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the Senate and committee hearings are available at

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SITTING DAYS—2012

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

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

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

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

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

Printed by authority of the Senate
Members of the Senate

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

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

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

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing  
Clerk of the House of Representatives—B Wright  
Secretary, Department of Parliamentary Services—C Mills
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<tr>
<td>Prime Minister</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td>Treasurer (Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Science and Research (Leader of the Government in the Senate)</td>
<td>Senator the Hon Chris Evans</td>
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<tr>
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<td>Minister for Small Business</td>
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<td>Parliamentary Secretary for Industry and Innovation</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary for Higher Education and Skills</td>
<td>The Hon Sharon Bird MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy (Deputy Leader of the Government in the Senate)</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>The Hon Simon Crean MP</td>
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<tr>
<td>Minister for the Arts</td>
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<tr>
<td>Minister for Sport</td>
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<tr>
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<td>The Hon Stephen Smith MP</td>
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<td>Minister for Emergency Management</td>
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<td>Minister for Community Services</td>
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<td>Senator the Hon Bob Carr</td>
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<td>Minister for Trade and Competitiveness</td>
<td>The Hon Dr Craig Emerson MP</td>
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<td>Minister for Sustainability, Environment, Water, Population and</td>
<td>The Hon Tony Burke MP</td>
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<td>Communities (Vice-President of the Executive Council)</td>
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<tr>
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<td>Minister for School Education, Early Childhood and Youth</td>
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Day, 21 June 2012

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

PARLIAMENTARY REPRESENTATION

Tasmania

The PRESIDENT (09:30): I have received, through the Governor-General, from the Governor of Tasmania, a copy of the certificate of the choice by the Parliament of Tasmania of Lin Estelle Thorp and Peter Stuart Whish-Wilson to fill the vacancies caused by the resignations of Senator Sherry and Senator Bob Brown respectively. I table the document.

Senators Sworn

The following senators made and subscribed the oath of allegiance.

Senator Lin Estelle Thorp
Senator Peter Stuart Whish-Wilson

BILLS

Health Insurance (Dental Services) Bill 2012 [No. 2]

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (09:37): I rise today to speak on the Health Insurance (Dental Services) Bill 2012. This is a bill that I have introduced into the Senate to redress an injustice that the government has inflicted upon the nation's dental health professionals. This bill requires the Minister for Health, in conjunction with others ministers as may be necessary, to redress past and future inequities that have arisen from the operation of subsection 10(2) of the Health Insurance (Dental Services) Determination 2007. The bill describes the inequities imposed on dental practitioners by the operation of the subsection of the determination and specifies five courses of action the minister can take to redress those inequities. It establishes a timeframe in which action is to be taken and requires a report to be tabled in both Houses of parliament detailing the actions that have been taken.

The Medicare Chronic Disease Dental Scheme was introduced by the coalition in government in 2007 and has been a highly successful scheme in addressing the chronic dental needs of countless Australians. It provided and still provides up to $4,250 in Medicare dental benefits over two years for eligible patients with a chronic health condition. Over 17 million badly needed services have been provided to approximately one million patients since 2007. These services, which have greatly improved the overall health of the recipient patients, are ones that, in the majority of cases, the patients would not have been able to privately fund themselves.

But I do not stand in this chamber today to espouse the virtues of this scheme; those virtues are self-explanatory. Instead, I rise to highlight to this chamber the Machiavellian tactics used by the Labor government to try to close down this worthwhile dental program. Labor have repeatedly tried to shut down this scheme for their own political purposes. Those on the other side of the chamber cannot bear it that the coalition is the only political party in this place to demonstrate and actually deliver on a commitment to a Medicare dental scheme. As they have shown us on many occasions, they are more than happy to forgo good policy outcomes for their own political gain. They particularly hate the fact that this scheme, supporting patients right across Australia to have their chronic dental issues
addressed, was introduced by Mr Tony Abbott.

Not able to respect the decision of the Senate when their attempts to close the scheme were rejected, Labor commenced an underhand crusade to undermine the scheme with the establishment of an audit taskforce in June 2010. The coalition strongly supports a transparent and appropriate audit process to detect cases of fraud, the misuse of taxpayer's funds or the provision of inappropriate services. But we do not support Labor's tactic of using innocent and inadvertent administrative errors as a means to claw back funds from dentists, presumably to assist the government in their unattainable quest to achieve a budget surplus—something they have not done for over 20 years!

Upon commencing the audit process, officers from Medicare identified that many dentists had failed to comply with section 10 requirements of the scheme. Under section 10, dental practitioners were required to provide the patient's referring general practitioner with a dental treatment plan prior to undertaking any work on the patient. However, primarily due to a lack of education on those requirements, many dentists were unaware of their administrative obligations and commenced treatment on the first appointment with a new patient prior to providing the necessary paperwork to the GP. Treating the oral health needs of a patient prior to fulfilling the administrative requirements of the scheme does not constitute fraud.

In the very common case just mentioned, the timing of the completion of paper work has no impact on patient care or financial outcomes. In the overwhelming majority of cases, the dentists who were caught by the audit process had provided legitimate care to patients in need, entirely in accordance with the terms of the scheme, but for minor and incidental technical requirements of the paperwork they were pulled up. Additionally, many dentists worked quickly to rectify their noncompliance as soon as they realised that they were not compliant. Investigating Medicare compliance officers have in some cases recommended that an educational letter be sent to the dentist with no further action taken. But even in those circumstances dentists have still received demands from Medicare for repayments.

This is the case with Tasmanian dentist Wilma Johnson. The case of Dr Johnson was in fact what first peaked my interest in this scheme and the approach the government have been taking to it. Senator Eric Abetz and I have been working very closely with Dr Johnson ever since to try to resolve these issues. Dr Johnson first contacted me last year after she received a demand letter for over $24,000. Initially approached by Medicare for what was termed 'information gathering purposes', Dr Johnson wilfully cooperated, particularly as she was told by Medicare officials that it was nothing more than a 'PR exercise'. When Medicare officials determined that she had been noncompliant in relation to section 10 they immediately began an audit of her previous two years of practice.

Dr Johnson is a highly regarded dental practitioner who is more motivated to work for the public benefit than for her own financial reward. She often works under various programs targeted at improving the oral health of people of low socioeconomic status or with limited access to adequate dental care. At the time she was audited for her work under the Chronic Disease Dental Scheme, she was operating out of what is essentially a rural practice in the Huon Valley region in Tasmania. The Huon Valley has a significant low socioeconomic population, and it is notoriously difficult to
attract health professionals of any kind, but especially dentists, to this region.

Additionally, she delivered the services as a part-time employee dentist at this practice and, because she was billed directly the full amount involved, the $24,000—the full amount that was paid under the CDDS—she has been ordered to pay back is three times the amount that she actually received as an employed dentist. Understandably, this situation has proved to be extremely stressful for Dr Johnson. The substantial debt hanging over her head, in addition to her reputation being called into question, has caused her to suffer undue amounts of anxiety and stress and is of great concern to her.

In submissions to the inquiry many other dentists have outlined their frustration with the chaotic manner in which their audits were undertaken. Dentists were sent a letter demanding the provision of 20 files to Medicare within a tight timeframe, but then experienced long delays, often in excess of 12 months, before receiving any response or advice on the outcome of their audit. One submission from a dentist claims that Medicare found the result of his initial audit of 20 patients to be inconclusive and therefore requested an audit of 700 files. One cannot even begin to fathom why Medicare deemed it necessary to audit a whopping 680 additional files in this instance. But we can only conclude that the resources required for that practice to provide the department with the requested information would have proven to be a significant administrative burden and essentially got in the way of the job of treating patients. Other dentists have complained that Medicare was largely inconsistent in its advice to the profession when inquiries were made. Dentists submitted to the committee that, often, two separate phone calls to Medicare in relation to what they needed to do to comply with the administrative requirements of the scheme would result in two different sets of advice, with many dentists even claiming that Medicare had told them directly that they were not required to do anything other than call Medicare to check on a patient's eligibility for the scheme.

It has been suggested—and not convincingly rebutted by the department or the government—that upon winning the 2007 election, at which time the scheme had only just commenced, Labor decided not to take any of the normal steps to ensure dentists were properly educated in what to do to comply with the administrative requirements, such as training front-line staff to teach dentists, as they intended to close the scheme down as soon as possible and so determined that that education would be redundant. Now, 4½ years later, the scheme is still running. For the first few years, dentists were largely flying blind on admin requirements because the government did not do what was necessary to properly train and educate them in these.

To then use the extraordinarily high level of noncompliance with these minor technical administrative requirements to seek to undermine the scheme and, in the process, vilify good dentists, is appalling. It is not surprising that Dr Johnson and many of her colleagues have withdrawn from the scheme, resulting in diminished access to quality dental care for the hundreds of thousands of patients who sought dental treatment under the provisions of this program. Of course, this is just the outcome that Labor was looking for.

Dr John Wilkins, a GP in Huonville in Tasmania, where Dr Johnson practised, wrote in a submission to the committee inquiry:

The dentists who have accepted my referrals have the reputation for kindness and humanity, care for the underprivileged and putting the needs of the needy ahead of the rest. The punitive
outcomes of participation in this scheme has damaged dentist who deserve medals, not mental anguish.

Because of the negative outcomes from this outrageous Medicare backlash … I am now unable to access adequate dental care for many of my most severely compromised patients. This is a disaster.

As that submission highlights, it is the patients who are now suffering as a result of this government's desperate cash grab, because this program largely assists the types of individuals who would ordinarily fall through the cracks.

Labor might not like to admit it, but this scheme has given almost a million people a new lease on life through improved dental care, with some people obtaining the best and most comprehensive dental treatment they have ever received in their lives. In some cases, the dentists were first to admit that they faced serious and at times unpleasant challenges by opening their doors and undertaking this community service, at a reduced rate, for less than the fee payable under the scheme, so that those people who for a variety of reasons found themselves in dire need of oral healthcare treatment could get that treatment.

Across the country, 12,000 dental service providers agreed to participate in the program. Yet, now, my office receives regular phone calls from disgruntled and concerned community groups and constituents who have discovered that their dentist has ceased to operate under the program. This has left many thousands of patients across the country stranded. Many may be halfway through their treatment program, only to discover that their dentist will not be able to complete the dental work they require because they no longer feel safe operating under the scheme.

Dr Johnson tells me that, since she has withdrawn from the scheme, she is extremely limited in the services she can offer her chronic disease dental patients. She has provided me with photos of patients on her books in their mid- to late-20s who have had to have all of their teeth extracted. Under the chronic disease dental scheme, Dr Johnson would have been able to extract the rotten teeth and provide the patients with dentures but, now, all she can do is extract their teeth, at a heavily discounted rate, and send them to the state government run dental service, where it is likely they will endure at least a 12-month waiting list to receive dentures. So they have to spend that waiting time without teeth. I do not think anyone on either side of this chamber would have even contemplated being forced into such a situation during their twenties, or in fact at any other time in their life. The impact of this on patients' mental and physical health is significant. This is the consequence of Labor's money grab from the dentists participating in the scheme.

Over 400 submissions were made to the Finance and Public Administration Committee inquiry into this bill and, let me tell you, they paint a very bleak picture. The government would have us believe that the submissions were all from corrupt and greedy dentists. To the contrary, the submissions were from a range of people in the community. The committee received submissions from administrative staff working in dental practices concerned about the audit process was having on workplace morale and the very real possibility that they might lose their jobs. Many patients who had been treated under the program also wrote submissions in praise of the treatment that they had received and of their concern in relation to the penalties the dentists who provided their treatment now face. One patient wrote:

Dr. Mustafa has provided me with strategies to improve my overall dental health associated with
diabetes. I might add here that if such dental treatment wasn’t carried out, I and thousands of other people in similar situations would become a huge burden on government resources. We should give credit and thank such care providing professionals rather than penalizing them for possible minor administrative errors.

There are submissions from the spouses of dentists, airing their concerns in relation to the mental health and wellbeing of their partners, who in many cases have suffered undue stress as a result of this audit process. They wrote of the detrimental impact this is having on their home and family life. One such submission, from Mrs Marina Donnellan, the practice manager for her husband’s dental practice, read:

He did not do anything to deserve this situation and those people driving this unjust witch-hunt should be ashamed of themselves. It is a smear on the face of our Government.

I am worried about the implications all this will have on my family. If our business suffers the damage will be far reaching affecting my children, our employees, our business associates and their families.

So far-reaching is the impact on these dentists that extended family members of dentists were also compelled to write submissions. One father of a dentist wrote:

It is very severe punishment to reclaim back money for services that have been provided, without consideration for the hard work that has gone into it. It also overlooks the expenditure involved in providing these services, which are high out of pocket expenses.

... ... ...

It is a tragedy that the government can impose such measures on hard-working professionals, especially in a country like Australia, which supposedly prides itself in being a democratic and just country.

After working so hard to provide dental services to a needy population, he has been made to feel like a criminal and a scapegoat for a political money retrieval system.

And of course there were a huge number of submissions from dentists outlining their frustration and anguish over the unjust auditing process they were subjected to by this government. Dr Susan Ravida wrote:

I feel like Medicare has set a trap for me to provide treatment for free in their name. I think it is common sense that if I provide a service, I deserve to get payment for that service. I did not cheat the system or do anything wrong.

Another dentist said:

Medicare did not reply to my 20 patient self assessment submission for over one year. I received a phone call from Medicare on the 16th February 2012. This left me for one whole year feeling apprehensive, stressed, worried and completely uncertain as to what was going on.

That was Dr Angy Yoannidis. Dr Craig Swift said:

I believe it is important to differentiate the treatment of dentists who have abused the system from dentists who have committed minor administrative oversights. There is a big difference between dentists who have acted dishonestly for their own financial gain, and those who have acted in good faith for their patients’ well being. This difference should be reflected in any penalties imposed.

The quotes I read to you today are real quotes from the submissions of real people whose lives have been turned upside down as a result of this government’s disgraceful witch-hunt. This government has wrongfully called into question the reputations of hundreds of dentists across the country over a number of years.

Finally last month Minister Kim was effectively shamed into a backflip after months of pressure from the coalition—

Senator Moore: Madam Acting Deputy President, I rise on a point of an order. I draw to the attention of the senator that it would be useful if he named the minister correctly in his speech. Just check the Hansard. He actually did not name him.
Senator BUSHBY: Minister Kim Carr.

Senator Moore: You did not say 'Carr'.

Senator BUSHBY: Finally last month Minister Kim Carr was effectively shamed into a backflip after months of pressure from the coalition and the Greens—and I acknowledge that Senator Di Natale, who will be speaking after me, has also taken up the injustice behind these demands. It took every play on the field—numerous media releases, press conferences, letters to the minister, questions at estimates, questions on notice, an inquiry and this private member's bill—for this government to finally concede that retrospective changes are required to the legislation and that maybe some of the dentists involved are being treated unfairly.

And how did Minister Carr decide to make this announcement? After years of tension between government and the dental sector, after years of stress, anxiety and worry placed on dental professionals, Minister Carr decided to announce his backflip in a statement tabled to the Community Affairs Legislation Committee at budget estimates last month, so that affected dentists and stakeholders could read the news in the Age, the Sydney Morning Herald or even the Hobart Mercury over their breakfast the next day.

I will take the opportunity to add here that the announcement was neither gracious nor sincere, with accusations from Minister Kim Carr still flying throughout the estimates period in relation to alleged fraudulent activity undertaken by dentists. It is a totally and utterly disgraceful way for this government to treat a profession that has already been deliberately vilified to suit Labor's own political ends, and it leaves Minister Kim Carr, Minister Roxon and Minister Plibersek with egg on their faces.

Minister Carr has been surprisingly quiet since his May announcement, which is disappointing, because in the wake of the announcement a few weeks ago I spoke to a number of dentists with whom I have been working on this issue, and for the first time in my dealings with them they sounded optimistic and hopeful, like a huge weight had been lifted off their shoulders. I hope that sense of relief is not misguided, because yet again this government has failed to act. We have not heard or seen anything to suggest that it is willing to act quickly to rectify the legitimate concerns of the dental profession.

The dental profession is highly educated and well respected, and yet over 60 per cent of those dentists who have been audited were found to be noncompliant with the admin requirements for the first few years of the scheme. The government maintains that the education provided was sufficient and that dentists were properly informed of the requirements. If it is right, what explanation is there for the extraordinarily high level of noncompliance? I reject the notion that the dentists were not up to understanding the requirements; they are clearly intelligent people. I reject the notion that 60 per cent of participating dentists wilfully ignored the requirements; the percentage is too high for what is generally regarded as a highly honest and very professional group of people.

So what other explanation is there? I cannot think of one, and that brings me back to the assertion by the department that dentists were properly educated and trained on how to use the scheme and the compliance requirements. The only possible conclusion I can draw from the high levels of noncompliance within this program is a failure by the government to adequately educate the profession—and do not forget that dentists are not like doctors, who regularly interact with Medicare. Prior to this scheme, dentists had no relationship with Medicare; the closest was a scheme designed
to help veterans, and the requirements of that scheme imposed nothing like the obligations that dentists now have to comply with under the CDDS. In essence, I think dentists have been the meat in the sandwich, and this bill is designed to relieve the pressure that has been unfairly placed upon them.

Senator MOORE (Queensland) (09:57): It is quite distressing to hear the comments made by Senator Bushby this morning in speaking to his private member's bill, the Health Insurance (Dental Services) Bill 2012 [No. 2], and in beginning his whole statement by trying to make this into a political exercise. I was particularly interested in his use of the term 'machiavellian'. There was an open statement by our government from the very start that the scheme we are discussing today was one with which we disagreed. There was no lack of transparency. We argued from the start that this dental scheme would not meet the requirements of the Australian community. You can go back to Hansard and read that.

To pretend in this place that the methodology that our government has used—both in opposition in 2007 and since that time—to raise our genuine concerns about the way this scheme operated has been to attack a profession which we hold in great regard is not only inappropriate; it is dangerous, because it means that there is no longer any attempt from either side of the chamber to acknowledge that we need to work effectively and with professional trust with a very strong group of professionals in our community, the dental profession. Senator Bushby's statements and private member's bill are trying to continue the politicisation of a clear disagreement about the way dental schemes should operate in the country.

When we look at the outpourings that we have had about the operation of the Medicare audit process, dentists have been treated in no different way to other professions who are using the Medicare system. There are clear requirements on people in any profession about what they need to do before they can access Medicare payments. That operates for professionals using the scheme and it operates for—a new term we use a lot in the Department of Human Services—citizens who are accessing the scheme. You need to know the process which you are entering and you need to know what your responsibilities are and then you need to work through it all. It is not onerous.

When this particular scheme was introduced very quickly to the Australian public in 2007, a process was put in place at that time to educate the people in this place—and I well remember the debate in this place when that particular piece of legislation came through. There was also a process used to educate the community in the beginning, in 2007, widely publicising this new program that was going to come in. I do accept Senator Bushby's statement that the Liberal and National parties claimed to be the only government to provide access to an effective Medicare system for dental services because they told us that in this place in 2007 and they also told the community that when they were promoting this scheme to everybody. They told everybody what you had to do to access the scheme, which was not income tested—a point that we raised at the time. They said anybody who wanted to access dental services would need to work with their doctor—clearly a GP in most cases—and their chronic disease situation would have to be clearly identified. Then, only after that step had been taken, would they move through to their dental practitioner, also under the specific requirement that they would understand the
chronic disease aspects of the patient and work with that patient on what treatment would be undertaken and what would be the real cost of that treatment. I well remember that the process was clearly focused on understanding your rights in a chronic disease situation, which was identified in the legislation—and all this was sent out to people across the community—and then you would see what the cost was going to be and what changes would happen.

When we were debating this at that time there were many statements made about the fact that we thought that some people would benefit from the scheme. We did not say that no-one would benefit. I remember also that one of the things that I most celebrated was that there would be the requirement to have a written quote given to the patient before they undertook the treatment so that they would know how much it was going to cost—something that people on this side and, to be fair, people on the other side of the chamber, had argued over many years for: having informed consent before you undertake any form of medical or dental practice. So the requirements for everybody were set out. There were those for the patient, the citizen, who was going to undertake the treatment and the referring GP, because the government continued to be concerned about how we would actually ensure that the intent of the then scheme would actually be maintained so that it would be linked specifically to dental treatment that would be linked to chronic disease. How it would operate was quite narrowly defined. There were those for the dentist, who for the first time was going to access Medicare.

