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Proof and Official Hansards for the House of Representatives, the Senate and committee hearings are available at http://www.aph.gov.au/Parliamentary_Business/Hansard

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

### SITTING DAYS—2013

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>5, 6, 7, 25, 26, 27, 28</td>
</tr>
<tr>
<td>March</td>
<td>12, 13, 14, 18, 19, 20, 21</td>
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<tr>
<td>May</td>
<td>14, 15, 16</td>
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<tr>
<td>June</td>
<td>17, 18, 19, 20, 24, 25, 26, 27, 28</td>
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<tr>
<td>November</td>
<td>12, 13, 14</td>
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<tr>
<td>December</td>
<td>2, 3, 4, 5, 9, 10, 11, 12</td>
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### RADIO BROADCASTS

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- BRISBANE 936AM
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- DARWIN 102.5FM
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- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
Her Excellency the Hon. Quentin Bryce AC, CVO

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Parry
Temporary Chairs of Committees—Senators Cory Bernardi, Thomas Mark Bishop,
Suzanne Kay Boyce, Sean Edwards, David Julian Fawcett, Mark Lionel Furner,
Alexander McEachian Gallacher, Scott Ludlam, Gavin Mark Marshall,
Anne Sowerby Ruston, Dean Anthony Smith, Ursula Mary Stephens, Glenn Sterle and
Peter Stuart Whish-Wilson
Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Australian Labor Party—Senator the Hon Penny Wong
Deputy Leader of the Australian Labor Party—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Chief Government Whip—Senator Helen Kroger
Deputy Government Whips—Senators Christopher John Back and David Christopher Bushby
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Members of the Senate</th>
</tr>
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<tbody>
<tr>
<td><strong>Senator</strong></td>
</tr>
<tr>
<td>Abetz, Hon. Eric</td>
</tr>
<tr>
<td>Back, Christopher John</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, QC</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
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<tr>
<td>Bushby, David Christopher</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
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<tr>
<td>Carr, Hon. Kim John</td>
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<tr>
<td>Cash, Michaelia Clare</td>
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<tr>
<td>Colbeck, Hon. Richard Mansell</td>
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<tr>
<td>Collins, Jacinta Mary Ann</td>
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<tr>
<td>Conroy, Hon. Stephen Michael</td>
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<td>Cormann, Mathias Hubert Paul</td>
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<tr>
<td>Dastyari, Sam</td>
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<tr>
<td>Di Natale, Richard</td>
</tr>
<tr>
<td>Edwards, Sean</td>
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<tr>
<td>Eggleston, Alan</td>
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<tr>
<td>Farrell, Donald Edward</td>
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<td>Faulkner, Hon. John Philip</td>
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<td>Fawcett, David Julian</td>
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<td>Fierravanti-Wells, Concetta Anna</td>
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<td>Fifield, Mitchell Peter</td>
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<td>Turner, Mark Lionel</td>
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<td>Gallacher, Alexander McEachian</td>
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<td>Hanson-Young, Sarah Coral</td>
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<tr>
<td>Heffernan, Hon. William Daniel</td>
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<td>Hogg, Hon. John Joseph</td>
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<td>Johnston, Hon. David Albert Lloyd</td>
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<td>Kroger, Helen</td>
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<td>Lines, Susan</td>
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<tr>
<td>Ludlam, Scott</td>
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<tr>
<td>Lundy, Kate Alexandra</td>
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<td>Macdonald, Hon. Ian Douglas</td>
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<tr>
<td>McEwen, Anne</td>
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<tr>
<td>McKenzie, Bridget</td>
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<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
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<tr>
<td>Madigan, John Joseph</td>
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<td>Marshall, Gavin Mark</td>
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<td>Mason, Hon. Brett John</td>
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<td>Parry, Stephen Shane</td>
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<td>Payne, Marise Ann</td>
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<td>Peris, Nova Maria AOM</td>
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<td>Polley, Helen Beatrice</td>
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<td>Pratt, Louise Clare</td>
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<td>Rhiannon, Lee</td>
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<td>Ronaldson, Hon. Michael</td>
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<td>Ruston, Anne Soverby</td>
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<tr>
<td>Ryan, Scott Michael</td>
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<tr>
<td>Scullion, Hon. Nigel Gregory</td>
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<tr>
<td>Senator</td>
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<tr>
<td>---------------------------------</td>
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<tr>
<td>Seseļa, Zdenko Matthew</td>
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<td>Siewert, Rachel Mary</td>
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<td>Singh, Hon. Lisa Maria</td>
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<tr>
<td>Sinodinos, Arthur (1)</td>
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<tr>
<td>Smith, Dean Anthony (2)</td>
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<tr>
<td>Stephens, Hon. Ursula Mary</td>
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<td>Sterle, Glenn</td>
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<tr>
<td>Thorp, Lin Estelle (3)</td>
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<td>Tillem, Mehmet (5)</td>
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<td>Urquhart, Anne Elizabeth</td>
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<tr>
<td>Waters, Larissa Joy</td>
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<tr>
<td>Vacant (7)</td>
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<tr>
<td>Whish-Wilson, Peter Stuart (4)</td>
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<tr>
<td>Williams, John Reginald</td>
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<td>Wong, Hon. Penelope Ying Yen</td>
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<td>Wright, Penelope Lesley</td>
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<tr>
<td>Xenophon, Nicholas</td>
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</tbody>
</table>

Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>Party</th>
<th>Senator</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>Lundy, K.</td>
<td>ALP</td>
<td>Seselja, Z.M.</td>
<td>LP</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Scullion, N. G.</td>
<td>CLP</td>
<td>Peris, N.M.</td>
<td>ALP</td>
</tr>
</tbody>
</table>

1. Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.
2. Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.
3. Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.
4. Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.
5. Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.
6. Chosen by the Parliament of Western Australia to fill a casual vacancy (vice C. Evans, resigned 12.4.13), pursuant to section 15 of the Constitution.
7. Casual vacancy to be filled (vice B. Joyce, resigned 8.8.13), pursuant to section 15 of the Constitution.
9. Chosen by the Parliament of Victoria to fill a casual vacancy (vice D. Feeney, resigned 12.8.13), pursuant to section 15 of the Constitution.
10. Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr, resigned 24.10.13), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; 
DLP—Democratic Labor Party; IND—Independent, LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
# ABBOTT MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
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</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Women</em></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Infrastructure and Regional Development</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Foreign Affairs</strong></td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Employment</strong></td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td></td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>The Hon George Brandis QC</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon George Brandis QC</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Steven Ciobo MP</td>
</tr>
<tr>
<td><strong>Minister for Agriculture</strong></td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Agriculture</strong></td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>(Leader of the House)</td>
<td></td>
</tr>
<tr>
<td><strong>Assistant Minister for Education</strong></td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Education</strong></td>
<td>Senator the Hon Scott Ryan</td>
</tr>
<tr>
<td><strong>Minister for Industry</strong></td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Industry</strong></td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Social Services</strong></td>
<td>Senator the Hon Mitch Fifield</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
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<tr>
<td><strong>Minister for Human Services</strong></td>
<td>Senator the Hon Marise Payne</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Social Services</strong></td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<td><strong>Minister for Communications</strong></td>
<td>The Hon Malcolm Turnbull MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Communications</strong></td>
<td>The Hon Paul Fletcher MP</td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Health</strong></td>
<td>Senator the Hon Fiona Nash</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
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<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Centenary of ANZAC</em></td>
<td><em>Senator the Hon Michael Ronaldson</em></td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Stuart Robert MP</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Defence</em></td>
<td><em>The Hon Darren Chester MP</em></td>
</tr>
<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for the Environment</em></td>
<td><em>Senator the Hon Simon Birmingham</em></td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Finance</em></td>
<td><em>The Hon Michael McCormack MP</em></td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
**SHADOW MINISTRY**

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition</td>
<td>Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
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<tr>
<td>Manager of Opposition Business (Senate)</td>
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<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon Matt Thistlethwaite MP</td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate</td>
<td>Senator the Hon Penny Wong</td>
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<tr>
<td>Shadow Minister for Trade and Investment</td>
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</tr>
<tr>
<td>Shadow Parliamentary Secretary for Trade and Investment</td>
<td>Dr Jim Chalmers MP</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate</td>
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</tr>
<tr>
<td>Shadow Treasurer</td>
<td>Hon Chris Bowen MP</td>
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<tr>
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<td>Hon Dr Andrew Leigh MP</td>
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<tr>
<td>Shadow Minister for Competition</td>
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<tr>
<td>Shadow Minister for Financial Services and Superannuation</td>
<td>Hon Bernie Ripoll MP</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Shadow Treasurer</td>
<td>Hon Ed Husic MP</td>
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<tr>
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<td>Manager of Opposition Business (House)</td>
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<tr>
<td>Shadow Minister for Environment, Climate Change and Water</td>
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<tr>
<td>Shadow Parliamentary Secretary for the Environment, Climate Change and Water</td>
<td>Senator Louise Pratt</td>
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<tr>
<td>Shadow Minister for Higher Education, Research, Innovation and Industry</td>
<td>Senator the Hon Kim Carr</td>
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<tr>
<td>Shadow Minister for Vocational Education</td>
<td>Hon Sharon Bird MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Manufacturing</td>
<td>Tony Zappia MP</td>
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<tr>
<td>Shadow Minister for Communications</td>
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<tr>
<td>Shadow Assistant Minister for Communications</td>
<td>Michelle Rowland MP</td>
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<td>Title</td>
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<tr>
<td>Shadow Attorney General</td>
<td>Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Shadow Minister for the Arts</td>
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<tr>
<td>Deputy Manager of Opposition Business (House)</td>
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<td>Shadow Minister for Justice</td>
<td>Hon David Feeney MP</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney General</td>
<td>Senator the Hon Lisa Singh</td>
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<tr>
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<tr>
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<td>Hon Kate Ellis MP</td>
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<tr>
<td>Shadow Minister for Early Childhood</td>
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<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Julie Owens MP</td>
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<tr>
<td>Shadow Minister for Agriculture</td>
<td>Hon Joel Fitzgibbon MP</td>
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<tr>
<td>Shadow Minister for Resources</td>
<td>Hon Gary Gray AO MP</td>
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<tr>
<td>Shadow Minister for Northern Australia</td>
<td>Hon Gary Gray AO MP</td>
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<tr>
<td>Shadow Special Minister of State</td>
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<tr>
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</tr>
<tr>
<td>Shadow Minister for Health</td>
<td>Hon Catherine King MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Health</td>
<td>Hon Melissa Parke MP</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Senator Hon Jan McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Sport</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td>Hon Amanda Rishworth MP</td>
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<td>Shadow Minister for Carers</td>
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<td>Shadow Minister for Communities</td>
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<td>Shadow Parliamentary Secretary for Families and Payments</td>
<td>Senator Carol Brown</td>
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<tr>
<td>Shadow Minister for Immigration and Border Protection</td>
<td>Hon Richard Marles MP</td>
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<td>Shadow Minister for Citizenship and Multiculturalism</td>
<td>Michelle Rowland MP</td>
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<td>Shadow Parliamentary Secretary for Immigration</td>
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<td>Shadow Minister for Indigenous Affairs</td>
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<td>Shadow Minister for Ageing</td>
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<td>Shadow Parliamentary Secretary for Indigenous Affairs</td>
<td>Hon Warren Snowdon MP</td>
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<td>Shadow Parliamentary Secretary for Aged Care</td>
<td>Senator Helen Polley</td>
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<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Hon Brendan O’Connor MP</td>
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<td>Shadow Minister for Employment Services</td>
<td>Hon Julie Collins MP</td>
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</table>
CONTENTS

TUESDAY, 10 DECEMBER 2013

Chamber

BILLS—
Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013—
Second Reading................................................................. 1233
Third Reading................................................................. 1237
Clean Energy Finance Corporation (Abolition) Bill 2013—
Second Reading................................................................ 1237

DISTINGUISHED VISITORS................................................. 1253

QUESTIONS WITHOUT NOTICE—
Automotive Industry ................................................................ 1253
East Timor ............................................................................. 1255
Trade Unions ........................................................................ 1256
Automotive Industry ............................................................. 1257
Economy ............................................................................... 1260
Trade .................................................................................. 1262
International Development Assistance .................................. 1264
Mining ............................................................................... 1265
DonateLife Program .............................................................. 1267
Health .................................................................................. 1268

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
Automotive Industry ................................................................ 1269
Trade .................................................................................. 1276

PETITIONS—
Road Infrastructure .............................................................. 1277
Renewable Energy Certificates ............................................. 1278
Clean Energy ........................................................................ 1278

NOTICES—
Presentation ........................................................................ 1278
Withdrawal .......................................................................... 1287

COMMITTEES—
Joint Select Committee on Northern Australia—
Meeting ............................................................................... 1287
Finance and Public Administration References Committee—
Reference ............................................................................. 1287
Legal and Constitutional Affairs References Committee—
Reference ............................................................................. 1288

MOTIONS—
Asylum Seekers .................................................................... 1288
Renal Services ....................................................................... 1289
Wet Tropics Rainforest ............................................................ 1290

COMMITTEES—
Select Committee on the National Broadband Network—
Meeting ............................................................................... 1290

MOTIONS—
Human Rights Day ................................................................ 1290
CONTENTS—continued

BUSINESS—
  Consideration of Legislation............................................................... 1291
MOTIONS—
  Tasmanian Wilderness World Heritage Area........................................... 1291
COMMITTEES—
  Environment and Communications References Committee—
    Reference ............................................................................................... 1291
  Select Committee on Electronic Surveillance—
    Appointment.......................................................................................... 1292
    University Funding.................................................................................. 1295
MATTERS OF URGENCY............................................................................. 1296
DOCUMENTS—
  Asylum Seekers—
    Order for the Production of Documents................................................ 1311
DOCUMENTS—
  Tabling..................................................................................................... 1312
COMMITTEES—
  Human Rights Committee—
    Report.................................................................................................... 1313
COMMITTEES—
  Membership.............................................................................................. 1315
BILLS—
  Commonwealth Inscribed Stock Amendment Bill 2013............................ 1316
COMMITTEES—
  Joint Select Committee on Northern Australia—
    Membership............................................................................................ 1316
BILLS—
  Australian Research Council Amendment Bill 2013—
  Tax Laws Amendment (Research and Development) Bill 2013—
    First Reading.......................................................................................... 1316
    Second Reading...................................................................................... 1316
  Climate Change Authority (Abolition) Bill 2013—
    Second Reading..................................................................................... 1319
DOCUMENTS—
  Department of Agriculture ...................................................................... 1339
DOCUMENTS—
  Consideration ......................................................................................... 1340
ADJOURNMENT—
  Afghanistan: Cricket .............................................................................. 1341
  Mandela, Mr Rolihlahla (Nelson) Dalibhunga, AC..................................... 1341
  Automotive Industry ................................................................................. 1343
  Mandela, Mr Rolihlahla (Nelson) Dalibhunga, AC..................................... 1344
  Community Leadership ............................................................................. 1347
  Aboriginal and Torres Strait Islander Service Men and Women.................. 1350
  Kangaroo Island ...................................................................................... 1352
  Australian Charities ................................................................................. 1354
  Asbestos .................................................................................................. 1357
CONTENTS—continued

Same-Sex Relationships................................................................. 1359
Juvenile Detention........................................................................ 1361
Constitutional Recognition of Local Government ....................... 1363
Mining: Employment .................................................................. 1368
Wind Farms................................................................................ 1372
Human Rights Day....................................................................... 1376
Mandela, Mr Rolihlahla (Nelson) Dalibhunga, AC......................... 1376

DOCUMENTS—
Tabling.................................................................................. 1379
Tabling.................................................................................. 1380
Tabling.................................................................................. 1381
Tabling.................................................................................. 1381

Indexed Lists of Files—
Tabling.................................................................................. 1381
Tuesday, 10 December 2013

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

BILLS

Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator McLUCAS (Queensland) (12:31): The Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013 makes administrative amendments to the Indigenous Education (Targeted Assistance) Act 2000, which is commonly called IETA. The bill provides for an amendment to funding arrangements for the continuation of Labor's effective and targeted education programs for Indigenous students in the Northern Territory. These amendments were introduced by the Labor government earlier this year. A 2013-14 budget decision was made to administer IETA as an annual appropriation rather than as a special appropriation. Currently, IETA funding comes to an end under the special appropriations arrangement on 1 January 2014. This bill will enable the minister to continue to enter into agreements with providers beyond 1 January to ensure the long-term security of this important funding.

Labor believes that an excellent education is an opportunity that should be available to every Australian student, no matter their circumstances or where they live. These amendments ensure that Indigenous students will continue to benefit from Labor's investment in targeted education and training programs beyond 2014 and well into the future. These programs include our School Nutrition Program, which encourages and supports school attendance by providing meals to schoolchildren in Northern Territory communities; our Indigenous Youth Leadership Program; supporting 200 additional teachers; and the Achieving Results Through Indigenous Education project, which encourages and supports school attendance through sporting and recreation activities.

The bill reflects Labor's ongoing commitment to ensure that Indigenous students are supported in their school setting so that they are best able to achieve their potential. It is vital that we maintain consistent funding so that individuals, communities and educators can plan to ensure that we do close the gap that still exists between the education results of Indigenous and non-Indigenous students. We are making progress. Under Labor's unprecedented investment in closing the gap we have seen improvements in reading in primary school students, with 74.2 per cent of Indigenous students meeting basic year 3 reading levels, up from 68.3 per cent when the close the gap framework began in 2008. More of our Indigenous young people are completing year 12 or certificate II equivalent, with 53.9 per cent of students attaining this qualification compared to 47.7 per cent in 2008.

There are challenges though that remain. The latest COAG report showed a slight drop in meeting basic levels of numeracy, down to 72.7 per cent from 78.6 per cent in 2008. If we are to close the gap in education, we must continue to have investment in a range of programs that we know will lift results. That is why the coalition government's commitment to the
Labor government's better school funding plan—a needs based model that would deliver resources to our most vulnerable students across the country—is so crucial. Under this funding reform, extra funding in the form of special loadings is guaranteed for every Indigenous student right across the country, no matter what school they attend.

We know that for many of our Indigenous young people, a quality education is a path from disadvantage and we have the absolute responsibility to ensure that every Indigenous student is given the very best support that they need to achieve their potential. That is why it is important for the coalition government to guarantee funding for education targets under the close the gap framework and to develop the new close the gap higher education target, which they supported prior to the election. I commend the bill to the chamber.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:35): I rise to speak on the Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013. While the Greens do not have any fundamental concerns with this bill—we think that the changes are reasonable and the right way to go in terms of ensuring this funding—we do have some concerns about comments made by the Minister for Indigenous Affairs in his second reading speech that linked these programs to school attendance. We are concerned about some of the school attendance measures that have been canvassed in the media and that we understand are being considered by the government. If the government is not considering the underlying causes of non-school attendance and some of the other issues of disadvantage that Aboriginal students and communities face, this targeted spending is not going to achieve its objectives.

School attendance, we appreciate, is critical to learning. We have no dispute on that issue. Our dispute is to do with the fact that we are not focusing on addressing the underlying issues that affect a child's capacity to attend school, that undermine a child's ability to attend school. Also, just getting a child into school does not always address the issues, unless we address some of the fundamental barriers to their being able to gain the best experiences from that school. I am talking, for example, about issues around hearing. We need to ensure, first, that Aboriginal students are attending school and, then, when they are attending school, that we are addressing that fundamental barrier to kids being able to engage with school. I have spoken on that issue many times in this place.

I have spoken about the need to make sure that we are investing in early literacy and numeracy programs, programs that address the gaps in a child's fundamental development before they even reach school, when that fundamental development has been affected by their hearing difficulties. The evidence on that is absolutely clear. Until we start doing that, getting a child into a classroom is not only not going to do that child very much good; it may actually undermine their learning experience: they will feel isolated, they will feel intimidated, they will be bullied, it will prevent their learning and it will further disenfranchise them from the school. Unless we are investing upfront, just concentrating on school attendance numbers will not address that issue.

During Senate estimates, just two weeks ago, I asked about whether we were recording not just enrolment but also attendance in preschool, and we are not actually doing that as a uniform approach around Australia. In the NT, I understand, we are having trouble getting that data. Just having children enrolled in early education does not achieve the desired outcome. Facilitating children's attendance and making sure that they can hear and are engaging with those programs is something that we will continue to follow up with
government, because, unless we address that fundamental issue, the money that we further invest is not going to achieve the outcomes.

I want to go back to this issue of school attendance. What we have heard talked about very recently is waving a big stick around and investing in truancy officers to try to get kids to school. Again, we believe that that is going to be a waste of money, a waste of resources, if we are not addressing some of the underlying causes. It is absolutely essential that we engage families. We have no dispute with government about that. It is absolutely essential that we engage those students and families in school. The concern is that having truancy officers running around—it is a very old-fashioned approach, I must say—enforcing school attendance can be demeaning to families. It can also lead to blame within the family and further dysfunction in the family, which is one of the reasons why we also do not support the SEAM program. I have spoken about this on many occasions. The SEAM program ultimately cuts social security payments to families whose children persistently miss school or are not enrolled in school. This has an impact on the broader family, can lead to blame within the family—we have heard this directly from families—and makes it very hard to survive when you are not getting paid any money into the community.

We need to stop and think about how students in remote communities think about and engage with school. Of course, this is not just about remote communities, but a lot of the programs are currently focused on remote communities. We need to make sure that we have programs that are bridging the gap between home life, school and, ultimately, a job. Often the connection is not there for Aboriginal students. They are told there will be jobs at the end of school, but there are not. School is not meeting their needs. It is disconnected from family. There is not, as I said, a clear link between what happens in school and jobs. Often the jobs that are held out are not the sorts of jobs that students particularly want. Quite often, parents have been disengaged from the school system in their lives. They have seen no direct outcomes from their education that have led to improvements in their lives. So therefore we need to engage parents as well. There is a lot of evidence to suggest that engaging parents and families in school will lead to better outcomes. Engaging families and communities in decisions about education, their schools and their local community is also important. Having Aboriginal and Torres Strait Islander assistance in schools also produces a good outcome.

Aboriginal students often do not have the same attitudes to school as some of their Western counterparts. Competing on standardised tests and topping the class are not necessarily the drivers for them in school. They quite often feel shame in school that these issues are not adequately addressed, particularly when you layer on top of that the issues to do with their not being able to hear. Going into a situation where you are not being spoken to in your first language; you cannot hear; in some instances, because you have a hearing impairment, you are used to using hand language; and you are feeling alienated in a classroom that is not your usual environment, of course you are going to feel isolated, particularly when people may be raising their voices because you may not be responding to them speaking to you.

These issues are all still happening in our classrooms today and are barriers to learning. We need to look at where we can invest in innovative learning spaces that actually meet children's needs, that are comfortable places for them to learn in. We also, as boys and girls get older, need to look at different spaces for young men and women, because this is still an issue in some schools, and look at how we can do more informal out-of-school learning and make sure
we provide those sorts of spaces. All these things, to a lot of people, would seem like common sense, but apparently to some they are not. Looking at culturally appropriate programs is also important, as is looking at bilingual language programs—I am aware of the ongoing dispute around those issues—and making sure that students have access to digital technology and putting sound fields in classrooms. We still do not have a standard approach across Australia around sound fields in classrooms.

As you can see from that list, there are a lot of things that take investment in resources. We are much better off investing in those areas than we are in a standard approach to truancy—the big stick approach. I will not even call what we need to be looking at the carrot approach, because it is not; it is looking at the creative ways we can invest in education to meet students' needs and understand the issues around school attendance. We do need to be improving that, but we need to make sure that we are meeting students' needs, that we have a school system that meets students' needs and that, once we get them into the classroom, they are actually learning in a way that is culturally appropriate and that students can respond to. That is where we need to be investing our money. Punitive approaches do not work and will not work.

So, yes, we will be supporting this particular bill because we think this is a step in the right direction. It means we do not have to keep revisiting some of these issues in terms of appropriations every year. But we are also clearly saying that we need to improve our education system for Aboriginal and Torres Strait Islander students. The system is not meeting their needs, and beating them around the head with big truancy sticks will not address the issue. Changing the way that we deliver education and making sure our Aboriginal and Torres Strait Islander students can actually hear when they walk in the door and are on par with non-Aboriginal students in terms of being able to hear are very important. To do that, we need to be investing even before they go to school in early literacy and numeracy programs to cover what they have missed out on in brain development because they cannot hear—I have been through that before.

The activity in our brain gets allocated very early on in our lives. If we cannot hear, that part of our brain that hears gets allocated to other activities, so you do not actually develop the techniques to be able to hear and develop numeracy and literacy. There are now programs available that can help two-, three- and four-year-olds learn how to hear. That is a fundamental step as those children then go into the classroom. It is one of the best things we can do for Aboriginal and Torres Strait Islander children who are affected by hearing problems created through otitis media. I remind the chamber that Australia has a pandemic of otitis media in Aboriginal communities. We need to be addressing that issue, but we need to address the symptoms that that has led to, and those are hearing problems.

All these things need to be dealt with together as a package. Just investing in truancy and punitive approaches will not work. I will be following this issue very closely during estimates. The minister who will be addressing the chamber after me said that the government is still considering the approaches it will be taking to attendance. I hope it will be taking a much broader view than has been previously articulated so that we have a comprehensive package that addresses the fundamental gaps in Aboriginal and Torres Strait Islander children's education. At the moment, the programs do not and will not. As Senator McLucas articulated during her speech just then, we have had some improvements, but on some indicators we have gone backward. If we are going to meet our commitment to close the gap by 2030, we need to
make some very significant progress. We will be supporting this bill, but we will continue to watch and pursue changes to the way we approach education for Aboriginal and Torres Strait Islander students.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (12:49): The Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013 makes administrative amendments to the Indigenous Education (Targeted Assistance) Act 2000. The bill primarily amends the Indigenous Education (Targeted Assistance) Act 2000 to address changes from the 2013-14 budget resulting in the Indigenous Education (Targeted Assistance) Act being administered as an annual appropriation rather than a special appropriation. This change to the funding mechanism better aligns the Indigenous education targeted assistance programs and payments with other similar payments and provides greater transparency and accountability.

All children—but particularly disadvantaged Indigenous children—need access to proper education. The Indigenous Education (Targeted Assistance) Act enables targeted education funding to provide valuable additional support to Aboriginal and Islander students. This bill reconfirms our commitment to increasing school attendance and employment opportunities for Aboriginal and Torres Strait Islander students, families and communities through the delivery of targeted programs.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (12:50): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (12:50): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Clean Energy Finance Corporation (Abolition) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add: "but the Senate expresses concern over the impact that the abolition of the Clean Energy Finance Corporation will have on investment in renewable energy projects."

Senator STEPHENS (New South Wales) (12:51): I rise to make a contribution to this debate today on the Clean Energy Finance Corporation (Abolition) Bill 2013. I know that there have been many people on this side of the chamber engaged in the debate and not too many on that side of the chamber wanting to put their names and voices to this activity. There
is probably a very good reason for that. For those who are watching this debate today: the abolition of the Clean Energy Finance Corporation is something that the opposition, Labor, is vehemently opposed to, and let me tell you why.

The Clean Energy Finance Corporation was conceived by the original multiparty climate change committee process and then had more scrutiny under the expert review panel, which was chaired by Ms Jillian Broadbent, who is the chair of the board of the Clean Energy Finance Corporation. Quite importantly, she said at the time of the review:

The establishment of a $10 billion fund dedicated to invest in clean energy will catalyse and leverage the flow of funds for commercialising and deploying renewable energy, low emissions and energy efficiency technologies. In this way we will be preparing and positioning the Australian economy and industry for a cleaner energy future.

It seems that there is no debate that we all want a cleaner energy future; it is just that the coalition government has decided that it is ideologically opposed to the notion of a Clean Energy Finance Corporation and what it represents.

Recently at the Senate inquiry into this bill the chair of the CEFC, Ms Broadbent, gave evidence about the performance of the Clean Energy Finance Corporation, and I think that it is very important that we place this on the record. The evidence that she provided supporting the Clean Energy Finance Corporation's establishment has been soundly reinforced by the experience and the results of their 15 months of operation. They have not had long to set their processes in place but have achieved an extraordinary amount in that time.

First of all, the Australian government of the day had used the medium of the investment mandate that the Clean Energy Finance Corporation was given to instruct the corporation to use commercial rigour and avoid excessive risk. We have heard through many of the contributions in the debate the extent to which the corporation was very diligent in exercising that responsibility of managing excessive risk. The board adopted a very conservative approach to building its investment portfolio, principally focused on debt investments on terms matched by private sector co-financiers and with a minimum of funds invested in equities. Again, it was using the investment mechanism of the corporation to partner with industry partners, private sector partners and co-financiers to ensure that commercial rigour was applied. It was a very conservative and, as you will hear, very successful approach to its investment portfolio.

We have heard many people focus on the fact that the Clean Energy Finance Corporation is actually making money for the Commonwealth over and above the cost of the funds, which means that the taxpayer is actually getting the lowest-cost abatement from Australia's investment in this fund. We have also heard that the board had put in place a very rigorous system of risk management, investment selection and corporate governance. The reason that we had those very key rigorous systems in place is that the Clean Energy Finance Corporation board members are very experienced private sector board directors. They are seriously engaged in industry. They do understand the financial systems and the issue of investment regulation in Australia. So the board has put in place a system which allows every Clean Energy Finance Corporation investment to provide positive externalities and demonstrate how it successfully addresses market barriers.

I think it is most important for us all to register that not one of the Clean Energy Finance Corporation's investments or, before the Clean Energy Finance Corporation, those of Low
Carbon Australia has fallen into default after three years of collective experience. So we are not talking about high-risk experimental investments. We are not talking about venture capital into things that were experimental. We are talking about serious investment in a constructive portfolio of investment projects that are very seriously targeted at creating our clean energy future.

We also heard from the Clean Energy Finance Corporation that in the very short period of time that it has existed it has funded projects involving over 500 megawatts of clean energy generation capacity that have been installed or supported, covering renewables and low-emission technologies. So, right across the board, innovation has been the key in all of this. The CEFC has developed a portfolio of $536 million and, through the co-finance partners, has invested in projects with a value of over $2.2 billion. It is delivering abatement at a negative cost—that is, at a net benefit to the taxpayers—of $2.40 per tonne of CO\textsubscript{2} abated. The CEFC is investing across a broad range of technologies, including wind, solar, bio-energy, energy efficiency and low-emission technologies. Many speakers in the debate have had the opportunity to showcase some of the really successful projects in their own states and territories that demonstrate the extent to which these investments have taken place. We only need to drive along Lake George to see the massive wind farm investment that is there. We had an announcement only last week of the Collector wind farm. We have seriously invested in wind technology in this capital region. It has been a priority of our regional development strategy, yet it is something that is just not being valued by the government today.

The CEFC is also investing in projects that are demonstrating the benefits of proven technologies in the Australian market and helping to maximise the commercialisation of our expertise and its export to the world in very significant ways. There have been active discussions with 37 proponents for $4.5 billion in projects and an initial assessment of 142 projects, representing 179 innovative projects in clean energy technology and $14.9 billion of opportunity. So the CEFC has 39 investments in the portfolio as of August which are estimated to deliver 3.8 million tonnes of CO\textsubscript{2} abated annually. The investments are building Australia's clean energy supply chain capability, which is quite critical and fundamentally important when we think about things like the solar farm in Moree. The investment in regional and rural Australia supporting 21st-century jobs in local communities has also been a critical part of the planning and investment management strategy of the CEFC.

Last night we heard speaker after speaker talk about the many industries that are benefiting from CEFC financing including agribusiness. We heard about greenhouses, we heard about Asian vegetables, we heard about manufacturing utilities and about local government. I know Senator Urquhart was talking about the local council in Tasmania that has taken up an investment in clean energy technology in this way. Through matched private sector funds of $2.90 for each one dollar of CEFC investment, the CEFC has been able to capitalise over $1.55 billion in non-CEFC private capital investment in projects and programs to deploy renewables and improve energy efficiency.

The investments originated by the CEFC to date exceed the five-year Australian government bond rate, so the yield that we are actually receiving from this investment is greater than the government's own bond rate. The five-year bond rate across the portfolio is 3.11 per cent and the average yield of these portfolios is 7.33 per cent. So it is difficult to understand why the government would want to abolish something as successful as the CEFC.
There is no rationale except that the government is absolutely ideologically driven in this regard.

What is the result of actually doing this? First of all, there is no evidence of any plan for provision to another scheme or program so we do not know what is going to happen to the staff except that they are going to lose their jobs within four weeks of the bill being passed. What do we lose? We lose a very highly skilled pool of commercially savvy investment team advisers from the government. The government cannot afford to lose that expertise either but it is being lost in a way that no-one seems to have registered. People who can understand the investment market and the investment processes on the government side is such an important skill set. If we do not have those people with us then we will lose them to the commercial market. Without the CEFC as a focus fund to work with the sector to address market caps, the economy is very likely to start seeing a pullback of emissions-reducing project investment. The market barriers will persist and the positive budget outcomes from the emissions abatement will be foregone.

What the government is seeking to do in abolishing the Clean Energy Finance Corporation is take a tool, a very important potent policy tool, out of its own toolkit. It is a nonsense that we would be going down this path. The government is taking from itself a tool that can help it to galvanise and catalyse its own direct action plan—if we actually understood or had some detail about what direct action might mean. It is taking money out of its own coffers, a net return to taxpayers of over $200 million per annum, despite the fact that it would also contribute 60 per cent of the total abatement required to meet the bipartisan 2020 national abatement target. There is no logic to this abolition. The government does not believe that Australians should be innovative, responsive, or participate in national debate on the international effort to reduce emissions. The government believes that we should not be promoting energy efficiency, that we should not be stimulating the economy and that we should not be generating revenue for the government that is actually helping to grow and stabilise regional economies. It is irresponsible what the government is doing. What it does do is send to the market major confusing signals about how we are going to invest in these clean energy technologies.

There is a range of technologies. Those 129 projects that are in the investment pipeline at the moment that the CEFC has been asked not to continue discussions with are doing some amazing things we heard about, not just the wind farms but also the solar farms at Moree. There is a major solar farm planned for just outside of Canberra. Where that will go now, we do not know. I am sure ACTEW is quite concerned about that. We are starting to see renewable technologies used for food production in hydroponics, in the greenhouses that we heard about last night, and in technologies to manage drip irrigation and target irrigation in our wineries and agricultural industries. All of these projects provide export potential to the government. There are massive projects around the growing of Asian vegetables, addressing the bigger picture issue of food security in the world. We have got cherries from Young going to China. We have amazing investments in things like low-energy lighting, batteries and storage for solar generated electricity. We have clean grids and green grids—those kinds of opportunities that allow rural and remote communities to have access if not to baseload power then certainly enough power to manage if they are not on the grid.
These are the kinds of projects that are going to go down the gurgler because of the Clean Energy Finance Corporation being abolished. They are the projects that require a little bit of skin in the game from the government to promote and support investment by our banks, by our industry partners and by those who are looking to invest in our clean energy future. All of those are international organisations and international banks who are looking to Australia and saying that Australia has been leading the way in providing this kind of capital. It is patient capital, but it has been very productive capital.

We have provided for the world some models of investment instruments that are very different and very innovative. We have encouraged others to take up these models, yet we are about to throw the baby out with the bathwater. What's that all about? It is simply about the fact that this government does not believe in climate change, does not believe in reducing our emissions, does not believe that we should invest in a clean energy sector and does not believe in local solutions for our industry. The shame of it all is that we are all going to have to live with the legacy of this.

At least 100 of the 139 projects in the pipeline are there because of the challenge of putting together an investment portfolio. Without the investment and support of the Clean Energy Finance Corporation—guess what—they are going to really struggle to pull together the risk matrix that will enable overseas investors, many of whom are interested in being here. Without the key investment from the Clean Energy Finance Corporation, it is going to make it so difficult for those investors to get past their own prudential regulations and their own risk management approach. That is basically going to mean that these projects will struggle to get up.

Of all of the innovation that we have been hearing about in this debate, be mindful of what we are going to lose here and what the reason for that is. The consequences of closing down the Clean Energy Finance Corporation are going to be lost jobs, lost opportunities, lost futures, lost businesses—small businesses that were developing this innovation and working collaboratively—lost opportunities for research, lost opportunities for Australia and, of course, lost opportunities for the planet because we are leading in many of the innovation projects that are being supported by the Clean Energy Finance Corporation. The day that the Clean Energy Finance Corporation is abolished is a day of shame for Australia.

It has been very clear that there is nobody on the Nationals' side of the parliament prepared to stand up and support this because they know the projects in their communities that are going to be impacted very significantly by the abolition of the Clean Energy Finance Corporation. It is up to them. They are the ones who are going to have to go back to their communities and justify why they did not stand up in this parliament to support the Clean Energy Finance Corporation, which is continuing to do a great job and lead in innovation and investment in our regions.

Senator STERLE (Western Australia) (13:11): I rise to make my contribution to the Clean Energy Finance Corporation (Abolition) Bill 2013, but, before I do, I congratulate Senator Stephens on the very passionate presentation that she just made to the chamber. All of us who know Senator Stephens know that, as a New South Wales Labor representative from Goulburn, her commitment to rural and regional Australia, agriculture and horticulture is unquestioned. Well done.
While in government, Labor did recognse that Australia did need to act on climate change. We need to take action as Australia is the biggest polluter per capita in the world. In government, we responded to the science and to an overwhelming concern from the Australian community that action needed to be taken to reduce the amount of carbon that is emitted into the atmosphere. Prime Minister Abbott, then Leader of the Opposition, made an admission in October 2009 that around:

… 80 per cent of people believe climate change is a real and present danger.

That quote was made in Beaufort in Victoria on 1 October 2009, yet he still chose to obstruct the Labor government's plan to protect the environment and, of course, future generations.

This should surprise no-one. However, as the Prime Minister has a long history of climate scepticism, it is now his duty to explain to the Australian people in detail how the coalition will combat the impacts of climate change and why he wants to axe the successful Clean Energy Finance Corporation. When it comes to the environment and climate change, unfortunately, this Prime Minister is a walking contradiction. After years of confused statements on the issues of climate change and global warming, it is time for the Prime Minister to get serious on this very important issue.

On 27 July 2009, Mr Abbott said that he was:

… hugely unconvinced by the so-called settled science on climate change.

That was in an interview with Kerry O’Brien on The 7.30 Report. He also said that he thought the issue was 'absolute crap'. When questioned by Barrie Cassidy in February 2010 about his comments, the then opposition leader's response was:

I think what I actually said was that the so-called settled science was a little aromatic.

Well, Mr Prime Minister, we know what you said. You did not say that. The Australian people know exactly what you said, and I suggest, Prime Minister, that you should at least try sticking to the truth.

After Mr Abbott made his views on the science behind climate change quite clear he then shocked us with this little pearl in a television interview in 2009:

… if you want to put a price on carbon, why not just do it with a simple tax? Why not ask motorists to pay more, why not ask electricity consumers to pay more, and then at the end of the year you can take your invoices to the Tax Office and get a rebate of the carbon tax you have paid?

It would be burdensome, all taxes are burdensome, but it would certainly change the price of carbon, raise the price of carbon, without increasing in any way the overall tax burden.

That was on a Sky News interview in July 2009.

So is this supposed to be one of those moments where we were not to take him seriously because what he said was not written down? Perhaps what he said was not the gospel truth? At the time of that interview a price on carbon was Liberal Party policy. While Mr Abbott was clearly trying hard to toe the party line, eventually his climate change scepticism got the better of him. Mr Abbott cemented his position on climate change when he replaced Mr Malcolm Turnbull as the Leader of the Opposition, after he and other coalition members revolted over Mr Turnbull's cooperation with the Labor government on an emissions trading scheme.

This should have been a very clear signal to the people of Australia that the new opposition leader, being Mr Abbott, had no interest whatsoever in climate change or global warming.
The Prime Minister's conduct throughout this whole debate has proven, unfortunately, that you cannot take him at his word. So where does this leave us now?

We have a Prime Minister and a government who do not believe in climate change; they have made that clear. The arrogance of this government has been astounding when dealing with questions surrounding this issue. We must not forget the moment when Mr Abbott accused the United Nations climate chief of, in his words, 'talking through her hat', while being interviewed by Neil Mitchell on 3AW on 23 October 2013. Following the disastrous fires in New South Wales in October this year, the Executive Secretary of the United Nations Framework Convention on Climate Change, Ms Christiana Figueres, said that while there had not yet been proven a direct correlation between the New South Wales fires and climate change, what is:

… absolutely clear is the science is telling us that there are increasing heat waves in Asia, Europe, and Australia; that these will continue; that they will continue in their intensity and in their frequency.

Christiana Figueres, Executive Secretary of the UN framework—those were her words.

Further to Mr Abbott's responses on Neil Mitchell's 3AW show on 23 October, the Prime Minister continued on to say that bushfires are 'just a function of life in Australia'. Tracy Bowden reported on the ABC's 7:30 on 21 October that many climate scientists have confirmed that there is a link between global warming and bushfires. John Connor, CEO of the Climate Institute said:

Carbon pollution is a heat-trapping greenhouse gas that is like putting the weather on steroids. It drives the greater extremes. It's not just warmer weather, it's wilder weather.

So here we have scientists who have research based on extensive data, and the Prime Minister simply brushes off their expertise and settles it by saying, more or less, that we should just put up with these natural disasters because they are part of our Australian lifestyle. Prime Minister, this simply is just not good enough.

There is one person in the coalition, however, who has the courage to stand up to Mr Abbott on climate change.

Senator Jacinta Collins: No!

Senator STERLE: Yes! Former leader, Mr Malcolm Turnbull, observed that any coalition climate change policy that did not contain an emissions trading scheme would:

… simply be a con, an environmental fig leaf to cover a determination to do nothing.

After all, as Nick Minchin observed, in his view the majority of the party room:

… do not believe in human caused global warming.

That is a quote from Mr Malcolm Turnbull. So, according to the member for Wentworth, any policy that the coalition produces relating to the environment is purely a policy for the sake of having a policy, with no intention to carry out or deliver on it.

Things are starting to become a lot clearer now. Certainly, we can see that Mr Abbott has not been getting his ideas on climate change from Mr Turnbull. But who has been most influential in shaping the Prime Minister's views on climate change? A study of the views of former Prime Minister John Howard, who Mr Abbott affectionately describes as 'his ideological father', proves enlightening.
During 2007 Mr Abbott stated his support for an emissions trading scheme and the then Liberal government went to the election with an ETS as part of its platform. This would therefore seem to be at odds with Mr Abbott's firm scepticism on climate science. However, Mr Howard has recently enlightened us as to what his views really were when he publicly promoted an ETS. In a speech to the climate sceptics' Global Warming Policy Foundation on 6 November this year, Mr Howard made it clear that he had not accepted the science on climate change and that his support of an ETS was purely for political expediency before an impending election.

The revelation of Mr Howard's views is important for a number of reasons. First, we now know that Mr Howard and Mr Abbott are in agreement on their views on climate change, confirming that once again Mr Abbott has followed the example of his mentor. But we also discover that Mr Abbott is not of the same political calibre as his hero. While Mr Howard was prepared to put his own views aside and accept that the Australian people were demanding action on climate change, Mr Abbott continues to show both indifference and a concerning lack of respect for the Australian public. It is clear that he does not view himself as accountable to the voters on this issue.

From long before the election campaign Mr Abbott has told us that he has a plan for the environment and that we can trust him on his commitment to cut emissions by five per cent. We all know about the coalition's direct action policy. It aims to cut emissions mainly using a 15,000-strong army to plant trees and using money to buy emission reductions from polluters who voluntarily sign up to the coalition's Emissions Reduction Fund. But, rest assured, Mr Abbott has a plan for 'real action', which confuses me. Why would you take real action against something that you don't think exists? Mr Abbott's policy removes the legal cap on pollution and allows the big polluters open slather. Instead of making the polluters pay, Mr Abbott is setting up a slush fund of billions of taxpayer dollars to hand to polluters. Experts agree this will cost households more, while failing to cut pollution. The direct action policy, a thought bubble of the Prime Minister and his Minister for the Environment, Mr Greg Hunt, is a token set of talking points used to fend off accusations that the coalition are unwilling to act on climate change, while at the same time ensuring a good deal for their friends in the big end of town. As we know from Mr Turnbull, this plan is a con and it takes the mickey out of the Australian people.

What is more, the creation of the Emissions Reduction Fund will come at a high cost to the Australian taxpayer, mainly through the planned axing by the government of climate change organisations including the Clean Energy Finance Corporation, which is one of the most important organisations established by the former Labor government. In a blatant political move, the Prime Minister is going to cut this program that is actually making a significant difference to the environment and to the economy, as we have heard numerous times from various speakers on this side of the chamber. The $10 billion CEFC was created to encourage industries and businesses to invest in green technology. The CEFC facilitates comprehensive commercial loans for both renewable and cleaner energy technology investments and is set to fund emissions reductions at a negative cost to government. The CEFC is one of about 14 organisations across the world that act as catalysts for investment in renewable energy and clean technologies. It fills an important role in mobilising capital for investment.
The North Queensland Register reported on 2 December that interest in and demand for the work that the CEFC conducts has led to the board meeting no fewer than 27 times in the past 15 months. The report went on to say:

As of August, the CEFC had 37 projects under discussion, which were seeking over $2 billion in finance, and it had received proposals at varying stages for 170 projects seeking finance of over $5 billion.

One of these projects involved the CEFC and the National Australia Bank working together to co-finance Australia's biggest beef company, the Australian Agricultural Company, to install solar photovoltaic units across 15 grid connected sites in Queensland. The North Queensland Register article said this allowed the Australian Agricultural Company:

… to cut its grid energy consumption and carbon emissions by just under a third.

How can the government ignore these results? Simply because they do not believe in the science and they refuse to understand that there is a link between better environmental management and what that can do for industry and business productivity.

The decision by the government to scrap the CEFC, therefore ceasing the valuable work that they do, highlights once again the Prime Minister's disregard for the science behind climate change and the work that the CEFC are achieving. If the Prime Minister and his government took the time to understand the science they would understand that emissions reduction targets simply cannot be met without increased investment in clean and renewable technologies. At a recent Senate committee hearing, Jillian Broadbent, the Chair of the CEFC, said that it would be antiproducive to shut down the corporation and that it would actually cost the taxpayer more for the government to do so. So far the CEFC has invested no less than $536 million in emissions abatements, which equates to around four billion tonnes. According to Ms Broadbent, this equates to over 50 per cent of the per annum rate of emissions reductions that the government has to achieve to reach its five per cent emissions target. The average return on the CEFC’s investment is seven per cent, a clear argument for retaining the corporation.

