the day for a later hour.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator ADAMS (Western Australia—Deputy Opposition Whip in the Senate) (11:37): Mr Deputy President, congratulations on your appointment. It is my first opportunity to congratulate you.

At the request of Senator Fifield, I present a report of the Senate Standing Committee on the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 7 of 2011, dated 6 July 2011.

Ordered that the report be printed.

Senator ADAMS: I move:

That the Senate take note of the document.
I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

In tabling the Committee's Alert Digest No. 7 of 2011 and its Seventh Report of 2011, I particularly draw the Senate's attention to the Social Security and Other Legislation Amendment (Miscellaneous Matters) Bill 2011.

The purpose of the Bill is to amend the Social Security (Administration) Act 1999 with the intention of ensuring that a large number of convictions for social security fraud are not set aside. The Bill seeks to insert, with retrospective effect to March 2000, an independent obligation for a person to inform the department of changes of circumstances that might affect the payment of a social security benefit.

The need for the Bill has arisen as the result of a recent Supreme Court decision in which the court held that as the relevant legislation did not impose a duty to inform the department of changes in circumstances the omission to do so could not apply to the offence and a conviction for 'obtaining a financial advantage' was set aside.

The Scrutiny Committee's view is that the principle against retrospective legislation is not absolute and that there are situations in which retrospective legislation is justified. However, in the circumstances the Committee has strong reservations about (1) the use of retrospective legislation to impose or confirm criminal guilt, and (2) whether the justifications for its use in this instance are adequate.

The full details of the Committee's view about this and other bills are available in the alert digest and report I am tabling today, and I commend the Committee's Alert Digest No. 7 of 2011 and Seventh Report of 2011 to the Senate.

Question agreed to.

BUSINESS
Rearrangement

Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)

(11:38): I seek leave to move a motion relating to the order of government business.

Leave granted.

Senator JACINTA COLLINS: I move:

That:

(a) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011, allowing it to be considered during this period of sittings; and

(b) the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 be called on immediately.

Question agreed to.

BILLS

Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BIRMINGHAM (South Australia) (11:38): Obviously the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 is one the government believes needs to be dealt with in an urgent manner. On the opposition side we are of course willing to cooperate on such matters of urgency. That is the reason why we have cooperated with changing the business times for today and ensuring that we can have the matter dealt with appropriately.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (11:39): I rise to speak on the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011. This bill makes changes to the reporting obligations of social security payment recipients and some technical amendments to correct drafting oversights, and includes a provision regarding the compliance of a computer
program with social security law. This bill inserts a new section 66A, which imposes an obligation on particular social security recipients to inform the department of a change of personal circumstances that might affect their payment or eligibility for a concession card. The relevant schedule applies retrospectively to 20 March 2000 to address some issues in the legislation at that time which have only recently become evident.

This bill also resolves some issues affecting the operation of Centrelink's computer programs. It ensures that the operation of a computer program complies with the relevant requirements in the Social Security Administration Act 1999. The application of this provision is limited to the period from 12 June 2001. I understand that Centrelink has reviewed its processes to ensure that, in future, necessary evidence of compliance with these requirements will be available. This bill also makes some technical amendments to family assistance legislation affecting child care and the childcare rebate.

This bill has a number of retrospective elements. The coalition does not take retrospective legislation lightly; however, with respect to this particular bill there are exceptional circumstances that warrant this action. This bill will address a previously unidentified legal technicality where the failure to do so could have a negative impact on Australia's welfare system. The coalition does not believe that these amendments contravene fundamental principles of fairness or due process; and, in light of this, the coalition will not oppose the bill.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:41): I thank Senator Fifield for his contribution and other senators for the consideration of this matter. Australia provides its citizens with a strong social security safety net to support those whose circumstances mean they are unable, either temporarily or permanently, to support themselves. Successive Australian governments have recognised the importance of ensuring that social security payments go to those in genuine need and not to people who seek to exploit the system through fraudulent means.

The Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 contains a number of amendments to protect the integrity of the social security system. The bill introduces into the Social Security Administration Act 1999 a stand-alone obligation for a person to inform the department of events or changes of circumstances that might affect the payment of a social security payment to the person or the person's qualification for a concession card. This change will operate prospectively and retrospectively to 20 March 2000, which relates to the length of this difficulty. Retrospective legislation is not pursued lightly; however, in this case there are exceptional circumstances, as it would not be appropriate for a significant number of prosecutions for social security fraud to be overturned on the basis of a previously unidentified legal technicality. This will allow the work of the Commonwealth Director of Public Prosecutions in prosecuting social security fraudsters to continue. Other provisions in the bill will ensure that past decisions made by Centrelink under the social security law by the operation of computer programs are not open to question.

The integrity of the social security system will be protected without adverse circumstances for citizens. The bill is designed such that there will be no practical impact on Centrelink's business or on a person's obligations to report changes in circum-
stances to Centrelink. It does not remove the requirement for Centrelink to notify citizens of their obligations to tell Centrelink about changes to their circumstances, and it does not affect citizens' rights to have decisions made by Centrelink reviewed independently on their merits.

The bill also corrects minor drafting oversights in the family assistance legislation. I commend the bill to the Senate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:44): I seek leave to make a speech in this second reading debate. This bill was called on at very short notice. I was in a meeting and literally bolted across the parliament.

Leave granted.

Senator SIEWERT: I thank the chamber for that. The Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 makes what we believe is an important amendment to the Social Security Act. It is an important process but it is also important, I think, because it raises some important issues that I would like to articulate. This particular amendment, as you know, creates an obligation in the legislation for income support recipients to notify Centrelink in the event of a change of circumstances which might affect their payment. The point here is that it is obvious that that is something that is supposed to happen. It should be obvious to recipients but it is not actually in the legislation, so of course we support the principle of putting it into the legislation. Previously, the obligation to notify was contained in notices sent by Centrelink to recipients and it seems fairly obvious that you would need to because you have to meet certain requirements to obtain social security support.

The bill seeks to repair a fault in the legislation and the way in which social security fraud cases have been prosecuted. The Greens do not have any difficulty with the issue of putting a requirement in the legislation that social security recipients are in fact required to notify Centrelink of changes in their circumstances. This is basically formulating a requirement that exists presently; however, the bill also seeks to retrospectively apply that requirement so as to ensure the convictions of around 15,000 people who are potentially at risk due to some recent court decision.

It is the retrospective element of the bill which causes me and the Greens some concern. The social security system, we believe, is an absolutely vital part of our society and defines us as a country. We take care of those who are most in need. This system will not work if people are intentionally taking advantage of the system for their own personal gain. As I said, we do not have any problem in principle.

We want genuine fraud to have appropriate repercussions and we appreciate the potential administrative consequences of having to go back and look at 15,000 cases if this bill is not passed, but in principle we have a problem with the retrospectivity of this type of law-making. It is the principle of natural justice, not to mention international law, and I quote from Article 15.1 of the International Covenant on Civil and Political Rights:

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.

An amendment which deals with these sorts of issues, which we believe this amendment does, potentially breaches our international obligations and we have got some serious concerns about this particular aspect of the bill. It is a very serious decision by this parliament that we believe could potentially infringe on somebody's civil liberties by
retrospectively confirming criminal convictions which are now in doubt through decisions of our courts.

I note with concern the Scrutiny of Bills Committee has strong reservations about the use of retrospectivity to impose or confirm criminal guilt and the justification used by the government. As the Scrutiny of Bills Committee report notes: the legal defect the bill seeks to fix squarely relates to the question of whether criminal liability was established. Furthermore, the report notes that the justification provided in the explanatory memorandum 'does not address the broader significance of the use of retrospective criminal law for the Australian legal system'. It goes on to say:

Although it is likely true that many persons were aware that as a matter of social or moral norms or principles they should have informed the Department of their changed circumstances…

It talks about the fact that—and I acknowledge it—it is in the High Court at the moment and there is no legal obligation to do so at the moment. It quite eloquently outlines the concerns about the retrospectivity of this particular piece of legislation.

Also the report talks in general about imposing retrospective laws, and people will be aware that the Scrutiny of Bills Committee often highlights those particular issues and expresses concerns. It says:

This principle may not necessarily be absolute, but there is arguably significant benefit in upholding this principle in terms of maintaining other policy objectives.

I too share the concerns of the committee and question whether the policy outcome justifies the breach of this important principle.

Another problem I have with this bill is that it shores up the government's prosecution framework without the government acting on the greater injustices that exist in relation to the investigation and prosecution of social security fraud. We have got, as I said, some very strong concerns about the retrospectivity in itself as a principle, as does the Scrutiny of Bills Committee, but there are some other very significant issues that apply, we believe, to the Social Security Act and some of the ways that Centrelink and others have been handling the prosecutions through that particular act and how it reflects on the particular decision we are about to make in this place.

Let me be clear: we have no intention of being soft on people who intentionally defraud the system. It is imperative, if we are to have a strong social security system that truly acts as a safety net for our most vulnerable Australians, that it is strong, effective and is not undermined. I do not want anybody to be running around this place saying, 'The Greens are soft on fraud, on Centrelink.' We are not, but we are concerned that we are picking up people in that net that in fact are unintentionally committing offences and that we are not going for the really serious fraud cases.

When we speak to people in the sector, we believe there are obviously some very genuine fraud cases and, as I said, we need to go for those people. If you look at some of the ways these cases are being prosecuted and who is getting picked up through this process, we are concerned that there are some people getting picked up in the process that are not necessarily the big fish and that they have committed offences unintentionally. It would appear that many people who are investigated, prosecuted and ultimately convicted are sometimes confused by the complexity of the system—an issue I have raised in this place before; in fact not two weeks ago we were talking about this issue and I was outlining the 34 pages of complex rules and tiers of payments that come out quarterly from the government. It is
confusing for someone who knows the system, let alone someone who does not know the system. The main reason for Centrelink debt is undeclared or under-declared earnings. Many people, for example, underestimate their income to Centrelink because they do not know how to correctly report it or they do not have the understanding or, in some cases, the necessary English language skills to properly read a payslip. This confusion is compounded when people work irregularly or are paid irregularly or when their payslips lag behind reporting requirements. Centrelink letters which attempt to outline obligations and requirements can be difficult to understand, particularly for people with limited literacy, formal education or English skills. It is very concerning to note that Indigenous income support recipients are particularly susceptible to these problems and are more likely to incur debt than non-Indigenous recipients.

Casual employees, including teachers and nurses, also statistically find themselves more often in debt. That is because of the issue I outlined before about the irregularity of pay and when they are supposed to report it. Sometimes there is a lag in getting paid. If there is a lag in getting paid, you actually have no income. Those are issues that we have heard strong concerns about.

I have heard reports of income support recipients who know they are being overpaid but feel they are in too deep and are afraid to come forward for fear of being prosecuted. Of course they should report it, but they are concerned about the repercussions. We believe this is understandable considering reports that Centrelink staff frequently and inappropriately threaten people with jail—these people are worried they will go to jail. Given that those threats are being used inappropriately, that also has implications. These people are being charged as a matter of procedure, sometimes years after the so-called fraud has occurred and they have in fact already entered into repayment arrangements. I fail to see that justice can be served by prosecuting some of these cases. Surely our money is better spent focusing on those who are intentionally committing fraud on the system.

When you look at the statistics, minor offenders and those who end up in debt via error make up a huge proportion of those being investigated and prosecuted. For example, in 2007-08, 1,135 debts were prosecuted involving amounts between $5,000 and $10,000, and 379 people were prosecuted for amounts of less than $5,000. In the same year, only 10 out of a total of 2,624 successful prosecutions were for false claims or false identity matters—in other words, fraud. According to the National Welfare Rights Network, the level of deliberate and intentional fraud in the system is acknowledged to be extremely small: 0.044 per cent.

It is not just the welfare sector that reports this; a study of social security fraud cases completed in 2008 revealed similar patterns. Of the 80 cases examined, the average amount involved was $10,000, and over 85 per cent of people had already repaid some of the debt and there were no cases of identity fraud or elaborate scams. The authors state that these findings 'challenge the stereotype of the organised criminal willingly defrauding the Commonwealth government for large sums of money'. The research concluded that in many cases it was plausible that circumstances pointed to an error rather than criminal intent. What is going on here? We are focusing on prosecuting vulnerable people when there is no evidence of serious fraud and, in many cases, when they are already paying back their debt. The system seems to be set up to
catch more vulnerable people rather than the serious exploiters of our welfare system.

The human toll on people who are prosecuted is painfully high. There are regular reports of human distress, careers ruined and even suicidal thoughts. When you look at the human impacts, not to mention the administrative costs, we believe we should re-examine this punitive approach. As I have said—and I will be really clear—we want to crack down on those who are intentionally committing fraud.

Centrelink's communications general manager, Hank Jongen, stated on ABC radio in 2009:

*We do not prosecute people who make genuine mistakes. We only refer cases where there's been deliberate … deception or intent to defraud … Every one of those cases either involves deliberate false statements, forgery, identity fraud, or instances where the customer had previously been prosecuted for a similar offence.*

Yet both reports from the sector and academic investigations reveal that this is definitely not the case. The difference between what is happening and what people say is happening is great. There seem to be two different stories here. We believe we need to look further into how we can improve this system. Why are we not targeting more intensely those who have committed serious fraud?

We believe that the statistics point not to a high rate of guilt but to serious problems with access to justice for people on low incomes. It is difficult for them to get legal representation and there are great incentives for them to plead guilty. This is particularly important: there is an incentive for people who cannot get legal representation, who are the most vulnerable, who are scared or who cannot navigate the system to plead guilty.

A recent audit by the Australian National Audit Office paints an even grimmer picture. In essence, the report concluded, for numerous reasons, that Centrelink's investigative procedures were seriously flawed. Among other things, it held that Centrelink misused its coercive powers, failed to keep records, lacked proper oversight and breached government and departmental policies. According to the audit, 87 per cent of Centrelink's 113 fraud investigations did not comply with the Australian government investigations standards or Centrelink's mandatory policies and procedures. To quote the report:

*Overall, most fraud investigations reviewed by the ANAO did not comply with the Australian government's regulated framework and Centrelink's internal policies and procedures. The important issues to emerge from the results of the review were: noncompliance with the Australian government investigations standards and Centrelink's own policies and processes, increasing the risk of serious and complex fraud cases not being referred for consideration of prosecution and potentially affecting the quality of briefs of evidence referred to the CDPP; incomplete information recorded in Centrelink's fraud investigation case management system and investigation files, affecting Centrelink's ability to provide assurance that the investigative approach was appropriate and to protect the rights of customers through legislated safeguards such as freedom of information; and lack of documented critical decisions and evidence of managerial oversight at key control points in the investigative process, including information-gathering processes, making it difficult to determine whether Centrelink used its coercive powers inappropriately to collect evidence after fraud was suspected.*

These are quite serious findings. I think this quote sums it up:

*Prosecution should not be instituted unless there is admissible, substantial and reliable evidence*
that a criminal offence has been committed. The ANAO's analysis suggests that material contained in Centrelink's briefs of evidence is not consistently meeting the requirements of the Prosecution Policy of the Commonwealth. This has the potential to severely limit the prospect of defendants, who may be successfully convicted for fraud, being treated in a fair, open and accountable manner. The ANAO notes that almost all of Centrelink fraud defendants plead guilty.

When you add all of these problems up it creates an extremely distressing situation. Vulnerable people are being investigated and prosecuted for fraud, often without basis and often for small amounts already being repaid, with an almost 100 per cent conviction rate—and there are serious questions about the fairness and transparency of the process. It is difficult to imagine how we can solve some of these entrenched, systemic problems, but perhaps we need to be taking a more serious look at this.

These are the reasons that we have concerns about this particular piece of legislation. We have 15,000 cases here that we are being asked to basically approve retrospectively, and I have just highlighted serious concerns with the way some of these cases may have been pursued. People would have pleaded guilty for the reasons that I outlined. The ANAO report clearly points out some serious problems with the way fraud is being investigated by Centrelink. We have been through Senate estimates and have talked about this, and I know that they are trying to improve the situation. But the point is that we are talking about retrospective application of this legislation. We have some very serious concerns about this piece of legislation because of its retrospective nature and because we are not convinced—I am sorry; we are just not convinced—that every single one of those cases would have been dealt with in the most appropriate manner.

This is a serious piece of legislation. I understand why the government has to do it and I understand the principle. Yes, we should be amending this legislation to put this particular amendment in to make it obvious that people have to notify Centrelink of their change in circumstances. We need to state what is obviously a requirement in the legislation. But we have very serious problems with this particular legislation and the ongoing way that Centrelink is pursuing some of these fraud cases.

Senator Jacinta Collins (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:02): by leave—I thank the Senate for the opportunity to address some of the issues that Senator Siewert has raised. With respect to the reasons for retrospectivity, I should highlight, as indeed other senators have, that this is obviously not an issue to be taken lightly. We have not yet had the benefit of looking at the Scrutiny of Bills report but certainly many of the issues that I am sure—from my past participation in that committee—would have been raised have indeed already been addressed in the government's considerations and, as I understand it, also in discussions with the opposition.

They are certainly not issues to be taken lightly, but there is no question that the Commonwealth has the power to enact retrospective legislation. This is not the only area where the Commonwealth has applied matters retrospectively and, indeed, in the past, serious consideration has also been given to the principles that Senator Siewert has highlighted—acknowledging also the point that she made that that principle may not be absolute. We believe that the concerns in this matter are significant enough to be regarded in that fashion.

The amendment is necessary to underpin the integrity of the social security system.
The retrospective application of the amendment is necessary to prevent the risk of a significant number of convictions for social security fraud being overturned on appeal. In this country, social security fraud is not considered a legitimate activity for a person to engage in. The Australian community expects that there will be consequences for people who have been convicted of defrauding the Commonwealth.

People have already been convicted of social security fraud who were aware of their conduct as an offence. They were given notices by Centrelink which stated that they must inform the department of the specified events and changes of circumstances listed in the notices. They did not do so. The effect of the retrospective application of the amendment is to confirm convictions that have already been made. It does not create a new offence.

The Criminal Code offences under which people have been convicted of social security fraud are not strict liability offences. They include fault elements which the prosecution must prove beyond reasonable doubt. This provides reasonable protection to defendants who were able to raise a doubt about whether they knew that they were defrauding the Commonwealth. Also, importantly, these provisions do not allow re-prosecution of past cases.

Let me conclude with some comments about the urgency of this matter and the reasons for the debate and the passage in this winter sitting session. This is a clarification of the original intent of the law going back at least to the year 2000, if not earlier. The legislation will provide certainty to the Commonwealth in the form of Centrelink and the Commonwealth Director of Public Prosecutions regarding the operation of the social security law and interaction with the Criminal Code. The parliament will rise on 7 July until 16 August. Should a decision contrary to the Commonwealth be handed down in that period, there will be uncertainty as to the status of convicted individuals. If the decision is contrary to the Commonwealth, it would place a substantial number—that is, up to 15,000—of convictions at risk. Currently, a number of cases are on hold and others have not been pursued by the CDPP pending the High Court decision. Absence of the legislation will further affect prosecutions.

The legislation is consistent with community expectations that individuals should receive only the payments and/or concessions to which they are entitled, and delay in the legislation will lower confidence in the integrity of the overall social security system.

Question agreed to.
Bill read a second time.

Third Reading

The DEPUTY PRESIDENT: As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in the Committee of the Whole.

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

Carbon Credits (Carbon Farming Initiative) Bill 2011
Carbon Credits (Consequential Amendments) Bill 2011
Australian National Registry of Emissions Units Bill 2011

In Committee

CARBON CREDITS (CARBON FARMING INITIATIVE) BILL 2011
Bill—by leave—taken as a whole.

Senator COLBECK (Tasmania) (12:08):
by leave—I move coalition amendments (1) and (2) listed on sheet 7120, revised, together:

(1) Clause 27, page 43 (lines 6 to 9), omit paragraph (4)(j), substitute:

(j) the project does not involve the permanent clearing of native forest; and

[permanent clearing of native forest]

(2) Clause 27, page 43 (lines 27 and 28), omit subclause (6).

[consequential—permanent clearing of native forest]

Firstly, Mr Deputy Speaker, let me add my congratulations formally in this place regarding your election to the role. I look forward to working with you. I am sure you will discharge your duties in a way that is befitting to the chamber.

I just want to make a couple of comments in relation to the amendments. This is quite an important issue and it is receiving a deal of misrepresentation in the Australian community at the moment. Disappointingly, it has been pushed very hard by some activists and particular interest groups. It relates to the capacity of Australia’s sustainably managed native forests to store carbon over time. It is very important issue to discuss. I mentioned in my speech on the second reading debate that the government has effectively limited the capacity of this legislation to achieve what it could achieve, and this is another example. Ruling out the carbon sequestering capacity of our native forests that are sustainably managed over time severely limits the capacity to store carbon in our natural landscape.

Amendment (1) says ‘does not involve the permanent clearing of native forest’. I understand that Senator Xenophon is sensitive to this issue. This is not about permanently clearing native forests for another purpose; this is about sustainably managing and regrowing our native forests over time. In fact, any credible forest scientist will tell you that you will sequester more carbon over time by sustainably harvesting the forests. We need to recognise the carbon stored in solid timber products that are manufactured from that timber, like the magnificent timber furniture that we see around us in the chamber. All of the timber furniture in the chamber is, in fact, a carbon sink. It stores carbon at about 0.8 of a tonne per cubic metre of timber. The sustainable management of our native forests over time provides an opportunity for sequestration and further take-up of carbon in our natural landscape. It is not just me saying that; the IPCC also says that. In fact, the UN Food and Agriculture Organisation and the United Nations Forum on Forests also say that. In the last week, 80-odd Australian forest scientists wrote to the government to say that there is a flaw in their Climate Commission report when it says that the sustainable management of Australia’s forests can store more carbon over time.

These are eminently sensible amendments for the government to consider. They do not lock out our native forest industries. They actually dispel some of the myths that have been peddled against our native forest sector. I look forward to the government’s response, because it is one of the elements that can assist this country to meet its targets. I am not sure whether the government are aware, but the projections are that some 40 to 50 per cent of the Australian plantation estate will not be replanted in coming years, which puts a significant hole in their carbon accounting. I do not know whether they have done the numbers on that yet—I would be interested to hear whether the minister has those figures—but some 40 to 50 per cent of the Australian plantation estate may not be replanted due to a range of circumstances,
but here we have the opportunity to sustainably manage our native forest estate to take up more carbon. It is backed by the IPCC, the UN's Food and Agriculture Organisation, the UNFF and credible Australian forest scientists.

I would be very interested to hear the government's support. I am not talking about clearing forests for other use; I am talking about regrowing forests. We know that we do that very well in Australia. In fact, in Tasmania some of our regrowth forests that have been regrown from clear-fell and burn—in the words of Senator Bob Brown, they were 'destroyed forever'—are now being claimed as having high-conservation value. That is how well we do our forestry in Australia. We are recognised globally as managing our forests very well for the sustainable timber and the timber products that can come from them. I look forward to the government's support for these amendments.

**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) (12:14):** Unfortunately, I am not going to provide that support. These amendments would water down protection for native forests. They would allow projects that involve clearing of native forests, so the government does not support them. Interestingly enough, some of the comments go to what I would describe as 'business as usual' for the commercial forestry sector. This is not for that, and that is clear. You may be better off looking at the carbon price for commercial forestry on Sunday. Business as usual is not to be rewarded under this system. This system is for a couple of things, but ultimately it is about ensuring that we do have permanence. To make the area available, you have to have the additionality.

**Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (12:16):** I rise to oppose these coalition amendments, which seek to have logging of native forests recognised as an offset under the carbon farming initiative. It is the complete opposite of the intent of this legislation. What we are seeking to do with this legislation is to provide incentives for people to maximise carbon in the landscape, not to be able to go and log and clear carbon from the landscape.

In fact, the Climate Commission's recent report *The Critical Decade* says that, if you want to maximise carbon in the landscape, the best thing you can do is protect your native forests, and it made that very clear. That is why this legislation is designed to maximise carbon in the landscape and to
minimise the perverse outcomes of seeing business-as-usual forestry getting a double dip by claiming carbon credits for their business-as-usual activities. This is why the Greens opposed the carbon sink forests 100 per cent tax deduction. It is why we have heard the Nationals, as have the Greens, raving in this place about the possible perverse outcomes—

*Senator Nash interjecting—*

**Senator MILNE:** That is why, Senator Nash, I have gone to great lengths in this bill to make sure of a number of things. Managed investment schemes are excluded. That is something I argued very strongly for and we got them on the negative list. Plantation forestry is not allowed. I share the concern that Senator Nash has raised very often, and we have spoken on this together at various times, about not allowing plantation forests to march across the landscape and displace agricultural land. That is why there is this test in the legislation that is designed to prevent that happening. We got rid of the managed investment schemes. Now we are getting rid of the ability of the plantation sector or the native forest sector to try and get on the back of legislation that was designed to do the opposite of what they would seek to achieve.

I am very pleased that the legislation, as it stands, will not give credit for projects which involve the clearing of native forests or which use material obtained as a result of the clearing or harvesting of native forests. That is a critical component of the legislation for maximising carbon in the landscape. It gives opportunities to people for genuine environmental plantings and gives people the opportunity to benefit from those environmental plantings but does not allow managed investment schemes in the plantation sector to double dip or business-as-usual forestry to put up their hand for logging companies. It is a nonsense to suggest you should be given a credit for a project that involves destroying a carbon store.

**Senator XENOPHON** (South Australia) (12:20): Senator Colbeck made some reference to the IPCC in what he sees are the beneficial aspects of clearing native forests. I am more inclined to support the position of Senator Milne on this, given that I am concerned that there could be unintended consequences as a result of the amendment. But, in fairness to Senator Colbeck, I would like to hear from him about the matters he has raised in relation to the IPCC.

**Senator COLBECK** (Tasmania) (12:20): Thank you to Senator Xenophon for his consideration. My reference to the IPCC and the FAO comes from a letter that I have been copied into from a considerable number of Australian forest scientists who have written to the government. I understand Senator Ludwig is a recipient of this letter, as is the Minister for Sustainability, Environment, Water, Population and Communities, and it has also been sent to the Climate Commission. I am pleased that Senator Milne referenced the *Critical Decade* report because the subject of the letter is to say that that report's approach to native forests is flawed. I will read a couple of paragraphs out of this letter that has been sent by these 87 forest scientists.

We, the undersigned forest scientists and practitioners, wish to draw your attention to what we regard as some serious flaws, omissions and lost opportunities in relation to the best approaches for using forests to reduce greenhouse gas emissions in the Climate Commission's latest report, "The Critical Decade".

We argue that there is significant potential for managed forests to contribute to a more sustainable future for our economy and society and to address climate change. However, we are deeply concerned that climate change policy will
be based on assertions not supported by sound analysis or scientific evidence.

In recommending policy options, we urge you to:

- Reject the simplistic argument that the cessation of timber harvesting from Australia's native forests is necessarily the best strategy for carbon emissions mitigation;

This is 87 highly qualified, highly regarded forest scientists. It goes on:

- Accept the viewpoint of the Intergovernmental Panel on Climate Change (IPCC) and Food and Agricultural Organisation (FAO) that the sustainable management of forests, including a mixed strategy of conservation and timber production, is more likely to be optimal for carbon reduction;

- Recognise the carbon emission reduction benefits when wood from sustainably managed sources is used rather than alternatives such as metal, concrete and plastic; and—

I think we all understand that they have a carbon footprint, as I have explained here previously. Timber is in fact a carbon store, so all that lovely timber furniture that you might have at home is actually storing carbon for the life of that product. It continues:

- Seek further advice from scientifically-qualified experts on forest management strategies for mitigating the impacts of climate change.

This where the reference comes from, Senator Xenophon. I am happy to provide you a copy of that letter. It has been provided to me and obviously to members of the government. I think it actually demonstrates some of the myths that have been peddled in the current debate about forestry: that the best way to manage these forests is to just lock them up. It is certainly not true. I am disappointed that the government is not prepared to support our amendments because, if the government is genuinely serious about mitigating carbon—and it tells us that it is every day—here is one opportunity that sits there before it to do so. But the government obviously will make its choices.

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) (12:24): I think it is worth while adding to this debate—not to prolong it—that there is a little bit of misinformation I think starting to seep in. Current international accounting rules recognise neither the carbon stored in harvested wood products nor the carbon dioxide emissions generated by the disposal of these products. That means that, in terms of international accounting standards for this, it is something that we can wish for but does not currently exist. To that end the government is actively seeking an international climate change outcome that includes a more complete and balanced approach to recognise the ongoing storage of carbon in wood products and create an incentive to produce longer-lived wood products. Accounting for emissions from forest products as and when they occur, I think we all agree, is quite complex. We do want to ensure that we then move to a low-carbon economy. I do not want that complexity to prevent that, but we do need at least be sure that the current international accounting rules do not allow that to be used. The government is consulting with industry. We are aware of the industry's view on the proposed changes to international rules with a view—and I would not put it any higher than that—to ensure that the CFI remains consistent with international rules. It is important that we do recognise that there is an international accounting body. We will continue to maintain consistency with that. Therefore, it does mean at this juncture that the argument has been progressed, and even
if it had merit—I assume it does—the current rules do not allow it.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (12:26): I note with interest Senator Colbeck's letter. I have not seen that letter nor do I know who the eminent forest scientists are, but I do know who the scientists are on the Climate Commission and I am very well aware of the work of Professor Will Steffen, who is one of Australia's leading scientists in the field of terrestrial carbon, and I am aware of the work of the team at ANU, including Professor Brendan Mackey. I am certainly aware of their work. I do not have the quote with me now but I was referring to it in a question to the minister this week where they make it perfectly plain that the best thing you can do to reduce your greenhouse gas emissions, maintain resilience in the landscape et cetera is to protect your existing carbon stores.

Senator XENOPHON (South Australia) (12:27): Further to the minister's comments in relation to Senator Colbeck's amendments, is the minister saying that there could be a reconsideration of this if there is a change in the international accounting rules?

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) (12:27): The short answer is yes. If the rules change then we will obviously take cognisance of those rules as they change.

The TEMPORARY CHAIRMAN (Senator Boyce): The question is that amendments (1) and (2) on sheet 7120 be agreed to.

Question negatived.
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) (12:30): I say at the outset—and this would come as no surprise to Senator Xenophon—we do not support his amendment.

Senator Xenophon: No, nothing surprises me.

Senator LUDWIG: I did not think it would any longer. The difficulty with this amendment is that it would allow environmentally or socially beneficial projects to bypass the additionality test. The additionality test ensures that the carbon credits represent an extra tonne of carbon abatement and they can be used to offset emissions from an industrial sector. It underpins the credibility and value of carbon credits. Under the CFI, project proponents are required to consider natural resource management plans. Regional NRM plans provide a vehicle for communities to provide guidance on the type and location of carbon farming projects that will deliver maximum social and environmental benefits. Ultimately the market will determine what projects come forward. Those which have important co-benefits will naturally stack up better than those without.

The amendment seeks to assess if a project has a beneficial impact on the availability of water or land and resource access for agricultural production and if so the project is deemed to pass the additionality test. It simply sidelines the additionality test with those broad terms of the ‘availability of water’ and ‘land and resource access for agricultural production’. It does not go to the actual substance of this legislation—that is, carbon abatement and stacking up projects to see which does it better. Ultimately it is the market, and not the legislation, that is designed to determine the projects that will stack up, rather than your legislation bypassing the additionality test.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:32): In response to the minister’s answer regarding the additionality test, I note that the explanatory memorandum says that the additionality test is to ensure that credits are only issued for abatement that would not normally have occurred and therefore provides a genuine environmental benefit. Minister, isn’t an increase in the abatement from an existing set of circumstances also of environmental benefit? Why would that not be genuine?

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) (12:33): Unless you give me something as an example, I cannot say we would not necessarily rule that out if it is additional. If it is business as usual it would not pass the additionality test. It is hard to talk about this unless we put forward a particular project or business, but the additionality test is about providing something additional. The short answer is it would not necessarily rule out what you are putting forward. If there is a follow-up question designed to catch me, we will wait for that.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:34): I am not trying to catch you out, Minister; I am just trying to get a very clear understanding. An example would be use of fertiliser in paddocks. That is obviously common practice, not something that is going to be additional. You may well
get an increase in your soil carbon, therefore increasing the abatement, from a practice that is not additional and yet there is an increase. Therefore I would have thought that would be seen to be genuine, but according to this apparently existing practices that increase the abatement are not a genuine environmental benefit.

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) (12:34): If you were to reduce the fertiliser use and demonstrate that it is not business as usual, but a reduction designed for carbon abatement, and it stacks up as a project then you would want to look at the offset methodology, the project and the abatement it would arguably reduce. That could fall within it. I do not want to pick winners during this process because it goes to the way the scheme is designed to operate—that is, develop the offset methodologies and if that includes a reduction in the use of fertiliser in a particular type of operation that stacks up, to use a broader term, then why not?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:35): I understand what you are saying, Minister, but I think we are still not getting to any sort of clarification. I take your point that we can reverse it and look at it as a reduction in fertiliser use, which is common practice amongst farmers. Reducing fertiliser occurs right across the breadth of the farming sector, so one would assume that is going to be common practice. Decreasing fertiliser is going to give us the environmental benefit of an increased abatement and yet it is not going to be considered for getting an ACCU because it is common practice.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (12:37): I just want to talk about the integrity of the scheme, because this issue goes to the integrity of whether or not the offset that is created is a genuine offset and additional to what would have occurred otherwise. The reason for that is that, when these offset credits are created, they will be sold in a voluntary market or a compliance market if they qualify for that, and they will offset a tonne of pollution that is coming from an industrial project, for example. So you have to be sure that, as you have that additional tonne of emissions going to atmosphere, you actually have this additional tonne in the landscape. Otherwise you are actually
cheating the climate and cheating the atmosphere, because you are doing what you always do in the landscape sector while the emissions are going up there, so you do not actually have a genuine level of reduction—
of additionality.

I totally agree that we need to be encouraging environmentally and socially beneficial projects—that is without doubt—but it has to be additional to business as usual. Of course there are going to be people who are doing the right thing now who think: 'If I'd been doing the wrong thing, I could actually change my practices and benefit. I'm actually a good land practitioner and I'm doing the right thing, and I won't benefit from this.' That is going to be the case, because the people doing the right thing will not be able to claim additionality. I totally agree that that is the position here. It is equally going to be the position, for example, for people who have protected native vegetation on their land and put a covenant on it because they wanted to; they thought it was the right thing to do. They will not be able to create a carbon permit for that, because it is not additional to what was already happening at the time. So that is one of the things that I have thought about a lot; I have thought about how you can address that in other ways. Needless to say, that is something that I can assure you I am aware of and have thought about, but the main thing here is that it has to be additional.

The second thing I would say in relation to environmentally and socially beneficial projects is that one of the things I have been really worried about and have spoken to the government at length about is the fact that I have zero confidence in local government regulations in terms of appropriate land use planning, because I have never seen any local government—I should not say 'any', because maybe there are some; I am not familiar with many—that actually has rigour in land use planning, and I have come across that many times. So my issue was to make sure that NRM groups are supported and that NRM plans meet a basic level of criteria so there is consistency across the country in terms of NRM. That is why I am really pleased that in the legislation now you have a very clear undertaking that there will be consultation with natural resource management groups and with NRM plans, in addition to local and state government regulations, so that people right down to the catchment level will be able to have a say in whether or not a project that is being proposed, whatever it might be, is consistent with their NRM plans. That is one way of overcoming the problem that we have identified previously of farming land being displaced by other activities. We do not want that to happen; we want to have agricultural land protected.

So, Senator Xenophon, I appreciate the intent of this to recognise good socially and environmentally beneficial projects, but I do not want to compromise the integrity of the accounting to make sure that we get genuine additional abatement being delivered through this legislation.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:42): Could I just further explore something with the minister and perhaps seek some guidance. I take his point about perhaps having some sort of survey. What I am trying to get an understanding of is what the criteria and requirements will be in terms of what I guess I would call geographical acceptance. Are we looking at an Australia-wide type survey, at which point you will look at a percentage of farmers' lowering of fertiliser usage? Are you talking region by region? That was actually put forward during the inquiry process, but at that point the department had absolutely no advice for us about the size of those regions and what the
definitions of those regions would be. This has actually been one of the problems, and remains the most significant problem, in front of this piece of legislation, in that there is not a sufficient amount of detail to be able to look at this piece of legislation properly; it is simply not there. So could the minister give some guidance as to what the criteria would be to conduct that type of survey so we can ensure that the definition and determination from that would then meet the common practice criteria?

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) (12:43): Not to be frivolous, it would be common sense—comparing apples with apples. So it would be comparing region with region and area with area. It is about ensuring that there is common sense applied. Of course, we can add some words and guidelines around that, but it is the common-sense approach. It is about ensuring that you do compare apples with apples and that you do not compare apples with another region, another country or another non-specific industry. So it is industry-specific and area-specific. It is about making sure that in that region or in that industry you can have your examples developed. Ultimately, of course, the project will have to have the offset methodologies developed; they will have to go through the integrity process and be demonstrated. The goal is here. It is about demonstrating that there is carbon sequestration and carbon abatement happening. If you can do that through a common-sense apples-with-apples examination and you can quantify it through that process then you are achieving that outcome. I always say to people: it is not rocket science. It is about making sure that farmers, land users, can participate in this.

Progress reported.

MATTERS OF PUBLIC INTEREST

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

Child Pageants

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (12:45): I rise today to speak on a topic that causes me a great deal of concern. Child pageants and the early sexualisation of young girls appears to be an increasing problem gaining regular, even persistent, coverage in the media. I feel it is an issue that requires our immediate attention. We need to take a stand against this for the sake of all children and their right to a childhood. Child pageants are a long-held tradition in America, but now these pageants are on their way to Australia.

The pageant in question is open to children as young as one month old. It has been brought to Melbourne by the Texas based Universal Royalty Beauty Pageant. The reality is that girls as young as one month old can potentially be subjected to fake tanning, eyebrow waxing, false teeth and more—all in an attempt to improve their looks and win. The message that this sends to young girls is that they are not good enough. I think that in itself is shameful. When is this astonishing event going to occur? On 29 and 30 July, at Bram Leigh Receptions in Croydon, Victoria. Let me quote from the Herald-Sun:

The July pageant, for babies to adults, costs a minimum of $295, which includes a compulsory beauty competition, modelling and make-up workshops. Optional extras include tanning, dressing like a celebrity for $50 and a photo and autograph session with American beauty pageant star, five-year-old Eden Wood.
But when I say they 'are on their way', that is not quite accurate. There has already been a small pageant in Victoria—"Little Miss Bayside'. And there was commentary from Women's Day that included:

"The pageant was supposed to be a fun event, where little girls got to be princesses for a day. As my two-year-old Caja and I arrived I promised that as long as our objective was 'fun', all would be well. But when face-to-face with a baby in a pink tutu it was hard not to gently encourage Caja to brighten her smile a little.

"Three hours later I had seen kids parading across the stage smiling sweetly and waving at their parents—most encouraging, some scary. The grandmother who loudly criticised contestants on stage was awful. Little girls weren't allowed to play with their new friends in case their hair got messed up."

"You had better do this right for mummy," snapped one mum to a tot.

What is really going on here? As a mother of girls I find it unbelievable that any parent would subject their children to a process of transformation so severe that, by the end of it, these little girls do not even look like children anymore. I also find it troubling that any parent would think it is helpful to put their daughters out on a stage to be judged only on their physical appearance. What kind of message does that send?

I personally find it very disturbing in this modern age where as women we have the opportunity to choose our own path in life and have the ability to become whatever we choose—a CEO, a politician, a business owner, a doctor, a mother, or any other career of our choice. At a time when we have gender equality, the right to vote and equal opportunity in the workplace, we still have practices going on such as child beauty pageants that reinforce areas of superficiality and overexaggerated emphasis on the importance of how we look, rather than the person we are and what we are capable of.

I believe all children, in this case particularly young girls, deserve the opportunity to be just children: to play, to have fun and to learn in a normal, non-competitive and not what I would suggest is a superficial way. Children should be free from the pressure of being critiqued and compared to others based on their looks alone. Cookson, an American academic, has said:

In the world of child beauty pageants, 5-year-old girls wear fake teeth, hair extensions, and makeup and are encouraged to 'flirt' onstage by batting their long, false eyelashes.

This sort of behaviour does not seem normal to me as a mother of girls and with two little granddaughters. The report from the American Psychological Association on the sexualisation of girls states:

Parents can also contribute to the sexualization of their daughters in very direct and concrete ways—for example, by entering their 5-year-old daughter in a beauty pageant in which she and other contestants engage in behaviours and practices that are socially associated with sexiness, wearing heavy makeup to emphasise false lips, long eyelashes, and flushed cheeks, high heels to emulate adult women and revealing "evening gowns".

Although relatively few girls actually participate in such pageants, they have become a topic of interest in the news, documentaries and advertising—

I understand that on some networks they actually have television shows dedicated to these pageants—

in particular regarding whether this precocious sexualization is problematic for these or other girls. In this way, the participation of a few may in fact contribute to the sexualization of many.