Dentists was told what their responsibilities were. As a very well-educated and strongly advocating profession—we all know that dentists have been advocating for many years that they should have access to Medicare services—there was no ignorance of the Medicare system. In fact, dentists clearly understood how it worked and they had come to many inquiries to talk about how they should be able to access Medicare. So they had their responsibilities set out and, as I repeat, these were not onerous. In fact, they were commonsense ones. They had to ensure that the patients and the doctors would know what work was being done. So if I were going to have work done I would know exactly what work was going to be done and why and, as a patient, I would have in writing a quote about how much it was going to cost. It does not seem to me to be too onerous a requirement that a professional working with a patient would understand that responsibility and, in particular, the core element of the program, as described to this chamber in 2007, which was about this special link between the referring doctor and the dentist so that everybody knew what work was being done and how it would operate. That is how the scheme started in 2007. The dental profession then had access to Medicare, the doctors continued with that access to Medicare and patients across our community were then having this service that was actually being promoted so strongly by the previous government as to what would be the benefits.

So once you have access to Medicare, no matter which part of the system you are in—the patient, the doctor or the dentist—there are responsibilities because this is a government taxpayer-funded scheme. As we know, consistently in this place, at a number of levels, we actually scrutinise the use of Commonwealth funds to see that they are used effectively and to ensure that people are working effectively and legally within the system. There is a general agreement that people should understand their rights, that they should practise within those rights and
that they would understand where they operate.

Now what has happened over the period of time has been that people within the dental profession have been exposed as not effectively using their Medicare entitlements and not fulfilling the requirements of the scheme. That does not mean that everybody is undertaking criminal activity. That does not mean that they are labelled in any way and that certainly does not mean—as has been put forward by Senator Bushby and other members on the other side of the house in an attempt to politicise again what should be an open process, one which has operated since Medicare started—that people who are working in Medicare or members of the government or, in fact, the wider community, are labelling or condemning dentists in any particular or general or personal way as being criminal. Again, I think it is important to note that what we are talking about is the integrity and the trust that the community has in the Medicare system. No individual profession, individual practitioner or in fact individual patient should be treated differently. There should be a clear understanding about how the system operates, how people should be assessed and communication should operate on the basis that there are rules, that people need to have those rules understood, that those rules are actually scrutinised from time to time and everybody knows where they fit.

I think it is fair to say that in this program there have been some misunderstandings. No-one pretends that every person who has actually had an audit under the particular dental scheme should be presumed to have either acted in a criminal way or in any sense not understood their rights. Each individual case should be looked at in exactly that way, individually, which is in fact how the audit system operates. There is not a general statement—individual patient files are taken by the Medicare inspectors and looked at and there is a discussion process between the Medicare officers and the practitioner. One point I do accept, and we have discussed this many times in this place, is that sometimes the process takes too long. I accept that from the time the original communication was made with the practitioner the audit process should operate in as quick a time as possible for everyone, so that the individual assessment is done and people understand the reasons on which a decision is made.

There has been quite a degree of effective lobbying. As I said before, the dental profession are extremely effective lobbyists and they have been for many years. On that basis they are well regarded and respected. There have also been some issues within this place at different times with the Senate estimates process and also through lobbying from across the chambers; no individual person has lobbied more strongly or more effectively. In fact, on 29 May in the Community Affairs Senate estimates process, and I am quite pleased to say that many of us were actually at that Community Affairs inquiry, Minister Carr announced that they were going to reconsider the process around the audits of this dental scheme. I think that is an entirely appropriate way to operate to respond to the concerns that have been raised—to look at some of the issues that were raised in the Senate Finance and Public Administration Committee, where there were genuine issues raised by people who claimed they did not understand what was going on. I think that is fair, and it does not matter whether you are a dentist or a medical practitioner or a nurse or from other areas that have recently received Medicare coverage, there is an important responsibility that people need to understand the system, they need to have their own responsibilities clarified, and that everyone in the process
must have a genuine understanding of what is going on and their own responsibilities.

Minister Carr has announced that, as a result of the process that had gone on, the department is going to reconsider the area around the audits. They are going to go back and have a look at some of the decisions that had been made. Each individual case will be considered. We do not accept that there has been a general attack on the dental profession. We do not believe that we have stigmatised dentists in this process. There will be some practitioners who have misused the system and we do not pretend that this review that Senator Carr has put in place will automatically write off what has occurred. That does seem to me the intent of the Bushby bill: that there will be an automatic acceptance that any dentist who has had an audit that resulted in a negative response and has had a debt accrue will have their debt written off. I do not think that is fair and I do not think that is in the true sense of the Medicare process. In that case we reject the Bushby proposition in this bill.

We also think it is difficult to start changing the way regulations operate to have the Minister for Health and Ageing being able to write off payment, which is not under the current regulations and creates more confusion and—dare I say it, since we have these discussions every day in this place—could actually create more red tape, which would be an awful thing to happen in terms of more bureaucracy taking place. So for that recommendation in this particular bill, that is not the most effective way to operate.

I think it is important that when people have concerns about our system those concerns are able to be discussed openly. I also think that the dental profession should be able to have that open and professional discussion with the departments, with Medicare and also with the minister. I believe that is occurring. Over this whole process, Senator Bushby has accused the government of making it political. I think that certain elements—and I would hesitate to say it is the opposition—have made an attempt to politicise this process as well.

The system is not, we believe, the best way to operate dental services. The system has in fact benefited some Australians; no-one doubts that. We do not believe that dentists should have special treatment under the Medicare system. They are like any other professional that operates within the system. We also believe that people need to have confidence in the system and that if they truly believe that the audit has not worked effectively for them, or if there is some element in the education process that did not work for them, they should be able to work effectively with the government through the Medicare process to have that heard in an open way, but not necessarily agreeing that debts will be waived.

I am saddened that in this debate about various dental schemes we—and I say we on both sides of the chamber—have caused distress to some people in the community who are still crying out for improved dental schemes. The stories we have heard, that dentists have withdrawn their services because they have been so traumatised by the audit process, are very worrying because the role of a medical practitioner of any kind, including a dental practitioner, is to provide services to those patients who come to them seeking their services. So I am quite saddened that people claim that members of the community now are not going to be able to receive dental processes. I know that other people in this debate will talk about the significant investment that the Labor government has put into dental services in this community and I do not think there is anyone in this parliament who is unaware of the desperate need for effective dental
services across the community. Our government has a number of proposals to respond to that. Also, we have been pushing to have alternative dental processes put through the parliament.

But on the particular Bushby bill—we should be discussing the bill before us—we do not think it responds effectively to the issues that have been raised. The Senate Finance and Public Administration Committee heard from dentists who felt they had been poorly treated, as well as from their families and from their staff members—again, an extraordinarily effective form of advocacy. The response from the government is that we have listened and there will be consideration again of the audit process in that area. However, from this point forward, should this particular scheme continue to be in place and, again to be completely transparent, the government wishes to end the scheme and put in place another scheme.

No-one can claim ignorance of the process. The quite standard expectations of medical practitioners, including dentists, are to be up-front with their clients, to talk about the actual processes and treatments and to be clear about how much it is going to cost. No-one can claim ignorance from this point forward about the responsibilities of the profession working within this scheme. In fact, for several years no-one could claim ignorance of the process. If there is a claim around ignorance of the responsibilities, it must be for a very short period of time, because in terms of when people started this process and continued to operate within this scheme, surely there was a time when the clear understanding cut through. We are looking at the claims of particular people in the profession. They must have faith that they will be listened to.

As for the argument in the Bushby bill that there was complete ignorance in the dental profession of their responsibilities, I reject that. I reject also the premise that we have demonised the dental profession or treated individual dentists without respect. I reject that. I also reject the proposals in the Bushby bill around the methodology of wiping out the debt. I do not think it is an effective way of doing it. I also disagree with the way the bill treats the issue of the act of grace payment; it is not an accurate representation of how such a payment should operate within the financial system. The current situation is this: the minister has announced a process for dealing with the concerns and the Medicare audit process will continue for dental and any other medical practitioners in the system. We as a government continue to be completely committed to the need to respond effectively to the community with better, more targeted and effective dental assistance.

Senator DI NATALE (Victoria) (10:16): Over the past year I have made reforming the nation's dental health system one of my top priorities as a senator, and in fact my party has made it one of its clear priorities. In our agreement to support the Labor Party in government, the Australian Greens made sure that dental health was a significant part of that agreement, Why did we do it? We did it because there is an enormous need in this country to reform our dental system. As a wealthy country, we have poor oral health relative to our wealth. Cost is a huge barrier to treatment. There is not just an enormous health cost associated with this, but there is also an enormous social cost. The Chronic Disease Dental Scheme was implemented because we know there is an association between poor oral health and chronic disease. We know that poor oral health is associated with greater rates of infection, malnutrition and so on.
As I have said, it is not just a health issue; it is a social issue. People who are missing their teeth and are waiting for dentures, often for many years, on public dental waiting lists are less likely to get a job. Imagine sitting in front of a prospective employer missing your front teeth; you are automatically behind the eight ball. The same applies to people who are looking for a property in the rental market. Real estate agents are more likely to make a value judgment about you if you are missing your teeth. That is a fact and it is why this is one of the great reform challenges that faces this nation. It is right up there with other important reforms like the National Disability Insurance Scheme. In my view, it will be one of the greatest reforms since the introduction of Medicare.

Shortly after taking my seat in the Senate, I was approached by a number of dentists who were being audited through the Medicare Chronic Disease Dental Scheme. Despite being a health professional, I did not know much about the scheme—it was not a scheme I had a lot to do with—but the more I learnt about the situation and the more I met dentists who were having similar issues or were in similar circumstances, the more I became convinced that something was seriously wrong.

The Chronic Disease Dental Scheme was the first step for most dentists into Medicare, and I think we need to explain how that scheme works. It was introduced by the Howard government. It is a scheme that essentially says that if you have a chronic disease, you see your GP, your GP can make a referral to a dentist and you are entitled to about $4,200 worth of treatment over a couple of years. There have been criticisms of the scheme and I will talk about those shortly, but the scheme also has benefits. Firstly, we are getting an enormous public investment into dental care, and that is a good thing. Having public money invested in dental care is a good thing. Eighty per cent of people who access the scheme have concession cards. While there is a legitimate criticism around the notion that high-income earners might access treatment, let us be clear that the vast majority of people accessing this scheme hold concession cards—80 per cent—and that is because there is an association between chronic disease and income.

One of the legitimate criticisms of the scheme is that some—a minority—high-income earners are entitled to treatment at the expense of other people who may need treatment but cannot afford it. There is also a question of the scope of service offered through the scheme and should we be providing high-end services to some people, rather than providing a broader range of services to more people and providing good preventative dental care. That is a legitimate criticism. What became apparent as I spoke to dental practitioners who have participated in the scheme was that it was the first time they had been involved in a Medicare scheme; they had very little knowledge of how Medicare worked; and their entry into Medicare was very poorly managed. The rest of us in the medical profession are very familiar with Medicare—we have been working in it for many years—but that is not true of dentists and dental prostheses. In circumstances where you have a new group entering into a Medicare scheme, the department has a huge responsibility to make sure it is managed properly. In our view that was not done. The information that was disseminated to dentists was not done properly. We have had a number of inquiries into the matter, and it is very clear to me that, while some of this information was communicated, it was not communicated as effectively as it should have been.

Medicare is a very complex beast. Even medical doctors often find themselves in
trouble because of the complexity with the scheme. It is why we have a professional services review board. In this case, we have to remember that a number of requirements were placed on dentists that are not expected of GPs. It is my firm belief that many of the dentists who took part in the scheme—in fact, the vast majority—acted in good faith to deliver services to people who were eligible for those services and in urgent need of those services, but they fell foul of some of the administrative requirements under the scheme.

I also think it is unfair that we have practitioners who were required to repay the entire amount for the delivery of those services despite the patient being happy, those services being provided well and, in many cases, those practices having spent considerable amounts of money in delivering the treatment, when you consider the staff, equipment and other resources necessary to provide dental services. This is a problem that has resulted in enormous stress and hardship to a number of dentists and I think it is fair to say that it has threatened the viability of otherwise thriving practices that are providing important dental care to the community. None of us have any sympathy for any practitioner who acts unethically, who seeks to defraud the department, but it is very clear in my view that the vast majority of dentists do not fall into this category. I acknowledge Senator Moore's statements about being familiar with the scheme, and it is important to recognise that they have acknowledged there have been some mistakes and that they intend to fix them. He went on to say:

It is our view that we need a retrospective change to the dental services determination within the near future that creates greater flexibility about the compliance arrangements, while still protecting important principles of public policy. This retrospective change to the determination would bring the compliance arrangements more closely in line with other parts of Medicare. He went on to talk about the flaws in the scheme and said that the 'determination established different requirements, with less flexibility in implementation, than equivalent schemes elsewhere in Medicare'.

Under Medicare you see a GP, a service is provided and you are essentially bulk-billed or those services are charged through Medicare. In this case, unlike other cases, a referral from a GP to a dentist is necessary and in return that dentist needs to provide a treatment summary to the GP and also needs to provide a written quotation to the patient. In some cases the dentists were not charging any out-of-pocket costs. In some cases the dentists were salaried dentists and stood to gain nothing by manipulating the scheme, and I can understand why some dentists did not see the need to provide a written quote. It makes sense that in those circumstances people would have assumed that that was not necessary. I go back to the point that those requirements were not made clear to all
dentists from the outset of the scheme, particularly considering this is a profession that has had very little experience with Medicare. The truth is that the government is seeking to change the regulation that is going to enable them to revisit all of the audits, and I think that is very important. We are pleased that is going to happen and we support the government in its endeavours in this review.

I think now that it is important to discuss the coalition bill, and I do acknowledge that Senator Bushby has worked hard on this issue. It is a somewhat unusual alliance having the Greens and the coalition working together on an issue like this, but on this issue I think it is a reflection of the fact that there has been something seriously wrong with the way the scheme has been administered in this regard and that there has been an injustice committed. We do support the intent of the bill, which is that this injustice be remedied. We do, however, acknowledge that there are concerns around the way the bill is structured and in fact whether this bill would achieve its aims. We have had some advice that there are some serious problems around the way that this bill is structured. The bottom line is that, in light of the minister's announcement, where there is an intent to review all of the audits, as a show of good faith we are going to work with the government on their proposed solution rather than support this bill in the parliament. I will, however, say that this bill could be revisited in the near future if in fact we do not get a resolution to this issue.

We will hold Minister Carr to his word. He said that in his view it was his expectation that some, but by no means all, audit findings will change as a result of the proposed review. In our view, 'some' means the vast majority. It is very clear that, in practical terms—and I go back to the minister's statements—the amended determination will trigger a reassessment of all audit activity. So far, we know that 95 audits have been concluded and 66 practitioners have been found to be non-compliant. What we know about those 66 practitioners is that the vast majority have delivered services to patients who needed them and they in fact have been found to be non-compliant on the basis of a simple administrative error—that is, they have not sent a treatment summary back to the GP or they have not provided a written quote. As I said, in the vast majority of cases that is an insignificant administrative error. As somebody who practises as a GP, I have to say that not getting a treatment summary back from a dentist probably would not make much difference to me. I will speak for myself and some of my colleagues: we would not know the difference between a molar or an incisor. As GPs we do not make good dentists. What we want to know is that a dentist has seen the patient and that the work has been done and the patient is satisfied with that work. That is what is important here. So, in terms of the clinical impact of these administrative decisions, in our view it is insignificant—there is no clinical impact from most of these audits.

We have heard about some individual cases. We heard from Senator Bushby about Wilma Johnson. We also have met with Wilma and we wholeheartedly endorse Senator Bushby's comments. There are a number of other dentists involved in these audits, including Helen Arabatzis, Roger Sharpe and Dragon Antolos. Helen Arabatzis, for example, a dentist doing terrific work in my electorate of Victoria, received notification that she would be audited. She was asked to repay hundreds of thousands of dollars, which threatened the viability of a dental practice delivering important services to people in my electorate. That came at a difficult time for Helen; I do not think she will mind my saying that she was heavily pregnant and was
facing a number of issues. I think it would be generous to say that the way in which the government has handled this issue has been clumsy and heavy-handed.

We acknowledge the statements made by the Minister for Human Services, Senator Kim Carr. I think it is refreshing in politics to see a minister admit that a mistake has been made and that it is his responsibility to rectify that mistake. We are prepared to work in good faith with the government to resolve these issues. As I have said, it is our expectation that, for the vast majority of the audits that will be reviewed, a different determination will be made, but we reserve our right to revisit this bill in the future should that not occur.

The Chronic Dental Disease Scheme is far from perfect—I acknowledge that. We are working in good faith with the government to replace the scheme with something better. It is a fundamental reform, it is an important reform and it is a reform that is necessary in a country that is as wealthy as Australia and can afford government investment in good oral health. We remain absolutely committed to reforming dental care, but we do believe that no potential reform will succeed unless the dental profession is consulted, is fully engaged and is strongly supportive of any new scheme. That is why it is critical that we resolve this issue and resolve it quickly. It is important for the individual dentists involved, some of whom I have mentioned—it is critical for their individual circumstances—but it is also really important if we are going to go on to develop a national dental scheme that will be an important and significant advance for the health of Australia's community. Overhaul of the scheme is still on our agenda. We are keen to work with the government to find a way to get a government funded scheme that satisfies both the profession and the community.

The response from the government on this issue has created many months—years for some dentists—of terrible stress and uncertainty. We feel for them. We hope that they understand that our decision not to support this bill is a show of good faith and a sign of confidence that the government has acknowledged that an error has been made and that it intends to fix it. The key tasks now are to continue working on the development of a new national dental scheme, to resolve this issue and to allow dentists to get back to doing what they do best: providing critical dental care for the Australian community.

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (10:33): I rise to support this bill, the Health Insurance (Dental Services) Bill 2012 [No. 2], which has been proposed by my colleague Senator Bushby, because it is an area of significant concern to those of us on this side of the chamber and it is a subject of great concern that has been raised with me many times in my patron seats of Chisholm, Bruce and Deakin in Victoria.

Dental health in Australia has been—without being too cute—decaying since the day that Labor took office in 2007. This government inherited a successful dental scheme, the Medicare Chronic Disease Dental Scheme, that was introduced by the coalition in government and that provides $4,250 in Medicare dental benefits over two years for eligible patients with chronic dental health disease. About one million patients have benefited from the scheme since 2007, with more than 17 million services having been provided. But the patients who rely on the scheme appear to mean little to this government, which has been, I hate to say, playing politics with the dental health of Australians since it formed government in 2007. Why does the government hate this scheme? I dare say it is because it was
introduced by the opposition leader Tony Abbott when he was health minister. What has the Labor Party done subsequently? It has repeatedly tried to scrap it and then, after the Senate rejected Labor's attempts to do that, it has set out to undermine the scheme.

As my coalition colleagues have already mentioned in this chamber, the government established an audit task force in June 2010, resulting in an audit process that has destroyed trust in government funded dental schemes, which is an absolute tragedy. The coalition will always support an audit process that seeks to detect fraud, the misuse of taxpayers' funds and the provision of inappropriate services. After all, it is the job of us in the Senate to ensure that we scrutinise sufficiently everything that goes through this place to make sure that taxpayer funds, which are so hard earned, are spent in the most effective, cautious way so as to ensure value for money. But the government's audit process has been misguided. It has seen hard-working dentists pursued relentlessly over minor, technical mistakes in their paperwork. The advent of this has been raised with me by many dentists, including my own dentist when I went for a check-up not so long ago. In the majority of cases, dentists found to be noncompliant have in fact given appropriate services to their patients. These dentists did not comply with technical requirements, but for many of them it was their first interaction with Medicare. There was no intent to mislead and there certainly was no intent to act in a fraudulent way. Many of these dentists have also even attempted to immediately rectify the situation when they were notified of the error that they had inadvertently committed. Yet the government, who have seemed, particularly in the last couple of years, to have had an extraordinary track record of continuous blunders and incompetence have been absolutely unforgiving and merciless in their approach. They have been totally unforgiving and heartless in their prosecution of these cases.

For years Labor ministers have persevered with claims that dentists who did not comply with minor technical requirements must repay all benefits in full. Let me quote just one of those ministers, the Minister for Health and Ageing, Tanya Plibersek in the other place. I find this particularly concerning. On 20 March 2011, prior to her appointment as minister for health, she was quoted in the Victorian Herald Sun newspaper describing the Medicare dental scheme:

There's a massive blowout. There's just an incentive for dentists to go out and look for people to drag in your practice.