The government's alternative plan, for an Emissions Reduction Fund, will consume billions from consolidated revenue. A damning report by the Climate Institute using modelling from Sinclair Knight Merz MMA and Monash University's Centre of Policy Studies has also said that it is going to cost in excess of a further $4 billion in order for the coalition to meet the five per cent emissions reduction target by 2020. Mr Abbott of course responded by saying that he did not accept the findings of the report—cop that! At the heart of the research, however, was a finding that without that extra $4 billion needed to reduce our emissions on time, as highlighted by the Climate Institute, Australia's emissions will actually increase to a total of nine per cent. How many times will Mr Abbott deny the science behind climate change?

Ms Broadbent expressed concern at the coalition's Emissions Reduction Fund model, and its time frame, which will give grants to businesses who bid for funding to carry out projects that target emissions reductions. The government is yet to reveal in detail how it is going to do this. These grants are a direct expense by the government to businesses, whereas the CEFC are actively investing in emissions reductions projects which earn on average $2.40 per emission and these earnings are returned to the government. Ms Broadbent believes that if the CEFC are allowed to continue, not only will they be covering their operational costs within 12
months but they will also be helping to deliver the reductions target while providing a return to the government of $2.40 per emission. Instead, if the government cuts the CEFC, as it says it will, it will cost approximately $200 million in lost revenues to the Australian taxpayer. Simply put, it will cost the taxpayer more to shut down this organisation than Mr Abbott believes that will save.

From the outcomes based data shown by stakeholders including Ms Broadbent, it is easy to see that the value of the Clean Energy Finance Corporation extends far beyond carbon pricing and that it should be retained regardless of the headline policy approach that we end up with. I want to hear from the government in detail why they want to get rid of the Clean Energy Finance Corporation. During the inquiry into the government's carbon tax repeal bills, the Senate Environment and Communications Legislation Committee heard from a number of stakeholders, and not one person, whether they be an investor or a representative from an NGO or someone from the business community, gave evidence as to why the CEFC should be shut down.

Epuron, a leading Australian renewable energy company, said:
The role of the CEFC is pivotal in enabling renewable energy projects, particularly solar PV, to reach financial close so that more are built and the market in Australia matures at a faster rate.

Mr Nathan Fabian, the Chief Executive of the Investor Group on Climate Change, highlighted:
Given the government's infrastructure agenda, ... dismissing co-financing as a useful policy instrument—
as used by the CEFC—
may be premature.

The Responsible Investment Association Australasia, in their submission, strongly pointed out:
... the CEFC co-investment model is a prudent and cost effective way to allocate limited public funds to leverage private investment to do the heavy lifting in the investment into a low carbon transition.

Despite these endorsements from people within industry, and despite the real results that the CEFC is achieving, the Minister for the Environment, Mr Hunt, has arrogantly brushed them off and has labelled the CEFC as 'incredibly speculative'.

I agree with Ms Broadbent, the Chair of the CEFC, when she said:
It's disappointing a tool that is fiscally responsible and effective is being abandoned.

She continued:
It's also disappointing that it's so politicised. You just want to get on with what you think is in the public good, which is positioning Australia for a low carbon world.

In conclusion, I do not think any level-headed Australian—if I can refer to senators as being level-headed Australians—could disagree with that statement. I will not be supporting the bill.

Senator LUNDY (Australian Capital Territory) (13:31): I am very pleased to have this opportunity to speak before the Senate today on the Clean Energy Finance Corporation (Abolition) Bill 2013. It is a bill which the government tried to hide within a big package of bills—in a way, to veil the broad ideological attack in unpicking some very sensible,
economically rational steps that the Labor government took to enhance our capacity to produce clean energy in Australia.

Senator Abetz has tried to suggest that there is a mandate for this legislation. I do not believe there is a mandate for this legislation. The carbon tax, for which the government are claiming a mandate, can be repealed without abandoning the Clean Energy Finance Corporation. We do not agree with that either, but the fact is that trying to hide this in a suite of bills has certainly failed for them, and that gives us the opportunity to talk specifically about the Clean Energy Finance Corporation and the fine work that it does within Australia at the moment and has done since its inception.

I guess we are not surprised as an opposition and as a former Labor government that the coalition has taken its attack to the Clean Energy Finance Corporation. We know that this government has chosen to proceed down a path on climate change that is driven by a very stunted and blind ideology. Consistently we see the government squirming around the facts of the matter, both on the science of climate change and now in defence of a very flawed Direct Action package that it claims is going to service the needs of reducing our carbon emissions into the future. Of course it will not, and we have heard already from many speakers in the chamber debating this particular bill about the pure folly of the Direct Action approach and about how in fact the government's abandonment of—its walking away from and now complete rejection of—an emissions trading scheme really underscores the failing and flaws within its Direct Action Plan.

The coalition do not appreciate that meeting an emissions reduction target needs investment in clean and renewable energy technologies. It is one thing to lay claim to an ideological package like Direct Action. It is another thing to prevent or disable Australian industry's capacity to develop its clean energy technology industry, and that is exactly what this bill seeks to do. The coalition government are choosing their narrow-minded ideology over the effectiveness of the Clean Energy Finance Corporation to enhance Australia's capacity for clean energy production into the future.

I would just like to focus for a moment on what the Clean Energy Finance Corporation actually does. The corporation facilitates comprehensive commercial loans for both renewable and cleaner energy technology investments. This corporation, like around 14 others across the world, acts as a catalyst for investment in renewable energy, adding a great deal of value to the efforts of tackling climate change in Australia and around the world by reducing carbon pollution. The CEFC is a key part of Labor's suite of clean energy strategies, which were geared towards having a comprehensive approach and leveraging all of the economic tools that we have at our disposal to do that. One of them, of course, is making sure that our capacity continues to grow.

This is not just for our own needs. Our own needs are incredibly important, as we have our targets to reach and our vision for a cleaner future to pursue, and Labor remains committed to that. But it is also about our place in the world and what we have to offer our neighbours and other trading countries. We know that around the world other countries are gearing up their renewable energy capacity for their own needs as well as the export potential. As we move through a period of transition in our economy more broadly, our ability as a nation to export renewable energy technologies is critically important. So the Clean Energy Finance Corporation, while serving the needs of the challenge we confront as a nation in reducing our
carbon pollution, also serves to help build that foundation of what our future exports look like for Australia. Those capabilities have been strong in the past.

I remember—because I am that old—coming into this place in 1996 when the Howard government was newly elected and having a huge debate about the disinvestment that occurred at that time in a whole range of research and development projects. I know that Senator Cameron would have been watching that closely from his position in the union movement and looking at addressing the needs of manufacturing workers. What was happening at that time was that the reduction in R&D expenditure under the newly elected Howard government started to undermine and disable what had been a growing capability, for example, in photovoltaics. During that early period of the Howard government, Australia went from a leading position in the world on photovoltaic technology to one that was less so. We saw over quite a number of years in those early budgets disinvestment in Australia's research and development capability. That saw us lose our edge in a range of critical technology areas—technologies that are now exploding in export terms, technologies that are now in huge demand while we are playing catch-up as we try to restore, as we did in government, the gaps left by the early Howard government's disinvestment in research and development.

Many of the Labor government's investments in research and development on coming to government in 2007 were about rebuilding our capacity in this area. They were about putting in place the foundation for a strong future economy. You only need to look at Senator Carr's record in his stewardship of the industry and innovation portfolio, including science, research and development, to see just how strong Labor's record is in this regard.

So the coalition have form. This is another example of a government that are not willing to invest in the future. It is in the context of climate change. It is in the context of disabling and unpicking the former Labor government's clean energy package. A subset of that is unpicking one of the purest market mechanisms to actually achieve things. The Clean Energy Finance Corporation is not, as the coalition have tried to characterise it, some kind of ideological trimming on the clean energy package. It is a very pragmatic response to the demands of the market and industry to come at what is required to stimulate investment in a crucial area. But, nonetheless, the coalition still seek to unpick it.

Since it was established, the Clean Energy Finance Corporation has committed some $536 million of its own budget and managed to mobilise over $1.5 billion in private capital. I know many of my Labor colleagues have been through these figures, but it is success in anybody's terms. When you look at the range of government co-investment programs over many years in the innovation portfolio, this is a very good example of the ability to mobilise private capital investment. It stands up very strongly against a raft of programs of coalition and Labor governments alike over many, many years. The coalition would be very hard pressed to criticise the performance of the CEFC in the context of the performance of other government programs that have sought to stimulate co-investment in an innovative area of industry. I challenge the coalition to explain why they chose to attack this body that is playing such an effective role, has investments in place and is demonstrably delivering on those investments and managing to provide a positive return to government while all the while achieving the stated goal of the clean energy policy, which is to reduce the carbon emissions into our atmosphere.
I believe that the vast majority of Australians are tired of the Liberal government's general rejection of the science of climate change. I think they are highly sceptical of the Direct Action package being put forward. I believe that over time the Australian public in general will view with a great deal of cynicism the ploy and the trick that is being presented to them in the form of that Direct Action policy as it seeks, as we have heard from many of my colleagues in this chamber, to pay polluters. It will have a limited effect on reducing carbon emissions.

The Chair of the Clean Energy Finance Corporation, Jillian Broadbent, has urged the coalition government to spare the CEFC from their unscrupulous and illogical cuts, but it seems they have not listened. Those senators opposite have not listened to the fact that if the Clean Energy Finance Corporation were allowed to continue it would account for some 50 per cent of Australia's 2020 emissions reduction target at no cost to government. That is in contrast to a Direct Action Plan that is going to cost taxpayers an enormous amount of money, and all of that money will be going to the biggest polluters.

The coalition government claim a saving from the abolition of this corporation of some $760 million over four years. But they have forgotten that the Clean Energy Finance Corporation is making money. It is getting a return. The combined blow to the budget from its abolition could be as high as $1.5 billion. I look forward to Senator Cormann explaining exactly how he accounts for not just the saving they are going to claim from the abolition but the cost to government of the revenue forgone that the CEFC would return to the government coffers over the period of its existence.

Many senators have been told through representations to the hearings of the Senate Standing Committee on Environment and Communications that projects the Clean Energy Finance Corporation have invested in so far already account for an annual reduction in carbon emissions of some 3.9 million tonnes. The net benefit to taxpayers is some $2.40 a tonne. That abatement is delivered at a negative cost. That is, if the CEFC were allowed to continue, it would be able to do so while actually making a return and it would contribute significantly to the greenhouse gas reduction target. As Mr Yates, the CEO, told the committee, that is probably the lowest cost action you are going to get. As I said, it is still beyond me that the government would seek to remove this effective tool in the campaign against reducing carbon.

Just before I conclude I want to reflect on the diligence with which the CEFC has reported. There have been quite a few comments by coalition representatives about the CEFC implying that somehow it is a rinky-dink outfit. One look at the CEFC’s annual report for 2012-13 will show that it has very meticulously reported on a range of key performance indicators, including setting a portfolio benchmark; its placement of funds; its investment in renewable-energy, low-emissions and energy-efficient technologies; building industry capacity, a key point I made earlier; and dissemination of information to stakeholders about the operation and work of the CEFC. The CEFC is attracting a great deal of international attention. The CEFC is a key part of the suite of clean energy package measures that we put in place and seeks to stimulate the development of Australia's, and industry's, capacity to provide renewable energy solutions for industry.

In conclusion, I acknowledge the members of the board of the CEFC. The board members obviously have found themselves to be in the middle of a political football match. That is in no way a reflection on their professionalism, abilities and leadership or on their contribution
to the CEFC. I take this opportunity to acknowledge not just the chair, Ms Broadbent, but all of the board members, who have devoted their expertise to what is quite a noteworthy and extraordinary organisation that formed a key part of our clean energy package.

I too will be opposing this bill, because it seeks to abolish the Clean Energy Finance Corporation. I urge other senators to do the same.

Senator CORMANN (Western Australia—Minister for Finance) (13:46): I thank all of those senators who have contributed to this debate. Abolishing the Clean Energy Finance Corporation is a priority for this government—indeed, it was a firm commitment that we took to the Australian people at the last election. We know that Labor senators in particular are suffering from government change denial, but not even the Labor Party could credibly suggest that we were not entirely transparent about our plans to scrap the carbon tax and to abolish the Clean Energy Finance Corporation. We know that there were Labor senators in Western Australia—the shadow parliamentary secretary for climate change, in particular—who went across Western Australia distributing pamphlets promising that Labor would terminate the carbon tax. Despite all of the backtracking since the election, there was no mention in the fine print of the pamphlets of any plans to replace a fixed price carbon tax with a floating price carbon tax, an emissions trading scheme or whatever the Labor Party wants to call it. The senator was making a very firm commitment that Labor would terminate the carbon tax.

Unlike Labor, coalition senators—this government—are delivering on the commitments that we made before the election, which is why we introduced this legislation in the first sitting fortnight of the new parliament. That is exactly what we said we would do. We made all of that very clear to the Australian people and we received the support of the Australian people, as shown by our strong election result. Labor takes at its peril the position that it has flagged again in this chamber today. It ignores at its peril the wishes of the Australian people as expressed at the last election. It is really quite arrogant to persist with something that has been rejected so overwhelmingly by the Australian people.

Claims that the Clean Energy Finance Corporation does not cost the budget—repeated again by Senator Lundy just now—are just another case of magic pudding economics. Claims that the Clean Energy Finance Corporation somehow would have a positive impact on the budget are a case of voodoo economics, because they do not take into account the public debt interest cost of the corporation. When public debt interest is taken into account the Clean Energy Finance Corporation clearly costs the budget bottom line over the forward estimates.

The Labor Party inherited a position of no government net debt and strong surplus budgets and in six years turned that into a situation of $250 billion of accumulated deficits, gross debt heading for $400 billion and beyond, and a budget situation that will be very difficult to turn around from where Labor left it. It is no wonder that the Labor Party left the budget in such a mess if it cannot understand such basic premises as: if you borrow money in order to spend money there is actually a cost attached to the borrowing. That is something that Senator Lundy ignored again in her presentation today—as have her colleagues. She is not Robinson Crusoe in relation to this, to be fair to Senator Lundy. All of the senators on the Labor side have faithfully delivered the Labor Party talking points during this debate, in order to keep the debate going, and have made the same erroneous assertion.

Let me be very clear and explicit in relation to this: abolishing the Clean Energy Finance Corporation will improve the budget position over that period, because the government will
not be paying interest on the debt that it borrows to fund the Clean Energy Finance Corporation. By opposing our delivery of our commitment, made during the election, to abolish the Clean Energy Finance Corporation, those opposite drive the budget further into deficit than it needs to be.

But that of course is the history of the Labor Party. The Labor Party in government was pretty reckless when it came to financial management; but it is even worse now in opposition under the leadership of Mr Shorten, because Mr Shorten is essentially too weak to stand up to the different vested interests across the Labor Party. If there is somebody in the Labor Party who wants an emissions trading scheme, even though everybody knows that Bill Shorten personally wants to scrap it—everybody knows that; he has confided that to so many people that he could not credibly deny it—he is too weak to stand up to the vested interests in the Labor Party. So instead of picking a fight in the national interest, instead of picking a fight that will help deliver cost-of-living relief and help us to strengthen the economy, Bill Shorten goes the easy way and allows Labor Party people to get away with—

Senator Cameron: Madam Acting Deputy President, I rise on a point of order. I let the first issue go past, but the senator should refer to Mr Shorten either by his title or as Mr Shorten.

The ACTING DEPUTY PRESIDENT (Senator Ruston): Senator Cormann, continue.

Senator CORMANN: The Clean Energy Finance Corporation would have you believe that it is delivering projects achieving a total abatement of 3.88 million tonnes per annum and that it was doing so at a negative cost of $2.40 per tonne of abatement. These claims by the CEFC, which have been parroted by Labor and Greens senators in this chamber, are not supported by the facts. The CEFC is spending borrowed taxpayer money to invest in wind farms, many of which are already built and supported by private sector finance. About two-thirds of the CEFC's annual abatement claims rely on just three wind farms, Taralga, Portland and Macarthur.

What the CEFC and the Labor and Greens senators are not telling the Australian people is that these projects are already supported by the government's 20 per cent renewable energy target. With the CEFC gone, the renewable energy target will still be delivering these investments and emissions reductions at no cost to Australian taxpayers. It is ridiculous that the CEFC should take credit for emissions reductions that are happening anyway and that will happen without it. In one example, the CEFC helped to refinance a wind farm that was 50 per cent owned by Meridian Energy and, in the process, helped the New Zealand government get a better price when it sold the company in October—all paid for by the Australian taxpayer. How does that make sense?

The government's position is that the CEFC should not be using $10 billion of borrowed money underwritten by Australian taxpayers to invest in wind farms. Australian taxpayers do not want their government to act as a bank. This is the role of the private sector, not the Australian government. There used to be a time when the Australian Labor Party believed that banks should be private. In fact, it was the Australian Labor Party that privatised the Commonwealth Bank of Australia, but here they are going down this bad old path again.

This bill abolishes the Clean Energy Finance Corporation by repealing the Clean Energy Finance Corporation Act 2012. This bill also transfers the CEFC's existing assets and
liabilities, including the CEFC’s investments, to the Commonwealth. These assets and liabilities will be managed by the Treasury. Funding to manage the CEFC’s existing assets and liabilities and meet contractually committed payments on investments will be met from the CEFC’s existing funding, which will be transferred to a new CEFC transitional special account.

Future moneys that were due to be appropriated to the CEFC annually until 2017 will be returned to consolidated revenue. The bill also provides for excess funding to be returned to consolidated revenue at any stage if it is no longer needed for managing the CEFC’s assets and liabilities. I commend this bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Ruston): The question is that the amendment moved by Senator Pratt be agreed to.

Question agreed to.

Senator CAMERON (New South Wales) (13:55): I move a further amendment to Senator Pratt’s amendment:

At the end of the motion, add: "but the Senate notes the ability of the Clean Energy Finance Corporation to effectively drive investment in renewable energy projects and provide a return on its investment to the Commonwealth."

Question agreed to.

The ACTING DEPUTY PRESIDENT: The question is that the bill, as amended, be now read a second time.

Senator Cormann: Madam Acting Deputy President, at this point, has it been passed?

Senator Cameron: Madam Acting Deputy President, on a point of order: there is obviously some confusion. I do not want to dwell on the issue of some confusion but there was some confusion, and I really think the matter should be put again.

The PRESIDENT: The question is that the bill, as amended, now be read a second time.

The Senate divided. [14:02]

(The President—Senator Hogg)

Ayes .................29
Noes .................38
Majority .............9

AYES

Abetz, E
Birmingham, SJ
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Kroger, H (teller)
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG
Sinodinos, A

Bernardi, C
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Mason, B
Nash, F
Payne, MA
Ruston, A
Seselja, Z
Smith, D

CHAMBER
AYES

Williams, JR

NOES

Bilyk, CL (teller) Brown, CL
Cameron, DN Carr, KJ
Collins, JMA Conroy, SM
Dastyari, s Di Natale, R
Faulkner, J Furner, ML
Gallacher, AM Hanson-Young, SC
Hogg, JJ Lines, S
Ludlam, S Lundy, KA
Madigan, JJ Marshall, GM
McEwen, A McLucas, J
Milne, C Moore, CM
Peris, N Polley, H
Pratt, LC Rhiannon, L
Siewert, R Singh, LM
Stephens, U Sterle, G
Thorp, LE Tillem, M
Urquhart, AE Waters, LJ
Whish-Wilson, PS Wong, P
Wright, PL Xenophon, N

PAIRS

Back, CJ O'Neill, DM
Macdonald, ID Bishop, TM
Ryan, SM Ludwig, JW

Senator Farrell did not vote, to compensate for the vacancy caused by the resignation of Senator Joyce

Question negatived.

DISTINGUISHED VISITORS

The PRESIDENT (14:05): Order! I draw to the attention of honourable senators the presence in the gallery of a parliamentary delegation from Kenya, led by Senator Kiraitu Murungi MP from the Standing Committee on Legal Affairs and Human Rights. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Automotive Industry

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:06): My question is to the Minister representing the Prime Minister. I refer to General Motors Holden’s submission to the Productivity Commission, which says:

Without public assistance, Holden’s local manufacturing cannot compete globally.
Does the government accept that support is necessary to help sustain the auto industry and the thousands of people it employs in Australia?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:06): I can confirm to the Leader of the Opposition in the Senate that the government does believe that GMH and other manufacturers deserve government support. The sort of support which we have already put on the table for GMH includes abolition of Labor's FBT proposal, which would have put a dagger into the heart of the automotive manufacturing sector in this country. We have also said that we would remove the carbon tax, which we know has the impact of a reverse tariff of approximately $400 per vehicle made in Australia.

Senator Kim Carr: You know that's wrong.

Senator ABETZ: Senator Carr should tell PricewaterhouseCoopers that they have got it wrong. If I have the choice of Senator Carr or PricewaterhouseCoopers, I plead guilty to accepting the advice of PricewaterhouseCoopers any day of the week. We have already put in place a plan that would be of great assistance to the auto sector and who stands in the way of delivering that assistance to the automotive sector? The Australian Labor Party is playing sabotage with the will of the Australian people, as expressed on 7 September. We know and the Australian people know that—

Opposition senators interjecting—

The PRESIDENT: Senator Abetz, you are entitled to be heard in silence. When there is silence I will ask you to proceed.

Senator ABETZ: The Australian people know that this nation needs a plan to reboot the Australian economy. We delivered that plan and the Australian people endorsed it on 7 September 2013. Regrettably, those on the other side are not willing to accept the result and are therefore using or abusing the excess numbers they currently enjoy in this place to sabotage our policies. (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:09): Mr President, I ask a supplementary question. I refer to the coalition minister quoted in Fairfax Media saying that Holden was 'full of it' and that, 'They don't want to be saved.' Does this minister speak for the government?

Opposition senators interjecting—

The PRESIDENT: It is not much use asking the question and then trying to debate the question; that is futile. Order! The minister is entitled to be heard in silence.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): The only person I know who used the expression 'full of it' was Senator Conroy describing former Prime Minister Rudd. Here we go. The Leader of the Opposition in this place is trying to quote an anonymous source and she tells us we should somehow take it seriously. I say to the Leader of the Opposition that if she wants to come into this place she should come up with some credible assertion and not just, 'We believe he said, she said to somebody,' and it happens to be printed in the media. As far as this government is concerned, the GMH workers are entitled to consideration by government. Government is giving them that consideration and the government has also put forward a plan to abolish the reckless FBT policy. Of course,
when I look at Senator Carr, I can never but get out of my mind the cash for clunkers disaster. *(Time expired)*

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:11): Mr President, I ask a further supplementary question. Today is the fifth day running in which coalition ministers have been responsible for destructive background briefing on Holden. When will the Prime Minister put an end to this irresponsible behaviour, which puts at risk the jobs of thousands of Australians?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:11): Here we have a genuinely serious situation for members of the automotive manufacturing sector in this country and all that Senator Wong can engage in is the game of politics, talking about alleged destructive background briefing. Senator Wong and those on the other side would know about destructive background briefing. They would recognise it if they ever saw it because that is exactly what they did to Mr Rudd and then to Ms Gillard, and of course since the election against Mr Rudd as well. From that shambolic government we inherited a mess. From that shambolic government we have said that we will take responsibility for cleaning up that mess.

Senator Kim Carr: Rubbish, indolent rubbish!

The PRESIDENT: Order! Senator Carr.

Senator ABETZ: I would invite Senator Carr simply to apologise to the automotive workers. Every 19 minutes a manufacturing job was lost under your stewardship in this country.

The PRESIDENT: Order! Senator Abetz, resume your seat. Senator Wong is on her feet.

Senator Wong: Mr President, I rise on a point of order as to relevance. I would think that workers across this nation, including in my home state of South Australia, deserve a better response from the representative of the Prime Minister in this chamber as to the behaviour of his ministers.

The PRESIDENT: There is no point of order. I cannot tell a minister how to answer or respond to a question. It would assist question time if people did not interject on the answers and then invite a response at that time as well. You have six seconds remaining, Minister.

Senator ABETZ: Thank you, Mr President. I thought it was a very good answer. If she thinks it could be even better, I will try to do even better for her. *(Time expired)*

**East Timor**

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:13): My question is to the Minister representing the Minister for Foreign Affairs, Senator Brandis. Is the minister aware that East Timor's natural resources minister, Mr Alfredo Perez, has said that the alleged espionage by spies undercover as aid workers has ruptured trust. If so, what implications does this ruptured trust have for the safety of Australian aid workers working around the world, given that now they may be suspected as spies?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:14): Thank you, Senator Milne, for the question. I have seen those statements. The statements were made in the context of an arbitration that is currently on foot between Australia and Timor-Leste,
which commenced with a directions hearing at The Hague last week. The honourable senator would not expect me to comment on proceedings before an arbitration, nor, I would have thought, would the honourable senator expect me to comment on allegations in relation to intelligence matters.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:15): The question was about the safety of our aid workers around the world, and I ask again: what are the safety implications for them as a result of these allegations? What are the implications for the effectiveness of Australian aid programs now that those programs are dependent on cooperation with government agencies and NGOs in other countries? How can we be sure that that cooperation will continue to be extended?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:15): The claims that have been made against Australia in the arbitration of Timor-Leste are disputed by Australia. Beyond making that perhaps obvious point, I have nothing to add to my earlier answer.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:15): Will the government be establishing an inquiry into these allegations of aid workers being used as a cover for spying and, if not, what action is the minister going to take to make sure that Australian aid programs are not used as cover for espionage, in order to rebuild trust with our partner countries?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:16): Australia does not accept the allegations. Australia disputes the allegations. Beyond that, as the honourable senator ought to know, it is not the practice of any Australian government to comment on intelligence matters.

Trade Unions

Senator BERNARDI (South Australia) (14:16): My question is to the Minister for Employment, Senator Abetz. Can the minister advise the Senate whether the government is concerned about recent reports of alleged unlawful activities relating to union slush funds and, if so, why?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:16): The government is concerned about the proliferation of union slush funds, as are many union members and officials around Australia. The former Prime Minister, now a constituent of Senator Bernardi, admitted in 1995 that every union has a slush fund. Just in the last year, we have seen revelations about slush funds operated by the TWU, NUW, CEPU, CFMEU and the ETU. The fact of their existence and, more importantly, the reasons for their existence, have only been revealed years later by court proceedings or investigative journalism. I am pleased that some light will now be shone on the Australian Workers Union Workplace Reform Association scandal as a result of the decision by the Chief Magistrate in Victoria.

It has taken over 20 years and cost careers of several people for some hope of transparency to finally emerge. It should be remembered that a former senior official of the AWU Ian Cambridge, now a member of the Fair Work Commission, wrote to the then Labor industrial
relations minister in 1996 expressing grave concern about the operation of this slush fund and called for a royal commission. The former Labor Attorney-General Robert McClelland also expressed his very grave concern that the AWU affair highlighted serious shortcomings in the regulation of unions.

The government shares their concerns. The problem with union slush funds is that they are secretive and used for nefarious purposes. Whilst Labor did nothing to overcome this scourge, the coalition promised, and had endorsed by the Australian people, their proposal for a Registered Organisations Commission which has now been sabotaged in this place by the beneficiaries of those slush funds sitting opposite. (Time expired)

Senator BERNARDI (South Australia) (14:19): I thank the minister for his answer. Can the minister advise the Senate whether there are any impediments to enhanced transparency and accountability for registered organisations and, if so, what are these impediments?

Opposition senators interjecting—

Senator Conroy: What about Tony Abbott and the Pauline Hanson slush fund?

The PRESIDENT: When there is silence on my left we will proceed.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:19): Let us be clear, slush funds operate in a legally dark area as they are not subject to the reporting and governance obligations that apply to registered organisations, nor are officers of registered organisations required to report to their members on such funds. They operate in the shadows. They often exist without any detection by others, let alone any scrutiny. The government has introduced legislation to improve the accountability of unions, which has already been the subject of one committee report.

Union members have every right to expect that their money is being used lawfully and for proper purposes. They have a right to know if officers of that union are engaged in financial dealings with shadowy slush funds. The one great impediment to improved accountability and transparency is Labor's sabotage and obstruction to the passage of the registered organisations commission bill.

Automotive Industry

Senator KIM CARR (Victoria) (14:20): My question is to the Minister representing the Minister for Industry Senator Ronaldson. I note the Holden submission to the Productivity Commission states:

- From 2001-2012, Holden generated $32.7 billion of economic activity in Australia. During that period, Holden received $1.8 billion in Commonwealth Government assistance, returned $1.4 billion to the Government as PAYG income tax revenue and paid $21 billion to other businesses in Australia for supplies and services.

Can the minister confirm the accuracy of the figures in Holden's submission? Can the minister also confirm that 18 to one is the return on investment in Holden?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:21): I thank the honourable senator for his question in relation to funding for the Australian automotive sector. I do note that up until 2015, under the Automotive Transformation Scheme, the car industry received about $1 billion of taxpayers' funds, and from 2015 on there will be a
further $1 billion of taxpayers' funds. I think what the automotive industry needs—and I think what the automotive workers need—is for Holden to state their intentions. In question time today the Deputy Prime Minister indicated that he had written to Holden today requesting that they state their intentions before Christmas. This government has quite clearly made several significant decisions which will positively impact on the automotive sector and industry generally. The first of those, of course, is to remove Labor's toxic carbon tax, which has not only impacted dramatically on the automotive sector, but has also impacted—

The PRESIDENT: Order! Senator Ronaldson, Senator Moore is on her feet. I will ask you to resume your seat.

Honourable senators interjecting—

The PRESIDENT: When there is silence on both sides. Senator Moore is on her feet.

Senator Moore: My point of order is to do with relevance. The minister now has 17 seconds left to go. Senator Carr's question was specifically on clarification of figures, and I would ask that to be the point of the response.

The PRESIDENT: Whilst I cannot tell the minister how to answer the question, I do draw the minister's attention to the question with 17 seconds remaining.

Government senators interjecting—

The PRESIDENT: Order! On a point of order I have asked the minister to address the question, and immediately you launch into other questions.

Senator RONALDSON: As I was saying, Senator Carr asked me about funding for the automotive industry, and I was indeed answering his questions. It should not be forgotten that it was Senator Carr who—(Time expired)

Senator KIM CARR (Victoria) (14:24): I have a supplementary question. I take it that you are able to confirm the 18 to 1 ratio, and given that you have asked specifically that General Motors provide clarification on their future, are you aware that the CEO of General Motors-Holden, Mike Devereux, today told the Productivity Commission that Holden had provided the government with the amount of co-investment that was actually required to keep them in the country? Will the government now act on Holden's request to ensure the future of automotive manufacturing in Australia?

Honourable senators interjecting—

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

Honourable senators interjecting—

The PRESIDENT: I am not calling the minister until there is silence on both sides.

Senator RONALDSON: Can I again confirm that this government wants a viable car manufacturing industry in this country. What the automotive industry needs—and what industry needs generally—is some stability in the decision-making process. Senator Carr belled the cat on the farce that was Labor's industry policy when he said—as Senator Abetz said yesterday and as he said in his book this year—
Senator Moore: Again, I rise on a point of order on relevance. The question was about government actions and we have gone into context. We now have 21 seconds left to go to hear about the government's actions.

The PRESIDENT: I do draw the minister's attention. You have got 21 seconds remaining to address the question.

Senator RONALDSON: What Senator Carr said—unfortunately the Green Car Innovation Fund was abolished, leaving international company executives wondering just what they had to do to get a consistent government—

The PRESIDENT: Senator Ronaldson, resume your seat. Senator Moore.

Senator Moore: Again, we moved a point of order on relevance about a response to the question on government's actions and the minister has continued to read the quote that he began before the previous point of order and your direction.

The PRESIDENT: I had, at 21 seconds remaining in the time to address the question, asked the minister to address the question. I draw the minister's attention to the question. There are now nine seconds remaining.

Senator RONALDSON: As I say, Senator Carr said that this left executives wondering just what they had to do to get a consistent government policy commitment in Australia.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Moore.

Senator Moore: Again, I rise on a point of order on relevance. The minister has just continued reading a quote after you have drawn his attention twice. If they cannot answer the question now, maybe he could take it on notice.

Honourable senators interjecting—

The PRESIDENT: Order on both sides! I cannot instruct the minister how to answer a question. I have now drawn the ministers attention to address the question at the 21-second mark and at the nine-second mark remaining to address the question. The minister should address the question. There are two seconds remaining.

Senator RONALDSON: Senator Wong just said across the table—(Time expired)

Honourable senators interjecting—

The PRESIDENT: When there is silence, I will give Senator Carr the call.

Senator KIM CARR (Victoria) (14:29): I have a further supplementary question. I would ask you again, Minister: in view of your statement that General Motors should clarify its position, is it not true that Mr Devereux today said no decision had been made by General Motors-Holden about leaving and that the request for support had been with the government for some time?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:29): I find it extraordinary to get a dorothy dixer at this late stage but anyway I will take it. In the letter to Mr Devereux today, the Deputy Prime Minister said the following, 'I note your statement today that "there's been no decision made at this point". However, your comments failed to provide a commitment that Holden will remain in Australia well into the future.' So what the
Deputy Prime Minister has done, quite rightly, is call upon Holden to clarify what it is doing prior to Christmas. There is $1,000 million of taxpayers' funds which the Labor Party always forgets in relation to this issue, $1.4 billion of Australian— *(Time expired)*

**Economy**

**Senator KROGER** (Victoria—Chief Government Whip) (14:31): My question is to the finance minister, Senator Cormann. Would the minister outline the savings task ahead of the government and what are the obstacles to this savings task?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:31): I thank Senator Kroger for that question. Between now and Christmas the government will be releasing the half-yearly—

*Opposition senators interjecting—*

**The PRESIDENT:** Senator Cormann, resume your seat. When there is silence we will proceed. If honourable senators wish to debate the issue the time is after three o'clock this afternoon, not now.

*Honourable senators interjecting—*

**The PRESIDENT:** Senator Conroy, Senator Carr and Senator Ronaldson, order!

**Senator CORMANN:** Thank you very much, Mr President. Senator Wong is clearly very touchy given she presided over a $107 billion blow-out in the budget bottom line over her three short years as minister, as minister for finance. So this side of Christmas the government will be releasing the half-yearly update on Labor's last budget and what it will show is that the savings task is indeed enormous and that is because after six years of Labor our budget was left in a mess. The Labor Party in 2007 inherited a very strong budget position, a $20 billion surplus—no government debt there—$50 billion of cash in the bank, more than $1 billion in the interest payments collected by the Commonwealth on the back of a positive net asset position. And, of course, what happened after six years of Labor: $250 billion worth of accumulated deficits, gross debt heading for $430 and beyond. And, of course, we know now—

*Honourable senators interjecting—*

**The PRESIDENT:** Senator Cormann, resume your seat. Order! If you wish to debate the issue, the time is after three o'clock.

**Senator CORMANN:** Thank you very much, Mr President. We know now that the figures that Labor released in the pre-election economic statement just before the election were not an accurate representation of the facts. Why do we know that? That is because Senator Wong included a whole range of savings measures, a whole range of Labor cuts, which Labor in opposition are now walking away from. So here we are and Labor present a picture in the pre-election economic statement saying, 'Our deficit now is $30.1 billion this financial year,' after promising a surplus before that. But we have got $5 billion worth of Labor cuts which are integrated into those budget figures Labor released before the election and that they are now walking away from. So $2.3 billion in higher education cuts from the Labor government, $1.1 billion of cuts to research and development from the Labor government, a $1.5 billion saving from not going ahead with the carbon tax— *(Time expired)*
Senator KROGER (Victoria—Chief Government Whip) (14:34): I thank the minister for his answer. I ask a supplementary question. Can the minister advise the Senate of other attempts to frustrate the government’s savings measures?

Opposition senators interjecting—

The PRESIDENT: Order! Senator Cormann, you are entitled to be heard in silence and I will not give you the call until there is silence. It is as simple as that. So when there is silence we will proceed.

Senator CORMANN (Western Australia—Minister for Finance) (14:35): Thank you very much, Mr President. What we know is that Labor were pretty hopeless in government. They are even more reckless in opposition under the leadership of Mr Shorten, because, of course, Mr Shorten is the guy that ripped $1.2 billion out of schools in Western Australia, the Northern Territory and Queensland, which was never going to be sustainable and he would have known before the election that it was never going to be sustainable.

Honourable senators interjecting—

The PRESIDENT: I remind honourable senators: when there is silence we will proceed. The minister is entitled to be heard in silence. If you wish to debate it, the time to debate it is after question time, not now.

Senator CORMANN: Thank you very much, Mr President. Labor's arrogance in opposition is just breathtaking. We know that their government changed—

Opposition senators interjecting—

Senator CORMANN: That arrogance is quite breathtaking because they left us not just with a budget in a mess but with 96 un-enacted tax bills. We have got to do your dirty work.

Opposition senators interjecting—

The PRESIDENT: Senator Cormann, resume your seat. I remind honourable senators on my left—

Senator Cameron interjecting—

Senator Kim Carr interjecting—

The PRESIDENT: Senator Cameron! Senator Carr!

Senator CORMANN: Thank you very much, Mr President. I say it again very slowly: 96 un-enacted revenue measures which you were too lazy or too incompetent to legislate and, of course, now you are preventing the government from getting rid of a tax, which would improve the budget bottom line to the tune of $13.4 billion. Only the Labor Party can come up with a tax that left the budget worse off! And now you are stopping us from fixing your problem. (Time expired)

Senator KROGER (Victoria—Chief Government Whip) (14:37): Mr President, I ask a further supplementary question. What unfunded liabilities has the government uncovered after coming to office, and what impact do they have on the budget?

Senator CORMANN (Western Australia—Minister for Finance) (14:37): Not only did Labor leave the budget in a mess with a $30 billion and growing deficit, they also left us with a whole series of problems where they knew there was an inevitable cost attached to them and they did not make provision for it in the budget. Senator Wong knows exactly what I am
talking about. Not only did they recklessly and irresponsibly force the Reserve Bank to deplete the reserve fund, which was arguably done at the worst possible time, we also had Senator Wong sneakily—in the shadow of the night, in the shadow of the election—impose a 14,500 job cut on the Public Service without making any provision to fund the redundancies that would come with it. That is another couple of hundred million dollars that they did not provide for. Of course we have also had offshore processing on Nauru and Manus. No money from 31 December 2013—no money! (Time expired)

Honourable senators interjecting—

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

Trade

Senator WHISH-WILSON (Tasmania) (14:39): Mr President, my question is to the Minister representing the Minister for Trade and Investment, Senator Cormann. As the senator would be aware, in the 2010 blue book prepared for the potential incoming coalition government, the Treasury warned:

… the potential benefits of [free trade agreements] under negotiation had been oversold and their negatives largely ignored.

The Treasury then cautioned that the coalition should:

… avoid bindings that limit future domestic policy flexibility. Exercise caution in accepting … investor-state dispute settlement—

commonly known as ISDS provisions. The Treasury has clearly issued a red flag to the government on free trade agreements, and it is warned not to risk our national sovereignty.

Why is the government going against Treasury advice by including ISDS provisions in the TPPA and the Korean free trade agreement, and what safeguards is it putting in place to limit future litigation against the Australian people for simply creating legislation on their behalf?

Senator CORMANN (Western Australia—Minister for Finance) (14:40): I thank Senator Whish-Wilson for that question. The first point I would make is that I completely reject the assertion that we are going against Treasury advice. The government have a very simple commitment. Our commitment is to pursue policies that strengthen our economy and create jobs. To the extent that entering into free trade agreements helps us strengthen our economy and create jobs, we will pursue them; to the extent that it does not, we will not. That is a very, very simple equation.

I would make this more general observation: not having free trade agreements in place where the nations that we compete with do actually puts us at a serious disadvantage. If I can just take the free trade agreement that we agreed on with Korea last week as an example. The United States of America, who we compete with in that market, in particular in relation to agricultural products, was taking significant market share away from Australian farmers. Why? Because it was able to access that market at much superior conditions than Australian farmers. So the point—

Senator Whish-Wilson: Mr President, I rise on a point of order going to relevance. I clearly asked: what safeguards Senator Cormann was putting in place to limit future litigation against the Australian people.

The PRESIDENT: Order! The question was broader than that. The minister is addressing the question; the minister still has 55 seconds remaining. There is no point of order.
Senator CORMANN: This is actually a very important issue, and it is one that does need to be debated and argued across the Australian community in a responsible fashion, which is why I am actually going out of my way to give you a very genuine answer, Senator Whish-Wilson. The point here is this: we will only pursue free trade agreements that are in the national interest. We will only pursue free trade agreements that help us strengthen our economy and create jobs.

In relation to investor-state dispute settlement clauses, what we have said very clearly, what Minister Robb—who achieved outstanding success with Korea the other week, success that the previous government was not able to achieve during six years in government—has said very clearly is that we will only consider inclusion of those sorts of clauses on a case-by-case basis where, as part of an overall package, we consider the overall package to be in the national interest.

Senator WHISH-WILSON (Tasmania) (14:42): Mr President, I ask a supplementary question. In relation to that last point made by Senator Cormann, given that there is ample evidence that carveouts and exceptions failed to limit litigation under ISDS clauses in previous trade agreements, can the government commit today to not trading away low-cost medicines for Australian people, or any aspect of the Pharmaceutical Benefits Scheme, through the Trans-Pacific Partnership Agreement?

Senator CORMANN (Western Australia—Minister for Finance) (14:43): The government have been very clear that they will not do anything that puts at risk the strength and the integrity of the Pharmaceutical Benefits Scheme. The senator can be reassured that that is one of the issues that is always top of mind for this government.

Senator WHISH-WILSON (Tasmania) (14:43): Mr President, I ask a further supplementary question. As the senator would be aware, under the North American free trade agreement the multinational corporation Archer Daniels Midland, known as ADM, successfully sued Mexico under ISDS provisions for legislation enacted by the Mexican parliament. Given that the ADM bid for GrainCorp was recently rejected under a national interest test, can the minister rule out whether, under ISDS provisions, foreign investors could sue over future national interest test outcomes or changes to our foreign investment framework?

Senator CORMANN (Western Australia—Minister for Finance) (14:44): Mr President, I would invite you to reflect on the question that was just asked because I believe that Senator Whish-Wilson is actually asking me for a legal opinion, which I do not think is the appropriate thing to ask me to do. But let me just make the general point again—

Senator Whish-Wilson: Mr President, I am seeking clarification on relevance. I was not asking for a legal opinion. Those words were not mentioned. I was asking the minister—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Whish-Wilson, what is your point of order?

Senator Heffernan interjecting—

Senator Whish-Wilson: And certainly Senator Heffernan and the Nationals would be very interested in knowing the answer to this question.
The PRESIDENT: There is no point of order. I listened very closely to the question. The minister can address that question insomuch as it does not go to seeking an opinion. That is part of the standing orders. I invite the minister, with 43 seconds remaining, to address the question.

Senator CORMANN: I did actually provide the answer to that question, to the extent that I can assist the senator, in my initial answer—that is, the government have clearly stated that we will assess the appropriateness of agreeing to ISDS clauses in relevant free trade agreements on a case-by-case basis based on our judgement of Australia's national interest.

International Development Assistance

Senator STEPHENS (New South Wales) (14:45): My question is to the Minister representing the Minister for Foreign Affairs, Senator Brandis. AusAID's guiding principles for Australia's aid program state:

… that access to family planning is one of the most cost effective approaches to reducing maternal and child mortality.

Will the government's $4.5 billion cut to the aid program reduce Australia's assistance for family planning in developing countries?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:46): I thank Senator Stephens for the question. As you know, the government is currently considering Australia's funding priorities. An announcement will be made in due course as a result of that review; however, I am able to inform the honourable senator that the government has no plans to change the current policy settings in relation to reproductive health. The government remains committed to supporting global efforts to reduce the unmet need for quality reproductive health services. At the recent Asian and Pacific Population Conference in September of this year, shortly after the change of government, Australia supported an outcome declaration that upholds women's sexual and reproductive health rights and access to services. The government has no intention of changing that position.

Senator STEPHENS (New South Wales) (14:47): Mr President, I ask a supplementary question. I thank the minister for that answer. Can he advise what the status is of Australia's Global Ambassador for Women and Girls? Is that position safe from the coalition cuts? If so, when will the government announce the new ambassador?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:47): Thank you, Senator Stephens. As I said in preface to the senator's principal question, the government is reconsidering aid priorities and any announcements will be made in due course.

Senator STEPHENS (New South Wales) (14:47): Thank you. We will await the announcements in due course. Mr President, I ask a further supplementary question. Can the minister advise what, if any, countries may have been quarantined from reductions in Australian aid and what, if any, programs have been quarantined in the search for those $4.5 billion in cuts?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:48): Senator Stephens, the government is reviewing the entirety of the aid budget, the shape and priorities
of the aid budget, to reflect the priorities that the Australian government has in particular to providing aid for our region. As I said, these decisions are currently before the cabinet. They will be made in due course. The language of ‘quarantining’, if I may say so, Senator Stephens, is not apt when one is reconsidering the entirety and shape of the aid budget. But I can give you the assurance sought in your primary question.

Mining

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:48): My question is to the Assistant Treasurer, Senator Sinodinos. Can the Assistant Treasurer advise the Senate about the costs imposed on jobs, business and the economy by the mining tax? What is the government doing to restore confidence and certainty in the mining sector?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:48): I thank the honourable senator for his question. The mining tax was an unnecessary and poorly designed tax that burdened the industry with excessive compliance costs. It damaged international investor confidence in Australia, particularly in our resources and energy sector, and it made the industry less internationally competitive. The whole point of the tax was to extract economic rents. It did nothing of the kind. Atlas Iron recently outlined to the Senate economics committee the impact of the mining tax on its operation, noting:

… the introduction of the MRRT substantially delayed the process of marketing our Ridley magnetite project to foreign investors as it created a further layer of cost and uncertainty over such projects which are already considered risky by virtue of their capital requirement.

It was adding to the risk of these major projects. The MRRT added extra complexity administratively—new administrative and compliance burdens.

Opposition senators interjecting—

Senator SINODINOS: You don't like to hear this, do you? You don't like to hear the consequences of what you did to one of the big industries of Australia, one of the industries of the future. The mining tax has already cost over $50 million in administration but raised only $400 million. How is that for a return on the industry? Treasury confirmed in the recent Senate economics committee hearing that far more companies need to comply with the tax than have actually paid the tax to date. Approximately 235 companies have registered for the tax and 65 more are due to register should the repeal of the tax not proceed; however, fewer than 20 companies actually incurred a MRRT liability in 2012-13.