The notion of having girls as young as one or two years old entering beauty pageants begs the question: who is it really for? Many parents will argue that it gives young girls good life experience and the ability to understand competition and accept winning
and losing. I would question that argument when we are talking about children aged under five, and as young as one or two. It would seem that in many instances the pageants are more for the mothers of the children, and this is simply not fair. In my opinion there is no good reason for taking away a little girl's childhood and replacing it with adult behaviour to fulfil what is ultimately the desire of the mother to compete and win. Some parents would defend their actions by saying it is nothing more than playing dress-ups and having some harmless fun. However, what it is doing—and perhaps unintentionally—is preparing young girls to seek approval for their physical appearance.

A recent editorial in the *Age* by Michelle Smith makes an excellent point. She says that beauty pageants normalise the notion that physical appearance is of the highest value. They teach young girls that being judged on their appearance is normal. To me this is just wrong. She said:

Girls' beauty pageants are a symptom of the way we socialise girls to value themselves on their exteriors, while boys do not learn that their worth depends in a significant part on their face and body. When girls become women, they are already aware of the value placed upon fitting the feminine physical ideal. Whether they intend to read the news or to be the prime minister, a woman's appearance will be crucial to her success or failure.

It has been suggested that teaching girls to value themselves on their physical appeal can create numerous psychological problems, including dissatisfaction with themselves, eating disorders and depression. Dr Michael Carr-Gregg, an Australian psychologist, has also spoken out on the potential damage that can result from young girls being involved in these pageants. He said:

This is so clearly toxic—it's tantamount to having a tobacco-smoking competition for under-14s—that's the risk in terms of the psychological dangers, that's the comparison that I'd make. It is not just the immediate effects that are concerning; clearly, there can be long-term problems associated with child pageants. I have been shocked and appalled by footage recently of little girls being bribed and pushed into competing in these pageants in America and it saddens me to think that we would allow anything even remotely similar to this in Australia.

It is paramount that we stand up and say something about the practice of little girls being paraded around in scant outfits and make-up while being judged on their physical appearance. The individuals behind these pageants must also take responsibility for their actions. As far as I can tell, these pageants are run like a business, with the primary aim of making money. This would clearly indicate to me that there is no real concern for the children and their wellbeing—rather, they are more concerned with the bottom line and making a profit.

The potential for damage is such that I do not believe we should condone child pageants in Australia. I would also argue in this chamber that we should seriously consider this issue and the real risks it poses. Today I have only scraped the surface of what is a much larger issue, and I have spoken about this previously. It is my concern that our children are being made to grow up and act like adults too quickly. This is not only inappropriate but also potentially very damaging.

Other issues with this problem are the early sexualisation of girls and inappropriate behaviour being encouraged by music videos and adult style clothing. In music videos, women more often than men are presented in provocative and revealing clothes and typically serve as decorative objects that do
not have any other purpose or impact on the musical production. In most cases, they are not even playing an instrument. They are often displayed in ways which emphasise their bodies, body parts and facial features.

The impact that music videos, and celebrities featured in them, can have on young people is quite profound. Adult style clothing is just another part of the problem of early sexualisation of girls in particular. A recent study has found that, of all clothing items assessed, 31 per cent had sexualising features. In this instance, it may be easy to blame parents for dressing their children in an inappropriate way; however, the parents are not the cause of the problem. One researcher said:

Blaming the parents is exactly what the marketers want you to do. They spend $12 billion getting your kids to want the things you don't want them to have, and then they blame you for buying them.

When we have a situation where so many individuals in such different areas are becoming alarmed, I think we need to think seriously about a solution to this problem.

Journalists, child advocacy organisations, parents and psychologists have all expressed concerns that the early sexualisation of girls is a broad and increasing problem and is causing harm. It has been my intention today to draw attention to this broad and complex issue in the hope that we can work together to formulate a response, to ensure that the wellbeing of our daughters and granddaughters is of the highest priority. These young girls represent the future female leaders of our nation. They will one day be senators, members of the House of Representatives—that other place—teachers, mothers and professionals. It is our responsibility to ensure that their physical, mental and psychological wellbeing is preserved. I believe that by allowing children's pageants to run in Australia we are neglecting the best interests of our children.

I urge all those in this chamber and, as this is being broadcast, those in our community to think seriously about the negative ramifications that come from parading young girls around dressed as adult women. I encourage you to not support child beauty pageants continuing in this country.

**Israel**

**Senator RYAN** (Victoria) (12:58): Last June, I spoke in this place about the international furore that followed the alleged flotilla that illegally sought to break the blockade of Hamas controlled Gaza. The news of the last few days, and particularly the last 12 hours, has provoked me to speak about this issue again, because the vilification of Israel that followed that incident last year was nothing short of extraordinary. It once again crossed into that dangerous territory where anti-Semitism rears its ugly head, where standards that are applied to Israel do not apply to other nations. I note that over the last 12 to 24 hours a second attempt faltered before it left port in the eastern Mediterranean.

At the second conference of the Interparliamentary Coalition for Combating Antisemitism last year in Ottawa, which I was fortunate enough to attend, Stephen Harper said:

... when Israel ... is consistently and conspicuously singled out for condemnation, I believe we are morally obligated to take a stand. Demonisation, double standards, delegitimisation, the three Ds, it is the responsibility of us all to stand up to them.

Sadly, this continues today—particularly in some aspects of media coverage of the issues. It is easier for televisions to show photos of tanks in an operation like Cast Lead than it is to go to the town of Sderot and see people huddled in concrete bunkers,
where school playgrounds are actually designed around reinforced concrete so that children can run to them for protection within 30 seconds when the sirens go as the rockets come from Gaza only a kilometre away. While the media coverage of the repudiation of the findings of the Goldstone report was not as significant as the misleading coverage of the assertions that were originally made within it and that have now been shown to have no basis, the facts are there for all to see in this regard. But it is up to us, I believe, to bring attention to them.

Today what I would like to speak about is this so-called BDS campaign. I note the motions considered by the Senate in the last month—I will be making no comment about those of course—and I note the public debate over the last three to four months that has thankfully exposed the lies and double standards upon which this campaign is based. Today I want to raise a few examples of this campaign in detail and consider the so-called BDS handbook produced and distributed by Australians for Palestine. I believe it was distributed to nearly all members and senators in this place.

In this manual we find some extraordinary lies and we find a use of language that is extraordinarily concerning. This booklet and the language in it refuses to even accept the partition by the United Nations in 1948. It refuses to accept the state that was created to be Israel. It goes on to talk about Israel's alleged conquest in 1967 of the Palestinian territories as if it were a unilateral invasion rather than yet another battle for Israel's very existence. It alleges racial discrimination against the Palestinian people without providing anything other than assertions and slurs.

Israel more than any nation surrounding it goes to extraordinary lengths to accommodate its Arab Muslim and Christian minorities, amongst others. This allegation is itself a distortion of this very tolerance and the exemptions from duty such as national service that are granted to the non-Jewish minorities of Israel. More troubling is the linking of the wars of independence and defence with the Holocaust which is the last refuge of the intellectually pathetic as well as those who seek to diminish the horror of that unique historical tragedy. Some of the words the booklet uses are:

Just as Jews expected to Germany to accept responsibility for what it did in the Holocaust so, too, will the refugee issue continue to fester and frustrate attempts to bring peace to the region …

This is both a historical inaccuracy as well as a baseless slur. Of course, the truth is that the so-called refugee issue is unique in the world. Nowhere else have refugee camps been used for such political purposes by the neighbours but opponents of a nation to continue to create angst and tension against the state that they wish was not there—in this case Israel. Of course, nowhere else do we legally define refugees on such an intergenerational basis. The refugee issue is the tool with which some hope to destroy Israel through simply swamping it with people. There is never mentioned the great yet intermittent expulsions of Jews from Arab lands that followed in the second half of the 20th century. Hundreds of thousands of Jews in nations that they had been at home in for centuries were expelled from Iraq, Iran, Syria, Morocco and Egypt, amongst others. Jews were forced to leave their homes. Their possessions and all their wealth were stolen often after arbitrary imprisonment or detention. To talk about the movement of people in the Middle East in the second half of the 20th century and only refer to the refugee issue outlined allegedly in the terms by Australians for Palestine without considering the mistreatment of Jews throughout the Middle East at the same time
is selective use of history. This booklet also gives away later in the contents what its agenda is. It refers to the BDS campaign:

Thus it does not endorse either a one-state or a two-state solution.

The truth is this booklet gives away with those words the very point of this campaign. The campaign is to remove the state of Israel as a Jewish state. There are other examples I would like to briefly go through in the time I have available. The booklet goes from the ridiculous to the offensive. It says:

Connex trains in Victoria did not have its contract renewed after protracted protests in 2009.

As someone who is a user of Melbourne's trains I can honestly say that in all the discussion of Melbourne's failed public transport network under the previous Labor government this issue was never raised as one of the reasons that Connex trains lost its contract.

The booklet goes on to talk about Max Brenner chocolate which has been in the news this last month as 'this campaign has whipped up a violent mob', where people were arrested because they were behaving illegally. They were seeking to prevent access and egress to a legal place of business. Why was the business targeted? It was targeted because it is a 100 per cent Israeli owned company and too pro-Israel.

We also have outlined in this booklet a way to target Israeli goods. It outlines that if you look for the Israeli barcode which begins with the numbers 729 you can avoid purchasing products that originate from Israel. I would not like that to become a modern digital version of the Star of David on products.

Possibly, apart from its reference to the Holocaust, the most offensive example in this booklet is that it actually provides excuses for Hamas. It says:

In fact, Hamas has demonstrated a flexible approach to pragmatic politics. It has held to unilateral ceasefires and key leaders have even expressed a willingness to implicitly recognise Israel's existence as part of a genuine two-state solution.

Hamas is an organisation that retains to this day in its charter the most vile references to the Jewish people, the most vile anti-Semitic references and that pledges itself to pushing the Jews into the sea. It pledges itself to the destruction of the Jewish state. Yet here in this booklet attempting to hide the truth of this campaign it actually provides excuses for an organisation that intentionally targets civilians.

The previous speaker in this matter of public interest debate spoke about the impact on children of commercialisation yet in Australians for Palestine we have a group of people that provides excuses for people who target children on school buses and in their schoolyards with rockets and with bombs. What is the BDS in reality? The truth is that it represents the third wave of the attempt to eliminate Israel. Of course, not all those who supported it are necessarily aware of this objective but the campaign against Israel since 1948 cannot be ignored and this is the latest weapon of those who seek to eliminate it. Sadly, as is often the case with fellow travellers they are sometimes unwitting in the campaign they have been joined to.

The first wave was war. In the 1940s, 1950s, 1960s and 1970s Israel's neighbours attempted to eliminate the Jewish state by means of traditional warfare. In 1970 the second wave commenced, one that truly came of age in the 1980s, that of asymmetrical warfare, terrorism—targeting civilians throughout Israel and in other parts of the world and using tactics that are utterly repugnant to civilised society. But those campaigns were both failures. Israel could not be broken militarily despite the often
extraordinary odds, and the various intifada
terror campaigns did not break its
society—a fact I am in constant admiration of. This campaign is now aimed at
undermining support for Israel in the West.

The use of names like Martin Luther King,
Gandhi and Nelson Mandela is a sign that
this campaign is aimed at middle-class
Australia, not the Arab street. Of course, this
comparison is utterly flawed. Martin Luther
King, one of the truly great men of the 20th
century, was pledged to harmony and non-
vience.

The campaign against Israel is anything
but. We have seen examples of that in our
cities with the violent protests outside stores
just in the last month. When allegations are
made towards Israel, often without any
foundation or evidence, they are never made
against others. We hear nothing from groups
like this about the oppression of Arab
peoples in the states surrounding Israel as we
speak. These nations have much worse
records on human rights and are direct
neighbours of Israel. The issue is that they
too are pledged to the destruction of that
state. It is this double standard that gives the
game away.

Australians for Palestine, through the
words they have used in this, are not a group
who support the existence of Israel as a
Jewish state. How long until we see the Star
of David painted on windows? It may these
days be painted in blue with a blue stripe
above and below it in an attempt to say it is
about Israel, but we know what this means.
The agenda of these groups is clear: it is to
diminish the support for Israel in Australia.

I recently wrote to Australians for
Palestine and outlined some of my concerns
about the material they distribute as well as
what they have on their website. They have a
front-page call to support the campaign to
boycott Israel. They have links to groups
such as Anarchists Against the Wall, Stop
the Jewish National Fund and Intifada
Palestine. In this book, in possibly the most
egregious misuse of history, they refer to the
Simon Wiesenthal Center as 'a notorious pro-
Israeli front'. The centre is dedicated to a
man who spent his life Nazi hunting and has
the Museum of Tolerance and a website with
educational tools such as Tools for Tolerance
to encourage harmony in our society. To
accuse that particular centre named after that
extraordinary individual of being 'a notorious
pro-Israeli front' is nothing short of
offensive.

I see nowhere from Australians for
Palestine condemnation of the rocket attacks
from Gaza on Israeli civilians; we only see
excuses for Hamas. We do not see any call
for Hamas or the Palestinian Authority to
recognise Israel's right to exist as a Jewish
state. We do not see or hear of any demands
from it that call for the Palestinian Authority
to stop its glorification of terrorists, naming
soccer tournaments after them, naming
streets after them and having their education
system encourage vile racism that we would
not tolerate in our own communities.

This campaign seeks to hold Israel to a
standard to which it will not hold its own
proponents, the Palestinian Authority. Until
those standards are applied equally, until the
physical attacks on Israel and the anti-
Semitic attacks upon the Jewish people are
prominently and consistently ignored, this
campaign will have no legitimacy and will
continually be brought to attention in this
place.

Same-Sex Marriage

Senator HANSON-YOUNG (South
Australia) (13:10): I rise today to speak to a
matter that is important to many people,
particularly those both within and outside
this chamber, who believe in fairness and
equality: the issue of marriage equality.
Since I first introduced my bill back in 2009, the momentum for this important reform has continued to grow. Successive polls put the support for marriage equality at more than 60 per cent, and a recent poll commissioned by Australian Marriage Equality, who I would like to point out have some members watching from the public gallery today, shows that the community now believes this reform will happen. It is not a matter of if but when. Seventy-five per cent of Australians believe that it is simply inevitable.

The momentum for change continues to build. Across the nation we see state Labor Party organisations gradually joining the Greens in declaring their support for marriage equality. South Australian Labor members endorsed the campaign. We have seen members from Queensland, Western Australia and the ACT. We are all hoping that those within New South Wales, who will be debating this at their state conference this month, will also join with the rest of us who believe that the time has come for ensuring marriage equality for all. It is clear which way the tide is moving, and it is time for the national leadership of both the Labor Party and the Liberal-National coalition to ensure that they too represent their rank and file, that they too allow for marriage equality to be discussed, debated and voted on openly in this place.

We have also seen support for marriage equality continue to build at an international level. Just a few weeks ago the New York congress legislated in favour of same-sex marriage, joining Washington, DC and the US states of Massachusetts, California, Connecticut, Iowa, Vermont and New Hampshire. Of course, that simply adds to the long, forever-growing list of other countries around the world who have already moved to ensure that same-sex couples get the same right as everybody else to marry the people that they love.

The New York decision is a significant breakthrough. It is something many throughout the world thought would never happen and it demonstrates just how quickly things can change. It is interesting to note that, rather than the sky falling in, people took to the streets in celebration. Those of us who saw the TV news and the newspapers saw here in Australia images of colour, excitement, celebration and joy. They were the exact same pictures that were shown right around the world to other countries. I think it would be wonderful if Australia could be the next country to follow suit.

I must say, though, that I was a bit puzzled by the reaction of our Prime Minister. She proclaimed on her recent visit to the United States that America could do anything. She gave a wonderful speech to the United States Congress about how strong America is in taking lead in the world, how as a child she believed that America could do anything and how it had inspired her as a woman in politics to be able to take on the big issues. We saw pretty quickly after the New York congress decision that she distanced herself from the United States on this issue, saying that we did not need on this issue to be following America. Well, I agree with the Prime Minister that America can do anything; I also believe that so too can Australia. We do not need to follow America on everything but, on this issue, states like New York are leading the way. It would be wonderful for Australia not to continue to be left behind on this issue. It would be wonderful if in this country in 2011 we honestly believed people should be given the same rights as each other—that same-sex couples should have the same right as anybody else to marry the person they love. It really should not be a massive political debate. This is simply about saying that, if we believe in equality, if we believe that everybody is equal, then we must accept that
all people are equal, not that some people are more equal than others.

We could lead by example when it comes to the United States; we do not have to be left behind. We need only look at the number of other countries that have so bravely and courageously taken this step and given such joy and celebration to their communities in doing so—the Netherlands, Belgium, Canada, Spain, South Africa, Norway, Sweden, Mexico, Portugal, Ireland and Argentina, amongst others. There is a wonderful opportunity for Australia to join those countries on the 'I do' list.

What exactly is the reason for Australia's inaction on this issue? Why is it that we continue to hark back to a dark past of saying that some people, simply because of their sexuality, remain second-class citizens? According to the Prime Minister it is because of cultural and social tradition: 'Marriage is between a man and a woman; that is the way things have always been and that is the way things should remain.' The Leader of the Opposition appears to share the same shallow view.

However, most of us here would recognise that, when we look at cultural and social practice as something static, we are denying the fact that things actually change. It is unchanging to deny reality. The fact is that we do progress as a society; we always have and we always will. It is about education, acceptance and ensuring that we learn more and more about how to look after each other and keep the communities healthy. We all know that things can and do change over time.

One hundred years ago the idea of a woman being elected to parliament would have been seen as radical and out of step with the natural order of things. We know that there were issues in relation to people from different cultural backgrounds being able to join in marriage. We know that, here in this country, we had to overcome the sad indictment that we did not see our own Indigenous people as citizens in their own country. Not only have we now seen women elected to parliament, but in just 50 years we have seen women's role in parliament change so significantly that we now have a female Prime Minister. One hundred years ago, or even 50 years ago, that would have been seen as fanciful. But things change.

As a mature and accepting society we accept that, when people deserve a little bit of extra support to give them a fair go, particularly in Australia, in our history, we have always worked through ways to overcome those issues of difficulty and inequality and give people true access to a fair go. Fortunately things do change. I agree with the 75 per cent of Australians who believe a move towards marriage equality is inevitable. I do believe it will happen, but I do not believe it will happen simply based on political leadership—because that is not what we are seeing from this place or from the other place. The leadership for change on this issue is coming from the community. This is a core example of where the Australian community is streets ahead of our elected representatives. When you talk to people about what they would like to see from their elected representatives on this issue, they ask why we are so caught up on this when it simply makes sense to give people equal access to the same rights.

One of the key pieces of legislation that this parliament presides over is the Marriage Act. It is one of the only acts in this place that works towards celebrating something good, works towards saying marriage is a positive institution for our state, a positive thing that our citizens can celebrate, a positive aspect of any healthy community. This positive, celebratory piece of legislation should be available to everyone. The
Marriage Act should not be a piece of legislation that discriminates. If we believe that all couples are equal then we must believe they have equal access to marriage under law.

The Prime Minister and the Leader of the Opposition are, of course, entitled to their personal views, but I do not believe they should be imposing their views on the rest of the community on this issue. I do not believe they should be restricting their own members on both sides of this chamber and in the other place. All members in this place should be able to have a conscience vote on this matter. Why not? If this is such an issue of personal responsibility, of cultural and social change, then why not let members in this place vote in a way that reflects the will of their communities and the idea of progressing and making our community fairer and more equitable?

We need a conscience vote on my private members' bill and I believe that it can happen. I look at the example of New York state and think, 'Wouldn't it be wonderful if we could rid ourselves of this type of discrimination is that when we stand here as parliamentarians and talk about justice, fairness and human rights on something that is so fundamental to people's own personal lives we are be able to say, 'We do believe in those things in this place and we do give all Australians equal access to marriage under the law.' I think the change will happen but, as I said, it is coming as a result of the community's leadership not from people within this place. I think it is time we caught up.

HIV-AIDS

Senator PRATT (Western Australia) (13:24): Very recently I had the great privilege of joining with many dedicated people as part of the Australian delegation participating at the 2011 UN General Assembly high-level meeting on HIV-AIDS. I know from my own experience that people get involved in community organisations and in activist groups or become committed scientists, medics, bureaucrats, diplomats and even politicians because they want to make people's lives better. They want to make a difference. They want to live a more fulfilling life of their own by making a difference for others.

There were many such people who came together in New York for this meeting. It was a very inspiring and moving experience. So many people came together with the goal of uniting the world behind a new global statement to tackle the global HIV-AIDS epidemic—an epidemic that affects millions of people, including some 20,000 Australians. It is an epidemic that sees approximately 2.6 million adults and children newly infected annually and has
about 34 million people around the globe living with the disease.

While AIDS-related deaths are falling as a result of improved treatment coverage, universal access to treatment is sadly still a distant prospect for many vulnerable people. I was extremely proud of the role that Australia took cochairing with Botswana the UN meeting to get an agreement on the statement on HIV-AIDS. It was really exciting to see our diplomats in action. When it comes to international cooperation to tackle global problems their efforts really do make a significant difference. Putting into a single statement the views of nations around the world—nations that have quite diverse moral debates regarding HIV transmission—was certainly no easy task.

The work of this meeting was also very importantly underpinned by the work of global HIV activists, people living with HIV, scientists, health practitioners and many more. I do not think there is anything more important in life than the effort to help others secure their health and dignity. The work of people, whether they are HIV positive or negative, to address this profound health issue is just so important. I would like, today, to pay tribute to the amazing work of all these amazing people. Their work takes place at many levels, whether it is scientific work for research into treatments, vaccines and cures; epidemiology and prevention work, including the education of very culturally diverse communities that have different sexual practices about how to prevent the transmission of the disease; or treatment work, such as providing access to anti-retroviral treatment, that keeps people healthy and also prevents transmission of the virus.

The work undertaken to support those affected by the disease is important as is the work in the area of human rights and dignity, which plays a critical role both in the prevention of transmission and in supporting the quality of life of those affected. Backing up this work are the health systems, health promotion and system financing. But none of this work can take place without HIV-positive people lifting up their voices and speaking up for their rights. I would really like to commend all of those positive people who spoke up at the UN recently.

Australia plays a key role in tackling this epidemic and supporting all of these important areas of work. We do this in Australia by working hand in hand with community health organisations. We have an important Australian strategy which is committed to reducing the transmission of, and morbidity and mortality caused by, HIV and to minimising the personal and social impact of HIV. Importantly, our new strategy includes goals, objectives and indicators so that we can track our progress under the strategy.

It is really important that we also support this kind of work internationally. Our commitment includes a $220 million commitment to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Tuberculosis is an insidious disease that, hand in hand, can really debilitate the lives of HIV-positive people and it is really important that the fund's work recognises this. I believe that Australia's commitment to the global fund should grow as our aid budget grows in line with our nation's bipartisan commitment to reach 0.5 per cent of gross national income in foreign aid by 2015-16. So I would really like to see our commitment to the global fund and other international efforts to address HIV increase. We know that the global fund has saved 6.5 million lives from AIDS since 2002. This is a monumental achievement. This commitment is saving lives. But we can save more, and there are so
many more people who need these programs who simply do not have access to them.

Vitally, Australia is making bilateral commitments in countries like Papua New Guinea. We know that PNG has a really significant problem, with a HIV prevalence rate of a bit more than one per cent, and HIV infection rates higher than anywhere else in the Pacific. It is also a nation where women are highly vulnerable to gender based violence, where mother and child birth mortality rates are high and where health services are few. So it is vital that we succeed in PNG in containing the virus. If we do not, then PNG, our near neighbour, could have a far higher prevalence level, with debilitating consequences, like many other nations around the world. If this were to happen, it would take a terribly high toll on even more lives and would increase social instability for our near neighbour, and I really do not want to see that happen.

Pleasingly, we do make a significant investment in tackling HIV in PNG. It currently amounts to $183 million over the five-year period to 2013. One example of the great work being done is in Goroka, the capital of Eastern Highlands Province. We know that there the death rate has fallen dramatically in the past few years, from 95 per cent in late 2006 to just six per cent in 2010. In the past, infants were not tested before 18 months of age and many did not live to see their first birthday. They are now tested at six weeks and put onto medication if they need it. For a country like PNG, significant development issues will not be addressed unless we also address their HIV epidemic, and I am very pleased that Australia will be there to assist in this work.

We are working with many other nations around the globe, and, indeed, there are many people who are marginalised around the globe and here in Australia—people who, as a result of this marginalisation, can become much more vulnerable to HIV. It is what makes support for human rights so critical to our success in this battle.

HIV transmission is frankly made far easier by human rights abuses: where women cannot say no to unconsenting sex or are subject to violence, or in highly unequal societies where women in consenting relationships cannot begin to negotiate safe sex as a part of their relationship; where condoms are used against sex workers as evidence in the criminalisation of sex work; where homosexuality is criminalised, meaning targeted campaigns teaching people how to have sex safely and to use condoms cannot take place; where transgender people are forced into the sex industry as the only form of work available to them; where injecting drug users are criminalised and people are denied access to clean injecting equipment; where people do not have access to treatment; where the globe fails to put the needs of people to access treatment for their disease above the corporate profits of pharmaceutical companies. These are some examples; there are so many others.

It is why I am so very proud today of the role Australia has played at the UN high-level meeting recently. Our UN ambassador Gary Quinlan and his team did a really fantastic job working with Botswana to facilitate a strong global statement on HIV. It is a statement that, for the very first time, recognises vulnerable groups such as men who have sex with men, injecting drug users and sex workers. This is a very significant achievement as it means that there is a mandate for organisations like the global fund to ensure that these vulnerable groups can be targeted in their programs around the world.

I would like to pay tribute to all of those who were part of the Australian delegation.
It was a diverse delegation and, sadly, I do not have time to profile all the great people who were part of it today, but they are a credit to Australia's strong HIV response. I do have a few people to mention. One, of course, is our own foreign affairs minister, Kevin Rudd, who was a terrific part of the delegation. Others included Bill Bowtell, the Former HIV/AIDS Project Director at the Lowy Institute for International Policy and Executive Director of Pacific Friends of the Global Fund to Fight AIDS, Tuberculosis and Malaria; Justice Michael Kirby, who undertook commendable work as part of the Global Commission on HIV and the Law; Don Baxter of the Australian Federation of AIDS Organisations; Annie Madden from the Australian Injecting and Illicit Drug Users League; Janelle Fawkes from the Scarlet Alliance, the Australian organisation representing sex workers; Jesse Hooper, our youth representative from Queensland; Robert Mitchell, President of the National Association of People living with HIV/AIDS; Murray Proctor, Australian Ambassador for HIV/AIDS, and other talented members of the AusAID team; and Professor David Cooper, Director of the Kirby Institute. We also had members of the health department here participating in the delegation. I would also like to pay tribute to the great work of Bill Whittaker—an Australian, and now a commissioner with the UNAIDS High Level Commission on HIV Prevention, but also the very first CEO of the AIDS Council of NSW, where he played an amazing role in making sure that we got the best possible negotiated outcome through the statement—and Australia's Ambassador and Permanent Representative to the United Nations, Gary Quinlan. Both were incredibly important to the achievement of strong outcomes at the meeting. I thank all of these people for being the voice of those at the margins and for caring about providing access to services and treatment for so many people who cannot speak for themselves. I think that MPs must also raise strong voices to support this work. I encourage senators and members to engage in efforts to improve the lives of people living with HIV and to prevent transmission.

I ask you to take a look at this UN declaration. It is an important document—a call to action to support the continued global commitment to reversing the HIV epidemic and mitigating its impact at the community, local, national, regional and international levels. I share the deep concern outlined in this declaration that, despite substantial progress over the last three decades since AIDS was first reported, the HIV epidemic remains an unprecedented human catastrophe. It inflicts immense human suffering on countries, communities and families. This declaration calls on us to address stigma and discrimination, to ensure care and support, to protect vulnerable groups and to provide access to treatment. These are things that as both a global and an Australian community we really must dedicate ourselves to. I am very pleased that Australia's work helps people live with dignity and, indeed, that it helps saves lives. But there is so much more work to do, so Australia has every reason to scale up its efforts as the declaration calls on us to do.

Arthritis

Senator BILYK (Tasmania) (13:38): Today I rise to speak on a matter of public interest: arthritis. Arthritis has a significant impact upon many millions of people in our community—mothers, fathers, grandmothers, grandfathers and sons and daughters of all ages. It affects more people than do cancer, heart disease or asthma. In fact, arthritis is the single biggest cause of disability in Australia. Research shows that there are 3.85 million Australians currently
living with the pain and discomfort of this condition. That is a significant proportion of the Australian population. Arthritis affects people's capacity to work, to live independently and to play with their grandchildren.

Arthritis is often thought of as a single disease. In fact, it is an umbrella term for more than 100 medical conditions that affect the musculoskeletal system—more specifically, joints where two or more bones meet. While there are about 100 forms of arthritis, the three most significant—osteoarthritis, rheumatoid arthritis and gout—account for more than 95 percent of cases in Australia. Arthritis related problems include pain, stiffness, inflammation and damage to joint cartilage, which is the tissue that covers the ends of bones and surrounding structures. This can result in the joint-weakness, instability and deformities that can interfere with the most basic daily tasks—walking, driving a car, preparing food or just holding everyday household items such as a coffee cup.

There is a widely held belief that arthritis is simply a consequence of age—the pain of growing old. In truth, it is not a natural part of ageing; 2.4 million people who suffer from the disease are of working age, and, sadly, children suffer from arthritis as well. As 62 percent of those Australians who live with arthritis are of working age, the disease also has a significant impact on the economy. According to an Access Economics report from 2007, the total cost of arthritis to the Australian economy is $23.9 billion in medical care and indirect costs such as loss of earnings and lost production. Research suggests, however, that early intervention can delay the onset of the disease and may reduce the number of cases of osteoarthritis by about 500,000 within 15 years. Although arthritis can be delayed and managed, it cannot currently be cured, so, while the condition is usually manageable, it invariably impacts on a patient's quality of life and includes varying degrees of discomfort and pain. There are, however, people to help patients manage the disease.

Arthritis Australia is a not-for-profit organisation and the peak arthritis organisation in Australia. It is supported by affiliate offices in every state and territory, including my home state of Tasmania. Arthritis Australia relies on the generosity of community groups, individuals and corporate sponsors for most of its funding. However, it also receives funding support from the Department of Health and Ageing for a number of its projects. Arthritis Australia provides a number of important services to our communities: it provides support and information to people with arthritis as well as to their families and friends; it promotes awareness among leaders in business, industry and government of the challenges faced by the many people across the community who are living with arthritis; it funds research into potential causes and possible cures as well as better ways to live with arthritis; and it aims to keep health professionals such as physiotherapists, occupational therapists and community nurses informed. Arthritis Australia needs and deserves all the support we can give it. This support can be given in a number of ways. You can make a donation—including a special occasion donation for birthdays, anniversaries or weddings. You can become a member, a sponsor or a volunteer. You can make a bequest in your will or invest in arthritis research. As parliamentarians we can support Arthritis Australia even through small actions such as putting a link to the Arthritis Australia website on our own personal websites, as I have done.

As a member of the Parliamentary Friends of Arthritis group I attended a meeting at Parliament House for the launch of a social impact study, the Voice of arthritis, which
was prepared by Arthritis Australia. The study highlighted in detail to what degree arthritis affects the lives of people with the disease. To help improve the lives of people with arthritis, the Australian government has allocated significant funds through the Better Arthritis and Osteoporosis Care initiative. Better Arthritis and Osteoporosis Care is an initiative to improve prevention of arthritis and osteoporosis, to facilitate early detection and to improve management and quality of life for people with these conditions. Running since 2006, the Better Arthritis and Osteoporosis Care initiative’s emphasises work on juvenile idiopathic arthritis, improved primary care, self-management and secondary and tertiary prevention. In March, during Arthritis Awareness Week, the Minister for Mental Health and Ageing, Mark Butler, announced $14.4 million to continue funding this initiative for a further four years. This initiative is guided by the national action plan for osteoarthritis, rheumatoid arthritis and osteoporosis, the evidence to support the national action plan, and a national service improvement framework for osteoarthritis, rheumatoid arthritis and osteoporosis. It provides funding for activities under the following strategic program areas: awareness raising, consumer education and self-management, health service improvement, health professional education, data monitoring and evaluation.

The department is currently working with the national peak bodies—Arthritis Australia and Osteoporosis Australia—to deliver key components of the initiative, including workplace promotion, self-management and the local exercise program. The government also provides funding to health professional bodies and other government agencies under this initiative to deliver different programs including: national monitoring and surveillance of arthritis and musculoskeletal conditions, including osteoporosis; programs to assist health professionals gain a better understanding about caring for people living with arthritis and osteoporosis; and programs to evaluate the initiative. The government is also investing significant funding through existing initiatives and the national health reforms, which will benefit all Australians, including people living with arthritis and osteoporosis. Some of the major features include expenditure of $206 million in 2009-10 on relevant drugs for arthritis, osteoporosis and musculoskeletal conditions under the Pharmaceutical Benefits Scheme; $30 million in 2010 for research into arthritis, osteoporosis and other musculoskeletal conditions through the National Health and Medical Research Council; chronic disease management items in the Medicare Benefits Schedule; the Home and Community Care program, a joint Australian state and territory initiative, which provides a range of services, such as domestic assistance, home maintenance, professional allied health care and nursing services in order to support people to be more independent at home and in the community.

The community package care programs consist of the Community Aged Care Package, Extended Aged Care at Home and Extended Aged Care at Home Dementia programs. These programs provide an individually tailored package of care for older Australians as a community alternative to residential care. The types of services that may be provided as part of a package include personal care, social support, transport to appointments, home help, meal preparation and gardening.

While the conditions that fall under the umbrella term ‘arthritis’ may not currently be curable, it is hoped that these programs can help everyday Australians living with the condition. Through a combination of better awareness, delay to the onset of the disease and better management of the disease, it is
expected that these government initiatives will ease the suffering of those living with these conditions and help improve their quality of life.

Proceedings suspended from 13:48 to 14:00

QUESTIONS WITHOUT NOTICE

Live Animal Exports

Senator FISHER (South Australia) (14:00): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. I refer to the government's business hardship payment of $20,000 supposedly to help cattle producers. Given that applicants for the $20,000 must prove continuing and unavoidable business costs, can the minister confirm if eligible costs will include any wages to shoot and dispose of cattle, if that is necessitated by the minister's incompetence, or are culling costs avoidable and therefore ineligible?

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) (14:00): The government remains committed to working alongside industry and alongside Indonesia to have the live export trade recommence as quickly as possible, but that trade must have, as I have said, a supply chain in place that can guarantee the welfare of livestock. While we work to get that trade back up and running, it is important that those in industry who are doing it tough are supported. That is why I announced income assistance for industry, which was the $5 million contingency for those people who are as a consequence of the suspension made unemployed.

The second part was the need to support those people who are in short-term need of assistance—individual producers, those people and related businesses affected by the temporary suspension. For that reason, the government has put in place a $30 million package for that purpose. This package builds on the previous assistance measures and will provide immediate payments of up to $5,000 for eligible businesses with further payments of up to $20,000 also available.

It is designed to be a short-term injection to help alleviate some of the immediate pressures on businesses associated with the suspension. It is a clear that individual producers are under pressure.

Senator Fisher: Mr President, on a point of order: my question is clear. Will the costs of killing cattle be regarded as eligible costs, if that be necessitated by the minister's incompetence?

Senator Chris Evans: On the point of order: I am not sure the commentary in the question is in order and it is not necessary, but I make the point that the minister is directly on the topic in answering. He is trying to give the senator a fulsome answer to her question, and I would ask you to rule there is no point of order.

The PRESIDENT: There is no point of order. The minister has 28 seconds to continue the answer.

Senator LUDWIG: The package, as I indicated, will build on the previous assistance measures. It is immediate payment of up to $5,000 for eligible businesses with further payments of up to $20,000 also available. It is designed for a short-term purpose. The best thing for industry is that we do get this trade back up and running as quickly as possible. It is clear individual producers are under pressure, and these grants represent immediate response to them—(Time expired)

Senator FISHER (South Australia) (14:03): Mr President, I ask a supplementary question: can the minister detail precisely
how the government's assistance for cattle producers will help a cattle producer who now needs to destock by several thousand head because his market has vanished overnight under this minister's incompetent oversight?

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) (14:03): I indicated in answer to the first question that the package is designed as a $30 million package to provide those with immediate assistance in the industry. The government remains committed to supporting the industry throughout the suspension period. We are focused on getting the trade back up and running as quickly as possible, because that is the best form of assistance that the industry can be provided with. Of course if you do require information about the package, the government's assistance line is 1800 808869. Those on the other side of course—

Opposition senators interjecting—

The PRESIDENT: If people were not shouting out, it might help me; I am trying to listen to the answer.

Senator Ian Macdonald interjecting—

The PRESIDENT: Senator Macdonald, I do not need you to intervene, thank you.

Senator Fisher: Mr President, on a point of order: rather than call a blah, blah, blah phone line, the question is clear. Exactly how will the government's assistance help a cattle producer who now needs to destock by several thousand head due to the minister's incompetent oversight making the cattle producers' market vanish overnight?

The PRESIDENT: There is no point of order. Senator Ludwig, you have got 14 seconds remaining to address the question.

Senator LUDWIG: Those on the other side, of course, would sentence cattle to continued cruelty in ensuring that they would continue to have this trade without putting a supply— (Time expired)

Senator FISHER: Mr President, a point of order before I ask a further supplementary question: I ask that the minister withdraw his comment and implication that we on this side somehow condone torture of cattle, be they Australian or of any nationality because, after all, animals know no borders.

The PRESIDENT: There is no point of order, Senator Fisher.

Senator FISHER (South Australia) (14:06): Mr President, I ask a further supplementary question. Unfortunately, I need to ask the minister whether he will do what the government has failed to do thus far: take responsibility for the imminent destruction of a substantial proportion of the national herd resulting from his ineptitude, and when will he do the right thing and resign?

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) (14:07): Last week I met with state and territory and local industry representatives in the north and heard about some of the issues that they are confronting firsthand. That is why we are working as quickly as possible to put in place the supply chain assurance that is required to get this trade up and running again—unlike those on the other side, who want the trade to recommence without a supply chain assurance in place and without assurance that the cattle that leave Australia would not be mistreated. There is no assurance in the policy from the other side in this respect.
That is why we established an industry fund to deal with onshore supply issues. That is why the Australian Cattle Council put up a $5 million contingency fund to deal with onshore supply issues and post-farm issues around the welfare, feed and watering of cattle. (Time expired)

Pensions and Benefits

Senator URQUHART (Tasmania) (14:08): My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Arbib. Can the minister please inform the Senate on any new financial assistance measures that have come into effect recently that will assist Australian families to make ends meet?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:08): I thank Senator Urquhart for her first question and welcome her to the Senate. From 1 July, a large number of positive changes came into effect, arising out of the budget, that will support families financially and make it easier for them to make ends meet. We know parents need affordable and quality child care. That is why the government has improved the effectiveness of the childcare rebate to allow it to be paid fortnightly. These more regular payments, coming into play last Friday, will help families balance their budgets and build on the government's increase to the childcare rebate from 30 per cent to 50 per cent of out-of-pocket costs.

Since last Friday, Australian families will also benefit through an expansion of the education tax refund for school uniforms, a change that will help many parents with their back-to-school expenses. There are also new baby bonus arrangements for families to get more of their payments upfront, to help with those big purchases that parents need to make when a new baby comes into the family. We are talking about payments for cots or for prams.

More than two million families will now benefit from indexation increases to their family payments as well. The maximum fortnightly rates for family tax benefit part A and part B will both be increased, which amounts to, for family tax benefit part A, $113 per child under 13 each year and, for family tax benefit part B, $95 per family. All low-income earners will get more in their pay packet each week through the low-income tax offset, which will mean another $300 in their pockets during the year rather than at the end of it. As a government, we are continuing to deliver for families into the future. From 1 January next year, parents will receive a boost to family assistance for families with older teenagers of up to $4,200 extra a year. (Time expired)

Senator URQUHART (Tasmania) (14:10): Mr President, I ask a supplementary question. Can the minister advise the Senate on the progress of paid parental leave and how the government is assisting parents with cost-of-living pressures as well as supporting workforce participation? Are there any alternative approaches to these measures?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:11): I am very pleased to inform the Senate that almost 31,000 parents are currently receiving paid parental leave payments—right now. Since paid parental leave began on 1 January this year, more than 69,000 Australian parents have applied in total, including casual workers, part-time workers, the self-employed and also contractors. Parents who are eligible will receive up to 18 weeks paid parental leave at
the national minimum wage, currently around $590 per week.