So she was in effect reflecting on the so-called lack of professionalism of our dentists. There is no suggestion that you do not have an occasional one, but to absolutely spray the whole dental profession in this way I thought was a slap in the face for the extraordinary expertise and service that they provide to all Australians. It really demonstrated her disregard for the critical service that they provide and continue to provide to Australians. That she would publicly accuse dentists, some of the most respected and valued professionals in our community, of prioritising money over the health of their patients is despicable.

The minister for health is supposed to be acting in the best interests of the profession and the Australians who they assist. Rather than attempting to damage the standing of dentists, she should be out there doing everything she can to strengthen the position of the profession of dentistry. Yet that is exactly what the minister and her predecessor in this Labor government have done. Reputations have been ruined. Some dentists are even facing bankruptcy. But the government do not seem to be too concerned
about that either. They have shown a complete lack of compassion for dentists and the health of the patients that they treat.

Has the government ever stopped to think about how a government-funded dental scheme works? It works with the participation and cooperation of the dental profession—the very same group that has lost trust in the government and the way in which it has presided over this issue. Despite the government promising time and time again that dental health is a priority, there is no evidence to suggest that this is the case. Whilst we are becoming accustomed to the government breaking its promises time after time, this is one area where it has just got to stop.

Constituents in my patron seat in my home state of Victoria, as I have previously said, are crying out for the federal government to give dental health the attention that it so deserves. Melbourne people are waiting up to three years to see a dentist. In February of this year the community newspaper group Leader Community Newspapers reported that the situation had gotten so bad that desperate patients were ringing around to find public dental clinics with shorter waiting times. In some suburbs the waiting times had blown out to 30 months. I know that in the suburb of Box Hill, which is close to my electorate office in Burwood East, it can take up to 20 months for a check-up and 31 months for dentures. I have had someone walk into my office who had lost their dentures and had waited for two years. They were absolutely desperate because they were not able to consume solid food.

With dental health largely excluded from Medicare, that means struggling families sometimes have to book more than two years in advance just for fillings, for check-ups or to have their teeth cleaned. The Liberal state government in Victoria, which inherited these blown-out waiting lists from their Labor predecessors, have acknowledged that these waiting lists are too long. They recognise the importance of dental hygiene to an individual’s overall health and are increasing funding to target areas of high need and to address some of the real issues that many people are facing in Victoria.

It is up to this federal government to finally keep its promise and show that dental health is indeed a priority, as it keeps saying. It is time for the government to take some of the pressure off the states and territories with a Medicare dental scheme that actually supports dentists and their patients. Labor has promised to fix health and end the blame game between the federal and state and territory governments, but what we have seen is something quite different. This government needs to realise that talking about dental health is not good enough and that Victorians—in fact, all Australians—are calling for action. Government action might have helped six-year-old Jackson from Melton, who had to endure a two-hour operation at the Melbourne dental hospital in December last year. Jackson had to have no fewer than six teeth removed, five fillings, two root canals and two silver crowns fitted. What a traumatic experience for someone so young!

Even sadder is the fact that he is not the only child struggling with dental health because of lack of access to services. A study by the Australian Institute of Health and Welfare found that more than half of all six-year-olds are affected by teeth decay.

Senator Bilyk interjecting—

Senator KROGER: That is a hugely troubling statistic, Senator Bilyk. You should listen. You might actually learn something if you listen. It would help you enormously. Why is this government not prioritising
funding for dental health and dental education instead of wasting time and taxpayers' money pursuing dentists over minor infractions of the Medicare scheme? It is a disgrace.

The government, in one of its rare initiatives in dental health, introduced the Medicare Teen Dental Plan in 2008, which provides a voucher to eligible teenagers. But the voucher is just for a preventative check and the Australian Dental Association has argued that the scheme is inadequate. It does not provide for follow-up care and is restricted to 12- to 17-year-olds. The report Child Dental Health Survey Australia 2007: 30-year trends in child oral health was released just last month, on 29 May. One of the survey's findings was that:

Thirty-nine per cent of children aged 12 and 60% of children aged 15 had some history of decay in their permanent teeth—that is, one or more decayed, missing and filled permanent teeth.

In the face of this report, I simply cannot understand why the government is failing to act on this. As a mother, I am angry on behalf of all the parents out there who are having to deal with this.

In addition to undermining the successful existing Medicare program, the government has failed to deliver on its own dental health promises. I just mentioned the inadequate Medicare Teen Dental Health Plan, but there was also the Commonwealth Dental Health Program proposed by Labor in 2008. As usual, Labor promised a lot—this Labor government promised an enormous amount—but have delivered very little. Under the Commonwealth Health Dental Program, there was to be funding directed to the states and territories to provide some one million services. Of course, the government did not stop to assess the capacity of the public dental workforce to provide the services. They could have consulted with the Australian Dental Association—I know that the Victorian branch's figures show that only 10 per cent of dentists work in the public sector. So, as usual, the figures Labor used were wrong. Their program could not deliver the one million services promised. I notice that Senator Bilyk has suddenly gone very quiet on the other side of the chamber in the face of some statistics that demonstrate just how they have, once again, dropped the ball. But the figure falls well short of the 17 million services provided by the Medicare dental scheme introduced by a coalition government. The program was scrapped—did you hear that, Senator Bilyk?—in this year's budget. This is yet another broken promise from Labor.

The budget, in fact, provided very little for dental health, despite all the rhetoric coming from the other side of the chamber. There was only approximately $60 million in new funding announced in this budget for dental health care. When you consider the needs of Australians, including those in Victoria, that sum is a drop in the ocean. It will not result in the substantial improvements to dental health care that are needed. The coalition is the only side of politics that has delivered a dental scheme that has made a real difference.

I am very pleased to speak in support of this bill today. It is an area that needs to be rectified. It is an area in which the Labor government have continued to demonstrate their incompetence. For the sake of my constituents in Victoria, I hope that this government supports this bill, finally sees some sense and sees the need for the promotion and support of greater dental health care for all Australians.

Senator URQUHART (Tasmania) (10:50): I rise to speak on the Health Insurance (Dental Services) Bill 2012 [No. 2]. This is a bill that is just another private member's bill from the opposition that is
nothing more than opportunistic grandstanding. This is all while the Gillard Labor government is seeking to provide targeted, means tested support to Australians who need oral health treatment. The Gillard Labor Government is making a targeted $515 million investment in oral health for Australians who are least able to afford dental care. The new spending will see a blitz on public dental waiting lists, oral health promotion, a boost to the dental workforce and improved dental facilities in rural and remote areas.

Let us compare that to the scheme we are debating today that was launched in the last days of the Howard government. The chronic disease dental scheme is not means tested, which means those who can afford to pay can get $4,250 worth of free dental care. It is not targeted, which means patients can get caps, crowns and other often cosmetic work at the taxpayers' expense. All the while, people in rural and remote communities have trouble seeing a dentist at all. The Gillard Labor government's package will cover off on the important foundational work needed to make significant improvements to the dental system. Our package represents a major down payment on a new national dental system, a system Labor people have been lobbying for for many years. This package will include funding of $350 million for a public dental waiting list blitz. According to the national dental advisory council, this will assist the current 400,000 people on waiting lists around the country. The funds will be delivered through a national partnership agreement with the states and territories. In addition, states and territories will be required to maintain their existing effort. This work includes treatment of children and targets for dental services provided to Indigenous Australians. Ten million dollars will be utilised for oral health promotion. This will see the development of a national oral health promotion plan to promote dental services for better oral health. While it is vital that we provide adequate oral health treatment, the best solution is to prevent problems in the first place. With oral health, it can be as simple as everyone brushing their teeth at night and in the morning or as simple as someone going straight to the dentist or GP to be examined as soon as they feel something ajar in their mouth. Treating things early and preventing them in the first place are the best ways to keep healthy. But in order to create a social norm—and we cannot monitor teeth brushing like we can the wearing of seat belts—we need to educate Australians about the best practice.

The package also includes funding of $35 million for the expansion of the Voluntary Dental Graduate Year Program. This will offer 100 additional places per annum to increase the dental workforce. More dentists, more dental nurses and more hygienists will see more dental services delivered through our national system. We are providing $45 million to fund a graduate year program for oral health therapists. This will support 50 placements per annum to increase service delivery capacity and create a more flexible dental workforce. Importantly, Labor is providing up to 100 infrastructure grants and up to 100 relocation grants through funding of $77 million, which will support up to 300 dentists to set up practices in rural areas to meet the current shortage of dental services in rural and remote areas, and $450,000 will be provided to non-government organisations to coordinate further pro bono work by dentists for the most disadvantaged Australians across the country.

While the Gillard Labor government is committed to providing this package to Australians in need of oral health care, those opposite want to continue with their scheme, a scheme which is not targeted or means
tested and which has not serviced Australians in need. They demonstrate this support for their failed scheme through this bill—a bill which will do nothing to help Australians get better access to quality care; a bill which merely continues the attitude of those opposite of all show and no delivery; a bill which is not about providing better dental services to the thousands of people who need them; a bill which is just a stunt and proves what a poorly designed scheme this was in the first place. It is a bill which seeks to establish a dangerous precedent—that ignorance is an excuse for not complying with the law. It says to the Australian community that it is okay for dentists not to follow the legislated processes when claiming moneys from the Commonwealth. It says to the Australian community that for one group of professionals—a group with tertiary education—the excuse 'I didn't know' is okay. It is like saying that if a person on the Newstart allowance found work, and did not report that to Centrelink because they had not checked the requirements of claiming Newstart, they should not have to pay back any overpayments. It is like saying that if non-government organisations managing training for the government—for example, for a responsible service of alcohol certificate—do not make their students sit the required test but then put in a claim for funding they should still be paid for the service they performed, even though it is prescribed that students sit a test. Rules are set which are communicated to people and organisations making claims, and it is up to the individual or the organisation to ensure that they comply.

The bill seeks to direct the Minister for Health to carry out functions outside her area of responsibility. Under clause 6 of the bill, the health minister must do one or more specific things in order to 'redress the inequity' that the bill is intended to address. Under clause 6(1)(b), the health minister could provide for the Commonwealth to waive its right to payment of debts arising under section 129AC of the Health Insurance Act 1973 in relation to the dental services. However, under section 34 of the Financial Management and Accountability Act 1997, only the finance minister, not any other minister—neither the health minister nor any other minister—can waive debts. It is not clear how this clause would work in practice, and no amendments have been moved. One can therefore deduce that those opposite are obviously not interested in seeing this bill implemented, they are not interested in seeking a solution for dentists and they are just playing schoolyard politics, time after time after time. One of the specific things the Minister for Health can do under clause 6 of the bill is 'provide for act of grace payments to be made in relation to the dental services'. However, by definition, an act of grace payment is a payment that would not otherwise be authorised by law or is required by statutory command or is required to meet a legal liability from section 33 of the Financial Management and Accountability Act. That is, if a payment is specifically authorised or required by law, it will not be an act of grace payment.

Once again, those opposite have made mistakes in the drafting of the bill, and with no amendments to rectify the mistakes they obviously do not want this bill to be implemented. As this bill raised a number of finance and public administration concerns, it has been considered by the Senate Finance and Public Administration Legislation Committee. The committee recommended that the bill not be supported. The policy of the Gillard Labor government is not to amend this scheme; we want to close it. Since its inception in 2007 under the Howard government, it has been bad policy. It has
been insufficiently targeted, which has led to overservicing for some Australians and no servicing for others. As it is not targeted, patients can get caps, crowns and other, often cosmetic, work at the taxpayers' expense, while people in remote communities have trouble seeing a dentist at all. The scheme is not means tested, which means that those who can afford to pay have the opportunity to get the $4,250 worth of free dental care. Added to that, there have been more than a thousand complaints lodged about the scheme, a scheme which comprises only a minor part of Medicare's core function and was so poorly designed that it has seen more complaints than any other area of Medicare. There were more complaints about the dental scheme than in the whole ambit of general practitioners, and they were not just any old complaints. The complaints about the scheme are more harrowing than normal, including some relating to the mistreatment of elderly Australians. For example, Minister Kim Carr told the recent estimates hearings of one dental health practitioner who is alleged to have provided unnecessary treatment, including preparations for crowns, for an elderly patient without the permission of that patient or their representative. This is significant dental treatment, encouraged under the scheme, which was allegedly provided without permission to an elderly patient. And those opposite are proposing that the scheme continue!

They have the nerve to come in here and lecture this chamber day after day after day about compliance with government schemes. The government has a responsibility to ensure that taxpayer dollars are spent appropriately. We have done this with means testing the private health insurance rebate and we are doing it here with our new dental care system. Anyone claiming funds from the Australian taxpayer has an obligation to do so according to the law, and dentists are no exception. The government has provided all known dentists with information about the requirements of the scheme on nine separate occasions. The requirements of the scheme are not onerous. It is not onerous for dentists to tell a patient and their patient's doctor what work they are doing and it is not onerous to tell their patient up-front what the cost will be. Officers in Medicare Australia and now the Department of Human Services have been attempting to come to grips with a scheme that is fundamentally flawed. I commend these officers for their hard work.

As at the end of January 2012, around $2.3 billion dollars had been claimed under the scheme since it commenced under the Howard government in 2007. Of that, $21½ million dollars was found to be in non-compliant claims—that is, the Department of Human Services has identified fewer than one per cent of claims to be noncompliant. Officers from Medicare have been blamed by many for 'not providing sufficient advice'. This is despite the government providing all known dentists with information about the requirements of the Chronic Disease Dental Scheme on nine separate occasions.

On 29 May this year, Minister Kim Carr announced that the government's next steps were to work through the noncompliance of some dentists. The government's view is that we need a retrospective change to the dental services determination within the near future. This change will need to create greater flexibility about the compliance arrangements, while still protecting important principles of public policy. This retrospective change to the determination would bring the compliance arrangements more closely into line with other parts of Medicare. All these changes will allow Medicare to take a more educative approach when dealing with dentists.
The new changes will not excuse everyone who has fallen foul of the current arrangements. Some practitioners have charged the government for services that were never provided. Some practitioners have flagrantly and repeatedly breached their administrative and patient care obligations. This is unacceptable. The Minister for Health and the Minister for Human Services will ensure that obvious cases of fraud or causing harm will be pursued. The ministers will convene a professional services review process to separate the obvious cases of fraud from the accidental administrative errors. There will be a continuing focus on protecting the interests of patients relating to informed financial consent and on an appropriate exchange of information between the practitioners servicing patients with chronic disease.

Finally, new arrangements are comparable with the equivalent compliance arrangements in other parts of Medicare. In practical terms, the amended determination will trigger a reassessment of all audit activity by the department. To date, almost 100 audits have been concluded, with a high number of practitioners being found to be non-compliant. The noncompliance was due to administrative breaches. Examples of these breaches include not completing appropriate paperwork or not providing patients with quotations before conducting dental health treatment. Remarkably, 12 dentists have been found to be noncompliant due to a failure to actually provide a service. Each of these cases will be worked through again on the basis of a new determination, and in some a new conclusion may be reached.

In addition, there are another 534 audits currently underway, and further consideration will be given to each of these. These will be worked through by the department as speedily as possible. General practitioners are, of course, responsible for following the compliance arrangements in place at any given time, including during times of change. Any failure to follow those arrangements will expose patients to harm and expose practitioners to possible recovery action. The department will continue to investigate complaints from members of the public as they arise and will assess claims of inappropriate dental practice and nonprovision of service.

The government's intention is to close down the scheme as soon as possible. The government will make retrospective changes to the determination to establish more appropriate compliance arrangements. Instead of trying to write off all the debts of non-compliant dentists and amend a flawed scheme, the Gillard Labor government is working with dentists to identify those whose noncompliance was an accidental administrative error.

The Gillard government is making meaningful investments in dental health services, while those opposite are proposing stunt bills that do not work and will create dangerous precedents. I urge all senators to vote against this bill and to support the government's move to address the issue through a retrospective change to the determination.

Senator RYAN (Victoria) (11:05): In a number of the contributions I have heard from members of the government now I detect a theme in what they say is the government’s agenda—that it is the government’s agenda to deal with dental health in this country. The theme very much tends to be, as it historically is with the Labor Party, about funding systems—large numbers, large bureaucracies giving money to waiting lists, or blitzes on waiting lists that, hopefully, might be more successful than what they have done with our public hospitals in recent years.
I will go into what has particularly surprised me about the government's contribution. The difference with this particular program is that it is patient driven. It is not about a government throwing a few hundred million dollars at a state bureaucracy to go on a waiting-list blitz. It is not about a program to get trainees or hygienists in; it is actually very much focused on patient need and patient demand. If we have a criticism of the program it is that it is not as accessible for people in remote Australia as it is for people in the city, and the same criticism can be made of Medicare. With Medicare more generally, and access to GPs, let alone specialist services—we know the data on cancer survival rates tells us the same thing—we do not say we are not going to have a Medicare program because people in remote Australia do not have as much access to it. We try to ameliorate that.

The flaw in the government's argument is that it contradicts the very point that Labor once made about the universality of Medicare. The point they make, and they have made it with respect to psychologists as well, is that because this program is not means-tested certain people are benefiting more than others, people who might not need as much public subsidy. That completely contradicts the very philosophy of Medicare—and I see government senators nodding. The very philosophy of Medicare was about universality; it was about not means-testing it. Yet what we have here are members of the Labor Party, the people who claim that Medicare and Medibank were their inventions, saying, effectively, that we should be means-testing access to this program. You cannot offer a criticism of a Medicare program by saying it benefits some people more than others—those who might not have the same need from an income perspective—without undermining the universality of Medicare itself. That is the complete contradiction in what the Labor Party are proposing.

No-one is denying the possibility of events of fraud in any government program. We might have one or two examples of fraud in this program—and if they are proven those cases should be prosecuted to the nth degree of the law—but no-one is alleging that the services were not needed by patients or that they were not delivered to patients. What we are talking about here are administrative issues. Just because the previous speaker, Senator Urquhart, said that there were examples of fraud in the system does not mean the program should be closed down. The same logic would suggest that bulk-billing fraud in the GP system means we should shut down bulk-billing for GPs—and access for the three-quarters of Australians who use GPs who bulk-bill. That argument simply does not make sense. What we need to do is ensure that there is as little fraud as possible and prosecute those who are responsible.

But this is not about fraud. What this is about is this government's agenda to try to shut down a program that was instituted by the previous government, a program that has been successful. This program has delivered dental services to those in need—they have just been delivered to a group of people different from those the Labor Party would prefer had access to those services. The Labor Party's programs to address dental health have not succeeded. This program has been a success. The fact that there have been one or two instances of fraud does not in any way suggest that we should remove the program. Hundreds of thousands of Australians have accessed dental services that are important to their health.

It is conceded that administrative oversights have occurred, but no-one is
arguing that that represents a substantial flaw in the delivery of dental services. I know a number of dentists who have provided these services and it is clear to me that one of the reasons there has been more administrative hassle in the provision of dental services than in the broader Medicare program is that dentists are not particularly familiar with the Medicare system. Dentists are not part of Medicare—unlike GPs, specialists and other service providers. So it is entirely understandable that dentists do not have the systems or the experience to allow them to process the forms on time, submit them by their due date and comply with the bureaucratic paperwork and procedures of Medicare Australia. That is not to say that we should not aspire to those administrative criteria being met, but what we are saying here is that there is no need to unwind the entire system, a successful system, purely because of some paperwork errors. Again, we go back to the point that no one is alleging these services, in the overwhelming majority of cases, were not delivered to patients in need. The fact that some people in need do not get access to a service does not provide an intellectual case for stripping it from others who are also in need. We do not use that logic with the broader Medicare system. Instead, we try to tailor additional programs.

One of the previous speakers talked about training numbers and how we need more dentists. That is true. There is a substantial need for greater numbers of dentists—an increase in numbers would generate a supply-side impact that would both reduce costs and increase availability. One of the challenges in dental care is that the level of unutilised dental services is not high. In my home state, the major facility for training dentists is the dental hospital associated with the University of Melbourne. When the old dental hospital moved to the new dental hospital site, most Victorians noted that it was no bigger. It may, in fact, even have been smaller. There was no expansion in the number of dental places. My home city of Melbourne has grown by almost a million people in the last 15 years. In this morning’s paper I read that, according to the most recent census data, Victoria’s population has grown by just under half a million people over the last five years, yet there has been no expansion in the number of dental training places.

I point out that this new dental hospital was built and opened under a Labor state government. As with everything else in our health system, there was no focus on increasing the supply of services to meet the substantial increase in population which has been taking place in Victoria over the last decade. That is one of the flaws in our dental system and it is something the current state government is actually doing something about.