If we want a vibrant energy and resources sector, we have to repeal the MRRT and we have to repeal the carbon tax. The opportunity we have over the next few days is to complete that task.

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:50): Mr President, I ask a supplementary question. Can the Assistant Treasurer advise the Senate of both the extent and the cost to the budget of the former Labor government spending the anticipated proceeds of the mining tax before they were actually achieved?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:51): The mining tax, as I mentioned before, has raised very little revenue. It began life as a $49.5 billion resources superprofits tax and then the people opposite subcontracted out their tax policy. Senator Cameron talks about figures in the mining industry. It was the Labor government that subcontracted out its mining tax policy to BHP, Rio and Xstrata. It then came up with a $26.5
billion estimate that then became $4 billion and to date it has raised $400 million. Off the back of that you promised over the forward estimates $16.7 billion of spending. We have raised $400 million but there is $16.7 billion of spending on schoolkids bonuses, low-income super, small business write-offs, the superannuation guarantee, loss carry-back and the income support bonus. It is spending we cannot afford. *(Time expired)*

**Senator BUSHBY** (Tasmania—Deputy Government Whip in the Senate) (14:52): Mr President, I ask a further supplementary question. Minister, has the coalition had a consistent position on the dangers—

*Honourable senators interjecting—*

**The PRESIDENT:** Order! The questioner is entitled to be heard in silence.

**Senator BUSHBY:** Minister, has the coalition had a consistent position on the dangers and financial irresponsibility of promising to spend money which will not be raised?

**Senator SINODINOS** (New South Wales—Assistant Treasurer) (14:52): I am happy to report that the coalition have had a consistent position. From the very beginning, we saw the damage that that mining tax was going to do to one of the sectors on which we are building Australia's future. We made it clear at the time: we would not support the mining tax or the spending of the former government that was promised off the back of that tax. We thought it was irresponsible to first slug a major industry in that way and then promise all this spending on the back of that. What a cruel hoax on the schoolkids of Australia, low-income Australians and small business, to promise all this spending off the back of this ever-receding tax. The now Prime Minister, in his budget reply speech in May, outlined that the coalition would not continue with the measures that were going to be funded by the mining tax, because the mining tax was not raising revenue. You were telling the schoolkids of Australia: 'It's okay to borrow to pay yourself a bonus.' We could not afford it. We were not going to go ahead with it. And that is our stance after the election.

**Senator Cameron:** Got to keep those political donations coming in from the mining companies!

*Senator Heffernan interjecting—*

**Senator Cameron:** Do the Nationals let you open your mouth?

**The PRESIDENT:** Order! When there is silence next to you, we will proceed, Senator McLucas.

*Senator Heffernan interjecting—*

**Senator Faulkner:** He's got feelings, you know!

**The PRESIDENT:** There are still people interjecting across the chamber, which is disorderly. I have reminded senators before. I will not proceed until there is silence. You are entitled to be heard in silence, Senator McLucas.

*Senator Heffernan interjecting—*

**Senator Faulkner:** Welcome home. You're here today, are you? Thanks for popping in!

**The PRESIDENT:** If senators down the other end of the chamber wish to conduct a conversation, I advise them to go outside the chamber and do so. I am waiting to call Senator McLucas.
Senator McLUCAS (Queensland) (14:55): My question is to the Assistant Minister for Health, Senator Nash. Are DonateLife grants subject to the approval of the Minister for Finance, Senator Cormann? Can the minister advise the Senate if any grants have been made since the new approval process was put in place?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:55): I thank the senator for her question. I advise the chamber that I will take some advice on that and advise the senator as soon as possible.

Senator McLUCAS (Queensland) (14:56): Mr President, I ask a supplementary question. Has the minister made representations to the Minister for Finance on behalf of the DonateLife grant applicants, given that DonateLife Week is in February next year? If not, why not?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:56): I refer the senator to my earlier answer and will advise her as soon as possible.

Senator McLUCAS (Queensland) (14:57): Mr President, I ask a further supplementary question. I refer to the Prime Minister's pre-election promise that there would be no cuts to health. Is the DonateLife program safe from cuts?

The PRESIDENT: Order! A question has been asked of the minister. I am waiting for silence so that the minister can be called. When there is silence, I will call the minister. Minister.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:57): The senator would be well aware, as I have indicated to the chamber previously, that a range of programs are being reviewed as a result of the economic situation.

Opposition senators interjecting—

The PRESIDENT: Order! Senator Moore is on her feet wanting to take a point of order.

Senator Moore: My point of order is on relevance. It was a specific question about one program. The minister has the chance to answer it or take it on notice.
The PRESIDENT: There is no point of order. The minister is addressing the question. The minister still has 36 seconds remaining to address the question.

Senator NASH: I find it extraordinary to get questions on health from the other side, from the previous government, which promised to slash elective surgery waiting lists and they increased. We saw portfolio staffing numbers increase by 27 per cent, $4 billion ripped from private health, $1 billion from dental—

Honourable senators interjecting—

The PRESIDENT: Order! Unless there is silence, I cannot hear the answer the minister is giving and neither can anyone else. It is not a decision for me to make a judgement about the quality or otherwise of any answer, but I am entitled to listen to the minister's answer. Minister, continue—

Senator Moore: Mr President, I again raise a point of order on relevance. The question was about the Prime Minister's commitment and the specific program. The minister has gone again into a general background rather than answering the question.

The PRESIDENT: There is no point of order at this stage. The minister still has 19 seconds remaining, and I call the minister.

Senator NASH: It is absolutely relevant to point out to the Senate that the fact that this current government are having to review a range of programs is because of the financial mess the previous Labor government left for this government to deal with. We will be acting appropriately in the best interests of taxpayers.

Senator Moore: Mr President, I again raise a point of order on relevance. I realise there are only two seconds left to go, but the minister should answer the question.

The PRESIDENT: There is no point of order. Minister, continue.

Senator NASH: Thank you. We will be reviewing all programs. (Time expired)

Health

Senator WILLIAMS (New South Wales) (15:01): My question is to the Assistant Minister for Health, Senator Nash. Will the minister inform the Senate about the impact Labor's carbon tax is having on the operational costs of hospitals and health services in Victoria and New South Wales?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:02): I thank the hardworking senator for his question. The Labor-Greens carbon tax is having an enormous impact on our hospitals and health services. The figures in Victoria and New South Wales alone are staggering. For starters, allow me to inform the Senate of the impact of the Labor-Greens carbon tax on the New South Wales system. State treasury analysis released last year showed the carbon tax cost the state's health service a total of $26½ million. There are more than 220 public hospitals across the state, with the carbon tax costing the average hospital over $120,000 per year.

In Victoria in 2012-13, the carbon tax cost more than $13½ million in electricity and gas across the public health system. And it is not just the large city hospitals that have been hit with the carbon tax; regional health services are struggling with higher energy costs in the hundreds of thousands of dollars. I note the very quiet response from the other side to these figures—Albury-Wodonga, Ballarat, Barwon, Bendigo, Goulburn Valley, Peninsula, South-
West, Mildura and North-East Wangaratta healthcare services, to name some of them. In some cases the carbon tax was 18 per cent of the energy bill. Let me point out that this is just two states we are talking about. Consider the impact of the carbon tax—

Honourable senators interjecting—

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

Senator NASH: It is unacceptable that our hospitals and health services are being slugged with this toxic carbon tax which is undoubtedly diverting vital funds away from other healthcare priorities. It makes a mockery of Labor and the Greens grandstanding on health issues when they are slugging our health services and hospitals with a tax and blocking the coalition government's attempts to repeal it.

Senator WILLIAMS (New South Wales) (15:05): I have just the one supplementary question. Will the minister inform the Senate of the impact the carbon tax will have on hospitals and health services if it remains in place?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:05): The refusal of Labor and the Greens to repeal the carbon tax will be to the detriment of our health system and the communities that rely on it. We heard earlier the enormous costs of the tax on our health system already, and this will only get worse. By repealing the tax the coalition would be easing this cost burden on our hospitals and health services so they can prioritise spending on front-line services.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Nash, you have been asked to resume your seat because there is commentary coming out of both sides which is disorderly. Senator Nash, continue.

Senator NASH: Further, by removing the carbon tax, the average household living costs will be around $550 lower. But it is not just our hospitals and health services that are burdened with this tax. The carbon tax is a $9-billion-a-year hit on the economy. The coalition government is committed to abolishing the carbon tax and will not stop until it is done. The Labor Party and the Greens would rather burden families and businesses with an economy-wide tax that fails to reduce emissions and sends industry offshore. It is time Labor and the Greens respected the mandate of the Australian people to abolish it.

Senator Abetz: I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Automotive Industry

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:07): I move:

That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Veterans’ Affairs (Senator Ronaldson) to questions without notice asked today.

After 65 years in Australia, with a long and proud history of building the cars that Australian families drive, Holden is reduced to just one friend at the cabinet table. But it is not just Holden that has been abandoned by those in cabinet opposite; the government has abandoned tens of thousands of families in Victoria and South Australia who rely on the automotive industry for the livelihoods, to pay their mortgages and to buy their weekly groceries. Mr
Greg Hunt, Mr Kevin Andrews, Mr Bruce Billson and Mr Andrew Robb, all from my state of Victoria and all in the cabinet, have all abandoned the automotive sector in Victoria. You could at least have expected Mr Christopher Pyne, the only South Australian in cabinet, to strongly support the industry that means so much to his state, but no. In amongst the looting of $1.2 billion of taxpayers' funds to bail Mr Pyne out of his debacle last week, he turned on South Australian families who are supported by work in the automotive sector. He could find a billion dollars to save his own skin, but he could not find an extra cent to keep families paying their mortgages. The lone voice in cabinet supporting the automotive industry and the jobs and families that it represents was Minister Macfarlane.

But worse than simply abandoning Holden has been the decision taken by a significant number of cabinet ministers to background journalists and leak against the Minister for Industry and against Holden, its workforce and the families that it supports. This is, frankly, a stunning state of affairs. We have a minister who is trying to support a company that employs thousands of Australians being publicly trashed by his own cabinet colleagues. This type of destructive backgrounding is entirely unprecedented.

But what is most galling is that the workers being trashed by coalition cabinet ministers are among the most productive in Australia. Research in yesterday's Guardian Australia shows that labour productivity in the machine- and equipment-manufacturing sector has grown strongly and consistently for the last two decades. Australian automotive manufacturing workers are productive, hardworking and highly skilled. Holden boss Mike Devereux is reported to have told the Productivity Commission again today that workers and unions in the automotive industry continue to work closely with management to drive productivity, and all this is happening while senior coalition ministers are cheerily digging a grave for this Australian icon.

There are many small and medium businesses in my home state of Victoria that will suffer if the government withdraws support for the automotive industry. Here are just some of those companies, and the families who work for them will be directly impacted: Australian Arrow in Carrum Downs, Diver Consolidated Industries in Reservoir, Katcon in Keysborough, Venture DMG in Keysborough, Multifoam in Dandenong South and Staetite Fasteners in Heidelberg West. Those opposite, particularly those 18 cabinet ministers who have turned their backs on the industry and sold out those workers, should hang their heads in shame. Once again this government is proving that it is not... (Time expired)

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (15:12): Mr Deputy President, as you are fully aware, I am a car guy. I love cars and I love car culture. I am a member of a number of car clubs. I participate in all sorts of car activities. I love cars of all sorts, especially performance cars, and I love the fact that Australia makes cars and has since the early days of the auto industry. I love the iconic cars that we have made, like the GTHO phase III Falcon from the early seventies, the L34 and A9X Toranas, the R-T series Chargers, and more recently the HSV and the Ford Performance Vehicles offerings. They are all great cars; I love them. But I do not think that taxpayers should be the owners of car companies or build cars. This is best done by private companies who are responding to market forces and demands. But, in saying that, I note that private companies need to have a level playing field. They need to be able to compete in ways that are reasonable and, as I say, on a
level playing field. In that regard, I found the article by Grace Collier in *The Australian* today very interesting reading and I would encourage everybody to have a look at it.

But that is not to say that there is not a role for government to play in assisting car companies through transition. Historically, bipartisan support has existed for transition assistance for the car companies, but transition assistance does not mean funding them forever. Questions about the future and viability of the Australian auto industry as it remains are rightly being asked at the moment and are rightly being sent for consideration by the Productivity Commission. It is clear that Ford is leaving already, GMH is currently under threat and Toyota potentially would have challenges down the track as well. It is right to ask the question now and to ask the Productivity Commission to have a look at what factors are influencing the viability of our auto industry.

What are the things that government can realistically and properly do to assist with that viability? And what are the other challenges facing it that the government can impact on? Government, indeed Australians, need to know the answers to these questions. It is not something that we should just do in an ad hoc, knee-jerk reaction and hand out money whenever it is asked for. We need to understand what the challenge is, what the problems are in the longer term to make sure that we set the auto industry on the correct path if that is indeed possible, which I readily hope it is.

Any decisions the government make following the Productivity Commission's findings also have to be made in the context of the debt position that the previous government has left us. We need to be responsible in how we approach dealing with that debt challenge. Unfortunately for industries right across the country, that means that there is less money to throw around propping them up. That said, I mentioned that I am very interested in hearing what the findings of the Productivity Commission will be because that may well provide us with a pathway to help ensure the viability of the auto industry in Australia. I would love to see that happen but, I do repeat, we have to do that responsibly and we have to do it in the context of the great fiscal challenge that we have been left by the previous government—$250 billion worth of net debt.

**Senator Conroy:** Why are you increasing it then?

**The DEPUTY PRESIDENT:** Order!

**Senator BUSHBY:** You may well ask: why are we increasing the debt limit? That is because debt—

**Senator Conroy:** You abolished the debt limit and raised the amount of debt.

**The DEPUTY PRESIDENT:** Order!

**Senator BUSHBY:** Government spending is not something that you can turn around at the click of a finger. Think of a large oil tanker at full steam in the open seas. If you decide you want to turn around because you are going in the wrong direction, you cannot just turn it around on a dime. It takes something like 10 kilometres to actually stop a large oil tanker. It keeps on going for a long time even though it is in reverse. That is an analogy of what we are facing with debt. The previous Labor government set us on the debt trajectory that is going to take a long time to turn around. It is not an easy thing to do. We can put it into reverse, we can turn the thrusters on backwards but it is still going to keep on going for many kilometres before we can even stop.
Senator Conroy: You have added $10 billion.

The DEPUTY PRESIDENT: Order! Senator Conroy, you are continually interjecting. Please desist.

Senator BUSHBY: The Australian government fiscal situation is like an oil tanker. The previous government had it heading full-steam in the wrong direction. It is not something you can turn around on a dime. It is going to take us a long time before we can even stop that oil tanker moving in the wrong direction never mind actually turning it around and getting it going in the direction it should be.

Senator Conroy mentioned that Australian-made cars are the cars that Australian families drive. That certainly was the case once upon a time; every house had a Falcon, a Kingswood or a Commodore—depending on the time that you are talking about—parked in the garage. But that is not so much the case now. That is one of the things that the Productivity Commission needs to look at. We need to understand the challenges facing the automotive industry in Australia at the moment. (Time expired)

Senator GALLACHER (South Australia) (15:17): I rise to make a contribution in this debate on taking note of answers of Senator Ronaldson and Senator Cormann. I do so with a deep sense of foreboding because the contribution from—

The DEPUTY PRESIDENT: I will just correct the record there. The motion is we are taking note of answers given by Senators Abetz and Ronaldson.

Senator GALLACHER: My apologies, Mr Deputy President. I need to restate that the contribution from the other side over a couple of days in this debate has not given me any sense of confidence that there will be a successful outcome here. In fact, Senator Bushby mentioned the outcome of the Productivity Commission but the Prime Minister has ruled out any additional funds prior to the Productivity Commission making its determination. So I suppose it takes us back to where we are at.

On 7 September there was an election and a government was elected, a government that has been characterised as having its first 100 days of delays. We have the National Commission of Audit due to come in on 17 January and a bit more in March. And answers to almost every question on almost every topic in this chamber are 'we will not commit'.

We have a dire situation in the automotive industry. The Senate is a representative body of states with 12 senators for each state. We have had one contribution from Senator Edwards, which I will say no more about but it did not inspire me with any confidence that there was any great support for the automotive industry in South Australia. We have had nothing from Senator Fawcett, nothing from Senator Birmingham although he did say something this morning. He said he supported the car industry—and has remained stubbornly silent ever since. We have seen nothing from Senator Ruston, nothing from Senator Bernardi. It is very unusual; Senator Bernardi is usually the most vocal of the senators from South Australia on a whole range of issues. So all of those thousands of people in South Australia looking at their representatives in this chamber have had a very poor result from the other side. In fact, what has been coming back is chilling. This industry is so important to our state and, as rightly pointed out by Senator Conroy, it is vastly important to Victoria. The spin-off is immense. BlueScope Steel could be dramatically affected by any closure of the automotive industry in South Australia as could transport companies. Toll transport and Allied Transport are all part
of the exactly-on-time logistics chain. The impact if this industry does not get the wherewithal to continue and commit to the additional billion dollars' worth of funding which those opposite have been asked to put on is going to be devastating. Devastating is probably not the word. All of those families are living with this uncertainty while this government procrastinates and delays, with a background of leaking, with a background of telling journalists, 'We are dry economic people here. We do not really want to be chipping in.'

One lower House member has put his name up to the front, Alex Hawke. Alex Hawke tweeted this morning, referring to a very partisan article in The Australian, which basically says the workers at Holden should take about a 67 per cent pay cut. I am sure it is very encouraging for them at this time of the year and with this uncertainty over their heads.

The reality of what is happening here is inaction. You claim you have a mandate to govern and you claim you have a mandate to do all sorts of things. What you should be doing is stepping up to the plate and securing the future of the automotive industry. The automotive industry is the largest contributor to manufacturing research and development. The skills developed in that endeavour are not contained to the automotive industry. Those people get trained, work in the automotive industry and then go across the whole manufacturing sector. If we want to be a smarter country and if we want to add value, this industry cannot be allowed to wither and die just because there are dry economic rationalists in the Liberal Party.

If this was something to do with agriculture like GrainCorp, then the Nats would be all over it, the Hon. Joe Hockey would be bullied into submission and we would have certainty. But, unfortunately in this case, it is the automotive industry and this government looks set to let it wither and die.

Senator BOSWELL (Queensland) (15:23): By way of background, the first car I ever had was a Fiat 500, and every other car since then—and there must be 50 or 60 of them—has been a Holden. I hope the last car that I have will be a Holden too because they have served me very well. I have never been in a position where I have not been able to get it back home one way or another. So I support the car industry, but let us not write the car industry off yet.

Senator Conroy interjecting—

Senator BOSWELL: There is no decision being made on the car industry, so do not get in there and beat this up or develop a straw man so you can knock it over. That is what you are doing. No decision has been made.

Senator Conroy interjecting—

The DEPUTY PRESIDENT: Order! Senator Conroy.

Senator BOSWELL: After your contribution on the NBN, Senator Conroy, I would curl up in a little round ball and hide under the desk.

When Hawke and Keating took tariffs off, we became part of the world. We could not then just hide behind a tariff wall. We all applauded that—you applauded that. But what Keating and Hawke did was say, 'We are competitive,' so we had to take on the rest of the world in car manufacturing where costs are so much lower, where wages are so much lower and where OH&S is so much more realistic. This is the result that is coming home. We used to get by by paying higher wages and by paying for good conditions. We all want that for workers, but that was all underpinned by having cheap energy. That is what we did in Australia. We had high wages and high conditions and we all applauded it. Then, you came along. The one thing that
we had going for Australia was the abundance of cheap coal and cheap energy. So what did you do then? You said: 'Here is our natural advantage. We do not need a natural advantage and our workers do not need a natural advantage. We will throw them to the wolves.' You through them to the wolves and you put a $400 carbon tax on every car.

While you procrastinate and not let the legislation go through, while you filibuster, you are hurting every worker in Australia, because you will not recognise that it is not only Holden and Ford but also Qantas who have to pay a $100 million carbon tax. It is the whole industry. Today a little mine in Queensland with 200 workers went belly-up. Why? Because there is a carbon tax. There is a litany of broken manufacturers out there, and you let these people go broke: McCain, with 59 employees—gone; Simplot—gone; Golden Circle—gone; Downer EDI—gone; Electrolux—gone; Caterpillar—gone; Rio Tinto, out of Gove; WesTrac—gone; and Peabody Energy—gone today. Then there is Kresta, Cussons, Aeroguard, Harley-Davidson, Bosch, Penrice Soda, Norsk Hydro, Shell and Goodman Fielder, and Queensland Aluminium where 4,500 jobs have been lost. While the jobs are flooding out, you are procrastinating. All of this is not only because of a carbon tax and renewable energy but also because of the high dollar. But the carbon tax and renewable energy are playing a very significant role in the demise of Australian industry.

How can you face this parliament? How can you possibly go back and talk to unions when you are slitting their throats and costing them jobs? You are destroying them. Why do you take their money? Why do you take their union fees and betray them? You are betraying them every time you try to block the repeal of the carbon tax. The carbon tax has destroyed so many jobs in the manufacturing industry and so many jobs in the mining industry. The mining and coal industries are trying to make a quid; many of them are not. They are saying, 'If we didn't have a mining tax and if we didn't have a carbon tax, we would not be terribly profitable but we would be in the black, not in the red.' What is wrong with you? Why do you have to be led around by the nose by the Greens? Why do you have to do take notice of them?

(Time expired)

Senator McEwen (South Australia—Opposition Whip in the Senate) (15:28): I too would like to take note of answers given by government senators to questions asked by Senator Wong and Senator Carr about the future of Australia's automotive industry. We keep asking questions of the government about the future of the automotive industry because the answers we get are totally unsatisfactory. They are not answers, in fact; they are just responses. They do not answer the question of whether or not this government will act to save the 200,000 jobs supported by the automotive industry. The responses we get offer no solace to Holden workers in my state who want to know how much longer they will have a job for. The responses we get only reveal that there are deep divisions in this federal government about whether or not Australia's auto industry and all those who work in it and rely on it should continue to be supported as they were under the former Labor government.

I know the Premier of South Australia is coming to Canberra this week to speak to the Prime Minister about the future of the car industry. I know he is passionate about saving the South Australian jobs in the car industry and doing what he can to secure a future for Holden and the 1,700 workers in South Australia that it employs.

I know that all South Australian Labor senators in this place and Labor members in the other place have spoken out in support of the auto industry and called on the federal
government to step up to the mark and declare exactly what it plans to do. However, I do not know what South Australian Liberal senators are doing because they do not tell us. It is extraordinary. Over the last two days, in taking note on this important matter of the auto industry, we have not had one South Australian Liberal senator stand up and put their point of view. Not one!

**Senator Kroger:** Rubbish!

**Senator Fifield:** That's just not true!

**Senator McEwen:** In taking note, we have had, as we just heard, a Tasmanian senator, Senator Colbeck, and another Tasmanian senator, Senator Bushby—

**Senator Fifield:** Tasmanians are people too!

**Senator McEwen:** I have not seen too many cars made in Tasmania, Senator Fifield!

**Senator Fifield:** They use them!

**Senator McEwen:** I have not seen too many cars made there!

**Senator Fifield:** They drive them!

**Senator McEwen:** And we have had a senator from Western Australia and now a senator from Queensland—and I fail to find any auto industry in Queensland. So we do not know what Liberal senators are doing.

**Senator Kroger:** They don't use the horse and buggy!

**The DEPUTY PRESIDENT:** Order! On my right!

**Senator McEwen:** We do know what some unnamed Liberal senators are doing, though. They are backgrounder journalists and saying that Holden is going to pull out of Australia. But today we heard from the CEO of Holden himself at the Productivity Commission that no decision had been made.

No decision has been made by Holden, so why are coalition ministers, unnamed, going around and saying that Holden is going to pull out of Australia? Why are they forcing their own minister—Minister Macfarlane—to try to defend and reclaim his portfolio space? What is this all about? What is the hidden agenda of those coalition ministers who are backgrounder journalists?

Is it because the economic dries have taken over the Liberal Party completely? You would have to think so, wouldn't you? Because they are the people who believe in a no-holds-barred, no-strings-attached complete economic freefall for all, and whose ideological obsessions blind them to the fact that governments do sometimes need to support industries. But there is more to supporting an industry than letting go of the levers and watching the freefall that happens, and hoping that some people and some organisations survive out of that. We know that the member for Mayo, the member for Sturt and the member for Higgins all have that ideological obsession. They want to let the automotive industry fall, basically.

I would like to conclude, however, by noting that one South Australian senator has made some comments about this; one South Australian senator, and that is Senator Bernardi. I do not know who saw Senator Bernardi interviewed last night, but it sent shivers down my spine when he was asked about the automotive industry. What did he do? He reverted to type, and he said that what they should do in the auto industry is to look at those union agreements that
they have negotiated at Holden. Surprise, surprise, surprise! Is this what it is all about, really?
Is it about attacking ordinary working people and their unions, who have negotiated decent
enterprise agreements for the automotive industry? That is probably what it is all about.

I can tell you, Mr Deputy President, that the unions will stand behind automotive workers
in South Australia and Victoria and in the other industries that are dependent on the
automotive industry. South Australian Labor senators will stand behind automotive workers.
The people who will not stand behind them are Liberal South Australian senators, who have
refused to participate in this debate and who are standing by watching the auto industry come
to its knees. *(Time expired)*

Question agreed to.

**Trade**

*Senator WHISH-WILSON* (Tasmania) (15:33): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a
question without notice asked by Senator Whish-Wilson today relating to free trade agreements.

*‘If we want honesty in Australian politics, we need transparency in parliament’. These are not
my words; these are words that I listened to in this chamber last week from Senator Sinodinos
when we were talking about the debt ceiling and policy around that. They are sentiments that
I wholeheartedly agree with, and I certainly know that my party and most people in this
chamber would agree with this.*

I was quite interested in whether Senator Cormann might have made similar comments in
this chamber over the years, so I just did a quick search and I found one quote which was
interesting:

Openness and transparency is in the national interest. Openness and transparency makes for better
government. Secretive government, like we are getting from this government, makes for bad
government.

That was from 5 July 2011. I found it on *Hansard*. I am sure there are lots of other quotes
there from the senator talking about the importance of transparency and getting rid of secrecy.

It seems to be an important issue except where it relates to free trade deals. Why are trade
deals sacrosanct? Why is this so important to this government if they are so important for our
national interest? If this is the biggest free trade deal the country has ever faced—the Trans-
Pacific Partnership Agreement, with 29 chapters that cover every aspect not only of our
economy but also of our community and our environment—why is it being conducted in
secret?

That is the really simple question that I get asked by journalists all the time, and it is really
hard to answer. Why the secrecy? I understand there is probably some expediency in doing
things behind closed doors and getting things done. It has taken nearly four years to get to this
point. So the Senate compelled the government last week to release the final draft, and I thank
Labor for supporting the Greens to take this measure so that this draft could be seen by the
Australian people prior to it being signed by cabinet.

This is a situation that I understand the US are also looking at. But why is it that we
demand transparency—tri-partisan, including the Independents—except that it is okay for free
trade deals to be done in secret and the details not given to the Australian people?
Senator Cormann said that he would not ignore the advice of Treasury in his response to me today. Well here it is; here is the advice from the blue book direct to the coalition government, warning them against investor-state dispute clauses and the importance of maintaining flexibility in policy and maintaining our national sovereignty.

ISDS—investor-state dispute settlement provisions—have been in previous free trade agreements. But note that with the TPPA, out of the 29 chapters only five relate directly to traditional trade—the 'trade' that most students of economics would understand means trade. The TPPA covers an enormous array of issues, including things such as intellectual property, the use of the internet, environmental laws, investment policy—things that we have never seen in free trade deals before; things that directly impact the lives of Australians and us here in government, particularly in relation to our policies and our ability to be flexible and legislate in the national interest.

It was good to see some of the National Party's senators firing up during question time when I mentioned ADM, who recently had their bid for GrainCorp knocked back in terms of national interest. National interest is a strange cat—we are not sure exactly how these decisions are made or why they are made; they are at the discretion of the Treasurer. But there is no doubt we need the ability in this country to make decisions in our national interest, with the best information available, and not to have what is called 'regulatory chilling' or the fear of regulatory chilling, where big corporations can sue us and sue the Australian taxpayer, potentially for billions of dollars, over a decision such as we saw with ADM.

We are facing significant risks of losing our access to cheap medicines under this TPPA. Recently in Singapore we saw breakout groups form, which suggested to many commentators that the Australian government or negotiators were already going weak on our previous positions around ISDS and the PBS. ISDS is not what we want in this country. We need to ban it from future free trade deals. We need to be very careful about not giving powers to corporations over governments. (Time expired)

Question agreed to.

PETITIONS

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

Road Infrastructure

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

The petition of the undersigned shows the significant social and economic disadvantage faced by residents and businesses due to the lack of services and infrastructure in Epping North/ Wollert.

Your petitioners (residents and businesses of the City of Whittlesea, in particular the Epping corridor- Epping/ Epping North/ Wollert), ask that the Senate urge the Federal Government (through Infrastructure Australia) to resolve to fund in combination with the State Government where applicable:

1. The design and construction of the northern and southern ramps connecting O'Heans Road with the Hume Freeway (a full diamond interchange),

2. The duplication of the remaining section of single carriageway of O'Heans Road between the Hume Freeway and Redding Rise, and;

3. The four lane carriageway of Edgers Road between Cooper Street and O'Heans Road.

by Senator Carr (from 752 citizens).
Renewable Energy Certificates

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

The petition of the undersigned shows:

Various industrial wind turbine power stations in Australia are claiming Renewable Energy Certificates (RECs) whilst operating in a non-compliant manner. The direct cost to the Australian people is increased electricity prices. The indirect costs to Australian communities with industrial wind turbines operating can be reduced property values, adverse health effects, environmental damage and increased bushfire threat. These costs are incurred with wind turbines making no significant contribution to carbon dioxide emission reduction.

Your petitioners ask that the Senate:

- commit to scrap the Renewable Energy Certificate (REC) entitlement;
- place a moratorium on further RECs being issued until the July 2011 Senate recommendations on Health Research have been carried out;
- conduct a full audit of the RECs so far issued to noncompliant wind farm operators to ensure that any RECs obtained are recovered;
- and to prevent any more RECs being issued in any case where there is evidence that the operator is in breach of State or Federal Law (eg, Waubra, Hepburn, Macarthur).

by Senator Madigan (from 1,018 citizens).

Petitions received.

Clean Energy

Senator DI NATALE (Victoria) (15:38): by leave—I present a petition which is not in conformity with the standing orders from young Jared Jenkins, with 300 signatures, relating to clean energy.

NOTICES

Presentation

Senator Fifield: To move:

That, in place of the orders relating to the broadcasting of Senate and committee proceedings, the Senate adopts the following:

1 Provision of broadcast

1.1 The Senate authorises the broadcast and rebroadcast of proceedings and excerpts of proceedings of the Senate and of its committees in accordance with this order.

1.2 The Senate authorises the provision of sound and vision coverage of proceedings of the Senate and its committees, including records of past proceedings, through the House Monitoring Service and through the Parliament of Australia website.

1.3 Access to the House Monitoring Service sound and vision coverage of the proceedings of the Senate and its committees is provided to persons and organisations as determined by the President, on terms and conditions determined by the President which must not be inconsistent with this order.

1.4 The President shall report to the Senate on persons and organisations in receipt of the service and on any terms and conditions determined under paragraph 1(3).

1.5 Use of sound and vision coverage of proceedings of the Senate and its committees, including records of past proceedings, published on the Parliament of Australia website is subject to conditions of use determined by the President.
2 Broadcast of Senate proceedings—House Monitoring Service

Access to proceedings provided through the House Monitoring Service is subject to compliance with the following conditions:

(1) Only the following broadcast material shall be used:
   (a) switched sound and vision feed of the Senate and its committees provided by the Parliament that is produced for broadcast, rebroadcast and archiving; and
   (b) official broadcast material supplied by authorised parliamentary staff.

(2) Broadcast material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
   (a) political party advertising or election campaigns; or
   (b) commercial sponsorship or commercial advertising.

(3) Reports of proceedings shall be such as to provide a balanced presentation of differing views.

(4) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.

(5) The instructions of the President or his or her delegates, which are not inconsistent with these conditions or the rules applying to the broadcasting of committee proceedings, shall be observed.

3 Broadcast of committee proceedings

The following conditions apply to the broadcasting of committee proceedings:

(1) Recording and broadcasting of proceedings of a committee may occur only in accordance with the authorisation of the committee by a deliberate decision of the committee.

(2) A committee may authorise the broadcasting of only its public proceedings.

(3) Recording and broadcasting of a committee is not permitted during suspensions of proceedings, or following an adjournment of proceedings.

(4) A committee may determine conditions, not inconsistent with this order, for the recording and broadcasting of its proceedings, may order that any part of its proceedings not be recorded or broadcast, and may give instructions for the observance of conditions so determined and orders so made. A committee shall report to the Senate any wilful breach of such conditions, orders or instructions.

(5) Recording and broadcasting of proceedings of a committee shall not interfere with the conduct of those proceedings, shall not encroach into the committee’s work area, or capture documents (either in hard copy or electronic form) in the possession of committee members, witnesses or committee staff.

(6) Broadcasts of proceedings of a committee, including excerpts of committee proceedings, shall be for the purpose only of making fair and accurate reports of those proceedings, and shall not be used for:
   (a) political party advertising or election campaigns; or
   (b) commercial sponsorship or commercial advertising.

(7) Where a committee intends to permit the broadcasting of its proceedings, a witness who is to appear in those proceedings shall be given reasonable opportunity, before appearing in the proceedings, to object to the broadcasting of the proceedings and to state the ground of the objection. The committee shall consider any such objection, having regard to the proper protection of the witness and the public interest in the proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness’ objection, the witness shall be so informed before appearing in the proceedings.

4 Broadcast of proceedings of committees when considering estimates

The public proceedings of legislative and general purpose standing committees when considering estimates may be broadcast through the House Monitoring System and through the
Parliament of Australia website in accordance with this order, and in accordance with any further conditions, not inconsistent with this order, determined by a committee in relation to the proceedings of that committee.

5 Radio broadcast of parliamentary proceedings by the Australian Broadcasting Corporation— general principles

The Senate adopts the following general principles agreed to by the Joint Committee on the Broadcasting of Parliamentary Proceedings on 19 March 2013:

(a) Allocation of the broadcast between the Senate and the House of Representatives

The proceedings of Parliament shall be broadcast live whenever a House is sitting. The allocation of broadcasts between the Senate and the House of Representatives will be in accordance with the standing determinations made by the Joint Committee on the Broadcasting of Parliamentary Proceedings. It is anticipated that over time, the coverage of each House will be approximately equal.

(b) Rebroadcast of questions and answers

At the conclusion of the live broadcast of either House, questions without notice and answers thereto from the House not allocated the broadcast shall be rebroadcast.

(c) Unusual or exceptional circumstances

Nothing in these general principles shall prevent the Joint Committee on the Broadcasting of Parliamentary Proceedings from departing from the principles in unusual or exceptional circumstances.

6 Television broadcast of question time by the Australian Broadcasting Corporation

(1) The Senate authorises the television broadcast and rebroadcast by the Australian Broadcasting Corporation of question time in the Senate.

(2) The distribution of television broadcasts between the two Houses shall be in accordance with the distribution of the radio broadcast, provided that the Senate is broadcast on not less than 3 days in any 2-week sitting period.

7 This order is of continuing effect.

Senator Urquhart: To move:

That the Senate expresses its sincere condolences to the families, friends and work colleagues of Mr Craig Gleeson and Mr Alistair Lucas, who were tragically killed at work at the Mount Lyell copper mine on Tasmania’s west coast on Monday, 9 December 2013.

Senators Moore and Rhiannon: To move:

That the Senate—

(a) notes that:

(i) the ongoing humanitarian crisis in Syria is staggering, and that according to Oxfam and CARE—two non-government organisations (NGOs) operating in the region—estimates suggest that:

(a) more than 100 000 lives have been lost and more than 2.2 million people have fled the country since 2011,

(b) an estimated 9.3 million people are in need of humanitarian assistance inside Syria, and

(c) around 6.5 million people have been forced to flee their homes and remain trapped inside the country,

(ii) most refugees are hosted by Lebanon and Jordan, with estimates of over one million refugees in Lebanon alone,

(iii) more than 80 per cent of refugees are living outside of camps, in informal shelters, and
(iv) as winter rapidly approaches in the region and temperatures plummet, many refugees have inadequate shelter; and

(b) calls on the Federal Government to:

(i) provide critically-needed assistance at the upcoming donor conference to be held in Kuwait in January 2014, which addresses both the immediate- and long-term needs of people affected by the crisis,

(ii) contribute its fair share of funding to the United Nations (UN) new appeals for Syria, as well as calling on other international donors to follow this example,

(iii) continue to actively use all diplomatic channels, including Australia’s membership on the UN Security Council, to drive work towards a political solution to the crisis, and to facilitate an effective humanitarian response from the international community, through pushing for increased access for humanitarian agencies, including NGOs like CARE and Oxfam, to enable them to reach people most in need of assistance across the region, and

(iv) actively support the Geneva Two peace talks scheduled for 22 January 2014, and by pushing for an urgent ceasefire and actively promoting the critical role of the Syrian people and civil society, especially women, in this dialogue and any ongoing peace negotiations.

Senator Rhiannon: To move:
(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by 13 May 2014:

   Technical and further education (TAFE) in Australia, including

   (a) the role played by TAFEs in:

      (i) educational linkages with secondary and higher education,

      (ii) the development of skills in the Australian economy,

      (iii) the development of opportunities for Australians to improve themselves and increase their life, education and employment prospects, and

      (iv) the delivery of services and programs to support regions, communities and disadvantaged individuals to access education, training and skills and, through them, a pathway to further education and employment;

   (b) the effects of a competitive training market on TAFE;

   (c) what public funding is adequate to ensure TAFEs remain in a strong and sustainable position to carry out their aims; and

   (d) what factors affect the affordability and accessibility of TAFE to students and business.

(2) That, in conducting its inquiry, the committee must:

   (a) consider any public information provided to the 2013 House of Representatives inquiry by the Standing Committee on Education and Employment on the role of the technical and further education system and its operation; and

   (b) hold public hearings in all capital cities, with a minimum of Melbourne, Sydney and Brisbane, as well as a major regional centre in either New South Wales or Victoria.

Senator Ludlam: To move:

That the Senate—

(a) notes:

   (i) the Australian Broadcasting Corporation (ABC) is accountable to its charter, its board and the people of Australia,
(ii) editors and journalists, not politicians, should make editorial decisions in a democracy that values a free press,

(iii) 80 per cent of Australians surveyed believe the ABC is balanced and even-handed when reporting news and current affairs, and

(iv) the ABC and the Special Broadcasting Service are vital public news, information, education and entertainment services for the benefit of citizens and audiences rather than advertisers and shareholders;

(b) rejects:

(i) complaints about the ABC unfairly competing with commercial media as vindictive and misconceived, and

(ii) government interference in the editorial decisions made by the ABC; and

(c) calls on all parties to commit to maintaining the ABC as a well-funded public broadcaster with an independent board free from political interference.

**Senator Ludlam:** To move:

That the Senate—

(a) notes that:

(i) more than 100 000 Australians experience homelessness each night,

(ii) the National Partnership Agreement on Homelessness (NPAH) expired in June 2013, and

(iii) the Government’s lack of commitment to housing and homelessness is causing uncertainty, in regard to the future of homelessness services; and

(b) calls on the Australian Government to:

(i) immediately recommence negotiations with the states and territories on the NPAH and report progress to the Senate on Thursday, 12 December 2013, and

(ii) compile a list of homelessness programs that will be cut in each state and territory, and the number of jobs lost, if the National Partnership is not renewed, and provide this list to the Senate by Thursday, 12 December 2013.

**Senator Wright:** To move:

That the Senate—

(a) notes:

(i) the results of the 2012 Programme for International Student Assessment of students’ mathematical, scientific and reading literacy, published on 3 December 2013, which showed students attending provincial and remote schools were performing as much as 2 years of schooling behind students in metropolitan schools, and

(ii) the Gonski *Review of Funding for Schooling* also found the performance of students in rural schools is significantly below that of students in city schools, and recommended additional funding for these schools;

(b) recognises:

(i) Australian students in rural areas deserve the same educational opportunities as students in metropolitan areas,

(ii) additional Commonwealth Government funding to improve student outcomes is not guaranteed to reach the most needy rural schools under unconditional funding arrangements with state governments, and

(iii) rural students will likely continue to be disadvantaged as a result; and
(c) calls on the Commonwealth Government to negotiate agreements with all state governments which ensure rural schools receive appropriate funding, in accordance with the recommendations of the Gonski review, including loadings for remoteness or a school’s limited size.

**Senator Xenophon:** To move:
That the following matter be referred to the Economics References Committee for inquiry and report by 26 March 2014:

Ticket scalping in Australia, with particular reference to:

(a) the prevalence of ticket scalping and its impact on ticket prices and sales,
(b) the effectiveness of current state-based consumer protection legislation, and how these measures can be improved, including through a federal approach;
(c) issues of illegality, including the prevalence of counterfeit tickets; and
(d) any related matters.

**Senator Di Natale:** To move:
That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 13 June 2014:

(a) the decision of the Australian Government to fund the East West Link in Melbourne in the absence of:
   (i) any full business case, and
   (ii) any recommendation to that effect from Infrastructure Australia;
(b) the economic, social and environmental justifications for the proposed East West Link;
(c) whether alternative projects, including public transport projects, would be more appropriate;
(d) the impacts of the proposed East West Link on:
   (i) residents of Melbourne,
   (ii) traffic congestion, including in areas adjacent to the link,
   (iii) public transport,
   (iv) open spaces and parkland,
   (v) the environment,
   (vi) climate change and Australia’s greenhouse gas pollution, and
   (vii) any social and cultural features of Melbourne; and
(e) any other related matter.

**Senator Polley:** To move:
That the Residential Care Subsidy Amendment (Workforce Supplement) Principle 2013, made under the Aged Care Act 1997, be disallowed. [F2013L01748]

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

**Senator Polley:** To move:
That the Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013, made under the Aged Care Act 1997, be disallowed. [F2013L01749]

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.
Senator Hanson-Young: To move:

That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than noon on Thursday, 12 December 2013, all incident reports, briefings, internal communications and other reports (excluding already publicly available documents), between the Minister or the Minister’s office and the Department of Immigration and Border Protection or the Detection, Interception and Transfer Task Group and related agencies in relation to an undetected boat arrival suspected to have arrived on Monday, 3 December 2013, carrying 27 asylum seekers.

Senator Hanson-Young: To move:

That the Senate records its deepest condolences for the families and loved ones of the three refugees, including a toddler, who tragically lost their lives at sea on a boat bound for Australia.

Senator Wong: To move:

(a) notes that the United States Trade Representative has undertaken to publish the full text of all free trade agreements negotiated on behalf of the United States of America (US) ‘well before’ signing to invite further comments from the US Congress and the US people;
(b) resolves that the Australian Senate and the people of Australia are entitled to scrutinise proposed agreements before signing; and
(c) orders that there be laid on the table by the Minister representing the Minister for Trade, the full text of the proposed Korea-Australia Free Trade Agreement, the Trans-Pacific Partnership Agreement and other bilateral and plurilateral trade agreements at least 14 days before signing.

Senator Whish-Wilson: To move:

That the Senate calls on the Government to:

(a) send a Customs vessel to the Southern Ocean now that the whaling season has commenced, as it is important that Australia has a Southern Ocean presence given the ongoing risk of confrontation between whalers and protestors; and
(b) ensure that the resources devoted to patrolling illegal foreign fishing are not diverted to other activities, including that the Australian Customs Vessel Ocean Protector and/or its replacement is provided with sufficient funding to devote an adequate level of patrol days in the Southern waters every financial year.

Senator Siewert: To move:

That the Senate—

(a) acknowledges that the Great White Shark is listed under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) as a threatened (vulnerable) and migratory species; and
(b) calls on the Government to:

(i) maintain protection for the Great White Shark under the EPBC Act,
(ii) oppose any proposals to cull Great White Sharks by the Western Australian Government, and
(iii) support further research including radio tagging to better understand the shark population, including any changes in their behaviour as a result of ocean warming, which will allow governments to better inform and protect ocean users.
Senator Waters: To move:

That the Senate—

(a) notes that:

(i) only Australia’s most precious places, species and ecosystems are protected by our national environment laws, namely the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act),

(ii) each year only a limited number of developments across Australia—projects that will significantly impact on these nationally protected places, species and ecosystems—need to seek approval under our national environment laws,

(iii) assessment bilateral agreements can streamline environmental assessment processes without compromising environmental protections, and

(iv) a recent inquiry by the Environment and Communications Legislation Committee looking at whether the Federal Government should be prevented from handing its EPBC Act approval powers to state governments found:

(a) there was no compelling evidence to show how an approval agreement would improve business efficiency, and

(b) that it is not appropriate for the states and territories to exercise decision-making powers for approvals in relation to matters of national environmental significance; and

(b) calls on the Federal, state and territory governments of Australia to:

(i) ensure that final approval decisions for projects significantly impacting species, ecosystems and wilderness places protected under our national environment laws remain with the national environment minister, and

(ii) abandon any plans to progress approvals of bilateral agreements under the EPBC Act.

Senator Milne: To move:

That the Senate—

(a) notes the concerns of the International Organization for Migration, Human Rights Watch and Amnesty International, regarding the treatment of migrant workers in Saudi Arabia, arising from reports of people being transported to remote areas without adequate shelter and water, exploitation of, and violence against, the workers and their families; and

(b) calls on the Saudi Arabian Government to work with international agencies and human rights groups to improve the working and living conditions for foreign workers.