Our paid parental leave system has been good for families, helping parents to take time off work to recover and to care for and bond with their new baby. Since 1 July, employers are able to pay the government paid parental leave through their usual pay cycle, and there is no need for special bank accounts or special reports. It is worth noting that the Productivity Commission recommended the employer role in this scheme because it would help business retain skilled staff. In terms of alternative approaches, despite this historic reform, I note there is an alternative approach—(Time expired)

Senator URQUHART (Tasmania) (14:12): Mr President, I ask a further supplementary question. We also know that seniors are facing significant cost-of-living pressures. Can the minister outline to the Senate any other government programs that are assisting families and seniors with cost-of-living pressures?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:12): The government recognises the cost-of-living pressures faced by many pensioners. We also recognise the enormous contribution that they have made and continue to make to our nation. That is why this government delivered the most significant reforms to the pension system in its 100-year history. Since September 2009, these reforms have delivered increases for maximum rate pensioners of $128 a fortnight for singles and $116 a fortnight for couples combined.

Senator Cormann: We shamed you into it and the Prime Minister was opposed to it!

Senator Chris Evans: You had 11 years and you did nothing!

Senator ARBIB: We are making significant investments to encourage and support senior Australians who want to work.

Honourable senators interjecting—

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

Senator ARBIB: From 1 July, the new work bonus will help pensioners keep more of their pension when they take on some part-time work. Eligible pensioners can now earn up to $250 a fortnight without it being taken into account as income. Over a year this can be worth up to $6½ thousand. We have also invested $30 million towards skills—(Time expired)

Carbon Pricing

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:13): My question is to be Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Has the government given consideration to the impact of the carbon tax on the value of assets, and in particular plant and equipment, owned by those companies liable to pay the tax? Has the government made any provision in its modelling for the inevitable reduction in the capital value of those assets?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:14): I thank Senator Brandis for the question. It does give me the opportunity to correct something I said yesterday in question time—Senator Abetz interjecting—

Senator Brandis: Mr President, I rise on a point of order.

Senator Conroy interjecting—

Senator Wong: I thank Senator Brandis—You will enjoy this, Senator Abetz. I provided two quotes to the chamber, both of which I said—

Senator Brandis: Mr President, I rise on a point of order.

Senator Conroy interjecting—
Senator Wong interjecting—

The PRESIDENT: Senator Conroy and Senator Wong! I am waiting to give Senator Brandis the call.

Senator Brandis: Mr President, on a point of order: I think I have a reasonably clear idea of what Senator Wong proposes to say and, may I say, I welcome her correction at the appropriate time. But it is not a proper use of the short period of time allowed for her to answer a question to use that time to correct the record from yesterday's Hansard. There is another time allowed for that in the proceedings. I want to know about the effect on the capital value of assets.

Senator Conroy: Mr President, on the point of order: I have never yet seen a point of order taken on something someone might say. I have always appreciated that George can see into the future. Senator Brandis has enormous forward vision, but to actually take a point of order on something that somebody might say is a little unusual. Perhaps he might want to be ruled out of order, Mr President.

The PRESIDENT: The opening statement by the minister was that the minister was going to correct the record from a question that was asked yesterday. The appropriate time to do that is at the end of question time, and always has been.

Senator Conroy interjecting—

The PRESIDENT: I am not going to get into an argument; I am just telling you what the practice and the procedure in this place have been for a long period of time. The minister has one minute and 41 seconds remaining to address the question that was asked by Senator Brandis. I invite the minister to answer the question.

Senator Wong: Thank you, Mr President. I am surprised that Senator Brandis is so reluctant to own up to the fact that the quote I referred to was actually from him. The quote I referred to advocating for petrol to be in an emissions trading scheme was in fact from Senator Brandis.

Senator Brandis: Mr President, I rise on a point of order. The minister is openly defying your ruling. You have just said that the time to correct the record is after question time and that the minister must come to the question. The question had nothing to do with petrol; the question had to do with the effect on asset values of the carbon tax. You should direct the minister to answer the question. If she continues to defy the ruling, she should be directed to resume her seat.

The PRESIDENT: As I have said before, I cannot direct the minister how to answer the question. I did draw to the minister's attention—

Senator Conroy interjecting—

The PRESIDENT: I did draw to the minister's attention the fact that there was one minute and 41 seconds remaining at that time to address the question that had been asked. There is now one minute and 20 seconds. I invite the minister to answer the question.

Senator Wong: I was asked, I think almost hypothetically, about assets in unnamed industries—

Senator Brandis: You were asked about industries affected by the carbon tax.

Senator Conroy: Would you like to add that to your question and amend it along the way?

The PRESIDENT: Interjections do not help question time on either side. Continue, Senator Wong.

Senator Wong: First, I do not believe any particular industry was indentified—which, in any event, would make the question difficult to respond to. In the
context of the CPRS, the government obviously did look at the value of assets in the electricity sector. The senator would be very aware of the policy the government put previously before this parliament, which looked at the energy sector and the argument about the loss of asset value, which was part of the energy security assistance scheme that was included in the CPRS.

In relation to the package to be announced on Sunday, as I have previously said, details on these matters will be announced on Sunday, and I am sure the senator will have the opportunity to consider those aspects which are relevant to his question.

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (14:20): Mr President, I ask a supplementary question. Is it not the case that any decline in asset values of the companies affected by the carbon tax will be borne by the shareholders and investors in those companies, including those superannuation funds entrusted with the retirement savings of millions of Australians?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:20): If you look at, for example, what a number of investors of those funds have said publicly, you will see that there has been a very clear view about the importance of dealing with the uncertainty that currently exists around carbon pricing, because, of course, uncertainty creates a greater perception of risk. That is one of the reasons that the government is so clear about the importance of proceeding with what is a very economically sensible policy. I am not sure if the senator is aware of the Investor Group on Climate Change and the range of investors who have spoken about the need to end the uncertainty that has been brought about as a result of the actions of those on that side of the parliament, but it is very clear that business certainty will be best met if we can finally clarify the design of a price on carbon and carry that legislation through this place.

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (14:21): Mr President, I ask a further supplementary question. Can the minister assure the Senate that, when the government reveals the detail of the carbon price this Sunday, that announcement will include an announcement of the provisions it intends to make to safeguard the retirement savings of Australians affected by a decline in the share price through a decline in the asset values of the thousand or so companies directly affected by the carbon tax?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:22): The hypocrisy of a coalition senator asking about retirement savings, when that side of politics has consistently opposed superannuation for working Australians! You opposed it when it was first introduced by Labor, you continue to oppose a lift in the superannuation rate for working Australians and you come in here and talk to us about retirement savings. People in this country understand which is the party of superannuation, which is the party that has been prepared to add to the retirement savings of working Australians, and it is the Australian Labor Party, Senator Brandis.

**Forestry**

**Senator MILNE** (Tasmania—Deputy Leader of the Australian Greens) (14:22): My question is to the Minister for Agriculture, Fisheries and Forestry, Minister Ludwig. Is the minister aware that the Tasmanian minister for forestry has confirmed in state parliament today that Forestry Tasmania has entered into a profit-sharing arrangement with Aprin Logging to keep the Triabunna woodchip mill open?
Can the minister say whether this is a breach of the forest principles agreement commitment to no new contracts? Does it jeopardise the Tasmanian and Commonwealth negotiations in the forest peace process?

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) (14:23): In terms of the specific issue around the Tasmanian forest principles agreement, as you know, the parties continue to reach agreement in relation to that particular point. Specifically around the issue that Senator Milne has requested, the area of the woodchip bidder—if we use it as the rhetorical question, ‘Does the government support the conditions on the side of the Tiabunna mill to the Aprin bidder as being conditional or satisfactory in the progress of the implementation of the forest principles agreement?’ and reverse it in that sense, because, if I detect the question correctly, I think that is where Senator Milne is heading—the government is obviously concerned to ensure that the impact of the Gunns Ltd move out of native forest logging on the Tasmanian economy is well managed. Of course, Gunns has signalled to the market that it will be selling its assets to support its move to a new business environment. The government continues its commitment to this process as outlined—that is, to support the continued discussions. We continue to support those discussions. The facilitator, Mr Kelty, is continuing the due diligence assessment—

Senator Bob Brown: Mr President, I rise on a point of order. Senator Milne's question was directly about a contractual arrangement involving Forestry Tasmania. The minister has not addressed that question.

The President: There is no point in order. I am listening closely to the minister's answer. The minister has 28 seconds remaining.

Senator Ludwig: Thank you, Mr President. If you are referring to contractual arrangements between the Tasmanian state government and individuals, that is not a matter that the Commonwealth would intrude on. If they do exist, they are commercial arrangements between those entities. What is important to consider is the Commonwealth's position in this. The Commonwealth is working on the statements of principles with the community and interest groups. (Time expired)

Senator Milne (Tasmania—Deputy Leader of the Australian Greens) (14:26): I thank the minister for not answering the question that I asked. Mr President, I ask a supplementary question. Can the minister say whether the forest principles agreement commitment to no new contracts is breached by Forestry Tasmania entering into a profit-sharing arrangement with Aprin?

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) (14:26): Again, the issues around what the Tasmanian government does or does not do are still matters for the Tasmanian government. What the Commonwealth is doing in this is working through—

Senator Bob Brown: Mr President, I rise on a point of order. Senator Milne's question did not mention the Tasmanian government. It was about Forestry Tasmania and Aprin. I ask you to have the minister direct his answer to the question.

Senator Chris Evans: Mr President, on the point of order: Senator Ludwig is 14 seconds into his answer. To expect the
minister to have seriously got into the content of his answer in 14 seconds is unrealistic. We seem to be getting a lot of spurious points of order and I suggest to you, Mr President, that there is no point of order. Senator Ludwig is attempting to give Senator Milne a serious answer to a serious question.

The PRESIDENT: Senator Ludwig, you have 46 seconds remaining to answer the question.

Senator LUDWIG: Thank you, Mr President. Whether it is a private entity or a commercial entity in Tasmania, those are matters for commercial entities to manage their way through—that is, the commercial contracts they enter into and the terms on which they enter into them. Regarding the Commonwealth's role to date—and that is what I can describe—the government recognises the challenges in getting that statement of principles to an agreement stage. As to what the parties negotiate and the content of that agreement, until it is finally settled, I do not want to second-guess the outcome. We have appointed Mr Bill Kelty to facilitate that process. The parties are working diligently to arrive at a landed position. Senator Milne is asking me to second-guess, in some respects, what the content might finally look like and what the Commonwealth's role may be. I will take what I can on notice to see if there are any additional facts that I can provide. (Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:28): Mr President, I ask a further supplementary question. I ask the minister whether the forest principles agreement has in it 'no new contracts' and, if so, does Forestry Tasmania entering into a profit-sharing arrangement constitute a new contract?

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) (14:28): I will take what I can on notice. I go back to the primary point. I am not in a position, when the agreement is not finalised, to be able to second-guess all the terms of it and their impact in relation to commercial arrangements that may exist, as to whether they are in or whether they are out and who would be bound by them. The agreement has not been finalised. I think it is important to recognise that, when we land at that place, people can look at the results, look at the agreements that are there and see what conditions need to be met. It is important to keep in mind that it is about the coalition of interests and trying to reach an agreement. The government welcomed the community of interest that managed to get together to resolve what has been a very difficult issue in Tasmania for 30-odd years: getting out of native forest logging. (Time expired)

Budget

Senator CORMANN (Western Australia) (14:29): My question is to the Minister for Finance and Deregulation, Senator Wong. I refer the minister to the government's budget papers which said (1) there is no provision in the budget for the carbon tax, (2) that the carbon tax will be budget neutral and (3) that the budget contingency reserve is not a general policy reserve. Given that the government is now raiding the contingency reserve because of its carbon tax, for which the funds will need to be appropriated in order to support power plant compensation, is this not a Whitlamesque move which breaks each one of these three commitments made just two months ago?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:30): I note that question comes from a
senator in a party which is pledging smaller surpluses and which will raid the surpluses to fund tax cuts. Let us just be clear about the alleged fiscal responsibility on that side, which is built on a shadow Treasurer who proposes tax cuts funded by running down and risking the surpluses. That is not fiscal responsibility. I am also asked about the contingency reserve. This is something—

Senator Fifield: They are deficit deniers; that is what they are.

Senator Wong: There is a bit of interjection from the surplus-free zone.

The President: Senator Wong, ignore interjections. They are disorderly; you know that and I know that.

Senator Cormann: How about answering the question?

The President: Senator Cormann, it is your question that you are seeking an answer to and interjecting does not help the process.

Honourable senators interjecting—

The President: Senators Conroy and Fifield, you make it very difficult for me to hear Senator Wong.

Senator Wong: I was asked a question about the contingency reserve and there appears to be an ongoing problem in the opposition in that they do not understand how the contingency reserve operates. I would not suggest for understanding that they go and read every aspect of various newspaper articles. Senator Cormann will recall during the estimates hearing we did explain at length to him the way in which the CR operates. We also explained at length why the costings in what is known as the conservative bias allowance that the opposition made were incorrect and how they contributed to the $11 billion black hole. The contingency reserve is not a general policy reserve. It is not a rainy day fund. It is true that no provision was made in the CR as at the 2011-12 budget for the carbon price because details of the proposal and financial implications of such were yet to be determined by government. As we said in the budget papers, as we have said since, we will update the figures associated with the carbon price package in the usual way after the policy has been finalised.

Senator Cormann (Western Australia) (14:33): Mr President, I have a supplementary question. Has the minister effectively just confirmed that the government intends to raid the contingency reserve in clear breach of previous statements, including the one she has referred to just now in Senate estimates? Can she also confirm, given she has addressed that particular part of the question, that the carbon tax will not be budget neutral as promised at budget time?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:33): This is the difficulty in asking a supplementary question when you do not listen to the first answer. I spent some time answering the first question.

Honourable senators interjecting—

The President: It is not a debating time on either side. If you wish to debate the issue or talk about the issue, the time to do that is post question time.

Senator Wong: I suspect Senator Cormann did not listen to my answer. I said very clearly that the contingency reserve is not a general policy reserve. It is not a rainy day fund. It is there to ensure—

Senator Brandis: We want to know whether or not the carbon tax will be budget neutral.

The President: Senator Brandis, Senator Cormann has asked the question. Senator Wong, continue and ignore the interjections on both sides.
Senator WONG: I also said there was no provision made at the time of the 2011-12 budget for the carbon price mechanism. The question that asserts that we are going to raid it is simply misunderstanding how the CR operates, and clearly the senator has not listened to the answer that I gave to the first question.

Senator CORMANN (Western Australia) (14:35): I have a further supplementary question. The minister is clearly refusing to rule out raiding the contingency reserve and she clearly is refusing to recommit that the government—

The PRESIDENT: Senator Cormann, it is not a time to argue; it is a time to ask a question.

Senator CORMANN: Given that it is now very clear that the carbon tax is not going to be budget neutral as was promised at budget time, will the government now bring down a budget before pressing ahead with the carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:35): No, we do not propose to bring down a budget. We have just brought down a budget and I thank Senator Cormann for voting for some savings measures in that budget, which Mr Abbott previously opposed without much demur, very quietly on Thursday of the previous sitting week. What we have said very clearly—and this is consistent with the budget papers—is that we will ensure that the budget figures are updated in the usual way subsequent to the announcement of the carbon price. That is the position we said previously. That is the position we will adhere to.

I think to criticise the government for doing what it said it would do—that is, to update the figures in the usual way and to put the detail out there—is pretty rich coming from a party that is unable to cost its policies, comes in here and votes against saving measures, announces policies that are not funded and is led by a man who thinks economics is boring. (Time expired)

Superannuation

Senator THISTLETHWAITE (New South Wales) (14:37): My question is to the minister representing the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister outline to the Senate the outstanding achievements of the Gillard government to improve the superannuation savings of working Australians? How will the Gillard Labor government's farsighted policies in superannuation help families save for a comfortable retirement?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:37): Thank you to Senator Thistlethwaite for his first question. It is good to see another superannuation aficionado entering the Senate and asking a question about a very important and major economic and social reform that this government has initiated and has announced major improvements to.

The Gillard Labor government is to make major reforms to Australia's superannuation system, which will benefit millions of Australians. Successive Labor governments have long argued that the current superannuation guarantee of nine per cent, introduced almost 20 years ago by a Labor government and opposed by those opposite—millions of Australians would have no superannuation at all if they had taken the advice of the Liberal Party—needs reform and we intend to increase the superannuation guarantee from nine per cent to 12 per cent over seven years. We intend to
add to the retirement income savings for millions of Australians.

What should be remembered is this is also on top of the increase in the age pension. Again, what did those opposite do about increasing the age pension when they are in government? Nothing. This Labor government has increased the age pension. We introduced compulsory superannuation to nine per cent and we intend to take it further to 12 per cent. This will add to the retirement income savings of some 8.4 million people. The Liberal Party either did nothing, or opposed it. Like everything else, all they have is a negative position: do nothing or oppose. That is their announced policy in respect of this important change to superannuation. (Time expired)

Senator THISTLETHWAITE (New South Wales) (14:39): Mr President, I ask a supplementary question. Can the minister advise the Senate how the Gillard government's achievements in superannuation are providing Australian families better funded services and more security at lower cost?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:40): Thank you. We intend to do more. We intend to cut the contributions tax which is currently paid by about 3.5 million low-income earners on their superannuation. We intend to cut or do away with the contributions tax. What is the Liberal Party position on cutting or doing away with the contributions tax? They oppose it. They do not support a tax reduction on superannuation for 3.5 million Australians. So on the retirement income reforms, the increase in the age pension, the increase in the super guarantee and the cut in tax for low-income earners on their superannuation, the Liberal Party either did nothing or they opposed it. This is their position—no improvement in the retirement incomes of over eight million Australians—because they have no retirement income policy. Their only position is: do nothing or oppose. (Time expired)

Senator THISTLETHWAITE (New South Wales) (14:41): Mr President, I ask a further supplementary question. Is the minister aware of any obstacles or risk to the Gillard government's historic achievements in, and future reforms of, the superannuation system?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:41): Not only is it important social policy improving the retirement incomes of more than eight million Australians, it is an important economic impact. We currently have $1.36 trillion in savings. Obviously the pool of superannuation savings is very important to the future of this economy. It is an important savings pool that is invested back in Australia, predominantly; it helps grow the economy and it helps add to jobs. So not only was the Liberal Party originally opposed to doing anything on superannuation almost 20 years ago, it is now opposed to improving superannuation savings which in turn add to the pool of capital savings in this country, which in turn add to our economic strength. That is the Liberal Party's position: oppose an improvement in retirement incomes and oppose an important economic reform which will strengthen this economy and add to jobs. That is all they know: do nothing, oppose and be negative. (Time expired)

Fuel Excise

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:42): My question is to the minister
representing the Treasurer, Senator Wong. Can the minister assure the Senate that there will be no increase in the 38 cents per litre excise on petrol under the government Ms Gillard leads?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:43): I think it is a hypothetical question. The government's position on that issue has been previously articulated. If the senator is referring to the indication about petrol, I have answered questions on that recently.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:43): Mr President, I ask a supplementary question. I thought it was a straightforward question, but I will try another. Can the minister confirm that the automatic indexation of fuel excise abolished by the coalition government will not be reinstated by the current government?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:44): I am unaware of the government having announced any changes such as the one the senator refers to. If I can provide any further information, I will seek it from the Treasurer and respond to the senator accordingly.

Senator Sherry: That's how you're going to fund your tax cuts, isn't it?

Senator Fifield: No.

Government senators interjecting—

The PRESIDENT: Senator Fifield, ignore the interjection; it is disorderly. Senator Fifield is entitled to be heard in silence.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:44): Some additional context may assist the minister. Can the minister confirm that no motorist will pay additional tax on their fuel as a result of the government's response to the proposed Productivity Commission inquiry into the taxation of fuel?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:45): To clarify, I am being asked to discuss what the government response to a proposed inquiry might be. Self-evidently, that is a hypothetical question.

Workplace Relations

The PRESIDENT: Senator Xenophon, I lost you for a moment.

Senator XENOPHON (South Australia) (14:46): Always in the backrow—

Honourable senators interjecting—

Senator XENOPHON: Not voluntarily.

The PRESIDENT: Ignore the interjections that came from the front, Senator Xenophon.

Senator XENOPHON: Always in the back row, Mr President. My question is to Senator Evans in his capacity as Minister for Tertiary Education, Skills, Jobs and Workplace Relations. In the recent Senate Rural Affairs and Transport Committee inquiry into pilot training and aviation safety, the issue of using foreign crews for domestic flights was raised. These overseas based crews are employed on foreign contracts and recent media reports state that, for instance, Jetstar flight attendants on overseas contracts get paid a fraction of what Australian based flight attendants are paid and can work shifts of up to 22 hours compared to 12 hours for Australian based flight attendants. They apparently have no recourse to workers compensation laws in Australia despite effectively doing significant amounts of domestic flight work. Is the minister aware of foreign crews flying what are essentially domestic routes? What is the government's position on such workers in Australia being paid such low wages under such harsh conditions?
Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:46): I thank Senator Xenophon for the question. I am aware of allegations of foreign crew operating on Australian domestic routes. I think it is important to draw the distinction between foreign crew operating on domestic routes and foreign crew operating on foreign airlines that have routes through Australia. The allegations about foreign crew operating on Australian domestic routes I take seriously and I have directly raised that issue with Qantas. They have responded to those concerns. We in this government believe that Australian jobs must be protected and that foreign workers, when employed in Australia, must be protected from exploitation and are entitled to the protection of Australian industrial conditions if they are involved in domestic activities in Australia.

Overseas workers play an important part in meeting critical skills shortages in this country, but they will not be permitted to be used as a source of cheap labour. That is why we made the changes we did to the 457 visa regulations. We believe those workers deserve the same protections as Australian workers. I am advised that the Fair Work Ombudsman initiated an investigation on 20 May this year into allegations about the exploitation of foreign crew raised by the Australian and International Pilots Association and other sources. Obviously I cannot comment on that investigation, but I understand that investigations are ongoing. I can confirm that senior representatives of that agency have recently met with the Pilots Association and Jetstar on the issue. As I said, some of those concerns have been taken up by me as minister and I have sought assurances about those. It is also the case that the Fair Work Ombudsman has had the matters referred to him and has commenced an investigation.

Senator XENOPHON (South Australia) (14:48): I have a supplementary question, Mr President. I thank the minister for his answer. I understand that Jetstar contracts that these foreign crews are employed under enable not only shifts of 22 hours but minimal rest periods that are not considered adequate for Australian cabin attendants. These crew members are vulnerable to severe fatigue during their shifts. Is the government concerned about the occupational health and safety implications of this, particularly as these foreign crews do not have access to the same workplace rights and protections as Australian crew and so cannot take action for fear of losing their jobs?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:49): I think there is a range of issues there and I will take on notice some aspects of the question. The first point to make is that for those persons operating in Australia temporarily on other than Australian conditions, clearly if there are concerns about safety or their shifts, they will be raised with CASA. The bottom line is that if there are safety concerns then CASA ought to be informed. I urge anyone who has concerns about those sorts of matters to raise them with CASA as the appropriate agency.

Obviously the question of industrial conditions of foreign crew operating on other than Australian domestic routes is a slightly different matter, but we would be concerned if there were any issues surrounding fatigue of crew and inappropriate hours being worked. As I said, people ought to take any suggestions of that to CASA. (Time expired)

Senator XENOPHON (South Australia) (14:50): For the minister's information, there
are currently no rules that apply in relation to CASA for cabin crew fatigue. I ask a further supplementary question, Mr President. Given that there is an investigation underway by the Fair Work Ombudsman, will the minister liaise with the Minister for Infrastructure and Transport to see if there has been an abuse of the international rules of cabotage in relation to the use of such flight attendants on Australian domestic routes?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:50): Certainly, I am happy to take up the issue that Senator Xenophon has raised and have a chat with the Minister for Infrastructure and Transport, Mr Albanese. We have had some broad discussions about some of these issues, but not the particular allegations that Senator Xenophon is referring to today. We are very concerned, as recent events have proved, to make sure that we put safety as the first priority in Australia's airline industry—be they Australian owned or foreign owned aircraft. I accept that the issue of crews' hours and potential fatigue is a key part of any safety consideration. I understand what Senator Xenophon said about CASA, but I would have thought there is an overarching responsibility for safety that would allow them to respond to concerns about fatigue. I am happy to take that matter up as well with the Minister for Infrastructure and Transport because I would be concerned if that was not treated as a very serious issue. (Time expired)

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:52): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Does the minister agree with her South Australian Senate colleague Senator Gallacher, who is quoted in the Adelaide Advertiser today as saying that a carbon tax could cause small businesses running large trucks to 'go broke or cut corners'? Can the minister guarantee that the carbon tax will not apply to fuel used by small businesses running large trucks?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:52): I have been asked again to give details of a package that the government will be announcing on Sunday, and I do not propose to do that. I am interested to know whether or not Senator Birmingham is one of the so-called ginger group of modest members who have been set up to ensure that the coalition does not desert—

Honourable senators interjecting—

The PRESIDENT: Senator Wong, resume your seat. When there is silence—

Government senators interjecting—

The PRESIDENT: On my right!

Senator Ian Macdonald: Mr President, I raise a point of order on the grounds of direct relevance. As usual, this minister spends the first half of her question period attacking the questioner because she is incapable of answering. But the question was: did she agree with a colleague? That is not hypothetical or asking for a future policy announcement.

The PRESIDENT: That is not a point of order. I have ruled it is not a point of order. Senator Wong, you have one minute and 29 seconds in which to respond to the question.

Senator WONG: If one is asked about agreement with one's colleagues, I would have thought the coalition would not mind being reminded that some of them do not agree with the deserting of rational economic policy. This is what this group is: set up to ensure the coalition does not desert rational economic policy.
Honourable senators interjecting—

The PRESIDENT: I am going to draw the minister's attention to the question. I draw the minister's attention to the question. Minister, you have one minute and 11 seconds remaining to answer the question.

Senator WONG: Thank you, Mr President. In relation to petrol, I have indicated in this chamber the position of the government—I think on a number of occasions yesterday. The Prime Minister has indicated it. In relation to further detail—as I said also, I think, on a number of occasions yesterday—those details will be announced on Sunday.

Senator Brandis: Conveniently to avoid parliamentary scrutiny.

Senator WONG: I will take that interjection, Senator Brandis. The interjection from Senator Brandis is about parliamentary scrutiny. I again remind this chamber of the extent of the scrutiny of the previous legislation to price carbon.

Honourable senators interjecting—

The PRESIDENT: Senator Wong, would you just resume your seat. Your colleagues—those on both my left and my right—are having a discussion which makes it absolutely impossible to hear what you are saying.

Senator WONG: As I was saying, the interjection—if I may take it—from Senator Brandis relating to parliamentary scrutiny belies the fact that that side of politics and that side of the chamber had many opportunities to scrutinise the Carbon Pollution Reduction Scheme. They had many inquiries. We had months and months with many inquiries, and it made not one iota of difference. One knows that, no matter how much scrutiny you would have on this occasion, you will not shift position. (Time expired)

Senator BIRMINGHAM (South Australia) (14:56): Mr President, I have a modest supplementary question. Can the minister explain how many other businesses—

Honourable senators interjecting—

The PRESIDENT: Order! I would ask senators to show respect for the person asking the question by listening to the question in silence.

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy!

Senator BIRMINGHAM: That is the second time you have mentioned him. Thank you, Mr President. Can the minister explain how many other businesses in other industries will face the prospect, in Senator Gallacher's words, of 'going broke or cutting corners' as a result of Labor's carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:57): From Senator Birmingham I might accept a modest question; it would be much harder to accept from Senator Brandis, I suspect.

Senator Brandis interjecting—

Senator WONG: Take it in good humour, George!

Honourable senators interjecting—

The PRESIDENT: Order! I remind senators that this is question time. It is not a time for a chat across the chamber. If you wish to have a chat about the attributes of each other, you may go outside. Senator Wong, continue. You have 46 seconds remaining.

Senator WONG: I will just say this, Mr President: if Senator Brandis buys me a beer later, I will tell him who laughed and who did not then. I am asked essentially about the nature of the government's package. As I have previously said, that will be announced
on Sunday. As the government has made clear, this is a plan to price pollution because we want to reduce it. It will be a plan that looks to the future, not to the past; it will be a plan that is based on facts and not on fear; and it will be a plan that recognises the climate science. All of those attributes are missing from the current coalition benches. All of those attributes of policy are missing from the coalition benches. *(Time expired)*

**Senator BIRMINGHAM** (South Australia) *(14:58)*: Mr President, I ask a further supplementary question. Will the minister heed the warnings of her Labor colleagues with experience in the transport sector, such as Senator Gallacher and Senator Sterle, about the impact of the government's carbon tax on road freight and other transport related costs, or can we expect Labor MPs and senators to behave like lobotomised zombies once the carbon tax is released on Sunday?

*Honourable senators interjecting—*

**The PRESIDENT:** When there is silence on both sides we will proceed. I call the minister.

**Senator WONG** (South Australia— Minister for Finance and Deregulation) *(14:59)*: I am asked about lobotomised zombies by the man who used to support a price on carbon and who used to support an emissions trading scheme. Give us a break! This is extraordinary, isn't it? We have those who used to believe that climate change is real, who used to believe the science was correct, who used to accept the advice from Australia's and the world's best scientists, who used to look to rational economic policy to deal with it, and who now are lining up with those who believe that climate change is 'absolute crap'. And they come in here and tell us that we are zombies! What an absolute joke. In years to come, people—

*Honourable senators interjecting—*

**The PRESIDENT:** Senator Wong, resume your seat. When there is silence on both sides we will proceed. Senator Wong, you have got 15 seconds remaining.

**Senator WONG:** The reality is Senator Birmingham and those on that side who ought to know better, who know that climate change is real and know the risk it presents to future generations, really are doing their constituents and this nation a great disservice by their silence at this time.

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

**QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS**

**Iraq**

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) *(15:01)*: I seek leave to incorporate an answer to a question I took on notice during question time yesterday from Senator Bob Brown in my capacity representing the Minister for Defence.

Leave granted.

*The answer read as follows—*

Australia takes very seriously the issue of the treatment of detainees and has made clear its commitment to ensuring that detainees are treated humanely, with dignity and respect and in accordance with all of Australia's obligations under domestic and international law.

The issue of detainee management in Iraq arose under the previous Government and was a matter handled by the previous Government.

These are matters for the previous Government. Ministers of this Government have no personal knowledge of those matters, including the specific role and function of then Major O'Kane.

The issue of detainee management in Iraq was the subject of the 2004-05 Senate Budget and
Additional Estimates hearings for the Department of Foreign Affairs and Trade and the Department of Defence (31 May, 1-3 and 17 June 2004 and 16-18 February 2005).

The issue of detainee management in Iraq and Australian personnel was also the subject of an Inquiry in 2005 by the Senate Foreign Affairs, Defence and Trade References Committee into "The Duties of Australian Personnel in Iraq".

On 8 March 2005, the following matters were referred to the Foreign Affairs, Defence and Trade References Committee:

a. whether any Australian personnel (including employees, contractors and consultants) were present, or had duties which included being present, during any interrogations or interviews (however defined) of persons detained in relation to the war in Iraq, and in particular those persons suspected of having knowledge of Iraq’s weapons of mass destruction;

b. whether any knowledge of or concerns regarding, the treatment of those Iraqi detainees was provided to Australian Government departments, agencies and ministers, and what actions resulted from the provision of this information;

c. whether the Iraq Survey Group (ISG) were able to report frankly and fearlessly on what they had found, or whether attempts were made to censor or otherwise distort their findings; and

d. whether any Australian personnel provided information or concerns to any part of the Australian Government relating to concerns about the functions or reports of the ISG, and what actions resulted from the provision of this information.

The Committee reported in August 2005 and made one recommendation:

"The committee recommends that the ADP review its procedures for instructing personnel about the various codes of conduct, ADF’s instructions or Concepts of Operations governing the conduct of Australian personnel while engaged in overseas operations especially where Australian personnel are deployed with third country and respect as befits the professionalism of our forces and consistent with our domestic and international legal obligations."

"The detainee management framework draws on applicable international standards and advice from international organisations, including the International Committee of the Red Cross (ICRO). It is consistent with the Laws of Armed Conflict and the Geneva Conventions."

James Price Point

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) (15:01): In question time yesterday I offered to provide further advice in detail to Senator Ludlam to answer a specific supplementary question he raised. I can now furnish further information and I seek leave to have it incorporated in Hansard.

Leave granted.

The answer read as follows—

In Question Time yesterday I offered to provide further detail to Senator Ludlam to answer a specific supplementary question he raised relating to James Price Point in the Kimberley.

In the supplementary question, he asked: Does the minister acknowledge any Commonwealth responsibility at all for situation having deteriorated to the degree that we now have Aboriginal people being forcibly removed from country during NAIDOC week? Can the minister cite any action that he plans to take to defuse the situation, including, reviewing and revoking his decision not to assess the existing land-clearing proposals?

I can now furnish further information:

The Government is aware of reports that the Western Australian Police have arrested a number of protestors near James Price Point.

This is a matter for the Western Australian Government. The Commonwealth Government's role is to protect matters listed under national environmental law and ensure proposals are assessed under the EPBC Act, as appropriate.
The Government is aware of calls to revoke the decision that controlled actions.

These decisions, made by a departmental delegate, mean that work on the access track and the road does not need further assessment under the EPBC Act, if carried out in a particular manner.

However, these decisions still place conditions on the work to ensure impacts on the greater bilby are minimised.

Claims that the proposed access track and the road have not been assessed are incorrect. In fact, the minister's department did assess these proposals and placed conditions on the work to ensure it is carried out in a particular manner.

The decision simply means no further federal environmental assessment is required, as long as these conditions are met.

**Carbon Pricing**

**Senator Wong** (South Australia—Minister for Finance and Deregulation) (15:02): In question time yesterday Senator Cormann asked me a question in relation to carbon pricing. In the course of answers to the first and second supplementary questions I gave two quotes which I asserted were from Senator Cormann. I can say that the second of those quotes was from Senator Cormann. The first of those quotes was in fact from Senator Brandis, so I correct the record.

I would also say, if I may, Mr Deputy President, that I did give notice to Senator Cormann that I would be correcting the record after question time, and it is disappointing that he has chosen to accuse me of misleading the Senate now on two occasions in the time space between that private discussion and me doing this. I would have thought there are certain courtesies in this chamber which it would behove the senator perhaps to adhere to.

**Senator Cormann:** You tried to score a political point.

**Senator Wong:** There are courtesies in relation to private discussions that I would have hoped could be observed.

**Senator Cormann:** You obviously did not do your due diligence.

**Senator Wong:** Are you going to keep going with this?

**Senator Cormann:** Maybe next time—

**The DEPUTY PRESIDENT:** Minister, the call is yours.

**Senator Wong:** He's just—

**Senator Fifield:** He's just being playful!

**Senator Wong:** Playful? Churlish, I think, might be the better word.

**Senator Scullion:** That's flirting, Penny—come on!

**The DEPUTY PRESIDENT:** Minister, you can ignore the interjections.

**Senator Wong:** I want to place very clearly on the public record that I have no intention of flirting with Senator Cormann, okay! I can't believe he said that. I am so astonished at that criticism. Mr Deputy President, I also wish to respond—

**Senator Payne:** You'll have to go to Mark Arbib's training classes now!

**Senator Arbib:** Now you've really ruined it! It was a nice moment till then.

**Senator Wong:** At this point I am trying to work out whether Senator Arbib could teach me about flirting with Senator Cormann!

Mr Deputy President, I am soldiering on here, trying to respond on something. Yesterday after question time Senator Cormann also asked me a range of questions in relation to parliamentary questions put to the Treasurer. I have some brief further information, if I could place that on the record. I am advised that of the 106 Senate written questions the Treasurer has received there are some 20 outstanding, six of which
are still within the time frame for answering. I am also advised that the remaining questions, which I think also include the questions to which Senator Cormann referred, will be finalised as soon as possible. I would anticipate that to be in the next sitting period. I do have some other information if Senator Cormann wishes it, but I think that clarifies the matter.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Forestry

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:05): I move:

That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Milne today relating to Forestry Tasmania.

Today we saw the Greens' latest shameful instalment of an unconscionable campaign for gaining a commercial advantage for its multimillionaire mate Mr Wood, a man who donated $1.6 million to the Greens. The Greens have manically pursued the bid by Mr Wood against another commercial player for a particular property in Tasmania and their manic pursuit of this can only be explained in terms of the huge donation that they received.

Let us go through the facts. Before the last election Mr Wood made a donation to the Greens of $1.6 million, the largest donation ever in Australian politics. Fact 2: the donation was personally negotiated with Senator Brown, who said afterwards he was 'forever grateful'. Mr Wood said in relation to this deal that helping the Greens win the balance of power in the Senate was 'probably a good return on investment'. There you have the facts: Senator Brown forever grateful; Mr Wood saying that it would be a good return on investment. Here we have the Australian Greens now, not only day after day but week after week, pursuing the commercial interests of one Mr Wood. Be it at question time in this place, the address at the National Press Club, getting access to the minister's office or even answering a question at a press conference about foreign investment, what was front of mind for Senator Brown? It was the Triabunna mill that he wanted his mate to be able to buy.

Let us go through the chronology. On 11 June, Senator Brown issued a press release promoting his mate's business venture. On 15 June, he asked a question to help his mate's bid. On 16 June, he asked another question to help his mate's bid. On 28 June, Senator Milne told ABC radio that it would be inappropriate for the state government to assist the person or company that was bidding against their green mate. On 29 June, Senator Brown could not help himself—he had to raise this issue at the National Press Club. On 30 June, at a news conference on foreign ownership, he had to raise his mate's case yet again. On 4 July, Senator Milne pressed the minister in this place trying to demand that the competitor not be supported. On 4 July, she then took note of the answer to promote the case even further. On 4 July, she even said about the competitor to Mr Wood—the $1.6 million donor to the Greens—that it had 24 shareholders and a valuation of $24 to buy a multimillion dollar woodchip mill. How outrageous! I have done the business search, I have done the company search and Mr Wood has got a shelf company as well with a value of $60 for a multimillion dollar site. Oh my goodness, what tangled webs we weave.

The Greens have been caught out. They condemn Aprin with a $24 shelf company bidding for this venture. If that is to be condemned, why should not the Greens' multimillionaire mate also be condemned for his $60 shelf company? The list goes on. On
4 July, one of the state Greens said that if the state government supports this venture they will bring down the state government. This is the sort of bidding that the Greens do: they hector and they lecture us on this side and elsewhere in Australian politics about the evil of donations and how they corrupt the political system, and here we have it writ large that the Greens have—and I see Senator Rhiannon in the chamber—democracy for sale.

Senator Kroger: Hypocrisy for sale!

Senator ABETZ: It is hypocrisy for sale with the Greens, and I note the $1.6 million donation has not hit their website. The Greens stand condemned for their conflict of interest and they ought to fess up to the Australian people. *(Time expired)*

Senator STEPHENS (New South Wales) *(15:10)*: I am a bit overwhelmed by that amazing litany of complaints and accusations by Senator Abetz around this issue.

Senator Abetz: It's not only me; it's a lot of Labor supporters too, Senator Stephens.

Senator STEPHENS: Senator Abetz has a continuing vendetta. I know that he carries the flagship for his state, but this ongoing conundrum for him is a little bit unhealthy.

Senator Abetz: My task is to defend my state. It is no conundrum at all.

Senator STEPHENS: I can see that you do that, Senator Abetz, with great gusto. Today in question time we did hear some kind of explanation from the government around this issue. It goes to how we as a government and how we as a country can sustain forestry in Tasmania, given all of the challenges that there are within that industry, and how we can rationally consider how to support community and industry groups in working through the challenges of forestry in Tasmania. I know that much work is going on in considering the Tasmanian Forest Principles Agreement and in ensuring that people's concerns about specific private interests in the Tasmanian forestry sector can be part of the grand plan for that industry's sustainability.

When we think about the continuing argument on forest conservation and wood supply arrangements in Tasmania, we know that there are many positions and competing interests. For us as a government, the Australian government's and the Tasmanian government's responsibility is to ensure that the agreement preserves our high conservation areas and wood supply arrangements in a way that supports the communities as well. The kind of argy-bargy that is going on here in the chamber today around the question asked by Senator Milne does not do that case any good. It certainly does not help us to ensure that we look after the interests of the forest communities in Tasmania or that forest practices support sustainable forest use and conservation outcomes, which are at the core and the forefront of our considerations.

That we get consumed by this conflict between the Greens and Senator Abetz on this issue does not do the Senate any good and certainly does not reflect well on the interests we all share here for a prosperous Tasmanian future. When we think about the work that is going into the Tasmanian Forest Principles Agreement and the issues around Forestry Tasmania, ensuring they take responsibility for the wood supply contract, we know that we are really focusing on a sustainable industry for the long term and that we are trying to marry the social, economic and environmental considerations that are at play here and we acknowledge the challenges for Tasmania and not just the drought conditions that have been experienced down there. There are the climate change issues that are part and parcel of our current debate. The main challenge we have
with a state like Tasmania with a small population is making sure that we can do the things that need to be put in place to foster economic sustainability in a small state. So really, thinking through what has been part of Senator Abetz's contribution today, it does not help the argument for his state, for his economy, or for the communities that he is seeking to represent—

Senator Abetz: It is a shameful conflict of interest.