This bill is important because it will put the Medicare Chronic Disease Dental Scheme back on a solid footing. It will do this by giving the minister the responsibility and the flexibility to make sure the focus is again on dentists delivering services—rather than trying to penalise them for services that have been delivered but for which bureaucratic requirements have not been met.

In a bill about the powers of the Auditor-General debated in this place earlier this year—guillotined, in fact—I raised a number of concerns about the new powers being given to the Auditor-General to investigate anyone who was in receipt of Commonwealth money. I raise that in relation to this bill because dental surgeries are genuine small businesses—sole operators or partnerships employing a handful of people. Some dental surgeries are larger, with
half a dozen staff, but basically they are all small businesses in the classic Australian sense. At one dental surgery in Melbourne I went to, I saw requests for information from Medicare Australia that did not show any understanding of the paperwork requirements those requests were going to place on this particular practice. For a number of weeks this practice had to devote their most experienced dental nurse to doing nothing other than Medicare Australia paperwork. I take the point that this is all because there were some requirements for administrative oversights. However, I made the point earlier that dentists do not have the greatest amount of experience with Medicare, and so part of the flaw may well be the requirements we have placed upon them—unlike people in general practice or specialists, they do not have a great deal of experience in operating with Medicare Australia and those requirements. The whole point is that taking a senior dental nurse away from patients to spend a month pulling together paperwork for Medicare Australia to do one of these audits struck me as a perverse use of limited dental resources.

I make the point about the powers of the Auditor-General in passing because under the bill I referred to earlier the Auditor-General now has the power to audit any small business in Australia that is in receipt of commonwealth funding. It is not just state governments—it could go down to a person who, maybe under education program funding, paints a school building. They could be audited by the Auditor-General. I did not get the opportunity to speak in that Auditor-General debate at length because it was another one of those bills that the Greens and Labor guillotined, and the bill and amendments were put to a vote without any debate in this chamber. What is happening to dentists all around Australia who are being subject to Medicare Australia audits, without the facilities, or experience or otherwise the wherewithal to deal with requests for information, is something that small business in Australia should be concerned about. While the current Auditor-General, Mr McPhee, has made clear he does not intend to use the powers in that way, my concern has always been that when you grant someone power you cannot always guarantee that at some point in the future someone else will not inadvertently or otherwise create the same problem that you are afraid of and that you were promised would not occur.

This bill gives the minister the power effectively to waive or amend the administrative requirements in such a way to ensure that dentists can continue to deliver the services their patients need. What concerns me about the approach of Labor, and the speakers I have heard before me in this debate, is that we hear about constant funding for systems. This approach relies on GPs referring people to dentists for needed medical care. No-one has yet mounted a case for how that system fails to serve the needs of patients. The only criticism of it so far is that the government would prefer money to be spent treating different people. In a previous life, the Labor Party, under the Keating government, had a three-year program for reducing dental waiting lists. That program was not renewed in 1996.

Senator Bilyk: You scrapped it.

Senator Ryan: There was no scrapping—it was a three-year program. That is what happens when programs come to the end of their life. At its core it was a failure of state governments to live up to their responsibilities, because dental care has not historically been a Commonwealth responsibility. I once thought Labor were proud defenders and proponents of the Medicare system but now they seem to be arguing that we should be means-testing
Medicare or that we cannot have a particular program as it goes to the wrong kind of people, completely contrary to the notion of universality; completely contrary to the notion of universal health insurance. No-one is denied access to dental care under this program if they meet the criteria. The test is not income. While there are challenges around people in remote and rural Australia accessing health and medical care, that is just as serious when it comes to other aspects of health and medical care. So that argument does not add up.

The coalition stands by the Chronic Disease Dental Scheme. Hundreds of thousands of Australians have benefited from it. We hope hundreds of thousands of Australians will continue to benefit from it. We know the dentists have overwhelmingly acted in good faith. We know that because of their lack of experience with the Medicare system there have been some administrative oversights. But nothing the government or the Greens have said challenges the notion that these are services that have been appropriately delivered to patients in need. The small number of examples of potential fraud should be investigated and prosecuted to the maximum extent possible—but these things also happen in the broader Medicare system, so it is not logical to say that because they happen the system should be wound back. I commend the bill.

**Senator BILYK** (Tasmania) (11:19): I rise to speak on the Health Insurance (Dental Services) Bill 2012. This private senator's bill is a flawed bill about a flawed scheme. Senator Bushby should be embarrassed to have this bill tabled in the Senate. I think Senator Kroger said she thought the dental schemes and health schemes were decaying, but in response to that there are plenty of holes in this bill.

Before I go on to what is wrong with this bill, which is no more than a political stunt by the opposition, I will take some time to talk about the Chronic Disease Dental Scheme and what a shambles it was. The CDDS was introduced in the dying months of the Howard government, as we know, after they scrapped the Keating government's state funding for services targeting those on low incomes, introduced in 1994. We have heard Senator Ryan's arguments on why the coalition scrapped that, but they could have continued to fund it and they chose not to. The CDDS provides up to $4,250 in Medicare benefits for dental services over two consecutive calendar years to eligible patients who have a chronic medical condition or complex care needs. The patient must be referred by their general practitioner for dental services, and their oral health must be impacting on or likely to impact on their general health.

While this all sounds reasonable and good, it is a scheme that has been poorly targeted in terms of addressing the genuine dental needs of Australians, and it has been open to misuse. To give senators a few examples of why this scheme was flawed, I offer the following. The CDDS, as we have heard from speakers on this side before, is not means tested. This means that millionaires can get up to $4,250 worth of free dental treatment at taxpayers' expense; and, because the scheme is not targeted, this treatment could include cosmetic dental work such as caps and crowns. Some of the misuses of the scheme include unnecessary crowns, ordering dentures that do not fit—as we have heard from previous speakers—and dentists charging the full $4,250 without completing the work.

More than 1,000 complaints have been lodged about the CDDS, demonstrating that it is a flawed and poorly targeted scheme. That is why the Labor government have been
trying since 2008 to shut the scheme down, but we have not been able to get the legislation through the Senate. This is a scheme that had just under $400 million budgeted for it over the forward estimates from the 2007-08 budget, yet at the end of January 2012 total expenditure on the scheme has been a staggering $2.3 billion. That is right: $2.3 billion. So not only is it a flawed scheme that was badly targeted but the cost of the scheme has massively blown out.

If we could free up the money for this flawed scheme, we could provide investment in dental services where it is really needed, because we all know that it is difficult for Australians in rural and remote areas to access dental services. This is why the Gillard Labor government are already making a targeted investment of just over $500 million over four years to improve the oral health of Australians who are least able to afford dental care. This funding includes a public dental waiting list blitz delivered through a national partnership agreement with the states and territories, the development of a national oral health promotion plan, the expansion of the Voluntary Dental Health Graduate Year Program, funding for a graduate year program for oral health therapists, rural and remote infrastructure and relocation grants for dentists, and funding for non-government organisations to coordinate pro bono work by dentists for the most disadvantaged Australians across the country. Of course, we could be doing a lot more for the oral health of Australians who really need it if the opposition would get out of the way and help us close down this flawed scheme.

I will get back to Senator Bushby's bill. We know there have been problems with dentists meeting the requirements of the scheme; we do not deny that. Currently, the Department of Human Services has identified some $21 million for recovery, of which around $260,000 has been repaid so far. Some dentists have claimed that they were not adequately advised of their responsibilities before the scheme commenced. But, once the scheme commenced, there were many pieces of correspondence and advice explaining what was required of dentists. To put this in context, $21 million has been identified for recovery out of a total of $2.3 billion spent on the overall scheme—

Senator Bushby interjecting—

Senator BILYK: and there was adequate notice given through pieces of correspondence and advice, once the scheme commenced, explaining what the details of the scheme were. The requirements of the scheme are not onerous, and the government have notified dentists of these requirements on nine separate occasions—nine separate occasions. Let me make it clear, though, that, while there are some cases of inappropriate claims and fraudulent claims, I understand that there are cases of dentists generally not complying with the administrative requirements of the scheme, even when their treatment has been delivered in accordance with the scheme. I know this because my office has had several representations from at least one of these dentists, who has a significant debt to the Commonwealth. However, I do not believe that in all these cases dentists should be excused from the requirements of the scheme. Most of the non-compliance cases arise from a failure to meet two simple requirements, and they are to provide the patient with an upfront statement of the costs of the treatment and to provide the patient with a treatment plan outlining what work the dentist is undertaking. The Department of Human Services made it clear that it considers these to be core requirements of the scheme.
Dentists gave evidence to the inquiry into the bill by the Senate Finance and Public Administration Legislation Committee explaining why they considered these requirements to be important. As one dentist submitted:

One rule in particular—namely the provision of an itemised treatment plan and written quotation before treatment begins—is a fundamental safeguard that must be upheld rigorously to ensure the provision of (1) good medicine, (2) patient acceptance, (3) provider compliance, and (4) transparency for audit and complaint resolution purposes. This is no different from the underlying expectation the Dental Board of Australia places on dental practitioners to provide services to privately paying patients in this country.

So what Senator Bushby proposes to do with this bill is establish ignorance as an excuse for noncompliance with the law, but it also directs the Minister for Health to undertake actions that are the responsibility of other ministers.

If we examine each of the decisions the Minister for Health can make under clause 6 of the bill in respect of a CDDS debt, we can see how sloppily assembled this bill is. For example, the bill allows the minister to provide for the Commonwealth to waive its right to payment of debts arising under the Health Insurance Act in relation to dental services. It is unclear how this provision would work in practice, given that under the Financial Management and Accountability Act only the minister for finance can waive debts to the Commonwealth. The bill also allows the Minister for Health to make acts of grace payments. However, under the Financial Management and Accountability Act, an act of grace payment is one which would not otherwise be authorised by law or required by statutory command or required to meet a legal liability. So there is an inherent contradiction in proposed section 6(1)(c) of the bill.

The committee noted that there was fairly extensive evidence given by the Department of Human Services about the extent to which they had gone to educate dentists about their obligations under the scheme, and the department provided the committee with examples of documents where the requirements of the CDDS were made very, very clear.

While dental practitioner groups, such as the Australian Dental Association, indicated to the committee that they were supportive of Senator Bushby's bill, the Australian Medical Association had some very good grounds for opposing it. It is ironic that this bill refers to the liability of non-compliant dentists as an inequity, when the AMA submitted that it is the bill itself that would create inequity. The AMA did not support exonerating one class of medical practitioners—that is, dentists—when it comes to meeting their legal requirements when billing Medicare items. Quoting the AMA's submission:

'We do not consider it appropriate that dentists can use 'I did not know' as a defence against future non-compliance with the Determination. Nor do we consider it appropriate for Parliament to provide this defence by passing the Bill, particularly as we are not aware that this defence exists in any other Commonwealth law.'

Now, the Minister for Human Services, Senator Kim Carr, is aware of the issues that dentists have with Medicare's approach to compliance with the CDDS and has made the very sensible decision to have a retrospective look at the compliance arrangements. This approach, announced by the minister during budget estimates a few weeks ago, is much more sensible than that proposed by the ridiculous bill currently before the Senate. So Minister Carr will ask the department to look through each of the 66 noncompliance cases on a case-by-case basis and in some cases a new conclusion may be reached. But let us make one thing clear: this is not a free pass
for dentists. It should be recognised that there are noncompliance cases where dentists have flagrantly breached their administrative and patient care obligations and some cases where dentists have even charged the government for services that were never provided. I would like to think that those on the other side would not support that sort of behaviour.

I reiterate that it remains the government's intention to close down the CDDS and replace it with a national dental scheme that is targeted to the Australians who need it most. I am confident that, through our negotiations with the Greens and the Independents, we can secure such a scheme. Consequently, I hope we can secure the support we need to shut down this shambolic scheme that is a remnant of a failed Howard government which did nothing in 12 years of government to address the real needs of Australians on public dental waiting lists.

**Senator FIERRAVANTI-WELLS** (New South Wales) (11:31): I rise to speak on Senator Bushby's bill, the Health Insurance (Dental Services) Bill 2012 [No. 2]. At the outset I want to say that Labor has promised so much in this area but has delivered very little. Indeed, it has been the hallmark of various issues which we have canvassed in relation to so-called health reform, and we have seen how that has fallen over completely. In the end, despite all the talk, all we have is a range of new bureaucracies and we do not know what they are doing other than wasting millions of dollars of taxpayer funds. Worse than that, Labor has undermined the only existing Medicare dental scheme simply because it was introduced by Tony Abbott when he was Minister for Health and Ageing. Minister Roxon has systematically undermined just about everything then health minister, Mr Abbott, undertook. Over the last X number of years since this government has been in power it seems that, if Tony Abbott set it up, the government gets rid of it.

The Chronic Disease Dental Scheme, introduced by the coalition government, was an enormous success. It provided $4,250 in Medicare dental benefits over two years for eligible patients with a chronic health condition. Many of the people who have availed themselves of this benefit are older Australians. Over 17 million services have been provided to approximately one million patients since 2007. The Australian Labor Party has repeatedly tried to close down the scheme, not for policy reasons, not because it was not working and was not delivering better dental health to Australians, but for purely political reasons. The Senate has rejected Labor's attempts to close the scheme. Having failed to close the scheme, the Australian Labor Party embarked on another tack which was to go to very great lengths to undermine the scheme. The government established an audit task force in June 2010 after its attempts to close the scheme were rejected by the Senate.

The coalition supports transparency and appropriate audit processes to detect cases of fraud, misuse of taxpayer funds or the provision of inappropriate services. However, what has become very clear is that under this government's audit processes dentists have been found to be noncompliant and action has been pursued against them for minor technical mistakes with paperwork, even against the advice of the people making recommendations in the audit process. Hence the political witch-hunt undertaken by this government to undermine the scheme in an attempt to shut it down.

In most cases dentists have been caught by an audit process which revealed that practitioners provided appropriate services to patients in need, but did not comply simply because of some technical requirement—
mostly where general practitioners had organised treatment plans for beneficiaries and quotations for the services prior to the commencement of the treatment. It was not that the dental work was not good; it was the fact that the necessary piece of paper had not been delivered to the general practitioner or to the patient and, as a consequence, the whole amount was sought to be recovered in what was clearly a political exercise and also a revenue raising exercise. It was because of a technicality. That is not fraud. Indeed, it is clear from indications given by the PSR that no dentist has been prosecuted for fraud. Again I reiterate that this is simply a political exercise.

Let us remember that in most cases it was the first interaction for these dentists with Medicare. Most of them are in the private practice area and had not dealt with Medicare before. Therefore, there was an issue about information, and this was clearly brought out in the Senate inquiry that was undertaken and acknowledged as part of the evidence that was given. In many cases, dentists attempted to rectify the situation as soon as they became aware of that requirement. Indeed, most dentists, once aware of the issues, immediately sent treatment plans to general practitioners before an audit had even been commenced.

In one circumstance where evidence was given, a dentist had been randomly audited—and we were assured it was random. Once the process had been undertaken as purely an audit, information was collected against this dentist and then it was indicated to this dentist that the matter could be rectified by informative ways with better education. Notwithstanding that, the dentist was pursued for a substantial amount of money and evidence to that effect was given. Investigating compliance officers have in some cases recommended that an educational letter be sent to a dentist and that no further action be taken. Even when this option was recommended by the compliance officer, dentists still received letters of demand for payment of Medicare benefits.

The finance and public administration inquiry undertaken in relation to this issue clearly pointed to instances—and there were plenty of them—where this happened. This goes back to the point I was making earlier that it was purely a political exercise, because accompanying all of this were the media stories—the feed-in to the media—of all this alleged rorting. Having said that, through this process we have seen cases where there has been wrongdoing, and those cases of wrongdoing ought to be properly dealt with. But the reality is that for most of the dentists in this scheme, the most appropriate course of action was simply an educational letter.

What has happened is that dentists have had their reputations ruined. Some are facing bankruptcy. Professional trust—certainly the professional trust in government funded dental schemes—is being destroyed as a result of this process. One questions the government's intentions in relation to its own dental scheme. Quite frankly, having seen what has happened with this scheme, I would be very surprised if dentists in private practice would go anywhere near this area of work.

The other issue is that, when Workforce Australia was asked at estimates to indicate whether there were sufficient dentists to meet the demand, it became very clear in the evidence that was given to us that the government had not even bothered to do an assessment, because there were no figures, no statistics, in relation to the number of dentists working in the public hospital system. So it begs the question that the government is trying to push through a new scheme and it does not even know how many dentists are in the system. But certainly in
further evidence that was given, it was very clear that the number of dentists that do work in the public hospital system is not going to be sufficient to meet the demand. So Senator Bushby introduced this private member's bill and the shadow minister for health, Peter Dutton, introduced the same bill in the other place to redress the inequity of the government's application of section 10(2) of the Health Insurance Dental Services Determination 2007.

It was interesting that on 29 May, just two days before the coalition's private member's bill was expected to pass the House without government support, Senator Kim Carr tabled the statement at the Senate community affairs hearings that the government would issue a retrospective determination to remedy the issue. So, after all the huffing and puffing, on the evening of estimates—clearly we were going ask questions in relation to this—departmental officials came along and issued this statement, which I will come to in a moment. After years of inaction by Labor on the inequity, all of a sudden there was this process against dentists. Why was this not an issue before? It was not an issue before because, once the government's proposed scheme was rejected, it went to plan B, which was to undermine the scheme. This government has been inconsistent in relation to its responses.

I now come to the statement on behalf of Minister Kim Carr on 29 May. It is clear that the minister realised the damage that had been done and he was going back on his position and the position of the government when he stated: It is our view that we need a retrospective change to the Dental Services Determination within the near future that creates greater flexibility about the compliance arrangements, while still protecting important principles of public policy. This retrospective change to the Determination would bring the compliance arrangements more closely into line with other parts of Medicare, and would allow for a more educative approach to be used by the Department.

That is the indication that has been given, but here we have Senator Bushby's private members bill, which actually goes to redressing the inequity. We have a bill before the Senate; we are considering it; we are doing precisely what the minister is advocating needs to be done. I would call on those opposite to support and pass Senator Bushby's bill, because it does the very thing that Minister Carr is talking about in his statement.

Earlier I mentioned the issue of these so-called technical breaches. I would remind the Senate of evidence given by the Professional Services Review at the Senate Standing Committee on Community Affairs estimates hearing on 30 May. For the record I would like to repeat some of the comments and the evidence given by the PSR, with reference to stories in the media around the dentistry issue. It said:

… I understand they are more to do with strict auditing processes, auditing of paperwork et cetera. That is not the sort of matter that comes to PSR. We have had no formal notification from Medicare, although there has been some suggestion that there may be cases later this year. But we have had no formal indication from Medicare that they are referring a dentist to us for inappropriate practice which goes beyond, as I understand it, the sorts issues that have been in the media lately. As I said, they are more to do with auditing. Inappropriate practice in terms of the actual professional decisions being made by a dentist, which would be the type of matter that would be referred to PSR—we have not had any referrals and no formal notification.

For all this hype, all this talk, about the so-called rorting of the system, there does not seem to be a correlation between the assertions that have been made by the government and the evidence of the Professional Services Review, which looks
at cases of inappropriate practice. No-one was complaining about the quality of the work of the dentists and no-one was questioning that the work was not done properly, but the fact is that as a consequence of lack of proper education there were technical oversights, which in most cases the dentists had sought to clarify. Because the government was on a vendetta against this scheme, it is very clear that they have chosen to pursue this road rather than a much more effective method of approach—the educative letter. It is ultimately what the minister is going to do, but in the interim we have had dentists who have had not only the financial implications of the government's undertaking but also the emotional implications and professional implications for their practices.

Let us do a snapshot of the scheme. There have been almost a million referrals and the average cost of treatment was $1,700. There were 17 million services provided by 12,000 dental practitioners. There are approximately 500 audits underway of which only about a hundred have been completed and in which 66 dentists have been found to be noncompliant. That is for a total outlay of $21 million. This information was provided at a Senate inquiry on 1 May and Senate estimates on 29 May.

In addition to undermining the existing successful Medicare dental program, Labor has also failed to deliver on its own dental program. Labor proposed the Commonwealth Dental Health Program, a program which promised one million services by providing funding to the states and territories. The Commonwealth did not assess the capacity of the public dental workforce, as I indicated earlier, to provide the services and the number of services provided would have been significantly fewer than that promised. Irrespective, it would not have come close to matching the 17 million services that have been provided under the Chronic Disease Dental Scheme. Those opposite never delivered their much promised Commonwealth Dental Health program and it was finally scrapped in the 2012 budget.