Senator Milne: To move:

(1) That, a select committee, to be known as the Select Committee into the Abbott Government’s Commission of Audit, be established to inquire into the Commission of Audit established by the Commonwealth Government and, in particular, any report of that Commission to the Government, with interim reports as the committee sees fit and a final report on or before 13 May 2014, with particular reference to:

(a) the nature and extent of any cuts or changes to government expenditure recommended by the Commission;

(b) the effect of any proposed cuts or changes on the provision of services, programs or benefits by the Government;

(c) the effect of any proposed cuts or changes on the ability of the public service to provide advice to government;
(d) the effect of any proposed changes to the current split of roles and responsibilities between the Commonwealth Government and state and territory governments on the current levels of government expenditure, taxation and service delivery;

(e) the potential impact of any proposed revenue measures on the Budget and on taxpayers, including access to services like health and education;

(f) the potential impact of any proposed cuts or changes to government expenditure or service provision on employment and the economy;

(g) the consistency of the Commission’s recommendations with the Government’s commitments on spending on health, medical research, education, and defence spending;

(h) the potential impact of any proposed cuts or changes on the structural budget balance over the forward estimates and the next 10 years;

(i) the potential impact that any proposed changes to Commonwealth budgeting arrangements might have in undermining public confidence in the provision of Commonwealth government accounts;

(j) the potential effects of any proposed cuts or changes on the Government’s medium- to long-term fiscal position, such as reducing future productivity, reducing the tax base and government revenues, or increasing future demand for government programs or support;

(k) whether the Commission’s terms of reference are appropriate, and, in particular, whether consideration ought be given to alternative means of:

(i) improving the efficiency and effectiveness of government expenditure,

(ii) improving the state of the Commonwealth’s finances and addressing medium-term risks to the integrity of the budget position,

(iii) improving the fairness and efficiency of revenue raising, including that businesses cover the full cost of their activities, and that individuals with greater capacity contribute more to government revenue,

(iv) funding infrastructure and enhancing Australia’s human, economic and natural capital, or

(v) improving the public service; and

(l) any other matters the committee considers relevant.

2 That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Greens.

3 That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

4 That 3 members of the committee constitute a quorum of the committee.

5 That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

6 That the committee elect as chair a member nominated by the Leader of the Australian Greens and as deputy chair, a member nominated by the Leader of the Opposition.

7 That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

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

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Withdrawal

Senator MOORE (Queensland) (15:39): On behalf of Senator Lundy I withdraw general business notice of motion No. 55, standing in her name for today, authorising the Senate Select Committee on the National Broadband Network to meet during the sitting of the Senate on Thursday, 12 December 2013.

COMMITTEES

Joint Select Committee on Northern Australia

Meeting

Senator KROGER (Victoria—Chief Government Whip) (15:40): by leave—I move:

That the Joint Select Committee on Northern Australia be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 December 2013, from 4.30 pm to 6.30 pm.

Question agreed to.

Finance and Public Administration References Committee

Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:41): On behalf of Senator Lundy, I move:

That, noting paragraph (7) of the Senate order for departmental and agency contracts, the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 14 May 2014:

The operation of the Senate order for departmental and agency contracts, including:
(a) developments in the online reporting on contracts (including Austender) which may be relevant to enabling departments and agencies to meet the requirements of the order;
(b) the role of, and reporting by, the Auditor-General under the order; and
(c) any other related matters.

Question agreed to.
Legal and Constitutional Affairs References Committee

Reference

Senator KIM CARR (Victoria) (15:41): I move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 21 February 2014:

A claim of public interest immunity raised over documents tabled by the Assistant Minister for Immigration and Border Protection (Senator Cash), on 4 December 2013, in response to an order for production of documents and other documents tabled by the same Minister in relation to other orders for production of documents concerning immigration policy, with particular reference to:

(a) the specific matters of public interest immunity being claimed by the Minister for Immigration and Border Protection; and
(b) the authority of the Senate to determine the application of claims of public interest immunity.

Question agreed to.

MOTIONS

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (15:42): I move:

That the Senate calls on the Government to give parents of newborn babies detained in immigration detention unrestricted access to their children.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:42): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CASH: The government will not be supporting this motion as it is factually inaccurate. The government's policy is to keep families together, including mothers and newborn babies. In some circumstances, such as where babies require special care, access may be slightly more limited, as it would be for anyone in the Australian community since some Australian hospitals do not have the capacity to accommodate mothers overnight with children or babies in special care, regardless of the mothers' visa status. In such cases the department will work with the hospital to obtain as much access for the mothers as is reasonably possible. I indicate that the government will not seek to call a division on this motion, noting that the Greens and the opposition are both voting in favour of it.

Senator HANSON-YOUNG (South Australia) (15:43): Mr Deputy President, I seek leave to make a very short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator HANSON-YOUNG: I take on board what the minister has said. I would like to clarify that there is nothing in the motion that is inaccurate or misrepresentative. All it calls for is for the government to give parents of newborn babies detained in immigration detention unrestricted access to their children. Either that happens or it does not happen. If it does happen, they should be supporting it; if it does not, now we know why they are voting against.

Question agreed to.
Renal Services

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:44): I move:

That the Senate—

(a) acknowledges:

(i) the need for flexible dialysis services in the Central Desert that allow patients to receive treatment in their home community rather than being forced to travel thousands of kilometres,

(ii) the work of Western Desert Dialysis (Alice Springs, Northern Territory), an innovative renal service provider and recipient of the Excellence in Accessible Communities Award at the 2013 National Disability Awards, and

(iii) the ongoing dispute with the Northern Territory, and the South Australian and Western Australian Governments about who is responsible for funding the operational costs of delivering renal services 'on country' for remote Aboriginal communities; and

(b) calls on the Government to:

(i) ensure that the $10 million earmarked for renal services is spent on improving central desert infrastructure,

(ii) work with communities to develop alternative models of service delivery, such as those proposed by communities like Kiwirrkurra and Warburton, who are prepared to contribute funding from their own community to run services, and

(iii) renew its efforts to negotiate with states and territories and resolve the impasse over patient funding as a matter of urgency.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:44): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute, Senator Nash.

Senator NASH: I thank the Senate for leave to explain why the government does not support this motion today. Let me make it clear that this government takes the health of Indigenous Australians seriously. The government notes, however, that in 2011-12 the former government allocated $13 million to respond to the findings of the Central Australia Renal Study. It is understood, however, that negotiations by the previous government with the state and territory governments failed to reach an agreement and, as a result, $3 million was returned to consolidated revenue.

In 2013-14, $10 million was allocated for projects to support dialysis in Central Australia, but again, negotiations by the previous government were unsuccessful. This government acknowledges the challenges associated with delivering dialysis services in Central Australia and remains committed to considering innovative ways to deliver services to remote communities and to ensuring that resources effectively reach those who need them. Senator Siewert has previously been informed that the funding for renal dialysis services is under consideration by this government and advice will be provided as it becomes available. This motion today is nothing more than a political stunt and the government does not support it.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:45): I seek leave to make a short statement.

The DEPUTY PRESIDENT (15:45): Leave is granted for one minute, Senator Siewert.

Senator SIEWERT: The reasons that Senator Nash outlined for why they do not support this motion are exactly why the Senate should be supporting this motion. The fact is the
previous government committed a lot of money to address renal dialysis in Central Australia. Unfortunately, the lack of willingness from the previous government to invest where the states would not, and the lack of willingness for the tri-states, South Australia, Western Australia and the Northern Territory, to agree to invest resources, has held up delivery of renal dialysis. The fact is that this is an urgent situation. It has been dragging on for years, which is why this motion is so desperately needed. We need to ensure that the sense of urgency is taken on board by this government to provide the infrastructure in Central Australia. It is urgently needed in Central Australia.

Question agreed to.

Wet Tropics Rainforest

Senator WATERS (Queensland) (15:47): I move:

That the Senate—

(a) notes:

(i) that Queensland’s Wet Tropics rainforest, which includes the iconic Daintree Rainforest, was first added to the World Heritage List 25 years ago,

(ii) That the Wet Tropics have been recently named by the International Union for Conservation of Nature as one of the top three most irreplaceable biodiversity areas on earth (of more than 100 000 protected areas worldwide), and

(iii) funding of the Wet Tropics management has been declining in real terms over the past decade, important positions on the board of the Wet Tropics Management Authority (WTMA) remain empty, and the WTMA has not yet received its base funding from the Commonwealth Government for the 2013-14 financial year; and

(b) calls on the Government to urgently progress the appointment of WTMA board members, and to deliver to WTMA the base funding needed to safeguard these outstanding biodiversity values.

Question agreed to.

COMMITTEES

Select Committee on the National Broadband Network
Meeting

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:47): I move

That the Select Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 December 2013, from 9.30 am.

Question agreed to.

MOTIONS

Human Rights Day

Senator WRIGHT (South Australia) (15:48): I, and also on behalf of Senator Rhiannon, move:

That the Senate—

(a) notes that:

(i) 10 December is Human Rights Day, proclaimed by the United Nations General Assembly in 1950,
(ii) on 15 November 2013 the Prime Minister (Mr Abbott) said, regarding reports of torture by Sri Lankan security forces, that 'we accept that sometimes in difficult circumstances difficult things happen'; and
(iii) groups including Human Rights Watch, the Human Rights Law Centre, Amnesty International Australia, Australian Lawyers for Human Rights, and the Castan Centre for Human Rights Law, asked the Prime Minister to retract his comments in November;
(b) rejects the Prime Minister's suggestion that there are circumstances where torture is justifiable; and
(c) calls on the Prime Minister to retract his comment excusing torture, and to affirm the Australian Government's opposition to the use of torture in any circumstances.
Question agreed to.

BUSINESS

Consideration of Legislation

Senator XENOPHON (South Australia) (15:48): I move:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the following bills be restored to the Notice Paper and that consideration of each of the bills be resumed at the stage reached in the last session of the Parliament:
   Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012
   Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011
   Public Service Amendment (Payments in Special Circumstances) Bill 2011
   Foreign Acquisitions Amendment (Agricultural Land) Bill 2010.
Question agreed to.

MOTIONS

Tasmanian Wilderness World Heritage Area

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:49): I move:
That the Senate—
(a) condemns the Abbott Government for actively considering modifying the boundaries of the Tasmanian Wilderness World Heritage Area to exclude high conservation value forests; and
(b) calls on the Abbott Government to rule out submitting a proposal to modify the boundaries to the area to the World Heritage Committee by February 2014 for the June meeting of the committee.
Question agreed to.

COMMITTEES

Environment and Communications References Committee
Reference

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:49): I move:
That—
(a) the following matter be referred to the Environment and Communications References Committee for inquiry and report by 24 March 2014:
   An inquiry into the Abbott Government's Direct Action Plan and the Abbott Government's failure to systematically address climate change, including:
(i) whether the Direct Action Plan has the capacity to deliver greenhouse gas emissions reductions consistent with Australia's fair share of the estimated global emissions budget that would constrain global warming to Australia's agreed goal of less than 2 degrees,

(ii) whether the Direct Action Plan has the capacity to reduce greenhouse gas emissions adequately and cost effectively,

(iii) the effect of technical issues that arise for measuring abatement under the Direct Action Plan, including additionality and establishing emissions baselines for emitting entities and long term monitoring and reporting arrangements,

(iv) the impact of the absence of policy certainty derived from the Direct Action Plan to encourage long term business investment in the clean, low carbon economy,

(v) the impact of the abolition of the Clean Energy Finance Corporation on the availability of capital for clean technology and industry investment,

(vi) the repeal of the Clean Energy Package and the Direct Action Plan's impact on, and interaction with, the Carbon Farming Initiative,

(vii) the fiscal and economic impact of the Direct Action Plan,

(viii) the impact of repealing the Clean Energy Package on Australia's ability to systemically address climate change,

(ix) the impact of repealing the Clean Energy Package on Australia's carbon pollution cap,

(x) the impact of repealing the Clean Energy Package on international efforts to reduce carbon pollution,

(xi) the impact of abandoning linkage with the European Union on international cooperation to reduce emissions,

(xii) the ability of the Government and the Australian people to receive expert independent advice on an appropriate carbon pollution cap for Australia following the abolition of the Climate Change Authority,

(xiii) the impact of cuts to funding for the Australian Renewable Energy Agency, and

(xiv) any other related matters; and

(b) in undertaking this inquiry the committee must have regard to the Climate Change Authority's draft report, Reducing Australia's Greenhouse Gas Emissions – Targets and Progress Review, dated October 2013.

Question agreed to.

Select Committee on Electronic Surveillance
Appointment

Senator LUDLAM (Western Australia) (15:50): I move:

(1) That a select committee, to be known as the Select Committee on Electronic Surveillance be established to inquire into and report on the adequacy of the institutional, technical and legal framework governing the Australian Intelligence Community and related entities on 10 June 2014, with particular reference to:

(a) the right to privacy and data security;

(b) institutional accountability to the Parliament;

(c) international legal obligations and agreements; and

(d) any related matter.
That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups and independent senators.

(3) That:
   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
   (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair a member nominated by the Leader of the Opposition and, as deputy chair, a member nominated by the Leader of the Government.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

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

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

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

The DEPUTY PRESIDENT (15:50): Leave is granted for one minute, Senator Ludlam.

Senator LUDLAM: I will make this statement because I understand that there is no support either from the government, the Liberal-National Party, or from the Labor Party for a fairly simple committee reference into electronic surveillance overreach. The story started obviously with the United States government where inquiries are well and truly underway. Congressional hearings have been held, bills have been drafted, votes have been taken and inquiries are underway. It is the same in the UK. It is the same in France, Germany and countries in South America including Brazil—everywhere in fact except here in Australia where this bipartisan denial and conspiracy of silence to avoid the issues are yet again on
display here today. This is the second time I have put a reference and, in defiance I would say
to the majority will of the people of this country who want to know what is being done in our
name, it is about to be voted down again. It will not be the last time I bring a motion such as
this forward. I commend it to the chamber.

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

The Senate divided. [15:56]

(The Deputy President—Senator Parry)

Ayes .................. 11
Noes .................. 46
Majority .............. 35

AYES

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

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Bernardi, C
Birmingham, SJ
Brown, CL
Carr, KJ
Collins, JMA
Dastyari, s
Eggleston, A
Faulkner, J
Fifield, MP
Gallacher, AM
Lines, S
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
O'Neill, DM
Peris, N
Pratt, LC
Ruston, A
Singh, LM
Stephens, U
Thorp, LE
Urquhart, AE (teller)

Bilyk, CL
Boyce, SK
Cameron, DN
Colbeck, R
Conroy, SM
Edwards, S
Farrell, D
Fawcett, DJ
Furner, ML
Kroger, H
Ludwig, JW
Macdonald, ID
McEwen, A
McLucas, J
Nash, F
Parry, S
Polley, H
Ronaldson, M
Seselja, Z
Smith, D
Sterle, G
Tillem, M
Williams, JR

Question negatived.
University Funding

Senator RHIANNON (New South Wales) (15:59): I move:

That the Senate—

(a) notes:

(i) That the Coalition Government's plan to rip $900 million out of Australian universities and increase student debt by $1.2 billion will not be legislated,

(ii) the enormous contribution by organisations such as the National Union of Students and the National Tertiary Education Union in campaigning against these proposed cuts,

(iii) That the former Labor Government commissioned two major reports into university funding, the Bradley Review of Australian Higher Education (2008) and the Lomax-Smith Higher Education Base Funding Review (2011),

(iv) that both the Bradley and Lomax-Smith reviews found that Australian universities are chronically underfunded,

(v) That the Bradley review found that Australia was the only Organisation for Economic Co-operation and Development country where the public contribution to higher education remained at the same level in 2005 as it had been in 1995,

(vi) That the Bradley review proposed a 10 per cent increase in base funding of universities to maintain standards at their current level, and

(vii) That the findings of these reviews are still relevant due to a lack of implementation by the former Government of their recommendations; and

(b) calls on the Government to commit to an immediate 10 per cent increase to base funding of universities.

Senator MOORE (Queensland) (15:59): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: When Labor formed government in 2007, the higher education sector was suffering under decades of neglect—a legacy of the Howard years for universities was crisis. The reviews Senator Rhiannon refers to confirm as much. By contrast, under the Labor government university revenue rose from $8 billion to $14 billion between 2007 and 2013. Were we still under a Labor government this would increase further to $17 billion in 2017. We increased real funding per student place by nearly $2,000 in real terms to $18,000. Labor improved indexation, replacing the coalition's hopelessly out-of-date system. We increased the science research and innovation budget by nearly 30 per cent. We delivered more capital infrastructure in the last four years than the coalition managed to do in a decade of power and we gave 190,000 more students a place at university, compared to 2007, by introducing the demand-driven system. We reintroduced campus life and essential services—(Time expired)

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

The Senate divided. [16:02]

(The Deputy President—Senator Parry)

Ayes .....................10
Noes .....................44
Majority.................34
AYES
Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

NOES
Bernardi, C
Boyce, SK
Cameron, DN
Cash, MC
Collins, JMA
Dastyari, s
Eggleston, A
Faulkner, J
Fifield, MP
Gallacher, AM
Lines, S
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
O'Neill, DM
Payne, MA
Pratt, LC
Ryan, SM
Singh, LM
Stephens, U
Tillem, M

Birmingham, SJ
Brown, CL
Carr, KJ
Colbeck, R
Conroy, SM
Edwards, S
Farrell, D
Fawcett, DJ
Furner, ML
Kroger, H
Ludwig, JW
Macdonald, ID
McEwen, A (teller)
McLucas, J
Nash, F
Parry, S
Peris, N
Ruston, A
Sesenja, Z
Smith, D
Sterle, G
Williams, JR

Question negatived.

MATTERS OF URGENCY

The DEPUTY PRESIDENT (16:05): I inform the Senate that Senator Moore has withdrawn the matter of public importance which she had proposed for today. The President subsequently received the following letter, from Senator Moore, proposing, pursuant to standing order 75:

"The need for the Government to make a unified commitment to Australia's automotive industry and make an urgent offer of co-investment to GM Holden to secure the new investment, jobs and technology for Australia".

Is the matter supported?

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

The DEPUTY PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.
Senator KIM CARR (Victoria) (16:06): I move:

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

"The need for the Government to make a unified commitment to Australia's automotive industry and make an urgent offer of co-investment to GM Holden to secure the new investment, jobs and technology for Australia".

This is a proposition that actually asks the Senate to call on the government 'to make a unified commitment to Australia's automotive industry and make an urgent offer of co-investment' to General Motors-Holden 'to secure the new investments, jobs' and the technologies for Australia. What we have seen, and this would be the sixth day, is minister after minister reported in the press undermining the industry minister, undermining Australia's automotive industry and undermining the tens of thousands of people that work in that industry. I do not believe the incompetence that has been displayed by this government on the automotive industry has actually been replicated before in the history of the Commonwealth. I have never seen anything like it.

While other countries and other governments are doing all they can to compete for international investment, the Australian government want to have an argument as to whether or not we actually want an automotive industry in this country. They are in fact thumbing their nose at the international automotive industry. I think the evidence is now overwhelming that the free-marketeer, economic fundamentalist group within this government is actively seeking to dissuade investment in the automotive industry in this country.

We see that the Acting Prime Minister, Mr Truss, has written to Holden today asking them to urgently clarify their position. This is after six days of speculation generated by this government on their position. I have not seen a dedication to game-playing by government—the preoccupation with the tricky things that has been involved in these issues—quite like it before. What of course has occurred is that the coalition has now discovered that this is not quite so simple, that things have not played out as planned. The issue is in fact spinning out of control but, unfortunately, the sycophantic and subservient and unimaginative group that now makes up the coalition MPs from Victoria and South Australia has done nothing about actually preserving the jobs in the automotive industry. These MPs have allowed these tricky game-playing ministers to go about undermining any effort to actually secure investment in this country. I ask, in regard to Mr Truss's letter, how it can possibly be the case that General Motors be asked to clarify speculation generated by the government. How are they able to actually make a call on their future plans when the government refuses to reveal its plans?

We have had a position where the government initially said, 'Well, it's up to the Productivity Commission. We can't possibly respond to the Productivity Commission.' We now have the Prime Minister and others saying that they do not want to spend any more money. We have Holden's Mr Devereux explaining today, at the Productivity Commission hearing, that the government has had before it since it came to office the files on what was actually required to ensure the investment takes place in this country. Furthermore, despite the repeated efforts to verbal this company, the company has actually said yet again that no
decision has been made in regard to future operations. In fact, we are told that there is plenty of money available. Well, that is not the case of course because what we do know is that, in terms of the profile of the new car plan money, which I was very proud to introduce, the program comes to an end in 2020, as it is a terminating program. The profile for that funding is: $150 million in 2015-16, $300 million in 2016-17, $258 million in 2017-18, $175 million in 2018-19, $91.7 million in 2019-2020 and $25 million in 2020-21. So there is a very sharp tail-off. The issue of the future of the industry rests very much on the question of investment certainty.

How can a business case be put together on the proposition that there is no money in the program after 2020? Therefore the company asks a simple question: around the world, what is the situation? Governments co-invest. But only in Australia do we have a conservative government now saying they will not co-invest into the future.

Senator Ryan: You've never used the word before.

Senator KIM CARR: Never co-invest before this time; we have never been in this position. We know the historic position in this country has been a bipartisan approach—

Senator Ryan: To transitional assistance.

Senator KIM CARR: to ensure the future national development of Australia in the automotive industry. We have known this for generations, but now this coalition walks away from that commitment. It walks away from 200,000 workers in this country.

Senator Ryan: You're just making it up again, Kim!

Senator KIM CARR: It walks away because it is obsessed with the ideological battles within the Liberal Party about ensuring the free market policies it should pursue. Up to 200,000 workers in this country are to be sacrificed on the altar of economic rationalism so that a few, like Senator Ryan here, can pretend that they are all hairy-chested when it comes to the market principles of economics. Nowhere else in the world does this apply—nowhere!

In fact, Australia's support is incredibly moderate—less than $20 per person, less than the price of a footy ticket is what we support the automotive industry with. Up to $300 per person is the rate in the United States; $90 in Germany. Even the United Kingdom, a Conservative government, is putting billions of dollars extra into its automotive industry because it understands the basic principles of economics when it comes to this industry.

What we have noticed is that the Productivity Commission's former chairman described the car companies as 'just rent seekers'—never mind the extraordinary wealth the industry has brought to this country. I quote from the material that was put before the commission today:

From 2001-2012, Holden generated $32.7 billion of economic activity in Australia. During that period, Holden received $1.8 billion in … Government assistance, returned $1.4 billion to the Government as … income tax revenue and paid $21 billion to other businesses in Australia for supplies …

For every dollar spent by the Commonwealth, it had a return of $18 to the Australian economy.

And what does the Productivity Commission ask today? 'Oh, is that a fair return?' Of course it is! Has this government woken up to that yet—that is, for every dollar the Commonwealth puts in, $18 is generated across the economy? And of course the cost of
closing this industry down would be so much more than that: the costs to social security, the costs of lost income tax, the costs of lost investment—and of course the auto industry being at the core of manufacturing is also a cost.

Of course we know the simple facts. The number of workers involved in this industry has declined because productivity has improved so much. Productivity has gone up from one worker producing 10.9 cars in 1991 to one worker now producing 19.6 cars. That is the situation. Wages in this country are very similar to manufacturing across the board—$54,548. It is a fraction more in automotive as a rule. So the claims being made that it is the workers' fault are completely wrong. What we have is an ideological obsession by the economic dries in the Liberal Party aiming at driving this industry out of the country. They see this as a great victory, as a great success, as something to be celebrated. They ought to hang their heads in shame.

**Senator RYAN** (Victoria—Parliamentary Secretary to the Minister for Education) (16:15):

Here we go again. We have the irrational ravings of Senator Kim Carr. I agree with Senator Carr on one thing—when he accused me of being an economic rationalist. After all, what is the alternative? Senator Carr is profoundly irrational on this because the truth is we believe in a competitive car industry in this country. Yesterday I outlined my own family's experience in the automotive sector. To have the confected moral outrage of someone who oversaw some of the most profound damage to the car industry in Australia while he was minister in the last government actually pushes this beyond the pale.

Labor are seeking some sort of political purpose. There was bipartisanship in dealing with the motor industry. It was bipartisanship that started under the late Senator John Button. It was bipartisanship that saw transitional assistance provided to this industry to make it competitive. Yet what we have had over the last few years and today is the Labor Party walking away from that bipartisanship as they desperately seek some sort of political opportunity and as they reverse what occurred in the 1980s when Labor saw the wisdom of letting markets do their work, not because of an ideological commitment but because they work.

The car industry had an effective protection rate of nearly 70 per cent with tariffs at 57.5 per cent. Before the reductions started under the Labor Party, before John Button's car plan, which was a transitional plan, we made some of the worst cars in the world at some of the highest prices. Who paid the price for that? Blue-collar workers. They paid for it because everyone in Australia paid more for a worse car. Yet now we have Senator Carr come in here and throw out that history of bipartisanship and the history of opening up Australia to the world—the very economic reforms overseen by both sides of politics, until the election of the Rudd government, that ensured we survived global economic downturns, the tech wreck, the Asian financial crisis and then the most recent banking crisis in North America and Europe. Contrary to their belief, it was not the Labor Party building school halls that pulled Australia through; amongst other things, such as demand for our minerals from China and Asia, it was the fact that we have an open economy. Now Labor seeks to turn that back. We all know that Senator Carr wishes that never happened.

Senator Carr, as minister and in this place in opposition, has always made promises that cannot be delivered by any government—a promise to protect the jobs. You only have to look at the interviews with former Labor Treasurer and Prime Minister Paul Keating on the ABC
in the last few weeks to see what he had to say about that attitude. Yet the modern-day Labor Party walks away from that. So let us not hear confected outrage about the coalition changing its view. The coalition has remained committed to the transitional assistance for the car industry that has been in place since the first Button car plan of, I think, 1991.

Yet what we have here from the Labor Party is the language of 'co-investment'—and it only ever appeared in the lexicon of public policy in this country after it was put up by the head of GM and Senator Carr adopted it. That has never been accepted. It has never been policy. It has never been part of the bipartisan consensus that sought transitional assistance for the car industry, because what Senator Carr and the Labor Party will not say is where you stop. What they will not say is the number they will baulk at. Or are they saying we should make an open-ended, eternal, unlimited financial commitment to one industry because we made a commitment to support the ATS?

What Senator Carr does not tell you is that the money in the ATS could actually be restructured to give extra money to the car industry because the car industry is not taking advantage of all of it as production volumes are down. Let us not go into any conspiracy theory as to why production volumes are down. Australians are simply choosing other cars. Unless the Labor Party are proposing that that choice be taken away from families around Australia, then what are they saying? That this needs to be an open-ended, eternal, bottomless commitment to one sector?

This sector has nowhere near 200,000 workers. Senator Carr misled this place again because in estimates in this place we were told it is under 50,000. The 200,000 people employed in the automotive sector include the people servicing VWs, Mercedeses, Mazdas and Nissans. Everyone knows those jobs are about cars; they are not about locally manufactured cars. Those jobs are just as valid as the jobs of people working at Holden, which are important. I feel for the workers and families, but the Labor Party is trying to promise the undeliverable, which is that the government can protect industries from competition.

Senator Carr made promises when he was the industry minister. With the Green Car Innovation Fund he made all these promises to look after the workers. Some 19 months ago we had Holden here with the industry minister, the Premier of South Australia and the Prime Minister saying it was all sorted out. Yet we are back at this position now. One of the prime reasons for that is what Labor did to this industry. Senator Carr made promises and the money was stripped away. They brought in a carbon tax that hits energy-intensive industries. Their performance betrays their true agenda.

We cannot make a bottomless commitment to any industry in this country unless people are saying that all Australian workers should be taxed to provide an eternal, endless, bottomless amount of money for one sector. Labor need to answer that question. What is their limit? Where will they draw the line about supporting this industry?

The Prime Minister said last week that there is no more money. That could still mean that more money is available to the car sector, because Ford has pulled out and all the money in the budget is not being accessed. But we are told that somehow we have to move from a period of transitional assistance to a so-called public-private partnership or so-called co-investment. The strange thing is: the taxpayer never sees a dividend from that investment, like a shareholder might. It is misleading language. It is a subsidy. Subsidies sometimes have their
place. If we have social policy objectives or if we believe something is in the national economic interest, those measures are brought on budget and not supported through hidden mechanisms like tariffs and quotas, where the cost is not transparent. But Labor uses misleading terms like 'co-investment' to somehow imply that the government can make money out of it. No. It is a subsidy.

Let us have a debate about the appropriate design of that program and the appropriate limit to that subsidy, unless Labor are promising a bottomless, endless, eternal program, a program to which there is no limit. Labor are confecting a lot of outrage here, but we have a responsibility to the workers in this sector to not promise what is unpromisable. This is a matter for Holden. It is a matter for Toyota. It is a matter for individual companies. We have a responsibility to the economy. I could go on about the deadweight costs of raising taxation for subsidies. I could go on about diverting resources. I could go on about the flawed economic models that say that people in this sector will never be employed again. But this government has a responsibility to all of Australia. This is why the mob opposite were thrown out.

**Senator Wright** (South Australia) (16:24): I rise to support this urgency motion, because this issue of co-investment with the automotive industry is urgent. It is urgent because it poses a serious question for Australia that we have grappled with periodically without coming to a clear conclusion: do we want to be a nation with manufacturing capacity?

It has been pointed out that we are currently one of only a dozen nations which can manufacture a vehicle from start to finish. The motion is also urgent because this issue has human consequences. The automotive industry in Australia employs about 46,000 people, and a further 76,000 are employed in transport equipment manufacturing. If General Motors makes the ultimate decision to shut down operations in Australia, there is the potential for horrendous job losses—let us not shy away from that—as well as the loss of skills and our manufacturing capacity.

In my home state of South Australia, Holden is a major employer, employing 1,700 people directly, and it creates far more indirect employment, in the northern suburbs of Adelaide and in other associated industries. It has been estimated that the closure of Holden would cost the South Australian economy $1.24 billion and cost 13,200 jobs. I am very conscious that these workers are facing a distressingly uncertain future as speculation and predictions about the closure of Holden are rife. This Christmas they will be heading into a summer break with the knowledge that their livelihoods are again and increasingly in limbo.

Doubt and uncertainty are not strangers to the automotive manufacturing industry in Australia, of course, nor indeed to its parent industries, especially when it comes to Holden's parent company, General Motors in Detroit, which faced imminent bankruptcy in the global financial crisis. Looking into the future, even with a subsidy it is very obvious that business as usual in the vehicle-manufacturing industry in Australia is not a realistic option. With the known contribution of fossil fuels to dangerous climate change and the looming prospect of peak oil, we must urgently confront issues of car dependency and our addiction to fossil fuels. There is no doubt we must move swiftly to an economy based on renewable energy, energy efficiency, smart technology and innovation. But these trends have been known for some time.

Let us be very clear: the history of General Motors on adaptation and facing these challenges has been woeful. For years, their competitors developed more efficient cars,
spurred by high fuel costs in the rest of the world. Protected by low oil prices in the United States, however, General Motors continued to manufacture massive, inefficient vehicles until the height of the global financial crisis. They were only saved from bankruptcy by a bailout of taxpayers' money, reportedly to the tune of $49 billion. Their subsidiary Holden have shown a similar approach, failing to adapt sufficiently to changing market signals and ultimately failing to manufacture the cars that Australians want to buy.

That said, there is justification for government support for an industry which is important to our manufacturing capacity and provides crucial employment for tens of thousands. The Australian Greens know that subsidies for carbon-intensive industries like car manufacturing are not, in an economic vacuum, the best value for taxpayers' money. However, we also know the enormous social costs we would incur in the event that Holden withdrew from Australia. The transition to modern, efficient industries must be carefully managed, and communities must be supported in this transition. People's skills must be developed.

It is regrettable that the history of government support for the car industry in Australia has been a series of sadly missed opportunities. Successive governments in Australia have failed to use support for the auto industry to drive innovation. The Greens are on the record as supporting co-investment in the car industry, on the condition that it adopts goals and milestones for electric vehicle development and manufacturing, moving us to the future. If exercised in a principled, thoughtful and far-sighted manner, co-investment offers the opportunity to set us on a better path, but we can and we must set appropriate conditions on our assistance to firms like Holden which will create the right investment climate for jobs and technology in Australia, and there must also be transparency about the quantum of any support and accountability for how it is used. Our support for co-investment in Holden has the clear aim of supporting the communities that are involved in car manufacturing, but we call for this investment to have conditions and criteria that are as clear-eyed and as hard-headed as our vision. Holden must be held to account for their own sustainability and viability, and for how they will continue to support communities like those in South Australia.

Senator MARSHALL (Victoria) (16:29): I should start by saying how disappointed I was in Senator Ryan's contribution to the debate on this urgency motion on the automotive industry. He had 10 minutes to tell us what the government might have planned for the car industry and supporting that industry, but he just went on a rant for 10 minutes about how our position was wrong, how it was the fault of the car industry itself and how we should not be supporting subsidies, and he talked about bottomless pits, which was simply a nonsense argument. The thing we do know and should understand very clearly is that, for every dollar of government investment in this industry, the economy gets an $18 return. That is a great return on anyone's measure, and it is an important return back into the economy because it supports jobs. It supports skills. It supports businesses. That is what, unfortunately, the coalition is walking away from.

I am not surprised Senator Ryan did not have much to say about the government's plan; what we have seen over the last week or so are government ministers—who have quoted anonymously in the paper but who identify themselves as government ministers—leaking against the car industry. They are doing that to undermine the car industry. They do that because they know their government has no plans to continue to support this industry, support the investment, support jobs in our economy and support those businesses that rely on the
vehicle industry as well. They do that because they want to create a public view that the car
industry is over, and it becomes a self-fulfilling prophecy. It is a very dishonest strategy. It is
one that betrays everybody who works in the vehicle industry and those businesses that rely
on it. I am very disappointed.

The car industry is a big employer, but it is not just about those jobs that are directly in the
car industry. The car industry creates a critical mass in a whole range of skills, enterprises and
innovations. There are many companies that began work as component suppliers in the
vehicle industry and have now built their businesses, diversified, used the technology and
skills they have learnt—a lot of research and development they have taken directly from the
vehicle industry—and expanded into other things. Many of those businesses would not be in
existence today if it were not for the co-contribution and partnership they had with the vehicle
industry at that time. And that will continue to happen; it continues to happen now. Lots of
components manufacturers partially supply the vehicle industry but rely on the critical mass
of vehicle industry orders to keep their businesses afloat and to enable them to supply areas of
our manufacturing industry.

So it is not just about those jobs, although we say they are crucially important and we
absolutely want to defend them. It is also about the skills transfer. The vehicle industry is at
the forefront of lots of different technologies. Look at the way cars have developed and the
quality of vehicles that are built today, the componentry that is being placed in vehicles; some
of these things were unheard of 10 years ago. We have automatic parking technology. We
have all those things that used to be enormous add-on extras and are now standard
components in most vehicles. We have all sorts of safety technology built into all cars that we
are building now. So they are at the forefront of that research and development. Most of that
in this industry, especially in Holden, happens here. We create this skill base of engineers,
researchers and designers who do not always continue to work purely for the vehicle industry.
That creates a skill mass which other industries then call upon. It gives people opportunities to
go open up new businesses using those skills they have learnt with those technologies.

You only have to look at the trades areas. The vehicle industry is a huge user of robotics.
Some of the robotics in these vehicle industries are at the leading edge of technology. If you
are thinking of building a business here that is going to involve robotics, you do not do it if
there are no skills or experience in robotics available at all. What the vehicle industry does not
only in robotics—it is just one of many examples—is create that skill base for our economy,
that skill base for other businesses to draw upon, that skill base that allows innovation and
enterprise to flourish in our economy.

That is what we are about. We are about keeping those skill bases. This is part of not only
the $18 returned to the economy for every dollar invested but also that skills investment and
return. They are big employers of high-skilled workers. It is not just tradespeople and
engineers. Look at process workers. Unfortunately, the people on the other side have no idea
how they work. These are high-skill jobs. The quality control mechanisms and the skills those
people learn through quality assurance in those companies are enormous. There are enormous
amounts of training, and these people have these skills which make them incredibly valuable
employees for other industries, whether they are start-up companies or others who may not be
in the position to train workers from scratch. They are able to call on the workers that have
been trained and invested in by the vehicle industry. That is human investment. That is skills
investment. That is something this country desperately needs. If we are going to watch a major employer, a high-skill trainer, a high-tech industry leave this country and that investment, those skills will be lost to this country. We will not have the capacity to move forward. It will have wide-ranging consequences outside of the vehicle industry and its component manufacturers themselves.

That is what the economists in windowless rooms in Canberra fail to see. They want to just look at pieces of paper for returns and what a pure economy should do. We in this place are here to do what is in the public interest. If we wanted to hand the running of the economy, our public interest and the government, that is what the government should say. They should admit that that is what they are going to do. But we on this side believe that our society is bigger than that. Our society needs to have jobs. It needs to have good jobs. It needs to have high-skill jobs. We need to ensure that the economy has those skills being trained now by the vehicle industry. We need to ensure that those businesses have the opportunity, if they want to start up something new, to call on those skills. The vehicle industry is large and provides the critical mass of skills training for much of the rest of the manufacturing industry, so from our point of view this is absolutely crucial.

We have the vehicle industry, so it is not only about the jobs that will be lost but also about the hit that will be taken by the economy if a company like GM walks away. It will take us 20 years to recover from that hit to the economy. Some estimates are around a $20 billion hit to the Victorian economy straightaway.

You only have to listen to those of the government's political persuasion in Victoria. The Victorian Liberal government are absolutely determined to support the vehicle industry. Why? Because they are much closer to working people than this federal Liberal government could ever dream of being. So they support the co-investment. They understand the impact to the Victorian economy. They know that it will drive my state of Victoria into a recession. They do not want that, and that is one tick in their favour. But they will not stand up to their big brothers and sisters here in Canberra, and that is a bitter disappointment because they do not have the courage to do so. They say all the right things, but when it comes to walking into Mr Abbott's office, thumping the table and seriously arguing the case for Victoria they have gone missing.

So it is only Labor governments that will do that and it is only the Labor Party that will defend this industry. We want to defend those jobs. They are good jobs. They are important jobs. We need not only jobs for workers now but a viable industry to provide jobs for our kids as well. As I argued earlier, it is not just direct employment in the vehicle industry; it is all those flow-on service industries that follow. It is the support industries. It is the industries that began in the vehicle industry or the component industry and have grown into bigger and better things. It is the driving of technology and innovation in plastics, in textiles, in metalwork, in electronics and in all sorts of areas where the spin-off from that R&D enables other businesses to grow. It is one of the cornerstones of our manufacturing industry, and it would be an absolute disgrace for this present government simply to sit on their hands, do nothing and walk away as Senator Ryan has suggested.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:39): This is an incredibly important debate that this Senate chamber is having. I am sorry that it is being done in the partisan terms that those opposite want to
structure this debate in, but I am happy to come in here and have this discussion, because I appreciate fully the importance of the car industry to Australia and especially to my home state of South Australia. I appreciate its economic importance and the millions of dollars that multiply throughout the economy.

Senator Farrell: Well, do something to save it.

Senator BIRMINGHAM: I will come to that, Senator Farrell, because we saw a pretty strong demise under your mob. So we will come to that. I appreciate the innovation from the industry, I appreciate the employment and the jobs and I appreciate the social impact. I grew up not far from the Holden plant in Adelaide. I went to school in the neighbouring town. My parents still live there. I know that part of Adelaide well. I know that right now, even with Holden operating, it has youth unemployment in excess of 40 per cent and that, if Holden were to close, a terrible situation in that part of Adelaide would only get worse. So I fully appreciate that there are serious consequences from this debate and from the decisions that General Motors out of Detroit and Shanghai will ultimately make about whether or not they continue to operate a business in Australia. I want Holden to stay. I want those jobs to stay. I want all employers to stay. But we have to accept that the way governments have been going about this—the so-called co-investment approach and the blank cheque approach that those opposite might advocate—has not been working.

We seem to have a complete whitewashing of history from those opposite. There seems to be no acknowledgement of the fact that during their six years in government Mitsubishi closed its Australian operations and Ford announced it was closing its Australian operations. Two of the four—50 per cent of the car manufacturers in this country—decided in the Labor Party's term of government to close down. Very clearly, the policies that were being applied previously were not working to keep jobs and this industry in Australia. When Labor took office there were some 335,000 cars produced every year in Australia. By the time they finished it was down to 221,000. When they took office there were 200 businesses operating in the automotive sector. Now there are fewer than 150. Twenty-five per cent went out of business on Labor's watch. So do not come in here, Senator Marshall, Senator Farrell or anybody else, with some sanctimonious lecture about how the industry must be saved, because huge tracts of this industry left on your watch and the erratic policymaking of those opposite did absolutely nothing to help. The on-again, off-again approach—'We'll have a Green Car Innovation Fund, then we'll cut it not once but twice, and then we'll axe it altogether and take out around $1.2 billion in funding that had been promised'—generated and delivered a level of uncertainty in the car industry that obviously impacted on decisions made by those global businesses about whether it was worth staying in Australia.

Add to that the increased cost of doing business and the impact of the carbon tax—around $460 million across the automotive sector—and then, at the eleventh hour of the government, the announcement of the new fringe benefits tax, a $1.8 billion tax slug across the entire car sector. All of those factors contribute to making the entire economy a more expensive place to do business, where all Australian businesses face increased costs and it becomes so much harder for any of them to justify staying open and continuing to employ Australians. That is why we want to get the cost base for doing business in Australia down for every single business, and it is why the Labor Party would be well advised, if they care about jobs, to get
out of our way and to allow us to enact the policies we promised, which will make it cheaper for people to do business in Australia.

To give Senator Carr—who comes in here with great hysterics and theatrics on a regular basis to rant and rave about the manufacturing sector—one iota of credit, at least when he wrote his book recently he acknowledged that the previous government's policy failures had an impact. As he said in that book:

Unfortunately the Green Car Innovation Fund was abolished, leaving international company executives wondering just what they had to do to get a consistent government policy commitment in Australia.

That was Senator Carr reflecting on the governments in which he served; on the governments in which, for the bulk of the time, he was the industry minister; and in the governments that saw 50 per cent of Australia's car manufacturers decide to leave and 25 per cent of Australia's automotive industry components suppliers shut up shop. That is the track record of the previous government. Let us not whitewash history and let us not pretend that the model that has been in place has been working because it has not. It has failed miserably to keep business in Australia and it has failed miserably to protect jobs. If we are to have any chance of protecting jobs in future we very clearly need to take a different approach.

We were elected to government being very clear about the approach that we would take. We were open and honest in saying that we would go through a process with the Productivity Commission undertaking a thorough assessment of how the car industry should be supported if it is to stay in Australia. That Productivity Commission review is not one just looking at the quantum of money that might need to be available to keep the car industry here. It is worth noting there is a large quantum of money still on the table, some $1 billion on the table between now and 2015-16 and a further $1 billion on the table beyond that. There are big bucks on the table from government to support industry but the Productivity Commission's brief is a wide one: the national and international factors affecting the industry; the industry structure; the structure of investment; the profitability in the industry; the changes in consumer preferences; and indeed, the workplace practices and arrangements in place. All of those are factors that contribute to whether or not we can have a viable industry in Australia.

The Productivity Commission in looking at that will come up with a reasoned and considered analysis to identify how, if the industry stays in Australia and if government continues to so-called co-invest in the industry, to hand money over to the industry. We will get a situation where we are not handing over money simply to watch a continued demise because that is what infuriates many taxpayers and that is what disappoints people like me, where we put good money after bad and still watch the jobs walk out the door. That is what has been happening: good money thrown after bad and jobs still go.

It was not that long ago that the former Prime Minister and the Premier of South Australia were declaring that Holden was secure until 2022. Then we saw more job losses under your watch, Senator Farrell. The approach of the previous government simply saw more jobs leave, and we need a different approach if we are to get a different result in future. That is why Holden should be committing to stay put until at least the Productivity Commission process is complete. Let us see then—

**Senator Farrell:** After the state election in South Australia.
Senator BIRMINGHAM: Senator Farrell, you could have signed up a deal with them if you wanted to and you did not.

The ACTING DEPUTY PRESIDENT (Senator Furner): Order! Senator Birmingham. Order!

Senator BIRMINGHAM: You did not have the courage to actually follow through, Senator Farrell, did you? You sit here now from the comfort of the opposition benches—

The ACTING DEPUTY PRESIDENT: Order! Senator Birmingham, take your seat. Order on the left. You know interjections are disorderly. Senator Birmingham, I will ask you to direct your comments through the chair.

Senator BIRMINGHAM: People like Senator Farrell just want to play politics with these jobs. If they were serious about it, they would have done something about it when they were in government and they did not. They just watched the jobs march out the door. I would like to see the jobs saved. I hope Holden commit to see the process we are running through so we can have sensible discussions to find a better way to make this industry work in future where we do not continue to throw good money after bad but where we actually invest to keep jobs in Australia for the long-term.

Senator XENOPHON (South Australia) (16:49): I only have a few moments to cover this very important issue. Yet again we are speaking about Holden. This is not just about Holden; it is not just about South Australia; this is about the future of manufacturing industry in this nation. In the auto industry there are something like 50,000 direct jobs, good jobs, decent jobs throughout the nation. It is worth reflecting on what University of Adelaide Associate Professor John Spoehr said very recently:

If the industry's competitive position improved as a result of a decline in the dollar—
And I think the forecaster is saying that is what will happen—
then the losses would be greater because there would be an increase in economic activity and employment.

Professor Spoehr's study paints a bleak picture of state based losses: Victoria, 23,850 jobs by 2020; South Australia, 11,688 jobs; New South Wales, 15,000-plus jobs; and over 8,000 jobs in Queensland. These are conservative figures. Professor Spoehr said:

The reality is, in isolation (government funding to the car industry) does look like a big number, but you have to balance it against the losses from the collapse of the car industry as a whole.
I agree with Professor Spoehr in relation to that. We must stop the blame game. We as a nation are at the crossroads. We need to decide whether or not we want an auto industry in this nation with all the associated benefits, skills and innovation that actually saves the mining industry in this country many millions of dollars each year. These are the big questions we must ask.

I am grateful for the work that Robert Debelle, formerly from the University of South Australia Centre for Advanced Manufacturing Research, has been doing with me on this and for his assistance. We need to be smart and innovative and drive this forward to produce a car not just that more Australians want to buy but a car that can be exported to the world.
We also need to look at free trade agreements, which are not fair trade agreements. The fact that a Ford Territory costs 2½ times in Thailand what it costs here in Australia, despite the free trade agreement, because of non-tariff barriers is a disgrace.

We also need to address the issue of the carbon tax which, according to the Leader of the Government in the Senate in question time today, adds something like $400 to the cost of a motor vehicle. We also need to address matters that go beyond the carbon tax such as the high price we pay in this country for power, which is a significant input for this sector, and that is because the energy market rules and because of the way that energy infrastructure in this country has been gold plated, particularly network charges. That in itself would make the cost of a vehicle hundreds of dollars greater. These are important issues.