Senator STEPHENS: I know that you are very concerned about this perceived conflict of interest; you have taken this issue up in the chamber so many times, Senator Abetz. It really is pretty disingenuous. Senators here who are concerned about forestry in Tasmania should consider what the role of good government is. It is about how we actually deal with the issues and ensure that we have a very transparent and supported process of dealing with these major issues. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:15): Mr Deputy President, for as long as I have been in the Senate, I, like you and others, have listened to endless hours of sanctimonious lectures by Senator Bob Brown and other Green senators but in particular by Senator Bob Brown about political donations. We have sat through endless hours of sanctimonious speeches by Senator Brown about the big end of town and its alleged relationship with major political parties. Yet now we discover that the party which Senator Brown leads, the Australian Greens, was last year the recipient of the largest political donation in Australian history—$1.6 million.

There is nothing of itself wrong with a large donation being received by a political party as long as disclosure obligations are met and the other requirements of the Commonwealth Electoral Act are met. But what makes this a particularly serious case, what makes this case approach the borders of corruption is that we now know that in public speeches both beyond parliament and within the Senate chamber Senator Brown and Senator Milne have sought to advance the commercial interests of that particular donor, Mr Graeme Wood. They did so yesterday in a question asked by Senator Milne and they did so again today in another question asked by Senator Milne of the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig.

The background of this is that Mr Wood is seeking to bid for the purchase of a major industrial complex in Tasmania, the Triabunna woodchip mill. His competitor in that bidding is another consortium known as the Aprin consortium trading under the name Fibre Plus Tasmania. Mr Wood is in direct commercial competition with Aprin to acquire the Triabunna woodchip mill. Mr Wood last year gave $1.6 million to the Australian Greens. In the sequence of questions, comments and other public utterances which were recited by Senator Abetz in his contribution, Greens senators—all of whom I might say have absented themselves from the chamber for this debate—have asked questions in order to damage the interests of the Aprin consortium and therefore of necessity to advance the interests of Mr Graeme Wood and his company.

When Senator Abetz and I in the opposition allege that there is a direct conflict of interest we do not do so lightly, but the facts do not admit of controversy. Of two competing commercial parties Mr Wood and Aprin, one of them, Mr Wood's company, paid $1.6 million to the Australian Greens last year, and in the months since and as recently as question time today a series of questions and statements have come from
Greens senators—and in the Tasmanian parliament as well by Greens members of the Tasmanian parliament—seeking to damage the interests of Mr Wood’s commercial competitor. There is a direct relationship between these events. Senator Brown, if he had any spine, would come into the Senate chamber and explain himself.

Senator CAMERON (New South Wales) (15:21): Thank you, Mr Deputy President. Could I congratulate you on your election as Deputy President. I look forward to working with you in that position. I just find this absolutely amazing. For the last few weeks we have had the coalition saying that the economy was on the brink of destruction because of a carbon price yet when they have an opportunity to actually raise these issues on the floor of parliament what do they do? They run and attack the Greens. They run and attack Senator Bob Brown. It just shows you how disingenuous this lot are. The important things for Australians now are to get a price on carbon, to make sure that households are assisted and to make sure that our industry is ready for the future. But what do we get from Senator Abetz? We get this vindictive hate campaign against Senator Brown. It is well known that you have this campaign going against Senator Brown. You come here to run these arguments. If there are any issues of misappropriation or wrongdoing then you should go to the appropriate authorities. This place should be dealing with the real issues, the important issues for Australians, and those are to ensure that we get a price on carbon and position this country for the future.

I find it absolutely hypocritical for the coalition and the Liberal Party, of any party, to talk about shelf companies and some problems in relation to funding. It does not take very long to find out some of the issues that the Liberal Party have been involved in over the years. Maybe they can explain to us what happened with Gerard Industries in South Australia with a shelf company in Hong Kong feeding money to the Liberal Party. Maybe, Senator Bernardi, you want to explain that if we want to talk about propriety in relation to elections. Maybe you want to talk about Gerard Industries and Hong Kong shelf companies. That might bring some light into the chamber.

Maybe Senator Abetz might want to talk about the payment by the Liberal Party for advertising for the Exclusive Brethren in Tasmania. We do not hear much about that, but it was reported in the press that the Liberal Party had bills sent to them for advertising to attack transgender Australians. That is what it was about: a minority group, the Liberal Party attacking them, the Liberal Party getting the bill and who paying the bill? The bill was paid by the Exclusive Brethren in Tasmania. So the hypocrisy just pours out of the Liberal Party when it comes to issues of getting funding outside of the appropriate process.

I tell you now: we did not hear much said about the Liberal Party taking money from big tobacco. You would put your electoral position before the health of Australians, so do not come here lecturing anybody about the implications of front companies for donations when you guys are prepared to take millions of dollars off of big tobacco—when it is clear that you are up to your neck in front companies. It is quite interesting. When they are doing the bidding of the Exclusive Brethren in Tasmania and Gerard Industries are the front company for the Liberal Party in Hong Kong, it is pretty rich for them to come here and talk about donations to any other party. It really is the pot calling the kettle black. I bet that in the future you will see how much money the mining industry has poured into the Liberal Party to oppose climate change in this
country. You are hypocrites. You are a rabble. (Time expired)

**Senator COLBECK** (Tasmania) (15:26): We see firsthand the sensitivity of the Labor Party over their coalition partners. They cannot even come in and address the specifics of the question that is put before the chamber; they have to have a rant and then run. For Senator Cameron to talk to the coalition about tobacco when it has been disclosed that the Minister for Health and Ageing has approached big tobacco for personal donations for her own campaign really demonstrates what we are talking about here today. It puts them in line with the point that we are making about the approach of the Greens, who, having taken a $1.6 million donation—the largest ever donation in Australian political history—now come into this chamber on a regular basis asking questions on behalf of the backers.

It is really quite extraordinary that they might do that, but as part of the process of doing that they misrepresent the issue that is being dealt with in Tasmania's forests at the moment. Senator Milne asserts that there is a clause within the process that excludes any new contracts. Senator Milne is talking about something that is history. It is something that has been superseded by the signatories agreement signed a couple of weeks ago. So Senator Milne is behind the times and does not know what she is talking about but continues to represent the interests of this major donor. In fact, the plant that is being spoken about is specifically referred to in the signatories agreement as continuing into the future. Part of the signatories agreement that Senator Milne referred to in her question to Senator Ludwig today is referred to as a vital piece of infrastructure for forestry in Tasmania and is written into the agreement as a continuing piece of infrastructure.

Regarding the other point that Senator Milne made about no further agreements, the next paragraph says it is recognised that there may be new players that take up existing allocations. So Senator Milne not only misrepresents the process but then comes in here to represent the interests of a $1.6 million donor to the Greens. It is not only Senator Milne and Senator Brown, as has been indicated by Senator Brandis; Mr Booth and Mr Morris in the Tasmanian parliament today also asked questions in relation to this matter on behalf of their major donors. The really disappointing thing is that there seems to be some form of acceptance, perhaps even from the government, that the only way to protect Tasmania's forests is to lock them up, but as part of the process the ENGOs are claiming 28-year-old regrowth from clear-fell and burn as high conservation value—a clear demonstration of how well forestry is done in Tasmania, a complete misrepresentation of the industry that is going on here by the Greens on behalf of their donors but also, in a broader sense, in the Australian community, where they completely misrepresent the forest sector and the forest industry in their own interests. My suspicion is that this particular donor has been sucked in, unfortunately, by these misrepresentations of the Tasmanian and Australian forest industries by the Greens, and has been convinced to make this huge donation—$1.6 million, the largest-ever donation in Australian politics personally negotiated by Senator Bob Brown—yet continue to attempt to represent the interests of that donor in this particular case. In typical Greens style, they try to diminish the reputation of all of those involved. They tried to diminish the reputation of Aprin Logging. No, that is part of the Greens tactic: attack the person, diminish their reputation so anything that they possibly say in public will not be taken any notice of, and so the
Greens can continue to go out and peddle their propaganda.

It is really disappointing that continued misrepresentation of the negotiation process in Tasmania is put into this place by the Greens. It is very disappointing that the government will not stand up to the Greens in respect of the value of our native forest industry in Australia and it is most disappointing that there is not one member of the Tasmanian ALP in this chamber. (Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (15:31): I was going to suggest I might have been taking note of a different answer but, in view of the previous speaker, I am assuming we are taking note of an answer from Senator Ludwig.

The DEPUTY PRESIDENT: That is correct, Senator Milne.

Senator MILNE: I am very pleased to hear through you, Mr Deputy President Parry, that Senator Colbeck aligns himself to Forestry Tasmania and to the Aprin Logging deal in relation to the purchase of Triabunna. I think, when the truth comes out about this, everybody will be running a mile from having anything to do with it.

What have we got? We have got a scenario where Gunns wants to sell the woodchip mill and needed to do so by 30 June and could not get anyone in the forestry industry to buy it. The forestry industry wanted that woodchip mill to continue in complete defiance of the forest principles process, which is meant to be resolving the longstanding conflict in Tasmania's forests.

Then what have we got? We have got Forestry Tasmania, a government business enterprise which is supposed to be supporting the Tasmanian government in the forest principles process, doing some deal with Aprin Logging to provide them with a wood supply so that it would be viable for them to purchase the woodchip mill. Then we discover that the Tasmanian department of economic development has let it be known that should Aprin Logging ask for a loan it would be favourably looked upon.

And what do we find? They then apply for a loan from the Tasmanian government to buy a woodchip mill for which Forestry Tasmania has given them supply, and now we discover in the Tasmanian parliament that Forestry Tasmania has entered into a profit-sharing arrangement with this very same company. The joke about that is that a profit-sharing arrangement will be a loss-sharing arrangement. Forestry Tasmania has posted yet another loss, another $6 million loss. It is lose, lose, lose. It is in debt and, if it were a private company, it would be insolvent. It has had to get letters of comfort from the Tasmanian Treasurer in order to even keep operating. That is the state of Forestry Tasmania.

Aprin Logging, we now discover, does not have the resources in order to buy this mill; it has done it through a shelf company, which has set up Fibre Plus. It has got 24 shareholders and a capital of $24. A $24 shelf company buys a woodchip mill with a loan from the Tasmanian government promised with Forestry Tasmania putting up the wood supply agreement and, at the very same time, they are in negotiations with the Commonwealth saying, ‘Get out the Commonwealth chequebook; Tasmania needs the cash here to protect our forests.’

Who is being deceptive here? In the forest principles process, there is a statement that clearly says: no new contracts for logs—no new contracts. Yet Forestry Tasmania has just entered into a profit-sharing arrangement with Aprin Logging in relation to a woodchip mill. I would like to know, as I am sure the minister will need to know, exactly
whether Forestry Tasmania has entered into any kind of agreement with Aprin Logging on that wood supply, because that would be in total contravention.

What is more: where did Aprin Logging get the rest of the money from? It has not got that sort of money. We do not know who the principals are of Fibre Plus, but it is about time the Tasmanian community did. Senator Colbeck may know, given his support for this arrangement. I do not know and I think the Tasmanian community deserves to know.

I asked the minister yesterday to guarantee that no Commonwealth money would go to Tasmania as a result of this forest principles process until we know what this deal is—and I believe it will be a corrupt deal—before the Commonwealth parts with a cent going to Tasmania, because this kind of dealing is what has given the Tasmanian logging industry such a bad reputation for such a long time. There is a cosy arrangement in Tasmania between politicians, the wood-chippers and this industry that has led to a disaster for the environment, a disaster for the Tasmanian community in terms of the state of the state and the finances there. Now we have got this deal going on and the Commonwealth is apparently oblivious to this particular deal. So let us hear what the Commonwealth is going to do about it.

Senator Abetz: I seek leave to table an application for registration as an Australian company of the company known as Triabunna Investments Pty Ltd showing a paid-up share capital of $60: $30 from a Mr Graeme Thomas Wood and $30 from one Janet Heather Cameron.

The DEPUTY PRESIDENT: Is leave granted?

Senator Bob Brown: No. The form here and the proper procedure—

The DEPUTY PRESIDENT: Senator Brown, is that a point of order?

Senator Bob Brown: Yes.

The DEPUTY PRESIDENT: What is the point of order, Senator Brown?

Senator Bob Brown: The point of order is that if Senator Abetz cares to circulate the matter to seek leave then I would imagine, as a matter of course, we will be giving it to him, but he must observe proper procedure in this place and make that available before it is tabled.

Leave not granted.

Question agreed to.

PERSONAL EXPLANATIONS

Senator BERNARDI (South Australia) (15:37): I seek leave to make a brief personal explanation as I claim to have been misrepresented.

Leave granted.

Senator BERNARDI: Yesterday I was the victim of a great calumny perpetrated by two government dissimulators in an attempt to defend the glaring contradiction between the statement of the Prime Minister and that of Senator Pratt. For the record, yesterday I asked a question of the government and I quoted from a speech given by Senator Pratt that contained elements that were in direct contradiction to statements contained in a press release by Ms Gillard. For the record, Senator Pratt stated in her speech on Monday, 4 July:

We know that all revenue from a carbon price will be used to provide households with fair and generous assistance.

I know that Senator Pratt is entirely embarrassed that she contacted her own Prime Minister, but that does not justify the outright deception that was later played out in this chamber by Senator Pratt and her accomplice, Senator Marshall.

Senator Pratt maintained in this chamber that she was misrepresented in the Senate by my quotation of her very own statement. To
support her claim she quoted from an entirely different page in the *Hansard*. Senator Marshall went even further. He claimed that my question was 'totally dishonest' and 'absolutely fabricated'. Again he quoted from Senator Pratt's speech using a different page of the *Hansard*. Further, he called for me to apologise. Clearly, both Senator Marshall and Senator Pratt have made fools of themselves by uttering such falsehoods.

The DEPUTY PRESIDENT: Senator Bernardi. You have sought leave to make a personal explanation. You are now venturing into debating the personal explanation. It would be advisable to wind up your personal explanation.

Senator BERNARDI: I will, Mr Deputy President. I understand that in the argy-bargy of politics sometimes injustices are done, but that does not excuse outright false and misleading statements being made in this chamber. So I ask you, Mr Deputy President, and I also invite the respective senators, to review their mendacious statements and, in the case of the respective senators, do the honourable thing: withdraw and apologise for them. If they do not, I would ask you, Mr Deputy President, to review them and take the appropriate action.

The DEPUTY PRESIDENT: Thank you, Senator Bernardi. The matter that you have raised will be looked into and, if there is any cause to come back to the chamber for any further statement by the President or anyone else, that will take place.

PETITIONS

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

**Cluster Munitions**

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

The petition of the undersigned shows that we are concerned that cluster munitions are a large cause of death and disability to civilian populations and that the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 does not meet Australia's obligations under the Convention on Cluster Munitions.

Your petitioners ask that the Senate vote to amend the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 to more closely reflect the goals of the Convention on Cluster Munitions towards achieving a total ban on cluster munitions.

by Senator Birmingham (from 247 citizens).

Cluster Munitions

Australia is a signatory to the international Convention on Cluster Munitions (CCM). Legislation now needs to be passed to enable Australia to ratify the CCM. However, the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 falls significantly short of meeting the purpose of the CCM.

The main concerns with the Bill are:

- It allows Australian forces to assist other countries who haven't signed on to the Convention (like the US) to use of cluster munitions
- It allows other countries to stockpile and transit cluster munitions on Australian territory
- It allows Australia to retain cluster munitions without specifying any reporting obligations or setting a minimum number
- It does not cover a number of obligations listed in the Convention such as providing victim assistance, assisting in clearing submunitions in affected countries or encouraging other countries to sign on to the Convention
- It does not prohibit indirect investment in cluster munition manufacture (direct investment in cluster munition manufacture does not exist, only indirect investment)

The Senate has the power to see to it that the Bill is fixed to meet Australia's obligations under the Convention. Take action now! Sign the
petition below and demand that the Senate fixes the Bill!

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

The petition of the undersigned shows that we are concerned that cluster munitions are a large cause of death and disability to civilian populations and that the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 does not meet Australia's obligations under the Convention on Cluster Munitions. Your petitioners ask that the Senate vote to amend the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010.

by Senator Birmingham (from 8 citizens).

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

The petition of the undersigned shows that we are concerned that cluster munitions are a large cause of death and disability to civilian populations and that the Code Amendment (Cluster Munitions Prohibition) Bill 2010 does not meet Australia's obligations under the Convention on Cluster Munitions.

Your petitioners ask that the Senate vote to amend the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010.

by Senator Birmingham (from 1,465 citizens).

NOTICES
Presentation
Senator BERNARDI: To move:

That the time for the presentation of the report of the Standing Committee of Senators' Interests on the development of a draft code of conduct for senators be extended to 28 November 2011.

Senator BIRMINGHAM: To move:

That there be laid on the table and presented to the President under standing order 166, no later than noon on Monday, 18 July 2011, non-commercial aspects of all reports and briefings prepared by the assessment panel for Australia Network tenders, as well as all correspondence between the Prime Minister, the Minister for Foreign Affairs and the Minister for Broadband, Communications and the Digital Economy, and their respective departments, regarding the tender process, potential or actual tenderers, the tenders received and any changes proposed or actual to the tender process.

Senator COLBECK: To move:

That the Select Committee on Australia's Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 July 2011.

Senator HEFFERNAN: To move:

That the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 7 July 2011, from 4.45 pm, to take evidence for the committee's inquiry into biosecurity and quarantine arrangements.

Senator SIEWERT: To move:

That the Senate—

(a) notes that:

(i) poor kidney health is a serious and growing problem for Aboriginal people in central Australia,

(ii) the Central Australian Renal Study was commissioned as a response to the growing demand for dialysis services in central Australia, the strain on health services, the alarming health outcomes faced by Aboriginal people and the constant conflict between state, territory and federal governments over funding responsibilities,

(iii) the report of the study published on 27 June 2011 is substantially different from the draft report that the George Institute for Global Health had submitted to the Federal Government 5 months earlier,

(iv) the majority of recommendations included in the draft report do not appear in the published report, and

(v) the detailed 'action plan' featured in the draft report does not appear in the published report which includes, instead a drastically-reduced 'potential implementation scenario'; and
(b) calls on the Federal Government to show leadership and dedicate resources to implement the Central Australian Renal Services Action Plan, as presented in the draft report, including:

(i) securing agreement and assurance from all jurisdictions regarding patient flow across state and territory borders and the recognition that many patients from the central Australian region will transfer to Alice Springs in accordance with the principle of being able to obtain treatment as close to home as possible,

(ii) implementing a hub and spokes model, with a regional hub service located in Alice Springs,

(iii) identifying sites during 2011 that are suitable for conversion to in-community haemodialysis,

(iv) assessing, during 2011, the suitability of the Substance Misuse Centre in Amata and the Ngaanyatjarra Health Service renal ready room for conversion to in-community haemodialysis facilities,

(v) bringing 15 new satellite chairs online by the end of 2012, along with the phased roll-out of nurse-supported dialysis in communities, with a rigorous assessment of its efficacy, cost-effectiveness and sustainability,

(vi) establishing a chronic kidney disease registry for the cross-border region, and

(vii) developing a renal care package to provide home and community care, similar to the Extended Assistance for Care in the Home package.

Senator SIEWERT: To move:
That the Senate—
(a) notes that:

(i) OIE [World Organisation for Animal Health] guidelines do not require stunning before slaughter of cattle,

(ii) without stunning, cattle can exhibit indicators of possible consciousness for up to 2 minutes after the throat is cut, leading to a slow and painful death, and

(iii) statements by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) on 21 June 2011, that Australia does not have the power to require Indonesia to stun cattle before slaughter; and

(b) calls on the Government immediately to end the live export trade of all animals given that the welfare standards which are acceptable to the Australian public and farmers cannot be guaranteed in overseas markets.

Senator LUDWIG: To move:
That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Tuesday, 16 August 2011—Senators Singh and Di Natale;

(b) Wednesday, 17 August 2011—Senators Gallacher and Wright;

(c) Thursday, 18 August 2011—Senator Thistlethwaite;

(d) Monday, 22 August 2011—Senator Fawcett;

(e) Tuesday, 23 August 2011—Senators Urquhart and Waters;

(f) Wednesday, 24 August 2011—Senators McKenzie and Rhiannon; and

(g) Thursday, 25 August 2011—Senators Edwards and Madigan.

Senator LUNDY: To move:
That the Senate—
(a) notes that:

(i) on 9 July 2011 two new nations will emerge, the nations of South Sudan and Sudan, following an overwhelming vote for independence by voters in South Sudan's referendum for independence on 9 January 2011,

(ii) the two new nations futures are interdependent and their stability has broader regional security implications for north and east Africa,

(iii) the emerging picture confronting both new nations is dire and with significant political, humanitarian and developmental challenges as the overall security situation in Sudan is
deteriorating at an alarming rate, with severe humanitarian consequences with millions of civilians in both Sudan and southern Sudan in need of protection and critical humanitarian assistance.

(iv) Sudan, after Zimbabwe, is the second largest recipient of Australia's humanitarian and development assistance and that since 2004, the Australian Government has provided $136 million to Sudan,

(v) the North/South Comprehensive Peace Agreement signed in 2005 ended more than two decades of civil war, however recent violence and outstanding issues such as border demarcation, oil sharing revenue, currency and citizenship status, are undermining prospects for peace and stability,

(vi) Sudan has the highest level overall of people remaining internally displaced according to the United Nations (UN) Office for the Coordination of Humanitarian Affairs and the highest number of people newly displaced by conflict and as a result the plight of internally displaced persons and Sudanese refugees will therefore continue to be a shared legacy of decades of conflict;

(b) expresses deep concern at the protracted nature of the conflict and displacement in Darfur, now in its eighth year;

(c) notes that:

(i) the UN estimates that 300 000 people have been killed as a result of violence, malnutrition and starvation and 4 million people are in desperate need of aid, representing nearly two-thirds of the entire estimated Darfur population of 6.5 million, and an estimated 2.5 million people live in refugee camps in Darfur and neighbouring Chad, while others struggle to survive in remote villages, and

(ii) humanitarian relief efforts to provide assistance to vulnerable populations are being hampered by limited humanitarian access in some of the most affected conflict areas, including in Southern Kordofan and Darfur, and that insecurity and inaccessibility remains one of the biggest challenges facing the delivery of assistance by humanitarian agencies to vulnerable populations;

(d) urges the Governments of South Sudan and Sudan to reaffirm their commitment to peace, conflict prevention, the inclusion of the peripheral regions and ethnic minorities in political representation and decision making, and the recognition of cultural and ethnic diversity through durable political solutions; and

(e) encourages the Australian Government to continue assistance to address humanitarian and development needs in Sudan and South Sudan.

Senator LUDLAM: To move:

That the Senate—

(a) notes that:

(i) Daw Aung San Suu Kyi has embarked on a tour of Burma,

(ii) Kyaw Win, the second highest-ranking diplomat at the Burmese Embassy in Washington DC, has defected because of the Burmese Government's human rights violations and sham elections, adding that the current threats against Daw Suu's life 'must be taken seriously'; and

(b) requests the Government to:

(i) monitor Daw Suu's safety and welfare,

(ii) communicate to the regime that threats of harm or incarceration of her or her entourage are unacceptable,

(iii) pledge its continued support for genuine democracy and human rights in Burma,

(iv) call for national reconciliation and dialogue in Burma, involving all stakeholders, including Daw Suu, and

(v) call for the release of all political prisoners in Burma.

Senator BILYK: To move:

That the Senate notes:

(a) the release by the World Health Organization's cancer research report by the International Agency for Research on Cancer (IARC) which states that radio frequency electromagnetic fields generated by mobile phones are 'possibly carcinogenic to humans' and asserts that heavy usage could lead to a possible increased risk of glioma, a malignant type of brain cancer;
(b) the warnings of Dr Charlie Teo, one of Australia's leading brain surgeons and former Australian of the Year finalist, that 'there is an increasing body of evidence that there is an association between brain tumours and mobile phones';

(c) that the Australian Government, though the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), welcomes the report and considers that the classification by IARC corresponds to the current ARPANSA advice, including its advice on practical ways in which people can reduce their exposure to the electromagnetic fields produced by wireless telephones;

(d) that the methods to reduce exposure include:

(i) limiting call time,
(ii) preferring the use of landline phones,
(iii) using hands-free or speaker options,
(iv) texting instead of making voice calls, and
(v) using phones in good signal areas which reduce power levels for communications;

(e) that ARPANSA has also recommended parents encourage their children to use these methods of reducing exposure.

Senator STEPHENS: To move:

That the Senate—

(a) expresses its condolence for the death on 2 July 2011 of Dr Itamar Franco, a former President of Brazil from 1992 to 1995;

(b) notes the contribution of Dr Franco in helping set his country on its current economic trajectory, in particular, the reforms he instituted in 1993 that enabled Brazil to overcome rampant hyperinflation; and

(c) acknowledges Dr Franco's achievement in Brazilian public and political life, where he was elected a national senator for the Socialist People's Party in 2010, and his legacy of integrity, courage and hard work.
(i) criteria for selection of the executive and constituent members encompassing their experience in administrative review proceedings,
(ii) the role of specialist health professionals in assisting in cases where members lack relevant specialist expertise, and
(iii) accountability of all parties under the Act;
(b) current operating procedures and processes used to guide committees in reviewing cases;
(c) procedures for investigating alleged breaches under the Act;
(d) pathways available to practitioners or health professionals under review to respond to any alleged breach;
(e) the appropriateness of the appeals process; and
(f) any other related matter.

Question agreed to.

Rural Affairs and Transport References Committee Reference

Senator HEFFERNAN (New South Wales) (15:44): I seek leave to amend business of the Senate notice of motion No. 3 standing in my name for today proposing a reference to the Rural Affairs and Transport References Committee on the Foreign Investment Review Board national interest test in the terms circulated in the chamber.

Leave granted.

Senator HEFFERNAN: I move the motion as amended:

That—
(a) the following matter be referred to the Rural Affairs and Transport References Committee for inquiry and report by 30 November 2011:
   An examination of the Foreign Investment Review Board (FIRB) national interest test (the test), including:
   (i) how the test was applied to purchases of Australian agricultural land by foreign companies, foreign sovereign funds and other entities in the past 12 months,
   (ii) how the test was applied to purchases of Australian agri-businesses by foreign companies, foreign sovereign funds and other entities in the past 12 months,
   (iii) the role of the Government, regulators and receivers, including their obligations under the Corporations Act 2001 and/or the Foreign Acquisitions and Takeovers Act 1975, including the role of the Australian Securities and Investments Commission, in upholding the test,
   (iv) the global food task and Australia’s food security in the context of sovereignty,
   (v) the role of the foreign sovereign funds in acquiring Australian sovereign assets
   (vi) how similar national interest tests are applied to the purchase of agricultural land and agri-businesses in countries comparable to Australia, and
   (vii) any other related matters; and

(b) in conducting this inquiry, the committee should examine ways of improving the transparency of decisions made by the FIRB under the test and all other rules which govern its operation.

Question agreed to.

MOTIONS

Iraq

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:45): I move:

That the Senate calls on the Government to hold an independent inquiry into any Australian involvement in the conduct of the Abu Ghraib prison in Baghdad from 2003, including knowledge of such involvement by the then Prime Minister or other ministers.

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) (15:46): I seek leave to make a short statement.
The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator LUDWIG: Australia takes very seriously the issue of the treatment of detainees and has made clear its commitment to ensuring that detainees are treated humanely and with dignity and respect and in accordance with all of the Australian obligations under domestic and international law. The issue of detainee management in Iraq arose under the previous government and was a matter handled by the previous government. Ministers of this government have no personal knowledge of those matters, including the specific role and function of Major O'Kane.

The issue of detainee management in Iraq was the subject of the 2004-05 Senate budget and additional estimates hearings of the Department of Foreign Affairs and Trade and the Department of Defence throughout 2004 and 2005. Australian policy towards the treatment of detainees in relation to the war in Iraq was also examined by the inquiry in 2005 by the Senate Foreign Affairs, Defence and Trade References Committee into the duties of Australian personnel in Iraq. Noting the extensive inquiries that have already been conducted into this matter, the government does not propose to initiate or conduct another inquiry into these issues. The government, therefore, on that basis, does not support this motion.


The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator BOB BROWN: The submission by Senator Ludwig is quite extraordinary and it is a failure of responsibility by this government. The events at Abu Ghraib drew worldwide condemnation because they were in breach of international laws and because they happened under the presidency of George W Bush, who had invaded Iraq to uphold international law.

The minister is right: there were some very limited inquiries back in 2005—which he knows was six years ago—which did not involve, for example, a proper inquiry using the knowledge of Major O'Kane, let alone American participants in Abu Ghraib. We also know that the requests from the Leader of the Democrats in Congress, Nancy Pelosi, for Major O'Kane—as the Australian involved in these events—were turned down. So there has been a denial by Australian governments to have this matter properly canvassed. Now there is a whole bank of new information coming from the Sydney Public Advocacy Centre, and that information makes the situation all the more important to inquire into. I am amazed that this government does not support this proper move for an independent inquiry, with judicial function, into this matter to open it up and put it to rest. Question put:

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

The Senate divided. [15:53]

(The DEPUTY PRESIDENT: Senator Parry)

Ayes ................. 10
Noes ................. 33
Majority ............. 23

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

Di Natale, R  
Ludlam, S  
Rhiannon, L  
Waters, LJ  
Xenophon, N

NOES
Back, CJ  
Birmingham, SJ  
Brown, CL  
Cameron, DN  

Bilyk, CL  
Boyce, SK  
Bushby, DC  
Cash, MC
Senator LUDLAM: I move:

That the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 be referred to the Joint Standing Committee on Treaties for inquiry and report by 7 September 2011.

Senator LUDLAM: I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator LUDLAM: Thank you, Mr Deputy President, and I thank the Senate. The Australian Greens at this point are seeking to refer the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, which is currently before this chamber, to the Joint Standing Committee on Treaties. The committee examined the parent convention, the Convention on Cluster Munitions, which is very good. It has been worked on over a number of years. It is as a result of the extraordinarily hard work of civil society organisations and governments, including, we thought, the Australian government. We have taken a lead role on this and it is a position that we should be proud of.

We understand that there are very serious flaws in the government's bill—flaws that the opposition may be contemplating supporting. The Selection of Bills Committee noticed that the bill was inconsistent with recommendations made by JSCOT. That is why we are seeking to have it referred back to the Joint Standing Committee on Treaties. The flaws are absolutely obvious to anybody with any regard to this issue. It is extremely important that the parliament takes time for second thoughts.

At this point I bring to the attention of the chamber an open letter to the Minister for Defence, the Minister for Foreign Affairs and the Attorney-General on this very issue. It is an open letter signed by dozens of eminent Australians, including: Tim Costello; Mark Purcell of the Australian Council for International Development; Emeritus Professor Ron McCallum AO, who is the Senior Australian of the Year; and Jody Williams, who is a Nobel Prize laureate. A number of prominent Australians have signed this letter calling on the parliament to take a second look.

I seek leave to table the letter, which I circulated well in advance to the whips, and have it incorporated into the Hansard.

Leave granted.

*The letter read as follows—*

**Open letter to the Defence Minister, Foreign Affairs Minister and Attorney General**

Dear Minister Smith, Minister Rudd and Attorney General McClelland

In 2008 you, Minister Smith, signed the Convention on Cluster Munitions for Australia. This important international treaty bans cluster bombs, an indiscriminate class of weapon known to cause significant and long-lasting civilian harm, particularly to children. We wholeheartedly...
endorse the treaty's aims and congratulate the government on having signed it.

In order to ratify the treaty, Australia must pass legislation to implement the treaty's obligations in our domestic law. However, the proposed legislation, shortly to be debated in the Senate, contains serious flaws which undermine the whole purpose of the treaty.

The treaty contains a clause which allows state parties to continue cooperating in military alliance with countries not party to the treaty. This clause protects troops of state parties if they are inadvertently involved in cluster bomb use during these joint operations. This is necessary and sensible, particularly for Australia, given that our major ally the USA has no intention of joining the ban on cluster bombs.

The problem with the government's proposed legislation is that it goes much further than is necessary to maintain our military alliances. The legislation allows Australian troops to directly and actively assist in the use of cluster bombs. It also explicitly allows non-state parties to stockpile cluster bombs on Australian soil and permits them to transit cluster bombs through Australian ports and airspace. No other ratifying country has provided such a blanket exemption.

These exemptions are unnecessary at best and add little or nothing to our national security. At worst, they run directly counter to the treaty's intent by setting a precedent which explicitly facilitates the ongoing use of cluster bombs.

In a submission to the government, the International Committee of the Red Cross said the abovementioned problems with the proposed legislation "would have the unfortunate consequences of effectively permitting activities that could undermine the objectives of the Convention and contribute to the continued use of cluster munitions rather than further their elimination." We agree.

The goal of the Convention on Cluster Munitions is clear. It aims to eradicate cluster bombs and put an end to the suffering they cause for all time. We therefore seek your support in ensuring that Parliament amends the draft legislation to reflect and fulfil that aim.

Yours sincerely

Greg Barns  
Barrister, and National President, Australian Lawyers Alliance  

Paul Barratt AO  
Former Secretary, Department of Defence, and former Deputy Secretary, Department of Foreign Affairs and Trade  

Fr Frank Brennan SJ AO  
Professor of Law, Public Policy Institute, Australian Catholic University  

Julian Burnside AO QC  
Barrister  

Professor Hilary Charlesworth  
ARC Laureate Fellow and Director, Centre for International Governance and Justice, ANU  

Sr Denise Coghlan RSM AM  
Head of the Jesuit Refugee Service, Cambodia  

Tim Costello AO  
Chief Executive Officer, World Vision Australia  

Mary Crock  
Professor of Public Law, The University of Sydney  

Bonnie Docherty  
Harvard Law School International Human Rights Clinic, and Senior Researcher, Human Rights Watch  

The Hon John Dowd AO QC  
President, ActionAid Australia  

Alistair Gee  
Executive Director, Act for Peace, NCCA  

Dr Norman Gillespie  
Chief Executive Officer, UNICEF Australia  

General Peter Gration  
Former Chief of Defence Force  

Jack de Groot  
Chief Executive Officer, Caritas Australia  

Brigadier Adrian d'Hagé, AM, MC  
Author  

Michele Harris OAM  
Andrew Hewett

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Fr Frank Brennan SJ AO  
Professor of Law, Public Policy Institute, Australian Catholic University  

Julian Burnside AO QC  
Barrister  

Professor Hilary Charlesworth  
ARC Laureate Fellow and Director, Centre for International Governance and Justice, ANU  

Sr Denise Coghlan RSM AM  
Head of the Jesuit Refugee Service, Cambodia  

Tim Costello AO  
Chief Executive Officer, World Vision Australia  

Mary Crock  
Professor of Public Law, The University of Sydney  

Bonnie Docherty  
Harvard Law School International Human Rights Clinic, and Senior Researcher, Human Rights Watch  

The Hon John Dowd AO QC  
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Executive Director, Act for Peace, NCCA  

Dr Norman Gillespie  
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Former Chief of Defence Force  

Jack de Groot  
Chief Executive Officer, Caritas Australia  

Brigadier Adrian d'Hagé, AM, MC  
Author  

Michele Harris OAM  
Andrew Hewett
Executive Director, Oxfam Australia
Dr Andrew Jacubowicz
Professor of Sociology, University of Technology Sydney

John Jeffries
National Director, CBM Australia

Stephen Keim SC
Barrister-at-Law, and President, Australian Lawyers for Human Rights

Professor John Langmore
School of Social and Political Sciences, University of Melbourne

Archie Law
Chief Executive Officer, ActionAid Australia

Carmen Lawrence
Winthrop Professor, University of Western Australia

Philip Lynch
Executive Director, Human Rights Law Centre (Australia)

Dr Francis Macnab, AM
Executive Minister, St Michael's Uniting Church, Melbourne

Claire Mallinson
National Director, Amnesty International Australia

Professor William Maley, AM FASSA

Professor Jane McAdam
Director of Research, Faculty of Law, University of NSW

Professor Emeritus Ron McCallum AO
Senior Australian of the Year 2011

Dr Jeff McMullen AM
Writer, Foreign Correspondent, Filmmaker and CEO (Honorary) Ian Thorpe's Fountain for Youth

Graeme Mundine
Executive Officer, Aboriginal Catholic Ministry

The Hon Alastair Nicholson AO RFD QC
Former Chief Justice of the Family Court; former Judge Advocate General of the Australian Defence Force

Marc Purcell
Executive Director, Australian Council for International Development

Professor Stuart Rees AM
Director, Sydney Peace Foundation

Professor Neal Robinson
Deputy Director, Centre for Arab & Islamic Studies, Australian National University

The Hon Susan Ryan AO
Chair, Australian Human Rights Group

Associate Professor Ben Saul
Faculty of Law, University of Sydney

Professor Gerry Simpson
Director, Asia Pacific Centre for Military Law, University of Melbourne, and Visiting Professor, London School of Economics

Nigel Spence
Chief Executive Officer, ChildFund Australia

Dr Timothy Stephens
Director, Sydney Centre for International Law

Lord Thomas
National Coordinator, Australian Network to Ban Landmines and Cluster Munitions

Isabel Thomas Dobson
Moderator, Uniting Church in Australia, Synod of Victoria and Tasmania

Christine Walton
Executive Officer, Australian Disability and Development Consortium (ADDC)

Professor Emeritus John Warhurst
School of Politics and International Relations, Australian National University

Dr Bill Williams
President, Medical Association for Prevention of War

Jody Williams
1997 Nobel Peace Prize Laureate, and Campaign Ambassador, International Campaign to Ban Landmines
Matthew Zagor  
Senior Lecturer, ANU Law School and board member, Australian Lawyers for Human Rights

Senator LUDLAM: I thank all parties and Independents in this chamber for leave to have that document incorporated. At this point, before we put the motion to the vote, I urge the Senate to refer this matter to the Joint Standing Committee on Treaties. (Time expired)

Question put.

The Senate divided. [16:00]

(The DEPUTY PRESIDENT: Senator Parry)

Ayes......................10
Noes......................31
Majority................21

AYES

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

NOES

Back, CJ  
Bilyk, CL  
Brown, CL  
Cash, MC  
Collins, JMA  
Edwards, S  
Feeney, D  
Gallacher, AM  
Ludwig, JW  
Marshall, GM  
McKenzie, B  
Moore, CM  
Parry, S  
Singh, LM  
Sterle, G  
Urquhart, AE

MOTIONS

James Price Point

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:04): I, and also on behalf of Senator Ludlam, move:

That the Senate—

(a) condemns the heavy handed tactics of the Western Australian Government which has instructed Western Australian police to forcibly remove locals from the road blockade at James Price Point, arresting elderly women, traditional owners and custodians;

(b) acknowledges the concern in the Broome community about the regional impact of the Browse development at James Price Point; and

(c) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to:

(i) withdraw his decision to allow clearing to take place as an uncontrolled action before the heritage and environmental assessments have been completed,

(ii) undertake an environmental assessment of the clearing activity,

(iii) accept and table a petition of 3,000 local people opposing the development, and

(iv) undertake immediate consultation with the Broome community.

Question put.

The Senate divided. [16:05]

(The DEPUTY PRESIDENT: Senator Parry)

Ayes .................9 
Noes ....................34
Majority..............25

AYES

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

Question negatived.
MATTERS OF PUBLIC IMPORTANCE

Live Animal Exports

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (16:09): I rise, sadly, to speak about a situation that certainly two months ago no-one would have possibly thought was going happening. It was at the end of the wet—it has been a very long wet—and people were very keen to get out on the properties, starting to do those things that make a business, and that is move cattle off the place, provide an invoice and actually get some funds back in the system, because they have not had a pay cheque since October.

This has been a fantastic industry. Over the last 20 years they have gone through some major changes. They have actually changed even the breed of the cattle. Instead of having shorthorns that, although they were doing well, it was a bit of a struggle—it was very hard to get into markets and it was a long distance away. With the innovation of Australians, they changed the animal they grew. They went to Bos indicus—a brahman zebu breed—and they have bred to the country since then. Trucking companies sprang up to support the industry. Ships decided that Darwin was a major port. They developed the trade overseas, particularly into Indonesia and the Philippines. They developed feedlots. They have gone through processes of developing feedlots that met the very highest standards, trucks that carted cattle at the very highest standards and ships that did the same.

That was not always the case. I can recall times when there was a lot of concern about the distances that cattle had to go and trying to keep that in sync with the responsibilities at the same time of ensuring that the driver had enough sleep. It was a very difficult process. We developed wet markets. We developed transport chains. I am talking about little trucks and little buses that go throughout the Indonesian archipelago taking Australian beef to very small markets. None of that was around 20 years ago. This is a massive amount of infrastructure. The feedlots require fodder and that fodder is grown by over a million people involved in the industry producing that fodder, the feedlots directly involve about 8,000 personnel. That is 8,000 families in Indonesia that depend very much on this trade.
We also have a growing appetite and a growing market for Australian beef. In fact, if every Indonesian simply ate one kilo more of beef every year, it would increase by almost double the current export levels. It is a market that has a huge future.