Let us also look at the Teen Dental Health plan, introduced in 2008, which provides a voucher indexed for eligible teenagers—that is, households receiving benefits such as Abstudy, a carer payment, the Disability Support Pension, parenting payments, special benefits or youth allowance. This is only to provide preventative checks. The Australian Dental Association argued that the scheme provides no follow-up care for those with dental issues and is too narrow in focus. It is only for 12- to 17-year olds. The low uptake—only 429,000 services forecast for 2011 out of an eligible 1.3 million teenagers—points to another failure. So much for the rhetoric of making dental health a priority with only $60 million in new funding announced this budget. More promises— (Time expired)

Senator BOYCE (Queensland) (11:51): I also rise to speak on this very worthwhile bill that Senator Bushby has put before the Senate. I think it is to their shame that the government themselves have not undertaken this. But why would we expect it? They are so into the prospect of the politics of envy that they even cannot see their way clear to be fair when they have created a very unfair situation. Clearly the dental community of Australia has been added to the government's list of rich organisations that just deserve to be slammed—rich individuals who should be struck down and criticised and slandered at every opportunity simply for trying to go about their job. The unfairness of the whole situation for dentists I think could be very ably remedied. Unfortunately, despite the government's need to admit how poorly they have performed in this area, with Minister Kim Carr coming out and saying, 'Yes, we
will stop persecuting these dentists now that you have finally forced us into that situation,’ the persecution of dentists under this scheme has been appalling.

Everyone in Australia would see a universal dental care system as being a long-term goal to be achieved. We all know that oral disease and disorders create short-term and prolonged physical discomfort. Pain, infection and tooth loss are the most common consequences of oral disease. It can cause difficulties with chewing, swallowing and speaking and can disrupt sleep and productivity. The National Survey of Adult Oral Health 2004-06 indicated that, of the Australian population, 17.4 per cent avoided foods due to dental problems, 15.1 per cent experienced toothache and 21.6 per cent experienced orofacial—jaw, for the non-dental amongst us—pain. Dental disease can lead to destruction of soft tissues in the mouth, leading to lasting disability and, in rare cases, death. It is an ongoing problem. International research indicates that there are associations between chronic oral infections and heart and lung disease, stroke, low birth weight and premature birth.

What do we see from this government in response to that very serious chronic problem that the coalition identified and sought to redress with their Chronic Disease Dental Scheme, which Senator Fierravanti-Wells has spoken of? She pointed out the statistics on the huge success of that program, which did look at the ongoing issues in the general health area, and for the economy, caused by chronic disease. What did the government want to do? They wanted to get rid of that system and introduce instead a voucher system for teenagers, which was not even designed to make available any real treatment. It was simply preventative. Yet we already know that there are many young children and many teenagers with very poor oral health and very poor teeth because public access has been restricted by the states and others.

The long-term solution here is genuine access to a dental health system, not this government's attempts to persecute a few dentists who, in most cases, made technical mistakes trying to use a system that has achieved a great outcome for people but of course was much maligned, opposed and abhorred by the Labor government, who saw something successful that was giving a decent return to dentists who undertook treatment and giving real solutions to patients. Far better, from this government's envy politics position, to rip that out and persecute the people who were assisting those with chronic dental problems.

Debate interrupted.

PETITIONS

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

Vietnam: Human Rights

To: The Honourable President and Members of the Australian Senate in Parliament assembled:

The Petition of the undersigned shows:

(a) that, since 2002, Australia and the Socialist Republic of Vietnam (the SRV) have held eight rounds of Dialogue on Human Rights without tangible improvement being achieved in the latter,

(b) that, contrary to any reasonable expectation, the SRV's abysmal record of human rights violations has recently become even worse as evidenced by the continued house detention and/or imprisonment - amongst many others- of notable human rights advocates such as Nobel Peace Prize nominee the Most Ven. Thich Quang Do, Patriarch of the Unified Buddhist Church of Vietnam, Rev. Nguyen Van Ly from the Vietnamese Catholic Church, Dr. Nguyen Dan Que, Jurist Dr. Cu Huy Ha Vu and the latest jailing without trial of Vo Minh Tri aka Viet Khang, a popular young and peaceful songwriter,

(c) that the Executive Government, through the Department of Foreign Affairs and Trade,
considers the improvement of the human rights situation in the SRV 'a high priority of the Australian government'.

Your Petitioners therefore request that the Senate:

(1) put in place parliamentary supervision of the Vietnam Human Rights Dialogue by appointing Members to take part in the Dialogue and having the Dialogue reports submitted to the Senate for parliamentary scrutiny,

(2) support more active community involvement in the Dialogue when the Dialogue takes place in Australia,

(3) take action, as part of the budgetary process, to make the improvement of human rights in the SRV a condition for Australia's overseas development aid to the SRV, and

(4) improve the effectiveness of the initiative by encouraging a more 'whole of government' approach on bilateral and multilateral bases with the SRV.

by Senator Boswell (from 55,361 citizens).

Public Holidays

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

This petition of certain citizens of Australia draws the attention of the House that:

Weekend and shift workers are disadvantaged whenever Christmas Day, Boxing Day or New Year's Day falls on a weekend and the public holiday substitutes (is moved) to the following Monday or Tuesday.

When substitution occurs workers rostered to work on the actual special day falling on the weekend don't receive a public holiday whilst workers rostered to work on the substitute day do.

This is unfair to weekend and shift workers.

Some States have legislated for Christmas Day, Boxing Day and New Year's Day to be public holidays when they fall on a weekend plus provide an additional public holiday on the following Monday or Tuesday.

Weekend and shift workers are also disadvantaged because Good Friday, Easter Saturday (in most states) and Easter Monday are public holidays but Easter Sunday (except in NSW) is not. (The NSW Parliament unanimously legislated for Easter Sunday to be a public holiday.)

This is unfair to weekend and shift workers.

Parliament should legislate a uniform standard across Australia.

Your petitioners ask the Senate:

Amend the National Employment Standards in the Fair Work Act to include:

1. An additional public holiday (not a substitute day) on the following Monday and/or Tuesday whenever Christmas Day, Boxing Day or New Year's Day fall on a weekend.

2. Easter Sunday as a public holiday.

by Senator Di Natale (from 229 citizens).

Petitions received.

Stronger Futures Legislation

Senator MILNE (Tasmania—Leader of the Australian Greens) (11:57): by leave—I present to the Senate the following petition, from 8,182 citizens, requesting the withdrawal of the Stronger Futures legislation. This petition is not in conformity with the standing orders. It has been circulated to honourable senators through the whips.

Petition received.

Vietnam: Human Rights

Senator BOSWELL (Queensland) (11:58): I seek leave to make a statement on the petition that has been lodged relating to human rights in Vietnam.

The PRESIDENT: Leave is granted for one minute.

Senator BOSWELL: I note that Vietnamese people are presently in the gallery. I point out that a petition has been lodged for presentation from 55,361 citizens requesting that the Senate support more active community involvement in the Australia-Vietnam human rights dialogue.
NOTICES

Presentation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (11:58): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

TAX LAWS AMENDMENT (MANAGED INVESTMENT TRUST WITHHOLDING TAX) BILL 2012

Purpose of the Bill

The bill will:

Increase the managed investment trust (MIT) final withholding tax rate, from the current rate of 7.5 per cent final to 15 per cent final as of 1 July 2012.

Reasons for Urgency

This MIT measure increases withholding tax applicable to fund payments on or after 1 July 2012. In order for the new rate of 15 per cent to apply to fund payments, this bill will need to pass through the Parliament before 1 July 2012.

Senator Collins to move:

That consideration of the business before the Senate on Wednesday, 15 August 2012, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Thorp to make her first speech without any question before the chair.

Senator Abetz to move:

That the Senate—

(a) notes findings by Fair Work Australia that Mr Craig Thomson misused $500 000 of Health Services Union members' funds for sexual services, personal travel and entertainment and to secure a seat in the Federal Parliament; and

(b) condemns the misuse of union members' funds as found by Fair Work Australia.

Senators Cormann and Johnston to move:

That there be laid on the table by the Minister representing the Assistant Treasurer, by noon on Thursday, 28 June 2012, all documents, including all correspondence and emails between the Australian Securities and Investments Commission and the Financial Ombudsman Service, in relation to the changes in the terms of reference of the Financial Ombudsman Service which came into force on 1 January 2012.

Senator Milne to move:

That the following matter be referred to the Economics References Committee for inquiry and report by 23 August 2012:

The causes of electricity bill increases and options to moderate future increases, with particular reference to:

(a) identification of the key causes of electricity price increases over recent years and in future projections;

(b) whether the current electricity market objectives, and governance and regulation structures have been and will continue to be effective at moderating costs and serving their intended purposes;

(c) the accuracy of past electricity demand projections, the impact of declining wholesale electricity prices and the role of energy efficiency;

(d) barriers to reform created by the National Electricity Market institutions, including state-based regulators, the Australian Energy Market Operator, the Australian Energy Market Commission and the Australian Energy Regulator (AER), and whether the reach of the AER is unnecessarily restricted;
(e) the difference in cost drivers between private and government-owned transmission and distribution businesses and the significant decline in the productivity of these businesses;

(f) the impact of state and federal government measures to reduce greenhouse gas emissions and support renewable energy and energy efficiency in light of market externalities, broader social and economic benefits and whether market objectives should be reconsidered in light of these benefits;

(g) whether or not network reliability standards are unnecessarily high, and whether there are benefits of moving to a more sophisticated probabilistic approach to reliability standards, including more appropriate metrics of value of unserved energy and value of customer reliability;

(h) the effects of the imposition of obligations on electricity distributors for minimum targeted levels of 'demand management' and consumer energy efficiency schemes;

(i) the benefits of decoupling the profits of electricity distributors from the volume of energy supplied;

(j) the materiality of 'merit order' based price reductions in the wholesale energy market from increasing levels of distributed generation;

(k) regulatory and other barriers relating to the connection processes for embedded generators;

(l) the potential to shift from an energy-only market to markets in both energy and capacity, to restrain price volatility, ensure resource adequacy, and foster the development of a broad, competitive mix of generation and demand-side resources;

(m) the potential for increased funding of, and capacity for, consumer advocacy to reduce bills through countering the lobbying of market participants and networks;

(n) the need for a government agency to coordinate and promote energy savings, demand management and distributed generation;

(o) barriers to reform of the energy markets and systems in Western Australia and the Northern Territory; and

(p) any related matters.

COMMITTEES
Selection of Bills Committee
Report
Senator McEWEN (South Australia—Government Whip in the Senate) (11:59): I present report No. 7 of 2012 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator McEWEN: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT No. 7 OF 2012
1. The committee met in private session on Wednesday, 20 June 2012 at 7.14 pm.
2. The committee resolved to recommend—
   That—
   (a) the Government Investment Funds Amendment (Ethical Investments) Bill 2011 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 22 August 2012 (see appendix 1 for a statement of reasons for referral);
   (b) the provisions of the Greenhouse and Energy Minimum Standards Bill 2012 and the provisions of the Greenhouse and Energy Minimum Standards (Registration Fees) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 15 August 2012 (see appendix 2 for a statement of reasons for referral); and
   (c) the provisions of the Maritime Powers Bill 2012 and the provisions of the Maritime Powers (Consequential Amendments) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2012 (see
3. The committee resolved to recommend—
That the following bill not be referred to a committee:

- Financial Framework Legislation Amendment Bill (No. 2) 2012.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Customs Tariff Amendment (2012 Measures No. 1) Bill 2012
- Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
- Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
- Statute Stocktake (Appropriations) Bill (No. 1) 2012.

(Anne McEwen)
Chair
21 June 2012

Appendix 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Government Investment Funds Amendment (Ethical Investments) Bill 2011

Reasons for referral/principal issues for consideration:
To consider the provisions of the bill and to hear from experts on the implementation and effects of the bill.

Possible submissions or evidence from:
Public health organisations including Action on Smoking and Health (ASH)
Nuclear and armaments groups including the International Campaign to Abolish Nuclear Weapons (ICANW)
Future Fund board of Guardians

Other experts on ethical investment frameworks

Committee to which bill is to be referred:
Finance and Public Administration

Possible hearing date(s):
10 August 2012

Possible reporting date:
22 August 2012

Senator Ludlam
Selection of Bills Committee member

Appendix 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Greenhouse and Energy Minimum Standards Bill 2012

Reasons for referral/principal issues for consideration:
To address concerns the scheme may increase costs and green tape for those involved

Possible submissions or evidence from:
Master Builders Australia
Australian Chamber of Commerce and Industry National Electrical and Communications Authority Choice

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

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

Possible reporting date:
To be determined by the Committee

Senator Fifield
Selection of Bills Committee member
Appendix 3

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Reasons for referral/principal issues for consideration:
Ensure that coverage is comprehensive; and
Ensure that powers to be conferred under -the Bill are adequate and commensurate with existing powers.

Possible submissions or evidence from:
Attorney-General's Department
Australian Customs and Border Protection Service DIAC
Australian Fisheries Management Authority
Committee to which bill is to be referred:
Legal and Constitutional Affairs

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

Possible reporting date:
To be determined by committee

(signed)
Senator Fifield
Selection of Bills Committee member

Consideration of Legislation

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:00): I move:
That the following general business orders of the day be considered on Thursday, 28 June 2012 under the temporary order relating to the consideration of private senators' bills:

No. 86 Health Insurance (Dental Services) Bill 2012 [No. 2]

No. 51 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

Question agreed to.

Leave of Absence

Senator McEWEN (South Australia—Government Whip in the Senate) (12:01): by leave—I move:
That leave of absence be granted to Senators Brown, Kim Carr, Conroy and Lundy on 22 June 2012, account of parliamentary business.

Question agreed to.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:01): by leave—I move:
That leave of absence be granted to Senators Bernardi, Scullion, Ronaldson, Williams, Birmingham, Cormann, Nash, Back and Sinodinos on 22 June 2012, for parliamentary reasons, and to Senator Fisher from 20 June 2012 to 22 June 2012, inclusive, for personal reasons.

Question agreed to.

COMMITTEES

Economics Legislation Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:02): by leave—On behalf of the chair of the Economics Legislation Committee (Senator Bishop), I move:
That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Friday, 22 June 2012, from 2 pm.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion No. 781 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012, postponed till 26 June 2012.

General business notice of motion No. 799 standing in the names of Senators Rhiannon and Moore for today, relating to 110th anniversary of women's suffrage in Australia, postponed till 25 June 2012.

COMMITTEES

Public Accounts and Audit Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:03): At the request of Senator Bishop, I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate as follows:

(a) on Wednesday, 15 August 2012, from 11 am to 11.45 am, followed by a private briefing till 1 pm; and

(b) on Wednesday, 22 August 2012, from 11 am to 11.30 am, followed by private briefings till 1 pm.

Question agreed to.

Environment and Communications Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:03): At the request of Senator Cameron, I move:

That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 21 June 2012, from 1 pm.

Question agreed to.

Education, Employment and Workplace Relations Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:03): At the request of Senator Marshall, I move:

That the Education, Employment and Workplace Relations Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 22 June 2012, from 9.30 am to 1 pm, to take evidence for the committee's inquiry into the provisions of the Fair Work (Registered Organisations) Amendment Bill 2012.

Question agreed to.

Community Affairs Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:03): At the request of Senator Moore, I move:

That the Community Affairs Legislation Committee and the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 26 June 2012, from 12.30 pm.

Question agreed to.
Parliamentary Joint Committee on Human Rights
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (12:03): At the request of Senator Stephens, I move:
That the Parliamentary Joint Committee on Human Rights be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 June 2012, from 5 pm to 7 pm.
Question agreed to.

Corporations and Financial Services Committee
Meeting
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:04): At the request of Senator Boyce, I move:
That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 21 June 2012, from 5 pm to 7 pm.
Question agreed to.

Rural and Regional Affairs and Transport References Committee
Reporting Date
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:04): At the request of Senator Heffernan, I move:
That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended to 12 September 2012, as follows:
(a) management of the Murray-Darling Basin; and
(b) Foreign Investment Review Board national interest test.
Question agreed to.

MOTIONS
Human Rights: Vietnam
Senator BOSWELL (Queensland) (12:04): I, and also on behalf of Senator Furner, move:
That the Senate—
(a) notes that:
(i) since 2002, Australia and the Socialist Republic of Vietnam (SRV) has held nine rounds of the Australia-Vietnam Human Rights Dialogue, and
(ii) the Australian Government, through the Department of Foreign Affairs and Trade, considers the improvements in human rights in SRV 'a high priority of the Australian government'; and
(b) calls on the Australian Government to:
(i) encourage the Minister for Foreign Affairs to ensure parliamentary supervision of the Australia-Vietnam Human Rights Dialogue by appointing Members to take part in the Dialogue,
(ii) encourage more active community awareness of the work of the Dialogue,
ensure Australia's overseas development aid to SRV includes a focus on promoting human rights, and
(iv) improve the effectiveness of the initiative by encouraging a more whole of government approach.

Question agreed to.

Senator BOSWELL (Queensland) (12:05): I seek leave for two minutes, shared with Senator Furner, to make some remarks on this motion.

The PRESIDENT: Leave is granted for two minutes. I understand from what you have said that the two minutes is to be shared. We will set the clock accordingly and you can work out the proportion between yourselves.

Senator BOSWELL: In the gallery today we have a number of Vietnamese people who have presented to Senator Furner and me a petition from 55,361 petitioners. They have come into the gallery to see moved a bipartisan motion on human rights. I am sure that I speak for everyone in the parliament when I say that we all appreciate what the Vietnamese community has given to Australia. Mr President, I thank you for your leave and I thank them.

Senator FURNER (Queensland) (12:06): It is my pleasure to stand in this chamber and speak on this notice of motion and also acknowledge the members of the Vietnamese Community in Australia in the public gallery this afternoon in support of this motion. It is not often that we share the opportunity of partisanship with the opposition on a matter like this, but we are standing shoulder to shoulder together on this with Senator Boswell and other members of the opposition and the government to make sure we address these issues concerning human rights abuses in Vietnam. Can I also acknowledge a good friend of mine, Dr Bui, the President of the Vietnamese Community in Australia's Queensland chapter, for his commitment and knowledge, and certainly for the lessons he has passed on to me about these sorts of abuses in Vietnam. I am privileged to be associated with him.

In closing, it is a matter that I quite often discuss as a member of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. It is a matter that the government is committed to addressing, along with the opposition, to make sure we alleviate some of those issues. We in this country take human rights for granted from time to time. Once again, thank you for the opportunity to address the chamber. (Time expired)

Legal Aid

Senator WRIGHT (South Australia) (12:07): I move:

(a) notes that:
(i) 2012 marks the 40th anniversary of Community Legal Centres, which started with the establishment of the Fitzroy Legal Service in Melbourne, and
(ii) there are over 200 Community Legal Centres currently operating throughout Australia;

(b) recognises that:
(i) Community Legal Centres, and the passionate and committed lawyers and advocates working for them, provide essential legal assistance services and advocacy to some of the most marginalised and disadvantaged members of our community, and
(ii) Community Legal Centres remain under-resourced and continue to struggle to meet the rising demand for affordable and effective access to justice; and

(c) calls on the Government to conduct a comprehensive investigation of levels of demand and supply of legal assistance services, unmet need and gaps in service delivery, with a view to directing the
improved use and funding of legal assistance services and consequently advancing access to justice.

Question agreed to.

**Gun Control**

**Senator RHIANNON** (New South Wales) (12:08): I, and also on behalf of Senator Wright, move:

That the Senate—

(a) notes that:

(i) uniform gun laws were introduced across all states and territories following the ground-breaking work undertaken by the former Prime Minister, Mr Howard, in the aftermath of the Port Arthur massacre,

(ii) the New South Wales Government has sponsored a two-day ‘Shot Expo’ that promotes guns, knives and pistols, in conjunction with firearm manufacturers, including Beretta, a weapons supplier to the former Gaddafi regime, and

(iii) the New South Wales Government has given its support to a longstanding Shooter and Fishers Party plan to allow recreational hunting with firearms in designated New South Wales national parks;

(b) condemns the New South Wales Government’s plans to allow recreational hunting with firearms in its national parks; and

(c) calls on:

(i) the Federal Government to support the adoption of a global arms trade treaty at the United Nations, and

(ii) the Attorney-General (Ms Roxon) to take the steps required to strengthen uniformity of Australian gun laws.

**Senator JACINTA COLLINS** (New South Wales) (12:09): I seek leave to make some remarks for two minutes.

Leave granted.