We also need to address head-on the claims made about industrial relations practices. I know that Grace Collier, a well-known commentator on these issues from *The Australian*, made a number of claims and assertions. Rather than being dismissive of those, we need to deal with them in a calm and rational manner to work out what the best way forward is. I do not accept for one minute that John Camillo, head of the vehicle builders division of the AMWU in South Australia, is anything but a reasonable, moderate and sensible pragmatist. He is not a radical union leader; he is a decent man doing his very best.

We must support, and the coalition must support, in totality the work and the efforts of industry minister Ian Macfarlane. I still have confidence in Minister Macfarlane, who I believe is genuinely doing his level best to save this industry. If any backgrounding to the contrary is occurring from government ministers to the media or anyone else, it is completely destructive.

Finally, I make a genuine plea to Prime Minister Abbott—someone whom I had a good working relationship with in opposition and a constructive working relationship with in government: do not abandon the hundreds of thousands of voters who supported you at the last election. Those voters who were once Howard battlers went back to the ALP and then became Abbott battlers. Do not abandon them, because the consequence of abandoning the motor vehicle industry in this country is that, in the lead-up to the 2016 election, every week there will be a plant that will close down, whether it is a component manufacturer or an associated industry. You will see lay-off after lay-off. I do not think that the Prime Minister wants to have that as part of his legacy. This industry is too important for us to abandon it. We can make it work. It is in the national interest to do so.

**Senator Farrell** (South Australia) (16:54): I rise to speak on this motion of urgency that deals with the issue of the automotive industry. When Prime Minister Abbott was elected on 7 September of this year, he made a very positive and forceful statement that Australia was open for business. When he made that statement, we thought that he was talking about South Australia and, in particular, the automotive industry. What we now find is that he was not talking about South Australia or the automotive industry. In fact, we find a divided government and a divided cabinet on the issue of support for the automotive industry.

I was dumbfounded to hear Senator Ryan talk about the lack of bipartisanship in respect of the automotive industry. There is nothing more bipartisan, certainly from this side of the parliament, than the expected and accepted need to support the automotive industry in this country. We would happily sit down with Prime Minister Abbott and his cabinet today to do whatever it takes to ensure that the automotive industry in this country survives.
I think I heard it right that during question time the Acting Prime Minister, Mr Truss, announced that he had decided to write a letter to Mr Devereux the General Manager of Holden after he gave evidence to the Productivity Commission today. I find it absolutely remarkable that Minister Truss would do that. If Minister Truss is really interested in saving the automotive industry in this country, he should not write a letter to the general manager; he should find out his telephone number, ring him up and say: 'Listen mate, we genuinely want to save the automotive industry in this country. Can we sit down and work out how we do it?' Why hasn't he done that? Why is he writing a letter rather than making a phone call?

Senator Payne interjecting—

Senator FARRELL: If he is serious about it, Senator Payne, he should ring up and say, 'We want to sit down and work out how we save this industry in the interests of manufacturing in this country.'

Senator Payne: How did that conversation go with Mitsubishi for you guys?

Senator FARRELL: It is not me who is making this criticism, Senator Payne. The Liberal Minister for Manufacturing in Victoria, Mr David Hodgett, has said: My message to my federal colleagues is that any speculations on Holden's future is just not helpful. He is talking about his Liberal and National Party federal colleagues. He goes on to say to the people on the other side of this chamber: My message will be to cease and desist …

He is dead right. The more the government fail to make it clear that they are in support of keeping automotive manufacturing in this country, the more they fail to clearly defend the automotive industry and, more particularly, the more the government fight amongst themselves over this issue, the more damage is being done to great iconic Australian companies like Holden.

We know Minister Macfarlane supports Holden staying in this country. We know he supports the manufacturing industry. We want to hear the rest of the Liberal cabinet, particularly the sole South Australian in the government cabinet, Minister Pyne, come out and say they support Minister Macfarlane. In fairness to Senator Birmingham and Senator Ruston, who is going to say a few words if I finish early enough. We need to put pressure on Mr Pyne and the rest of the cabinet to come out and clearly state that we need a manufacturing industry in this country and that we need to be able to make cars in this country, Holden and the other manufacturers are too important to fail. We need to take some action. We need to take some action now, not next week and not in a letter. We need to get on to Mr Devereux and talk to him. We need to make it clear that we need a solution to this problem. (Time expired)

Senator RUSTON (South Australia) (16:59): Indeed, on the comments by Senator Farrell: as a South Australian, the car-manufacturing industry is an extraordinarily important industry in South Australia and I can assure Senator Farrell that all of my counterparts and colleagues on this side of the House want to see a viable manufacturing industry in Australia. That goes for the car industry in South Australia as well.

Senator Farrell: Put pressure on Minister Pyne! Send him a letter!

Senator RUSTON: There is absolutely no doubt that the car industry is a hugely important industry in South Australia. And I do not think that there is anybody in this place,
no matter whose party they belong to, who would argue with that at all. I am sure Senator Farrell can remember the sad day when Mitsubishi closed its doors in South Australia. It was a terrible day for South Australia, and certainly a similar decision by GMH would be a devastating outcome for the state. South Australia is a beautiful state, although it has a very small population.

Can I just take issue with some comments that have actually been made by the South Australian Premier in relation to this issue? This morning I was listening to the debate, as I am sure everybody else was, about this particular issue and Premier Weatherill came out and said that if GMH closes it will be the first step towards turning South Australia into being nothing more than a quarry or a farm. I have to say that as a farmer in South Australia I take great offence that he would belittle the farming sector in South Australia and the mining sector in South Australia, which have proved to be the backbone of the South Australian economy for ever and ever. I think that we really do need to recognise that the farming sector and the mining sector have sustained our economy through some pretty tough times recently. For Premier Weatherill to say that, I was very disappointed.

The other thing I would like to point out is that much of the downward spiral of GMH—the loss of jobs and the shrinking number of cars being produced in South Australia—have occurred on Premier Weatherill’s watch. I bring to the attention of the Senate that this morning the difference in cost of manufacturing a car was noted—and this came out of the GMH figures: it is $3,750 more expensive to produce an average Holden in South Australia than it is overseas. So let us have a look at some of the costs that contribute to why a car would cost $3,750 more to manufacture in South Australia than it would in an overseas destination.

Since Labor came to government in South Australia in 2002 electricity prices have increased by 137 per cent, gas prices have increased by 126 per cent, the price of water in South Australia has risen 227 per cent, payroll tax has almost doubled, land tax has tripled and land tax and stamp duty are currently 40 per cent above the national average. So I think that if you want to sum that up into one sentence, South Australia is the highest-taxed state in the nation. How on earth can an organisation like GMH hope to start on an even footing when they are already starting behind the eight ball because of the amount of additional burden that is placed on them by doing business in South Australia? This is directly as a result of the actions and policies of the Labor government there.

We then look at some of the other costs to manufacture in Australia that we might like to start doing something about. It would be remiss of me not to mention the impact of the carbon tax. I notice that Senator Xenophon also raised this issue in some of his media statements about removal of the carbon tax and the direct positive impact that would have on the cost of manufacturing in Australia.

Another great cost to South Australians trying to do business, of course, is our excessively high WorkCover and all the red and green tape that we encounter. But one of the most specific things—and I think this government has every right to question the validity of some of the comments from across the chamber—is what were those opposite thinking was going to happen to the car industry when they decided on the FBT changes prior to the election? Immediately after that decision it was made very clear to all and sundry that it was going to have an immediate and negative impact on the car industry. It was estimated at the time that it
could have the effect of reducing the number of cars sold by 100,000. Of course that is going
to have a major and immediate impact on the car-manufacturing industry in that state.

The urgency motion that is before us today is for the government to make an urgent offer
of co-investment to GMH. Can I reiterate that as a proud South Australian I certainly want to
see the car industry in South Australia continue. As I said, no Liberal member, no National
member, no Labor member, no Green member and, I am sure, Senator Madigan would
disagree. We have just heard from Senator Xenophon—every single person wants to see the
car industry continue in South Australia. But where I perhaps differ from them and the
comments made by those opposite is that I believe there is a different way to achieve it from
just injecting money.

If we can decrease the burden on industry and the cost of doing business, we have a tick. We can ensure that the company that is seeking assistance is operating as efficiently as
possible—certainly, has GMH looked at itself to decide whether it is actually operating at its
most efficient before it puts its hand out and asks the government to provide additional
funding? If we want to keep the car industry in Australia, or any other manufacturing industry
for that matter, we need to put incentives in place so that they can stay. Just handing over
money with no strings attached will do nothing more than delay the inevitable. Just remember
the last time money was given to GMH—they put off 400 people only a matter of a few
months later.

Question agreed to.

DOCUMENTS
Asylum Seekers
Order for the Production of Documents

Senator CASH (Western Australia—Assistant Minister for Immigration and Border
Protection and Minister Assisting the Prime Minister for Women) (17:07): I table documents
relating to the order for the production of documents concerning border protection.

Senator KIM CARR (Victoria) (17:07): by leave—I move:

That the Senate take note of the documents.

This is a nonstatement by the Assistant Minister for Immigration and Border Protection. I
note that the government has once again failed to comply with an order of the Senate. This is
the second time in as many weeks and, unfortunately, once again the minister has claimed
public interest immunity. I remind the senator that it is all very well for the government to
make a claim of public interest immunity; it is another thing for the Senate to accept that
claim, because that is a matter for the Senate itself to determine. It is an extraordinary position
that she has taken here today.

I observe that in the previous debate she indicated that the Labor government had failed to
comply with orders to produce documents on 75 occasions. Of course, that was a gross
exaggeration of the situation. In the six years of the Labor government, the government cited
public interest immunity on nine occasions—that is right, nine occasions, Minister, and they
were spread across all portfolios, unlike with this particular government which seems
determined to hide all information it can on the issue of asylum seeker policy.
Very little is known about the incident that took place on Friday, 15 November 2013, which is the subject of this return to order, other than we understand an Australian government vessel ripped the bow out of a boat and put 40 people into the water and, as a consequence of the government's tow-back policy—

**Senator Scullion:** A frequent occurrence.

**Senator KIM CARR:** It failed dismally. An Australian Customs patrol boat had to end up rescuing the 40 people. The matter has been canvassed in a number of newspapers in Australia. A fishing boat's engine had apparently stopped 20 kilometres from Christmas Island and it is believed that the government was seeking to tow this vessel back to Indonesia. The incident occurred on a Friday night and it actually took till Sunday to get the passengers from this vessel deposited on Christmas Island, where of course the matter became public from that point on.

This may well not be the first occasion this has occurred. It reflects, to my mind, a real danger of the tow-back policy. As we have heard from across the chamber, this is not uncommon when you are towing wooden vessels. It is one of the consequences of doing these things on the high seas. But it is core government policy—this is the point. The government policy is incredibly dangerous.

**Senator Scullion:** It happens to fishing vessels all the time.

**Senator KIM CARR:** The government says it only does it when it is safe to do so. Clearly, that is simply not the case. It is not safe to do it because on this occasion they have actually ripped the bow out of the vessel and it has sunk.

**Senator Scullion:** That sometimes happens.

**Senator KIM CARR:** So I would suggest it may well not be in the public interest at all to deny this. It may be in the government's interest—I understand that, to their way of thinking, that might be the case—but, frankly, it is not in the public interest to seek to suppress this information. It will become a public matter.

Today the Senate has established an inquiry into the claims of public interest immunity. This will be an opportunity for the Legal and Constitutional Affairs References Committee to look at the detail of this assertion. That committee will report back to the Senate and the Senate will get its opportunity to revisit this question of the government's claims to public interest immunity on these extraordinarily important matters.

Question agreed to.

**DOCUMENTS**

**Tabling**

The **ACTING DEPUTY PRESIDENT (Senator Furner)** (17:12): I present volume 2 of the 2004-2013 consolidated register of Senate committee reports.

Ordered that the document be printed.
COMMITTEES
Human Rights Committee

Report

Senator SMITH (Western Australia) (17:13): I present the following two reports of the Parliamentary Joint Committee on Human Rights:

First report of 44th Parliament: bills introduced 12 November–5 December 2013; legislative instruments received 8 June–22 November 2013; and

Ordered that the reports be printed.

Senator SMITH: I seek leave to move a motion in relation to the reports.

Leave granted.

Senator SMITH: I move:

That the Senate take note of the reports.

It gives me great pleasure to table the first report of the Parliamentary Joint Committee on Human Rights in the 44th Parliament on Human Rights Day. In doing so I would like to take a moment to remind the Senate of the important role that this committee plays in supporting the parliament's legislative process. The committee examines and reports to the parliament on the compatibility of bills and legislative instruments with Australia's human rights obligations under the seven international human rights treaties ratified by Australia. The committee also has the ability to examine current acts and to conduct broad inquiries into human rights matters referred to it by the Attorney-General.

The committee's work is focused on prevention and education with regards to human rights compatibility. The committee does not usually seek to make definitive statements regarding the compatibility of legislation with human rights. Instead, the committee seeks to determine the risk of the legislation being applied in ways that would be in breach of human rights and suggests avenues and safeguards for addressing areas of concern.

The committee commences its work by reviewing the statement of compatibility that is required for all bills and most legislative instruments that come before the parliament. While the committee does not accept statements of compatibility at face value and is able to consider the human rights compatibility of legislation in the absence of such statements, it appreciates that statements of compatibility often provide valuable information that cannot be gained from the legislation itself or from the explanatory memorandum or explanatory statement that accompanies it. Since its establishment the committee has sought to influence the general quality of statements of compatibility and has set out its expectations for statements of compatibility in its Practice Note No. 1.

The committee considers that a good statement of compatibility will set out the objective of the legislation and the manner in which rights have been considered in framing the legislation to achieve this objective. This is particularly important when, in order to achieve a particular objective, certain rights are to be limited. Where a provision in a bill or instrument appears to limit rights, the committee considers three key questions: whether the limitation is aimed at achieving a legitimate objective; whether there is a rational connection between the limitation
and that objective; and whether the limitation is proportionate to that objective. The committee expects that these questions will be addressed in the statement of compatibility.

The committee also expects that the statement will set out the safeguards that will be applied to ensure that any limitations are implemented in the least restrictive form. Where further information is required to determine these questions, the committee writes to the sponsor of the legislation seeking clarification and publishes its concerns in its report to parliament. The committee publishes responses received together with the committee's comments on them. The committee seeks to conclude its work while the legislation under consideration is still before the parliament to enable senators, members and other parliamentary committees to draw on the committee's work in their own contributions to the passage of legislation.

The committee's first report of the 44th Parliament sets out the committee's consideration of 45 bills introduced into the parliament from 12 November to 5 December 2013, 1,017 legislative instruments received between 8 June and 22 November 2013, and 10 responses to comments made by the predecessor to this committee in reports tabled in the 43rd Parliament. The committee considers that the majority of the bills and instruments it has considered do not give rise to human rights concerns. Some of these bills and instruments do not engage human rights, some engage and promote rights, and some engage and limit rights but are accompanied by statements of compatibility that set out an adequate justification for each limitation.

The committee has identified 18 instruments that do not appear to raise any human rights concerns but are accompanied by statements of compatibility that do not fully meet the committee's expectations. The committee has written to the relevant ministers in a purely advisory capacity, providing guidance on the preparation of statements of compatibility. The committee has identified 22 bills, 20 legislative instruments and six responses for which it will seek further information before forming a view on compatibility with human rights. The committee has deferred its consideration of three bills to allow it to examine the issues more closely and to take account of submissions made to Senate committees to which the bills have been referred. The committee has deferred its consideration of six instruments to allow time for consideration of recommendations for review of certain legislative schemes made by the committee in the 43rd Parliament.

As I turn to the committee's annual report of 2012-13, I would like to take this opportunity to acknowledge the work of the predecessor to the committee in the 43rd Parliament, and its chair, Mr Harry Jenkins MP, the former member for Scullin. This report captures the formative stages of the committee as it determined the scope of its role and how to approach it. The key achievement of the committee in the 43rd Parliament under Mr Jenkins's leadership was the measured and collegiate way in which it approached its work, resulting in 18 consensus reports and the development of the robust analytical framework I outlined earlier. This framework has enabled the committee to focus on the assessment of human rights compatibility across a wide range of legislation of varying complexity, engaging a diverse range of human rights in an objective and consistent way. As a result, the committee has begun to contribute to the source materials available to assist those engaged in the development of policy and legislation to consider human rights at each stage of this process. The first annual report identifies the human rights that arose most regularly in the committee's
work during the review period, the legislative and policy context in which each of these rights arose and the types of concerns that the committee has identified. The report provides concrete examples to illustrate each type of concern identified and, as a result, should be of practical assistance in the consideration of human rights during the course of developing future legislation.

The work of the committee in the 43rd Parliament provides a firm footing for the ongoing consideration of human rights by this parliament. I look forward to working with the committee to build on this foundation and continue this important work in the 44th Parliament. I commend the reports to the Senate.

Question agreed to.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Furner) (17:21): Order! The President has received letters from party leaders requesting changes in the membership of various committees.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:21): by leave—I move:

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

Electoral Matters—Joint Standing Committee—

Appointed [for the purposes of the committee’s inquiry into the 2013 election]—Participating member: Senator Xenophon

Environment and Communications Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Waters for the committee’s inquiry into the provisions of the Telecommunications Legislation Amendment (Submarine Cable Protection) Bill 2013

Participating member: Senator Waters

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed—Senator Xenophon

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Migration Amendment (Regaining Control Over Australia’s Protection Obligations) Bill 2013

Participating member: Senator Wright

Northern Australia—Joint Select Committee—

Appointed—Senator Siewert.

Question agreed to.
BILLS

Commonwealth Inscribed Stock Amendment Bill 2013

The DEPUTY PRESIDENT (17:22): The President has received a message from the House of Representatives informing the Senate that the House has agreed to the further amendments made by the Senate to the Commonwealth Inscribed Stock Amendment Bill 2013 and has made the amendments requested by the Senate to the bill.

COMMITTEES

Joint Select Committee on Northern Australia

Membership

The DEPUTY PRESIDENT (17:22): The President has received a message from the House of Representatives informing the Senate of the appointment of members to the Joint Select Committee on Northern Australia.

BILLS

Australian Research Council Amendment Bill 2013

Tax Laws Amendment (Research and Development) Bill 2013

First Reading

Bills received from the House of Representatives.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:22): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper.

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

Question agreed to.

Bills read a first time.

Second Reading

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:22): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2013

Australian Research Council

This bill to amend the Australian Research Council Act 2001 is an essential item of housekeeping to ensure that the ARC can continue to support and serve Australia's vibrant research community. The ARC is fundamental to the support of both blue sky and applied research, and its peer reviewed competitive funding schemes are the lifeblood of many of the most significant research endeavours in the country.
This appropriation bill increases the ARC's funding caps in line with inflation and ensures that government support for thousands of research projects does not weaken. If we are to address the great challenges of our time, to improve the quality of people's lives, to support the development of new industries and to remain competitive in the global knowledge economy, then we need a strong research community and this bill is underwriting that strength.

The ARC is the most significant single source of funding for new, breakthrough, investigator driven research that covers all disciplines in Australia. This funding has underpinned the life work of so many of our greatest researchers that it is hard to know where to begin, but I will give a few examples, just to give a taste of the variety of research activity which this funding supports.

Professor Rick Shine, at the University of Sydney, is one of Australia's number one experts on cane toads. As we all know, the toad was brought in to solve a problem, beetles in sugarcane, and the solution turned out to be far worse than the original problem. It's an example of good science fighting the mistakes of the past—and of how scientists are using new research to find practical solutions to a serious invasive pest. Professor Shine and his research team, supported by an ARC Laureate Fellowship of over $2 million, are a fundamental part of Australia's effort to combat this poisonous exotic species. Professor Shine has said that his research career would not have been possible without the Australian Research Council. Perhaps his efforts will help rid Australia of the cane toad forever.

The ARC's Future Fellowships scheme is coveted by researchers throughout Australia as it provides the funding boost that can change the course of a career, and enable them to make a crucial contribution to solving major problems. Targeted at a critical time—the mid-career—a future fellowship frees a researcher to focus on a topic of great interest and importance. The ARC's value here is in its flexibility—for the ARC works in all disciplines. Take for example the Future Fellow Professor Martina Stenzel. Although her background is in chemistry, she has taken her breakthrough work in nanoparticles into the hospital, to help cancer patients. Her unique platinum project, to develop nano-sized drug delivery containers for the targeted delivery of platinum-containing anti-cancer agents, bridges a gap between chemistry and medicine in a way that perhaps only an ARC fellowship can effectively support.

Of the five recent recipients of the 2013 Prime Minister's prizes for science, three have had significant ARC funding during their career. Statistician Professor Terry Speed—who received the overall Prime Minister's Prize for Science for his outstanding achievements in applying statistical techniques to genetics—previously received funding as a partner investigator with the ARC Centre of Excellence for Kangaroo Genomics, a centre which was funded with over $5 million beginning in 2003. ARC Centres of Excellence are powerhouses of Australian research, and their value as proving grounds for the great researchers of tomorrow cannot be underestimated.

Also announced as part of the Prime Minister's prizes, the winner of the Malcolm McIntosh Prize for Physical Scientist of the Year, Associate Professor Andrea Morello, is housed at the ARC funded Centre of Excellence for Quantum Computation and Communication Technology, which is receiving over $24 million from 2011-2017. This centre is making major inroads into making quantum computing a reality, which it is expected will radically transform the security and capability of computing around the world. There are very few people in the world like Professor Morello, who can actually explain how quantum computing works, let alone excel in it. We can be proud to have an ARC funded centre here in Australia which is making very significant breakthroughs in quantum computing technology, and which is getting frequent accolades on the world stage. There is said to be potential here for a breakthrough just as great as the breakthroughs we have witnessed in conventional computing.

It is significant that both Associate Professor Andrea Morello and Professor Terry Speed have been associated with ARC Centres of Excellence, and it speaks of the role that these centres so often play in the research careers of our best and brightest, both at the formative stages and at the pinnacle of that career.
Associate Professor Angela Moles from UNSW's Evolution and Ecology Research Centre was recipient of the Frank Fenner Prize for Life Scientist of the Year, and has spoken of the inestimable role of ARC funding in kick-starting her breakthrough research in ecology. Associate Professor Moles visited 75 different ecosystems around the world as a part of the World Herbivory Project, collecting and interpreting ecological data. She has received funding from two ARC Discovery Projects grants, ARC Linkage Infrastructure, Equipment and Facilities funding, an Australian postdoctoral fellowship in 2004 and a 2009 Queen Elizabeth II Fellowship. Her work has challenged conventional wisdom in global ecology, transforming our understanding of where to look for natural plant compounds of medicinal value.

These are just some examples of how ARC funded research has played and continues to play an important role in improving the lives of Australians. There are thousands of stories like these to tell.

But the ARC is not only the most significant source of funding for innovative, investigator driven research in Australia. It is also a significant source of knowledge about the research community, including through running the Excellence in Research for Australia—or ERA—assessment of research.

The challenges of a changing research sector are also being tackled by the ARC through its new open access policies, closely watched by the research sector. These policies seek to ensure that publicly funded research is made publicly available, as part of a new worldwide drive towards openness, and an unlocking of the doors of traditional research storehouses. The ARC's consultation on measuring research impact, and its ongoing role in attracting international researchers to our shores are other examples of how significant it is to the health of Australian research and our universities.

It is clear that ongoing funding for the ARC is essential to the vitality of the Australian higher education system.

The peer review system managed by the ARC is an important driving force in keeping our research sector innovative. Peer review is a cornerstone of the process of scientific advancement, and is fundamental, wherever research is free to be practised throughout the world. The ARC uses peer review to establish research merit across the spectrum of disciplines. Peer review by experts, experts drawn from all over the nation and abroad, is at the heart of both the ARC's Excellence in Research for Australia program, and the awarding of the ARC's grants and fellowships. Every proposal, every research output, is judged by experts in the field on its merit.

I will briefly mention two other ways in which the ARC is helping to diversify the research workforce. The ARC plays an important role in attracting and supporting Indigenous Australians to engage in research, through its Discovery Indigenous scheme. This is of great importance to untapping the research potential of Indigenous Australians, and to enriching our national research effort.

Women in research are also supported by the ARC, and will benefit from this amendment bill, which supports among other things two Australian Laureate Fellowships specifically for women: the Kathleen Fitzpatrick Australian Laureate Fellowship for a female candidate from the humanities, arts and social sciences disciplines, and the Georgina Sweet Australian Laureate Fellowship for a female candidate from the science and technology disciplines. Named after great Australian women who were research pioneers, these fellowships have an ambassadorial role, and will support the role models for our next generation of female researchers. The ARC also seeks to ease the transition for women returning to research following career breaks. The ARC's Research Opportunity and Performance Evidence (ROPE) measures enable assessors to take into account any career interruptions, including those for childbirth and caring responsibilities.

Through these initiatives and through the whole National Competitive Grants Program, the ARC is helping to reduce research career barriers and ensure the nation reaps the benefit of all of its research talent.

The government's strong support for research and specifically for the Australian Research Council was reflected on 8 November when I announced $522 million in ARC grants and fellowships,
supporting 1,177 research projects on diverse topics throughout Australia arising from the competitive peer review processes of the ARC.

Supporting the ARC through this amendment bill is fundamental to the continued health of our research sector. It is good to reflect on the role that the ARC plays in nurturing and sustaining the research community, working to solve great challenges which face us, and strengthening the world standing of our higher education sector.

I commend this bill.

**TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2013**

This bill reintroduces a measure that was introduced by the previous government but lapsed when the last parliament was prorogued.

The measure targets access to the research and development (R&D) tax incentive to the small and medium sized entities that are more responsive to increasing their R&D spending as a result of government incentives. In other words, it reduces waste by ensuring that government incentives for R&D are applied in a more effective way.

It does that by limiting the R&D tax incentive to companies with aggregated assessable income of less than $20 billion. Companies that have aggregated assessable incomes of $20 billion or more will apply the normal income tax rules to their expenditure on R&D activities.

The measure will apply to income years starting on or after 1 July 2013 and is estimated to produce a gain to revenue of $1.1 billion over the forward estimates period.

The bill also makes a consequential amendment to the Industry Research and Development Act 1986 to ensure that very large companies are still able to claim their overseas R&D activities for income years in which they fall below the $20 billion threshold. This allows the tests for eligibility of R&D activities conducted overseas to continue to operate as intended.

Full details of the measure are contained in the explanatory memorandum.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

**Climate Change Authority (Abolition) Bill 2013**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator PRATT** (Western Australia) (17:23): There is a serious question that the Climate Change Authority (Abolition) Bill 2013 brings before the Senate today. In seeking to abolish the Climate Change Authority, the coalition government is sending a message to our nation and its people that is completely out of step with the rest of the world on the issue of climate change—and is it really any wonder? It seems that the coalition do not actually want a credible climate change policy. Many in the coalition, it seems, simply do not believe that climate change is real—and I am glad that Senator Macdonald is in the chamber with us this afternoon, because he has declared that climate change is some kind of Y2K bug. He has also said that you cannot reach a conclusion on the science of climate change. These are words that I have heard him say, and it is a deep sign of the coalition's scepticism and denial when it comes to climate change.
We on this side of the chamber, however, believe the science that climate change is real. We accept the science of climate change and we believe we need to do something about it—Mr Tony Abbott and the coalition apparently do not. I accept that there is a wide variety of views within the coalition in terms of those that do believe in the science of climate change and many that do not. It is, I think, making a mess of the coalition's position on these issues.

These repeal bills and the bill before us today repealing the Climate Change Authority—and the one previously debated, the Clean Energy Finance Corporation (Abolition) Bill 2013—really do indicate that the coalition wants to get rid of worthwhile and independent institutions established by the former Labor government to tackle climate change and to give us the full suite of policies that we need in this nation to address what is a pressing issue for us here in Australia and globally.

But what do the coalition propose to replace these policies with? What they propose is direct action without legislated emissions targets. This is the proposal that the coalition has said they will put forward. It leaves our country and our nation without a long-term emissions reduction methodology. It leaves our industry, it leaves our households and it leaves our nation's businesses without a path and a plan to reduce emissions. As many submitters to the inquiry that I participated in highlighted, this uncertainty is damaging to business and damaging to investment decisions. Abolishing the Climate Change Authority is a key part of that, because the Climate Change Authority was there to provide ongoing advice about emissions reductions and targets. Within the context of an emissions trading scheme, as an authority, it would provide that independent advice and enable business and industry to efficiently work out the way forward through an ETS.

It is an indication of the fact that we on this side of the chamber have a clear plan on carbon pollution. We can repeal the carbon tax, and we can do that without getting rid of the tools that we need to tackle climate change in this place. We need to keep the Climate Change Authority, we need to keep the Clean Energy Finance Corporation and we need to move to an emissions trading scheme—all things that are already legislated for in this nation.

What is this about? This is about tackling climate change in the most effective and cost-effective way possible. It is about terminating the carbon tax and replacing it with an emissions trading scheme that puts a legal cap on carbon pollution and leaves the businesses of our nation to work out the most efficient way to do that. In the interests of both the economy and the environment it is vital that that cap is set in a transparent way. It is a job for an independent Climate Change Authority, the very body that the government is seeking to repeal. I note the targets and progress review issues paper that was released by the Climate Change Authority just a few months ago. Within this paper there is a clear focus on Australia's progress in meeting national emissions reductions targets, with recommendations on how Australia should go about doing that. What is also clear to me is that these very functions—exactly these kinds of functions that the Climate Change Authority is doing in relation to targets—could also be undertaken when it comes to the coalition's direct action policy. The coalition's direct action policy desperately needs transparent scrutiny—scrutiny on the steps required to meet a target of a five per cent reduction by 2020 on our 2000 emissions.

Labor created the Climate Change Authority as an independent institution just so it could give such independent expert advice on emissions reductions targets and the scope of
emissions reductions. It is these very jobs that the Climate Change Authority is doing that should actually be applied to the coalition's direct action policy too. You should be using the agency for this purpose. But what do the coalition want in contrast? In contrast they want no scrutiny at all. No scrutiny? Why wouldn't those opposite want any scrutiny? Because your policies simply do not stack up. Why should they stack up? Why do they need scrutiny? Why, when many of you simply do not even believe in climate change? So it is no wonder to me that the Abbott government have brought forward this legislation to abolish the Climate Change Authority, to remove any possible scrutiny of your still non-existent and yet-to-be-drafted direct action policy.

It is already very clear to me that the coalition's direct action policy simply has no credibility. It is no wonder you want to do away with credible sources of advice on climate change and climate change policy before you bring forth your own polices under direct action. The abolition of the Climate Change Authority simply means there will be no independent reporting back to the Australian people on climate change. There will be no independent analysis of the effectiveness of your direct action policy.

Is it any wonder that those opposite abhor such scrutiny when it seems they want to replace a very efficient form of direct action in relation to the Clean Energy Finance Corporation, which has proven to provide a return to the taxpayers, with their policy of paying polluters? Is it any wonder that they would not want the Climate Change Authority to review the credibility of these policies? Is it any wonder that they abhor such scrutiny when those opposite say they support a target but abhor any legal enforceability for such a target and when they remove any legal enforceability for such a target, as they seek to do in the bills as part of the package that they have brought forward to this place? Is it any wonder that the coalition, including those opposite, want to abolish an organisation that reports on evidence regarding the damage that carbon emissions have on the Australian and global environments, including the devastating impacts of climate change on Australian communities? So I tell those opposite, and I implore those opposite, to please not do away with the Climate Change Authority. They could really do with this advice and guidance when it comes to implementing their climate change policies.

We in this chamber, we in this place, have what I think is a very real responsibility. It is a responsibility to the global community, it is a responsibility to our own children to ensure that we take responsible action on climate change. We know the world is warming because of the globe's reliance on burning fossil fuels for energy, so we know it is, and we can only change that outcome if we are prepared to take action as a nation. So we must act now, not in three or four years, to stay on the path of a credible emissions reduction scheme. Every day that we lose in reducing our reliance on fossil fuels is a day that we cannot get back later. Why is this important? It is important because in the future when we are in catch-up mode we will have to take much more drastic steps as a nation in order to lower our emissions, and that will have devastating consequences for industries and jobs around our nation.

I will move on to another question when it comes to the topic before us. I really think the abolition of the Climate Change Authority is indeed just another step in Mr Abbott's campaign against Australia's scientific community. We have had cuts to the CSIRO and the Climate Commission and his campaign against researchers and academics in our nation. Science in our nation provides us with the building blocks to make the right decisions and we
need to support good research and good scientific endeavour to do this. What we know from the repeal of the Climate Change Authority is that we are repealing the body that is specifically tasked to bring together the science, whether it is from the CSIRO, the Bureau of Meteorology or other sources, and deal with that science in the context of climate change. There is no other agency that deals with these questions in that holistic way. I know those opposite have said, 'Well, CSIRO can do it and the department can do it and the Bureau of Meteorology can do it.' The fact is they are piecemeal in the way they deal with these issues. The Bureau of Meteorology—and I asked them about this in estimates—do not deal with climate change holistically. I want to say to those opposite: we need to keep the Climate Change Authority so that we can maintain the base for scientific endeavour when it comes to climate change advice.

I want to talk briefly about the functions of the Climate Change Authority. It is notable, to me, that there are other agencies around the world that have similar arrangements and that, contrary to what the government says, Australia is not alone in taking action on climate change. There are 99 countries around the world that have an emissions trading scheme. They are not just countries with progressive governments but also countries with conservative governments, such as that in the UK.

I will touch briefly on what the UK's climate change agency does. Its purpose is to:

... advise the [UK] Government on emissions targets, and report to Parliament on progress made in reducing greenhouse gas emissions—

and to prepare for inevitable climate change. It also provides independent advice to government on setting and meeting carbon budgets and preparing for climate change; it monitors progress in reducing emissions and achieving carbon budgets; it conducts independent analysis into climate change science, economics and policy; and it engages with a wide range of organisations and individuals to share evidence and analysis.

These are exactly the kinds of things that our Climate Change Authority here in Australia does. They are very worthwhile and important endeavours, and they are a required basis for sound, credible policy. It sounds like sound, credible policy to me, but I think those opposite do not actually want credible policy. It is why you do not want this kind of oversight for your own climate change policies. What we know is that abolishing the Climate Change Authority puts Australia behind the international community not only in our efforts to tackle climate change but also in our economic and strategic long-term competitiveness as a nation. So I ask those opposite, I implore them: really think about what you are dismantling here because you will be responsible for not only losing jobs in the automotive industry but also for stagnating the clean energy sector in this nation. This is a sector where Australia, if we act now and embrace this now, actually has the opportunity of creating the competitive jobs of the future—the very jobs you want to support—and the opportunity to be world leaders in not only developing renewable energy technologies but also manufacturing them. What we know is that axing the Climate Change Authority reinforces the fact that you would have no respect for these jobs of the future.

We also know that you have questioned the science. Mr Tony Abbott's dismissal of expert scientific advice is no mistake; it has been done quite deliberately by the coalition. He has questioned:

... whether carbon dioxide is quite the environmental villain that some people make it out to be—
and we can all remember when he said that climate change was 'absolute crap'. But our climate is too important to entrust to the irrational, anti-scientific beliefs of this coalition government without any oversight, without the kind of oversight that is provided by the Climate Change Authority.

The Climate Change Authority provides the independent oversight that the Australian community can rely on for accurate information on climate change without the political spin of the dinosaur government that we have before us; without the confused politicisation of climate science by the government. It is really important to our nation, it is incredibly important to our nation, that the scientific targets that we commit to, that you commit to as a government, are implemented and responded to in a robust and transparent manner—in an accountable manner. The question of accountability is significantly important here because subsuming the functions of the Climate Change Authority into the Department of the Environment takes away that transparency, and it will allow the climate change deniers to hide behind the government's lack of policy and commitment to climate change.

What this nation deserves is a holistic and proper approach to tackling climate change, an approach that respects the scientific and the economic consensus—the consensus that takes into account the environmental facts, the climate change facts, and does not let fear set public policy. So in conclusion, I move the following second reading amendment:

At the end of the motion, add: “, but the Senate expresses concern over the impact of the abolition of the Climate Change Authority on the provision of independent advice to Government and the public on carbon pollution reduction targets and actions.”

Senator MILNE (Tasmania—Leader of the Australian Greens) (17:43): I rise this afternoon to oppose the Climate Change Authority (Abolition) Bill 2013. The Climate Change Authority plays an absolutely critical role in the framework of legislation that we have to reduce emissions in Australia and to address climate change. I would like to begin by giving some history of where the Climate Change Authority came from and how it was configured. When the Carbon Pollution Reduction Scheme came before the Senate in 2009, there was a fundamental disagreement between the position that was put by the Labor government of the time and the Greens and scientists and people in the whole conservation movement. What we argued at the time was that Australia needed to reduce greenhouse gas emissions consistent with the target that was set in Bali—the Bali Road Map 2007.

Everybody will remember that in 2007 there was the ratification of the Kyoto protocol by Australia following the 2007 election. At that Bali meeting of the United Nations Framework Convention on Climate Change, it was agreed that developed countries should reduce their emissions by 25 to 40 per cent below 1990 levels, and that would give headroom to developing countries to be able to continue their path of development and have the world stay below two degrees warming and stay with a safe climate.

So, when the Labor government of the time brought forward an emissions trading scheme with a target of five per cent, I still remember the day at the Press Club when then Prime Minister Rudd announced his target of five per cent. There were some young activists there at a table, and one of them screamed in distress and disappointment at the complete inadequacy of the target. To have an emissions trading scheme, a cap-and-trade scheme, you need to have a cap on the amount of emissions that you can emit. That means you have to have a target in the legislation, and five per cent was put forward.
The Greens argued that five per cent was woefully inadequate and there should be a minimum of 25 per cent in the 25 to 40 per cent range. The negotiation in the political process was impossible because there was no movement in relation to that, so it became obvious that there had to be a process outside the parliament to get independent, evidence based advice on what an appropriate reductions target for Australia would be in the context of global action to keep global warming to less than two degrees.

So, in early 2010, after the legislation had been defeated, the Greens put forward a compromise and said to the Labor government of the day, 'Why don't we have a fixed-price period—as Professor Garnaut had recommended at that time—'and resolve the issue of the targets at a later time'? That compromise was rejected, unfortunately. Then, after the 2010 election, of course, we had a minority Labor government, and the Greens made it a condition of Prime Minister Gillard becoming Prime Minister that Australia adopt a carbon price and that a multiparty climate committee be set up to design the suite of legislation that would give effect to a carbon price.

It is no surprise that in those negotiations the Greens put forward the idea that we do what the British had done, in fact, and establish, as Britain had done, a committee on climate change. It was to give independent, evidence based advice to the parliament in Westminster, to give recommendations on what the emissions targets should be and to report to the parliament on progress made in reducing emissions and in preparing for climate change. The situation that was occurring in the UK was working very effectively. The Committee on Climate Change there was made up of experts. So we said: 'Let's do exactly the same in Australia. Let's depoliticise the process of setting targets. Let's adopt the architecture for an emissions trading scheme'—which we have done, and it came into effect on 1 July 2012—'and at the same time let's set up a climate change authority which does the same as is being done in the UK and advises the government on the appropriate target, taking into account the latest science and taking into account what other countries are doing around the world, and which comes back and recommends what Australia's fair share is.'

The Climate Change Authority was set up to do just that. It was asked to provide a draft of its recommendations this year, which it has done. It will now report early next year. In fact, on 28 February 2014 it will make its final recommendation to the parliament as to what Australia's fair share should be in reducing emissions, and that target will then be able to be transported into the emissions trading scheme legislation. The cap would go into the legislation, making way for flexible pricing to be able to take place and trading to take place.

That was how the whole thing was designed: start with the architecture of emissions trading, start with a fixed-price period, get the Climate Change Authority set up, have it recommend to the government of the day and the parliament the appropriate targets, put that in the legislation and then go to flexible pricing in 2015. And that is precisely what should occur.

The Climate Change Authority then had to be populated by a board, who then had to determine what Australia's fair share is, and that is what they have been doing in this last 12-month period. It is a critical time for Australia because there is a lot happening around the world. We have just been through the COP in Warsaw. We are moving to a ministerial meeting early next year and then into Ban Ki-moon's—the UN Secretary-General's—summit in September next year, moving into the G20 and then the climate COP in Lima, which will
have the preliminaries to go into the negotiation of a global treaty in 2015 to take effect after 2020. So now is the time that the Secretary-General of the United Nations is asking countries like Australia to put in a higher target than the five per cent. It is not the time for Australia to be abandoning the meagre five to 25 per cent range which had previously been registered; rather, we are being invited to step up.

The Climate Change Authority were tasked with that job of assessing what is going on around the world, what needs to happen for a new international agreement involving all major emitting economies and what Australia would be expected to do to participate in that process. Of course, they have done that over the last year, and I am very pleased to say that they have adopted a budget approach, because that is the only way you can look at this. You look at the science and you say: in order to constrain global warming to less than two degrees, what is the maximum amount of CO$_2$ that can go to atmosphere, in what time frame, and then how do you divide up that limited budget amongst countries around the world?

So the Climate Change Authority has come to a view about what Australia's fair share will be and has said very clearly that the five per cent target is completely and utterly inadequate and that a lot more needs to be done. In fact, in its final report in February next year it will be required to say what the single target is for 2020 for Australia, what the trajectory range is out to 2030 and what the long-term emissions budget is out to 2050. That is what it is tasked to do.

Clearly the first conclusion it has come to is that the scale and pace of international action suggests that Australia should be pursuing a stronger target. That is clearly the Greens' position as well. It has gone on to say that five per cent is considered an inadequate first step if Australia is to play its part in limiting global warming to below two degrees. It has also said that Australia would spend a large part of the proposed long-term emissions budget earlier, leaving little for the rest of the period out to 2050. A five per cent target would require an implausibly rapid acceleration of effort beyond 2020. Failing to do more in the short term is likely to increase future costs and cause unnecessary disruption to the economy and community more broadly. To keep open the option of acting in accordance with the goal of below two degrees, Australia needs to do more in the short term than is implied in the five per cent target. It also went on to say that the authority considers that moving to a stronger target now could be accommodated at a relatively low cost to the economy based on modelling of Australia's economy and emissions outlook.

We have a situation now where what we all know is true: the sooner you move, the harder you go, the deeper you cut, the cheaper it is going to be in the longer term. This is not just about 2020. It is the trajectory to 2030 and then to 2050. We have to make sure that we cut early so that we leave many more options open for efforts out to 2030 and 2050. The less we do now, the fewer options we will have, the greater disruption to the economy there will be and the more stranded assets people are going to be left with in Australia. That is bad for future generations. It is bad for the climate. It is certainly bad for our environment.

There is a report out today saying the Great Barrier Reef will be dead by 2100 if we are on a trajectory to four degrees, which we are. I believe that is the case. There is a complacency in this parliament which fails to look at the science and recognise that we have to act. The only reason you can say that the Abbott government is trying to abolish the Climate Change Authority is that it does not want to have independent, evidence based advice.
The options that the Climate Change Authority has put on the table are a 15 per cent emissions reduction by 2020 or a 25 per cent one. Frankly, I think the option of 15 per cent should just be binned. Twenty-five per cent was the minimum of what it should have been in 2007, and we have lost six years. We need to go beyond 25 per cent to 2020 in order to have a smoother trajectory beyond that, because major disruption is coming.

I heard in question time today Nationals member Senator Nash talking about the cost to the hospital system of carbon pricing. The cost to the hospital system is going to balloon beyond all measure if Australia is hit with four degrees of warming. We are going to have extreme heatwaves, weather events and bushfires. We are going to have loss of life. We are absolutely going to have emergency departments overflowing.

**Senator Ian Macdonald:** All because we don't have a carbon tax?

**Senator MILNE:** It may interest Senator Macdonald to know that, in the heatwave that occurred in South Australia at the same time as the Black Saturday fires in Victoria, Adelaide had to get a temporary morgue because so many people died as a result of the heatwave. That was because extreme heat exacerbates existing health conditions that lead to the sick, elderly, frail and vulnerable then not being able to cope in the circumstances. I have spoken to doctors who tell me that they are being called back from leave when the weather forecasts come out and they are being put back into emergency departments because of this influx of people. So to hear Senator Nash talk about the cost of energy for hospitals—that is nothing compared to the cost in lives, let alone the cost in managing the health consequences of global warming. That is exactly what is happening. That is why it is extraordinary to hear the denialism in this chamber, failing to recognise what we have already experienced in extreme weather events.

We have had the climate committee out here this week talking about the link between extreme weather events and loss of life and property and about the fact that we are going to have hotter days, more high-danger days and more extreme fires in Australia with more loss of life. That is the reality.

**Senator Ian Macdonald:** What a load of rubbish!

**Senator MILNE:** I know Senator Macdonald is in total denial, but that is the reality and Senator Macdonald does not wish to acknowledge it. He is a climate denier, and that is a fact. He will not accept that we are on a trajectory for four degrees of warming and the consequences that that is going to have for the environment, people and health. On the spread of disease, for example, we know there is going to be a change of range for certain diseases. We are going to find dengue fever coming much further down the Queensland coast than has previously been experienced. We are going to have all kinds of changes that are going to cost the hospital system dearly and cost the community in terms of health and wellbeing. We are not even imagining the number of extra firefighters we are going to need by 2030—we will need to double the numbers—let alone all of the other emergency services.

This is a serious issue. This is going to change life as we know it. That is what is so frustrating about the level of denial in here. That is why we have to have independent advice. Of course we know the government does not want to hear that if the Bowen and Galilee basins are fully exploited for coal that would be the equivalent of the seventh-largest emitter in the world. Those resources have to stay in the ground. That is why we need the independent, evidence based advice from the Climate Change Authority.
Let us look at the ignorance that is put forward by the Business Council of Australia, the Institute of Public Affairs and the like in relation to the economy. If you are going to make an investment now you need to know what the carbon constraint is going to be, otherwise you are going to be invested in stranded assets. You are going to set the economy back. If we fail to listen to independent advice we are going to end up with a rust bucket economy in Australia. That is the way the government is going to take this if it does not anticipate the trends. Anticipating the trends means listening to the science, seeing what the rest of the world is doing and moving accordingly. That is where the Climate Change Authority is charged to take us. Unfortunately, the authority has been way too conservative in the draft recommendations it has made. As I have said, I would ditch option 1, the 15 per cent below 2000 levels by 2020, and absolutely go for a higher level than the 25 per cent, because that allows us more options into the future. I want to make sure that the community has the maximum amount of options available to adapt and to make transitions, anticipate and benefit from the opportunities that will come from the transition to a low-carbon economy.