It is a truly international industry partnership. This is where we have industry in Indonesia, Indonesian businessman, who are in joint ventures in many cases in the development of this industry with Australia. It is truly an international industry.

Sadly, that changed pretty quickly. We had the *Four Corners* report, images which I think most of us now acknowledge were selected to provide what we all know now is an unbalanced story. Everybody said and I will say it again—any of the things that we saw are unconscionable and they should never happen again not only to Australian cattle but to all cattle. But then we had not cyclone, not a pestilence or some major disease that can ravage industries like this; we did not even have an act of God—we had an act of Gillard! She should have just continued to listen to Minister Ludwig when he said, 'We will close 11 of the abattoirs because we know those are the sorts of places that we don't want Australian cattle to go. It sent a clear signal. The industry straight away ensured that they were not going to go to those abattoirs and in fact started discussions across the divide to ensure that all the Australian cattle throughout the chain were going to go through and assurance process to ensure that these sorts of things did not happen again.

This closure seems to have gone forever. It has been a few weeks but in terms of the impact on industry, since I have lived in the Northern Territory—a very long time, since 1984—I have never seen the like of this. I have never seen the like of the impact on the communities. Up and down the track particularly we have almost all the businesses, whether you are Katherine, Tennant Creek, Alice Springs or parts of Darwin, dependent on the industry. I have been a bit surprised about how many businesses, whether they sell cars, parts, food to the stations, whatever it is, everybody has been impacted. It has had an absolutely enormous impact right across the divide. Some have told me that it has impacted on people in such a way that if they knew that this business was over and they were not able to cart cattle until next year they would be better off. They would be better off because they would actually have a clear vision of the environment in which they were operating. They would know they have to get another job, close down the station, sack people and make some decisions. But the environment at the moment has absolutely no clarity whatsoever.

The minister again today stood up and rolled out the normal garbage: 'Not a day longer; let me make this clear.' Industry need more than that. They need some security because there is only one thing that is consistent across this industry and across these businesses—whether you are a worker, an Aboriginal stockman or you own the station—and that is that the banks are relentlessly pursuing you to ensure that those relationships with the bank are held up. It is not only about those immediacies and them suddenly saying there is going to be a foreclosure. They are not the issues we are concerned about. It is having a default on a loan and then because of the default on a loan or an overdraft your interest rate goes up by two per cent. So what was today almost bloody impossible tomorrow becomes unfathomable, thus the stress levels of knowing you are mortgaged to a certain position, knowing you could probably hold out in a tough year but suddenly you know that there will likely be no income for at least
another month. What the minister needs to clearly understand is this is not an industry where you can ring a bell or blow a whistle and suddenly it can all start again.

The one fundamental part of this that those on the other side may not have noticed is that we have to ship the cattle. If you check the ports out, there are no ships. Those workers have had to go and get another job; they cannot just sit around. It costs you $150,000 a day to hold these boats there. We are going to pay huge, obscene amounts of demurrage. That is why we want to avoid paying demurrage—no-one can afford to pay it. The ships have gone to ply their trade, a dedicated trade, in other parts of the world. What will they be doing? They will be carrying cattle to markets with the most demand. Unsurprisingly, that market has just been created in Indonesia by this government. There are no cattle flowing to Indonesia. The Indonesian market demand is around 300 tonnes a day. It is not getting filled and that is creating demand in a market we cannot get entry to due to our own decision, but other countries can get entry to it.

One of the things that really hurts me as a Territorian when I move around these properties is when you get some of the people who have only just got access to their own properties—our First Australians, the Aboriginal people who own the properties. There are six in Queensland, 55 in the Northern Territory and 22 in the Kimberley. It was not on the back of Kidman that the industry was built. The industry was built on the back of Aboriginal stockmen. They knew the country. They knew where the water was. They did not need a five-star hotel. They needed a horse and a swag and not much else. They are the ones that built the industry and now they are actually getting something back. They have their own land and governments have encouraged the return of land. They have their land. They have herds. They are getting going. They are employed—and suddenly this. You can insure against an act of God, but clearly you cannot insure against an act of Gillard. Again, they have been completely and utterly crushed. There is no future.

No-one has made a decision that it is going to be five days out, 12 days out, 20 days out or a month out. There have to be business decisions about whether you keep people on, whether you lease another truck, whether you build yards or, in some cases, whether you can buy diesel to ensure that you can water the cattle. Imagine the fear of not being able to afford to keep your animals alive. This is going to be an absolute catastrophe in economic, social and animal welfare terms and this catastrophe was brought on this government by our own Prime Minister.

Senator STERLE (Western Australia) (16:19): I listened intently to Senator Scullion's contribution acknowledging that Senator Scullion is a Territorian. He certainly knows his stuff, he knows his territory, he knows his constituents and he knows the problems they face. As an ex-long distance truck driver who plied my trade through the Kimberley and through the Northern Territory for quite a few years—some that I remember fondly; some I would like to forget—I am very mindful of the importance of the live cattle trade to our state, to Senator Scullion's territory and, to a lesser extent, to Queensland. This is a travesty; it is shocking. There is no doubt about that. I think we would have far greater resolutions in this place if we could hear the sensible arguments put forward by people like Senator Scullion and not some of the hysterics from other members of the opposition.
But let us talk a little about the impact. I want to talk too about the impact on our Aboriginal stockmen. I am very actively involved, as is Senator Scullion, with Kimberley Aboriginal Pastoralists Association, known as KAPA. They are led by a wonderful Australian, Doodie Lawford, out there at Bohemia Downs. Doodie and I speak regularly. We contact each other a lot and I know that there are conversations in your territory, Senator Scullion, with Doodie and his mob on the impact this is having on them. But we have to be very mindful: we have to get this right. I am not going to stand here and say that this can go on for ever and ever. It cannot. It needs to be fixed and it needs to be fixed quickly, but it needs to be fixed in such a way that the industry does not get stumped again by footage that none of us want to see.

On that footage, I have not met one Australian who condones that behaviour. I know for a fact that it would upset not only us in the city based populations but certainly our pastoralists. It was very distressing, but what also distresses me is what I found out today from a media report that I was not quite sure of. I received the report from Colin Bettles. If my memory serves me right, it was not from Colin. Colin who wrote it, but I think he is tied up with one of the farming papers.

Senator Nash: Rural Press.

Senator STERLE: Okay. This is no disrespect to Senator Coonan, but it actually says that Senator Coonan was forewarned of export footage. That is fine. That is not the problem. Here is the problem I have. If I can just quote from the report, it said that Senator Coonan:

... was given the shocking Indonesian abattoir footage by Animals Australia and the RSPCA in confidence, at least one month prior to the ABC Four Corners program airing on May 30.

It goes on to say that Senator Coonan did not see it but her staff did. But the bit that alarmed me—I am quoting Mr Bettles—is:

She—

I assume that is Senator Coonan—said the animal rights campaigners allowed them to have the vision in an attempt to build Coalition support.

I am not trying to digress, but what I am very alarmed about is that I put a phone call in to Animals Australia at 3.22 pm this afternoon. I spoke to a very friendly young lady there. I was chasing Ms Lyn White, who is the lady who is the face of the animal cruelty campaign. Unfortunately I have not been able to confirm if that is true or not, but I think that says it all. Before I go any further, if that is the way that the RSPCA and Animals Australia conduct their business, that is just disgusting and disgraceful. I think I would have bipartisan support in this chamber. They think they are so smart and so clever that they will use the coalition to build support to bring an industry to its knees. I am not condemning the opposition; I make this very, very clear. How can we, as responsible Australians who have an affinity for anything that is not cruel to animals—as a nation who loves animals—support this? I do not even want these people in my room. If this is the way they do business, they are not welcome in my room. So I hope this message gets out loud and clear to the RSPCA and very loud and clear to Animals Australia: you are not welcome in my room.

Let us get back to the problem that we have in hand. A major problem that we are confronted with—certainly in the Top End of Australia—is, as Senator Scullion put it so brilliantly or so pointedly—

Senator Nash: Elocently.

Senator STERLE: Elocently? Why do you have to use these big words? Okay, that is enough of the big ones. He done well! He
did very good! He was quite right that we have Brahman cattle. Brahman cattle are the main cattle that are used for export. Brahman is not a breed of cattle that we have in our market. But my pastoralists in the Top End, particularly the Kimberley Aboriginal pastoralists that I deal with extensively, are faced with a massive problem. They have a product that is not wanted in the Australian domestic meat market. We have this misbelief that is being put out there—and certainly this is not political—that all of a sudden we can open up abattoirs all along the northern coast which we used to have, such as in Port Hedland, Broome, Derby, Wyndham and Kununurra. I for one would love nothing better than to see our abattoirs reopened and our meat slaughtered here in Australia. I would love nothing better than to think that there is actually a requirement for a boxed meat market to Indonesia. The truth—the harsh reality; the fact—is that there is not. So, while we are fighting all these side arguments and silly statements coming from all sorts of self-interest groups or whatever they are, it is not fair for those who do not know our meat market and our live trade export market. That is not an option for us. The only option we have is to get this $330 million industry back on track. We need to do it quickly. We need to do it the right way. Doing it the wrong way is not an option for us, because if this is the behaviour that we have from Animals Australia—if this is their modus operandi and that of the RSPCA—then goodness knows how long it will be before it all appears back on our TV screens again with images of animal cruelty. That would be a travesty for our northern producers, for those directly employed by the producers and for all those very important service industries that rely on this very important trade.

As Senator Scullion said, our truckies are a very, very important part. In fact, if it were not for the truckies, it would not matter how good our cattle are or how great our market is; the cattle would not get there. It does upset me, alarm me and hurt me to hear that 30 truck drivers two weeks ago were put off the job. They were employed, I believe, with Road Trains Australia. I know the trucks, because they used to be bigger than mine and would try and take their part of the road and mine—that was when we had single-lane bitumen. There is nothing worse. Where are these truck drivers going to go? What the heck are they going to do? It is not as though they are going to be sitting under a tree waiting for the whistle to be blown to signal that we are back on and everything is going to happen. It is not only the truck drivers, those people that have invested their life savings in purchasing those trucks and those crates. What about the tyre fitters? What about the auto-electricians? What about the mechanics? It goes on and on and on. If anyone wants to have an argument with me—I know no-one in this chamber does—about the costs of running a vehicle, bring it on. But they will not; I know that. There are a number of other industries that hang off our northern export live trade. It is a nonsense to think that tourism will carry us through and we can survive in that part of the world when we have a window of about five or six months of good weather. There are no other jobs for these people; there are no other opportunities.

It is very important to notice that we have implemented—I know we have coped a bit of flak—some assistance for those that are affected. I know that we will always have people saying we are not doing enough. I have heard the commentary saying: 'Stick it in your back pocket. We don't want handouts; we want our industry back.' Fine, but I remember when Ansett Airlines collapsed. I am an ex-Ansett employee, and I remember when 30,000 Australians were
thrown out on the street overnight with absolutely no assistance. So if we can at least afford some assistance while we work our way through this and while the minister is doing his best—I believe the Prime Minister has the Minister for Foreign Affairs, the Minister for Trade and everyone working on this to try and get this unfortunate situation corrected—then I think it is a bit disingenuous to throw that back in our face and say that we do not care. We all care. I do not know, but I would be pretty close to the mark to say that I do not think the minister has been sleeping very well in the last few months with the pressure that is on him. With the greatest respect, I fully endorse and support his position, because the last thing we want, as I said, is more footage of animal cruelty.

We will have to have a very, very structured system. We need to have international standards up to OIE; that is not an argument. We need that. We need the supply chain. We need to know—for our own sake and for the sake of the producers and the cattle—where they have come from. We need to be able to track them through our National Livestock Identification System from the farm to where they end up in Indonesia. Do not forget that when the Indonesians take our Brahmans they put an impost on our growers and our producers that there be nothing over 350 kilograms. So they have them and fatten them up in Indonesia for a period that the good Dr Back would be able to tell me; I think it is about 80 to 100 days to get them up there. But we have heard stories of our cattle appearing in the slaughter yard some two years after they left Australian shores. That is not good enough. We also need an independent auditor on the ground. This is what we need. This is where I am going to do my damnedest to work with my minister to assist this fantastic industry and get it up and running. For goodness sake, let us get it done as quickly as we possibly can.

**Senator Back** (Western Australia) (16:29): I would like to give some historical perspective to the whole issue of the live cattle trade. It in fact goes back, Acting Deputy President Mark Bishop, to our own then colony of Western Australia. It was in 1838 that the vessel *Black Swan*, which happened to be under the command of my great-great-grandfather, Captain Edward Back, shipped the first live cattle out of the colony and, ironically, it was to Batavia. From the records of the voyage they travelled well and they arrived safely. So our family has been involved in this trade for some 175 years. What is interesting and important to know is that the demand for beef in Indonesia came about as a result of a chronic shortage of protein, especially for the lower socioeconomic sectors of Indonesian society. Up until 8 June this year, Australia had become a very proud and consistent supplier of that protein, through beef. We need to get that back on deck as quickly as we can, as has been agreed.

It might be of interest to the chamber to know some of the background. I acknowledge CSIRO for its establishment in Bogor, Java, of a microbiology laboratory in which they not only provided a pathology service but trained the first Indonesian technicians and scientists in this area. So it has its origins there. In fact, so impressed was the then Indonesian government with the contribution of Australia through CSIRO that they became interested in our trade. It was in 1990-91 that the first cattle left Darwin to go up to Indonesia to start to service the trade. You would be interested to know that in 2010—which is not many years from 1990—we shipped 874,900 cattle to Indonesia, with a value of about $684 million, and we have a herd size in the north of Australia of some 3.2 million cattle. That is the size and scale
of what we are dealing with. It is important for people to understand that, in parallel with that trade developing, we had a scenario in which we brought Indonesian veterinarians and stockman down and educated them at the Katherine Pastoral College. This was critical to the transfer of Australian technology and knowledge and the building of relations.

Let me now lay to rest this allegation by others that the live cattle shipment in some way is cruel or abhorrent. The official figures from the Department of Agriculture, Fisheries and Forestry, which are circulated twice annually, indicate that 0.1 per cent—one beast in a thousand—die on the ships. More important for people to understand is that, far from it being a cruel trade, cattle actually maintain weight and put on weight on the journey to Indonesia and also to our other markets in the Middle East, Turkey and now even as far afield as Russia. That is how good we are—we are leaders internationally in the design of ships, the management of those vessels, the nutrition, the stockmanship et cetera. Australia leads the world in that. It is so disappointing to hear this nonsense spoken about apparently cruel conditions on ships. It just is not the case.

Meat and Livestock Australia have been much maligned, and it is not my role to defend them, but people must understand that they have contributed, along with the shippers, to the excellence of the shipboard transfer of cattle from this country. They can also take a leaf in the sense that the quality of feedlots now in Indonesia and other places is almost up to and in many cases is at international level. That, again, has been an Australian input. It should be acknowledged that Australia stands alone as the only country that invests heavily in personnel, transfer of technology and knowledge, and assistance to our end markets. Often all we hear about in this place is Europe. Let me tell you that once vessels leave the European shores there is no interest by European vendors, as there is by Australian vendors, and has been for many years, in all our markets.

I come to genetic improvement, and Senator Sterle quite correctly referred to *Bos indicus* cattle. It was two brothers, Mick and Ray Beebee, of Eukaronig Station in the Northern Territory, who brought the first Brahman bull across to the Territory in 1967 from Apis Creek Stud in Queensland and he was the foundation sire of the Brahman herd across the north of Australia. That is not many years ago, when you think of the genetic improvements which have occurred.

People need to understand just how essential this trade is to the Indonesians. You will hear it said that it is a load of nonsense that they need live cattle because they have got refrigeration and they do not need live cattle, they need the boxed product. Let me put it into perspective for you. The top 10 per cent of Indonesians certainly have refrigeration. They certainly use similar cuts to those we do and they buy out of restaurants and supermarkets. I refer to the other 90 per cent, those who must buy out of what are known as the wet or daily markets. We cannot replace those with animals slaughtered here in Australia. The circumstances are that the need for protein there is dire. As I mentioned in this place yesterday, Ramadan, the highest consumption period of the year for the Islamic world, starts in only 24 days time and they are facing dire shortages.

We hear it said that we can process animals here. Let me tell you about the sort of consumption by many lower socio-economic Indonesians. They are around the abattoirs to collect bones, to collect intestines, to collect hooves and even to collect and split raw hide, the skin, so that they can boil that down and collect the
gelatine. What we provide to that market is a very important source of protein and energy. So it is not possible for Australia to simply replace the live cattle market. If we do not get it going again, others certainly will.

The point has also been made, and unfortunately this has been run by meat industry union and other representatives, that it is the live cattle trade in Queensland that has actually decimated local processing. You can look at the statistics going back 10 or so years and you will see that it is always seasonal conditions; it is not the live cattle export trade that determines the numbers of animals slaughtered in Queensland abattoirs. In fact, the opposite is the case. Given the fact that no animals are now actually leaving Australian shores, there would be a far higher proportion of cattle going through Queensland abattoirs. Regrettably, only this week a large abattoir in Toowoomba closed, so it is further evidence that that is not the case. We hear it said, 'Why can't we rebuild abattoirs across the north of Australia to service this trade?' Mr Acting Deputy President, I can tell you that the north of Australia is littered with the carcasses of abattoirs that failed: Port Hedland, Broome, Derby, Windham, Darwin, Katherine—the list goes on. It simply is not economic to build and run an abattoir for a limited time of year.

We have a real animal welfare issue. We have an issue associated with the transport of cattle to the south. We have an issue associated with the animal welfare of animals remaining on leased properties. We have a circumstance where, because these animals are now not going to be shipped to Indonesia, the stocking rates on leased pastoral lands will be exceeded and therefore they will find themselves in default of their pastoral lease agreements. We are finding already a scenario in which the banks are having more difficulty in lending and advancing funds to pastoralists who now do not have very many livestock to offer as collateral. They have no equity in their pastoral lands because they are leased and, regrettably, if and when pastoralists have to leave those pastoral properties, again they have nothing to sell by way of livestock or property; they will merely have their own personal possessions.

Which way do we go in this? Yes, there has been an attempt at some level of compensation. I had a pastoralist only today from the Gascoigne call me to say that in their circumstance they do not meet the criteria, the reason being they cannot demonstrate under the conditions of the funding that they export their cattle directly to Indonesia. They in fact sell to agents who put shipments together, or would have put shipments together, and so they are now excluded from this level of support. We heard yesterday the owners of Moola Bulla station telling us it costs $120,000 a day to run the station, let alone to feed stock. They are indeed overstocked.

We have a circumstance in which the Northern Territory Cattlemen's Association is attempting to put together a cattle marketing pool. I believe it should be supported. All Australians must understand the severity of what is going on in the north. As I said the other day, livestock cattle are not a commodity like iron ore that can be left under the ground if it does not get a price. It is not like a production line which you can turn off. These animals are eating and feeding and their owners need support.

**Senator BILYK** (Tasmania) (16:39): I stand today to speak on the matter of public importance and, in particular, to defend the comments that the Gillard government has decimated the live cattle trade to Indonesia. The Gillard government is trying to bring the live cattle trade to Indonesia up to standard.
We are interested in the long-term sustainability of the industry. I draw attention to a speech that was made on Monday night in the House of Representatives by the member for Farrer, Ms Ley. As part of her speech, Ms Ley said:

We urge the government to do everything in its power to restart the live cattle export trade to facilities that can demonstrate humane killing methods.

I could not agree more. Once we have established supply chain assurance to be sure that cattle are processed in appropriate abattoirs with tracking and transparency and independent auditing, we will restart the trade. Ms Ley’s further comments were particularly interesting. She went on to say:

Having been a farmer it broke my heart to see footage of the mistreatment of cattle in some Indonesian abattoirs. There is no excuse for this shameful behaviour. If any person, organisation, industry or government body knew of it and yet did nothing, they would stand condemned, no less by the opposition than by the supporters of this bill.

I find these comments interesting, especially when considering Colin Bettles’s report in Stock & Land online last Friday, which has already been referred to by my colleague Senator Sterle. The article is entitled Coonan forewarned of export footage. If that is accurate, I have a few problems. The article began:

NSW Liberal Senator, Helen Coonan, was given the shocking Indonesian abattoir footage by Animals Australia and the RSPCA in confidence, at least one month prior to the ABC Four Corners program airing on May 30.

It went on to say:

Senator Coonan said having the footage gave her time, before the issue “blew up”, to begin asking Agriculture Minister, Joe Ludwig, questions in Senate budget estimates …

If those reports are accurate, I wonder what Ms Ley thinks of her coalition colleague. Is doing nothing more than coming up with some estimates questions enough to escape her condemnation? Nobody wants to see this kind of cruelty that we saw on Four Corners repeated and I am sure that most cattle farmers would not want to see their cattle mistreated in such a cruel manner.

When some members of the opposition started expressing fabricated outrage they missed the point that allowing this treatment not only is devastating for the cattle but also in the long term will be devastating for the live export industry. The long-term sustainable future of the cattle industry depends on animal welfare assurances all the way down the supply chain. Unless we can guarantee that cattle will not be mistreated, we cannot ensure that sustainable future. That is why the government has taken the action it has. This is not just about ensuring the welfare of the animals we are supplying to the international beef market but about making sure we have an industry that continues to operate into the future.

I think the opposition live in glass houses. I say that because they had more than a decade in government to ensure a sustainable future for the industry yet failed to do anything about it. This is just another example of how the opposition are good at sound bites, they are good at three-word slogans and they know how to deliver bluster, hyperbole and silly political stunts, but what they cannot do is deliver a long-term reform. To illustrate the opposition’s approach to this matter, just look at the fact that the Leader of the Opposition, Mr Abbott, was reported yesterday as saying there is no reason why the trade could not be resumed straight away. Mr Abbott not only is astonishingly ignorant of the steps the government is taking to ensure improved animal welfare but shows absolutely no interest in finding out about it. He could not even make the time to attend a government
b briefing that was offered to him on this issue. It just goes to show that Mr Abbott is not the least bit interested in the long-term viability of this industry. What Mr Abbott is interested in is the short-term politics.

We understand the difficulties that are being experienced by the industry in the face of this suspension, and that is why we are working hard with the industry, with state governments and with our Indonesian counterparts, to resume the trade on a sustainable basis. We want to see this trade get back up and running. We do not want the suspension to last a day longer than it needs to.

But when we commence that trade we must have appropriate supply chain assurances in place that can guarantee the welfare of livestock, as I said, not only now but into the future. Senator Sterle also mentioned that there are three government ministers working hard to this end. We have got the Minister for Foreign Affairs, Mr Rudd, the Minister for Trade, Dr Emerson, and of course, leading the government's response to animal welfare issues in Indonesian abattoirs is the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig.

The Gillard government appreciates the importance of the live export industry—in Indonesia and beyond—to Australia's economy. There is no question about the importance of this industry to the livelihoods of graziers, producers and other stakeholders. During the suspension, we are providing assistance measures to provide short-term support to help the industry through this period. We welcome the establishment of a $5 million industry contingency fund to address animal welfare needs in the short term.

In addition to this, the Prime Minister has announced a $30 million Live Exports Assistance Package to provide short-term help to individual primary producers and related businesses affected by the temporary suspension. This package will build on previous assistance measures, and will provide immediate grants of up to $5,000 for eligible businesses with further grants of $20,000 also to be made available.

Senator Ludwig has also announced income recovery subsidy payments to employees and small business owners who earn the majority of their income from the live cattle trade to Indonesia. Individuals can register straight away with Centrelink for this assistance and receive payments up to the level of Newstart allowance from 7 June for up to 13 weeks. Anyone who has lost their employment can register for priority assistance through Job Services Australia. They will receive immediate and personalised employment services.

Of course the minister is not just working hard with industry and with the Indonesian government to establish supply chain assurances. He has appointed an independent reviewer, Mr Bill Farmer AO, to undertake a complete supply chain review of the live export trade for all markets. He has also met with key animal welfare advocates including the RSPCA and Animals Australia. The minister and the government are committed to reaching the best possible outcome for the industry and the welfare of livestock.

If the opposition doubts our claims that the actions this government have taken, including the temporary suspension, are necessary, then they should listen to the voices of the industry itself. On 8 June, the day after the suspension was announced, Luke Bowen of the Northern Territory Cattleman's Association was reported as saying:

This is something that needs to be fixed and producers more so than anyone are committed to see that happen.
Paul Holmes a Court, of Heytesbury Cattle Company, one of the biggest exporters of live cattle to Indonesia, on 10 June was reported as saying:

Currently our industry can't guarantee that our standards will be met all the way down the line …

The ban should only be lifted once we have an independent, auditable system which will allow that to happen.

And, on 22 June, Luke Bowen said on Sky:

Clearly we don't want to see any cattle going into this market unless those supply chains are secure, and there's no leakage out of those supply chains. Producers are demanding that.

They don't want to see their animals going into a situation where they're going to be exposed to any of the things that we saw, certainly, or any sloppy practice.

So producers, most of all, are demanding that we have to have secure supply chains, and assured, independently accredited supply chains and that's where we are right now we're actually making sure that that happens.

So while members of the opposition wax lyrical about the consequences of this suspension for family farms and supporting businesses, they should consider the consequences for business of not getting this right. They should consider the consequences that industry have identified because industry know that they do not have a long-term sustainable future if supply chain assurances for animal welfare are not secured.

The Australian government will continue to work with the Indonesian government, the cattle industry and animal welfare organisations to develop a robust framework to ensure Australian cattle exports are handled appropriately and in line with community expectations throughout the supply chain. Once those assurances are in place, trade can resume. Until trade resumes, and this industry is back on a sustainable footing, I fully expect we will hear more slogans, more howls of derision, more attempts—

*(Time expired)*

Senator ADAMS (Western Australia—Deputy Opposition Whip in the Senate) (16:50): What an invitation! Thank you, Senator Bilyk. As a farmer for 38 years in the Great Southern area breeding both cattle and sheep for export I think that I do know what I am talking about and I feel very sorry for my colleagues who are in the Kimberley, the Northern Territory and Far North Queensland. We do have one senator from Western Australia on your side that does understand the industry but I do not think that anyone else does.

I want to get on to the World of Animal Welfare and the RSPCA. This afternoon I received an email from a colleague of mine who runs Three Rivers Station in the Murchison in Western Australia. He has pointed to the Teacher’s guide to live export on the net being put forward by the RSPCA. He says:

I’ve had enough. I’ve recently been made aware of the Teacher’s guide to live export for Australian schools prepared by the RSPCA developed by the World of Animal Welfare. It is delivered in a completely biased and grossly inaccurate manner in a deliberate ploy to sway the minds of impressionable young children with two guides prepared for target audiences of nine to 13 and 14 and over. Not only do I find it morally bankrupt to be involving children in this manner, it especially infuriates me that Australian taxes are being spent on such an initiative through the government funding of the RSPCA.

I could not agree more. It is headed up, ‘Teacher’s guide to live exports’. It says:

The following information is designed to assist you in delivering age appropriate information and providing students of all ages with ways in which they can help.

Guess what? We have a picture of sheep going up a race to go onto the ship. We do not have cattle. So obviously sheep are next
to be banned from live export. It describes live exports:

Every year millions of Australian animals are exported live for slaughter. Cattle, sheep and goats are sent all over the globe, ending up in countries where animal welfare laws do not protect them. Many thousands of animals don’t even survive the sea voyage and those that do are subjected to handling, transport and slaughter in importing countries that is cruel and well below Australian standards.

The ships that carry these cattle, goats and sheep have a fatality rate on them that is less than if these animals were out in the paddock, so these sorts of statements being given to students gives completely the wrong message. And then guess what. There is a letter here about how to write to the Prime Minister:

Let the government know how you feel about live exports. Write your own letter to the Prime Minister to help end this cruel and unnecessary trade.

... ... ...

Dear Ms Gillard,

After learning about the cruel and barbaric treatment of animals that are exported to Indonesia, I am asking you to call an immediate ban on all live exports. This trade simply will not be tolerated by the Australian public and we must act fast to stop any more animals from suffering.

It goes on to describe how the animals travel overseas, which is absolutely not right. This is the propaganda that is being given to our schoolchildren.

I go on to Mrs Christine Glenn from Ashburton Downs in the Pilbara. They are cattle producers. They have cattle waiting to go. They are really having problems. She said they were in drought last year and she is very worried that rural children and, more importantly, isolated children will be exposed to an even greater divide if basic schooling is not provided due to their geographic location. The problem here is the concern that it is fine to say Centrelink is supporting these families; unfortunately, any child going to boarding school is receiving no assistance whatsoever. As she says here, they were in drought last year and have no income this year. The income for this year was to come from their live cattle shipment, which now will not go ahead. Husband has to go off farm to earn an income, leaving her to run the station and teach the children through School of the Air. The boarding school children will not be able to stay there. So these are the runoffs from this particular issue that was decided overnight. I can assure you that, if any other trade were stopped overnight, it would be a circus. But it is fine to do this to the cattle people and later to sheep because there are not that many of them.

To quote: 'As an industry we've been disgusted with the complete lack of knowledge, awareness and understanding that has been displayed by the Prime Minister and Senator Ludwig and their complete indifference as a tsunami of economic destruction travels through Western Australia, the Northern Territory and Queensland. The Prime Minister does not seem to be aware that their handling of this matter may be subject to a wide-scale legal action, as people will be forced to seek damages. Neither the Prime Minister or Senator Ludwig met with anyone in Indonesia or Australia to determine the consequences of their decision three or four weeks ago. Hundreds of jobs have been lost that may not be recovered, as many pastoralists will go to the wall on the basis of this suspension.' She continues: 'Our Prime Minister's decision has been at the cost of a whole generation's education. Our children's education has been denied, as we will not be able to cover the $15,000 to $30,000 required to send each child away to boarding school after the rebate. This is not a choice.'
That is what is happening on that issue. She also goes on to say: 'WA currently has a severe shortage of hay. There is not the feed on the ground due to two years drought and a 4,000 kilometre average to our closest slaughter point.' As Senator Back has said, these cattle are not the cattle that will go south, because they have been bred specifically to cover the Indonesian market. It has taken a long time to get that breed in.

Last Friday Senator Back and I attended a forum run by the Pastoralists and Graziers Association of Western Australia in Katanning. As President Rob Gillam says:
Livestock producers throughout Western Australia are now demanding that their livelihoods be returned to them.

WA is the largest livestock export state in Australia, with over 350,000 cattle and 2.5 million sheep exported annually, yet the Minister cannot even be bothered to come over and meet with the pastoralists whose livelihoods have been affected by his actions.

Such losses are unacceptable in any industry and the Prime Minister has no choice but to remove her Minister from his portfolio and replace him with someone who will regain the confidence of Western Australian livestock producers.

I would also like to inform the Senate that a website has been set up by four women in Western Australia called Save Australian Farming. It is headed up by Jane Marwick, and the website is www.saveaustralianfarming.org. That will be up and running on Friday, and you can register on the domain now. I think it is very important that we get support for this to continue the export trade. As far as the animal husbandry goes, that is being well and truly looked at, and for the government to say that they could not have continued the trade, with three abattoirs with the closed loop circuit that they could have kept going they could at least have kept Indonesia on side. But, unfortunately, the diplomatic issues that are going to arise from this are very sad and very serious. A number of contracts ended on 30 June, and we may not have any contracts now until October—if we can get this mess fixed up.

One last thing: Kirsty from Nita Downs Station thought that the cattle that were being held in the yards on the station would be eligible for the cattle disease contingency fund. No. It is just cattle held in registered pre-embarkation premises designed for live export but unable to be exported due to the suspension of cattle exports to Indonesia. Those are the criteria. Therefore, those cattle that are being held on stations in yards and being fed will probably all end up over the limit of 350 kilos, because once they are being hand fed they put on weight. As you can see from TV footage, these cattle are not agitated; they are quite content to be eating their high-protein feed.

So these people are in a terrible situation. The mental health issues are very serious. (Time expired)

Senator CROSSIN (Northern Territory) (17:00): I rise this afternoon to provide a contribution on this matter of public importace on live animal exports. I have to say from the outset that, like Senator Scullion, I have a strong commitment to representing our live cattle trade in the Northern Territory. No-one should be under any doubt whatsoever that we are working as diligently, as quickly and as hard as we possibly can to get this issue resolved.

I just want to go back to the beginning, from where this emanated. I am glad Senator Adams raised some of the issues the RSPCA has been highlighting. In the Northern Territory now I find that my constituents are caught up in this national debate about whether we should have live cattle exports at all. I believe we absolutely should. In the
Northern Territory we have a massive industry for breeding cattle that has evolved over time and is designed specifically for exportation. We cannot simply come to a position where we say there will be no live cattle exports ever again in this country unless we turn away from the concerns of people I represent in the Northern Territory.

I am a strong defender of this industry, and I am certainly very strong in wanting to see this resolved very, very quickly. I get the same sorts of emails that other senators in this place are getting, particularly Senator Adams. I am not prepared to name those cattle stations or those people in this chamber—I want to respect their privacy—but I am getting those emails. These people are saying two things to me. The first thing they are saying is, 'We care for the cattle we have bred and we were shocked and horrified when we saw the footage on Four Corners.' The second thing they are saying is: 'We do not want that to occur. We do not want to put our cattle on a boat that will end up in a country where they are not slaughtered humanely, and we want that fixed.'

Everyone is with the program on wanting to ensure that when these cattle turn up at a slaughterhouse it is done as humanely and as appropriately as possible. But when people email me and talk to me about this issue they have very real concerns about what Meat and Livestock Australia have been doing. On the very last sitting day for the 12 senators who recently left from this place there was an adjournment debate—very late on that Thursday night. I listened attentively to the last speech Kerry O'Brien gave in this place. I urge senators to listen to what Senator O'Brien said. He had concerns about what Meat and Livestock Australia has been doing with the levy it has been collecting from these cattlemen and women and from these stations.

At this point in time, no-one is really turning their attention to what the industry bodies were doing during the lead-up to this problem and what they are doing now. As I understand it, the Northern Territory Cattlemen's Association is not represented by Meat and Livestock Australia. There is a real disconnect between what is happening in that industry body and what is going on with the cattle association in the Northern Territory. I know we have met with these people to try to resolve this as quickly as possible. The Prime Minister has been in the Northern Territory twice in a month to meet with them. She came last Wednesday, and I was present at that meeting. Also, in a cooperative effort, Senator Scullion, Minister Warren Snowdon and I, at my initiative, had the whole of the Northern Territory Cattlemen's Association here in this building for two days two weeks ago. They had access to a range of ministers, spokespeople from the opposition and members of the broader parliamentary community here, trying to get people to understand why they are so reliant on a live cattle trade. That is where a lot of their focus has been—trying to dispel this humbug about live cattle exports. They have had to fight this rearguard reaction from people who do not want live exports to occur, and their attention has been diverted away from maintaining the trade they have. If we set all that to one side, if the cattle people did not have to have their energies diverted to defending what they do so well, then perhaps we might have all been able to get with this program much faster. People are working extremely diligently to get this resolved as quickly as possible.

There is no question about the value of the live animal export industry to Indonesia or beyond. It is vital to our economy, worth over $300 million. It is so vital, in fact, that I notice that the Northern Territory Chief Minister, Paul Henderson, and Minister Kon
Vatskalis have been in Indonesia meeting ministers and officials from that government and having a look at what is happening. Be under no illusion here. Everyone is pulling out stops as quickly as possible to get this resolved. We want to ensure not only that the welfare of the animals is taken care of but that we also have a closed loop. We want to be absolutely satisfied that from the minute the cattle get onto that boat until they arrive in Indonesia, and from the paddock to the point of slaughter, there is a supply chain that is regulated and supervised. Can that happen overnight? No, it cannot. Can we ensure that it happens?

We are seeking to work closely and cooperatively with Indonesian officials to get this moving as quickly as possible but this involves working inside, and with, another country. That country, as I understand it, also wants to get this resolved. There have been reports, for example in today's media in the Northern Territory, from Minister Kon Vatskalis that this is now having effects on families in Indonesia.

In this situation we have to be convinced and reassured that once we get these cattle moving the assurances—the checks and balances—are in place so that the trade can resume. I have no doubt, after the meetings that I have been involved in for the past month, that cattlemen, the Prime Minister and Minister Ludwig, departmental officials and the cattlemen's association are diligently working around the clock with the Indonesian government. The cattle industry and welfare organisations are developing a robust framework to ensure that Australian cattle exports are handled appropriately.

I want to draw people's attention not only to the independent review that we have set up and the fact that payments and assistance have been provided to people but to what I want to see at the end of the day: this problem fixed forever. Once these cattle start moving I do not want us to be back in here in three, five or 10 years time. This is an opportunity to try to support the cattle industry and the people I represent in the Northern Territory as best, as efficiently and as compassionately as we possibly can.

If we really get this right—so that in the supply chain loop we do not have just five or six abattoirs regulated but 20, 30 or 50 abattoirs regulated—this will provide an opportunity for the cattle industry to grow. It will be an opportunity for the cattle industry to be able to say: 'That was a pretty rough patch back then but we now have this industry sorted forever. We now have an agreement with the Indonesian government, who are as committed to resolving this as we are, and this will be fixed up for all time.'

As the Prime Minister said last week in Darwin:

... I wouldn't let an extra day go by before we resume this trade, as soon as we had the animal welfare measures addressed. As soon as this problem is sorted and as soon as we have an agreement with the Indonesian government—I know they will be diligently working as hard as we are to resolve this—we will get this trade moving again. Not one day will be wasted. Not one extra day will go by. The minute we can get these cattle moving off these shores in a live export trade we will do this.

At this point in time I want this nation to stop diverting attention to a discussion about whether there should be live exports. There are live exports and they are going to continue under our watch. (Time expired)

The ACTING DEPUTY PRESIDENT: Order! The time for this discussion has expired.
Senator SIEWERT (Western Australia—Australian Greens Whip) (17:10): I present the final report of the Community Affairs References Committee, Disability and ageing: lifelong planning for a better future, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator SIEWERT: I table the report and I move:

That the Senate take note of the report.

It is with great pleasure that I table this report. This report contains some very important recommendations. It contains 15 recommendations and makes some points about some very important issues. The committee report has taken quite some time to develop and we had hearings in a number of locations around Australia, including Canberra, Melbourne, Sydney and Toowoomba.

It is important to note that this report coincides with work being undertaken by the Productivity Commission into disability care and support. However, there is a significant difference between the work that we have done in this report and the draft report of the Productivity Commission. The focus of our committee report is on the lifelong and sustainable planning that assists carers of a person with a disability, helps them to plan for the future and particularly helps them answer the questions: 'What happens when I'm no longer here? What happens when I can no longer care for the person that I am caring for?'

As I said, the committee took evidence from people with disabilities, carers, carer organisations, peak bodies, service providers, and state and federal government departments. The evidence that the committee received suggested that the challenges facing the disability sector are substantial and that the existing system is not operating effectively. People with disabilities, carers, service providers and governments all agreed that there are many inadequacies in the choice, funding and support options available for people with a disability.

Given that Australia is anticipating significant population ageing, which will be accompanied by a reduction in the availability of informal care and support, the committee is deeply concerned by evidence suggesting that little sustainable planning is taking place. Many carers are so consumed by their day-to-day caring role that they have not even begun to start thinking about planning. Others find the planning a considerable challenge and need support to manage what is a complex and multifaceted task.

In the report, the committee focuses on why it is critical that whole-of-life planning takes place. We are particularly keen to point out the importance of whole-of-life planning and I will also point out here that this was picked up in a previous report that this committee did into the CSTDA as it was then known—the Commonwealth State Territory Disability Agreement. When this committee did that inquiry we picked up and highlighted the need for whole-of-life planning and we have looked at it in more detail in this report. The report considers some of the major practical barriers to planning including access to information, accommodation support, availability of respite, appropriateness of assessment tools, and the difficulty of navigating the disability and aged care interface. In spite of the fact
that the government provides limited planning support to people with disabilities and their carers, the committee heard many inspiring stories, frequently told by parent carers, documenting the work taking place in the community. Across Australia there are pockets of people doing the most extraordinary work, in the most part voluntarily, because they see the need.

The committee heard of disability advocacy groups who have established what they call 'supported living funds', 'circles of support' or 'circles of friends' to assist with the future care of their adult children with disability; of parents in Sydney who are setting up an 'intentional community'; of a group in Gunnedah who established a rehabilitation day program for mental health consumers; of a group of very active parents in Toowoomba who organised a letter campaign, successfully advocating for funding to establish a house for shared accommodation, the Anden—hearing that story was simply inspiring; of an individual in Hervey Bay who organised the council to provide accommodation where she can support mental health consumers in living independently; and of the important work in my home state of Western Australia by Perth Home Care Services and by Planned Individual Networks, commonly known as PIN, who have established microboards and networks of support to ensure that people receive lifelong planning support.