Senator RHIANNON: I was interested to hear the remarks of the earlier speaker. The motion that we have before us takes into account a number of matters with regard to the worrying trend where we are seeing gun culture becoming increasingly dominant within Australia. Sadly, this was demonstrated in quite an ugly way in the New South Wales parliament last night, when the Shooters and Fishers Party MP Robert Brown said to the Greens MP Jeremy Buckingham:

"Unfortunately, we are in a modern era so I cannot take you outside and beat you to death."

That is appalling behaviour, and in the context of this debate, where we need to look to strengthen our gun laws and ensure public safety is the prime factor here, the Premier of
New South Wales should add his voice of condemnation to Mr Brown’s threat.

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

The Senate divided. [12:14]
(The President—Senator Hogg)

AYES
Di Natale, R  
Hanson-Young, SC  
Ludlam, S (teller)  
Milne, C  
Rhiannon, L  
Whish-Wilson, PS  
Wright, PL

NOES
Back, CJ  
Bilyk, CL  
Boswell, RLD  
Boyce, SK  
Brown, CL  
Cameron, DN  
Colbeck, R  
Collins, JMA  
Crossin, P  
Edwards, S  
Feeley, D  
Fifield, MP  
Furner, ML  
Gallacher, AM  
Hogg, JJ  
Humphries, G  
Kroger, H (teller)  
Macdonald, ID  
Madigan, JJ  
Mason, B  
McKenzie, B  
McEwen, A  
McLucas, J  
Moore, CM  
Parry, S  
Polley, H  
Pratt, LC  
Singh, LM  
Smith, D  
Sterle, G  
Thistlethwaite, M  
Thorp, LE  
Urquhart, AE  
Williams, JR

Question negatived.

Rio+20 Summit 2012

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:17): I move:

That the Senate—
(a) notes that:
(i) more than a million people have signed a petition to governments convening at the Rio + 20 summit calling on them to end fossil fuel subsidies,
(ii) the Rudd Government agreed at the G20 meeting in Pittsburgh in 2009 to phase-out inefficient fossil fuel subsidies that cause wasteful consumption,
(iii) similar language is being inserted into negotiating text at the Rio conference, and
(iv) the Government has acknowledged that fossil fuel producers benefit from economy or sector-wide concessions; and
(b) calls on the Government to explain how providing concessions to fossil fuel producers is consistent with pricing greenhouse gas pollution, efforts to tackle global warming, the G20 agreement, the intent of the Rio + 20 negotiating text, and measures to build a clean energy economy.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:17): Mr President, I seek leave to make a brief statement.

The President: Leave is granted for two minutes.

Senator JACINTA COLLINS: Australia has met its responsibilities under the G20 commitment to rationalise or eliminate inefficient fossil fuel subsidies that encourage wasteful consumption. We took a considered and thorough approach to developing our response and concluded we had no measures within the scope of the G20 commitment. Six other G20 countries also do not think that they have any fossil fuel subsidies that fall within the scope. No further work is expected in relation to the commitment by Australia.

The President: The question is that the motion moved by Senator Milne be agreed to.

The Senate divided. [12:19]
(The President—Senator Hogg)

Ayes .................... 7
Noes ....................... 34
Majority ................ 27
AYES
Di Natale, R
Ludlam, S (teller)
Rhiannon, L
Wright, PL

Hanson-Young, SC
Milne, C
Whish-Wilson, PS

NOES
Back, CJ
Bilyk, CL
Boyce, SK
Brown, CL
Cameron, DN
Collins, JMA
Edwards, S
Fifield, MP
Gallacher, AM
Humphries, G
Macdonald, ID
Marshall, GM
McKenzie, B
Moore, CM
Polley, H
Sterle, G
Thorp, LE
Williams, JR

Question negatived.

WikiLeaks

Senator LUDLAM (Western Australia) (12:22): I move:

That the Senate—

(a) notes that inconsistent or selective application of the Consular Services Charter leaves Australian citizens in doubt about the level of assistance they may receive if facing difficulties overseas; and

(b) calls on the Prime Minister (Ms Gillard) to:

(i) ensure that the Government's efforts and engagement on behalf of Mr Julian Assange are consistent with the highest level of support provided to other Australians in difficulty overseas, and

(ii) retract prejudicial statements regarding the illegality of WikiLeaks' publishing endeavours, found to be groundless by the Australian Federal Police, which have the potential to seriously jeopardise the potential for any fair trial or hearing for Mr Assange.

Question agreed to.

Arms Trade Treaty

Senator HANSON-YOUNG (South Australia) (12:23): I, and also on behalf of Senator Moore, move:

That the Senate—

(a) notes that international trade in arms, when undertaken irresponsibly, or diverted to illicit markets, contributes to unlawful armed violence, violations of international human rights law and international humanitarian law, acts of genocide and other crimes against humanity, forced displacement, terrorist attacks, patterns of organised and violent crime and corrupt practices;

(b) affirms that an effective arms trade treaty would strengthen the rule of law, peace and peace-building processes, human security, poverty reduction initiatives and prospects for sustainable socio-economic development;

(c) acknowledges:

(i) that a robust arms trade treaty would assist to reduce the extensive loss of human life and livelihoods caused by illegal weapons while at the same time not impeding the operation of the legitimate global arms trade as carried out with full respect for the rule of law and international legal obligations and standards, and

(ii) the important role that Australia has played as a co-author of every United Nations resolution on an arms trade treaty since 2006 and can continue to play as a champion of a robust, comprehensive and legally binding instrument;

(d) calls on states to adopt a treaty:

(i) that international transfers of arms will not be authorised if there is a substantial risk that the weapons will be used to commit or facilitate serious violations of international human rights law or international humanitarian law, or will seriously impair poverty reduction or socio-economic development,

(ii) that covers a comprehensive scope of conventional arms, including ammunition, small arms and light weapons, as well as a wide range
of trade activities, including transfers and transhipments, and
(iii) that includes mechanisms to ensure full implementation, including transparent reporting, international cooperation, compliance and accountability; and
(e) notes the important contribution of non-government organisations, including Amnesty International, Oxfam and the International Committee of the Red Cross, in working towards the achievement of an effective and robust global arms trade treaty.

Question agreed to.

COMMITTEES
Education, Employment and Workplace Relations References Committee

Report
Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (12:24): I present the final report of the Senate Education, Employment and Workplace Relations References Committee on higher education and skills training for agriculture and agribusiness, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator BACK: I move:
That the Senate take note of the report.

I present to the Senate the second and final report of the Education, Employment and Workplace Relations References Committee on its inquiry into higher education and skills training to support future demand in agriculture and agribusiness in Australia.

The committee's report was shaped around 69 submissions, three public hearings around the country and numerous other reports that the committee drew upon in reaching its recommendations.

The committee's report includes 11 recommendations that we commend to the Senate. They are, if acted upon by the government, certainly recommendations that would go a long way in addressing the key challenges facing the food and fibre sector at the present time. The committee's recommendations go to:

- Equipping teachers to inform students about the opportunities in agriculture;
- Improving the delivery of vocational education and training around Australia;
- Breaking down the barriers within the higher education sector to improve knowledge sharing and research penetration;
- Ensuring that the Australian education landscape continues to include tertiary agricultural institutions;

and, perhaps most importantly:

- The formation of an overarching peak body with the authority from all areas of the food and fibre sector to speak on their behalf with government, with the community, and to holistically tackle problems facing the sector.

Agriculture has always been, and remains, in this country a key pillar of the economy. If one takes into account the number of Australians either directly or indirectly employed by agriculture or agribusiness, you are looking at around one in six jobs. Economically, this sector contributes more than three per cent of GDP to our economy, and a healthy food and fibre sector in Australia is key to ensuring our ongoing economic prosperity.

The committee repeatedly heard that there is a desperate need to attract and train more people to work in the agricultural and agribusiness fields. Research undertaken by the Australian Council of Deans of Agriculture has shown that there is a need to graduate some 4,000 university students per year to fill the vacancies, yet at the moment we are graduating only around 700. The skills shortage of course is not confined to university graduates; the committee received
evidence indicating that in occupations from farmhands through to agronomists and researchers there are pervasive shortages.

In the past the agricultural and agribusiness sector was well serviced by a network of universities, registered training organisations and tertiary agricultural institutions. It is in relation to the latter that the greatest threat of extinction exists. These colleges provide the sector with graduates who are practically minded but armed with strong theoretical knowledge of the underpinnings of agricultural science and/or business. This combination of attributes and abilities was repeatedly commended to the committee as being what employers in the sector require.

Last September I rose in this place to lament the decline of the old pillars of agricultural learning excellence in this country, and it saddens me to report to the Senate that during the committee's inquiry agricultural first-year enrolments at Hawkesbury Agricultural College in New South Wales were suspended because of a lack of demand.

This seemingly ceaseless decline of agricultural education providers will not be reversed without serious consideration of the causes behind the decline of agricultural institutions specifically and agricultural enrolments generally.

The committee's report, which I commend to all senators, identifies key issues around student demand for agricultural courses, as well as solutions to address the problem.

Evidence received from the committee overwhelmingly showed that the level of agricultural literacy in our wider community, particularly the urban community, is very low. It is concerning that, in a recent survey, 10 per cent of university students at one of our most prestigious east coast universities thought that beef was a source of vegetable protein. If university students cannot tell the difference between the animal and the vegetable product, how can they be expected to know what career options might be available to them? The committee's report includes recommendations to work with teachers and students to address these deficiencies, starting at the primary school level, through secondary school and into tertiary education.

Many efforts have been expended to date in trying to address the concerns raised during the inquiry and to attract more people into agriculture and into agribusiness. However, this energy has been dispersed to date, rather than targeted, providing contradictory voices, and competing for attention at both government and senior levels as well as competing for limited funding.

Perhaps the key message to emerge from the committee's inquiry was that the traditional narrative of 'agricultural' has become associated not with innovation, excitement or opportunity but with hardship, isolation and monotonous, hard labour. Simply put, agriculture is not portrayed as an attractive option for students or career changers. Agriculture and agribusiness need a new narrative with which to reach out to prospective students and to the wider community with more attractive options.

The key recommendations of the report go to the critical matter of the need to form a new peak body to represent the agriculture and the agribusiness sectors as a whole. If we want to address the skills shortage in agriculture, if we want to improve agricultural literacy in the community, if we want to stop the decline in places of agricultural learning, if we want to ensure adequate, ongoing financing for the sector and particularly for agricultural research, there needs to be a peak body with the
authority and resources to provide a united voice for the sector.

The benefits of having a single peak body at the table to represent everyone from the farmer to the financier, from the educator to the processor, are many, and I will briefly include at least three: firstly, a forum for those in the sector to thrash out their differences and to address joint concerns; secondly, a single point of high-level engagement for governments, state and federal, on key public policy matters such as foreign ownership, education and consumer concerns; and, finally and most critically, a strong voice advocating for agriculture and agribusiness, telling the positive stories of opportunity, excitement, and prosperity to students, to career changers and to the wider community.

In summary, the committee's view is that there is a critical need to ensure that Australia is properly placed to meet the demands of a growing population here and particularly in the Asian region and of changing consumer habits while continuing to significantly improve industry productivity. I have often made the statement in this place that we have the challenge of feeding 1.9 billion more people in the Asian region by 2050, and Australia must position itself to make that contribution. I have also made the observation that agricultural productivity improvement has declined radically in the last decade or more from some 2.7 per cent increase annually from the mid-seventies to the last decade to now less than one per cent of increased productivity per annum. The only way we can position ourselves to make that contribution is if the agriculture and the agribusiness sectors have access to enough skilled employees to expand, enough trained researchers to develop new practices, and enough professionals to drive innovation and productivity growth. These people will not miraculously appear; they need to be attracted to careers in our sector, and they need to be provided with the training and the skills that will enable them to forge successful and rewarding careers. To do that, we first need to ensure that the structures and the facilities are in place which are capable of training these people who are required by industry, and in turn, the best way to ensure that education and industry are on the same page is through the development of a high-level peak body where all sectors are represented around the table.

In presenting this report to the Senate I acknowledge the contribution of all those who took time to prepare submissions and to appear before the various hearings and those, of course, who made wider contributions. I conclude with my appreciation to the secretariat, who worked diligently and conscientiously to assist the committee in presenting its report and its recommendations. I commend the report to the Senate.

Senator McKENZIE (Victoria) (12:34): I too rise to speak to this motion to take note of the report Higher education and skills training to support agriculture and agribusiness in Australia. Whilst Senator Back extends his thanks on behalf of the committee to a variety of people, I would like to extend my thanks to Senator Back for championing this issue and for his leadership around bringing this particular reference to the Senate Education, Employment and Workplace Relations References Committee.

Australia has been recently cited as becoming the food bowl of Asia—an idea, apparently, whose time has come. We already export 60 per cent of our produce. ABARES says there is potential for Australia to lift the value of its agricultural exports by 140 per cent by 2050, but this is not going to happen without a skilled, competent
workforce to conduct that industry. We need to invest in education and training in the agricultural sector so that we can innovate and drive productivity gains that are needed right across the sector to continue to develop our competitive advantage.

We investigated the skills shortage. Senator Back has already made reference to the Australian Council of Deans of Agriculture report that there have been 700 graduates annually in agricultural and related courses in recent years and yet there are 4,000 positions a year needing to be filled in the sector. In my own home state of Victoria, in the north-west, there were over 30 vacancies for agronomists across the region and there were actually no applicants. There is a serious outcry right across the industry for highly skilled graduates, which is what the committee report wanted to address.

I will not go into the same issues that Senator Back did, but I would like to mention a couple. One of the areas we focused on was the cost and funding of agriculture and agribusiness education in universities—and it is cost intensive. It is a lot cheaper to have a bunch of law students or teachers sitting in university lecture halls than it is to have a bunch of scientists running sometimes very expensive and complex scientific experiments on a farm down the road. So it is cost intensive, but our funding models do not address that. As an example, there is an educational facility in my home state, Longerenong College, which has a 1,000-plus hectare farm being used as an educative tool for young students passionate about agriculture. That farm is not going to be making a profit, because part of education is about making mistakes—about learning what works and what does not. So to assume that a farm you are running to educate people in agricultural business will make a profit would just be wrong. We need to recognise that. An additional cost and funding issue for agriculture and agricultural education is the fact that regional and rural based campuses do not have the economies of scale that urban based campuses do. As a result, their costs are higher.

We did not look only at tertiary education in the agricultural sector; we were also looking at more vocationally based education. I am happy to say that my own home state is also conducting a review of agri-education and has continued its strong support of agricultural education in Victorian TAFEs. On the issue of the cost of funding agriculture and agribusiness education, Latrobe University, Melbourne noted in their evidence that they may in future be forced to sell their on-campus farm reserve in order to restore other teaching infrastructure. So the question of where to best use resources is a complex and tension filled discussion within higher education institutions which offer agricultural education. Usually, the farm gets sold.

We heard a suggestion from the Hon. Dr Hendy Cowan to address this—a funding loading of 50 per cent to agricultural colleges. I thought that was quite useful. In their evidence, Latrobe University argued that, in order to reverse the declining number of student enrolments, it is critical for industry to promote itself and the opportunities available. That was another theme that came through in our deliberations—the role of industry, community, academics, educators and scientists to promote all that is fantastic about agriculture. They need to promote the benefits of living and working in the regions in a profitable, high-tech industry which involves international travel and international trade. It is an industry where you get to live in the best part of Australia—that being the regions, Senator Humphries. It is up to everybody, particularly the industry, to promote agriculture as a positive story.
One of the issues we heard about was that young people are making decisions at a very early age about what they will study and what careers they want to take up. That means it is important, in order to increase demand, to let parents, students, communities, schools and universities know that there is a bright and positive future in getting involved in agriculture. This requires collaboration and a joint effort.

Having been a teacher educator myself, I think it is important to turn young teachers on to agriculture—to enlighten them about all that is good and wholesome about it—so that they can go out into their classrooms, once they graduate, without it being an alien topic for them to bring up in those classrooms. I think one of the key recommendations the report makes is for those within teacher education faculties and agricultural faculties at universities to collaborate on promoting agricultural education and turning young people on to the industry.

I am conscious that Senator Macdonald wanted to have a say on this report, so I will not extend my remarks. The only other thing I wanted to mention was the amount of research funding that goes into agriculture. We had evidence that applications for funding for agriculture related research in universities, through the Australian Research Council grant process, have not enjoyed a high success rate. Right throughout our community, we have to get real about our role—whether it is the ARC, teachers, parents or industry—in promoting agriculture. We need to do that so that we can take advantage of the great opportunities this industry provides, not only to our nation through exports and contribution to GDP but also in the social aspects out in the regions—the underpinning of the local economies outside our capital cities. I absolutely commend this report. I thank everybody who worked on it, made submissions to it and contributed to its completion.

Senator IAN MACDONALD (Queensland) (12:43): I want to congratulate Senator Back, Senator McKenzie and the other members of the committee on the report Higher education and skills training to support agriculture and agribusiness in Australia. It has just been tabled, so I have not yet had the opportunity to read it in detail. But, having heard the principal recommendation, I have to say that it is most appropriate. The timing of the tabling of the report is impeccable. Many of my colleagues and I yesterday attended the breakfast put on by the Primary Industry Centre for Science Education, who had a roundtable here coinciding with the roundtable on the Rebuilding the agricultural workforce report yesterday morning and the previous day. There were a lot of discussion group meetings in this parliament about the very issue which is the subject of this report. What I heard from the leading people in agriculture and agricultural education at breakfast yesterday morning was that we need one centre to coordinate all of the teaching areas. So the recommendation by the committee is prescient and, as I said, very timely. Coming from a rural town in North Queensland, I well understand the need for skills training in agriculture and the importance of getting people to focus on a future in agriculture. Whilst a lot of work is being done in skills training, as I mentioned at the breakfast yesterday it is no good getting a workforce skilled in agricultural areas unless there is someone to employ them. Frankly, I do worry about the future of our agricultural industries. Most of our agricultural industries are price takers and every impost that contributes to their cost of production makes our farmers less viable. The carbon tax, on top of every other tax, and difficult workplace relationships with the
awards and regulations in the workplace make it more difficult for our farmers to make a quid. Unless they are able to make a quid, regrettably they will not be around for long. The first thing many friends of mine who are farmers advise their children is to not come onto the farm and to go and get a university education and get yourself skilled in an area where you can be certain of a future and where you will get a pay cheque at the end of every fortnight. That is a problem, but I do not know what the solution is. Certainly we can all talk about reducing input costs and reducing regulation on agriculture, but that is easy—it is much more difficult to do anything.

I am very critical of the carbon tax, but that is not the subject of my contribution today—except to point out that it is things like the carbon tax that keep putting costs up for our farmers. The more you do that, the less they are able to compete with farmers in other parts of the world. At yesterday's breakfast I was talking to a skills person from the Fisheries Research and Development Corporation who reminded me that it is 15 years since any approval has been given for an aquaculture farm in Queensland or Western Australia—I do not know about the other states. With the wild fishery being reduced all the time—it is going to be reduced even more with this quite ridiculous bioregional planning regime that has been announced in recent times—either we have to import fish, and 70 per cent of our fish is imported already and I understand it will go up to 80 per cent within a few years, or we have to farm our fish. I have been personally involved with an attempt by a group to open up a prawn farm between Ayr and Bowen in North Queensland but the green tape has meant that they have spent four years and tens of thousands of dollars trying to meet what are in my view, although I am not a scientist, quite ridiculous regimes and rules for the operation of an aquaculture farm. Hopefully they will get there, but gee it is a struggle for them. When they do get there, they will need skilled people—and that is why the report before the chamber is so important.

The North Queensland Centre for Tropical Agriculture is a college upriver from Ayr in the small township of Claredale. For years it was the Burdekin Agricultural College; it changed its name and its focus a couple of years ago. It is a Queensland government agricultural college which focuses on training people who want to have a future in agriculture. I express my support for that centre, for the work they do and for the students they turn out who come into the workforce as skilled people.

The importance of this report is also highlighted by the fact that with the boom in our mining industry a lot of skilled and unskilled workers in the agricultural areas, I suspect everywhere but I know it to be the case in North Queensland, have left agriculture and gone to work in the mines. They can drive a cane harvester—quite technical employment which requires some training—in the sugar industry or they can go and get a job driving big machinery in the mines. They are getting double, at times even treble, what they would get in agriculture.