Failure to act now means we use up our budget early, which means people in 2030 will have very few options out to 2050. That is the kind of work the Climate Change Authority has done with its report. It has also pointed out the complete inadequacy of Direct Action, which is no doubt one of the reasons the government wants to abolish the authority. They do not want to hear the independent, evidence based advice showing what is wrong with Direct Action. The report makes clear that Direct Action is not scalable. It is too expensive. There is no way you can scale up with Direct Action.

Equally, the Climate Change Authority has said that you need to deal with issues like deforestation. If you look at the greenhouse inventory report, you will see that the increase in emissions is coming from deforestation from land clearance, for example. Fugitive emissions are coming from coal mines and from gas—coal seam gas and the like. They are the facts of the matter; they have to be dealt with. Those fossil fuel resources need to stay in the ground.

From the Greens point of view, you cannot talk about the emissions trading scheme without talking about the Climate Change Authority, because it is the authority that will recommend the target—the cap—that will go into the emissions trading scheme and that will enable the trading scheme to trade in a flexible way. Of course, the linkage with other trading schemes around the world opens up lots of opportunities in Australia. That is the way that this was put together. They are integrated in their operation as a package. The Clean Energy Finance Corporation is there to put money into renewables and efficiency, to transform and to accelerate that transformational change. The Biodiversity Fund was there to help protect the landscape and keep the carbon stores protected—I am sorry to say Labor was happy to abolish it in the same way as the government is the authority.

It is essential that we keep the Climate Change Authority. With the slashing of the Public Service, including getting rid of the Department of Climate Change, there is not the expertise in government to do this. The only expertise we have left is in the Climate Change Authority. That is why it has to be kept. (Time expired)

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (18:03): It is always remarkable to listen to Senator Milne's contributions in these debates, to hear the passion that I acknowledge she brings to the debates and for some of the facts that she may highlight. But when it come to this topic there is always, it seems, a
complete absence of discussion about the global nature of the issue at hand—the global nature of emissions and the global challenge of how we deal with those emissions profiles—and the relatively small role of Australia in a very large global issue.

Senator Milne knows well that there will be a debate through to 2015 about where future emissions targets might be set. That debate is set around global time lines: where in fact the rest of the world will go in 2015 and to what extent we will or will not see from the rest of the world action in 2015 to commit to binding emissions-reductions targets. The Australian government has been crystal clear that our position—supporting the unconditional five per cent reduction, as we have for some period of time now—is that as those global discussions unfold in 2015 we can take the longer term view of the role Australia can play to complement global action on emissions.

But let us not be under any misapprehension: if there is no fundamental change to the way global discussions and agreements happen in 2015, if there is no binding global agreement in place in 2015 where we can see major emitters take major steps towards major commitments, then Australia's actions will make no difference. That is the sad reality of this debate, a reality that seems to be sorely lacking in the contribution from Senator Milne and others.

But I stray—I do not wish to stray, because I wish to be brief in my remarks on this bill. This bill, the Climate Change Authority (Abolition) Bill 2013, is of course just one piece of a long legislative package that has been irresponsibly separated by the Labor Party and the Australian Greens. The Climate Change Authority (Abolition) Bill is a small piece of a complex package. Earlier today and over the preceding days we spent 10 hours and 46 minutes dealing with the previous bill, the Clean Energy Finance Corporation (Abolition) Bill. We saw virtually every member of the Labor Party line up to give an identical speech. It was an enormous level of time wasting that has taken place, and I do not wish to contribute to it on this matter.

What I want to highlight is that the Climate Change Authority (Abolition) Bill does logically sit with the remainder of the carbon tax repeal bills. They should be considered as one; it is disappointing that they are not. But it would be foolish for us not to see the end of the Climate Change Authority if we see the end of the carbon tax. This is because the core function of the Climate Change Authority is to advise the government—and I think Senator Milne essentially acknowledged this—on key aspects of the carbon pricing mechanism, such as the setting of emissions reduction targets and caps, the setting of the price ceiling in the period from 2015 to 2018 and the acceptability of allowing international units into the carbon pricing mechanism or carbon tax. They are the key, core, central functions.

This Senate will make its decision when it has the debate on the carbon tax repeal as to whether the carbon tax stays or goes. If the carbon tax goes, the Climate Change Authority should go as well. It is ridiculous and nonsensical to say that it should stay. Its other functions in relation to statutory roles and reviews around the renewable energy target or the Carbon Farming Initiative can and, if this bill passes, will be adequately performed by the Department of the Environment.

We have well and truly within government the resources to provide every level of advice that is necessary, without having yet another quango, bureaucracy or statutory body sitting there chewing up a few more million dollars just to provide another layer of advice. We have the Bureau of Meteorology providing its advice on climate trends and climate science. We
have the CSIRO providing advice on the environmental effects of climate change, on climate science and on the most appropriate technological and scientific responses to it. We have an entire department in the Department of the Environment providing advice on the appropriate government responses to issues around climate change. We have all of those factors built in at the core of government.

We have been elected to government with a very clear mandate not just to get rid of the carbon tax—important though that is—but also to get government spending under control, to get the size of government under control and to move to a position where we actually have a chance of once again delivering balanced budgets. The Climate Change Authority in the grand scheme of the costs associated with running the carbon tax is but a small cost—$22 million over the forward estimates. But that $22 million saving is important and it can certainly be money better spent or debt not incurred rather than simply having another level of bureaucracy in government to essentially duplicate the advice that can be sourced and should be sourced from elsewhere.

Mr Acting Deputy President, I am not going to detain the chamber any longer. I do note that there is a second reading amendment from the opposition. It seems peculiar to me that Senator Pratt apparently read an amendment that differed from the one that was circulated in the chamber. It obviously shows that in opposition the Labor Party have the same level of consistency in their approach as they had in government, where they flip-flopped over emissions pricing and carbon taxes and promised not to do one thing and did the other. Obviously, even now, they are coming into the chamber and proposing amendments that are not even the same amendments that they circulated.

There is a simple question before the chamber, and that is: do we want to have another quango, do we want to have another bureaucracy, do we want to see the continuation of this? If the carbon tax is going, the Climate Change Authority should go. For the sake of the Australian economy, the size of government and the budget, both should go.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (18:11): I rise to speak on the Climate Change Authority (Abolition) Bill 2013. We on this side will not be supporting the bill. I hope government senators and members consider the benefits of an independent Climate Change Authority—an independent body that ensures all the available science is considered and all the available perspectives are examined in order to provide our community with accurate information on our current emissions, trends and forecasts for emissions reduction targets and to provide this service to the community at arm's length from the bureaucracy, whose job is to advise the executive, not the nation as a whole.

The new coalition government proposes to subsume the authority into the Department of the Environment, although the authority was set up to provide independent advice on Australia's emissions reduction targets. The clear goal of this move is to remove the independent advisory role and decrease transparency. As ideology has got in the way of climate change policy too many times over the past decade, it is vital that the scientific targets and policies that underpin our response to climate change are conducted by an agency independent of government. Independent advice and constructive criticism of government policy from public institutions is a positive measure; it should be encouraged, not shut down.

This new coalition government is demonstrating that it wants independent criticism, with over 50 reviews instigated in just the first few months of the parliament. Most are small
reviews, with set reporting dates and without long-term analysis of the issues. This new government has instigated over 50 reviews, spanning all areas of public expenditure, yet the public body tasked with continually reviewing our response to climate change is up for abolition. This is just double standards. It is clear that we must not shy away from a national conversation on climate change.

Regardless of the personal views of anyone in this chamber, the problem is bigger than all of us. While it will be some time until a bipartisan approach to this issue is again reached, the problem will not go away. In fact, the problem will only get worse. As senators are well aware, around this time four years ago, bipartisanship on action on climate change was lost. Around four years ago, Mr Abbott defeated Mr Turnbull by one vote and ended the bipartisan support for strong action on climate change. He ended the bipartisan support for a price on carbon and ended the bipartisan support for a legislated cap on emissions. In many ways, it ended the bipartisan commitment to combat climate change.

We all know from the Prime Minister's own comments that he has never been serious about climate change. Just a few months before Mr Abbott won that leadership, he said that he was 'hugely unconvinced by the so-called settled science on climate change'. That was in a rare appearance on the 7.30 Report, on 27 June 2009. It was a disappointing statement from someone who was aspiring to the top leadership position in the country.

In 2009, the 'so-called settled science', as Mr Abbott put it, was at that point the Intergovernmental Panel on Climate Change's fourth report, released in 2007. Created in 1988 by member states of the United Nations, the IPCC's mandate is:

…to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts.

The reports of the IPCC include an assessment of scientific confidence that humans are causing global warming. As I said, at the time of Mr Abbott's appearance on the 7.30 Report, the latest statement from the IPCC was its fourth report, released in 2007. This is from one key summary of that report:

Most of the observed increase in global average temperatures since the mid-20th century is very likely [90 percent confidence] due to the observed increase in anthropogenic greenhouse gas concentrations. This 'so-called settled science' was a 90 per cent certainty that global warming was being caused by humanity. This 'so-called settled science' was that there was a 90 per cent chance that humanity's actions, through emitting greenhouse gases, were causing global warming.

Of course, in science, you do not ever say absolutely that one action is causing another, but you do set out to find the probability of a link between cause and effect. In 2007, the IPCC determined there was a 90 per cent probability that human-induced greenhouse gas emissions were causing global warming. Many people make the logical leap that, if you were told by international experts that they were 90 per cent certain that your house was going to burn down or your investments were going to turn sour, you would do your best to mitigate those risks; you would do your best to reduce those risks.

The new coalition government's approach is to ditch the clean energy mechanism and ditch the advisers. Their approach is like putting your head under a pillow and screaming, 'It's just too hard.' The problem of climate change is too difficult for Australia and we are better off putting our heads under a pillow and screaming that it is just too hard. Those opposite need to
acknowledge new evidence when it is produced—new evidence from global experts, where the 'so-called settled science' has only become more settled.

Just a few months ago, the IPCC began releasing tranches of its fifth report. This release moves that confidence level from 90 per cent in 2007 to 95 per cent in 2013. Six years on, based on new evidence and updated analysis, the IPCC is 95 per cent certain that there is a direct link between humanity's actions and global warming. This 'so-called settled science' is now, in 2013, settled to the degree that there is 95 per cent certainty that humanity's actions are causing global warming. A summary of the 2013 release says:

It is extremely likely [95 percent confidence] more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in greenhouse gas concentrations and other anthropogenic forcings together.

The 'so-called settled science' is that there is now a 95 per cent chance that humanity's actions, through emitting greenhouse gases, are causing global warming. As I said, in 2007, the IPCC had determined there was a 90 per cent probability that human-induced greenhouse gas emissions were causing global warming. By 2013, the evidence is such that there is now 95 per cent confidence in this link—five per cent more. To use the previous analogy, the house is now 95 per cent certain to burn down and the stocks are now 95 per cent certain to crash in value.

In Australia, we need to do our best to mitigate these risks. This new coalition government is foolish, having this independent advice, to move to abolish the very institution that sets targets and provides critical appraisal of emission reduction efforts. This new coalition government needs to get out from under the covers and back the evidence from global experts. The 'so-called settled science' has only become more settled.

It is interesting to note that there has been a subtle change in the language of the reports. The 2007 IPCC statement only went to human greenhouse gas emissions, those gases that increase temperatures in the atmosphere, whereas the 2013 statement includes the impact of both greenhouse gas emissions and aerosol emissions on the climate. This includes the cooling effect from human aerosol emissions that many sceptics hold up as counter to global warming. The media summary says:

Cooling from human aerosol emissions offsets about one-third of the warming from human greenhouse gas emissions.

Critically, they report, the new 2013 statement says:

… even taking that aerosol cooling effect into account, humans are still the main cause of the global warming over the past 60 years.

This is new information from the world's most eminent scientists. They consider that human activity—that is, the warming activity from carbon emissions—even if offset by the net cooling activity from aerosol emissions, is the main cause of warming.

As times change and knowledge develops, it is appropriate to reconsider one's stance. If there were ever a time to be convinced by the 'so-called settled science on climate change', it would be when the world's most eminent scientists have come to the conclusion that there is a 95 per cent certainty that human activity is causing global warming.

I participated in the Senate Environment and Communications Legislation Committee inquiry into these repeal bills—a quick inquiry of just one hearing and only few days for
people to make a submission. It limited the ability of experts in the field to provide advice to the committee on the legislation. The new coalition government referred the suite of repeal bills to the committee simply to examine the cost of pricing carbon to households and businesses. The opposition referred the bills to the committee on the basis of examining how they fitted in with Australia's long-term climate change obligations. Put simply, we start from and continue to see this through very different lenses. On one side, the new coalition government see climate change purely in terms of the here and now; on our side, we see the problem in terms of the medium to long term. As important as any 2020 target is the need to have in place a pricing mechanism for emissions reduction beyond 2020, with targets for reduction by 2030 and 2050. We want to ensure the transition is a smooth one but we acknowledge we have to start somewhere.

The former Labor government put in place a suite of measures to address climate change, including the establishment of the Climate Change Authority. The value of the Climate Change Authority extends beyond carbon pricing. At present, the independent Climate Change Authority performs five clear roles for government: to provide recommendations on future pollution caps; to make recommendations on the indicative national trajectories and long-term emissions budgets; to provide independent advice on the progress being made to reduce Australia's emissions to meet national targets; to conduct regular reviews of the carbon pricing mechanism; and, to conduct reviews of and make recommendations on the National Greenhouse and Energy Reporting System, the renewable energy target and Carbon Farming Initiative. Its reporting schedule is publicly available, with 20 reports scheduled from 2012 to 2018 on topics including the renewable energy target, national emissions reductions targets, carbon budgets, five-year pollution caps, the Carbon Farming Initiative and voluntary action reviews.

Quite clearly these roles could be amended to refer to a different emissions reduction mechanism other than carbon pricing—for example, direct action. Its work can be separate from whether Australia has a carbon pricing mechanism, an emissions trading scheme, direct action, a carbon tax or does nothing for a year or two or for however long some of those opposite would wish. We have a bipartisan emissions reduction target in this country. We have agreed that by 2020 at the very least we must reduce Australia's emissions by at least five per cent on 2000 levels. While we are clearly not agreed on the path to achieve that target, the target is bipartisan and it is appropriate that reviews of how as a nation we are travelling to reach the target be conducted by an independent authority.

I also note the Australian Conservation Foundation noted in its submission that the repeal bills do not reallocate the responsibility for consideration of renewable energy targets from the abolished Climate Change Authority. Is this just an oversight from government or are there moves afoot to remove the renewable energy target? The clear goal of this move by the new coalition government is to remove the independent advisory role from the government sector and to decrease transparency. This view is not just expressed by this side of the Senate. Many witnesses at the hearing and submissions to the Senate inquiry provided evidence which was the same. Mr Erwin Jackson, Deputy Chief Executive Officer at The Climate Institute, noted the political record of climate change policy and highlighted the need for climate policies based on evidence, not on the political agenda. He said:
The Climate Change Authority plays an essential role in informing that climate change should be retained. Australia has a track record of highly politicised approaches to climate policy. This has produced policies that are often inefficient and continually readjusted, which in turn has resulted in significant business uncertainty, higher costs associated with investments and inadequate emissions reductions. To achieve a sustained emission reduction consistent with our national interest, Australia needs climate policies that are based on a sound foundation of evidence rather than on a political agenda.

While the science appears to be settling, it is clear that climate change has been one of the most overtly political issues of the past decade. As such, it is vital that the scientific targets and policies that underpin our responses conducted by an agency independent of government. Consideration of abolishing or maintaining the Climate Change Authority or amending its functions is a separate matter from the carbon price mechanism.

The authority's advice is valuable whether you want to pursue a market based mechanism, as we do, or a command and control policy, as advocated by the new coalition government. Both the Investor Group on Climate Change and Dr Frank Jotzo from the Australian National University highlighted in submissions and in evidence the worth of the Climate Change Authority under the coalition's Direct Action policy. The Investor Group on Climate Change said:

The Climate Change Authority's analysis assists investors to interpret the likely future emissions reduction trajectory for Australia and the scale of policy response that will be required.

So here we have a group of investors who benefit from the independent advice provided by the Climate Change Authority. This independent advice assists serious institutional investors, with total funds under management of approximately $1 trillion, to make long-term decisions. Dr Jotzo said in his submission:

The institutions created in Australia as part of the clean energy legislation fulfil important roles in an effective climate change policy framework. This would be useful regardless of whether or not a carbon pricing mechanism is in place. The Climate Change Authority has a crucial role in conducting analysis of Australia's climate change policy settings, providing input to government and to parliament. In its draft report on emissions target the authority has it made clear that its advice on Australia's emission targets and trajectories is not tied to the existence of the carbon price mechanism.

Again, here we have a climate change expert outlining that, regardless of the carbon emissions abatement method, there are clear benefits from an authority which provides independent advice on pollution caps, carbon budgets, the credibility of international units and the performance of climate change mitigation initiatives. The submission from the investor firm Regnan noted the risk to Australian business from the abolition of the Climate Change Authority:

Abolition of the CCA increases the risk that Australian regulatory settings will move increasingly out of step with emissions reduction developments emerging at the international level in response to new science and global carbon budget commitments. The implications for Australian businesses would be to increasingly fall behind in carbon competitiveness, risking large and disruptive failure impacts in the future. We see implications particularly for carbon intensive companies with long-lived assets in the absence of regulatory settings which provide sufficient signalling to influence capital investment programs and technology choices.

Regnan's advice to the committee was particularly insightful. Here we have a market investor. They could invest coal energy, gas, transport infrastructure—you name it. They are
advocating that investing in carbon intensive companies is a risk to them and to the people who trust them with their savings. These submissions are not questioning the so-called settled science on climate change; they are focusing on how we best mitigate our risks and how we get on with the job of reducing our emissions. They accept the link between human actions and climate change. They appreciate the work of the Climate Change Authority and value its independence.

This new coalition government is simply proposing to subsume the authority into the environment department. To do so will be to remove the independent advisory role, decrease transparency and decrease accountability and, no doubt, this will lead to Australia not meeting the bipartisan commitment of a five per cent reduction in emissions by 2020. There is a strong foundation of scientific fact underpinning the need to reduce global greenhouse gas emissions to reduce the risk of global warming above two degrees. The science is settled. The Intergovernmental Panel on Climate Change has moved the settled science from 90 per cent confidence that humans are causing climate change to 95 per cent confidence. There is nowhere left to go but to heed this advice and to act.

I encourage the new coalition government to look beyond the rhetoric and keep the independent Climate Change Authority, recognise the public good that is contributed from quality independent advice and recognise that this authority may assist in clarifying and developing their Direct Action Plan. Climate change is too serious a problem to continue to play politics with. The world is acting and Australia must contribute to global emissions reduction efforts. We need strong action with legislated emissions reduction targets. We need independent advice on climate change policy. As the Chair of the Climate Change Authority, former Reserve Bank of Australia Governor, Bernie Fraser, recently said:

On a subject as complex as climate change, I would have thought every government—whatever its complexion—would want to get good independent advice. This advice will not be provided by a government department. Logically, we must keep the Climate Change Authority.

Senator LUDLAM (Western Australia) (18:31): I dedicate this speech tonight on the Climate Change Authority (Abolition) Bill 2013 to all the people who were too young to cast a vote on 7 September 2013. I am proud to stand here today as a member of the Australian Greens in defence of the Climate Change Authority, an entity which most Australians could be forgiven for not even knowing existed until quite recently. The Climate Change Authority reviews Australia's emission reduction goals and progress towards the renewable energy target every two years from 2012. It performs this essential task free from interference from the executive and the parliament. This independence is essential. It operates in the same way as the Reserve Bank sets interest rates, independently of the superficial, political churn that can so often dominate debates in here. That independence is important precisely because the role of the authority needs to be guided by science and not by politics. In setting the pace of economywide emissions reductions, powerful interests are impacted—interests with open chequebooks and strong opinions, with direct access to this morning's cabinet meeting and tomorrow morning's newspaper headlines.

Does anyone remember the retro sounding phrase 'evidence based policy'? It sounds kind of quaint and naive as it rolls off the tongue, doesn't it? So far the government have abolished more than 20 expert authorities across the board, from the High Speed Rail Advisory Group
to the National Housing Supply Council. They are like a pilot punching out the dials on the instrument panel one by one, even as the engines falter and the light fades. The Climate Change Authority though is the big one. With this single act of calculated stupidity they are smashing the only legislative guidance that they have got as to the speed and the urgency of the transition that is demanded of them. If they somehow wrangle the numbers to wreck the Climate Change Authority, they really will be flying blind. They are left waving around a feeble five per cent emissions target without the faintest idea of how to get there or what on earth they plan on doing with the other 95 per cent. So much for evidence based policy! We plunge headlong into the realm of 'making it up as you go along' based policy, except that when they fly blind and hit the wall on climate policy, they will take everyone else down with them.

I know the Prime Minister has been told by his minders to pretend that he no longer thinks climate change is crap. The government’s tactical masterminds have settled on a rather more dishonest messaging strategy where they say: ‘Sure, we believe in climate change. We just think we can tick it off more cheaply by shovelling money into the mouths of rent seekers and LNP candidates in marginal seats and calling it direct action.’ They might as well just set fire to the money.

Yes, the climate has changed in the past. Senator Macdonald was at it again on Monday and a short while ago in this debate. I do not want to pick on my colleague from Queensland, because this attitude now corrupts the whole Liberal-National Party. It is the combination of self-confidence, stridency and breathtaking ignorance that makes it so difficult to have a sensible conversation. Yes, the climate has changed in the past. Some 240 million years ago earth was a desert planet and 15,000 years ago earth was in the deep winter of a planetary ice age with the sea level so low that you could walk out to Wadjemup, or Rottnest Island, which now lies 18 kilometres west of the port of Fremantle.

The climate can change profoundly and very rapidly relative to geological timescales. That is year 5 primary school science. So somewhere between year 5 and year 9 Senator Macdonald and a substantial number of his colleagues must have nodded off and missed some very important early high school science classes. Why would you want to take a system as delicately balanced as the global climate system, which you know can be thrown in a matter of centuries or millennia into quite a different regime, and put a blowtorch on it? Why would you want to take something as complex and powerful as the atmosphere itself and then dump tens of billions of tonnes of thermally opaque gases into it every single year and then when the place begins to heat up, more or less exactly as predicted, stand back and pretend that it is a total coincidence, because after all the climate has changed in the past without being shoved by fossil capitalism?

Joseph Fourier theorised about the insulating properties of the atmosphere in 1824, although the key role of carbon dioxide as a thermal blanket was not spelt out until Svante Arrhenius published his greenhouse law back in 1896. The work done by NASA, CSIRO and every single one of the world’s national science academies on climate change research still rests on evidence that was tested more than a century ago. It is actually fine for senators in the Liberal and National parties to come in here and wave their scientific illiteracy at people as though it is some sort of strange badge of honour. It is actually fine, I mean it. You should not have to be an oceanographer or an atmospheric physicist to be a good legislator but, if you do
not have these qualifications yourself, the least you can do is show basic respect to those who
do have those qualifications and listen to what it is they are telling you. What they are telling
you is—and I will break it down into smallish words—that burning coal, oil and gas is
cooking the place. We need to stop doing that.

I am sorry that it offends your donors in the coal industry. I understand that it is also quite
inconvenient for your benefactors in the gas industry. The problem is that allowing them to
continue to undermine international climate agreements and poison domestic politics here, as
they have done in the United States and elsewhere, is going to end up being quite
inconvenient for everybody else. Let me explain what I meant by inconvenience.

In the 30-year campaign to sabotage meaningful international negotiations, your donors
and your benefactors in the coal and gas industry have already committed us to dangerous
global warming: the increased violence of storms as we have loaded more heat into the
atmosphere and ocean; the perceptible sea level rise; the droughts; and the consequent
insecurity, instability and war in places like Darfur as Lake Chad disappeared off the map. If
we had followed through with the concerted efforts to front up to global warming in the 1980s
and 1990s, when the issue first hit real global political prominence, we might have been able
to avoid some of the storms that we are now sailing into. But instead the coal, oil and gas
industries did everything they could to attack and undermine that global consensus as it was
emerging. So now we live in a world in which dangerous global warming is a reality.

To get a sense of what this government is driving us into, look no further than today's
approval of the Abbot Point coal terminal. This government is pressing on regardless, flying
blind—not into a world with two degrees of average warming but potentially into one with
four or more. Whether it be Abbot Point, whether it be the beach at James Price Point in the
West Kimberley where a huge gas proposal is afoot, whether it be the multiple gas fracking
operations that are underway or planned right around this ancient continent, whether it be the
predominance of freeway building over public transport or the proposal to increase logging in
old-growth, high-conservation-value forests in the south-west, all around us we see the same
sad expressions of business as usual. They are taking us away from a world where we could
potentially survive, a world of 1½ or two degrees of global warming. That would be a very
damaging and difficult place to live in, but it would be manageable, not end-of-civilisation
staff. It would be something that we could deal with if we moved into it with our eyes open.

But I want to talk now about what happens if we continue with the kind of business as
usual that was on display this afternoon at Abbot Point and is on display everywhere else
around the country, and that is four degrees of global warming. I commend to senators a book
called Four Degrees of Global Warming: Australia in a Hot World, edited by Peter Christoff.
This book tells us that, according to the best models that we have—and it is like predicting the
weather: it is not a precise science but it is nonetheless a science—and the best depth of
expertise that we have, with a four-degree average temperature rise there will a quarter of a
million coastal properties inundated by rising sea levels, at a total cost of around $63 billion;
17,200 heat related deaths a year, up from 5,800 today; snow just a distant memory in all but
the very highest of alpine peaks on the east coast; a quarter of a billion people in the Asia-
Pacific region displaced; and, by 2100, we will have locked in irreversible loss of the
Greenland ice sheet, which effectively buys you seven or more metres of sea level rise, not in
this century but in those to come.

CHAMBER
I am glad that Senator Macdonald has joined us again. I want to tell him that I fully understand and the Greens understand that maintaining the Climate Change Authority and maintaining the carbon price and ramping it up—guiding that transition here in Australia—will not prevent those things if that is all we do. This needs to be internationally coordinated action. We need the kind of sabotage that is occurring here in Australia tonight to cease and desist in the United States, in Western Europe and in the emerging economies in India and Asia. We fully understand that this is a global problem, a global issue, and so we call on those industries in Australia—and their advocates in this very parliament—who say we should not do anything here until a global agreement has been reached, to cease and desist sabotaging those global agreements.

In a world with four degrees of global warming, our cities and entire climate systems will be basically unrecognisable. There are some various interesting studies in this book about the closest analogues of climates in future decades. Sydney, in one scenario, ends up like Rockhampton, in subtropical Queensland. Melbourne looks a bit more like Griffith, in regional New South Wales. Alice Springs mirrors the modern day Sudan, and the vast majority of the interior of Australia becomes effectively uninhabitable. The average annual temperature at Alice rises to 35½ degrees, in the hottest, driest scenario. That is the average. Darwin there is no analogue for. Darwin will be like no other city on earth. There is no climate system or climate zone on planet earth at the moment that matches what Darwinians will be living with in the year 2100 with four degree of global warming. Perth, my home town, will be an entirely different place—three to 4.8 degrees warmer; 50 per cent less rainfall on top of what we have already lost in the south-west; five to 16 per cent greater range of evaporation, which will exacerbate the frequency of droughts; increased heatwaves. It is effectively the depopulation of the northern wheat belt, which destroys a $2 billion industry and wipes out communities that have existed for more than 150 years.

That is what we are buying and that is the choice that is before us. At 3½ degrees, this most recent collection of essays tells us, up to 67 per cent of frogs, 87 per cent of mammals, 64 per cent of reptiles and 72 per cent of birds are committed to extinction. Eighty-five to 90 per cent of suitable habitat is lost. So we are setting in motion mass extinction through actions like the one the government proposes to take tonight. But it is not just our action here in the Australian parliament; it is actions in the Western Australian parliament, the United States congress, the Japanese diet and the Indian parliament. All around the world, these actions collectively are committing us to a mass extinction.

I want to raise this issue tonight. This is something that has come to me from the internet. It emerged online. I do not know who invented it. It is called the extinction symbol and it is meant to stand for the species that we are thoughtlessly dispatching to the silence of geology. It also speaks to us of the choices that we have made that brought us here and the choices that we will make in votes like this tonight, and those to come, about what kind of a species extinction we lock in for those decades to come. I think it is about time that we put the extinction symbol on the Hansard record, as a reminder to all of us who make decisions in votes like this one today. I checked this with the whips a few short time ago. I seek leave to table it now.

Leave granted.
Senator LUDLAM: And, against this imperative, Prime Minister Tony Abbott posts a YouTube video on his way overseas, demanding that the Senate do the right thing. Are you serious? Sorry, Sunshine, but the sound bites and shallow slogans that carried you through the election campaign and into the Prime Minister's office have just hit the wall.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Please refer to the Prime Minister by his title.

Senator LUDLAM: Are you saying that calling the Prime Minister 'Sunshine' is unparliamentary?

The ACTING DEPUTY PRESIDENT: Yes I am.

Senator LUDLAM: I will withdraw if that is the case. I could think of other things, but that felt like it would suffice.

In 2008, in the very first speech that I read in here, I told an apocryphal story that seemed appropriate at the time. It was about a group of washer women at a riverbank who noticed a child floating past on the river, in trouble. One of them wades in and rescues the child. A short while later they see another child floating past and go out and rescue that one. Then another one floats by, and another. Before long, they are overwhelmed. Then one of the women turns and makes her way up the riverbank. The other women demand: 'Comrade, where are you going? We need you here.' Without looking back she says, 'I'm going to find whoever it is who's throwing them in.' And I feel as though I have spent with my colleagues five years in this place working my way upstream to find out who is throwing these kids into harm's way—who is making these repetitive, short-term decisions that set such long-term disasters into motion. And here you are; we found you.

If anything that we have said tonight reaches any members of the coalition with a flicker of conscience, join us when we put this bill to a vote, cross the floor and vote for a bill that will give us a fighting chance to meet the challenges that our country has only just begun to confront. You can join the Greens. You can join the Labor Party. You will also be joining the solar industry—companies like SolarReserve, which just established an office in Perth and is hoping to roll out some of the projects at scale like those they do in the western part of the United States. You will be joining the wind energy developers. You will be joining the Australian Youth Climate Coalition. You will be joining campaigners and ordinary people all over the planet who are throwing everything they have at changing course while we still can. So, when we commit this bill to a vote, I know where I will be sitting. I thank the chamber.

Senator IAN MACDONALD (Queensland) (18:46): I appreciate Senator Ludlam giving me a couple of minutes on this particular bill. I am glad that he did at least acknowledge that the Labor Party and the Greens introducing the world's highest carbon tax is not going to make one iota of difference to the changing climate of the world.

Senator Ludlam: Mr Acting Deputy President, I rise on a point of order. It is unparliamentary to blatantly misrepresent in the chamber. People can go back to the Hansard record and see exactly what it was I said, but it was certainly not as he is repeating it here now. I am interested in his contribution. I am tempted to have the point of order take the next three minutes, but I won't. Please don't misrepresent me.

Senator IAN MACDONALD: You can't have a point of order for three minutes.
Senator Ludlam: I could have a go. Please do not misrepresent me right after I made a contribution.

Senator IAN MACDONALD: I thought that was what Senator Ludlam said. I take his word that he did not. But, if he did not, I repeat the question I keep asking of the Greens: how is it that Australia emits less than 1.4 per cent of the total world emissions of carbon? Under the Labor Party's carbon tax supported by the Greens we are going to reduce that by five per cent—so five per cent of 1.4 per cent. And yet Senator Milne spent her speech again today—and Senator Furner did last night—saying that all these huge new climatic problems that we are apparently having will all be fixed if we have this carbon tax that reduces Australia's emissions of 1.4 per cent by five per cent. Give me a break. How stupid. This is why I say this will be seen as one of the greatest frauds on the Australian people since Y2K. I await anyone from the Greens challenging me.

I also say to the Greens: while you are at it, you can stop getting GetUp! to ring me, because it does not make any difference. They are just wasting their phone call as they ring in.

But this is the point I make: Australia has the world's biggest carbon tax. It has destroyed jobs and small businesses and has not done a thing for the environment. If everybody in the world was doing it, I would not really agree, but I would go along with it. I have always said that; if the rest of the world does it, so should Australia. But the rest of the world is not going to do it. All you are doing is destroying Australian jobs and businesses, exporting them overseas for no gain for the environment. I would like to speak longer, but I think time is up. (Time expired)

Debate adjourned.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (18:50): Order! It being 6.50 pm, the Senate will move to consideration of government documents.

Department of Agriculture

Senator IAN MACDONALD (Queensland) (18:51): I move:

That the Senate take note of the document.

This is the statutory funding agreement between the Commonwealth of Australia, represented by the Department of Agriculture, Fisheries and Forestry, and Sugar Research Australia. The sugar industry is one of the biggest industries in my state of Queensland and certainly in Northern Australia. It is the third largest raw sugar supplier in the world. Sugar is the seventh largest agricultural export from Australia. Eighty per cent of the crop is exported. Something between $1.7 billion and $2 billion each year is the value of production. There are over 4,000 cane farms supporting the sugar industry, and they are mainly mum-and-dad farms right along the east coast of Queensland and a few in the Northern Rivers of New South Wales. There are 24 sugar mills, employing literally thousands of people along the Queensland coast, and there are six bulk storage ports.

This agreement which has been reported on today was an agreement whereby the Commonwealth, with its normal research and development grants, has funded the sugar industry. It has been very important. Sugar Research Australia Ltd is a new company which was set up not long before the last election. If there was one good thing the Labor government
did in its six years, it was to facilitate expeditiously the establishment of Sugar Research Australia Ltd, which brought together all of the research and development units that support the sugar industry. Sugar Research Australia is an industry services body, declared so by the Sugar Research and Development Services Act 2013, and it allows the Commonwealth to match contributions by the sugar industry towards research and development in the way set out in various Commonwealth government acts dealing with the sugar industry.

Prior to the establishment of this new organisation, there were several units dealing with research into sugar: the old Bureau of Sugar Experiment Stations, the Sugar Research and Development Corporation and a millers research agency called Sugar Research Limited. The industry in its wisdom decided to bring them all together under Sugar Research Australia and then, with the approval of the Commonwealth government, set that up as the organisation that would receive the Commonwealth matching funds for research and development. Research and development in our rural industries is essential, and that is what keeps Australia ahead of the pack. Certainly, whilst the sugar industry is very efficient in Australia, we cannot compete with countries like Thailand and Brazil when it comes to wages and cost of operations, so we have to compete through our expertise, our skills and our research and development. Over the years the sugar industry has been noted for that.

At times you will hear scare campaigns about the sugar industry destroying the Great Barrier Reef—that is when climate change is not destroying it, or whatever happens to be popular in Greenpeace on any particular day. But I have to say the sugar industry have long been aware of the need to be environmentally sustainable and conscious in the way they operate, and they have done a fantastic job over the years, with a lot of programs and initiatives that they have done themselves; they have not been forced upon them. Their research and development expertise over the years has contributed to this. It is an industry which is so very important to the east coast of Queensland and, if we can keep ahead of the game in research and development, we can continue to be a very significant world player in the production of raw sugar. I want to congratulate all of those involved with setting up Sugar Research Australia and, indeed, the industry as a whole. They are a credit to Australia.

Question agreed to.

**DOCUMENTS**

**Consideration**

The following government documents tabled earlier today were considered:


**Sugar Research and Development Services Act 2013**—Statutory funding agreement 2013 to 2017 between the Commonwealth of Australia and Sugar Research Australia Limited. Motion to take note of document moved by Senator Macdonald and agreed to.


**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (18:57): Order! I propose the question:
- That the Senate do now adjourn.

**Afghanistan: Cricket**

**Senator FAULKNER** (New South Wales) (18:57): On 3 October this year, Afghanistan recorded a comprehensive seven-wicket win over Kenya at Sharjah Cricket Association Stadium to finish second in the World Cricket League, paving the way for their country's first ICC Cricket World Cup appearance to be played in Australia and New Zealand in February and March 2015. The Afghanistan cricket captain and all-rounder Mohammad Nabi described the win as a gift to a young generation. After their team’s historic victory, jubilant fans lined the streets of Kabul and other major cities in Afghanistan, singing and dancing. Large crowds also celebrated inside the Kabul National Cricket Stadium after watching the match on a giant screen. In the past, of course, the Kabul stadium was used by the Taliban for incomparably darker purposes.

Dr Noor Muhammad Murad, CEO of the Afghanistan Cricket Board, recently said that already 5,000 cricket clubs were established across Afghanistan, with 280,000 active participants, but the national team's recent success has caused a surge of interest, with expectations of 1.5 million participants by the end of this year.

This growing support is not just a win for cricket in Afghanistan. The engagement of thousands of young Afghans in cricket is resulting in very positive knock-on effects in health and education throughout the country. In a recent SBS Radio interview, former Pakistan fast bowler and Afghan cricket team coach, Kabir Khan, said the sport has already had a positive effect on the lives of many Afghan people. He said the team's players felt honoured to offer a positive story about Afghanistan, in contrast to the decades of continuous tragic news coming out of the country. This is a remarkable achievement for the team, for the fans and for Afghanistan. The team has worked very hard, against the odds, and its recent World Cup qualification is the ultimate reward for all that effort.

Afghanistan will play its first World Cup match against Bangladesh at Manuka Oval here in Canberra, followed by other Australian fixtures, including a match against England at the Sydney Cricket Ground and a match against Australia at the WACA in Perth. Of course, these venues will be a world away from the dusty refugee camps of Pakistan, where many Afghans were introduced to the game.

I am sure all senators would join me in congratulating the Afghan National Cricket team on their recent success, and wish them the best of luck in 2015 for their first appearance at an ICC Cricket World Cup. I believe we should celebrate their success.

**Mandela, Mr Rolihlahla (Nelson) Dalibhunga, AC**

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (19:02): Tonight I participate in the adjournment debate in support of the condolence motion for Nelson Mandela, the first president of the new South Africa. I acknowledge that at the core of
his lifelong campaign for a democratic South Africa was a fundamental commitment and partnership with South African workers and their trade unions. Mandela remained the honorary president of the South Africa's National Union of Mineworkers until his passing.

I was a new organiser with my union when Mr Mandela's autobiography, *A Long Walk to Freedom*, was published in 1995. Before reading *A Long Walk*, I was a casual reader at best. But Mr Mandela's compassion and strength against the most insurmountable foe, coupled with his brilliant expression and great insights into organising his community, gave me a passion for reading and knowledge that I retain to this day. Almost 20 years later, and completing a 10-question survey with a work experience student for my local newspaper, for the question on who would you host for dinner and what would you cook them, my response was Nelson Mandela, and that I would cook him something in the slow cooker with my banoffee pie for dessert.

Simply, Mandela was one of the most influential figures of the modern world. There is no 'arguably' about it. Apartheid was ultimately defeated by a conciliated effort from the international community through sanctions, boycotts and concerted protest efforts. Long before the famed sporting boycotts of our rugby and cricket teams, the Australian union movement was pressuring Australian governments to force change, providing assistance to the African National Congress and its representatives in exile, and enforcing economic sanctions against South Africa.

A few months after his release from prison, Nelson Mandela travelled to Australia to personally thank Australian unions for their support. At the rally in Melbourne in February of 1990, unions presented him with a cheque for $50,000 to assist with the ongoing struggle, and Mandela's speech noted the four decades of support from Australian unionists. Wherever he travelled in those years after his release, he made a point of personally thanking those working people whom had campaigned beside him, despite being a world away. At a visit to United Auto Workers members in Detroit in June of 1990, Mandela, wearing a union jacket and hat stepped to the microphone and declared:

Sisters and brothers, friends and comrades, the man who is speaking is not a stranger here. The man who is speaking is a member of the UAW. I am your flesh and blood.

It was through their resistance that his country was now free from apartheid. In his speeches to workers he always made a point of reminding them that it was through their labour and their employer that their community benefitted. At an address to his union, the National Union of Mineworkers in 1991, he spoke movingly about how:

The international solidarity of workers of the world enables us to learn from each other, to support each other and strengthen our ties in the face of multinational strategies for profit maximization and exploitation.

This humble recognition of the international solidarity for the people of South Africa is often forgotten amongst his more fabled works on love and forgiveness.

Mandela's commitment to unions continued after his ascension to the presidency. At the 1994 Congress of South African Trade Unions, President Mandela opened his new ministry to the congress encouraging delegates to not pull punches in providing advice to the government. In his address he noted that urgent attention was needed to address conditions of employment, regulations on collective bargaining and the right to strike. He said that the kind of democracy South Africans want to build ‘demands that we deepen and broaden the rights of
all citizens. This includes a culture of workers' rights.' President Mandela understood that at the core of democratising South Africa was a need to democratise the workplace.

His life's work transcends any group, any category or any association. His was a brilliant campaign to rid the world of hate, to empower all to love, to forgive and importantly be proud of the part they are playing to advance humanity. Rest in peace, Madiba.

**Automotive Industry**

**Senator FAWCETT** (South Australia) (19:07): Earlier today there was an urgency motion moved by the opposition which, unfortunately, I did not have an opportunity to speak to, so I would like to take this opportunity tonight during the adjournment debate. The urgency motion was moved about the need for the government to make an urgent offer of co-investment to Holden to secure their investment in South Australia, with the implication that the government is not acting and does not care about those jobs. I wish to place on record the fact that that is not correct. The coalition want viable car manufacturing in Australia. We have made our timetable for the response clear from day one, and General Motors Holden has not raised any concerns about the timetable. In fact, the minister has been very proactive. I, along with a number of my coalition colleagues and members of the opposition from both state and federal level, visited Holden and spoke with the general manager.

There were confidential discussions which took place between General Motors and the minister about the need to secure the future of Holden. The coalition and, in particular, Minister Macfarlane respect the confidentiality of those discussions. We do not seek to make them a political stunt. One of the articles that was written in the press in 2012 when Labor were in power says:

One important attribute is that Labor has lost its ability to differentiate between industry policy and political stunts.

Today, we saw an example of that. This was originally submitted as an matter of public importance, but it was withdrawn and then put back as a matter of urgency. Why? So that the opposition could try to make the political point that we had voted down their urgency motion. So politics gets in the way of good policy outcomes. It is not just money that is required. Money is important on a commercial basis, but we also need stability in the environment. Stability is something that General Motors Holden has come out and publicly spoken about before. When the opposition were in government, they broke around $1.4 billion worth of the promises to the industry and changed policy on such a frequent basis that it prompted Mike Devereux the GM of Holden to say:

*We cut a deal with the Prime Minister … in 2008 … and then midway through the rules of the game changed.*

So it certainly worries a multinational parent when sovereign risk begins to be something that is bandied about in terms of doing business with Australia.

Sovereign risk is something that, until Labor had power over the last six years, was never mentioned with respect to Australia, but we now see it not only in mining but also in the automotive sector.

When Labor took office, car production in Australia was 335,000 units a year. When they left, it was down to 221,000 units a year. The Howard government, which I had the pleasure to be a part of, helped deliver to the sector a 22 per cent increase in employment, a lift in
productivity of 21 per cent and a rise in exports of 174 per cent. I had the pleasure, as the then member for Wakefield in the Howard government, of being there when Holden began their long-awaited third shift and put on additional workers. That shift raised production by up to 780 cars a day.

Money is important, and Holden has received almost $2 billion worth of government funding since 2001. Note that date—2001, the coalition was in power. The automotive assistance scheme and the Automotive Competitiveness and Investment Scheme gave a substantial amount of money to the auto sector. There is still $1 billion remaining in that scheme until 2015 and another $1 billion in the scheme from the start of 2016. But it is not just money. Go back to March 2012 when we saw the $275 million assistance package for GMH. It was said that this money would guarantee that they would maintain operations in Australia for at least the next decade. We see that that is not happening.

So money alone is not the answer. We also need the broader environment. That is why this government is committed to getting rid of things like the $1.8 billion fringe benefits tax hurdle that Labor put in the way of Holden. But, most importantly, we need Labor to get out of our way so that we can govern and get rid of things like the carbon tax, which is costing an extra $400 per vehicle. The Australian people elected us with that mandate. The Labor Party should get out of our way and allow us to secure Holden's future. (Time expired)

Mandela, Mr Rolihlahla (Nelson) Dalibhunga, AC

Senator PERIS (Northern Territory) (19:12): I rise to support the condolence motion for Nelson Mandela. I express my heartfelt condolences to his family and friends and to the people of South Africa. You have lost a friend, a leader and a mentor—a true father to your country and a shining inspiration to the world. Many people throughout the world have found inspiration in his life and his actions. I particularly pay my personal respects to Madiba, the eventual victor over the evil scheme of apartheid. To me, this will always be his greatest achievement. He was a fighter for freedom and a symbol of justice, equality and dignity. His personal sacrifice inspired people throughout the world to do all they could for human rights.

From the outset, he made his intentions clear. He did all that he could to show that he did not accept the way South Africa was governed. He set a clear path to show how it should be. His life journey is a man's triumphal march towards freedom, and, with that focus, he inspired millions of people to share that journey. He once said that the chains of the body are often wings to the spirit. He truly believed this and he never gave up his struggle. Whilst he was physically imprisoned for 27 years, he was never a captive. Inspired, he then became a dignified advocate for reconciliation. His own hope and refusal to be intimidated became a powerful weapon. When nothing else seemingly remained, it sustained him.

My personal experience of the apartheid regime goes back to February 1994, just two months before Mandela became president. I travelled to South Africa with the Australian Hockeyroos team. It was my first time to South Africa and it was a most memorable one. I knew little about the apartheid system apart from the fact that it institutionally hated black people, so I was quite nervous as we arrived. I knew there was election coming up, and we were scheduled to play a three-game test series.

I have always thought about the moral position on social inclusion in sport, and it is very clear that non-discrimination is an essential part of true sportsmanship. We should never be
willing partners in perpetrating any system of discrimination. No discrimination should be allowed against any person on the grounds of race, gender, religion or political affiliation. A historic moment occurred that day in the first test as it was the first time a black South African was to play for South Africa. I did not really comprehend the full significance of that moment until much later. It was my 50th international match for Australia and so it was a personally significant day for me as well.