While it should be acknowledged that some of these initiatives have received some government funding, many are established, supported and funded by parent carers and are taking place independently of government. Many of the grassroots level, non-government initiatives identified in our report emerged in response to the lack of government support or the cumulative frustration of dealing, over many years, with complex and confusing government bureau-

cracies. Others emerged in response to service support which is often piecemeal, or where there was an absence of ongoing case management. Above all, these initiatives, frequently parent run, emerged in response to the frustration of dealing with bureaucracies that are simply not responsive enough, innovative enough or flexible enough to meet people's complex needs. Over and over again the committee heard that services are just not meeting the needs of people with disabilities or their carers.

In acknowledgment of these innovative planning schemes, the committee makes two significant recommendations. Firstly, it recommends that the government look to increase its support of these community based organisations that provide planning services. We believe this is essential. Secondly, it recommends that the government establish a national framework to give clear direction on how these organisations can ensure transparency and develop adequate governance arrangements. The committee envisages these guidelines also represent the beginning of an integrated and coordinated national approach to planning. It is really important that these innovative community organisations are given flexible support to provide their planning initiatives, but it is also essential, because of the very nature of the work that they do, that they meet the transparency and accountability requirements that we would expect, because these initiatives will be looking after the long-term needs of those living with a disability.

In addition to these recommendations, I would like to point out a couple of others. Of course, we believe all 15 are important, and I am sure my colleagues in the committee will highlight some more. We believe we have to solve the issue of portability of funding and services for people transitioning from the disability to the aged-care sector. We have to
improve issues around portability of aides and support across state and territory boundaries. It just has to be resolved. It is not beyond the wit of this country to do this. We also need to look at issues around retirement from Australian disability enterprises. That is a key issue. There are many other important recommendations. Very importantly, the government needs to acknowledge the need for lifelong planning and to support this lifelong planning by investing in community based initiatives that make this happen.

Before finishing I would like to say thank you to, obviously, my colleagues on the committee. It is always a pleasure to work on the community affairs committees, whether it is the legislative or the references committee. I believe we work well together and do some very important work. I would like to acknowledge and say thank you for all the support and camaraderie we share. I would also very strongly like to say thank you to the secretariat, who have really moved mountains to get these reports done. They have had a tremendous workload over the last couple of months and continue to produce first-class work. Thank you very much to the secretariat. Very importantly, I want to say thank you for the hours of work that the community organisations, parents and carers put into our committee inquiry. These are people who are working day to day caring for people they love, and they took time out of their busy schedules to give us evidence, to write the submissions, and to come to our hearings and present evidence. These people sometimes struggle to get respite care on an ongoing basis or when they need it. They are the people that are doing it tough. We know that they need help and that there needs to be improvement in the services they receive. I thank them very much for the time and effort they put into ensuring that we got the evidence we needed to make the recommendations we have made.

Senator MOORE (Queensland) (17:20): In 2004, pretty soon after I came to this place, I was very honoured to be engaged in a Senate select committee that was looking at the issues of poverty in our community. Throughout that process there were some extraordinarily confronting experiences, and people gave of their hearts, minds and lives—which is a common experience in our committee.

I will always remember evidence that was taken in the city of Ballarat, a beautiful city. A lady came to the front and talked to us. She expressed the fact that she was very nervous. She did not tell me her exact age, but she told me she was in her 80s. I remember my friend Steve Hutchins was sitting beside me. She looked at me and said, 'I am so tired, but I'm too afraid to die,' which was a fairly confronting statement. I always say people should go back and have a look at our committee reports and evidence because they are a snapshot of our Australian community. She went on to describe the fact that she and her husband of many years—her husband had recently died—had a son in his 50s who had Down syndrome. She was too afraid to die because she did not know what was going to happen to her boy.

That was in 2004, yet the Senate Community Affairs References Committee heard those same stories as we listened to evidence. We can do better. We are at quite an exciting time, because at the same time as this committee was looking at the lifelong planning needs of people with disabilities and their families and handed down its report—we took a long time to work out a title for it, and we came up with something catchy: Disability and ageing: lifelong planning for a better future—we had the opportunity to look at the draft reports
arising from the referrals that the government has made to the Productivity Commission on two key areas—there was a referral on the general area of ageing and a referral on the general area of disabilities in our community. The draft reports on these areas have been given to the government and government responses are due to come back into wider parliamentary and community discussion in the next few months. We hope that the work of the community affairs committee can add to the work of the Productivity Commission so that we can ensure that no longer will there be families in our community that are so tired, so lost and so afraid of the system that they are fearful of what will happen to their children.

I acknowledge the work of Senator Sue Boyce. Sue had brought a recommendation for an inquiry to our committee, and she was absolutely determined that we were going to act on it. That determination has been rewarded, because where we could we looked to build on work that had previously been done. As Senator Siewert said, a few years ago this committee looked at Commonwealth-state disability agreements and came up with a range of recommendations, some of which were part of the National Disability Agreement that the government brought in on 1 January 2009.

We can celebrate the fact that there is now a national disability agreement; but when we read through the core elements of that agreement, we say that the states, the territories and the Commonwealth must work together to ensure that there is a better system for people with disabilities in our community.

The agreement goes through several topics. It talks about 'improved access to disability care, including consideration of systems that provide a single point of access.' How many times did we hear during the committee process about the need for a single point of access so that people would be able with confidence and without fear to contact one area from which they will be able to obtain information, support and guidance? Unsurprisingly, considering that it is in the national disability agreement, we have a recommendation from our committee saying that we should have a single point of access, and that is good.

The National Disability Agreement talks about there being 'a nationally-consistent assessment process and a quality assurance system', and the committee recommended that too. The National Disability Agreement also mentions the need for 'a renewed focus on early intervention and planning to ensure that clients receive the most appropriate and timely support.' The committee has recommended that also. In fact, we get a fair hint by looking at the cover of the committee's report that the committee think that that is a good idea as well.

The committee has recommended improving the capacity of service providers to better develop and train care workers. That is a necessary ongoing measure, Madam Acting Deputy President Pratt, as you know. In any system that aims to provide care, we need to have trained, effective, caring, responsible workers so that that element of trust which is so intrinsically necessary to any government service delivery is put forward.

As Senator Siewert said with a degree of frustration, there is also the issue around consistent access to disability aids and equipment. It is ongoing, consistent and frustrating problem, and it is blindingly obvious that people who have disabilities in 2011 should have access to appropriate aids and equipment. It should not matter at what stage of the identification of their disability is at or whether they are covered by a state or a federal arrangement, they should have the best possible equipment and support so that
they can have the most rewarding life possible.

Of all things in the National Disability Agreement, these are my personal favourites: the National Disability Agreement signed in 2009 is ‘a commitment by all levels of government to work together to better measure the level of unmet demand for disability services’ which promises 'continued reform of roles and responsibility in relation to community mental health disability services and aged care.' For me, one of the most revealing things about the committee process was that it showed that we have good policy. But we could have better policy, and through the introduction of the measures in the reports from the Productivity Commission on ageing and disabilities we can work to have the best possible policy for our community. We found consistently in the evidence we took, the submissions we received and in the general discussions that happened—after the hearings that I attended: people wanted to share with us; they wanted to talk with us—that people wanted to be involved. So the frustrating thing is that we have good policy but it is not being implemented. The core message for me is that we need to move to ensure that implementation is effectively monitored.

I am not saying that there are not good results—Senator Siewert referred to that, and our committee report mentions where there have been amazing successes and rewards. To be quite parochial, I mention here the Toowoomba Intellectual Disability Support Association—TIDSA—and Tony Lanigan, who is the chair of that organisation. He has been working with me and many people in this place for many years, talking from a parent’s perspective about how a group of parents can get together and develop plans around the needs of their children and then consistently harry state and federal governments to ensure that they get effective funding. TIDSA has received some funding from the state government, and that organisation is a genuine success story. We need to have that success story replicated across all the communities in our country. The house that TIDSA has formed was described by some of the elderly people who came to the committee's hearing in Toowoomba as a life saver for them and their families, because they have a sense of confidence that their children will have a secure housing future and people to care for them. That is the kind of model that this report is hoping will be identified, implemented and rewarded through government policy.

The committee talked about access to the system, and consistently through the committee process we heard about the complexity of the system. That is true—the system is complex—but if we act on the National Disability Agreement, which talks about 'a commitment by all levels of government to work together to better measure the level of unmet demand' and if we look at how the reforms can operate, the system can become less complex. The focus should be on the individual and their family, which is the core aspect of the committee's report. I am going a little bit over our time, Senator Boyce, but we have it because there is no-one else here. The last chapter of our report looks at issues of lifelong planning and support schemes that are now in place. There are extraordinarily valuable processes in some parts of our country, which we put up as examples from which we can learn and hopefully build on in future modelling. When he came to see us, Mr Edward Birt from Life Without Barriers explained:

If you think about a system like person-centred planning, which is something that is talked about a lot at the moment in disability services, where the person's goals and aspirations are at the centre
of what you are doing, their vision for what their life might look like is the driving force behind what we do, and every disability service standard around the country would say that is absolutely right: individual needs, decision making and choice, service access, valued status—the list goes on. They are all wonderful things. The legislation has it absolutely right, but I think that lack of funding and service options is a big problem.

What we learnt from the people who came to us is that there should be people-centred planning. We congratulate that; we want it into the future.

Senator BOYCE (Queensland) (17:31): I am not quite sure how far we are going to take this multi-partisanship. I had the same quote as Senator Moore marked to use! I would also very much like to thank the members of the Senate community affairs committee and the secretariat, who, as the previous speakers have mentioned, worked under extremely difficult circumstances with some changes of personnel going on at crucial times. I would like to thank them all for bringing this report to fruition.

The report has 15 recommendations. It was deliberately designed to complement the current work being done by the Productivity Commission on the National Disability Insurance Scheme. We very deliberately chose to have the word 'lifelong' in our title—that is, Disability and ageing: lifelong planning for a better future. The National Disability Insurance Scheme report looks at the current situation and the need for funding—it talks about a system that is not even a system; so underfunded and inequitable and broken is the current disability support 'system' that it does not even function as a system. The Productivity Commission's report was not looking at the exact question that so many parents and other carers lie awake at night wondering about—that is, what happens when I can no longer care?

This is a relatively new question in developed countries because up until not all that many years ago people with intellectual disabilities and people with physical disabilities were not likely to outlive their parents. The average life expectancy for a person with Down syndrome in Australia in the 1950s was 27. People no longer live in institutions; they live in the community. They have better nutrition as a result and a better sense of their own worth. They also benefit from the huge advances in medical technologies that have been made, which assist people in every area of their lives, including the pain management that some people with physical disabilities need to undertake regularly. So the life expectancy for people with disabilities has expanded past the span of their parents' lives.

Not only do we need to think about the fact that their parents are going to die—it is always a difficult term to use, but their parents are going to die—but also in many cases parents are going to get to the stage where they can no longer provide the level of care needed. They are just not physically strong enough any longer to assist their adult child with their needs. We are supposed to have a system that would offer respite and offer specialist support to assist families in those situations. It does not happen. Or, if it does happen, it happens in an ad hoc way that cannot be relied on and never quite meets the needs of the people who are doing the huge amount of caring that needs to happen.

Lifelong planning is the focus of this report—not service planning. I would like to quote from a Queensland organisation called Pave the Way. It goes on to make the distinction that parents of people with disabilities are used to planning from the
time their children are babies, but that is primarily service planning. It is about trying to get your child to the right speech therapist or to the right podiatrist or into the right education program or into the right work system. It is about planning for the near term, the short term; it is not planning for what happens when you are no longer there.

As both Senators Moore and Siewert have mentioned, there are many barriers to planning. Some of the barriers to planning are simply that people do not have the time. It takes quite a long time to sit down and plan what a good life will look like and who will support it when the carer cannot do so any longer. It is not only the issue of individual families finding time to do it, it is also getting the space to do it. You need respite care, probably, to undertake the planning.

In many cases families with children with disabilities—and this came out again in this inquiry—are quite socially isolated. Because of their need to care, their friendship groups have diminished more and more. So knowing people that you can even ask to become involved in helping to support your son or daughter becomes problematic. And then of course there is the question: what is the point of planning if there is nothing at the end to underpin that plan?

One of our recommendations here—which supplements the one about one-stop shops—is to have a look at improving the accessibility of information on government websites and updating the FaHCSIA website so that its information is up to date, comprehensive and navigable. I know that many parents regard up-to-date lists of services as cruel jokes in themselves, because you can get this great list of services but, when you go to use those services, they are booked out for years to come, or you do not meet the criteria, or they are a pilot program and they do not know if their funding will be going into the next month, and so it goes on. There are so many areas where that is not available.

I hope we have pointed out here that lifelong planning involves not just where you live or what you do or how much service support you have; it is also about who cares about the quality of that support and who cares about whether you are being abused or exploited in those situations. One of the examples that I found quite profound was from a group called Scope, a disability services provider in Victoria. They were talking about why people might have lost faith in the ability of the government system to provide accommodation. They said:

In the emergency housing area, if a crisis happens the person with the disability ends up going into respite care facility. Last year in the north-western metropolitan region 50 per cent of our respite places were blocked up—it sounds awful saying 'blocked up'—and were unable to be used because of crises that had happened in ageing carers' homes and the person with the disability had to take the place for a year or two years. That meant all the other people that wanted to use respite were not able to use it because 50 per cent of our places were taken up with crises. I think that might give you a sense of why parents would be less than confident that the system is going to support them or that the services that they might find on a website are actually going to be available when they need them. We referred again to the culture of crisis which the Productivity Commission report brought out so firmly.

We have, as I said, made 15 recommendations. Some of the more important ones were around the difficulty that people have navigating between disability employment, disability retirement and premature ageing in the area of disability. This needs to be considered, perhaps in the same way that Aboriginal and Torres Strait Islander ageing is looked at. Another recommendation is that
the government establish with the states and territories a succession planning framework that organisations can use to develop—and assist families to develop—lifelong plans. Our 15th recommendation is that recurrent funding be made available in the next budget to assist community run organisations and individual families to pursue disability planning. I very much hope that this will be pursued and I very much recommend the report to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Pratt): Order! The time allotted for this debate has expired.

Senator BOYCE: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Agricultural and Related Industries Committee

Government Response to Report

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:42): I present the government's response to the report of the Select Committee on Agricultural and Related Industries on its inquiry into the incidence and severity of bushfires across Australia, and seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

Senate Select Committee on Agricultural and Related Industries Report

The incidence and severity of bushfires across Australia

INTRODUCTION

On 12 May 2009 the Senate tasked the Senate Select Committee on Agricultural and Related Industries to inquire into the incidence and severity of bushfires across Australia, including:

(a) the impact of bushfires on human and animal life, agricultural land, the environment, public and private assets and local communities
(b) factors contributing to the causes and risks of bushfires across Australia, including natural resource management policies, hazard reduction and agricultural land maintenance
(c) the extent and effectiveness of bushfire mitigation strategies and practices, including application of resources for agricultural land, national parks, state forests, other Crown land, open space areas adjacent to development and private property and the impact of hazard reduction strategies
(d) the identification of measures that can be undertaken by government, industry and the community and the effectiveness of these measures in protecting agricultural industries
(e) any alternative or developmental bushfire prevention and mitigation approaches which can be implemented
(f) the appropriateness of planning and building codes with respect to land use in bushfire prone regions
(g) the adequacy and funding of fire-fighting resources both paid and voluntary and the usefulness of and impact on on-farm labour, and
(h) the role of volunteers.

The Senate Select Committee’s report titled The incidence and severity of bushfires across Australia was tabled on 13 August 2010. The report contained 15 recommendations focussed on bushfire mitigation and preparedness measures that may help to reduce the incidence and effects of catastrophic bushfires in Australia.

While state and territory governments have primary responsibility for the management of bushfires and other natural disasters, Australia’s emergency management arrangements bring together the efforts of all levels of governments in a comprehensive and integrated all-hazards resilience-based approach. Within these arrangements, the Commonwealth works to enhance and promote community resilience, develop emergency management capabilities and support the states and territories when disasters occur.
The Commonwealth has responded to a number of related recommendations made by the Victorian Bushfires Royal Commission. The Commission released two interim reports on 17 August and 24 November 2009, targeting priority issues for action in preparation for the 2009-10 bushfire season. The Commonwealth acted decisively and has made significant progress in addressing those recommendations. The Commission released its final report on 31 July 2010. The Commonwealth has a significant interest, responsibility and/or capability in respect to five of the 67 recommendations contained in the report. These relate to bushfire awareness and research, Commonwealth fire fighting resources, bushfire arson and environment protection legislation. The Commonwealth responded on 25 October 2010 to address those recommendations.

While there is no way to completely fire proof Australia, the Commonwealth strongly supports action by all governments, businesses and communities to reduce the incidence and impact of damaging bushfires. The Commonwealth remains firmly committed to assisting the states and territories improve their emergency management arrangements by enhancing Australia’s resilience to disasters.

**BUSHFIRE MANAGEMENT IN AUSTRALIA**

Recommendation 1: The Commonwealth Government examine potential new arrangements for Commonwealth involvement in the development and implementation of a national policy for bushfire management.

**Commonwealth position:** Supported

In December 2009, COAG agreed to the establishment of a new National Emergency Management Committee (NEMC) to strengthen coordination and partnership between the Commonwealth and state governments in relation to emergency management. The NEMC is co-chaired by the Secretary of the Attorney-General’s Department, the lead agency for emergency management and disaster resilience at the Commonwealth level, and Australia’s Deputy National Security Advisor from the Department of the Prime Minister and Cabinet.

One of the NEMC’s first tasks was to bring together the representative views of governments, business and the non-government sector into a comprehensive National Strategy for Disaster Resilience which was adopted by the Council of Australian Governments in February 2011. A fundamental principle of the strategy is the concept of shared responsibility. This concept recognises that the collective efforts of all sectors of society, including governments, business and the community, will be far more effective in strengthening Australia’s capacity to withstand and recover from disasters, than the individual efforts of any one sector or group.

In terms of bushfire management specifically, the Primary Industries Ministerial Council and the Natural Resource Management Ministerial Council jointly commissioned a national fire policy to reflect the commitments of the 2004 National Inquiry on Bushfire Mitigation and Management. The resulting National Bushfire Management Policy Statement for Forests and Rangelands, developed in consultation with state and territory land management agencies, was completed in 2010. The policy was endorsed by the Primary Industries Ministerial Council and the Natural Resource Management Ministerial Council in November 2010, and will be considered by COAG.

The policy is a high level statement of intent by all levels of government for the enhanced management of fire in the landscape. It provides the framework and principles for fire management. The principles identified in the policy will be reflected in all the individual land and fire management agencies’ codes of practice or alternative instruments to ensure they are implemented at the operational level (i.e. in fire management plans and in operational responses to fire events). Implementation of the policy will rest with the states and territories as they have the responsibility for land management activities, and will be subject to budgetary priorities and constraints in individual jurisdictions.

Other national policies of relevance to bushfire management include Australia’s Biodiversity Conservation Strategy 2010-2030, which was released by the Minister for Sustainability, Environment, Water, Population and
Managing bushfire risks requires a range of strategies and techniques. The effectiveness and appropriateness of particular approaches needs to be assessed based on a range of considerations. For example, while grazing is sometimes put forward as a possible approach to reducing fuel loads, it can have significant negative environmental impacts, and studies have found that in some environments grazing increases fire risk.

**Recommendation 2:** The Commonwealth co-ordinate a standing national arson forum between fire and law enforcement agencies to be held every two years.

**Commonwealth position:** Supported

The Commonwealth recognises that bushfire arson is a major threat to the safety of Australian communities and has already acted upon this recommendation.

The Commonwealth notes that a way to reduce and prevent bushfire arson is to maximise cooperation between fire agencies, police, social services, the criminal justice system and all levels of government. In 2009, the Commonwealth instituted the National Forum for the Prevention of Bushfire Arson, which is held annually for members of these sectors to promote more effective and collaborative means of combating arson. The second national arson forum was held in May 2010 and the next forum will be held in mid 2011.

A key outcome of the forum has been the development of the National Action Plan to Reduce Bushfire Arson in Australia, which was welcomed by the Victorian Bushfires Royal Commission.

The Commonwealth continues to actively support the implementation of actions identified in the plan, including:

- the establishment of a centralised national database of convicted and suspected arsonists within CrimTrac
- the development of a Bushfire Arson Investigation Course to build the expertise of arson investigators across the country, and
- the launch of the Bushfire Arson Prevention Handbook developed by the Australian Institute of Criminology.

The reduction of bushfire arson will continue to be a focus for the Commonwealth through the development of a National Strategy to Reduce Bushfire Arson being prepared by a joint working group of the Ministerial Council for Police and Emergency Management.

**Recommendation 3:** The Productivity Commission undertake an examination of bushfire risk from ageing power infrastructure, including an assessment of replacement costs and likely suppression costs from bushfires caused by defective infrastructure.

**Commonwealth position:** Not supported

The National Electricity Market is jointly managed by the Commonwealth and the states and territories through a combination of national and jurisdictional instruments.

The key instrument underpinning this approach is COAG’s Australian Energy Market Agreement (AEMA), which established the regulatory instruments for electricity including the National Electricity Law and National Electricity Rules.

The AEMA sets out the responsibilities of energy market institutions, the method by which national reforms will be progressed, and the roles and responsibilities of the Commonwealth and
participating jurisdictions. Under the AEMA, technical or safety authorisations for distribution businesses remain state and territory functions, to which bushfire mitigation applies. Separate regulatory arrangements apply in Western Australia and the Northern Territory, but in each case bushfire mitigation remains the responsibility of the relevant jurisdiction.

Given the responsibilities of state and territory governments and the particular focus of the review, the Commonwealth does not consider that the Productivity Commission would be an appropriate body to undertake work in this area. In this context, the Commonwealth suggests state and territory governments further consider bushfire risks from ageing power infrastructure, and notes that some jurisdictions including Victoria have already announced steps to mitigate risks arising from power infrastructure, in response to the Victorian Bushfires Royal Commission Final Report Recommendations 27-30 and 32-34.

Recommendation 4: Subject to the findings of the Productivity Commission, the Commonwealth examine options for the funding of replacement of power infrastructure that presents an unacceptable bushfire risk.

Commonwealth position: Not supported

Distribution and transmission network businesses are responsible for maintaining electricity assets in accordance with the technical and safety standards set by the states and territories, including bushfire mitigation. There are established processes in place to support infrastructure replacement programs that meet these requirements. These processes are outlined below.

In all states and territories other than Western Australia and the Northern Territory, the Australian Energy Regulator (AER) is responsible for economic regulation and compliance with the National Electricity Rules. This includes making regulatory determinations with respect to the revenue that regulated network service providers can earn. The National Electricity Law provides that the AER must exercise its economic regulatory function and powers in a manner that will promote efficient investment in, operation and use of electricity services for the long term interests of consumers.

Under the National Electricity Rules, the AER also needs to consider relevant health, safety, environmental and social legislation applying to the electricity distribution industry.

State and territory governments are responsible for determining the technical and safety obligations and requirements which are imposed on distribution network service providers with respect to bushfire mitigation. The AER sets its regulatory determinations for network service providers with consideration to, and within the bounds of, the bushfire mitigation regulation set by jurisdictions, alongside other relevant national and state and territory legislation as outlined above.

Separate regulatory arrangements apply in Western Australia and the Northern Territory, but in both cases network business compliance with technical and safety requirements applied by the jurisdictions is also a relevant consideration in making the appropriate revenue determinations.

In this context, the Commonwealth supports state and territory governments reviewing arrangements for ensuring capital works are undertaken in a timely way to ensure technical and safety issues are fully and appropriately addressed. The Commonwealth does not however, consider it appropriate to examine options for funding replacement of power infrastructure at this time.

Recommendation 5: The Commonwealth seek agreement from the states and territories that would enable it to evaluate the adequacy of fuel reduction programs applied by public land management agencies in high bushfire risk areas, and audit their implementation against the program's stated objectives.

Recommendation 6: The Commonwealth publish all fuel reduction plans and related audit findings on a national database.

Recommendation 9: Further Commonwealth funding for bushfire suppression be made conditional on state fire agencies agreeing to the Commonwealth evaluating and auditing their fuel reduction programs.
Commonwealth position: Not supported

In December 2009, COAG agreed to a new whole-of-nation resilience based approach to disaster management. This approach considers disaster resilience to be the collective responsibility of all levels of society including governments, business, the non-government sector and individuals working together.

In this context, and in line with their constitutional responsibilities for disaster management, states and territories are best placed to undertake bushfire risk mitigation activities in their jurisdictions. This includes appropriate monitoring and evaluation of fuel reduction programs for which they have the necessary expertise. The Victorian Bushfires Royal Commission made a number of similar recommendations regarding the adequacy and transparency of prescribed burning programs in Victoria. These recommendations were directed appropriately to the Victorian Government, which committed to significantly increase fuel reduction burning by 2014 and introduce accompanying monitoring and assessment programs. Transferring this role to the Commonwealth will only undermine the fundamental concepts of shared responsibility and community resilience.

The Commonwealth actively assists the states and territories to improve their disaster management arrangements through a range of programs and other support activities. Provision of Commonwealth funding for the restoration of essential infrastructure under the Natural Disaster Relief and Recovery Arrangements is already conditional on the development and implementation of appropriate disaster mitigation strategies. Similarly, the National Partnership Agreement on Natural Disaster Resilience acknowledges that both the Commonwealth and the states and territories have a mutual interest in reducing the impact of, and increasing resilience to, natural disasters.

Under these circumstances, the Commonwealth does not support the Committee’s recommendation that funding for essential bushfire suppression activities such as aerial firefighting should be withheld based on the level of fuel reduction undertaken (this being just one element of a suite of measures available to states and territories to manage the risk of bushfires). Withholding Commonwealth funding under these circumstances will only impair state and territory efforts to protect Australian communities threatened by bushfire.

Instead, the Commonwealth encourages states and territories to actively monitor and enhance the effectiveness of their fuel reduction programs as considered appropriate.

Recommendation 7: The Commonwealth consult with local, state and territory government planning authorities on the development and dissemination of a house loss risk index for households in Australia’s highest risk bushfire areas.

Commonwealth position: Supported in principle

The Commonwealth appreciates that a clear understanding of disaster risk is crucial if Australian households are to make adequate preparations and informed decisions about bushfires and other disasters.

The Victorian Bushfires Royal Commission also emphasised the importance of community education and advice clearly conveying the risks of extremely dangerous bushfires. The Commission recommended that Victoria’s Country Fire Authority encourage householders to undertake an individual assessment of their home’s defendability. In response, the Victorian Government created the Household Bushfire Self Assessment tool to assist residents in their bushfire survival planning and appointed ten bushfire safety officers to assist residents undertake individual property assessments. Similar household bushfire assessment tools are available in other jurisdictions, and the Commonwealth is also engaged in a range of community awareness and education programs to raise awareness about the risk of bushfires and other natural hazards.

The Commonwealth is committed to increasing community understanding of bushfire risk and preparedness. Recognising, however, that a number of measures already exist to help Australian households assess their individual level of bushfire risk, the Commonwealth will...
consult with the states and territories on the need for a house loss risk index.

**Recommendation 8: The Commonwealth Government work with the states and their agencies to ensure consistent terminology is used when communicating with the public.**

**Commonwealth position:** Supported

The Commonwealth supports the Committee’s invitation to work with the states and territories to ensure the use of consistent terminology when communicating with the public. The Victorian Bushfires Royal Commission made a similar recommendation. As indicated to the Commission, the Commonwealth will work with the states and territories to determine their views on the development of nationally acceptable bushfire terminology, as the matter will require national collaboration.

The Commonwealth has already undertaken a number of initiatives to improve public communication during bushfires and other emergencies.

Through the Broadcast of Emergency Warnings project the Commonwealth worked in consultation with Australian, state and territory government agencies and national peak media broadcast bodies to improve the effectiveness and consistency of national arrangements between government and media for the broadcasting of emergency warnings. The outcomes of this project included:

- in principle endorsement by peak broadcast media organisations and the Ministerial Council for Police and Emergency Management – Emergency Management of the National Best Practice Guidelines for the Request and Broadcast of Emergency Warnings
- establishment of a forum for consultation across government and broadcast media to address potential issues, shared interests and projects
- development of a web presence providing industry, government and the public with core documents and links relating to this project, and
- development of a training module on the role of media in emergencies, for use by both media and government.

A further outcome was the ‘Emergency Warnings – Choosing Your Words’ guide to support the effective wording of warnings. The guide highlights the importance of using clear language when issuing emergency warnings so that the public understand the severity of impending risks and action to be taken. The ‘Emergency Warnings – Choosing Your Words’ guide was recommended by the Victorian Bushfire Royal Commission in its interim report as “providing excellent practical guidance as to the best method of drafting and constructing a clear and useful bushfire warning”.

The wording guide was used as a key reference document in the development of the National Framework for Scaled Advice and Warnings to the Community. This framework includes a new six-point fire danger rating scale, including a ‘catastrophic – code red’ category, which was introduced for the 2009-10 bushfire season. The new fire danger rating scale was adopted by all jurisdictions and incorporated into the Bureau of Meteorology’s public weather warnings and forecasts to help Australians better prepare themselves for high fire risk days.

The Commonwealth will continue to work closely with state and territory governments to further strengthen national arrangements in relation to the broadcast of warnings to the community in times of emergency.

**Recommendation 10: The Commonwealth assist the states with bushfire training for land managers and volunteers by co-ordinating curriculum development and delivery of a national bushfire accreditation course, to be delivered by the relevant state agencies.**

**Recommendation 11: The Commonwealth organise the co-operation of state land management and fire agencies to provide the practical training aspect of the curriculum as part of a national bushfire accreditation course.**

**Commonwealth position:** Supported in principle
The Commonwealth Attorney-General’s Department is well placed to assist states and territories coordinate and develop appropriate curriculum for bushfire training. The Australian Emergency Management Institute currently develops and delivers a suite of training and education, including nationally accredited competencies for the emergency management sector throughout Australia in consultation with state and territory jurisdictions. It has a purpose-built emergency management education facility that could be used to train-the-trainer and for project coordination meetings. State and territory governments are able to avail themselves of these training opportunities.

**Recommendation 12:** The Commonwealth encourages further research into prescribed burning and its effectiveness and into alternative bushfire mitigation approaches through improved bushfire risk understanding at the asset level.

**Recommendation 13:** At the conclusion of the current Bushfire CRC funding agreement the Commonwealth establish a new permanent bushfire research institute.

**Commonwealth position:** Supported

The Commonwealth supports greater research and analysis being undertaken in regard to natural hazards including bushfires. The Commonwealth has already committed significant resources to support bushfire research. In the 2009-10 Federal Budget, the Commonwealth announced that the Bushfire Cooperative Research Centre (CRC) would receive an additional $15 million over three years from 2010 to tackle specific research tasks arising from the experience of the Victorian bushfires.

The Bushfire CRC has developed three research programs to address areas in regard to bushfire risk. These include:

- **Understanding the Risk** – which will include work relevant to the Senate Select Committee’s recommendations on fuel reduction and risk planning
- **Communicating the Risk** – which, with the national focus of the Bushfire CRC, may facilitate progress in relation to the Committee’s recommendation on the use of consistent terminology when communicating with the public, and

- **Managing the Threat** – which will include work relevant to the Committee’s recommendations relating to the efficient use of firefighting resources.

These research programs and related utilisation activities with state and territory fire, emergency services and environmental agencies will be conducted from 2010-11 to 2012-13.

Establishment of a new bushfire research institute would require an ongoing commitment from all governments. The Commonwealth has recently responded to a similar recommendation made by the Victorian Bushfires Royal Commission. This response confirmed that the Commonwealth will work with states and territories to develop options for bushfire research within the nationally agreed all hazards framework and through existing institutions. The Australian Emergency Management Institute is well placed to work with the states and territories on this recommendation.

**Recommendation 14:** The Productivity Commission be tasked to assess the economic effects of recent major bushfires on the Australian economy to determine the cost effectiveness of prescribed burning as a mitigation strategy.

**Commonwealth position:** Not supported

Land management is primarily the responsibility of state and territory governments, notwithstanding land owned by the Commonwealth. Those who manage land are best placed to determine the most appropriate bushfire mitigation strategy to adopt giving full consideration to the differing landscapes, financial implications, land management objectives and local stakeholder interests. It would not be appropriate for the Productivity Commission to examine one course of action and its costs in isolation given that a suite of measures are needed to mitigate against bushfire risk.

**Recommendation 15:** The committee recommends that the Commonwealth coordinate a national approach to the pooling of ground fire fighting resources across agencies
and jurisdictions to maximise the efficiency of their use.

Commonwealth position: Supported in principle

There currently exist arrangements between state and territory governments for the pooling of ground fire fighting resources, and states and territories take advantage of these arrangements. These arrangements are continually reviewed and refined through the auspices of the Australasian Fire and Emergency Service Authorities Council (AFAC). To date, state and territory governments have not raised the need for a coordinated national arrangement for the pooling of these resources. However should they wish for Commonwealth support in coordinating a national arrangement, then there are national Committee mechanisms to provide impetus to the issue. By contrast, state and territory governments requested a national arrangement on aerial fire fighting, and consequently a national arrangement has been established in this area.

That said, the Commonwealth actively supports states and territories in developing their capacity to manage bushfires and other emergencies, and is committed to ensuring the effective coordination of resources in such events.

Emergency Management Australia (EMA) within the Attorney-General’s Department has been collaborating with AFAC on the pooling of ground fire fighting resources across jurisdictions. In July 2010, EMA participated in an AFAC Interagency Resource Sharing Workshop aimed at enhancing cross agency sharing protocols and improving resource coordination during the bushfire season. The workshop has led to participants progressing the development of a resource sharing model that will lead to efficiencies in sharing resources.

EMA has also introduced annual pre-season operational briefings for state and territory fire services and emergency management agencies. These briefings enable Commonwealth agencies including EMA, Department of Defence, Bureau of Meteorology and Geoscience Australia to advise the full spectrum of Commonwealth support available to jurisdictions in an emergency. These briefings also provide the opportunity to review, and where necessary amend, support arrangements under the Commonwealth Disaster Plan to ensure effective planning and utilisation of Commonwealth resources during bushfires and other events.

The establishment of the national Crisis Coordination Centre within the Attorney-General’s Department will also lead to improved information sharing and coordination across and between the Commonwealth and states and territories. The Crisis Coordination Centre maintains continual situation awareness in relation to fire risk and fire weather, and state and territory agencies will be provided with national information and situation reports to enhance coordination of resource utilisation and deployment at the national level.

Studies have found that in some environments, such as tussock grasslands, grazing increases fire risk (Leonard et al, 2010). A study by CSIRO of the Victorian 2003 bushfires (Williams et al, 2006) concluded that there was no evidence that grazing in open alpine environments reduced the occurrence or severity of fires. This conclusion was endorsed by the 2003 Esplin Inquiry into those bushfires, which concluded that 'there is currently no scientific support for the view that 'grazing prevents blazing' in the High Country.'

Senator CHRIS EVANS: I move:
That the Senate take note of the document.
Question agreed to.

President's Report

Government Response to Report

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:42): I present the government's response to the President's report of 9 February 2011 on government responses outstanding to parliamentary committee reports and seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—
GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS

RESPONSE TO THE SCHEDULE TABLED ON THE 9 FEBRUARY 2011 BY THE PRESIDENT OF THE SENATE AS AT 25 NOVEMBER 2010
Circulated by the Leader of the Government in the Senate
Senator the Hon Chris Evans
6 July 2011

A CERTAIN MARITIME INCIDENT (Senate Select)

Report on a Certain Maritime Incident
The government response is being considered and will be tabled in due course.

AGRICULTURAL AND RELATED INDUSTRIES (Senate Select)

Pricing and supply arrangements in the Australian and global fertiliser market—Final report
The government response is being considered and will be tabled in due course.

The incidence and severity of bushfires across Australia
The government response was tabled in the Senate on 6 July 2011.

Food production in Australia—Final report
The government response was presented out of sitting in the Senate on 20 May 2011 and tabled on 14 June 2011.

COMMUNITY AFFAIRS LEGISLATION

National registration and accreditation scheme for doctors and other health workers
The government response is being considered and will be tabled in due course.

Provisions of Schedules 2 and 3 of the Families, Housing, Community services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010
Recommendations in this report were dealt with during the debate of the bill. No formal response required.

COMMUNITY AFFAIRS REFERENCES

Hear us: Inquiry into hearing health in Australia
The government response was presented out of sitting in the Senate on 30 May 2011 and tabled on 14 June 2011.

Consumer access to pharmaceutical benefits
The government response is being considered and will be tabled in due course.

COMMUNITY AFFAIRS STANDING COMMITTEE

Funding and operation of the Commonwealth State/Territory Disability Agreement
The government response was presented out of sitting in the Senate on 21 December 2010 and tabled on 9 February 2011.

Towards recovery: Mental health services in Australia
The government response is being considered.

CORPORATIONS AND FINANCIAL SERVICES (Joint Statutory)

Review of the Managed Investments Act 1998
The government response is being considered.

Inquiry into Regulation 7.1.29 in Corporations Amendment Regulations 2003 (No. 3), Statutory Rules 2003 No. 85
The Government does not intend to respond to the report because of the time elapsed since the report was tabled. Key recommendations relate to the introduction of a licensing exemption for accountants who provide certain financial services. This issue is being addressed by the Future of Financial Advice reforms which will come into effect on 1 July 2012.

Corporations Amendment Regulations 7.1.29A, 7.1.35A and 7.1.40(h)
The Government does not intend to respond to the report because of the time elapsed since the report was tabled. Key recommendations relate to a licensing exemption for accountants who provide certain financial services. The exemption is being addressed by the Future of Financial Advice reforms which will come into effect on 1 July 2012.
Corporate responsibility: Managing risk and creating value
The Government does not intend to respond to the report because of the time elapsed since the report was tabled; and the significant developments in the corporate social responsibility area since the inquiry.

The structure and operation of the superannuation industry
The government response is being considered and will be tabled in due course.

Better shareholders—better company—Shareholder engagement and participation in Australia
The Government does not intend to respond to the report because of the time elapsed since the report was tabled.

Inquire into aspects of agribusiness managed investment schemes
The Government will provide a response on the finalisation of two separate committee inquiries that overlap with issues raised in this report.

Statutory oversight of the Australian Securities and Investments Commission
The government response is being considered.

ECONOMICS LEGISLATION
Food Standards Amendment (Truth in Labelling Laws) Bill 2009
The government response is being considered.

Tax Laws Amendment (Public Benefit Test) Bill 2010
The government response was presented out of sitting in the Senate on 11 February 2011 and tabled on 28 February 2011.

Corporations Amendment (No. 1) Bill 2010 [Provisions]
The government response is being considered and will be tabled in due course.

Annual reports (No. 2 of 2010)
The government response is being considered and will be tabled in due course.

ECONOMICS REFERENCES
Consenting adults deficits and household debt—links between Australia's current account deficit, the demand for imported goods and household debt
The government response is being considered and will be tabled in due course.

Employee share schemes
The government response was presented out of sitting in the Senate on 7 February 2011 and tabled on 9 February 2011.

Foreign investment by state-owned entities
The government response was tabled in the Senate on 23 June 2011.

Government measures to address confidence concerns in the financial sector — The Financial Claims Scheme and the Guarantee Scheme for Large Deposits and Wholesale Funding
Report overtaken by the recommendations of the Senate Economics References Committee report on Competition within the Australian Banking Sector.

Report on bank mergers
Report overtaken by the recommendations of the Senate Economics References Committee report on Competition within the Australian Banking Sector.

GROCERYchoice website
The government response is being considered and will be tabled in due course.

Milking it for all it's worth—competition and pricing in the Australian dairy industry
The government response is being considered and will be tabled in due course.

Access of small business to finance
The government response is being considered and will be tabled in due course.

The regulation, registration and remuneration of insolvency practitioners in Australia: the case for a new framework
The government presented an interim response out of sitting in the Senate on 9 June 2011 and tabled on 14 June 2011. A further response is being considered and will be tabled in due course.

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES
Provision of childcare
The government response is being considered and will be tabled in due course.

Welfare of international students
The government response is being considered and will be tabled in due course.

Primary schools for the Twenty First Century—Interim report
The government response was tabled in the Senate on 3 March 2011.

ELECTORAL MATTERS (Joint Standing)
Civics and electoral education
The government response is being considered and will be tabled in due course.

Implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections
The government response is being considered and will be tabled in due course.

Report on the 2007 federal election—Events in the division of Lindsay—Review of penalty provisions in the Commonwealth Electoral Act 1918
The government response was presented out of sitting in the Senate on 1 July 2011 and tabled on 4 July 2011.

ENVIRONMENT AND COMMUNICATIONS LEGISLATION
Radiocommunications Amendment Bill 2010 [Provisions]
Recommendations in this report were dealt with during the debate of the bill. No formal response required.