That brings me back to the point I was making earlier, which was that unless our farmers can compete in the world, unless they can be profitable, I am pessimistic about the future of rural industries. Given good political leadership, which regrettably we are not getting now, we can turn it around. I am confident that in the future we will make our farmers viable and profitable again. I have a passion about opening up vast tracts of good arable land in northern Australia. There is a big mosaic of good agricultural land in the north, and we have all the water that could
ever be needed to irrigate crops. Regrettably, again, the current government has not done much in the area but I am very pleased that the coalition will go to the next election with a very positive policy on Northern Australia. By developing many parts of the North for agriculture we can feed not only Australians but the burgeoning millions, even billions, in Asia and the subcontinent.

Again, congratulations go to those senators involved in this report. I know it will be well received in industry and I hope the government does take note of the recommendations that have been made.

Question agreed to.

Treaties Committee
Report
Senator BIRMINGHAM (South Australia) (12:52): I present the very originally named 125th report of the Joint Standing Committee on Treaties on treaties tabled on 7 and 28 February 2012, and I move:

That the Senate take note of the report.

It is a pleasure to present this report on a series of treaties tabled on 7 and 28 February 2012. One of the more important treaties to put some remarks on the record about is the Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment done at New York on 18 December 2002.

The optional protocol aims to strengthen the protection of persons deprived of their liberty against acts of torture and other cruel, inhumane or degrading treatment or punishment. It provides for a mechanism to better ensure that detaining authorities are accountable for conditions in places of detention and for greater international transparency.

Australia is a longstanding and proud signatory to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, and we have, I believe, admirably honoured the issues that convention covers and have a proud record in that regard.

The optional protocol was the subject of a Joint Standing Committee on Treaties report, report No. 58, handed down in March 2004. At that time, the treaties committee recommended against ratification of the optional protocol, highlighting concerns that the UN committees were not focusing on the most pressing of human rights violations and that the subcommittee proposed by the protocol, when established, will be able to conduct visits to state party facilities regardless of whether there are substantive concerns regarding allegations of torture. So concerns remain about whether there is in fact effective, genuine and detailed prioritisation undertaken by the UN as to where it directs resources under these types of optional protocols. The committee report in 2004 went on to highlight:

… there is no suggestion that the independent national preventative mechanisms—those that exist already—are inadequate in Australia.

I think that it still the case—that the preventative mechanisms for those who are detained are indeed quite strong in Australia. Ratification of this protocol will simply codify those preventative mechanisms into compliance with the framework by taking the existing recommendations.

It is important to recognise what the committee did then. If over time the UN subcommittee on the prevention of torture demonstrated that it had focused its resources on the worst human rights violations in the world, then the Australian decision could be revisited. So the committee looked at what has happened since 2004.
The optional protocol has been in force now for over five years and has more than 60 state parties and a further 22 signatories. Australia already has, as I said, strong legal protections against torture and inhumane or degrading treatment. However, ratification of this optional protocol will, the committee believes, improve outcomes for detainees in Australia by providing a more integrated and internationally recognised oversight mechanism. It will provide an opportunity for organisations involved in detention management and oversight to share problem-solving measures and other information on the conditions and treatment of detainees.

Implementation aims to minimise instances giving rise to concerns about the treatment and welfare of people detained in places of detention in Australia. In addition to the human rights benefits, the committee heard evidence that monitoring has the potential to minimise the costs of addressing such instances, including avoiding litigation costs and compensation payments.

The optional protocol is an effective mechanism even in jurisdictions that already enjoy preventative monitoring through pre-existing oversight bodies. For example, the New Zealand Human Rights Commission noted in 2010 that the protocol had been valuable in 'identifying issues and situations that are otherwise overlooked, and in providing authoritative assessments of whether new developments and specific initiatives will meet the international standards for safe and humane detention'. The committee has indicated in its report that it does not want to see implementation of this treaty protocol delayed and has made recommendations accordingly.

Because concerns about this protocol have been expressed previously in this parliament, it is important to put on the record that not all of those concerns have necessarily been addressed, despite this committee recommending ratification. Now that significant numbers of other states have committed to the protocol, the committee believes that, overall, Australia as a good global citizen, as a country that has a proud record in relation to the convention, should be setting the example by participating as well.

However, the opposition does hope that the UN committees overseeing this will prioritise their work, in terms of preventing torture and other inhumane treatment of those who are detained, by focusing on circumstances where there are genuine concerns and instances of torture. We do not believe that is likely to be Australia. We believe the national preventative mechanism structure that will be put in place will unify and strengthen arrangements around Australia, but the opposition's perspective is that we do not believe it is terribly likely that Australia would face detailed international scrutiny as a result. I say to the Senate in tabling this report that the opposition, whilst not dissenting from the majority recommendation, does wish to highlight for the record article 33 of the optional protocol, which provides for a state party to denounce the optional protocol at any time with written notification to the UN Secretary-General. That is not to say that we would do so but to highlight that there is an out clause if it is believed the optional protocol is not working in a way that gives priority to serious human rights concerns around the world. There are a number of other treaties covered by this report. They include the Amendment to the Agreement Establishing the European Bank for Reconstruction and Development, adopted at London on 30 September 2011. This agreement is in response to the events in the Middle East and North Africa in 2010 and 2011—the so-called 'Arab Spring'. The bank was called upon by the international
community to extend its geographic scope to support the transition of the southern and eastern Mediterranean countries to market economies. It is believed by the committee and by the government and others that it is in Australia's national interest to accept the proposed amendments to allow the bank to extend its operations to eligible countries in the southern and eastern Mediterranean to support their transition to democracy. Egypt, Morocco, Jordan and Tunisia have taken steps so that they may potentially benefit from the expansion of the European Bank for Reconstruction and Development. The bank is well placed to support countries that are hopefully transitioning towards open and democratic market economies, which I am sure all members of the Senate would welcome and encourage.

The report also covers amendments to the Convention on the Conservation of Migratory Species of Wild Animals, which added two species found in Australia, the giant manta ray and the eastern curlew. The eastern curlew is a striking-looking bird with a long curved bill, which every year migrates around the world between the coastal beach and shore areas it inhabits. Like many other migratory shorebirds it is highly vulnerable to areas of its habitat being paved over for industrial or housing developments, and the loss of habitat in its migratory chain has serious effects. These are issues we should all be concerned about and I hope that all countries which are party to this convention will take their responsibilities seriously.

The remaining treaties covered in this report include the Prevention of Pollution by Harmful Substances Carried by Sea; conformity assessment certificates between the EU and Australia; international wills, which will be important to Australians who have assets in different countries; and the Agreement on the Conservation of Albatrosses and Petrels. The committee has recommended binding action for these treaties. On behalf of the committee, I commend the report to the Senate.

Question agreed to.

**BILLS**

Appropriation Bill (No. 5) 2011-2012

Appropriation Bill (No. 6) 2011-2012

First Reading

Bills received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:02): 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 FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:03): 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—

**APPROPRIATION BILL (NO. 5) 2011-2012**

There are two supplementary additional estimates bills this year: Appropriation Bill No. 5 and Appropriation Bill No. 6.

The supplementary additional estimates bills seek appropriation authority from parliament for the additional expenditure of money from the Consolidated Revenue Fund. These funds are sought in order to meet requirements that have arisen since additional estimates. The total appropriation being sought through the supplementary additional estimates bills this year is a little over $390 million.
Turning now to Appropriation Bill No. 5, the total appropriation being sought in this bill is $250.3 million. This proposed appropriation arises from: changes in the estimates of program expenditure; variations in the timing of payments; forecast increases in program take-up; reclassifications; and from policy decisions taken by the government since the last budget.

I now outline the major appropriations proposed in the bill.

The government will provide $34.7 million to the Department of Broadband, Communications and the Digital Economy. This includes funding to support the government's commitment to assisting commercial and national broadcasters to vacate the 700 MHz spectrum (the digital dividend spectrum) by replacing and retuning existing transmission equipment so that this spectrum can be cleared for new uses as soon as possible after the switch-off of analog services on 31 December 2013.

The government will provide the Department of Families, Housing, Community Services and Indigenous Affairs with $112.6 million. This will provide funding for the Family Support Program and will give organisations earlier access to funds essential to the continued delivery of services under this program.

The government will provide the Department of Health and Ageing with $44.1 million. This will support increasing payments in 2011-2012 for Primary Care Financing, Quality and Access, and for Rural Health Services.

The government will provide the Department of Regional Australia, Local Government, Arts and Sport with $43.7 million. This includes grant payments to support 'The Wolverine', Western Sydney Football, the Jim Stynes Achievement Scholarship and a contribution to the Olympic Park Precinct Community Sports Centre.

The remaining amounts that appear in Appropriation Bill No. 5 relate to estimates variations, minor reclassifications and other minor measures.

APPROPRIATION BILL (NO. 6) 2011-2012

Appropriation Bill No. 6 provides additional funding to agencies for:

- requirements for departmental equity injections; and
- requirements to create or acquire administered assets and to discharge administered liabilities.

The total additional appropriation being sought in Appropriation Bill (No. 6) 2011-2012 is $140.5 million, the more significant amount of which I will now outline.

The Department of Health and Ageing will receive $119.9 million in this bill. This relates to a re-appropriation of operating appropriation as capital appropriations for IT infrastructure for the Personally Controlled Electronic Health Record initiative. The bill also provides funding to support replenishment of the National Medical Stockpile.

The remaining amounts that appear in bill 6 relate to estimates variations, minor reclassifications and other minor measures.

I would like to turn now to the General Drawing Rights Limit for the nation-building funds, which specify the maximum limit on payments from the funds in a financial year exclusive of GST. The General Drawing Rights Limit for the Building Australia Fund proposed in this bill will increase the limit declared in Appropriation Act (No. 4) 2011-12. The change recognises adjustments in the timing of payments to better reflect project milestones and previously announced funding.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

Appropriation (Parliamentary Departments) Bill (No. 1) 2012-2013

Appropriation Bill (No. 1) 2012-2013

Appropriation Bill (No. 2) 2012-2013

First Reading

Bill received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:04): 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 FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:04):

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 speech read as follows—

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2012-2013

The purpose of the Appropriation (Parliamentary Departments) Bill (No. 1) 2012-2013 is to provide funding for the operations of the four parliamentary departments.

The total appropriation sought through this bill is $174.5 million. Details of the proposed expenditure are set out in the schedule to the bill.

This bill provides appropriation for the Department of the Senate, the Department of the House of Representatives, and the Department of Parliamentary Services, as well as the independent Parliamentary Budget Office, which has been established to assist parliament in its scrutiny of the budget and fiscal policy.

Last year the government passed legislation to establish a Parliamentary Budget Office, marking a new era of parliamentary scrutiny of the budget process.

The PBO will be an important new institution to improve the transparency of Australia's already strong fiscal and budgetary frameworks.

Members and senators will have access to an independent and confidential costing service outside of a general election period.

They will also be able to use a fully transparent policy costing service during election periods.

The PBO will ensure the Australian community is better informed about the fiscal impacts of policy proposals, and will allow a more accurate and informed debate on economic policy in this country.

As to be expected, this is a body that is independent of the government, and therefore the establishment of the PBO is a matter for the parliamentary departments.

With the PBO soon to be operational, I'd call on those opposite to make the most of this body and submit their policies for costing.

We know from statements by their economic team that the opposition need to make $70 billion in savage cuts to balance their books.

They need to come clean with the Australian people and give the details of these cuts, and where they will come from.

The PBO will enhance the transparency and accountability of our democracy, and I look forward to it being up and operational shortly.

APPROPRIATION BILL (NO. 1) 2012-2013

Strong economy and fair Australia

The four years of surpluses I announce tonight are a powerful endorsement of the strength of our economy, resilience of our people, and success of our policies.

In an uncertain and fast changing world, we walk tall—as a nation confidently living within its means.

This budget delivers a surplus this coming year, on time, as promised, and surpluses each year after that, strengthening over time.

It funds new cost of living relief for Australian families.

It helps businesses invest, compete and adapt to an economy in transition.

And it finances bold new policies to help Australians with a disability, the aged, and those who cannot afford dental care.

It does these things for a core Labor purpose:

To share the tremendous benefits of the mining boom with more Australians.

To create more wealth, prosperity, and jobs; spread more opportunity; and advance the living
standards of millions of families and pensioners on modest incomes.

Tonight we make a forceful statement that ours is one of the world's strongest economies and fairest communities.

Not even a sovereign debt crisis in Europe or unprecedented natural disasters here at home could deny Australia this substantial achievement.

The deficit years of the global recession are behind us. The surplus years are here.

Surpluses built on some difficult savings, which avoid vulnerable Australians and front-line services, and don't compromise our investments in productivity.

Surpluses that provide a buffer against global uncertainty, and continue to give the Reserve Bank room to cut interest rates for families like it did just last week.

This budget is about discipline and restraint but also about priorities; ensuring precious funds are redirected to the purposes and people that need them most.

Across the budget, by saving and redirecting $33.6 billion, we're balancing the books.

Making room for $5 billion in new payments to households.

Finding an extra $714 million to help companies compete, on top of the $3.7 billion in small business tax breaks.

Funding the historic first stage of a National Disability Insurance Scheme.

Investing in dental services for those who can least afford them.

Strengthening the aged-care system.

Investing in productivity and competitiveness by building on key improvements in health, education, infrastructure and clean energy.

Staying true to our Labor ideals and to the promise of a fair go, converting economic success into real benefits for the majority of Australians.

**Economic and fiscal strength**

Since this government came to office we have stared down a global financial crisis and created over three quarters of a million jobs, while weaker economies shed millions of jobs.

Every Australian can be proud we have one of the lowest unemployment rates in the developed world; half what we see across Europe and dramatically lower than in the United States.

Proud that economic growth is expected to be stronger than every single major advanced economy over the coming two years.

With solid growth in real GDP of 3¼ per cent in 2012-13 and three per cent in 2013-14.

By mid-2014, our economy is expected to be over 16 per cent bigger than it was before the global financial crisis, again outstripping the major advanced economies.

Unemployment is forecast to remain low at 5½ per cent in the next two years; official interest rates are lower now than at any time under our predecessors; and we have an investment pipeline of over $450 billion in the resources sector alone.

Our budget strategy is custom built for this combination of strengths, and for an economy returning to more normal rates of growth.

A surplus provides our best defence against dramatic changes in the global economy.

A moderate recovery in the US still has a long and difficult road ahead, and Europe continues to cast a shadow over the global outlook. We are closer than ever to the epicentre of global growth, as the weight of activity moves towards Asia.

This transformation on our doorstep brings new opportunities—not just in mining, but in services, manufacturing, and in our rural economy, where the outlook is bright.

And because of our economic success over four difficult years just past, we face the transformations of the Asian century from a position of strength.

Of course these forces are also making for uneven conditions across our patchwork economy.

We understand that the sustained high dollar weighs heavily on parts of the economy, and global uncertainty has bred consumer caution.

This has ripped billions from our revenue base, with tax receipts as a share of GDP not expected to recover to pre-crisis levels for some years.
In the coming year, tax as a proportion of the economy is just 22.1 per cent, compared to the 23.7 per cent we inherited from our predecessors—that is $24 billion less tax.

In total, this year and next, taxes are down a further $12 billion since the last update, taking the total write-down since the crisis to around $150 billion.

This has contributed to a deficit in 2011-12 of $44 billion, and means net debt will now peak at 9.6 per cent of GDP, just a tenth of the level of the major advanced economies.

Delivering surpluses when we have less tax revenue means we need to make substantial savings to pay for new initiatives.

It is these responsible decisions which return the budget to a $1.5 billion surplus in 2012-13, and growing every year after that.

This delivers on our commitment to the Australian people on time, as promised, and ahead of every major advanced economy.

SPREADING THE BENEFITS OF THE BOOM

Madam Deputy Speaker, this Labor government knows that for too many Australians it feels like someone else’s mining boom, someone else’s prosperity.

So tonight, from the firm foundations of a surplus budget, we announce new policies to spread the benefits of the boom.

These new measures are good for low- and middle-income families because they help them make ends meet and to get ahead.

And good for our economy because they will help struggling manufacturers, retailers and other businesses that risk being left behind because of the high dollar.

Cost of living

We understand the pressures Australians face, paying for electricity, housing, groceries, petrol or even a simple family outing.

That is why we have gone into bat for working families, by providing help with the cost of raising children through our Paid Parental Leave scheme and our child care rebate.

It is why we have delivered $47 billion in personal income tax cuts and it is why we are tripling the tax free threshold to benefit low- and middle-income earners so that all taxpayers with incomes of up to $80,000 will get a further modest tax cut this year.

It is why we have provided an annual increase of up to $4,208 per child in Family Tax Benefit Part A for parents of schoolchildren aged 16 to 19 from the start of the year.

And it is why families and pensioners are receiving further assistance through higher payments and tax cuts to help transition to a clean energy future.

And tonight we go further.

I am proud to announce a new Spreading the Benefits of the Boom package: $3.6 billion to share the proceeds of the mining tax with families and small business.

The government has always been committed to sharing fairly the benefits of the resources boom. And every step of the way we have been opposed by the coalition.

For example, our company tax cut has been rejected in full by the Liberals and Nationals, and in part by the Greens.

We will not allow this parliamentary gridlock to deny Australians the benefits they deserve. So in this budget the funds for company tax cuts have been redirected to families in a way that also helps the economy, including small business.

At the core of this package is $1.8 billion in extra support for families through more generous family payments from July next year.

More than 1.5 million families will benefit from increases to Family Tax Benefit Part A, with nearly half taking home an extra $600 a year.

We will also invest $1.1 billion in a supplement of up to $210 a year for students, jobseekers and parents with young children and on income support.
On top of the new measures funded from the mining tax, we are also giving parents more help with the cost of schooling their kids.

From next year we will deliver a new Schoolkids Bonus.

This will replace the Education Tax Refund and will provide an extra $2.1 billion in more timely relief to 1.3 million families.

They will no longer need to keep their receipts and wait until tax time to claim the refund.

By making it automatic, we ensure families get the full assistance they deserve, and we reach out to the parents of half a million children who are currently missing out.

All eligible families will receive a lump sum payment next month, then $820 for secondary school students and $410 for primary school students next year.

**Superannuation**

Madam Deputy Speaker, the super reforms funded by the mining tax will help more Australians secure a better retirement, and give those on low incomes a better deal.

By raising the superannuation guarantee rate to 12 per cent, we will boost the retirement savings of 8.4 million workers and increase our pool of national savings.

As a result of this reform, a 30-year-old worker on average full-time earnings will retire at age 67 with an additional $118,000 in super.

We are providing a higher concessional contributions cap for older Australians with balances below $500,000, with a revised start date of 1 July 2014.

We are improving the fairness of concessions for contributing to superannuation, by ensuring around 3.6 million low-income Australians effectively pay no tax on their super guarantee contributions.

And we are reducing the tax break on concessional contributions for the top one per cent of earners, to bring it more into line with the concession for average wage earners.

**Businesses**

Our multispeed economy is putting pressure on business that is not in the fast lane.

Our $714 million loss carry back scheme will support businesses in need, to help them compete.

We will encourage companies to invest and innovate by offsetting a current year tax loss of up to $1 million against tax paid in previous years; a refund of up to $300,000.

This will support businesses when they need it—providing an injection of funds to invest in new ideas, equipments and markets.

So a cafe on a tourist strip can get the funds they need to refurbish or keep on valuable staff, so they are ready when conditions pick up.

Or a small manufacturer can get the funds they need to retool, so they can get through the tough times and make the most of opportunities sitting just over the horizon.

We estimate this will help around 110,000 businesses over the first four years, providing cash flow when it is needed most, rather than down the track.

As well, from 1 July this year all small businesses can immediately write off every eligible asset they buy for up to less than $6,500, and up to $5,000 for cars or utes.

These new measures will drive investment, improve productivity, and make life easier for up to 2.7 million small businesses.

We wanted to do more for business with a company tax cut but the opposition's negative tactics have prevented that tax cut occurring.

So my message tonight to businesses large and small is that we are providing help now through the measures I have just described.

And we will keep working with you to seek consensus on proposals from the Business Tax Working Group later this year.

**Building for the future**

This budget redirects and prioritises spending to convert a more productive economy into a fairer community as well.

**NDIS**

Tonight I am proud to announce funding for the historic first stage of a national disability insurance scheme—the most fundamental social policy reform since Medicare.
A national disability insurance scheme will ensure people with disabilities get the individual care and support they need.

Over 400,000 Australians live with a significant and permanent disability and are among the most deserving of our support.

Under this government, they will start to receive it.

This budget commits $1 billion over four years to roll out the first stage of a national disability insurance scheme, which is expected to cover 10,000 people from 2013-14 and 20,000 people from 2014-15.