South Africa was new to the international sporting circuit because of the international sporting ban imposed during apartheid. We won that game, and at a reception after I got talking to the black South African player and became immersed in our conversation about the history of sport and the apartheid regime. One of my Hockeyroo teammates asked her about the ball boys and girls, who were all black kids dressed in white uniforms, including socks, shoes and hats. My teammate expressed her unhappiness about there not being a full mix of kids, as it was quite clear that having only black kids was not inclusive of all South Africans.

The black South African player said to her, 'Please don't be upset with this. It is an honour for us to be here.' I could not really comprehend what she meant was an honour—I thought it was just outright racist. But then she explained to me that she felt that in a country that had had no justice or freedom for black people for so long she now saw that there was an opportunity and a way forward, something that was previously always denied and totally forbidden. I remember that time in Johannesburg so well. There was so much tension around with the election looming. In fact, a car bomb had exploded near our hotel just days before we arrived.

Although the official end of apartheid occurred in 1990 with the repeal of the last remaining apartheid laws, the end of apartheid is widely regarded as having followed the 1994 democratic elections, when Nelson Mandela became president. It was an amazing and most historic and memorable time in my sporting career and life to be there during the final stages of apartheid. These memories lead me to believe that we must learn from the past in order to prepare for the future. It certainly was a time when I stepped into the unknown; and it is one of those experiences which have stayed with me and which I draw upon often.

What I had learned most from the tour was that black South Africans often simply had to accommodate themselves according to opportunities. It was then I learnt also that people have an enormous capacity for adjusting to their circumstances. Mandela's own 'long walk to freedom' has shaped South African history, from colonisation to apartheid to a democracy. His life assumed epic qualities; Mandela became a global figure, symbolic of the struggle for justice. For 27 years during his incarceration, Mandela defined the word 'sacrifice'. He fought and stood against racial separation and the ridiculous notion of white supremacy.

After that time in 1994 I did not return to South Africa until 1998, and then I travelled back annually throughout my sporting career from 1998 to 2001. I became friends during my track career with an Afrikaans South African woman who ran for South Africa. We spoke often about the apartheid system in her country that she had been born into. Heide spoke often about Mandela, about how he was an extraordinary man and an exceptional leader.

After my sporting career ended I travelled back to South Africa more regularly. Just last year I met Reverend Michael Lapsley. He was born in New Zealand and ordained in Australia. In 1973 he went to South Africa as a young Anglican priest, where he became chaplain to both black and white students at the very height of apartheid. He was elected as
university chaplain in Durban in 1976, the year of the Soweto uprising, in which many black school children were shot and killed. He used this as a public forum to speak out on behalf of students who had been shot, detained and tortured, and was soon expelled from South Africa. He spent the next 16 years in Zimbabwe as a chaplain to the liberation movement in exile, and in April 1990, three months after Nelson Mandela’s release from prison, he was sent a letter bomb by the agents of the apartheid regime, disguised as religious literature. In the blast, he lost both his hands, the sight of one eye and was severely burned.

In 1993, after returning to South Africa, Fr. Michael became chaplain of the Trauma Centre for Victims of Violence and Torture in Cape Town, and in 1998 he formed the Institute for Healing of Memories. He challenges individuals and communities to move through a journey of healing towards forgiveness and reconciliation. Fr. Michael says of his own experience:

I have travelled the journey from being a freedom fighter, to being a healer. And in some small measure, my journey reflects the journey of South Africa. There was a time to slay the monster of apartheid. But now that we have democracy, it is time to heal, to reconcile, to rebuild.

I personally believe that when stories are heard and acknowledged, individuals feel healed and empowered. Through the deepest and most meaningful sharing, human relationships can be transformed and restored.

There is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountaintop of our desires. This famous quote of Mandela says it all.

Each day that I was in Cape Town I passed by Table Mountain and always had Robben Island in full view. Together with my then husband-to-be we took a tour of Robben Island. The history of the island is just amazing. We stopped at one place called the Limestone Quarry, where prisoners on the island, including Mandela, came to work every day from sunrise to sunset. Although they were told that they were digging the quarry for limestone for the roads, this was not true. There was no use for the rock—it was meaningless digging. And so they did this for many years—many years of trying to break the men's spirit. They failed for most, including Mandela.

There is a cave in the wall of the quarry which they call 'the university' where the newly arrived political prisoners worked side by side with the old timers to mine stone. But at the same time they were schooled in ANC and South African history, political ideology and tactics. And it is where they planned for the future, for a free South Africa.

One thing I learnt from that day was from an ex-prisoner guide. He said, 'Thank you for coming. I ask you to acknowledge and respect our past. Please reflect on our history; take it with you. We have to build new bridges to reflect on the past, and do this so our children can walk over for a better future. Please pay your respect to the survivors and please spread the message of goodwill.'

We finally saw the cell Mandela was kept in, which was so small—no toilet and so cold. It was certainly an inspiration to visit the island. In fact, my husband-to-be, Scott, propose to me on Robben Island during that tour; it is obviously something I will never forget.

Finally, there is this poem called Invictus. It means 'unconquered, undefeated' and it is by William Ernest Henley, an English poet. Henley had written the poem in a hospital bed during a traumatic time after his leg was amputated. I am sure that he did not know that one day,
many years later, his poem would deeply touch and save another great man—Nelson Mandela—who survived his darkest years to become South Africa's great leader.

The words were written on a scrap of paper, and he used the poem to empower himself and other prisoners. It is hard to believe that this one poem saved Mandela's life and perhaps changed the course of history for ever. The poem read:

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the shade,
And yet the menace of the years
Finds, and shall find, me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll.

I am the master of my fate:
I am the captain of my soul.

I support the condolence motion for Mr Mandela. I am sure his life will continue to be an inspiration for many, many years to come.

Community Leadership

Senator LUDLAM (Western Australia) (19:22): I rise tonight to speak briefly of positive things. It has been quite a dark couple of weeks in this parliament. It probably depends on your point of view and on which side of the chamber you are sitting, and it is hard to stay positive when you see the incredible unforced errors of judgement being made one after another by this government in a series of policy, tactical and strategic blunders—

Senator Birmingham: So you're going to be positive tonight?

Senator LUDLAM: Yes, I will get to the positive stuff, Senator Birmingham. It is difficult to stay positive, but let me begin with something that the Acting Deputy President, Senator Whish-Wilson, will be pleased to know. It is being reported on the wires that the Trans-Pacific Partnership negotiations in Singapore appear to have crashed, or stalled for the time being, which means that this parliament and its Treaties Committee, which I sit on, will not at some stage in the near future be presented with that document, which no Australian citizen outside massive lobbyists has seen, and ordered to bring it into Australian domestic law. I start with that information as a place for positivity because you would not expect to find optimism in the Trans-Pacific Partnership Agreement because it is effectively a way of subordinating sovereign parliaments and domestic law beneath the rule of unaccountable corporations, most of the largest ones from a long way from here. Yet it has invoked a spirited
people's movement right around the world, particularly in places where the impacts of such agreements would be much more severe than they would be even in Australia, where we have things like cheap medicines, which would be on the chopping block, as well as software, entertainment products and various other things, including the ability of corporations to sue sovereign governments. This has invoked an extraordinary people's movement around the world and maybe tonight we are seeing some signs of their progress.

We are also seeing a parliament where the government is doing everything it can to smash up progress on climate change. But, again, around the world we see a global movement of civil society, a global movement of people, 600,000 of whom signed a global petition to stand with the Philippines. So the colossal disaster that overtook the coastal Philippines with the hurricane of only a few weeks ago was occurring against the backdrop of stalled progress on climate negotiations in Warsaw. We saw national governments in the industrialised world failed to do very much and are, in fact, taking us backwards. Yet voices from civil society, voices of ordinary people coming together in a movement around the world can actually change things and are probably going to provide the leadership that this parliament is so dramatically failing to provide.

The global power shift brought 500 people from 135 countries together to plan and get active in building a global climate movement. When leaders fail, leadership arises from elsewhere. We are seeing that happening all over the place. It is not just a movement of radical activists; it is mothers and fathers, it is grandparents, it is church leaders, lawyers, teachers, nurses and students. It is a community standing up to an industry and a set of linked industries that are threatening our future. It is tremendously inspiring to work as part of the green movement and the global green movement. We are the Australian representatives of a parliamentary movement that exists in many, many countries around the world and has representatives all over the world. It is extraordinary to be a part of that uprising and upwelling.

One of the most optimistic things that is happening at the moment in the climate movement, even as this government moves to dismantle what instruments we have to bring our carbon emissions back under control, is the movement under the broad umbrella of 350.org—which refers to that no-go zone of parts per million of CO₂ in the atmosphere—for divestment. If the fossil industries have captured national legislatures and stalled international progress towards an agreement, we will attack them where it hurts, which is the bottom line, through that global divestment movement. Noting that only 200 companies hold the vast majority of coal, oil and gas reserves—the top four include BHP Billiton and the top five oil and gas companies include Exxon, BP and Chevron—the global divestment movement brings tremendous optimism to me. This is something we can do a bit about by divesting, whether it is pension funds, superannuation funds, investment interests managed by churches or by universities or by people of good heart anywhere at all, right down to the ordinary deposit holder who can go to their bank and divest—and let them know exactly why they are doing it—and put their savings with an entity that is not investing in the ruination of the climate and thereby the economy and society itself.

In this campaign to date we have seen 22 cities in the United States, seven colleges and universities, 19 religious institutions in Australia including the Uniting Church in New South Wales and the ACT, three foundations and six other large institutions that have divested from
fossil fuels. It is a beginning. It is not necessarily shaking the fossil industry to its foundations yet, but it will, as we gain traction and as people realise just how much power they have to undermine the financial underpinnings of the entities that are undermined in the biological underpinnings of our whole society. That movement is pretty strong in Perth. We have a wonderful young woman, Jamie, who is helping to motivate and inspire and bring people together in Western Australia. There is Charlie, who visited us from Melbourne and lit up a meeting when they suddenly realised the tools we have to hand to take our power back, and Jamie Hanson, whom we unfortunately, and I hope temporarily, lost to Melbourne. Bill McKibben, the American environmentalist, whom I was very fortunate to meet when he spoke at the National Press Club earlier this year, is motivating this global divestment network that I think stands a better chance perhaps than this legislature does, certainly over the next few months, of making a substantial difference. Of course, we need both kinds of action going at the same time. As the carbon price and entities like the Clean Energy Finance Corporation provide the instruments and the capital that we need to build the platform of the energy industries of the century that we are now in, at the same time we need to go after and quite seriously attack, as directly as we can, the entities that seem hell-bent on profiting from the destruction of the environment.

Communities around the country are resisting fracking and it might not seem that the Lock the Gate movement has all that much in common with them. A farmer in regional New South Wales or in the midwest of WA: what do they have in common with a university student approaching their university senate to ask for them to divest? They have an enormous amount in common. In Broome, in the midwest of Western Australia, the campaign against gas fracking is only just taking off. Lock the Gate has found a place in Geraldton, as you can imagine. And I cannot go past a shout-out to those who occupied the camp at Walmadan beach on the Kimberley coast, a few dozen kilometres north of Broome, and held off Woodside—another one from the fossil fuel industry that seems to be hell-bent on wrecking the climate—and they beat them. People motivated in protection of country and culture, who can stand up against some of the most powerful institutions in this country and, indeed, in the world, can prevail. The people of the West Kimberley know a bit about resisting and fending off inappropriate development. Some of the same people were involved in the late 1990s in preventing a very large dam, or a network of dams, being thrown across the mighty Fitzroy River partly for an irrigated genetically modified cotton plantation proposal—absolute madness, completely opposite to the kind of development that people are pursuing up there. I believe that those people will prevail, not simply in holding off the things that they do not want, but in providing for and catalysing the things that they do.

For me, a lot of these things wind back ultimately to climate and energy issues. They are at the root of some of the most fast-moving but also the most profound changes that our society is undergoing, and if we can crack that one I believe we can do anything at all. Last year, there were 109 operational concentrating solar thermal power stations generating over 3,000 megawatts. Against the backdrop of global energy markets, 3,000 megas is a drop in the ocean. But watch what happens. Fifty-two more are now under development and that will generate an additional 8,000 megawatts. This is an industry that provides baseload, or better than baseload, solar power day and night, 24-7.
Senator Milne and I visited a plant in Spain last December—about this time last year—a plant that had been running for 365 days. Solar Reserve, a company that is building a plant six times the size, recently set up an office in Perth, in my home town in Western Australia. They will be working with the mining industry with those who are looking for a hedge against rising gas prices out in the goldfields in the central Pilbara, and good luck to them. We will be doing everything we can to help.

I just want to finish with a quote from Paul Hawken in a speech to a graduating university class called ‘You are brilliant and the earth is hiring’. He said:

When asked if I am pessimistic or optimistic about the future, my answer is always the same: If you look at the science about what is happening on earth and aren’t pessimistic, you don’t understand the data. But if you meet the people who are working to restore this earth and the lives of the poor, and you aren’t optimistic, you haven’t got a pulse.

I thank the chamber.

Aboriginal and Torres Strait Islander Service Men and Women

Senator FARRELL (South Australia) (19:31): Today I had the privilege of attending the graduation of cadets at the Royal Military College at Duntroon. Much has been said about the supreme sacrifice and magnificent contribution of the servicemen and women of Australia. More than one million Australians have served and continue to serve in our defence forces. More than 100,000 Australian servicemen and women never came home from the conflicts of the past 100 years. Their contribution will never be forgotten.

Today I would like to highlight the heroic and valiant contribution of Aboriginal and Torres Strait Islander servicemen and women. Aboriginal and Torres Strait Islanders have been involved in every conflict and peace-keeping mission from the Boer War to the present day in Afghanistan. They enlisted—often by not declaring their cultural identity—to defend Australia. They fought at Gallipoli, in the Pacific, in Africa and in Europe. They patrolled the Top End of Australia and built airfields. Subsequently they enlisted in the Korean, Malayan and Vietnam conflicts and for service in Iraq. They have served with pride in Afghanistan. Yet their contribution has been sadly ignored or forgotten until now.

Adelaide, as you would know, Mr Acting Deputy President Fawcett, is now home to a major war memorial honouring Aboriginal and Torres Strait Islanders who have served in peace and war—and I know you have spoken on this topic yourself and were present at the opening of that particular memorial. This culturally sensitive tribute recognises the significant role played by Aboriginal and Torres Strait Islanders in the defence of our nation, and I congratulate the dedicated members of the Aboriginal and Torres Strait Islander War Memorial Committee for their insight and hard work in ensuring this fantastic memorial became a reality. The committee members include: Chair Marj Tripp; Deputy Chair Frank Lampard, Frank Clarke, Rosslyn Cox, Bill Denny—who did a terrific job—Gil Green, Janine Haynes, Bill Hignett, Les Kropinyeri, Jennifer Layther, Mick Mummery, Lewis O'Brien, Ian Smith, Jock Statton, Mark Waters and Executive Officer Simone Campbell.

Mr Acting Deputy President, Aboriginal Australians were not only fighting for their country, they were hoping to earn the respect of their countrymen and progress the campaign for equality and citizenship. In battle, colour took a back seat. Aboriginal service personnel received equal pay and forged great friendships. They were promoted on merit. They served
with distinction. They became prisoners of war, and they were wounded or killed in action. Some lie forever in foreign countries. Despite being banned from serving in Australia’s armed forces in World War I, 500 Aborigines and some Torres Strait Islanders managed to enlist. As casualties grew, the rules were relaxed and more Aborigines and Torres Strait Islanders enlisted.

Upon the outbreak of World War II, Aborigines and Torres Strait Islanders were refused enlistment because regulations stated that persons of non-European origin or descent were not able to serve. Still, an estimated 3,000 Aborigines and Torres Strait Islanders served in the armed forces during WWII. Aboriginal and Torres Strait Islanders, through their war service, dreamt of gaining respect upon their return to Australia. They hoped their economic, political and social standing would improve. Yet the same discrimination and treatment awaited them at home and recognition of their war efforts was not forthcoming. Despite fighting side by side with their mates in overseas theatres of war, they could still be refused a drink in the local pub when they returned.

Today I would particularly like to highlight the contribution of two Aboriginal soldiers: Private Gordon Charles Naley of the 1st Australian Imperial Force in World War I and Corporal Timothy Hughes of the 2nd Australian Imperial Force in World War II. Private Gordon Naley was the second son of William Naley, the station manager of Mundrabilla Station near Eucla in Western Australia. His mother was an East Miming woman whose name we do not know.

Born in 1884, Gordon Naley was working as a labourer when he enlisted on 17 September 1914, just seven weeks after war broke out. He was a member of the 16th Battalion which took part in the landing at ANZAC on April 25, 1915. A month later, Gordon fought on Pope's Hill at Quinn's Post, regarded as the most dangerous place at Gallipoli. He was hospitalised in Malta and England suffering from enteric fever.

He rejoined his unit in August 1916 and fought in the Battle of Mouquet Farm and also in the Battle of Bullecourt where he was wounded and taken prisoner by the Germans. In January 1919, Gordon was repatriated to England. Gordon married Cecilia Karsh, settled in Barmera and had six children. He died at Myrtle Bank in 1928, aged 44, and is buried at the AIF Cemetery on West Terrace in Adelaide.

I also wish to highlight the contribution of World War II veteran the late Corporal Timothy Hughes MBE, MM. The son of Walter Stanford Hughes and Gladys Adams, he was born in 1919 at Point Pearce Aboriginal Station in South Australia. His father was of Narrunga descent and his mother was of the Kaurna people. Educated to the fifth grade, Corporal Hughes worked as a contract shearer before enlisting in the AIF on 4 December 1939. Posted to the 2/10th Battalion, he took part in the defence of Tobruk in Libya in 1941 and fought in the battle of Milne Bay in Papua in 1942.

In December 1942, his unit joined allied forces assaulting Buna, and during the advance along the old airstrip his platoon was pinned down by machine gun fire. Corporal Hughes climbed on top of a dispersal bay and, despite coming under concentrated fire from three directions, threw grenades at two Japanese posts. Using a submachine gun, he then protected his comrades while they took cover. He made three sorties to silence the enemy's weapons, enabling the platoon to consolidate its position. For these actions he was awarded the Military Medal.
Corporal Hughes was wounded at Sanananda in January 1943 and returned to Australia in March, where he was promoted to Substantive Corporal in June and joined the 31st Employment Company in August. He went to hospital several times suffering from malaria, but was discharged in September 1945. He returned to Point Pearce as a share farmer until 1953 when he leased a soldier settler block at Conmurra, where he worked successfully for 22 years. He became the first chairman of the Aboriginal Lands Trust and was appointed a Member of the Order of the British Empire in 1970. He died seven years later and is buried at Centennial Park in Adelaide.

In battle, the colour of one's skin did not matter. All those on the battlefield relied on each other; they experienced horror, friendship, dangers and valour together. Comradeship came first. The harsh reality of the time was that these Indigenous and Torres Strait Islander servicemen and women experienced less discrimination in the defence forces than they did at home in Australian society.

The Aboriginal and Torres Strait Islander War Memorial in Adelaide is the most significant to be constructed to honour the service and sacrifice of Aboriginal and Torres Strait Islander servicemen and women. I am proud to encourage all those present and anyone visiting Adelaide to stop by the Torrens Parade Ground in the city and to pause for a moment at this new memorial. Perhaps they could spare a thought for Private Gordon Naley and Corporal Tim Hughes, and all the brave Aboriginal and Torres Strait Islanders who joined willingly, fought bravely and enjoyed a form of equality within the defence forces which was not given to them during their ordinary lives.

Kangaroo Island

Senator WRIGHT (South Australia) (19:40): This evening I rise to speak for a small community in my electorate of South Australia who have a huge battle on their hands. It is a battle which not only threatens one of the most pristine natural environments in my state but also threatens the economy and the very social fabric of a community that has been called the tourism jewel in South Australia's crown.

I speak of Kangaroo Island. It is a majestic place off the coast of South Australia, and it is home to 4,600 islanders. It is a beautiful place, it brims with natural wonder, and it is a place that these people call home. It is a place where young people go to school and retirees settle away from the busy rush of the city. It is a place where people go to get away.

The Kangaroo Island community now face a battle that is not new or rare—in fact, it is one that is all too common. They face a battle with a Canadian oil company called Bight Petroleum. The company currently has two leases in the Commonwealth waters off the Kangaroo Island coast and a referral before the government to conduct seismic testing in the two permit zones. The permits directly overlap a crucial biodiversity hotspot which is created by the Kangaroo Island Pool, Kangaroo Island Canyons and the Eyre Peninsula Upwellings.

The Kangaroo Island Canyons are a small group of narrow, steep-sided canyons that, together with the Kangaroo Island Pool, the seasonal Eyre Peninsula Upwelling and the prevailing winds along the Great Australian Bight, create unique conditions that support the region's productivity and marine life communities to the west of Kangaroo Island. The region hosts aggregations of krill, small pelagic fish and squid which attract marine mammals,
sharks, predatory fish and seabirds. There is no doubt about the ecological significance of the Kangaroo Island Canyons and Pool and their crucial part in the island's fishing industry.

The science is also clear that seismic testing poses a significant threat to marine life in the area. During seismic surveys, a low-frequency, high-intensity sound pulse is emitted every few seconds by an array of guns, which operate 24 hours a day over a period of months. The sound pulses are 100,000 times louder than a jet engine. Imagine, if you can, having a jackhammer going in your kitchen 24 hours a day, seven days a week for months on end. Seismic testing has been shown to change the breeding, feeding and migratory patterns of whales. That is of particular concern in this area because it is a critical feeding area for blue, sperm, beaked and fin whales.

Seismic testing is just the beginning. It is a precursor to drilling for oil and gas, which brings with it a plethora of risks—most significantly, of course, the risk of an oil spill. The devastating 2010 Gulf of Mexico oil spill happened while the Deepwater Horizon rig was also drilling an exploratory well in the Gulf of Mexico. The damage wreaked by that oil spill is impossible to measure. It is considered to be the largest accidental marine oil spill in the history of the petroleum industry, resulting in an estimated 4.9 million barrels of oil gushing into the ocean. It claimed 11 human lives and had immeasurably negative implications for the marine environment—as well as surrounding wildlife habitats and the fishing and tourism industries. Even a comparably small oil spill off the Kangaroo Island coast could ravage this unique marine environment. And yet it is important to understand that this battle is not only for the environment; it is actually for the people who call Kangaroo Island home. It is a battle for a community who want their precious island protected—from the many threats posed by oil and gas exploration, threats that could unravel the island's economy, which is heavily reliant on tourism, agriculture and fishing.

Kangaroo Island attracts around 200,000 visitors each year. In 2011-2012, 40,000 of these visitors were international tourists. Kangaroo Island's identity as a clean, green destination is a core part of the island's economy, as well as the broader South Australian, and it has a rich history. It is a place that is treasured by South Australians and locals alike and, increasingly, international visitors. It is a place known across the world for its iconic destinations: Seal Bay, the Remarkable Rocks and Little Sahara. Its waters are home to Australian sea lions, New Zealand and Australian fur seals, nationally threatened seabirds, the great white shark, school shark and the endangered southern bluefin tuna. It is a place that is too precious to lose.

The battle to protect Kangaroo Island from oil and gas exploration is an ongoing one. The former environment minister, Tony Burke, declared Bight Petroleum's referral a 'controlled action' under federal environment protection legislation before requesting they provide further information regarding alternative survey options—sound exposure modelling and management and mitigation measures. The environment department has previously advised the proposed survey is likely to have a significant impact on matters protected under the Environment Protection and Biodiversity Conservation Act 1999 including: threatened species and communities, migratory species and a Commonwealth marine area. Bight Petroleum has supplied the department with further information and now the public has a chance to make submissions to Bight Petroleum about their concerns.
Let me make it clear: the Kangaroo Island community has already vigorously responded to Bight Petroleum's referral during a previous public consultation and an earlier referral. And the Kangaroo Island Council has previously requested that the referral process be transparent, taking into account the community's grave concerns for the island's tourism, fishing and environmental communities. Yet Bight Petroleum's engagement with these concerns, and those who have expressed them, has been lacking. Just last week, an article in the local newspaper, The Islander, quoted Kangaroo Island Council Mayor Jayne Bates as saying:

We have asked Bight Petroleum to consult with us appropriately, and so far it appears they have little regard for our concerns ... we see the island bearing all of the risk with absolutely no benefit whatsoever and thus, until we see that mandated steps are in place to mitigate each risk identified, we cannot be satisfied. If things go wrong, the impact to our community—in economic and social terms—will be massive ...

The Kangaroo Island community has developed a strong consensus of concern about this proposal. And yet Bight Petroleum have not responded adequately to their concerns. It seems only that those who have built their lives, homes, families and businesses on Kangaroo Island should have their concerns heard. And so tonight I have spoken for this small community who wholeheartedly love their island.

It is a community who rely on the natural environment to provide employment through fishing, agriculture and tourism. It is a community who have the right to be concerned that damage to their island's unique marine environment would likely cause broader social and economic impacts. I have expressed their concerns, which I share, in the hope that those who have the power to change this situation will listen and then act in accordance with what they have heard. There is a Native American proverb that many of us are familiar with. It says:

*When the last tree is cut, the last fish is caught, and the last river is polluted; when to breathe the air is sickening, you will realise—too late—that wealth is not in bank accounts and that you can't eat money.*

That saying undoubtedly challenges us all. And I think it is particularly poignant for Kangaroo Island. Will it be only when we have degraded the natural assets of this community—beyond repair—that we will become fully aware of its value? The opportunity to protect this place is now. Kangaroo Island's natural wonders—Seal Bay, the Remarkable Rocks and Little Sahara—will be marvelled at for generations to come. Let us protect the pristine waters, the unique marine life and the white, sandy beaches. Let us ensure that the Kangaroo Island community remains vibrant and strong, the economy thriving as a result of tourism, fishing and agriculture. Let us acknowledge that this is no place for oil and gas. Because it is all—every part of it—too precious to lose.

**Australian Charities**

**Senator STEPHENS** (New South Wales) (19:50): Tonight I rise to speak on the revisionist efforts of this government in their determination to wind back the not-for-profit reform agenda that has been developed in the past decade through the work of the Productivity Commission, the Australian Taxation Office, the Australian Charities and Not-for-profits Commission and the range of charities and not-for-profit organisations who have lent their considerable expertise and efforts to improving the governance and transparency of Australia's charitable sector. Minister Andrews has signalled his intention very clearly—and it was reiterated yesterday by his spokesperson—that the government is committed to winding back the ACNC and replacing it with a centre of excellence. In his second reading speech on
the introduction of the social security legalisation, he introduced an additional amendment as he said:

The new measure will delay the commencement of the Charities Act 2013 by nine months from 1 January 2014 to 1 September 2014. The Charities Act 2013 defines 'charity' and 'charitable purpose' for the purposes of all Commonwealth legislation.

The significance of this delay is not to be underestimated. Until the passing of the Australian Charities Act in the last parliamentary session, the meaning of charity and charitable purpose had not been comprehensively defined for the purposes of Commonwealth law. It had been administered on the basis of principles derived from common law. The common law meaning had developed over 400 years, largely based on the preamble to the 1601 Statute of Charitable Uses. The development of the definition of charity and charitable purpose through case law since that time has resulted in charity law that is in some cases quite unclear or inconsistent, or that does not adequately address matters relevant Australia's contemporary charity sector.

A statutory definition of charity and charitable purpose is important. It was first recommended in the report of the 2001 inquiry into the definition of charities and related organisations and in later reports including Australia's future tax system review in 2010. The Productivity Commission recommended in its 2010 report Contribution of the not-for-profit sector the introduction of a statutory definition in accordance with the recommendations of the 2001 inquiry. The definition aims to preserve common law principles, with some minor variations. The definition is informed by the 2001 inquiry, which identified principles underlying the common law. The definition also takes into account the findings of more recent judicial decisions that further clarify the meaning of charity, including the AID/WATCH decision which extended charities' ability to advance public debate. Importantly, the definition retains the flexibility inherent in the common law that enables the courts, as well as parliament, to continue to develop the definition within the statutory framework. This will ensure that the definition remains appropriate and reflects modern society and community needs as they evolve over time.

The bill sets out the key principles for an entity to be a charity, including that it must be not for profit and have only charitable purposes except for any ancillary or incidental purposes that further or aid the charitable purpose. The charitable purposes must be for the public benefit. A purpose that an entity has is for the public benefit if the achievement of the purpose would be of public benefit, and the benefit from the purpose is available to members of the general public or a sufficient section of the general public. The nature of the benefit may be tangible or intangible. For many of us, that might sound a bit like gobbledegook, but it is really actually very important.

The new considerations in the 2013 charities law make some very specific provisions. The first is the implications it has for Indigenous organisations. One departure from common law principles relates to entities with native title or other traditional rights in connection with the land. These entities might fail a public benefit test because they provide benefits only to Indigenous individuals who are related or who have some other special relationship with the other potential benefit recipients; they are treated as being for the public benefit. We know that there are instances of philanthropic funds not being able to support projects in remote communities because these entities that operate there do not have DGR status.
The second is presumptions of benefit. Consistent with the common law, the statutory definition retains presumptions of benefit for certain charitable purposes. They are: the relief of poverty, distress and disadvantage of individuals or families; preventing and relieving sickness, disease or human suffering; the care and support of the aged and individuals with disabilities; advancing education; and advancing religion. The bill extends the presumption to the whole of the public benefit test for these purposes. This is of particular interest, for example, to those following the current case of the anti-wind campaigning organisation, the Waubra Foundation, whose directors include former coalition minister Michael Wooldridge and insolvency specialist Tony Hodgson, which is being investigated right now by the ATO and the ACNC as to whether or not it is entitled to its tax deductible charity status.

The third is that the Charities Bill also reflects the AID/WATCH decision that charities may have a purpose to generate public debate about a charitable purpose. That means it allows for advocacy around a charitable purpose, including a sole purpose of promoting or opposing a change of law or government policy relevant to another charitable purpose.

And finally, the issue about disaster relief and recovery. Another area of the bill extends common law principles relating to the purpose of assisting rebuilding, repairing or securing assets after a disaster, in furtherance of the purposes of exempt entities within the meaning of the Income Tax Assessment Act 1997. So that purpose is included within the charitable purpose, and the effect of that is to extend charitable purposes to include re-establishing not-for-profit community assets after a disaster, independently of the relief of individual distress. Colleagues may recall the measures that had to be put in place after the Victorian bushfires so that philanthropic moneys and funds raised by the government's bushfire appeal could be provided to local bushfire brigades and local organisations that did not have DGR status. So it was a timely change to support rebuilding and reconstruction after a disaster. Let us just hope that we do not witness similar disasters this summer.

So there are four very clear reasons why the government should not delay the Charities Bill, which is due to come into effect on 1 January 2014. The Labor government moved to resolve these uncertainties in the law, and to delay these provisions is to subject organisations to continued uncertainty and the prospect of further legal action. The only justification given by the minister was:

The delay will mean we can work holistically with civil society, consulting a range of stakeholders, including charity law specialists who provide advice to the sector.

Well it was Prime Minister Howard who, in announcing the establishment of the charity definition inquiry in September 2000, said:

We need to ensure that the legislative and administrative framework in which they operate is appropriate to the modern social and economic environment.

This last-minute inclusion in the legislation to delay the implementation of the Charities Bill is actually a slap in the face for the significant group of advisers, charity law specialists, academics, accountants and organisers who have worked for more than a decade to come to agreement on the provisions of the Charities Bill that was passed in the last parliament.

There has already been widespread consultation, and the new legislation has attracted almost universal support from charity law experts and the charity sector. I attended a very significant conference at the Queensland University of Technology on modernising charity law, facilitated by Professor Myles McGregor-Lowndes, that that legislation drew from the
best of other jurisdictions and guarded against the missteps that had occurred in other
countries and that had led to legal challenges and precedents.

The new definition in the Charities Bill achieves important goals, including: enshrining the
High Court decision in AID/WATCH to ensure that charities can advocate changes to laws;
modernising current law to recognise charitable purposes as the protection of human rights,
the promotion of reconciliation and tolerance; and to acknowledge that modern charities
advance their causes by researching, educating, preventing and raising awareness. The
question everyone should be asking is this: why does this government not want a modern
definition of charity which also enshrines the right of charities to advocate in legislation?

Last week Mr Brough, in a parliamentary contribution, suggested that charities and not-for-
profit organisations are spending too much on marketing and administration and he urged the
government to link DGR status to greater disclosure. He argued for greater transparency—
something which is being achieved through the charities register established by the ACNC—
and he quoted the Choice article of 2008. He can be forgiven for not knowing how much
progress has been made, but the truth of it is that the government has a national register. It has
an ACNC and it should allow this charity act to proceed.

Asbestos

Senator MOORE (Queensland) (20:00): Last month the theatre production Dust was
presented at the Brisbane Powerhouse. This inspirational musical performance involved local
communities gathering together to talk about the horror of asbestos in our society. The
performance has been going on for several years now. It was originally written by Donna
Jackson. It features local performers coming to talk about asbestos, the inspirational struggle
people have had to fight the evils of asbestos, their real-life stories about how insidious the
impact of asbestos is on people's health and the terrifying fact that there is an increase in the
number of people who are now presenting with symptoms.

We thought this was a historical disease and that we could look back with horror, see what
had happened, beat our chests and say, 'How on earth could something like that occur in our
community?' We saw the struggles of inspirational human beings, particularly through the
trade union movement, who refused to be silent and consistently fought authority figures and
industry to show that they were being killed by the very things they were working with and
living with. We know the results of the James Hardie Industries legal case and the fact that
finally there has been effective compensation—but there can be nothing that truly
compensates for pain, suffering and death.

Dust is a presentation. I have always said that sometimes theatre can be more effective at
getting messages across than 1,000 hours of seminars or lectures. Indeed, with this
performance that is true. The group involved always comes together from the local area. Dust
has been presented now in a number of places across Australia. I know in Victoria, South
Australia and Queensland there have been local productions, but one common element is the
amazing talent of Mark Seymour. Madam Acting Deputy President Stephens, you and I
would remember Mr Seymour from Hunters and Collectors. I know I went to a few concerts
where he was performing. I assure you his talent remains strong. Mark Seymour, using his
musical talent and personal commitment, leads the cast who are gathered together to talk to all
of us about how asbestos kills and how it can so easily move into our lives.
It is a dynamic performance. There is a stage show and break-out performances where the whole audience moves around and looks at small vignettes of the kinds of issues that could lead to people having asbestosis, mesothelioma and other diseases that are caused by asbestos. So we saw snippets of people working at local schools. I know Queensland and other states have a raised awareness when looking at older school buildings because they have found asbestos was used in the construction. Several years ago nobody took any notice. I am terrified now to think about the way we took it for granted and the work that was done. Now there is greater awareness of the issues. We had vignettes of schoolteachers talking about how they were originally discouraged from talking about finding white dust in the schoolyards. Now, because of the awareness and knowledge, school buildings have had very expensive and long-lasting processes to remove the asbestos. We continue to this day to have more indications about the expensive processes that must take place in school buildings in Queensland.

We moved from that vignette to a vignette of people working in the mining industry. We know that people can be exposed to asbestos through the mining equipment and in the areas where they work. Exposure is an ongoing issue of concern as there is the possibility of them becoming ill.

One of my personal favourites was the story of the mud army in Brisbane. You would know, Madam Acting Deputy President, that after the awful floods that occurred a couple of years ago there was an outburst of volunteer action to help with the clean-up. With the excitement and enthusiasm in the clean-up, being exposed to asbestos at damaged houses and foundations was not front of mind for most people. Believe me now that, through the awareness raising and the training, it is front of mind.

There were poignant stories about young people who grew up in communities where asbestos was being mined. It was a job that people had. They lived in ignorance about the kind of damage that was being done to their future health not just from working in the area but from living with people. There were tragic stories of women who acquired these diseases simply by washing the clothing of their partners or family members who were working there.

The horror of their stories never ceases to shock. There was a graphic presentation in the theatre. An ongoing motif was the depiction of lungs that were struggling to breathe. Reverberating through the theatre was the sound of the struggle to find a free breath. At the afternoon presentation—and they did several performances—I looked around at the other people who were sharing the performance and noticed that we were all mirroring the pain and our own breathing was affected by this process.

There is no better way of getting the important message across. Those of us who are fortunate enough not to have to live with the impact of asbestos related disease cannot really understand what it is like to be reliant on breathing apparatus to get a clear breath, to be struggling to be mobile and to see healthy family members who were strong and the money earners of the family now crippled, unable to work and move, and looking at their own mortality.

I really want to congratulate the people who worked to put the Dust presentation together. The Dust partner in Brisbane was the wonderful Asbestos Related Disease Support Society. This group started in the 1980s with a small number of families and people from the union movement who understood what the impact of asbestos was. It now has thousands of
members, because people care about what is going on and they want to work together to be strong. The Dust production in Brisbane was a real cooperative. The Brisbane Combined Unions Choir—I am very proud to be their patron—provided many of the performers in the presentation. The Flipside Circus, social workers, scaffolders and union representatives all got together to be part of the performance, because they knew they could be part of an education process as well as give a sign of support and loyalty to friends and family members who have had the struggle—and too many have lost that struggle—with asbestos related disease.

Every year during Asbestos Awareness Week we have an ecumenical service at the Cathedral of Saint Stephen in Brisbane. At that service we gather and we remember the people we have lost. We share that as family members, because the people who work with and support each other through the evils of asbestosis are a family. As I said earlier, one of the messages out of the current awareness is that this disease continues. It is not just historical; this is something that people are being diagnosed with now. We as a community need to understand that. We also need to know that we have not got effective rules at the moment in our country to ban any overseas product coming in which may contain asbestos. It seems confronting that, with all the knowledge we have—the public awareness, the shared pain—we do not have effective rules in that way.

I have been a member of the asbestosis society for many years. I joined when I was working in the Department of Social Security, because we had people coming in needing payment to keep their lives together because they had been crippled by this illness. The Queensland Council of Unions, and particularly the CFMEU, are doing ongoing work in this area. We know about asbestos. There is no excuse to have any element of asbestos exposure in our community today.

I want to congratulate the people who band together and enjoy presentations such as Dust and give us their strength so that we can work together on the issue. Probably at this time next year, after Asbestos Awareness Week has happened, there will be people in this place talking again. But that is how it should be, because we have a commitment to people who have had the illness, who live with the illness and who all too frequently die from the illness. We can never forget.

Same-Sex Relationships

Senator PRATT (Western Australia) (20:10): I am very proud and honoured to be able to rise this evening to acknowledge the marriage of my close friends the Hon. Stephen Dawson MLC and his husband, Dennis Liddelow. They are Western Australians, but they were very proud to come and be the very first couple married under the new ACT laws. Theirs was one of some 20 marriages that took place over the weekend. It took place right here in Canberra, outside Parliament House, at one minute past midnight on Saturday. It was particularly pleasing for me to be there as an official witness at their wedding, because I was unable to travel to their civil union in Ireland more than a year ago because it was a parliamentary sitting week. It is a good indication of what Australian couples and their families and friends miss out on when they cannot get married on Australian soil or in their home state. It was an absolute thrill for me to be able to be their official witness. Their marriage not only marks the significant love shared between Dennis and Stephen but it also marks the fact that marriage equality in our nation is possible. It is possible if we, as law-makers in this great country, have the moral belief that all people in this land of ours are equal.
On that note, I want to commend the ACT government for putting into place the laws that allowed these historic events over the weekend to occur. I would like also to commend the ACT community, who have embraced marriage equality. I bought some flowers at the parliamentary florist here on Friday, and it was lovely to get a sense of congratulations and joy and that people wanted to be part of these great celebrations taking place all over Canberra. There was that sort of sense from florists, venues, hire car companies and community celebrations all over the ACT. It was really terrific to see the way the ACT community embraced all those couples who got married over the weekend.

It was a thrill to see that Telstra Tower on Black Mountain was blacked out before midnight and re-illuminated at midnight in sequential rainbow colours to acknowledge the first same-sex marriages on Australian soil. These are the first marriages to take place under laws created by an act of a parliament, in this case the ACT parliament. On that note, I would like to acknowledge all the same-sex couples in Australia who are married, whether their marriage took place overseas or at home in their community, despite the fact that their home states and our nation do not provide for recognition of those marriages. I can tell this chamber that all those couples take their wedding vows and that commitment as seriously as any other.

It is a delight for me to note that Governor-General Quentin Bryce also acknowledged that same-sex marriage is a litmus test for a fair and inclusive Australia. It is notable that this is not the first time that an Australian Governor-General has professed support for marriage equality. Governor-General Bill Hayden expressed support for marriage equality in 1995. What we know is that over two-thirds of the Australian people have expressed support in a lot of different polling that has been done, so there is a lot of support for the principle of marriage equality in the community and across the political spectrum.

Tonight I do not want to dwell too much on the politics of that and instead recognise the joy and celebration of all of those couples that got married here on the weekend. People like Chris Teoh and Ivan Hinton, Ms Peck and Ms Cowan, Mr Wright and Mr Player, Margaret Clark and Anne-Marie Delahunt—I was so honoured to meet some of these amazing couples on the weekend and to share in their happiness and joy.

What was also particularly lovely was the willingness of these couples to share with the Australian public their stories as the first marriages on Australian soil. They all made history on the weekend. Many of these couples have had civil unions overseas, have had marriages overseas or have been very-long-term partners who always had the desire to marry, so it is of no surprise to me that these couples were the first to put their hands up as soon as these laws became available.

On that note I congratulate all of those couples that have been married this week in the ACT. I note with some concern that the High Court this week is yet to make a decision about the validity of the ACT’s marriage laws, but I want to tell all of those couples who were married on the weekend and same-sex couples right around the nation that parliamentarians on the side of reform on this question will stay dedicated to the cause until everybody enjoys that right. In closing, I really want to recognise the importance and celebrate the solemn vows that people have taken.
Senator LINES (Western Australia) (20:17): I rise tonight to speak about the appalling juvenile detention rates in Western Australia and how the coalition government has failed on a commitment to closing the gap, taking essential funding away from non-government organisations who are running successful programs to reduce the rate of juvenile incarceration. According to a number of reports, the Australian Institute of Criminology and the WA Commissioner for Children and Young People, WA has the second highest rate of detention of children and young people in the country, more than double that of Victoria. One hundred and twenty-eight juveniles are in detention in Western Australia, compared to just 63 in Victoria despite WA's population being less than half the size of Victoria's.

The rate of juvenile detention in Western Australia has been consistently higher than the national average since the early 1990s, yet evidence says the widespread use of remand is inconsistent with the principle of detention as a last resort for juveniles. This principle is also a key feature of the UN instruments that seek to protect young people who come into contact with the criminal justice system. What we know is that only a small proportion of juveniles in detention ever result in a conviction and ongoing sentence for a custodial order. Periods of remand represent missed opportunities to intervene in juveniles' lives with constructive and appropriate treatment. This is particularly important for juveniles whose youth can make them uniquely receptive to criminal justice interventions. In 2011-12, the average cost of keeping one young person in detention in Western Australia was $624 per day. Contrast that with managing a young person in a community order: just $77 per day. Disgracefully, on 21 November this year—just a few weeks ago—the Department of Corrective Services in Western Australia reported almost 80 per cent of children and young people in detention in Western Australia were Aboriginal. This statistic is appalling. These are young people whose lives are being interrupted, their social development impaired and their educational outcomes seriously impacted. This is not closing the gap.

But the coalition government is choosing to ignore this evidence, putting this evidence about juvenile detention and the alarmingly high detention rates of Aboriginal youth, particularly in Western Australia, into the too-hard basket. The coalition thinks deterrence is about CCTV cameras. It is absolutely amazing that the coalition has just one strategy. Its solution is CCTV cameras. Why? Because it does not want to be held accountable for the human tragedy of lost and disrupted lives, of young people not reaching their full potential. It would much rather give funds for the installation of CCTV cameras. It is a quick fix. Cameras can be counted and reported on—an instant solution. But I say it is a solution which fails. The coalition has clearly turned its back on troubled youth and working on solutions which take much longer than it takes to install a CCTV camera.

During the election campaign, the coalition committed $50 million for CCTV cameras. It is detailed in their policy document 'The coalition's policy to tackle crime'. According to the coalition, this will deter criminal activity and give police assistance to find criminals. They did not tell the Australian community that this $50 million would be taken from kids. They neglected to let voters know where the $50 million would come from.

In Western Australia a whole range of programs are now at risk or will not be started because this government believes its investment in cameras is more important than an investment in children and young people. A Respect Skate Park program was to be delivered.
in Narrogin, where almost 30 per cent of the population are children and young people. This workshop-style program incorporates life skills and crime prevention into areas of interest such as skate parks for local youth. In Narrogin there is a lot of goodwill and interest from the community, and to focus this goodwill and interest funds are needed to support the town's skate park. WA's Commissioner for Children and Young People visited Narrogin just over a year ago and noted that goodwill in the community but also noted, after speaking to children and youth, that there were not many services for them. Overwhelmingly, children and young people told the commissioner they wanted more activities in the town, particularly activities other than organised sport. So the skate park was ideally suited to this rural community, but those funds, committed by Labor, have been diverted to CCTV cameras.

The David Wirrpanda Foundation were to be given funding for their Deadly Broz project, which would have brought young Aboriginal offenders together over two years in an intensive three-day-per-week program with trained Aboriginal mentors. Sessions would have included training in sport and physical activity, nutrition and health lifestyle, leadership and being mentored by Aboriginal mentors. But again that funding, almost $300,000, has also been diverted to the CCTV program. Despite the fact that between 2006 and 2010 Aboriginal young males in Western Australia were 25 to 34 times more likely to be serving a community based sentence than non- Aboriginal young males, the coalition government sees fit to defund this program. And what will happen to the team of social workers that the PCYC were planning to establish to work with prolific and priority offenders in the south-east corridor of Perth, a corridor well recognised by many non-government organisations working with juveniles as needing investment in families and children?

Save the Children's program in Kununurra, the only service for children and young people in Kununurra, is gone with the flick of a pen by this coalition government. The local business community had applauded Save the Children for its program, which took kids off the street and achieved great outcomes. But this is now at risk as Save the Children, with no dedicated funding, is barely hanging on and is trying to work out how to continue to provide support for this program. No amount of CCTV cameras will achieve what Save the Children has achieved working with children: doing real, tangible work and reducing the street presence of children. There will be an outcry from the community if crime and antisocial behaviour increase. Whilst cameras can capture this activity, cameras will never stop children from reoffending. Cameras cannot divert kids into programs where they are valued and learn new behaviours and life skills. Save the Children's innovative programs, like these, create a safe and positive environment for at-risk children and young people to come together and engage in prosocial activities in their own community.