The government responded in the second reading speech on the amended bill which was introduced in the House of Representatives on 23 March 2011.

ENVIRONMENT AND COMMUNICATIONS REFERENCES
Sustainable management by the Commonwealth of water resources
The government response is being considered and will be tabled in due course.

Green Loans Program
The Australian Government notes the Senate Inquiry report into the Green Loans program.

The majority of the recommendations in the Senate Inquiry report were regarding the Green Start program, including the recommendation not to proceed. The Green Start program did not commence, and the Green Loans program has now closed.

In addition, the Government has responded to the following reports into the Green Loans program:
- a response was provided to the ANAO Performance Audit Report into the Green Loans Program and
- a response was provided to the Independent Inquiry into the Green Loans Program undertaken by Ms Patricia Faulkner AO.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION
Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 [Provisions]
The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES
Forestry and mining operations on the Tiwi Islands
The government response is being considered and will be tabled in due course.

The impacts of mining in the Murray-Darling Basin
The government response is being considered and will be tabled in due course.

Australia Post's treatment of injured and ill workers
The government response was presented out of sitting in the Senate on 22 December 2011 and tabled on 9 February 2011.

Energy Efficient Homes Package (ceiling insulation)
The Australian Government notes the Senate Inquiry report into the Energy Efficiency Homes Package.
Substantial analytical work relating to the safety programs has been recently released, and the Government has publicly announced clear actions for program closure.

In addition, the Government has responded to the ANAO Audit Report into the Home Insulation Program.

ENVIRONMENT, COMMUNICATIONS AND THE ARTS STANDING

The operation of the Environment Protection and Biodiversity Conservation Act 1999—First report

The government response is being considered and will be tabled in due course.

The operation of the Environment Protection and Biodiversity Conservation Act 1999—Second and final report

The government response is being considered and will be tabled in due course.

The reporting of sports news and the emergence of digital media

The government response was presented out of sitting in the Senate on 25 February 2011 and tabled on 28 February 2011.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES

Living with a salinity—a report on progress: the extent and economic impact of salinity in Australia

The government response is being considered and will be tabled in due course.

About time! Women in sport and recreation in Australia

The government response is being considered and will be tabled in due course.

ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS STANDING

Conserving Australia—Australia's national parks, conservation reserves and marine protected areas

The government response is being considered and will be tabled in due course.
The government response was presented out of sitting in the Senate on 17 February 2011 and tabled on 28 February 2011.

FOREIGN AFFAIRS, DEFENCE AND TRADE (JOINT STANDING)

Human rights in the Asia-Pacific: Challenges and opportunities
The government response is being considered and will be tabled in due course.

The government response was presented out of sitting in the Senate on 28 June 2011 and tabled on 4 July 2011.

FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION

Australian Civilian Corps Bill 2010 (Provisions)
The government response was presented out of sitting in the Senate on 10 March 2011 and tabled on 21 March 2011.

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES

Economic challenges facing Papua New Guinea and the island states of the southwest Pacific—Volume 1
The government response was presented out of sitting in the Senate on 4 May 2011 and tabled on 10 May 2011.

Security challenges facing Papua New Guinea and the island states of the southwest Pacific—Volume II
The government response was presented out of sitting in the Senate on 4 May 2011 and tabled on 10 May 2011.

Report on Parliamentary Privilege—possible interference in the work of the committee—Inquiry into matters relating to events on HMAS Success
The government response was tabled in the Senate on 12 May 2011.

FUEL AND ENERGY (Senate Select)

The mining tax: Still bad for the economy—Still bad for lobs—Second interim report
The government response is being considered and will be tabled in due course.

Final report
The recommendation made by the committee is a matter for the Senate to determine.

INTELLIGENCE AND SECURITY (JOINT)

Annual report of committee activities 2008-2009
The government response was tabled in the Senate on 12 May 2011.

Review of administration and expenditure: No. 8—Australian intelligence agencies
The government response is being considered and will be tabled in due course.

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES

The road to a republic
The government response is being considered and will be tabled in due course.

MEN'S HEALTH (Senate Select)

Report
The government response is being considered and will be tabled in due course.

MIGRATION (Joint Standing)

Negotiating the maze—Review of arrangements for overseas skills recognition, upgrading and licensing
The government response was tabled on 23 June 2011.

Immigration detention in Australia—A new beginning—Criteria for release from detention—First report of the inquiry into immigration detention
The government response is being considered and will be tabled in due course.

Immigration detention in Australia—Community-based alternatives to detention—Second report of the inquiry into immigration detention
The government response is being considered and will be tabled in due course.

Immigration detention in Australia—Facilities, services and transparency—Third
The government response was made by executive minute to the committee.

Report 415—Review of Auditor-General’s reports tabled between September 2008 and January 2009

The government response was made by executive minute to the committee.

Report 417—Review of Auditor-General’s reports tabled between February 2009 and September 2009

The government response was made by executive minute to the committee.

PUBLIC WORKS (Joint Standing)

Report 5/2009—Referral made May to June 2009—Fitout and external works. ANZAC Park West, Parks, ACT—Fitout of Tuggeranong Office Park, Greenwav, ACT

Parliament has approved the proposed public works be undertaken.


Parliament has approved the proposed public works be undertaken.


Parliament has approved the proposed public works be undertaken.

PUBLICATIONS (Joint Standing)

Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Paper Series

The government response is being considered and will be tabled in due course.

REGIONAL AND REMOTE INDIGENOUS COMMUNITIES (Senate Select)
Third report
The government response was presented out of sitting in the Senate on 6 April 2011 and tabled on 10 May 2011.

Fourth report 2010
The government response is being considered and will be tabled in due course.

Final report 2010
The government response is being considered and will be tabled in due course.

RURAL AFFAIRS AND TRANSPORT LEGISLATION
Airports Amendment Bill 2010 [Provisions]
The government response is being considered and will be tabled in due course.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES
Iraqi wheat debt—repayments for wheat growers
The government response is being considered and will be tabled in due course.

Meat marketing — Interim report
The government response was presented out of sitting in the Senate on 20 May 2011 and tabled on 14 June 2011.

Implications for the long-term sustainable management of the Murray-Darling Basin system—Final report
The government response is being considered and will be tabled in due course.

Import risk analysis (IRA) for the importation of Cavendish bananas from the Philippines—Final report
The government response was tabled in the Senate on 12 May 2011.

Meat marketing — Final report
The government response was presented out of sitting in the Senate on 20 May 2011 and tabled on 14 June 2011.

Investment of Commonwealth and State funds in public passenger transport infrastructure and services
The government response is being considered and will be tabled in due course.

Management of the removal of the rebate for AQIS export certification functions
The government response was tabled in the Senate on the 10 February 2011.

Rural and regional access to secondary and tertiary education opportunities
The government response is being considered and will be tabled in due course.

Natural resource management and conservation challenges
The government response was tabled in the Senate on the 3 March 2011.

The possible impacts and consequences for public health, trade and agriculture of the Government’s decision to relax import restrictions on beef—First report
The government response is being considered and will be tabled in due course.

The possible impacts and consequences for public health, trade and agriculture of the Government’s decision to relax import restrictions on beef—Final report
The government response is being considered and will be tabled in due course.

The effectiveness of Airservices Australia’s management of aircraft noise
The government response was presented out of sitting in the Senate on 22 February 2011 and tabled on 28 February 2011.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT STANDING
Australia’s future oil supply and alternative transport fuels—Final report
The government response is being considered and will be tabled in due course.

Climate change and the Australian agricultural sector—Final report
The government response is being considered and will be tabled in due course.

STATE GOVERNMENT FINANCIAL MANAGEMENT (Senate Select)
Report
The government response is being considered and will be tabled in due course.

TREATIES (Joint Standing)
Report 99—Treaties tabled on 3 December 2008 and 3 February 2009
The government response was tabled in the Senate on the 10 February 2011.

Report 100—Treaties tabled on 25 June 2008 (2)
The government response is being considered and will be tabled in due course.

Report 107—Treaties tabled on 20 August (2) and 15 September 2009
The government response was tabled in the Senate on the 12 May 2011.

Report 110—Treaties tabled on 18, 25 (2) and 26 November 2009 and 2 (2) February 2010
The government response is being considered and will be tabled in due course.

Report 111—Treaties tabled on 25 November 2009 (3), 4 and 24 February 2010
The government response was tabled in the Senate on the 12 May 2011.

Membership
The ACTING DEPUTY PRESIDENT: Order! The President has received letters from party leaders nominating senators to committees.

Senator CHRIS EVANS: by leave—I move:
That—
(a) Senator Urquhart be appointed as a member of the Rural Affairs and Transport References Committee; and
(b) Senators Brandis and Johnston be appointed as members of the Parliamentary Joint Committee on Intelligence and Security, pursuant to the Intelligence Services Act 2001.

Question agreed to.

BILLS
Telecommunications Legislation Amendment (Fibre Deployment) Bill 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) (17:44): I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 amends the Telecommunications Act 1997 to support the government’s policy that fibre-to-the-premises infrastructure should be installed in new developments.

When the government announced the NBN, it indicated it would also progress legislative changes to have fibre-to-the-premises infrastructure installed in new developments. The government considers it does not make sense to roll out a fibre network to up to 93 per cent of premises without preparing for the rollout of fibre in new developments.

The government has undertaken an extensive consultation process in developing this legislation, including releasing discussion papers and draft legislation and forming a broadly based stakeholder reference group.
In drafting this Bill, the government has also considered the recommendations of the Senate Environment and Communications Committee report into the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010.

The government welcomed the release of the report of the Joint Committee on the NBN on the Bill on 4 July 2011, in particular its recommendation that the Bill be passed by the Parliament.

The government’s policy approach was announced on 20 June 2010 and implementation details were released on 9 December 2010. These details were recently refined and a revised policy statement was issued on 22 June 2011.

Under the government’s policy, from 1 January 2011, NBN Co is the fibre provider of last resort in new developments within its fibre footprint. As a result, developers are free to use any telecommunications providers to service their development, but NBN Co will provide fibre where developers do not wish to use another provider. Developers are required to meet the cost of trenching and passive infrastructure. The provision of passive infrastructure by developers recognises the considerable investment NBN Co will make in providing fibre cabling and associated equipment.

Initially NBN Co is responsible for developments of 100 or more premises. Telstra has a transitional role as provider of last resort in developments of up to 100 premises, pending the provision of fibre by NBN Co or another party.

The Bill will add a new Part 20A to the Telecommunications Act to support the rollout of fibre generally and to support NBN Co in its role as fibre provider of last resort. Proposed Part 20A is intended to apply to all types of new developments, including broadacre estates, urban infill and urban renewal projects. The rules will generally apply to new developments in NBN Co’s long-term fibre footprint.

There are four key measures in proposed Part 20A.

First, the Bill enables the minister to specify new developments or classes of new developments in which fixed lines that are installed must be optical fibre lines. While NBN Co’s role as the fibre infrastructure provider of last resort means fibre will be provided in new developments, this provides a reserve mechanism to ensure, if necessary, that new lines in future are fibre.

Second, the Bill provides that when fixed-line facilities are being installed in a development, these facilities must be fibre-ready. This rule will apply to the person installing the facilities, and if that person is a developer, whether or not the developer is a constitutional corporation.

A fixed-line facility is an item of passive infrastructure such as underground ducting or ‘pit and pipe’ used in the deployment of fixed telecommunications lines to a premises. A ‘fibre-ready facility’ is a fixed-line facility that is designed, manufactured and installed so that it allows the ready deployment of optical fibre cabling, noting such cabling has special deployment requirements.

Third, and most importantly, the Bill will have the effect of requiring constitutional corporations, particularly developers that are constitutional corporations, to install fibre-ready facilities on or in close proximity to their developments. Penalties will apply if a constitutional corporation sells or leases land or a building situated in a new development unless fibre-ready facilities have been installed. However, the sale or lease transaction will still be valid. The focus of this requirement on constitutional corporations reflects the application of the Australian government’s constitutional powers over corporations.

These fibre-ready requirements will not apply in new developments where other urban utilities such as electricity, water and sewerage, are not being installed. The Bill also provides for NBN Co to provide a written statement advising that it will not be deploying fibre in an area, that is, the area is outside the long-term fibre footprint of the NBN. The effect of such a statement is that it will relieve a person such as a developer of the obligation to install fibre-ready facilities in that area.

To provide flexibility, the Bill also provides for the minister to exempt specified projects, individual lots or units, or conduct from requirements under the Bill.
The Bill also exempts from these requirements developments where, before the Bill comes into effect, contracts have been signed or work has commenced on the installation of fixed-line facilities or lines, or where civil works generally have been contracted or commenced.

Fourth, proposed Part 20A provides for a regime for carriers to secure access to fixed-line facilities such as pit and pipe that are owned by non-carriers, to ensure fibre can be rolled out using these facilities. The regime is based on that applying to carrier facilities in Part 5, Schedule 1 of the Telecommunications Act. Access would be on terms that are commercially negotiated or, failing agreement, determined by an agreed arbitrator, or failing agreement on an arbitrator, by the Australian Competition and Consumer Commission.

The Bill provides for a number of new definitions to support the operation of Part 20A of the Telecommunications Act.

Part 20A does not intend to exclude or limit the operation of state and territory laws that are capable of operating concurrently with the proposed new Part 20A. As such, the legislation can be complemented by changes to state, territory and local planning arrangements, which would further support the deployment of fibre-ready facilities or fibre.

The Bill applies the civil penalties in the Telecommunications Act to breaches of obligations under the new Part 20A.

In addition to inserting the new Part 20A, the Bill also amends Part 21 of the Telecommunications Act, which relates to technical regulation. The amendments enable the Australian Communications and Media Authority to make technical standards for customer premises equipment and cabling for use with the NBN and other superfast telecommunications networks. The ACMA will be able to exercise these powers on its own initiative or if directed by the minister. The amendments also enable the minister to give the ACMA directions in relation to cabling provider rules.

In effect, the proposed amendments will commence at the start of the day after the day the Bill receives Royal Assent. While the government first flagged its intention to facilitate the deployment of optical fibre infrastructure in new developments in April 2009, this approach has given stakeholders further advance notice and removes concerns about potential retrospective requirements.

It has been the government’s expectation since the 20 June 2010 announcement, however, that developers will have recognised the benefits of installing fibre-ready passive infrastructure to facilitate the rollout of fibre in their developments and will have proceeded on this basis.

The Bill will help residents and businesses in new developments access the most up-to-date telecommunications services. It is a key complement to the government’s historic National Broadband Network initiative. It will play an important role in helping us prepare Australian homes, workplaces, schools and other premises for the high-speed online digital world of today and the future.

The ACTING DEPUTY PRESIDENT: In accordance with standing order 111, further consideration of this bill is now adjourned to the first day of the next period of sittings, commencing on 16 August 2011.

Carbon Credits (Carbon Farming Initiative) Bill 2011
Carbon Credits (Consequential Amendments) Bill 2011
Australian National Registry of Emissions Units Bill 2011

In Committee
Debate resumed.

CARBON CREDITS (CONSEQUENTIAL AMENDMENTS) BILL 2011

The TEMPORARY CHAIRMAN: The committee is considering the Carbon Credits (Consequential Amendments) Bill 2011, as amended, and the question is that the amendments moved by Senator Xenophon, Nos. (2) and (1) on sheet 718, be agreed to.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the
Senator (17:45): I was actually in the middle of asking some questions of the minister and I think the minister may be placed in a rather invidious position with the continuation of this questioning. Following on from his previous answer that was indeed an entire load of gobbledygook and the fact that he could use common sense and apples for apples as criteria to determine whether or not a project was going to pass the common practice test was quite an extraordinary thing for me to have to take back to my constituency and explain to them that the minister thought they were fine criteria. Given that the minister is not here, I certainly do not expect you, Minister Evans, to answer that question, given the complex nature of the question that I asked and the legislation itself.

Could I perhaps just ask at this stage—and I understand time constraints and other pressing matters—is the minister intending to return to deal with this? Is he on his way or is he not going to be with us for some time?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:46): Can I first of all indicate that I am deeply offended that there is some presumption by the senator that I am not on top of all the detail of this bill and not competent to handle all the intricacies. I am sure she is confident that I can do a good line in gobbledygook to continue the form of my counterpart. At least on that, we will probably be happy. I understand Senator Ludwig is unable to be in the chamber for the next period, so I apologise on his behalf and I have been asked to have carriage of the bill. Obviously, there are advisers in the box and I will do my best with their assistance to help deal with the queries you have.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (17:47): Thanks, Minister, and I do appreciate your candour. I certainly would not expect that in ordinary circumstances there would be any gobbledygook coming from you. Quite seriously, I need an answer to this question further, and the advisers may be able to help here. I understand earlier as the chamber would recall that when we were talking about practices that are going to be defined as common practice, the minister referred to the chamber his view that it would be common sense. Unfortunately, it is not good enough to just say that common sense is going to be the criteria for whether or not it is a common practice that is being put forward by any of these proponents. I think, Minister, even you may well agree that that is nowhere near the detail that we need here in this chamber to be able to make a determination about the appropriateness of this legislation. It is simply not good enough.

This goes back to the comments I made in my second reading speech yesterday that the very reason that we are not in a position in this chamber to deal with this piece of legislation is because we simply do not have the detail. I think, colleagues, that it would be now seen by all that the answer the minister gave us simply highlighted the fact that we just do not have that detail.

Perhaps in the particular instance I was referring to before about fertiliser use and whether or not that would be common practice, the minister suggested, if I recall correctly, to perhaps do a survey and determine whether the use of fertiliser was indeed common practice. That particular course of action is obviously going to entail significant cost. For these parties, proponents or whoever is going to do the work that the minister has suggested, the funding is going to have to come from somewhere.
What sort of work, what sort of certainty, can the proponents have—or at least any understanding—of where they should be headed if the minister says that the criterion is going to be common sense? Whose common sense? The department's common sense? His common sense? Somebody else's common sense? It is simply not good enough because there is obviously going to be a real investment with this type of work. There is going to be a huge investment from proponents to bowl up these proposals to the department, and I think they deserve rather more certainty than is currently being offered to them. It is a nebulous no-man's land at the moment for any proponent that is looking and I understand there are many other areas; I am specifically talking about the carbon sequestration area at the moment. It is just a vacuum in terms of trying to figure it out.

Along the way, the government and department have said that they will look at the methodologies given to them by the proponents. How is a proponent going to know that the methodology that they are going to throw up is even going to be acceptable? It is a bit like cart before the horse. The minister noted in his second reading speech that there are methodologies available, and I know there are but none that relate to the sequestration of carbon in soil. So we simply have no idea of what methodologies are going to be acceptable—I see Senator Xenophon has gone to assist the minister!

**Senator Chris Evans:** That would be a first!

**Senator NASH:** I doubt that seriously! I ask the minister if he has anything further to add to the previous contribution of Minister Ludwig that common sense was going to be the determining factor around the criteria for common practice.

**Senator NASH:** I doubt that seriously! I ask the minister if he has anything further to add to the previous contribution of Minister Ludwig that common sense was going to be the determining factor around the criteria for common practice.
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (17:54): I do appreciate the answer, and I take on board all that you said about stakeholder consultation and working through the guidelines as to what will be appropriate to make a determination about common practice. However, given the legislation is before us today, it certainly seems that it would be—to use Minister Ludwig's phrase—common sense to have actually gone through that process to determine the criteria and the guidelines before we got to the point of having to decide whether or not the legislation should be supported.

I take on board the advice you have just given about what the process is going to be—that all sounds fair and valid and fine. It is just unfortunate that that process is happening at entirely the wrong time. That process should be happening before the legislation comes to the Senate and we should have the regulations now to determine, in conjunction with the legislation, whether this is appropriate legislation.

We have advice from the minister tonight saying, 'This is what the process is going to be—to come up with the criteria and guidelines,' but it is going to happen after the legislation goes through the Senate. I assume the legislation will pass through the Senate, because I gather from indications that the Greens will support Labor—there is not a lot of surprise there these days. But we are going to have a situation where the legislation passes through the chamber with none of this information available in the community.

Minister, I appreciate the advice you have given about the process, but can you advise the Senate why that process was not undertaken before we got to the point of the legislation being brought to the Senate so that we could have a very clear view and a very clear understanding of exactly what the process is going to be.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:57): I think, Senator Nash, you may have unfairly characterised what has occurred. I take your point about it being always preferable to have as much detail as possible, but the reality of the way legislation works is that we get the framework of the legislation and then we move to regulations or other things that implement that broad legislation. People always want all the detail when, in fact, that is not the way the legislative process works. We pass the law and then we deal with the regulation and the applicability.

However, I am told that a discussion paper has been circulated which deals with the process issues and that there has been a list of potential indicative activities also put out there for people to see. So, as I understand it, a lot of work has been done to try and give people a sense of how things are going to work, what the processes will be and the sorts of things that will be regarded as indicative or eligible activities.

We often have this debate in this place. Opposites want certainty about a whole range of things that follow from legislation, and that is not possible and is perhaps not dealing with things in the right order. I take on board what you are suggesting, but I think the answer is: as much has been done as possible to take forward the process to inform people through the discussion paper and the list of potential indicative activities to try and give a sense of how it will work. As we have described before, there is an engagement with stakeholders et cetera that will take us through those processes. It is not
possible to put all that into the legislation but there has been an attempt to inform. Obviously, if the legislation is carried then we will take forward that work.

**Senator XENOPHON** (South Australia) (17:59): The amendments standing in my name deal with the issue of additionality—in other words, what is considered to be a positive factor to be eligible for a carbon farming initiative. The amendments say that if it has a beneficial impact on the availability of water or land and resource access for agricultural production—food security and water security—it ought to be considered. I understand the arguments that the government has put up in relation to this, but can the government give an explanation in the context of division 6 of the legislation? Page 60 of the bill at clause 41, the additionality test, refers to common practice—which the minister has referred to—but does the minister concede that, in its current form, clause 41, the additionality test, does not give any positive inducement or any positive support for a carbon farming initiative that actually has a beneficial effect on the availability of water or land and resource access for agricultural production?

It makes reference to common practice but, all things being equal in terms of common practice, it seems that having an initiative that is positive and beneficial in terms of water and food security will not be treated any differently from a project that does not. So, whilst I understand the government's reasons for not supporting my amendments, what scope is there for the beneficial aspects of water and food security in an initiative to be considered in a way that would expedite or assist it in getting the status of a carbon farming initiative?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (18:01): I am advised that, as we see it, the additionality test ensures that carbon credits represent an extra tonne of carbon abatement that can be used to offset emissions from an industrial sector, and it underpins the credibility and value of the carbon credits. Under the CFI, project proponents are required to consider natural resource management plans. Regional NRM plans provide a vehicle for communities to provide guidance of the type and location of carbon farming projects that will deliver maximum social and environmental benefits.

Ultimately, the market will determine what projects come forward, and those that have important co-benefits will naturally stack up better than those without. I get the sense that you are trying to bypass that and almost pick which projects, but we think that that is a better way of those projects being identified.

**Senator XENOPHON** (South Australia) (18:02): I am grateful for the minister's response but it does not deal with the specific question. These amendments are to uphold the principle that we should be improving water availability and food security in this country. The minister has acknowledged that it does take into account environmental issues as per NRM plans. Natural resource management plans and regional natural resource management plans that we see throughout the country are usually administered at a state and local government level. The concern I have is that those plans do not necessarily deal with food security or improving water availability.

I do not want to labour the point but the nub of the question is this: if a project can be shown to have a beneficial aspect in terms of water security and/or food security and, all things being equal, compared to another project that does not have the same benefits
in terms of either water or food security and it still complies with the issue of taking carbon out of the atmosphere, to what extent does a project that is more beneficial for water and food security get preference over a project that does not do that but is equal in all other respects in terms of sequestering carbon?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (18:04): Could I indicate that, given the intensity and complexity of the questions, I am going to bow to Senator Feeney, who has much greater expertise in these matters than I. The government has decided to send in the A team and I have been dragged. I think you will find that Senator Feeney brings a level of expertise, Senator, that you will appreciate.

Senator Xenophon: Mr Chairman, on a point of order: isn't sarcasm against the standing orders?

The CHAIRMAN: Senator Xenophon, that is not a point of order.

Senator CHRIS EVANS: I was throwing myself on the mercy of the chamber.

Senator Feeney: Actually, you were throwing me on the mercy of the chamber.

Senator CHRIS EVANS: Senator Feeney, who has been photographed recently as a member of the Greens, will be handling these matters of environment—

Senator Feeney: With a green tie.

Senator CHRIS EVANS: with a green tie on for the government. I defer to his superior expertise.

The CHAIRMAN: Senator Feeney, do you wish to add further comment?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:05): I might try to, yes. Senator Xenophon, the contention that the regional NRM plans are not at the moment ready is acknowledged, but there is a commitment from government to work carefully with local communities to get those NRM plans fit for purpose so that they can deliver the maximum social and environmental effects.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (18:05): I know that there is some light-heartedness in the chamber, and I appreciate that. But I actually think it is offensive to the Senate that, when we are debating a very serious piece of legislation such as this, where it is critical to rural and regional Australia that we get this right, the government have not sent in here anyone who actually knows about it. I want to put on the record for the government that if they want their legislation through then they should take it seriously.

Senator XENOPHON (South Australia) (18:06): I take note of Senator Milne's comment. It is not a reflection on Senator Feeney at all, but I think it is a reflection that it is an important piece of legislation and the minister who has carriage of this—in fairness to him and in fairness to Senator Feeney—should be here. Notwithstanding that, I go back to my question regarding all things being equal in terms of additionality—and all things being equal includes the amount of carbon that can be sequestered or stored. If one project has a more beneficial effect than another project in terms of water security or food security, will that make any difference in the way that it is assessed as a carbon farming initiative? It seems to me that a natural resource management plan administered by states or local government would not necessarily deal with those specific issues, particularly in relation to food security.
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:07): I understand that carbon abatement is the criterion and that it is not considered possible to come up with a criterion or a regime that deals with other questions. You cited water and food security. I understand that would be a fragmentation or a distraction from the core purpose of this legislation. So, to be explicit, the criterion is carbon abatement.

Senator XENOPHON (South Australia) (18:08): Sometimes it is good to have a distraction, because one of the great unintended consequences of the managed investment schemes was the effect on water security and water interception, the distortion of the water market here in Australia and the effect on family farms, driven by tax write-offs. Whilst the intent of this bill is very different, I still think that there are issues that we need to be particularly mindful of: water security and food security. However, this relates to additionality, in terms of a positive factor.

I am not sure that the coalition is with me on this, but I will not seek to divide in relation to this amendment. I think it is important, in relation to any negative consequences on water security and food security, that that should be a negative factor in terms of whether a carbon farming initiative is improved, so that we do not go down the same path that this country went down in managed investment schemes, which have been abused and rorted. I acknowledge the very different intention of this particular piece of legislation.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:09): The government has committed to establish a co-benefits index to help the market reward co-benefits such as biodiversity. In your summation of the issues around water—an issue with which I know you are very familiar—you were taking a long and historical view. I would simply say that this legislation is setting about the task for which it is designed. As you would appreciate, there is, I would submit, a comprehensive government strategy, well assisted by the work of the relevant committee, to deal with those water security questions.

Senator BIRMINGHAM (South Australia) (18:10): The opposition wishes that Senator Xenophon's amendments were not necessary. We wish that because, as we have stated a number of times in this debate, we would much rather that the full suite of regulations were available. Were they available for us to review, we may find that the concerns that Senator Xenophon justifiably expresses are covered in those regulations. Unfortunately, they are not available. This legislation is very dependent upon different sets of regulations that it will work under. Although Senator Evans, when he was in the minister's chair, indicated that it is not unusual practice for regulations to come later and for the parliament to deal with matters in that order, this is such a significant bill with significant reliance upon the regulations that we do not think it is unreasonable to say there should be far greater certainty about them at the outset. Once in place, of course they can change—that is the nature of the beast—but, at the outset, we think there should be certainty to deal with the types of issues that Senator Xenophon's amendments to section 41 would provide for.

I have highlighted a few times in this debate that there was a very thorough Senate inquiry undertaken into this legislation. Whilst I do not agree with all the findings in the majority report, I give credit to not just the committee secretariat but also to Senator Cameron and government members in that
they rightly highlighted a number of concerns. They presented extensive evidence that was brought out in the committee report. It highlights serious concerns about the application of the common practice test and how it would affect, in particular, individuals and organisations who have already taken steps to abate emissions or sequester carbon in some way.

I want to again highlight some of the evidence that the committee heard and the committee's recommendations, and then seek the minister's response. We heard from Carbon Farmers of Australia and the Carbon Farming and Trading Association who claimed:

... the ‘business as usual’ rule, which penalizes Landcare farmers and other progressive landholders who have taken up carbon farming techniques early and—

potentially—

rewards laggards who continue to degrade their soils.

The association described this treatment of progressive farmers as 'the ultimate perverse outcome'. They stated:

The impact of that is that there will be property not under contract for carbon farming. By that I mean that these progressive farmers will eventually sell out or pass the farm on and there is no guarantee that that regime will continue. We believe that people would not desecrate a carbon rich environment because of the obvious value of such a thing, but it is not guaranteed.

Similarly, when it comes to how the common practice test is applied to future practices, the New South Wales Farmers Association highlighted a number of concerns about its application. They provided particular concerns in their evidence, and those concerns are highlighted in the committee report. They said:

The way additionality is applied will be critical to uptake of the scheme in the farm sector.

The aim of the CFI should be to facilitate and [motivate] farmers to adopt climate friendly farming practices as quickly as possible. A threat to withdraw this funding should practices become common, or prove to be profitable in the absence of carbon credits, will be a red light to the majority of commercial farmers.

Such threats also raise doubt about the practicality of raising funding for projects with uncertain future cash flow.

While appreciating the difficulties posed by Kyoto rules applying to additionality, a central principle of the CFI should be that if a farmer increases or conserves carbon beyond a base line he will be paid for the service. In this regard, financial additionality or common practice considerations should neither exclude participation nor lead to later disqualification of an established project.

Obviously these are difficult issues. Senator Xenophon's amendments do not particularly deal with some of those broader concerns around the common practice test that I and Senator Nash highlighted before, but it does provide some greater level of certainty. The Senate committee in its recommendations urged the government to ensure there are no perverse incentives to cease existing abatement projects and to encourage first movers to undertake further abatement or sequestration activities under the carbon farming initiative. It recommended the government consider what more could be done to fast track development of methodologies and to develop and test the workability of carbon offset projects in key agricultural industries.

I am seeking, as we go through this committee stage, to get the government to put on the record how it is responding to these committee recommendations—not just the recommendations that the opposition may have made or the concerns that the opposition may have highlighted but the recommendations of the committee chaired by Senator Cameron in the majority govern-
ment report. Even though it would look as though amendments such as Senator Xenophon's will fail, it is important that, at least on the record, we have some level of detail about how the government is going to provide greater certainty than this legislation in its current form will provide.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:17): I understand that in the House of Representatives Mark Dreyfus MP, in closing the debate in the House, delivered a statement which responds to the issues raised in the majority committee report on behalf of the government.

Senator BIRMINGHAM (South Australia) (18:18): I appreciate, as Senator Xenophon said in response to Senator Milne's comments, that Senator Feeney is even less of an expert on this legislation than I am, and I certainly do not profess to be one. My colleague who sits to my left is more knowledgeable than I. It is not terribly helpful to the conduct of debate when we are simply referred to statements in the other place or the like. I do not know where Senator Ludwig is at present. Frankly, if in response to broad questions like the one I may have just asked or more detailed questions like the ones that Senator Xenophon was asking we cannot get clear answers on the record, we should honestly move onto something that we can deal with today and we can all be back here bright eyed and bushy tailed in the morning.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (18:19): I concur with the remarks by the minister, by the government, the detail that we need to be able to make an informed decision on legislation. This is a joke. This is not informing us in any way, shape or form—and no disrespect to the minister at all because it is not his fault. There is no way that we are going to be able to glean any reasonable amount of information from this process which will inform our decision-making process on this legislation.

I think it is simply another example of the incredibly shoddy way this government is dealing with legislation and the way it is running the country. The minister should make himself available as soon as he possibly can. I concur with Senator Birmingham: go on to something we can deal with and we will come back to this when we can get the appropriate level of advice.

Taking those comments on board, and I understand the spirit in which they were made, I guess I would say that I am in a position to discuss particular amendments. A number of amendments have been proposed and I think we would be serving this deliberation at the committee stage well if we moved to questions that were perhaps more specific and directly relevant to particular amendments.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:21): Taking those comments on board, and I understand the spirit in which they were made, I guess I would say that I am in a position to discuss particular amendments. A number of amendments have been proposed and I think we would be serving this deliberation at the committee stage well if we moved to questions that were perhaps more specific and directly relevant to particular amendments.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (18:21): Thank you, Minister. I do appreciate that, but with the greatest of respect I did not realise the government were able to pick and choose which questions they answered. All questions put forward by senators are indeed relevant to the legislation in order for us to obtain the information we need.

Senator BIRMINGHAM (South Australia) (18:22): If the minister wants, then the minister can get. Perhaps the
minister could explain in relation to the additionality test as outlined in section 41 concerning Senator Xenophon's proposed amendment (2) what, if any, consideration the beneficial impact of the availability of water will have in the additionality test?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:22): That is something I dealt with just a moment ago. The answer is that this is a bill that does not take on board criteria that distract it from its goal, and its goal is carbon abatement. That is the advice. My simple answer to you is that that criteria are not found.

The CHAIRMAN: The question is that amendments (1) and (2) on sheet 7118 moved by Senator Xenophon be agreed to.

Question negatived.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (18:22): by leave—I move amendments (1) and (2) on sheet 7112 together:

(1) Clause 5, page 9 (line 18), omit "section 44 or 45", substitute "section 44, 45 or 45A".

[eligible interests in an area of land]

(2) Page 72 (after line 33), at the end of Division 9, add:

45A Eligible interest in an area of land—native title land

Scope

(1) This section applies to an area of land if:

(a) the area of land is native title land; and

(b) there is a registered native title body corporate for the area of land.

Eligible interest

(2) For the purposes of this Act, the registered native title body corporate holds an eligible interest in the area of land.

[eligible interests in an area of land]

Just to remind the Senate what these amendments do, one of the real benefits of this legislation is that it should open up opportunities in rural and regional Australia for Indigenous people. This is something that everybody in the Senate I am sure supports. The way the legislation is currently written is extremely restrictive. As Senator Xenophon commented earlier, the National Native Title Council came out very strongly saying that a large proportion of Indigenous land in Australia is held under non-exclusive native title and, hence, people who have non-exclusive native title would not be able to benefit from the Carbon Farming Initiative.

In the committee hearing I was very concerned about that. I was very concerned actually about two things in relation to Indigenous people. One is the whole legal question around who has some interest in the carbon rights on any piece of land, and that is where this amendment goes to because it expands the coverage from just exclusive native title to non-exclusive native title interests. I think that is a really big improvement to the legislation and will give access to more people. The second level of concern I have with regard to Indigenous communities is that, even if we get this expanded definition for exclusive and non-exclusive native title having access to the opportunities under the Carbon Farming Initiative, Indigenous communities may not have the capacity to be able to engage in and develop projects. I have certainly talked to the government at length, and indeed the Senate committee recommended that we actually address that, and I am confident that that is being done. I have spoken to the government and I am well aware that there have been lots of discussions with the Closing the Gap program and others to try to make sure that there is funding available to deal with capacity building in Indigenous communities.

Just to be clear, this amendment is very specific. It expands the coverage of this legislation beyond exclusive native title to
cover non-exclusive native title rights as well. The impact of that will be in the size of the land. For example, on Aboriginal land that is not freehold land—Aboriginal reserve and so on—you find that you are not going to get the take-up and we need the take-up. The areas detailed in the committee report, for example, show that the area of land where exclusive native title determination exists is 693,930 square kilometres and the area of land where non-native exclusive title has been determined is 344,007 square kilometres, accounting for approximately one-third of land where native title has been determined. So I think this will be a good outcome. I understand the government is going to support this and I know that it is something that Indigenous communities have really put very strong views forward on. It will be a welcome improvement to the legislation. I urge the Senate to support it.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:27): As Senator Milne has pointed out, at present the bill is silent on eligible interests for native title and native title interests would not have a right to consent to projects. The Greens amendment would require registered native title holders, whether exclusive or non-exclusive, to consent to sequestration projects being undertaken by others on crown land. The amendments would address claims by Indigenous stakeholders that non-exclusive native title holders have been excluded. The government is still consulting on native title issues with Indigenous and other stakeholders.

As Senator Milne foreshadowed in her remarks, the Greens amendment is being supported by the government. We believe that this will allow native title holders the opportunity to negotiate their participation in CFI projects undertaken by others. This is appropriate, as native title is an ongoing right in the land on an identifiable register and the proposed amendment will ensure certainty for registered native title holders similar to other land interests and is consistent with the Native Title Act.

Senator BIRMINGHAM (South Australia) (18:29): I thank Senator Milne for moving these amendments and the Parliamentary Secretary for Defence, Senator Feeney, for his comments. I highlighted earlier when speaking to amendments moved by Senator Cormann on behalf of the opposition the concerns of the government of Western Australia about the implications of the native title treatment in this legislation. Again I highlight the one particularly relevant statement of the Premier of Western Australia, Mr Barnett, about this issue:

... the Bill, by clear negative implication, indicates that the relevant State Minister does not hold an "eligible interest" in State Crown land if that land is not Torrens system land and is subject to a determination of exclusive possession native title.

Parliamentary Secretary, you indicated in your response that you are continuing discussions with stakeholders and that those stakeholders include the state governments. Can you indicate in a little more detail to the chamber the nature of those negotiations, whether they particularly involve the government of Western Australia, whether they particularly relate to the concerns that the Premier of Western Australia has highlighted and whether there are any implications from the amendments moved by Senator Milne for the concerns that the Premier of Western Australia highlighted?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:31): I am advised that the discussions with Western Australia are about questions that are particular to the Crown in the state of Western Australia. They are not in addition to nor do they overlap with these
amendments. As a consequence, these amendments do not go to the subject matter that is being discussed between Western Australia and the government.

Senator BIRMINGHAM (South Australia) (18:32): To clarify, these amendments if passed and included in this bill, should it pass, will have no bearing either positive or negative on the concerns highlighted by the Premier of Western Australia?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:32): I understand that the Western Australian issues are going to be dealt with substantively by regulation. The subject matter between Western Australia and the federal government is that mining leaseholders should have a right to consent to projects, and that is something that this government recognises.

Senator XENOPHON (South Australia) (18:33): I indicate my support for Senator Milne's amendments. I think they are very sensible amendments. They deal with the matters that were raised by the Senate Standing Committee on Environment and Communications that looked into this bill. I note that the committee's recommendation No. 7 states:

The committee recommends the government address obstacles to indigenous participation in the CFI—

the carbon farming initiative—

including resolving outstanding uncertainties in relation to participation by holders of non-exclusive native title.

My question to both the parliamentary secretary and Senator Milne is whether it is their understanding that the particular issue raised by the committee will be substantively resolved by these amendments. That is my reading of it. Also, has there been any feedback from some of the key stakeholders, such as the Kimberley Land Council and the National Native Title Council, to the amendments? Again, I feel that they are very sensible amendments that deal with the issue of Indigenous participation.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:34): I am advised that the answer to your first question is yes and that the answer to your second question is also yes, that those groups you name do support the amendments. It is the government's view, as my first yes was intended to convey, that these amendments do address the question you pointed to in the committee report.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (18:34): To respond to Senator Xenophon: yes, Indigenous stakeholders are very supportive of these amendments and are pleased that the government is supporting them to address the ability of non-exclusive native title holders to participate in the carbon farming initiative. Of course, there are some Indigenous stakeholders who would have liked them to have gone further and to have had them applied to areas of land that have not yet had a designation of native title. Whilst I have some sympathy for that view, I cannot see how you would make those determinations at this point. However, I have indicated that I am prepared to have a look at that in the future. There will be a review of this legislation in the coming years and, in that context, I will certainly be open to being more expansive still. But we need to see the legislation working. I think at this point the key is to get the legal issues sorted out and then get the capacity building sorted out. Then if we can expand it further well and good.

Question agreed to.
Senator XENOPHON (South Australia) (18:36): by leave—I move amendments (3) and (4) on sheet 7118 together:

(3) Clause 56, page 81 (line 19), after "Act", insert "and subject to subsection (1A)".

[excluded offsets projects]

(4) Clause 56, page 81 (after line 21), after subclause (1), insert:

(1A) Notwithstanding subsection (1), if a project:

(a) was established as, or as part of, a managed investment scheme; or

(b) is determined by the Minister, on the advice of the Domestic Offsets Integrity Committee, to have an adverse impact on:

(i) the availability of water; or

(ii) land and resource access for agricultural production;

the project is deemed to be an excluded offsets project.

(1B) A determination under paragraph (1A)(b) is a disallowable instrument for the purposes of the Legislative Instruments Act 2003.

(1C) In this section:

managed investment scheme has the same meaning as in section 9 of the Corporations Act 2001.

[excluded offsets projects]

Mr Chairman, could you bear with me briefly. I apologise to those listening on NewsRadio for the delay—all seven of them! These amendments relate to the so-called negative list—that is, negative factors in terms of the approval of a Carbon Farming Initiative project. They state that projects based on advice by the Domestic Offsets Integrity Committee that have an adverse impact on the availability of water or agricultural production should be on the excluded offsets project list. As I indicated in my second reading contribution, ensuring Australia's water availability and security is vital. I do not believe it should be left up to regulations. If we look at what occurred with the managed investment schemes, the unintended consequences in relation to water security were not dealt with and there was a very real concern that those schemes led to significant rorting, if you like, that had a significant adverse impact on water security in this country and on the water market.

Amendment (4) also states that, where a forest was established by a managed investment scheme, it too should be on an excluded offsets list. Do not reward a project that has been set up as a managed investment scheme; it should be an excluded item. I am aware that the minister and the department have confirmed that managed investment schemes will not be allowed to participate in this scheme. If that is the case—and could I get confirmation of that—then let us put that into legislation. This amendment does this. To put this in context for my colleagues, this relates to ensuring that, when it comes to dealing with issues of water security, adverse impact on water is a significant factor in determining whether a proposal under the Carbon Farming Initiative is approved or not.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:39): Firstly, I am able to confirm on behalf of the government that managed investment schemes are not able to participate. I understand that that is made clear in the draft regulations that can be found on the website and were also included, I think, as an appendix to the Senate committee report. Notwithstanding that, the government does oppose Senator Xenophon's amendments on the grounds that these amendments would require the minister to make decisions to exclude individual projects, and such a process would add significant regulatory complexity to the Carbon Farming Initiative and undermine participation. We are of the view that it would also create investment uncertainty for individual landholders. We have already
committed to parliament that we will make regulations that would put forestry managed investment schemes on the negative list of projects and, as I said, they are excluded from the scheme.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (18:40): In relation to these particular amendments, I want to refer to clause 56 itself, because one of the issues with dealing with this piece of legislation now before we have the regulations is, as I said before in this place and as I am sure I will say again before we get to the end of this process, the complete lack of detail that the Senate has to deal with in determining our position and our understanding of this bill.

If I can just take the Senate to clause 56 itself, it says:

(1) For the purposes of this Act, an offsets project is an excluded offsets project if it is a project of a kind specified in the regulations.

(2) In deciding whether to recommend to the Governor-General that regulations should be made for the purposes of subsection (1) specifying a particular kind of project, the Minister must have regard to whether there is a significant risk that that kind of project will have a significant adverse impact on one or more of the following:

(a) the availability of water;

(b) the conservation of biodiversity;

(c) employment;

(d) the local community;

in, or in the vicinity of, the project area, or any of the project areas, for that kind of project.

My point, Parliamentary Secretary, is that all we have to go on in terms of any security or surety for the community out there to know that there will be no adverse impacts is this line:

... the Minister must have regard to whether there is a significant risk ...

That is it. Everything else is in the regulations that we do not have. That is nowhere near the level of certainty and the level of detail that this chamber needs to have to determine whether or not that is appropriate. I am very supportive of Senator Xenophon's amendment, because I think it deals with some of the issues that are facing us very clearly, very well and very simply. The very fact that I am supportive of this is because of the lack of detail that is available for the Senate. The government is saying: 'Trust us. This'll come later. Trust us. We'll give you the regulations in a little while.' I note that Minister Evans said a little earlier, 'This is the way the process works: you get the framework of the legislation and we do the regulations later.' By and large that is the process, but we expect within the framework that is given to us with the legislation a level of detail, certainty and understanding of how this will operate. That is simply not there, and that is not good enough for the chamber, which is why the amendment that Senator Xenophon has put forward is appropriate, because it deals with three things and gives absolute certainty that those three things will be excluded offsets projects.

I note the parliamentary secretary has already referred to the managed investment schemes. I think—I certainly do not want to verbal you, Parliamentary Secretary—he said they would be excluded offsets projects. But we need to be sure about the other issues of the availability of water or land and resource access for agricultural production. I do not see how including this now in any way, shape or form can have a negative impact on communities down the track, because what Senator Xenophon's amendment is saying is that, if any of these proponents bowls up a methodology that is going to have an adverse impact on the availability of water or land and resource access for agricultural production, it should not be accepted; it
should not be allowed. I cannot see how that makes anything other than—to borrow Senator Ludwig’s phrase—perfect common sense. It is just absolute common sense.

It worries me if the government are not prepared to say, right here and now, that they will not allow anything that is going to have an adverse impact on water or on land and resource access. Why not? Why won’t they say, right now, ‘We’re going to rule anything out that is going to have an adverse impact on the availability of water or land and resource access for agricultural production’? Why won’t they rule it out? That should cause great concern, because it is a very simple piece of certainty for producers, for landowners, for potential proponents out there to know exactly that those particular things are going to be excluded offsets projects—and so they should be.

By not agreeing to this amendment, are the government saying that they will be allowing projects that have an adverse impact on those things? Is that what the government are saying? I cannot read that any other way than that indeed they expect there may be something that comes through. On this side of the chamber we will not stand here and accept that the government are going to allow any level of risk for adverse impact on those things for our communities. It is simply not acceptable. As the minister has indicated that they are opposing the amendment, I ask him: does that mean that they will be considering projects put forward that have an adverse impact in those areas?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:46): Firstly, on your point concerning regulations, the government does not accept your contention that there has been any process of obfuscation or avoiding the oversight of this parliament. Let us be very clear about this, Senator Nash. As I said a moment ago, the draft regulations can be found on the website; they can be found in the committee report. But having the regulations come in in the aftermath—

Senator Nash: Rubbish!

Senator FEENEY: Listen, I endured your speech; you can perhaps endure mine. You made the remark that the oversight of the parliament is important, and of course we accept and understand that—it is. But let us understand that, in the aftermath of this legislative framework coming down and the regulations being finalised, they will come before this parliament and they are disallowable. So not for a moment are you finding yourself inveigled into a process that denies you or, indeed, any other senator the opportunity to be heard.

Senator Nash: Oh, please!

Senator FEENEY: That is, frankly, how it is. Going to your other point, it is the government’s view that these matters—

The CHAIRMAN: Senator Nash, on a point of order?

Senator Nash: Just of clarification, Chair, and this is quite a serious question.

The CHAIRMAN: Senator Nash, it is not a point of order.

Senator Nash: Then could I make it a point of relevance: I am not sure the minister was being relevant in how he expressed or indicated that the draft regulations were on the website, because I do not think they are. Perhaps it was relevant, but if you could clarify that because my understanding is they are not there.

The CHAIRMAN: Senator Nash, the parliamentary secretary has been relevant in the broadest sense.

Senator FEENEY: Thank you, Chair. To be fair, Senator Nash, I was dealing directly with a point that you made in your remarks, which is from your perspective how unhappy
you were that these matters are being dealt with in regulation. My answer was germane to that point.

Going to your substantive point, it is the government's view that there are a range of technical issues that are dealt with here. The Senate committee recommended that we be careful to define the list and to avoid excluding low-risk projects. We are taking an approach in the legislative framework we are seeking to establish that these matters—and they are, as you have said, important matters—be dealt with on the basis of evidence, on the basis of science, on the basis of community concerns and not on the basis of politics and the politics of the moment. I think that is a particularly important point because the amendment you are at least countenancing the idea of supporting would, in giving the minister a direct discretion, in our view change the framework unhappily.

Senator XENOPHON (South Australia) (18:49): I would be grateful if the parliamentary secretary could confirm my understanding on this, and I am very happy to be corrected if I am wrong: are there actual draft regulations available or is it the indicative list that is available? I am just trying to clarify what the status of it is.

The CHAIRMAN: It being almost 6.50, you will have to wait for another time for a response on that, Senator.

Progress reported.

DOCUMENTS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (18:50): Mr Deputy President, I seek leave to table two documents which have been properly circulated in the chamber.

The DEPUTY PRESIDENT: Senator Brown, leave is not granted because there is some doubt about the documents in question.

Senator McEWEN (South Australia—Government Whip in the Senate) (18:51): Mr Deputy President, normally it is not the government practice to deny leave to table documents but, through you, could I say to Senator Brown: I am not sure what documents you are referring to. They may have been provided to us but I do not appear to have them here. As you know, it is a courtesy to allow the whips to have them. If you have given them to us, let us know.

ADJOURNMENT

The DEPUTY PRESIDENT: Order! I propose the question:

That the Senate do now adjourn.

Australian Defence Force

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:51): I would like to take this opportunity as the only member of the defence frontbench team in the Senate to say a few words about the changes to the leadership of the Australian Defence Force which the Minister for Defence announced on 1 June and also about some matters particular to my portfolio responsibilities.

I want to begin by adding my tribute to Air Chief Marshal Angus Houston, Lieutenant General Ken Gillespie and Vice Admiral Russ Crane, who have retired after long and distinguished careers in the Australian defence forces. Australia has been extraordinarily lucky, at a time when our defence forces have been facing enormous challenges, to have had men of such calibre at the helm. In the 10 months since I assumed my current responsibilities, I have found them all to be unfailingly helpful, professional and dedicated officers and I take this opportunity to thank them for their service to Australia and to wish them well in their future careers.
I also want to add my congratulations to the new leadership team: General David Hurley as CDF, Air Marshal Mark Binskin as Vice Chief of the Defence Forces, Lieutenant General David Morrison as Chief of the Army, Vice Admiral Ray Griggs as Chief of Navy and Air Marshal Geoff Brown as Chief of Air Force. They take office at a time of continuing challenges for our defences forces, most particularly a severe test of our national resolve in maintaining our commitment to the task at hand in Afghanistan.

From what I know of the new ADF leadership team I am confident that they have the skills, courage and character to face these challenges. I particularly want to thank Geoff Brown for his assistance in helping me to come to grips with the complex issues of aircraft noise around RAAF bases and I look forward to continuing to work with him on these issues.

This is also a time of transition in one of my own portfolio areas, Defence honours and awards. The founding Chair of the Defence Honours and Awards Appeals Tribunal, Emeritus Professor Dennis Pearce AO, finishes his three-year term this month. Professor Pearce and his staff, particularly executive officer Mary Birmingham, have been extremely helpful to me and my office as we have mastered this extremely complex and often emotionally charged area of policy. This is an area in which veterans, ex-service organisations, next of kin and historians, quite rightly, have strong views and strong feelings. Professor Pearce has presided over a number of inquiries into unresolved issues relating to honours and awards, always with fairness, firmness and patience. I thank him for his service. We are currently well advanced in the process of choosing a successor, and I look forward to making this announcement soon.

One of the most contentious inquiries which the tribunal has carried out under Professor Pearce's chairmanship has been into the level of recognition given to the victims of the Battle of Long Tan, fought in South Vietnam in August 1966, a battle in which 18 Australians died. Whatever we may think of the wisdom of Australia's involvement in the Vietnam War there is no disputing the courage and skill of the men of Delta Company 6RAR, who were heavily outnumbered but achieved a decisive victory on the battlefield. They did so under the leadership of Major Harry Smith, a very brave officer, who was awarded the Military Cross for his actions.

Since the Vietnam War Harry Smith has carried out a long campaign for greater recognition for the veterans of Long Tan, and he was absolutely right to do so. Largely as a result of his efforts, there have been two inquiries into this issue, the most recent conducted by Professor Pearce. As a result of these inquiries, Harry Smith's award was upgraded to the Star of Gallantry and two other Delta Company veterans, Geoff Kendall and David Sabben, were awarded the Medal of Gallantry. A RAAF helicopter pilot, Cliff Dohle, was awarded a posthumous Distinguished Service Medal, the contemporary equivalent award to the Distinguished Flying Cross. A ceremony for the presentation of these decorations by Her Excellency the Governor-General was held at Government House on Long Tan Day in 2010.

The tribunal also recommended that a unit citation for gallantry, a UCG, be awarded to Delta Company 6RAR. That award was not presented last year because at that time 6RAR, as it is presently constituted, was on deployment in Afghanistan. It will be presented by Her Excellency the Governor-General at Gallipoli Barracks in Brisbane on Long Tan Day—that is, 18 August—this year. I intend being at that ceremony and I
look forward to meeting Harry Smith and the other veterans of Delta Company as well as the current members of 6RAR, who have served with the same gallantry as their forebears.

There has been some controversy about the presentation of these awards and, while I do not wish to add to it, it is necessary to set the record straight. I want to make it clear that the decision about the time and place at which the UCG is to be presented to Delta Company 6RAR was not taken by either politicians or public servants, as some have alleged. It was a decision taken by the Chief of Army, and rightly so. Let me make it clear, the government fully supports his decision. That decision was not motivated by financial considerations. It was made for operational reasons, quite simply, because 6RAR was serving in Afghanistan last year and because the correct place to present a UCG is at the unit's home base which, in this case, is Gallipoli Barracks.

I fully understand that some veterans are unhappy that the tribunal did not accept submissions that more Long Tan veterans should be honoured. I know that some feel the UCG should have been presented at Government House last year or should be presented there this year. I know some feel that the Army should have paid for all Delta Company veterans to attend last year's ceremony. On the first point, we have had two independent inquiries and we should accept the decisions they have made. On the second point, I do not accept that presenting the unit citation at Gallipoli Barracks is any less prestigious than presenting it in Canberra. I might indeed reflect that the fact it will be presented with 6RAR as it presently exists will significantly add to the honour of the occasion. The UCG takes the form of a streamer, which will be attached to the colours of 6RAR and the correct place to do that is at Gallipoli Barracks.

On the third point, the Department of Veterans Affairs will be meeting the costs for veterans to attend this year's ceremonies because this is an honour for Delta Company as a unit.

Whatever strong feelings individuals may have about these issues, I hope they will accept that, these decisions having been made, it is now time to join in honouring all of those who took part in the Battle of Long Tan and particularly those 18 young Australians who gave their lives in the service of their country. I look forward to the opportunity of joining both current and former members of 6RAR in honouring all Long Tan veterans on 18 August.

Palliative Care

Senator BILYK (Tasmania) (18:58): Tonight I wish to speak on a subject that many people feel uncomfortable talking about—that is, death or, more to the point, caring for people who we know are going to die sooner rather than later. After all, we are all going to die sometime. It is an inescapable fact of living, an unalterable facet of life and a normal process. For those with an active, progressive and far-advanced disease, with little or no prospect of cure, palliative care is there to ensure the best possible quality of life for the individual patient, their carers and their family.

What palliative care is and how it works is often not well understood in the community. A 2006 survey about community attitudes towards palliative care issues conducted by Campbell Research and Consulting for the palliative care section of the Department of Health and Ageing found that, overall, Australians had a low to moderate knowledge and understanding of palliative care. Around 16 per cent of Australians had never heard of palliative care, while 13 per cent had heard the phrase but did not know what it meant. A further 33 per cent knew a
little about palliative care, while just 38 per
cent knew what palliative care was and could
explain it to another person. Yet around 46
per cent of Australians have had someone
close to them, such as a friend or family
member, who required or had used palliative
care services.

National Palliative Care Week was held
between 22 and 28 May. It is one of the
biggest events in Palliative Care Australia's
calendar and it aims to increase under-
standing of palliative care amongst the
community. The theme of this year's
National Palliative Care Week was: 'Let's
chat about dying'. The aim was to promote
the message that it is okay to talk about
dying. By doing so, we can provide the
opportunity to maximise the experiences still
left to us while minimising the suffering of,
as well as making the experience easier for,
our loved ones.

Palliative care is composed of a number
of elements. It affirms life and treats dying as a
normal process. It neither hastens nor
postpones death. It provides relief from pain
and other distressing symptoms. It integrates
the physical, psychological, social, emotional
and spiritual aspects of care with coordinated
assessment and management of each person's
individual needs. It offers a support system
to help people live as actively as possible
until death. Very importantly, it offers a
support system to help the family cope
during the person's illness and in their
bereavement. Families provide much of the
care for people who are dying, and practical
and emotional support for them in this role is
critical.

Palliative care is not just for the elderly. It
is available for anyone who is dying, no
matter what their age. It is dependent not on
having a specific medical condition but on
the needs of the patient. Palliative care can
be accessed by referral from your doctor or
the palliative care services at your nearest
hospital or hospice. It can be provided in a
variety of places: in the home or in
community based settings like nursing
homes, palliative care units and hospitals.
This flexibility is a necessity, as people who
are dying need to be able to move freely
between these places in response to their
medical care and support needs. Each
individual requires and is provided individu-
ally tailored care. Factors which
influence their care may include geography,
the services in an area and the needs and
desires of the person, their family members
and their friends. In general, palliative care is
best provided in close proximity to the
person's own local environment and
community, for obvious reasons.

Palliative care is team based in nature. It
involves the coordination of the skills
disciplines of many different service provi-
ders. Those involved may include specialist
medical, nursing and allied health staff that
have undertaken further study in palliative
care or have significant experience in the
area. It might also include more generalist
medical, nursing and allied health staff
working in other areas of the health system
who have a professional involvement with
people requiring palliative care. Finally,
palliative care also includes support services,
including assistance with the processes of
daily living, enhancing quality of life and/or
providing emotional and spiritual support.

The National Palliative Care Strategy is
the policy document that the Australian
government and state and territory
governments use to guide palliative care
policy development and service delivery
across Australia. The strategy was endorsed
by the Australian Health Ministers Confer-
ence in November 2010. The strategy focus-
es on four key areas: awareness and under-
standing, appropriateness and effectiveness,
leadership and governance and capacity and
capability. More specifically, these areas aim to: significantly improve the appreciation of dying and death as a normal part of the life continuum; enhance community and professional awareness of the scope of and benefits of timely and appropriate access to palliative care services; ensure that appropriate and effective palliative care is available to all Australians based on need; support the collaborative, proactive, effective governance of national palliative care strategies, resources and approaches; and build and enhance the capacity of all relevant sectors in health and human services to provide quality palliative care.

Palliative Care Australia is the peak national organisation representing the interests and aspirations of all who share the ideal of quality care at the end of life. Palliative Care Australia's membership comprises the eight state and territory palliative care organisations and the Australian and New Zealand Society of Palliative Medicine. These organisations created and share the vision, mission and aims of Palliative Care Australia and operate through a federated governance structure.

During Palliative Care Week, the Minister for Mental Health and Ageing, Mark Butler, announced that the government will provide Palliative Care Australia with up to $3 million in funding to purchase new, specialised palliative care equipment. This funding will be used by Palliative Care Australia to operate an equipment loans scheme, which will provide palliative care patients with access to specialised equipment when being cared for in a home setting. This will significantly increase community access to new equipment such as electronic beds and pressure care mattresses and will enable palliative care patients to remain in their home, close to their family and loved ones. This funding could provide an additional 200 electronic beds and pressure care mattresses, 2,000 wheelchairs or 300 hoists and slings. Access to such equipment should help ease the suffering and increase the comfort of many, many Australians.

In addition, a further $5.6 million in grants of up to $150,000 each will be provided to 81 community groups, healthcare and aged-care providers and charitable organisations under round 6 of the Local Palliative Care Grants Program. Tandara Lodge in the town of Sheffield in my home state of Tasmania has recently been awarded a local palliative care grant of $34,580. Tandara Lodge has been providing a high standard of care and quality of life for the Kentish community since the 1970s, and I am sure this grant will help improve the quality of care at this facility.

The Local Palliative Care Grants Program is one component of the government's commitment to improve palliative care support and services for patients, their families and carers through the National Palliative Care Program. The program aims to improve access to, and quality of, palliative care. The government currently provides over $23 million to the program, which offers support in four broad areas: patients, families and carers in the community; increased access to palliative care medicines in the community; education, training and support for the workforce; and research and quality improvement for palliative care services. Other initiatives under the program include Palliative Care in the Community, which aims to improve the standard of palliative care in the community, and palliative care national, which is funded at $14 million over four years. In addition, the Australian government has provided $500 million to states and territories for the enhancement of subacute care services, including palliative care. This comes under the Council of Australian Governments.
significant National Partnership Agreement on Hospital and Health Workforce Reform.

This government is committed to improving the public's understanding of palliative care and of the palliative care services available, as well as providing the support and the resources that the palliative care sector needs. Through improved funding and better community understanding, it is expected that an improvement in the quality of care for those in palliative care will help family, friends and carers cope with what is an incredibly distressing process.

Catholic Agricultural College Bindoon

Clontarf Aboriginal College

Senator MARK BISHOP (Western Australia) (19:08): I rise this evening to talk about new beginnings. In particular I want to talk about new beginnings in two schools that I have visited recently. Both of those schools have long histories. For almost 100 years they have provided educational opportunities in areas of need and especially to those dispossessed. I speak specifically about the Catholic Agricultural College in Bindoon and Clontarf Aboriginal College in Waterford.

The colleges are the work of the Christian Brothers, an order founded by Edmund Rice in 1802. The overarching values of the order are of compassion, trust, respect, acceptance, self-belief and belief in the common good. The brothers arrived in Perth just prior to Federation and founded their first community in St Georges Terrace in the mid-1890s. By the turn of the century, they had established the property now known as Clontarf Aboriginal College in Waterford and the Christian Brothers College in Fremantle. The Catholic Agricultural College dates back to the mid-1930s. Both the agricultural college and Clontarf housed and educated boys. Some were orphans, some were state wards. They were children from disadvantaged families and from local farming communities, and some—indeed, many—were migrants. All were in need.

Originally the agricultural college was known as Bindoon Boys' Town while Clontarf was known as St Joseph's Boys Orphanage. By the 1960s the agricultural college had become a boarding school for boys interested in agriculture. Many, of course, were from farming families. Clontarf became home to the Sisters of Mercy, who introduced junior secondary courses for day students. Since 1986, Clontarf has been a co-educational Aboriginal college. In 1995, the Bindoon property had evolved into the Catholic Agricultural College. This college is also co-educational and provides a broad based education for students in years 7 to 10. Vocational training in agriculture and related industries are available for students in years 11 and 12. However, in the intervening years buildings at both colleges had fallen into disrepair.

We now need to fast forward to 2007. In that year Labor promised an education revolution, and the results of our investments are there for all to see. In my visit to Clontarf in 2009, work had commenced on repairs to classrooms. Windows were replaced, ensuring the rooms were weatherproof. In 2011, the college completed a new multipurpose undercover area and the surrounding courtyards were upgraded. It is a perfect spot to watch a game of footy with the banks of the Canning River as a backdrop. Changes to the college are continuing with the construction of an 80-bed student hostel which I am told will be ready for 2012. Also under construction is a trades training centre which will offer certificate I and II qualifications in construction, horticulture and engineering.

To date Clontarf has received BER funding of over $1 million. A further $2.2 million has been contributed towards the
construction of the student hostel. This is over $3.3 million in funding for the trades training centre. It is the wish of the school board as well as Catholic Education in Western Australia that the college will soon be returned to its traditional owners.

At the agricultural college in Bindoon the story is similar. Significant work has been completed to what was known as the Technical Block. Originally the Technical Block took four years to build. It was officially opened by the Premier of Western Australia, the Hon. Albert Hawke, in 1953. Eight thousand people attended the ceremony that day. While some remedial work was undertaken on this building in the late 1990s, sadly, much of it was unusable. In May last year I was asked to officiate at the opening of the college's trades training centre. It is located on the ground floor of the Technical Block and was named in honour of Br Norman Tuppin. Under the Trade Training Centres in Schools program the college was able to renovate and construct this new workshop. It delivers certificate courses that directly address skill shortages in areas such as metal fabrication, carpentry and pressure welding. This facility will not only provide industry relevant training; it will properly prepare students to be the highly skilled workforce of tomorrow.

Last week I had the privilege of officially opening the remaining rooms of the old Technology Block. The new science and learning centre fills the remainder of the building and is named in honour of Br Frank Donohoe. It contains a state-of-the-art science facility. In all there are two labs, two classrooms, an animal laboratory and a preparation area for equine studies. There are also new staff offices. The centre supports the work of students in gaining qualifications in agriculture with an emphasis on animal husbandry and plant production. In fact, the old block has come to life. All up, the Gillard government has contributed $1.5 million for the trades training centre and a further $2.1 million through the BER program for these new facilities. I say it has been money well spent. Under the National Secondary School Computer Fund, the agricultural college has received and installed 17 new computers. Clontarf has received and installed 29. I am advised the ratio of one computer to each student will be met by the end of this year.

The Gillard government has invested around $65 billion in education in the last four years. That means we have doubled our funding for education. There is no, I think it is agreed, better place to invest government funding than in school education and it has long overdue. Every school in Australia is part of this investment. It has reached into every aspect of education from kindergarten, through pre-primary to academic streams and vocational training. It is a deliberate and carefully designed policy. Our goal was to make school infrastructure better. The libraries and classrooms, the playgrounds and halls, trade training centres and computers are part of that process.

It is important of course that we move with the times. Schools have to prepare students for study and for work and for life. They also need to be flexible enough to integrate work and study options for older students. Long-term prosperity of the nation, our productivity and the civil society which underpins it is based on the importance we attach to education. All schools, whether public, Catholic or independent have one thing in common: the BER has breathed new life into them, and allowed others to expand to meet rising demand. It has been universally applauded by principals, teachers and school communities, but of course the real benefit will be felt by our children and our children's children.

Senate adjourned at 19:16
DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Administrative Appeals Tribunal Act—Select Legislative Instrument 2011 No. 112—Administrative Appeals Tribunal Amendment Regulations 2011 (No. 1) [F2011L01397].


Christmas Island Act—Utilities and Services Ordinance 1996—Christmas Island Water and Sewer Services Fees and Charges Determination No. 3 of 2011 [F2011L01385].

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 306/11—Permission — for acrobatic flight over a place, flight over a public gathering and low flight; Approval – for an air display [F2011L01355].

Cocos (Keeling) Islands Act—Utilities and Services Ordinance 1996—Cocos (Keeling) Islands Water and Sewer Services Fees and Charges Determination No. 4 of 2011 [F2011L01384].


Customs Act—Tariff Concession Revocation Instruments—

44/2011 [F2011L01307].
45/2011 [F2011L01275].
50/2011 [F2011L01308].
54/2011 [F2011L01311].
55/2011 [F2011L01313].
58/2011 [F2011L01316].
60/2011 [F2011L01295].
63/2011 [F2011L01200].

High Court of Australia Act—Rule of Court, dated 23 June 2011 [F2011L01372].

Migration Act—Select Legislative Instrument 2011 No. 122—Migration Amendment Regulations 2011 (No. 4) [F2011L01376].


National Measurement Act—Select Legislative Instruments 2011 Nos—

125—National Measurement Amendment Regulations 2011 (No. 1) [F2011L01377].

126—National Trade Measurement Amendment Regulations 2011 (No. 1) [F2011L01373].

National Vocational Education and Training Regulator Act—

Standards for VET Accredited Courses 2011 [F2011L01330].

Standards for VET Regulators 2011 [F2011L01338].

Paid Parental Leave Act—Paid Parental Leave Amendment Rules 2011 (No. 1) [F2011L01340].

Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2011 (No. 4) [F2011L01324].


Shipping Registration Act—Select Legislative Instrument 2011 No. 124—Shipping Registration Amendment Regulations 2011 (No. 1) [F2011L01395].

Social Security Act—

Social Security (Special Disability Trust – Discretionary Spending) (FaHCSIA) Determination 2011 [F2011L01370].


Superannuation (Productivity Benefit) Act—


Superannuation (Productivity Benefit) (Penalty Interest) Amendment Determination 2011 (No. 1) [F2011L01288].


Water Act—Select Legislative Instrument 2011 No. 117—Water Amendment Regulations 2011 (No. 1) [F2011L01396].
QUESTIONS ON NOTICE
Superannuation
(Question No. 598)

Senator Cormann asked the Minister representing the Minister for Financial Services and Superannuation, upon notice, on 15 April 2011:

(1) How many applications have been received by the Minister for grants of financial assistance under Part 23 of the *Superannuation Industry (Supervision) Act 1993*, in each of the following financial years:

(a) 2007-08;
(b) 2008-09;
(c) 2009-10; and
(d) 2010-11 (to date).

(2) In each of these years, how many applications were approved and how many were rejected.

(3) For each case in which a grant of financial assistance was made, can the following details be provided:

(a) the actual amount of the eligible loss claimed;
(b) the actual amount of the financial assistance granted and paid;
(c) the name of each entity or person to whom the financial assistance was paid; and
(d) the name of each entity or person whose actions were responsible for the accrual of the eligible loss.

Senator Sherry: The Minister for Financial Services and Superannuation has provided the following answer to the honourable senator's question:

Questions (1) and (2).

<table>
<thead>
<tr>
<th>Year</th>
<th>Applications received</th>
<th>Applications approved</th>
<th>Applications rejected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>One*</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2008-09</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2009-10</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2010-11</td>
<td>One</td>
<td>One</td>
<td>Nil</td>
</tr>
</tbody>
</table>

*Original application did not provide sufficient information and was not pursued further by the applicant.

Question (3).

One grant of financial assistance has been made in 2010-11. The details requested are provided below:

(a) The actual amount of the eligible loss claimed was $54,994,079.

(b) The Minister for Financial Services and Superannuation made a determination on 13 April 2011 under Part 23 of the *Superannuation Industry (Supervision) Act 1993* to grant an amount of financial assistance of $54,994,079.

(c) The financial assistance was granted to ACT Super Management Pty Limited (as acting trustee of the Astarra Superannuation Plan, the Astarra Personal Pension Plan, the My Retirement Plan and the Employers Federation of NSW Superannuation Plan).

(d) Investigations by the regulators into Trio Capital Limited and the events leading up to the losses incurred by the superannuation funds are continuing.
Australian Taxation Office: Reward and Recognition Scheme
(Question No. 667)

Senator Abetz asked the Minister representing the Treasurer, upon notice, on 24 May 2011:

Has the Australian Taxation Office purchased goods from Hoders Pty Ltd for rewards and awards; if so: (a) what: (i) products, and (ii) quantities, have been purchased; and (b) what was: (i) the purpose, and (ii) the cost, of these purchases.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

The Australian Taxation Office (ATO) utilises Hoders Pty Ltd to provide a specified range of reward and recognition items. Hoders Pty Ltd was the successful tenderer to supply two categories of recognition items under the ATO's Reward & Recognition Scheme – Separation (Milestone) Gifts and Recognition (Line) Awards.

The ATO established a formal Reward and Recognition policy to enable the provision of recognition and rewards to its employees for various endeavours in 2002.

Until early 2010, items were purchased through various processes and providers. A review in 2009 of the scheme identified that this process was administratively onerous on the ATO and placed an initial financial burden on employees. A better way to manage this policy was investigated and it was identified that other public service agencies – both State and Federal – utilise a web based system for provision of award items.

(a) (i) A defined range of products are available to be selected in both categories of recognition. The individual value is determined by taking into account advice provided on fringe benefit tax (FBT) implications, as well as public perception considerations. Therefore, the choices available do not include anything that constitutes entertainment – for example, restaurant / meal vouchers, movie tickets and alcohol. The value of separation gifts are also determined by the total years of service with the APS.

The approved range of goods includes watches, jewellery, audio visual, tableware, sports equipment, optical goods, luggage, crystal, clocks and accessories. A detailed list is provided at Attachment A.

(a) (ii) For the period February 2010 to end of May 2011, 754 items have been chosen by eligible employees under the ATO’s Rewards and Recognition Scheme and purchased by the ATO through Hoders Pty Ltd. A detailed list is provided at Attachment A.

(b) (i) The purchases were made for separation gifts and line awards.

Separation gifts are awarded to staff with 20 years or more of service who are leaving the organisation. Tenure milestones are recognised through formal certificates unless that employee is separating from the organisation. From February 2010 until end of May 2011, 728 employees achieved tenure of over 20 years on leaving the ATO. The value of gifts awarded is dependent on the length of service in the APS as outlined below:

<table>
<thead>
<tr>
<th>SEPARATION GIFTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years of service</td>
</tr>
<tr>
<td>Gift to the value of (excl. GST and other fees)</td>
</tr>
<tr>
<td>Number of recipients</td>
</tr>
</tbody>
</table>

A detailed list of the separation gifts (noting that not all 728 eligible recipients have chosen their gift at 31 May 2011) purchased through Hoders Pty Ltd is provided at Attachment A.
Line awards are given as either individual or team awards in recognition of high performance. There is a 6 month cycle for nominating and awarding line awards, resulting in an average of 130 awards per financial year. The line award results from the February 2011 round are shown below:

<table>
<thead>
<tr>
<th>Distribution</th>
<th>Individuals</th>
<th>Teams¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award up to and including the value of (excl. GST and other fees)</td>
<td>$299</td>
<td>$600</td>
</tr>
<tr>
<td>Nominations</td>
<td>83</td>
<td>67</td>
</tr>
<tr>
<td>Winners</td>
<td>38</td>
<td>25</td>
</tr>
</tbody>
</table>

Note 1: Distributed evenly amongst the winning team members to choose an individual item.

A detailed list of the line awards (including those for rounds prior to February 2011) purchased through Hoders Pty Ltd is provided at Attachment A.

(b) (ii) The total cost of these purchases, excluding GST and delivery costs, for the period February 2010 to end of May 2011 is $119,670. Further details are provided at Attachment A.

**ATTACHMENT A**

(a)(i) Product categories

(a)(ii) Quantity

(b)(ii) Total cost (Excl. GST & delivery)

From 1 February 2010 to 31 May 2011

(b)(i) SEPARATION GIFTS

20 – 29 Years of Service (Gift to the value of (excl. GST and other fees) $130)

<table>
<thead>
<tr>
<th>Product category</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUDIO VISUAL</td>
<td>43</td>
<td>$6035</td>
</tr>
<tr>
<td>CLOCKS</td>
<td>20</td>
<td>$2880</td>
</tr>
<tr>
<td>CRYSTAL</td>
<td>33</td>
<td>$4440</td>
</tr>
<tr>
<td>HOMEWARES</td>
<td>1</td>
<td>$120</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>39</td>
<td>$5530</td>
</tr>
<tr>
<td>LUGGAGE</td>
<td>20</td>
<td>$2815</td>
</tr>
<tr>
<td>OPTICAL</td>
<td>30</td>
<td>$4420</td>
</tr>
<tr>
<td>PEN</td>
<td>4</td>
<td>$595</td>
</tr>
<tr>
<td>SPORTS</td>
<td>20</td>
<td>$2790</td>
</tr>
<tr>
<td>TOOLS</td>
<td>4</td>
<td>$580</td>
</tr>
<tr>
<td>WATCHES</td>
<td>111</td>
<td>$15910</td>
</tr>
<tr>
<td>WEATHER</td>
<td>13</td>
<td>$1750</td>
</tr>
</tbody>
</table>

30 – 39 YEARS OF SERVICE (Gift to the value of (excl. GST and other fees) $240)

<table>
<thead>
<tr>
<th>Product category</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUDIO VISUAL</td>
<td>35</td>
<td>$7315</td>
</tr>
<tr>
<td>CLOCKS</td>
<td>10</td>
<td>$2075</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>26</td>
<td>$5350</td>
</tr>
<tr>
<td>LUGGAGE</td>
<td>7</td>
<td>$1425</td>
</tr>
<tr>
<td>OPTICAL</td>
<td>22</td>
<td>$4685</td>
</tr>
<tr>
<td>PEN</td>
<td>2</td>
<td>$400</td>
</tr>
<tr>
<td>SPORTS</td>
<td>11</td>
<td>$2285</td>
</tr>
<tr>
<td>TABLEWARE</td>
<td>21</td>
<td>$4230</td>
</tr>
<tr>
<td>TOOLS</td>
<td>10</td>
<td>$1950</td>
</tr>
<tr>
<td>WATCHES</td>
<td>69</td>
<td>$14115</td>
</tr>
<tr>
<td>WEATHER</td>
<td>14</td>
<td>$2940</td>
</tr>
</tbody>
</table>

40+ YEARS OF SERVICE (Gift to the value of (excl. GST and other fees) $300)

<table>
<thead>
<tr>
<th>Product category</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUDIO VISUAL</td>
<td>7</td>
<td>$1990</td>
</tr>
<tr>
<td>CLOCKS</td>
<td>2</td>
<td>$550</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Product categories</th>
<th>Quantity</th>
<th>Total cost (Excl. GST &amp; delivery)</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOMEWARES</td>
<td>1</td>
<td>$300</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>5</td>
<td>$1465</td>
</tr>
<tr>
<td>LUGGAGE</td>
<td>2</td>
<td>$600</td>
</tr>
<tr>
<td>OPTICAL</td>
<td>2</td>
<td>$570</td>
</tr>
<tr>
<td>SPORTS</td>
<td>1</td>
<td>$270</td>
</tr>
<tr>
<td>TABLEWARE</td>
<td>2</td>
<td>$570</td>
</tr>
<tr>
<td>TOOLS</td>
<td>1</td>
<td>$300</td>
</tr>
<tr>
<td>WATCHES</td>
<td>14</td>
<td>$4070</td>
</tr>
</tbody>
</table>

**(b)(i) LINE AWARDS**

**Awards up to $20**

- ACCESSORIES 32 $640

**Awards up to $50**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESSORIES</td>
<td>10</td>
<td>$500</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>10</td>
<td>$500</td>
</tr>
<tr>
<td>HOMEWARES</td>
<td>10</td>
<td>$475</td>
</tr>
<tr>
<td>LUGGAGE</td>
<td>15</td>
<td>$750</td>
</tr>
<tr>
<td>OPTICAL</td>
<td>6</td>
<td>$300</td>
</tr>
<tr>
<td>SPORTS</td>
<td>4</td>
<td>$200</td>
</tr>
<tr>
<td>TABLEWARE</td>
<td>8</td>
<td>$400</td>
</tr>
<tr>
<td>WATCHES</td>
<td>3</td>
<td>$150</td>
</tr>
<tr>
<td>WEATHER</td>
<td>1</td>
<td>$50</td>
</tr>
</tbody>
</table>

**Awards up to $100**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESSORIES</td>
<td>1</td>
<td>$100</td>
</tr>
<tr>
<td>HOMEWARES</td>
<td>3</td>
<td>$295</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>3</td>
<td>$300</td>
</tr>
<tr>
<td>LUGGAGE</td>
<td>1</td>
<td>$100</td>
</tr>
<tr>
<td>SPORTS</td>
<td>1</td>
<td>$85</td>
</tr>
<tr>
<td>TABLEWARE</td>
<td>4</td>
<td>$380</td>
</tr>
<tr>
<td>TOOLS</td>
<td>1</td>
<td>$100</td>
</tr>
<tr>
<td>WATCHES</td>
<td>2</td>
<td>$200</td>
</tr>
</tbody>
</table>

**Awards up to $200**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUDIO VISUAL</td>
<td>2</td>
<td>$390</td>
</tr>
<tr>
<td>HOMEWARES</td>
<td>4</td>
<td>$800</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>3</td>
<td>$585</td>
</tr>
<tr>
<td>OPTICAL</td>
<td>1</td>
<td>$200</td>
</tr>
<tr>
<td>SPORTS</td>
<td>1</td>
<td>$195</td>
</tr>
<tr>
<td>TABLEWARE</td>
<td>2</td>
<td>$400</td>
</tr>
<tr>
<td>TOOLS</td>
<td>2</td>
<td>$390</td>
</tr>
<tr>
<td>WEATHER</td>
<td>1</td>
<td>$195</td>
</tr>
</tbody>
</table>

**Awards up to $299**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Total cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUDIO VISUAL</td>
<td>8</td>
<td>$2160</td>
</tr>
<tr>
<td>HOMEWARES</td>
<td>1</td>
<td>$270</td>
</tr>
<tr>
<td>JEWELLERY</td>
<td>7</td>
<td>$1890</td>
</tr>
<tr>
<td>SPORTS</td>
<td>1</td>
<td>$270</td>
</tr>
<tr>
<td>TOOLS</td>
<td>1</td>
<td>$270</td>
</tr>
<tr>
<td>WATCHES</td>
<td>3</td>
<td>$810</td>
</tr>
</tbody>
</table>
Muckaty Land Trust
(Question No. 694)

Senator Ludlam asked the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, upon notice, on 15 June 2011:

In regard to the petition dated 14 April 2010 from traditional owners of the Muckaty Land Trust regarding the boundary between the Northern Land Council (NLC) and the Central Land Council (CLC):

(1) Can the Minister confirm receipt of the petition.

(2) Did the NLC respond directly to the traditional owners that signed the petition.

(3) Was the NLC contacted by the Minister or the department regarding this matter.

(4) Was there any correspondence between the NLC and the CLC about this matter; if so, what was the content of those discussions.

Senator Arbib: The Minister for Families, Housing, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

(1) Minister Macklin received this petition on 16 June 2010. A response was sent on 12 November 2010.

(2) Minister Macklin is not aware of any response from the NLC to the traditional owners regarding the petition.

(3) Minister Macklin and her Department have not corresponded with the NLC regarding the petition.

(4) Minister Macklin is not aware of any correspondence between the NLC and the CLC regarding the petition.