The Australian Institute of Criminology puts it simply: diversion works. Diverting children and young people away from the formal youth justice system at the earliest opportunity is considered to be most effective in reducing crime. Unfortunately, this government has the wrong focus. Instead of trying to divert children and youth into programs which have the potential to change lives, the coalition just wants to focus on catching kids doing crime and then locking them up. CCTV cameras are not a solution in themselves; they are part of a suite of options. I urge the coalition to work with organisations such as Save the Children and know that children can be successful and contribute to society, not contribute to crime.
Constitutional Recognition of Local Government

Senator SMITH (Western Australia) (20:27): I rise this evening to speak about 7 September 2013. The date, of course, marks the election of the Abbott coalition government, but for me it gave cause for a double celebration. Had the now former Labor government had their wish, this election date would also have seen Australians voting to recognise local government in the Australian Constitution, a long-held Labor Party dream which they felt was at long last within their reach. Fortunately—and this was easily former Prime Minister Rudd's best decision—Labor's decision to hold the election on 7 September meant the referendum could not proceed.

This was something I reflected on recently when I had the privilege of addressing the Samuel Griffith Society's annual conference in Sydney. The society is, of course, named after Sir Samuel Griffith, a former Premier of Queensland but best known as one of the principal authors of our Constitution and as the first Chief Justice of Australia's High Court. In all of these positions, Sir Samuel was a committed federalist and a bulwark against attempts by the Commonwealth to centralise power. Sir Samuel, I suspect, would have very quickly seen right through the rhetoric used by the supporters of the now abandoned local government referendum. He would have clearly understood the dangers lurking behind the words used by those who tried to convince Australians to change their cherished Constitution.

After all, we were told this was merely a minor change designed to ensure our Constitution reflected modern political realities. It would not threaten the power of the states, we were told. We were reassured that it would not result in any additional power for the federal government. We were assured also that it would not increase the power of local governments or threaten the system of checks and balances our founding fathers so carefully, consciously, deliberately established when they framed our Constitution.

Proponents of the change told us and constantly reassured us that none of these things were an issue, which only left one question: why did we need to make this change at all? Looking back, I think it was the question that Labor, the Australian Local Government Association and various other supporters were hoping would not be asked because it was at that point when this question was posed that the wheels came off the referendum bandwagon. They simply did not have an answer.

Supporters of constitutional recognition made many errors, in my view, which I will come to shortly. But their most fundamental error, one to which political elites are all too often susceptible, was to underestimate the basic common sense of the Australian people. If Australians are going to be asked to change their cherished Constitution, a Constitution that has underpinned the political stability of their nation for 112 years, then you have to offer them a compelling reason to do so. It seemed to me that the best the proponents of the referendum could muster was that somewhat nebulous claim that to vote no was a vote against local communities. If that is the best you can manage then, frankly, you are going to have a tough time persuading the majority of Australians in the majority of states that this is a change they need to embrace.

I still find it quite extraordinary given the length of time that discussions about constitutional recognition of local government have been running that the former Labor government and the body which badges itself as the premier local government body, the Australian Local Government Association, could not agree on why this change was needed.
The case that ALGA had pushed all along was that constitutional recognition of local government was needed because the Williams and the Pape decisions in the High Court posed a direct threat to council funding from the Commonwealth. ALGA unambiguously said that the only way around this was to formally recognise local government in our national Constitution. So I was rather surprised when, in the course of questions in Senate estimates in May this year when the then minister at the table, Labor Senator Lundy, responding to questions from an esteemed Senate colleague said that the Williams decision was 'not one of our justifications at all in pursuing constitutional change'. Senator Lundy's view was indeed borne out by the wording of the government's bill and the accompanying explanatory memorandum, neither of which mentioned the High Court or the Williams or the Pape decisions. So we had a situation where the two strongest proponents of constitutional recognition, the Labor government and the Australian Local Government Association, fundamentally disagreed on why this change was needed. If they could not agree, why should the Australian people be expected to take a risk and change a Constitution that has served their nation well since 1901?

If the supporters of the referendum had damaged their cause from the start by failing to adequately establish the case for change then the terminal blow was delivered by what they chose to do next. The Labor government's decision to weight the level of public funding that would be provided to the yes and no campaigns based on the numbers voting for and against the referendum in the House of Representatives was a watershed moment, a death knell for the referendum. People, most particularly journalists, who had until that point been unengaged or uninterested in the constitutional principles at stake quickly got the sense that the fix was in.

The model the Labor government used was wholly contrived and without precedent. Public funding for yes and no campaigns at a referendum is actually a relatively recent phenomenon, having occurred for the first time in the 1999 republic referendum. On that occasion, Prime Minister John Howard awarded public funding to the yes and no cases on a 50-50 equal basis. This was despite his well-known and well-founded personal preference for retaining Australia's existing constitutional arrangements. To most Australians, this seems obvious. If a government is going to fund one side of an argument then in the interests of democratic fairness it must fund the other side to the same extent. We all know that the notion of a fair go is amongst the most cherished of Australian ideals. While the constitutional issues at stake in terms of recognising local government were not well understood by many—if not most—voters, it was very easy for them to understand that a Labor government that already had a reputation for dishonesty was trying to pull a fast one.

The no case had many strengths and I will come to some others in a moment. I believe no single argument was more important in effectively defeating the referendum than the appalling manner in which the Labor government and groups such as the Australian Local Government Association handled the question of public funding. I am especially pleased by one notable fact from these events. The official no campaign did not spend one cent of taxpayers' money during this whole process. This was in stark contrast to those on the other side of the debate, for instance, the Australian Local Government Association, which is now seeking to be reimbursed for its expenses. I find it truly extraordinary that any organisation would spend money on a referendum campaign prior to the issue of any writ for a referendum
and then expect taxpayers to pick up the tab for their own imprudent decisions, yet this was the position of the Australian Local Government Association. I look forward to continuing discussions over this piece of unfinished business from the abandoned referendum.

Even if you do not understand the constitutional issues, common sense tells you that if constitutional recognition is as simple, is as positive as its proponents were making out then there would be no need to stack the deck so heavily in favour of one side of the argument. It was this dodgy funding deal that caused many Australians to take a second look at what until that point was being presented as a simple fait accompli. Of course it was not only growing political debate which favoured the no case. As Australians came to understand, there were very sound constitutional and logistical grounds for opposing what Labor had put forward. Despite the spin, this proposed change to our Constitution was not about services nor was it about lower rates for ratepayers or the better running of councils and the services they deliver. To claim, as some did, that Canberra would not have any more power because funds are requested by local communities overlooks the salient fact that the wording of the proposed constitutional amendment explicitly stated that the Commonwealth grants were to be made on:

…such terms and conditions as the Parliament thinks fit.

In other words, it would have equipped the federal government with the constitutional power to attach any strings it wished to funding provided to local councils.

Despite the efforts of the referendum's supporters to present constitutional recognition as something that had near unanimous support of local councils around the nation, there were a significant number of local councils across our country who spoke out against the change. None of these councils did so because they wished to deny their communities improved services; they did so because they rightly feared a loss of autonomy for local communities. They feared, with justification I believe, that the imposition of a typical Canberra one-size-fits-all approach to local government services would be to their detriment. They did so because they wished to remain what local councils should be—representatives and advocates for their local communities, not merely local branch offices of the federal government forced to submit to Canberra's whims simply to remain viable.

There was another important factor in the success of the no case building its public support, one that was not dissimilar to what we saw during the 1999 republic referendum. Constitutional recognition of local government is largely an obsession of political elites. It was very difficult to identify public supporters of this proposal who were not members of parliament, mayors, councillors, employees of local governments or members of various local government associations representing local councils. In other words, the chorus of enthusiasts for this proposal started and ended with the political elite, most particularly those who had a vested interest in further centralising power in Canberra. Many of these elites tend to view our Constitution through the prism of symbolism, of recognising things and of obsessing over having an Australian head of state. Yet none of these things will make a jot of difference to the day-to-day lives of Australians.

The Constitution is and should remain simply a rule book that sets out how our country is governed. There is a great danger in rushing to change it if it is not undertaken with full, considered and public discussion of the risks of that change. Advocates of constitutional recognition try to pretend that there was only one side of the story and that those who thought
otherwise were, in the words of the local government association in Western Australia, 'fringe groups', parliamentarians and individuals who might want more oxygen than they deserve. This sort of intertempate rhetoric is not generally a sign of people who are confident of the strength of their argument and who believe they have right on their side.

Indeed, it is worth recalling just who some of these alleged oxygen thieves were. It is a brave person who suggests that former Australian Prime Minister John Howard, who won four elections on the back of his ability to connect with mainstream Australia, represents a fringe group. Yet Mr Howard clearly warned against constitutional recognition of local government saying:

... even a casual reference to local government in the Constitution would end up having legal implications far beyond what might be advocated by the proponents of such a change.

They are not my words; they are Mr Howard's words.

Ian Callinan, a name well known to many senators as a former High Court judge, gave a clear warning that what Labor had proposed would give rise to:

... endless litigation between the states, the Commonwealth and the new empowered local authorities as to who is entitled to do what and equally important, where.

Supporters of the yes case had their cause further undermined when those on the left of Australian politics, who were naturally assumed to be on board, started giving voice to their own concerns. The Tasmanian local government being unenthusiastic about the idea is a case in point. Deputy Premier Bryan Green said that he and his colleagues had:

... made it pretty clear that we have some reservations about this matter passing.

It brought me great comfort to see over the course of the debate the former Labor government clearly spooked by the rising tide of opposition which was quickly exposing the hollowness of its case.

I am very pleased that the Deputy Prime Minister, as the minister responsible for local government, has now confirmed that the new Abbott coalition government will not be proceeding at any point in the future with Labor's referendum. I believe that there are a number of lessons that constitutional conservatives can take from the experience of this referendum debate and the effective defeat of this proposal. I think the biggest and most lasting of these is a simple one. Bipartisanship is a vastly overrated political commodity. Bipartisanship acts to quickly extinguish counterviews, isolates dissenters and, most dangerously, deters proper analysis and inquiry. Naturally, I am all for working constructively with those from other parties and those with other views. Partisanship purely for the sake of partisanship is rarely productive and can often inflict long-term damage. But there has been, unfortunately, a trend in our country over recent times to view bipartisanship as an inherently good end in and of itself. That simply is not true and is not demonstrated by the facts.

The period of the first Rudd Labor government was particularly notable in this regard. The former Prime Minister would proclaim a great crisis was imminent and demand bipartisan support for whatever it was that he proposed. We recall that until the end of 2009, for example, there was bipartisan consensus that Australians should be taxed on their carbon emissions, rather than dealing with the issue in any other way. However, just because a bipartisan consensus exists in this place does not mean that there is a consensus in the wider community. This was something now Prime Minister Tony Abbott clearly recognised when
he changed the Liberal Party's approach. It is something he also recognised before the referendum was dumped by Labor when he clearly picked up on community concerns over constitutional recognition of local government and said to Australians:

… if you don't understand it, don't vote for it.

Bipartisanship might be nice to have but it should never come at the expense of sound policy or the stability of Australia's constitutional arrangements. It would have been very easy for those of us in the parliament who voted no to the referendum to instead shrug our shoulders and say that the party has decided to support this in a bipartisan way and let the matter rest. But that would have absolutely been the wrong approach. Had those of us opposed to constitutional recognition not spoken out and voted accordingly in the parliament, then there would have been no official 'no' case put the people if the referendum had proceeded. In all likelihood, this would have ensured the referendum's success, if only by default.

The other lesson I took from what occurred with the local government recognition was how important it is to challenge assertions that are being dressed up as fact. All too often those who cluster under the umbrella of 'progressives' construct their arguments around sound bites, not logic. Those of us who see ourselves as constitutional conservatives can never be afraid to highlight this fact. In a legal case, the burden rests with the prosecution. Those who are proposing any constitutional change must be forced to comprehensively demonstrate the need for it, and not be allowed to slide through with glib lines and glossy brochures.

As I said, those of us in the parliament who voted against this referendum were a small group. It is never easy to walk across the chamber and vote differently to one's colleagues. But the rewards that followed with the effective defeat of Labor's proposal were well worth the short-term discomfort.

I suspect there will be other constitutional debates in the next several years that will again prove challenging for those of us committed to maintaining the stability of our nation's constitutional arrangements. It may be that some of us again find ourselves called upon, first, by our conscience and, second, by those we represent to stand apart from the fashion or the consensus and pose difficult questions. However, despite the headlines about disunity or splits I do not think genuine disagreement automatically spells disaster. Nor do I subscribe to the view that debate has to be damaging or divisive. One of the things I am most proud of in relation to the debate about local government recognition is that those advocating the no case were entirely respectful of our opponent's point of view. But the conclusion from our experience is that we should never be afraid to challenge assertions that are presented as fact, and should never neglect core principles for the sake of a nice headline about bipartisanship.

As I have said to other audiences since becoming a senator, while it may well be true that you cannot govern if you do not win, perhaps the more interesting question is: why do you want to win if you will not then use the opportunity of governing to pursue your core beliefs and principles? I do not yet have an answer.

Finally, can I just acknowledge some very noble Australian citizens who did not run away from their constitutional convictions, who formed the membership of the Citizens' no case: the Hon. Nick Minchin, Mr Tim Wilson, Mr Ben Davies, Professor David Flint, Mr Rene Hidding, Mr Julian Leeser and Professor Greg Craven. Our Constitution is forever in safe hands as long as that collection of fine Australian citizens remain committed to their principles.
Mining: Employment

Senator RHIANNON (New South Wales) (20:47): The mining industry has created the myth that it is the backbone of the economy, creating jobs and providing a foundation of prosperity—particularly for rural and regional Australia. The slick campaigns that the mining industry run present this false picture. The reality is that mining is not a big jobs creator. In many areas it is in fact a jobs killer, and in my home state of New South Wales that is becoming more and more apparent.

Mining employs less than two per cent of the Australian workforce. As of July this year at least 26,000 people have lost their jobs in the Australian mining industry. In the first six months of the global financial crisis the industry in fact shed 15 per cent of its employees.

The Australia Institute have produced a very useful report, *Mining the truth: the rhetoric and reality of the commodities boom*. They found that the inclusion of figures for indirect employment is often used by the mining industry in presenting mining employment figures. This makes employment in mining appear substantially larger than it otherwise would if we relied on the official Australian Bureau of Statistics figures.

The mining industry actually pay economists and consultants to estimate the size of their industry's multiplier—that is so they can estimate the number of indirect jobs—and then they bring forward these extraordinary figures. The Australia Institute have estimated that if the number of indirect jobs associated with every industry were totalled then the number of jobs in the economy would exceed 30 million—almost three times the size of the Australian labour market. That certainly does put a cloud over what the mining industry brings forward.

This multiplier effect only makes employment in the mining industry look significantly larger when the sum of direct and indirect jobs in the mining industry is compared with only the direct jobs in other industries. Once the multiplier is applied to all other industries, mining once again returns to being a very small employer in Australia. The mining industry, in fact, has played a very small role in the growth of employment in Australia over the past seven years. The increase in jobs in the mining sector accounts for only seven per cent of the total employment creation over that period. I set out that information to highlight how the mining industry has been able to get away with its deception.

This great myth perpetrated by the mining industry is starkly on display when we look at the coal industry. At the end of 2012, out of a national workforce of 11 million the coal industry employed just over 45,700 workers. To put in perspective the small returns from this industry, employees in the coal industry are one-quarter of the number of those working in the tertiary education sector and a bit more—probably a few thousand more—than in the printing and publishing industry and in the dairy sector.

The success of the con job that the mining industry puts over Australia is revealed in some further research from the Australia Institute. A survey showed that Australians believe 16 per cent of workers are employed in the mining industry—around 16 per cent was the average response. But as I mentioned, according to ABS figures it is less than two per cent, coming in at about 1.9 per cent. The same survey found that Australians believe mining accounts for more than one-third—actually 35 per cent—of economic activity.

When we remember that on top of this failure to deliver on the promised jobs and economic benefits to our society we also have to deal with the damage caused to public
health, the local environment and the world's climate by mining then it is clearly time for a 
reassessment of the role of this industry in our society and in our economy.

For the record—because I find that when I speak about the mining industry the Greens 
position is often distorted—the Greens are not advocating a mining industry shutdown. My 
comments tonight are about correcting the lies and distortions pushed by mining 
multinationals, their peak organisations and their lobbyists. It is time that governments 
worked on transitioning our economy to clean jobs, clean energy delivery and clean 
manufacturing. This is where there is real jobs growth that will last for decades and decades. 
Even with the resource abundance of this country, it is clearly time to recast our economic 
structure towards greater ecologically sustainable practices.

But right now the coal rush is on. Coal multinationals can see multibillion dollar profits, 
not million dollar profits. We are talking huge amounts of money here. In June this year 
Greenpeace released a very useful report that disclosed that 91 proposed coal projects in this 
country would triple production of export coal over the coming decades, from 300 million to 
900 million tonnes per annum. This contrasts very sharply with the assets involved in 
developing a clean economy. These assets are long lived, but they do take capital and time to 
become established. This is again why we need to come back to the role of government. 
Government needs to step up to the plate and work on this transition.

We know right now that the mining industry is damaging our economy. Research shows 
that when new mines are developed, jobs in other industries are lost. Mining does not create 
jobs these days; it is, as I have said, a jobs killer. This is because when mining developments 
go ahead they push out jobs in other industries. Economist Matt Grudnoff has found that the 
mining industry in Queensland has the potential to crowd out 20,000 non-mining jobs in 
manufacturing, tourism and agriculture. This makes sense of the thousands of dollars the 
industry has recently spent on trying to argue it can coexist with others. We have seen the 
same thing in New South Wales, with the industry presenting that it can live with the farming 
industry, with the wine industry, with horse breeders. But as we have seen, particularly in the 
Hunter, that is certainly not the reality, with many of those industries being forced to leave 
that beautiful valley.

What we see is that thousands of dollars has been spent by the industry arguing how all 
these industries can exist together. The idea seems to be that if the data does not match the 
reality then you bring forward a very expensive advertising campaign. In the last financial 
year BHP Billiton brought in a profit of $12 billion. Clearly, these advertising campaigns, 
which are expensive by most people's standards, are barely petty cash for big companies. Rio 
Tinto's half-yearly profit for 2013 was $1.7 billion. Glencore Xstrata's underlying profit was 
$2.04 billion. With 83 per cent of mining companies being foreign owned, the idea that they 
are all part of our national interest is an absolute myth. They already pay 7.1 per cent less tax 
than the industry average, so the economy is not even gaining the benefit that many people 
expect comes from the mining industry.

The evidence is in that we can create thousands of jobs that will last through the 21st 
century. According to the University of Technology Sydney's Institute for Sustainable 
Futures, 2,016 people were directly employed in the renewable energy sector in New South 
Wales in 2010, with an additional 1,500 in the energy efficiency sector. At the same time 
there are fewer than 1,800 people currently employed in New South Wales coal fired power
stations and fewer than 4,000 coalminers supplying their fuel. In a very important report from the University of Newcastle's Centre of Full Employment and Equity, figures from 2008 reveal the jobs that can be generated. The centre identified that between 61,400 and 73,800 direct and indirect jobs could be created in New South Wales by transitioning to 100 per cent renewable energy sources. There is also the work from 2011 of the Beyond Zero Emissions group's Zero Carbon Australia 2020 Stationary Energy Plan, which said that just under 161,000 direct jobs could be created in the renewable energy sector over a 10-year period. Based on their estimates, 16,405 jobs would be created in the renewable energy sector in New South Wales in the first three years of implementing the plan. So the jobs growth that can be created in the renewable energy sector, in clean manufacturing, is massive. Again, there is a clear role here for government. These very exciting figures have been emphasised by the Clean Energy Council's estimate that the nearly $12 billion of proposed investment in 28 wind farm developments in New South Wales would create 3,940 jobs if they were to go ahead. Currently, we have only 197 people employed in the wind farm industry in New South Wales. So the potential is there waiting to take off, and the role of government clearly is very urgent.

The importance of this issue is highlighted when we look at unemployment, particularly in regional areas and amongst young people. We need to look at the figures in these different sectors because these days I find that the talk about unemployment is quite muted. We are told that unemployment is not too bad, that the national unemployment rate is under six per cent. Again, we need to look deeper. There is real hardship, there is misery in many areas and we are getting generation after generation of families that have not had adults going out to work. The flow-on effect is enormous and the loss to our economy is considerable, as well as the damage done to so many individuals.

The Statistical Bulletin released by the Commonwealth Parliamentary Library reported that in October this year 61,000 young people were actively looking for full-time work. There had been a drop since August when the figures were 65,900, but when you look at the figures, those monthly reports, they are regularly above 60,000. It is a tragedy for young people to start life in this way. The overall youth unemployment rate is about 26 per cent around the country.

In my state of New South Wales there are some very worrying figures. In the City of Wollongong, youth unemployment is 41.3 per cent. If you go to the Hunter region, you find that the figures for unemployment for young people aged from 15 to 19 bounce between 16 and 18 per cent, and for young men it is usually a bit above 20 per cent. Again, this is such wasted talent, such a terrible way to start one's life. I bring those two threads together—the high rates of unemployment amongst young people particularly in regional areas and the potential for jobs growth in clean energy. This is where we can give real opportunities for the next generation.

It is worth remembering that in the Our Plan document, released by the Liberal Party in January this year as part of their election campaign, the issue of youth unemployment only got one direct reference and it was that the party has been 'listening'—that is the word, 'listening'—to concerns about youth unemployment. That is totally inadequate, it is insulting. It is damaging not just to those young people but to the very fabric of our society and also our future. A much more detailed focus on this issue is required.
Because I am often talking on this issue about the potential for jobs growth in clean manufacturing and clean energy delivery, one of the frequently cited problems that I do hear concerns the number of skilled employees. There needs to be much more work undertaken by our governments on this. Right now there is a real problem often in the lack of support for apprentices. Many unemployed young people have low levels of literacy and numeracy and so the transition is often limited because of the lack of a skilled workforce.

This brings us to the very important issue of our TAFE system. Vocational education and training has been undermined by policies at both the state and federal level. I always thought it was disappointing that when Labor were in government they did not tighten up how the federal government interacted with state governments. Considering the huge amounts of money that have been handed over to states for TAFE, more conditions could have been put on how that money was to be used in vocational education and training. What we have seen particularly in Victoria, but also increasingly in New South Wales and Queensland and in other states, is the dumping of TAFE into competition with low-cost, low-quality private providers where it is then a race to the bottom in terms of the types of courses that are provided, and that long-term planning that we so need when developing a skilled workforce is lost. In New South Wales, the O'Farrell government has cut $800 million out of future TAFE budgets and it has cut 800 jobs. Many of those jobs are in the Hunter and Illawarra areas that I have just spoken about. By far the majority of those jobs are across regional Australia.

This destruction of TAFE—and I do not use those words lightly because I find it very troubling when one has to describe public education in that way—is what is happening right at the moment. The undermining of this wonderful public vocational education and training institution is damaging the very strength of our economy. Many young people do not have work opportunities now. Where can they go to gain the skills that they need and that our economy so desperately needs?

There are many things that the federal government can do in terms of its interaction with TAFE so that competition with the quite weak and profit-driven private providers is removed. The federal government can also be a powerful catalyst for change in terms of bringing forward a regulatory environment in the marketplace for a shift to renewable energy. That is now under a very urgent time frame. Initiatives are needed to target coal-dependent areas like the Hunter and the Illawarra, and work on the transition to that clean energy economy that we know can deliver such a jobs-rich future.

The mining industry, as I set out at the beginning of my contribution tonight, has been very deceptive in how it presents itself. We need to be more accurate here in terms of what the mining industry is actually doing to our economy. It is driving up the exchange rate and it is also driving up the cost of skilled labour for businesses in other sectors, and this has been very damaging particularly to the higher education sector and tourism. It is driving up the price of raw materials used in mining even. We see this particularly with the cost of concrete and other associated costs. And then it is generally driving up the cost of other services particularly construction. This really does distort our economy enormously and, again, further underlines the deception that the mining industry promotes in terms of the myth that it is the very basis of a healthy Australian economy.

The economic policy that the coal industry is based on is designed to serve just one per cent of society, and what I mean by that is that, when those people rely on mining profits, this
money cannot benefit the majority of people. The old idea of trade-offs between environment and jobs and the economy needs to be reassessed. That no longer works for society at the present time. The environmental challenges are too urgent. The mining industry is taking most of its profits overseas so we need to ensure that mining is not misleading and getting subsidies that it does not warrant. It is time that the government stepped in and worked on a transition so that we can ensure that the next generation does have the jobs it needs for the health of those individuals and the health of our economy and society.

**Wind Farms**

**Senator MADIGAN** (Victoria) (21:07): In 2002, well before Professor Simon Chapman's nocebo effect and five or more years before the Waubra Foundation was set up, people in the once quiet seaside town of Toora in South Gippsland started complaining about noise nuisance. They had not been visited by anybody stirring them up or telling them that one day they might feel sick. What had happened is the construction of a wind farm near this little town by the Queensland government's Stanwell Corporation.

Toora was one of the earliest wind farms in Australia. The people reported their complaints and illness to the local GP, Dr David Iser. He had not been visited by any anti-wind-farm activists either. He was just the local GP doing his job on Gippsland's beautiful coast and now wondering why so many people were turning up in his surgery complaining about noise and reporting various symptoms.

South Gippsland Shire Council started receiving complaints too. In 2005, they commissioned an independent review of the noise-monitoring data collected at Toora by the Stanwell Corporation. The review found all sorts of problems with the way the noise monitoring was being conducted that distorted and limited the data. It also found that the wind farm was breaching Victoria's wind farm noise standard. The complaints continued, more reviews were done and nothing improved.

In 2007, or thereabouts, the local council stopped checking the noise monitoring at Toora. Over the next couple of years, the operator bought out some of the complainants and their houses were removed and destroyed. Other complainants were paid out too. Gag money coupled with legally binding confidentiality agreements were papered over the problem, silencing the complaints. Yet Toora wind farm continued churning out noise into the local community and still does to this day. What happened at Toora was the pattern of the wind industry's behaviour that would be repeated across Victoria—and probably Australia.

Today I tabled a petition from more than 1,000 people across rural and regional Australia. They are concerned about noncompliant wind farms rorting the renewable energy certificate system being allowed to operate when they are noncompliant and causing a range of harms and costs. Wind farm planning permits stipulate a noise standard. If residents near a wind farm make complaints about noise, this triggers a compliance pathway where testing occurs, and then more testing occurs. Wind farm planning permits then stipulate turbines in noncompliant wind farms to be shut down and removed, yet Victoria's regulator has never ordered these final steps to be taken. In fact, Victoria's regulator for large wind farms, the Victorian Minister for Planning and his department, the regulator for small wind farms and local councils have never publicly declared a single Victorian wind farm to be in breach of the noise standard stipulated in their planning permits—not one.
Over the years, thousands of complaints have been made by local residents about noisy wind farms scattered across Victoria, yet the regulators have not publicly declared one wind farm to be noncompliant. Why is that? How could that be? To answer those questions I turn to Waubra wind farm, owned by ACCIONA but operating as Pyrenees Wind Energy Development. Waubra is Toora wind farm on steroids. It is the case study of regulatory failure at state and Commonwealth levels. Located northwest of Ballarat, Waubra is a large facility comprising some 128 turbines spread over two municipalities. It started operating in 2009.

To understand what is causing regulatory failure, we need to part the curtains and look behind the scenes. Over the last 12 months, my office has used freedom of information to access various documents from the Victorian Department of Planning and the Commonwealth's Clean Energy Regulator. While the Minister for Planning and his department have never formally and publicly declared Waubra wind farm to be noncompliant, behind the scenes a different story was, and still is, being told.

Tonight I put on record some excerpts from those FOI documents, because this story is not just about Waubra breaching its planning permit conditions; it is about a culture of noncompliance arising from systemic regulatory failure that impacts every wind farm in Victoria. The authors of this story are the wind farm companies, the Victorian Planning Minister and his department, the Commonwealth's Clean Energy Regulator, local councils and others in the regulatory community who are not paying attention. This story involves the pain and suffering of little people living in rural Australia, environmental damage, fraud on a grand scale, deception, lies and concealment.

Sadly, it is not a new story. There have been too many examples of governments and corporations colluding to circumvent regulation and accountability, harming and stealing from people along the way. What is different about this story, however, is the optimism and high regard felt toward this particular technology. Wind farms were believed to solve problems, not create them. Wind farms and the wind energy industry were promoted as the shiny white knights riding out across the countryside, abating pollution and befriending all who looked upon them. While this fairy tale captured our collective hope that wind farms would solve our energy needs, minus pollution, it has blinded us to the technology's problems.

Our short-sightedness has been added to by governments hiding information from the public at the same time as they fail to regulate. We have been misled by an industry that engages in sophisticated public relations and spin. We have trusted an environmental movement whose support has been manipulated by the wind industry and its master, the fossil fuel industry.

Let's go behind the curtains to see the real story. Less than two weeks after the November 2010 Victorian state election won by a coalition government, the newly appointed Minister for Planning, Matthew Guy, requested a briefing from his department about compliance issues at ACCIONA's Waubra wind farm. He was advised by his department:

… the Department of Planning and Community Development—
DPCD for short—
requested Pyrenees Wind Energy Development—
PWED for short—
to provide a copy of the complaints register required under the planning permits.

This complaints register indicated that 63 complaints had been received by PWED. DPCD is aware that complaints have also been received by the EPA and both local councils. Some of these complaints are not assessed as part of the noise compliance report.

DPCD understands that approximately 11 dwellings located within 1.5 kilometres of the Waubra wind farm have been vacated with noise cited as the reason. The wind farm proponent has purchased eight of these properties.

A recent site visit by the Joint Municipal Association of Victoria and DPCD working group on wind farms to the Waubra wind farm reported significant audible noise impact on an adjacent dwelling. The occupants of this dwelling have recently vacated the premises due to this noise issue. This dwelling is not assessed as part of the noise compliance report.

The ministerial briefing also advises:

… an independent noise construction noise monitoring program was to be undertaken to the satisfaction of the Minister for Planning. PWED submitted the report to the Department of Planning and Community Development on 8th October 2010.

On 13th October 2010 DPCD provided a copy of the report to the Environment Protection Authority for preliminary comment. Preliminary advice from the EPA indicated several concerns with the report.

On 15th October, 2010 DPCD commissioned Heggies Pty Ltd. (now called SLR Acoustic Consultants) to prepare an independent technical review of the noise compliance report. On 1st December, 2010 the final peer review was provided to DPCD.

This briefing note proposed that Minister Guy tell PWED their postconstruction noise compliance assessment was not to his satisfaction, that they had breached condition 16 of the planning permit and needed to run some of their turbines in noise optimisation mode. He was advised to tell them to document an operating program that would result in compliance with the applicable noise standards.

On 10 December 2010, four days after being briefed by his department, Minister Guy wrote to PWED in a letter that identified multiple breaches of its planning permits:

The complaints register required under Condition 15 of the planning permits should have been assessed to establish whether complaints received were investigated in terms of potential non compliance and the results of any investigation ... I am not satisfied with the independent post construction noise monitoring program required by condition 17 of the relevant planning permits.

A response to the issues and concerns raised in this letter are required from PWED, including the review of the Waubra post-construction noise compliance report within 28 days of receipt of this letter in order for me to be satisfied under the permit conditions.

Further, the report details that the operation of the facility does not comply with the relevant noise standard at several dwellings.

I am therefore not satisfied in accordance with Condition 14 that the operation of the facility complies with the relevant standard in relation to these dwellings. In accordance with Condition 16 I request PWED to noise optimise the operation of the relevant turbine or turbines.

I require PWED to document the operation of the wind farm in a noise optimised mode ... I expect that this program will respond to any omissions or additional non compliance identified during the revision of the report.

In 2010 we see a newly elected government and its planning minister taking advice from his department about the noise noncompliance of Waubra wind farm. The advice contained in these and other briefing notes are not the rants of a department infested with climate change
sceptics or infected with the nocebo effect. Instead, we see a regulator giving the appearance of doing its job. As time rolls on the number of ministerial briefing notes about Waubra noncompliance grows. Eight months later, we catch up again on the DPCD's advice to its minister. On 22 August 2011 we learn, and I quote:

SLR Acoustic Consultants identified a number of limitations in the Marshall Day Acoustics post construction noise assessment report. These have been communicated to the wind farm operator who has advised you that it has purchased two additional dwellings and made a commitment to operate the wind farm in noise management mode.

Noise management mode allows certain turbines to be selectively modified to reduce rotation speed or to shut down turbines by sector. These actions have not prevented the continuation of noise complaints and the Department considers that operating the facility in noise management mode will not enable the facility to meet the application 35dBA noise limit …

The ministerial briefing note recommends the minister request that the operator test for special audible characteristics and provide another report, plus maintenance records, and updated information from the complaints register. If the operator refuses, the briefing advises that the minister could call upon the EPA to order the operator to hand over the documents.

Ominously, the rest of the briefing note is redacted; the department's advice on the next steps in the compliance pathway have been removed from sight. What do the planning permits say must happen next?

They require the minister to direct the offending turbines to be shut down and removed by the operator. As just demonstrated in the department's own documentary record, the minister had reached that point in the compliance pathway by August 2011. We also know that in December 2013 Waubra's wind turbines are still operating in gross non-compliance of the wind farm's planning permits. There is no evidence to suggest that Waubra's turbines have ever been noise optimised. We have also confirmed that no compliance notice has ever been issued by the DPCD or the EPA against Waubra. And we know that complainants to ACCIONA are now being given reference numbers that indicate they have received more than 1,300 noise related complaints since mid-2010. So what happened between then and now? If the minister has not taken the prescribed steps, why not?

On 27 March 2013 I received a letter from Mr Andrew Tongue, the then Secretary of DPCD. He has since become the Secretary of the Department of Premier and Cabinet. His letter advised me:

… the minister for Planning has not determined whether the wind farm is or is not compliant with the relevant planning permit (sic). The minister or the department have never stated that the Waubra wind farm is not compliant with the current planning permit.

So here we have a case where you are neither compliant nor non-compliant; you are in the so-called demilitarised zone. Mr Tongue goes on to reveal that the DPCD, the EPA and the operator have been toying with a new noise-testing methodology. They were and are hunting around for a noise-testing methodology that will magically make Waubra appear to be compliant.

Since 2011 most of the public servants who had been advising Minister Matthew Guy have been moved away from wind farm regulation. I understand their roles have been centralised in the hands of one gentleman known far and wide for his skills at playing games and hiding information. I think the Australian public should know that before I received Mr Tongue's
letter, it had already been emailed to ACCIONA. It was emailed to Ms Lisa Francis, senior manager at ACCIONA, by Mr Paul Jarman, Assistant Director, Regional Projects, Planning Statutory Services, DPCD. He emailed the letter to Ms Francis, on the day the original hard copy was posted to me, with a message to her that read:

I promised you a copy of the letters once sent. Here they are.

The other letter he is referring to was sent by DPCD's Mr Tongue to then House of Representatives member Mr Alby Schultz. Ms Francis got a copy of that letter before Mr Schultz did.

ACCIONA's Ms Lisa Francis emailed my office telling me to expect the letter from DPCD's Mr Tongue. She was not doing me a favour so much as delivering me a message that DPCD was ACCIONA's friend; DPCD would look after ACCIONA before it looked after me and the constituents being harmed by non-compliant wind farms turning to me for help. The relationship between DPCD and ACCIONA is so cosy that, three years after he was first advised by his department about Waubra's non-compliance, Minister Guy still has not formally made a decision. It is so cosy that I have been confronted with almost 12 months worth of obfuscation, being ignored, my staff treated with open contempt by DPCD, public documents being hidden, and planning permit documents withheld courtesy of Minister Guy and his servant Mr Jarman.

As recently as last week, Minister Guy responded to a letter I had sent three months ago in which he infers that his ALP predecessor had privately accepted ACCIONA's own assessment that Waubra was compliant. It is another too cute answer that betrays the cosy relationship between the operator and the Victorian government, regardless of the political party. Minister Guy, his department and the wind industry are playing games, hiding the truth while people are being driven out of their homes.

Victoria's wind industry is churning out multiple millions of dollars worth of renewable energy certificates it is not entitled to and is being allowed to rort the REC and LRET systems. Banks and superannuation funds are lending billions of dollars for the construction of wind farms, exposed to serious risk arising from the planning permit non-compliance being orchestrated by the wind industry and its public servant, Minister Matthew Guy. Is the wind industry telling its financiers that they are funding wind farms that breach their planning permit conditions? I take this opportunity to forewarn Australia's financial institutions: you better start doing your homework because the unfettered behaviour of this industry is risking your jobs, your investment decisions and the billions you have poured into this industry.

Human Rights Day

Mandela, Mr Rolihlahla (Nelson) Dalibhunga, AC

Senator SINGH (Tasmania) (21:27): It was in 1950 that the UN General Assembly declared 10 December as Human Rights Day. This day—today—was established to bring into focus the Universal Declaration of Human Rights as the standard we should work towards achieving for all people of the world. Today we acknowledge and celebrate the people who work tirelessly to achieve a global standard in human rights. In Australia, these include organisations such as Human Rights Watch, the Human Rights Law Centre, Amnesty International Australia, Australian Lawyers for Human Rights and the Castan Centre for
Human Rights Law. Many others are included, but in particular I congratulate all the recipients of the 2013 Human Rights Awards.

Our focus on this day remains as relevant to our current world as it was in 1950, as human rights atrocities continue to plague our modern society. In the Democratic Republic of Congo, state security forces, rebels and foreign armed groups have committed numerous and widespread violations against citizens. War crimes including executions, rapes and child recruitment continue throughout the region. National elections that symbolise a new beginning instead become the focus of acts of violence, with an unknown number of opposition party supporters killed or imprisoned. The simple act of voting becomes a life-or-death situation for many civilians.

I wish these were isolated incidents, but we continue to see armed conflict and human rights violations in Darfur, Burma, Tibet, against the Uyghur people and in many more parts of our globe. In Darfur, the Sudanese government continues to flout international humanitarian law by targeting villages indiscriminately with no regard for hospitals or schools or civilians. Today I want to recognise the impact of human rights particularly on women in these regions. Women are targets of sexual assaults and are often shamed by their communities. The voice of women is vital for a groundswell of positive action, and we need to help support these women in areas of crisis as they work towards creating better communities and prospects for themselves and for their children.

Human Rights Day is an important reminder for the parliament to reflect upon the need for further reform of how Australia can protect our own human rights. Today is also about highlighting the importance of international days to embrace all nationalities, cultures, ethnicities and religions.

My commitment and support for human rights from work and activities before becoming a senator and my time in this place have continued my resolve to stand up for a just and humane world free of discrimination and for equality. One example of that comes from my involvement with the Australia Tibet Council. I had the privilege last year of travelling to Dharamshala in India, which is the exiled capital of Tibet. This experience gave me an undeniable insight into the desperate plight of Tibetans and to understand more fully the human rights abuses taking place in our global community. I had the pleasure this evening of joining some of the Tibetan community here in Australia in Parliament House to recognise the struggles that continue for their families and friends living in Tibet.

It was on 22 October 2013 that the UN Human Rights Council reviewed China's human rights record as part of their universal periodic review. This was the second review for China and it allowed for a review of the recommendations and pledges made by China during the 2009 session as well as encompassing a review of the overall human rights record of China. Sadly, from all reports the overall human rights situation in China, particularly in Tibet and also against the Uygur people, has continued to deteriorate over the last four years. I take this opportunity to highlight the important region of Xinjiang in China where the native Uygurs continue to fight religious intolerance and discrimination. Labelled as terrorists, their plight has become increasingly difficult.

Repressive policies and the continuous suppression of fundamental human rights are causing immense suffering. Tibetans have peacefully struggled and held hope of obtaining freedom—freedom of religion, freedom to celebrate their culture and language, and freedom
of expression. Since China's first UPR in February 2009, Tibet witnessed its very first self-immolation by a young 20-year-old monk by the name of Tapey. This act of desperation was Tibet's first in its 60-year continuous suppression of human rights. Tapey should never have lost his life. He should never have had to resort to such an act. In 2009 the loss of his life was already one too many, and since that time there have been many more.

I wish I could report that his life was the only one taken by self-immolation, but they have continued to increase since 2009 and a confounding 122 cases have been confirmed to date. This is no small number and it clearly shows the desperation and repression of those in Tibet. In what is another constraint to human rights, recent reports confirm friends and relatives of self-immolators are now being subject to sentencing by Chinese authorities for alleged association with the self-immolators.

Tibet's spiritual leader, His Holiness the 14th Dalai Lama, has travelled the globe seeking compassion and peaceful solutions for his country in exile. This year I once again had the privilege to meet His Holiness here in Australia. His struggle for liberation of Tibet has always strongly opposed the use of violence. His Holiness understands the power of universal responsibility for all things and through his leadership he has actively pursued peaceful solutions to human rights abuses.

Today is the 24th anniversary of the conferment of the Nobel Peace Prize on His Holiness. In 1989 the Norwegian Nobel Committee declared His Holiness worthy of this prestigious prize. I believe, and I am sure many will agree, that his leadership through non-violent action and spiritual guidance to the Tibetan people is most commendable and worthy of global recognition. During his acceptance speech the Dalai Lama spoke of cultivating a universal responsibility and said:

I believe all suffering is caused by ignorance. People inflict pain on others in the selfish pursuit of their happiness or satisfaction. Yet true happiness comes from a sense of brotherhood and sisterhood. We need to cultivate a universal responsibility for one another and the planet we share.

These words are valuable and worth reflecting on, particularly today as we mark Human Rights Day and celebrate the anniversary of the establishment of the High Commissioner for Human Rights. Today as we acknowledge Human Rights Day we should acknowledge the ongoing struggle of those living in Tibet. We should not only acknowledge but also commit to act on their behalf.

Australia recently had the honour of hosting Aung San Suu Kyi. Today I am reminded of her words, 'Please use your liberty to promote ours.' Her story is one which should inspire Australians. Despite being placed under house arrest for 15 of the past 21 years, she has steadfastly continued her dedication to nonviolence in pursuing a democratic and free society for Myanmar.

In Australia, Human Rights Day is a day when we can reflect on the rights we enjoy in our country, the rights and freedoms we so often take for granted. It is also a day when we can make a commitment to be a voice for those who have been silenced and for those we are yet to represent.

Since eight this morning the Australian flag on Parliament House has flown at half-mast as a mark of respect to the late Nelson Mandela AC on this special day of Nelson Mandela's memorial service. At the moment of his passing I felt the world stopped as it recognised it had lost one of its greatest peacemakers, who through all his own adversity united so many. Yet,
for the people of South Africa, it was the first time in 95 years they had awoken in their land without Mandela. And so I give my deepest condolences to his family and to the people of South Africa, who, like so many around the world, are in mourning.

Despite spending a quarter of his life imprisoned and the harsh treatment he endured there, Nelson Mandela remained unwavering in his commitment to bring reconciliation for the people of South Africa and to achieve racial unity through the end of black and white segregation, the policy known as apartheid. And, despite being imprisoned, he continued to influence so many in his efforts for racial unity.

Mandela was a true legend on showing the way on the power of forgiveness and what it can bring to so many and on how forgiveness can triumph over hate. When freed after 27 years, he focused not on anger towards the white people of South Africa but on unity, freedom and injustice. He said:

… as long as poverty, injustice and gross inequality persist in our world, none of us can truly rest.

It is that inspiration that has given so many people the energy and belief that they too can play their part in helping change the world. And, for that, his courage, his fearless pursuit of freedom, his decency and humanity, he belongs in the company of other great fighters for justice, equality, human dignity and the end of racial prejudice: Steve Biko, Mahatma Gandhi and Martin Luther King. His profound words that united so many are what will always remain with us. They have left an indelible impression in our hearts and minds, like when Mandela said:

No one is born hating another person because of the colour of his skin, his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.

I am proud of the role Australia played in support of Mandela and his struggle, from the leadership of Prime Ministers Whitlam, Fraser and Hawke. I am particularly proud to be part of a party which stood by him through his struggle, through Prime Minister Bob Hawke playing an important role in supporting sanctions to help bring down apartheid and standing by him through the years of his imprisonment. I also praise the trade union movement in Australia, who were among the first to call him a freedom fighter and recognise his struggle. When Nelson Mandela came to Australia in the 1990s, he thanked Australia for its support for economic and sporting sanctions against South Africa. He particularly thanked the union movement for the political pressure they put on the South African regime to have him released.

I pay tribute to Tata Madiba, to his incredible service to humanity, peace, justice and freedom. I give thanks for his contribution in life and for his inspiration to so many that continues to live on in us today.

Senate adjourned at 21:40

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.]
Australian Bureau of Statistics Act 1975—
   Births Collection—Proposal No. 40 of 2013.
   Deaths Collection—Proposal No. 41 of 2013.
   Internet Activity Survey—Proposal No. 43 of 2013.
   Marriages Collection—Proposal No. 42 of 2013.
   Quarterly Business Indicators Survey—Proposal No. 46 of 2013.

Commissioner of Taxation—Public Rulings—
   Class Rulings—
      Addendum—CR 2013/74.
   Goods and Services Tax Rulings—
      Addenda—GSTR 2000/12 and GSTR 2003/12.
      Erratum—GSTR 2005/3.
   Product Rulings—
      Erratum—PR 2013/17.
      PR 2013/21 and PR 2013/22.
   Taxation Ruling TR 2013/7.


Migration Act 1958—
   Notice under section 502—9 December 2013.

Tabling

The following government documents were tabled:
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2013.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2013-14.


Sugar Research and Development Services Act 2013—Statutory funding agreement 2013 to 2017 between the Commonwealth of Australia and Sugar Research Australia Limited.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September.


Tabling

The Assistant Minister for Immigration and Border Protection, Senator Cash, tabled the following document:

Immigration—Asylum seekers—Towing of an Indonesian vessel—Letter from the Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 5 December 2013 and raising public interest immunity claims, dated 10 December 2013.

Tabling

The following documents were tabled pursuant to the order of the Senate of 25 March 1999, as amended:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2012 to 30 June 2013.

Indexed Lists of Files

Tabling

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2013—Statement of compliance—Foreign Affairs and Trade portfolio.