This will inform our discussions with the states on how and when we roll out the full scheme.

Dental care

This budget also provides $515 million in funding to address immediate dental care needs.

We know that many low-income earners face long waiting lists for public dental services.

Three hundred and forty-six million dollars over three years will fund a blitz on public dental waiting lists and get care to people who need it most but can least afford it.

We are also boosting the public system with $78 million to help dentists relocate to regional, rural and remote areas; $81 million to boost training for graduate dentists and therapists; and $10.5 million to promote better oral health.

Aged care

Those who built modern Australia after the Second World War deserve a twenty-first century aged care system that honours their contribution.

With smarter use of public and private funding, this budget delivers a $3.7 billion package to address pressing areas of need, and lays the foundations for future reform.

We know older Australians want to remain in their own homes as long as possible, so we will provide 40,000 more home care packages over the next five years.

We are also providing $660 million over five years for incentives to invest in quality services for those who do need to enter residential care, and $1.2 billion over five years to build a better trained and better paid aged care workforce.

Health and hospitals

We are making vital investments right across the health system and right across the country.

Our historic national health reforms will provide an additional $19.8 billion in Commonwealth funding for public hospitals by 2019-20.

This budget delivers 76 new health infrastructure projects to upgrade regional hospitals and support training where doctors are needed most, costing $475 million.

This is part of a $5 billion allocation from the Health and Hospitals Fund, with new hospitals and clinics creating better services in regions where previously they had little coverage.

We are also spending $50 million over four years to fund a phased expansion of the National Bowel Cancer Screening Program.

And our national e-health agenda gets a boost of $234 million, so people can have digital, accessible, and consistent health records for their whole lives.

Education and training

We know that the best way for Australians to make ends meet is to ensure they can seize the opportunity to work.

This government's job creation record and workforce building initiatives are among our proudest achievements.

Removing barriers to work and lifting skills boosts productivity and creates wealth.

The Prime Minister recently secured $1.75 billion for the national partnership on skills reform and that delivers greater access to quality training.

The budget provides another $101 million to support the government's skills agenda.

Building on the jobs bonus to encourage employment of older workers, this budget provides $61 million to improve their training and employment services.

It provides an additional $225 million for the highly successful Jobs, Education and Training Child Care Fee Assistance program, which helps remove barriers for people with young children who want to get back into study or work.
And we are investing $1.5 billion over five years on a new Remote Jobs and Community program that will provide new employment services for remote Australia. This Labor government has also almost doubled investment in our schools since coming to office.

And following the Review of Funding for Schooling Final Report, the government is working with stakeholders on future arrangements, starting from 2014.

We are also delivering in this budget $54 million to encourage maths and science studies at school and university.

And over the next four years we will be investing $38.8 billion in higher education, with extra support for students from poorer backgrounds.

**Infrastructure**

As well as investments in education and training, building a stronger, more competitive and more productive economy requires investments in critical infrastructure.

The National Broadband Network is transforming our economy, and our $36 billion Nation Building programs are improving our road, rail and port networks.

Like $3.6 billion to duplicate the Pacific Highway, meeting our commitment to fund half the project, provided the New South Wales Government also contributes its half.

Or joining with the private sector to develop the Moorebank Intermodal Terminal, to help freight flow in Sydney and take the equivalent of 3,300 trucks off busy roads.

And $232 million towards the Torrens and Goodwood rail project to help ease congestion on Adelaide's suburban and east-west freight rail networks.

**Clean Energy Future**

In coming years no first world, first-rate economy will succeed without cleaner sources of energy.

So part of the broader transformation of our economy involves moving to a clean energy future, and helping Australian businesses and households make the change.

The price on carbon pollution that begins this year will only be paid by Australia’s biggest emitters. It will not be levied on families.

But to help with any price increases, we are cutting income tax and increasing payments to pensioners, families and recipients of allowances beginning this month.

**Balanced Budget**

As well as spreading the benefits of the boom, this budget makes targeted savings to get back to surplus and make room for our priorities.

Of $33.6 billion of savings, about half are reductions in spending:

- like targeting Family Tax Benefit Part A to children under 18 or in secondary school;
- or decreasing Pharmaceutical Benefits Scheme spending by negotiating lower prices;
- or deferring some defence expenditure while prioritising support for current overseas operations;
- or meeting our commitment to lift spending on foreign aid to 0.5 per cent of Gross National Income a year later.

We are also taking further steps to improve the fairness and sustainability of the tax system while keeping tax as a share of the economy lower than what we inherited:

- For example, limiting tax concessions for golden handshakes and living away from home benefits, which typically accrue to high income earners.
- And not proceeding with the standard deduction because our reforms to the tax free threshold will free over 1 million taxpayers from needing to lodge a tax return.

Making the tax system more sustainable not only achieves savings now, but benefits the budget bottom line for decades to come.

It is this fiscal discipline that has earned us a AAA rating from all three major ratings agencies for the very first time in our history.

**The Fair Go**

This Labor government believes the tremendous opportunities of the mining boom should be shared fairly with all Australians.
Ours is a country where people who work hard should get fairly rewarded, where there is an optimism that comes with economic and social mobility.

In a global economy marked by anxiety and uncertainty, our nation is a beacon of resilience, stability and success.

Not just for the strengthening surpluses we will build years ahead of our peers.

Not just for growth rates outpacing the major advanced economies over coming years.

But for the resilience of our people, and the value we attach to the fair go.

And now, amidst great change, new challenges lie ahead.

That is why this budget supports workers and parents and helps businesses prosper.

It is why we are boosting super and skills; aged care and dental care; and building an insurance scheme for the most vulnerable.

All good Labor policies— with one purpose:

To create more wealth, and turn our remarkable economic success into a stronger, fairer community as well.

I commend the bill to the Senate.

APPROPRIATION BILL (NO. 2) 2012-2013

Appropriation Bill (No. 2) 2012-2013, together with Appropriation Bill (No. 1) 2012-2013, is one of the principal pieces of legislation underpinning the government's budget.

Appropriation Bill (No. 2) 2012-2013 proposes appropriation for agencies to meet:

- payments direct to local government, and some national partnership payments through the states, the Australian Capital Territory and the Northern Territory;
- requirements for departmental equity injections; and
- requirements to create or acquire administered assets and to discharge administered liabilities.

Appropriation Bill (No. 2) 2012-2013 seeks approval for appropriations from the Consolidated Revenue Fund of just over $7.2 billion.

Appropriation Bill (No. 2) 2012-13 also provides for amendments to the Commonwealth Inscribed Stock Act 1911.

The amendments will provide for the government's financing requirements, particularly normal within-year financing fluctuations, and will ensure flexibility in meeting the government's objective of maintaining a deep and liquid CGS market.

CGS on issue subject to the current legislative limit is projected to be below $250 billion at the end of each financial year across the forward estimates.

However, fluctuations in cash requirements within a financial year are a normal feature of the government's annual financing task. It is these requirements that determine the level of CGS that needs to be on issue at any particular time during the year.

These fluctuations mean that at certain points during the year the level of CGS on issue will exceed the current legislative limit.

The two key drivers of within-year fluctuations in CGS on issue are: the timing difference between government revenue collections and expenditure outlays throughout the financial year, and the timing of bond maturities.

While government expenditure outlays occur relatively evenly across the financial year, revenue collections tend to be higher toward the end of the financial year. As a consequence of this timing mismatch, expenditure tends to exceed receipts for the majority of the financial year.

In advance of the maturity of a bond line it is necessary to increase the volume of Treasury notes on issue in order to fund the maturity of a bond line.

This means that in the lead-up to a bond line maturing, there is a temporary increase in the total amount of CGS on issue owing to the combined value of the Treasury notes and the maturing bond line. The amount of CGS on issue falls, on the maturity date of the bond, by the face value of that bond. It is critical that the government maintains a clear and unambiguous message that debt market operations will not be
impeded, for example by short-term borrowing constraints such as the legislative debt limit.

An increase in the legislative debt limit will enable the government to provide certainty to financial markets that the Australian Office of Financial Management will be able to undertake normal debt management operations.

To ensure flexibility in meeting the government's objective of maintaining a deep and liquid CGS market, and to most efficiently manage the normal within-year financing task, an amendment will be sought to the Commonwealth Inscribed Stock Act 1911 to increase the legislative limit on CGS to $300 billion.

Details of the proposed appropriations are set out in schedule 2 to the bill, the main features of which were outlined in the budget speech delivered by my colleague the Treasurer earlier this evening.

Debate adjourned.

Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012

First Reading

Bill received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water)(13:05):

I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:06): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

BROADCASTING SERVICES AMENDMENT (IMPROVED ACCESS TO TELEVISION SERVICES) BILL 2012

Access to electronic media is important to all members of our community, including those with a hearing impairment.

Electronic media such as television, film and the internet have proven to be invaluable sources of information and also can provide entertainment for all Australians.

The influential nature of television on our society should not be underestimated; it is an important tool for building national identity.

Increasing media access levels is consistent with Australia's international obligations under the United Nations Convention on the Rights of Persons with Disabilities as well as our domestic policies, such as this government's social inclusion policy.

The United Nations Convention sets out the obligations on countries to promote, protect and ensure the rights of people with a disability.

It specifically prohibits discrimination against people with a disability in all areas of life. The Convention also sets out obligations in relation to participation in cultural life and specifies that countries take all appropriate measures to ensure persons with disabilities can access cultural materials such as television programs in accessible formats.

Improving access to television is an important component of the Australian Government's response to the United Nations Convention.

It is expected that by 2020 hearing loss is likely to affect more than five million Australians. This is an indication that now is the time to act, in terms of legislating to provide important services for a growing portion of our population.

The Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012 (the bill) implements the government's response to a number of recommendations from the government's investigation into access to electronic media for people with hearing and vision impairment, known as the media access review.
The media access review occurred in stages and involved significant public consultation, including receiving 167 submissions on a discussion paper and 54 submissions on a subsequent discussion report.

These views were considered by government in developing the final report titled *Access to Electronic Media for the Hearing and Vision-Impaired final report*, which was tabled in Parliament on 3 December 2010.

The purpose of the bill is to amend the Broadcasting Services Act 1992 to provide for greater access to free-to-air and subscription television for the hearing impaired.

The bill will achieve this policy objective by introducing new legislative requirements and, where applicable, increasing existing requirements for captioning on commercial, national and subscription television broadcasters.

Captioning is an important tool that assists people with a hearing impairment by providing the text version of speech and other sounds during television broadcasts.

The bill sets out a path to achieve 100 per cent closed captioning between 6 am and midnight of non-exempt programs for free-to-air broadcasters' main channels. It also sets out a path to achieve 100 per cent closed captioning of non-exempt programs for subscription broadcasters. Reaching these targets will be a significant achievement, as we move toward equal access to electronic media, for all sections of Australian society.

The proposed captioning targets are comparable with international best practice, including in international jurisdictions such as the United States of America, Canada and the United Kingdom which feature captioning requirements of 100 per cent of non-exempt television programming.

A gradual, incremental increase in targets has been designed to assist the nation's broadcasters adjust to the increasing costs that will result from the move to higher and higher levels of captioning.

The bill will also provide for improved access to televised emergency warnings for people with a hearing or vision impairment.

The bill will achieve this policy objective by mandating that emergency warnings broadcast on television must be transmitted in the form of text and speech, and captioned where reasonably practicable.

The requirement for emergency warnings to provide important information both verbally and visually is in keeping with international best practice such as the United States of America's Federal Communications Commission's rules which require broadcasters and cable operators to make local emergency information accessible to persons who are deaf or hard of hearing, and to persons who are blind or have visual disabilities.

We also intend to address the issue of captioning quality.

Under this bill the Australian Communications and Media Authority will determine standards relating to the quality of captioning. This will be in terms of readability, comprehensibility and accuracy. This is to ensure that captioning is legible for the benefit of those whose disabilities prevent or hinder their hearing of broadcast programs.

We understand that currently there can be variability in the quality of captions and this element is designed to combat it. We also understand that for those who rely on captions, there is little value in captions that are of poor quality.

There are a number of programs that broadcasters are not currently required to caption for practical reasons, and these exemptions will be maintained. These include television programs that are not in English and music-only programs. We have made these exemptions to ensure that meeting increased targets is achievable for broadcasters.

Achieving regulatory certainty is important, and we will also ensure that there is a clear regulatory framework for captioning.

The bill will prescribe the new captioning requirements in the Broadcasting Services Act 1992 under the Disability Discrimination Act 1992, which will provide both consumers and broadcasters with a level of regulatory certainty through one set of clear future targets, one overarching regulatory system, and a clear and
cost-effective compliance and complaints mechanism.

The Attorney-General will develop the required regulation.

The Disability Commissioner and the Australian Human Rights Commission are supportive of this approach as currently broadcasters are subject to targets under both the Broadcasting Services Act 1992 under the Disability Discrimination Act 1992, and having one regulatory system will remove the current need for the Commission to negotiate with broadcasters recurring temporary exemptions under the Disability Discrimination Act 1992.

The bill reflects recent developments. On 1 May 2012, an agreement on targets for increased captioning levels across existing subscription television channels and minimum captioning levels for new channels was finalised by the Australian Human Rights Commission and the Australian Subscription Television and Radio Association. The agreement was taken into account when developing the new legislative requirements in the bill.

The government will take a considered approach to the regulation of captioning for television like services provided using the internet. In 2011-12 the convergence review examined the policy and regulatory frameworks applying to a converged media and communications landscape in Australia, and advised the government on potential amendments to ensure the regulatory framework for media remained effective and appropriate.

The convergence review final report covered a variety of content services. The government will respond to the final report of the independent convergence review later in 2012.

There are ongoing significant technical developments in the area of access technologies and government initiatives have the potential to transform the media landscape in Australia, such as the introduction of the National Broadband Network and the switch to digital television.

The government intends to ensure that meaningful improvements to levels of media access for people with hearing and vision impairment is achieved in a way that is practical for broadcasters and content producers.

The passing of this bill will improve the accessibility of television, ensuring a more inclusive viewing experience for all Australians.

Debate adjourned.

**Australian Human Rights Commission Amendment (National Children's Commissioner) Bill 2012**

**Passenger Movement Charge Amendment Bill 2012**

First Reading

Bills received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:06): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed on the Notice Paper as indicated on today’s Order of Business. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:07): I table a revised explanatory memorandum relating to the Passenger Movement Charge Amendment Bill 2012 and 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—
Promoting the rights, wellbeing and development of Australia’s children and young people is a fundamental priority for the Gillard Government.

Children and young people are our future, but they are often also vulnerable. Australia’s future depends on them reaching their full potential.

The Gillard Government wants every child to grow up safe, happy and well.

We want to give kids the best start in life.

Labor came to government with an important agenda for supporting and protecting children. We have been determined to put children’s interests at the centre of policy making, not on the margin.

Across all areas of Government, including family law, education and early childhood, youth health policies and programs and child protection and welfare, we are working to improve the wellbeing, rights and safety of Australia’s children.

In 2009, Labor delivered the first ever National Framework for Protecting Australia’s Children.

The National Framework outlines an ambitious, long term national approach to ensuring the safety and wellbeing of Australian children. It aims to deliver a substantial and sustained reduction in levels of child abuse and neglect.

It includes practical reforms so children at risk are identified and protected, such as improved information sharing between agencies like Centrelink, Medicare and state protection authorities.

Working with the States and Territories, we have developed national standards for out of home care. These national standards seek to drive improvements in the quality of care so that children and young people in out-of-home care have the same opportunities as other children and young people to reach their potential in life no matter where they live in Australia.

Our ongoing commitment to the Family Support Program complements state and territory services through early intervention and prevention support for children and families at risk. It also supports the Government’s commitment to putting the safety and wellbeing of children at the heart of the Government’s social policy agenda.

And putting the safety and wellbeing of children front and centre is exactly what Labor has done in relation to changes to the Family Law Act that will come into effect on 7 June this year.

These changes will provide better protection for children who are exposed to family violence. This means the Family Law Act will continue to promote a child’s right to a meaningful relationship with both parents, with a stronger emphasise that the child’s safety must come first.

In February 2011, Labor delivered Australia’s first National Plan to Reduce Violence Against Women and their Children.

The National Plan is unprecedented in the way it focuses on preventing violence by raising awareness and building respectful relationships between young people to foster attitudes and behaviours that reject violence against women.

Labor introduced new National Quality Standards for early childhood education and care so that Australian children receive better care and attention and can participate in play based learning activities led by trained early childhood educators.

Labor’s significant reforms and investment in early education are directed at giving all kids the best possible start in life and will give all Australian kids access to 15 hours of early childhood education and care for 40 weeks a year by a university-trained teacher.

We have made unprecedented investments to close the gap and address the unacceptable levels of disadvantage faced by too many Indigenous children.

The Labor Government is committed to working in partnership with Indigenous families to deliver better opportunities for Indigenous children.

Labor is working to support families and children with funding for playgroups, crèches,
youth workers and safe houses in communities across Australia. We are also significantly increasing the number of Communities for Children sites which provide services such as early learning and literacy programs, parenting and family support programs and child nutrition advice.

The Government is also providing additional funding for the Home Interaction Program for Parents and Youngsters in this year's Budget to better prepare disadvantaged Indigenous children for school though a home-based parenting and early childhood program in 100 sites across Australia.

These significant reforms for our most vulnerable children complement the changes we have made to help families with the costs of raising children.

Labor increased the Child Care Rebate in July 2008 from 30 per cent to 50 per cent of out-of-pocket child care expenses up to $7500 a year making it easier for parents to return to work and contribute to the family budget.

We have introduced Australia’s first national Paid Parental Leave scheme because giving new mums the financial security to take time off to bond with their newborns, is giving babies the best start in life.

And in this year’s Budget, we have delivered a new Schoolkids Bonus to help low and middle income families with the costs of school, as well as increases to Family Tax Benefit Part A starting next year.

Labor is proud of this record but we know more can be done.

Children and young people need an independent voice on the national stage.

A National Children’s Commissioner will be a strong and forceful voice for Australia’s children and young people and will play a proactive and positive role in their wellbeing and development.

Our children are our future and if we do not value them, we cannot ever hope to protect them. A National Children’s Commissioner will put their needs front and centre.

And that is why I’m so pleased that the Gillard Labor Government will establish for the first time, a dedicated advocate focused on the human rights of children and young people at a national level.

In this context, I am pleased to introduce the Australian Human Rights Commission Amendment (National Children’s Commissioner) Bill 2012 which will establish the position of National Children’s Commissioner within the Australian Human Rights Commission.

This bill’s basic principle is that every child is a valued member of society.

These amendments will ensure there is an independent, child focused voice to advocate for children and young people at the national level.

A National Children’s Commissioner will raise public awareness of nationally significant issues affecting children and young people through discussion, research and educational programs.

The Commissioner will examine relevant existing and proposed Commonwealth legislation to determine if it adequately recognises and protects children’s rights in Australia and report their findings to Government.

The Commissioner will consult directly with children and their representative organisations which will ensure they can influence the development of policies and programs that affect them at the Commonwealth level.

This will signal to children and young people that we as adults think that they matter – that we value their childhood and that we will listen to their needs and hopes.

Importantly, the National Children’s Commissioner will have a clear focus on vulnerable or at-risk groups of children, such as children with disability, Aboriginal and Torres Strait Islander children, homeless children or those who are witnessing or subjected to violence.

The Commissioner will give a voice to those groups of vulnerable children that haven’t had one.

A National Children’s Commissioner will also provide an annual report to Government each year on key issues affecting children’s rights,
wellbeing and development that will be tabled in Parliament.

The position will also contribute to meeting Australia’s obligations under the Convention on the Rights of the Child, and reinforce our commitment to our international obligations and relationship with the United Nations. It is another example of how Australia is turning commitments made during its Universal Periodic Review at the UN into reality.

The Commissioner will not duplicate the roles of State and Territory Children’s Commissioners but will seek to work with them to identify issues of national importance.

The Commissioner will not have a guardianship role nor will it have a complaint handling role or a role in dealing with individual children, including individual children’s cases in the context of child protection or family law.

However, the Commissioner will have a limited role to seek leave to intervene in court proceedings which raise significant children’s rights issues but this will not extend to representing individual children.

I also take this opportunity to report on a related issue, the Government’s project to consolidate Commonwealth anti-discrimination law, including the Australian Human Rights Commission Act, into a single Act and it is anticipated that draft legislation will be released in 2012.

I can advise that these amendments introduced today have been brought forward, ahead of the consolidation project, to enable the role of National Children’s Commissioner to be established as soon as possible.

The Government calls on other members in this place to support this Bill to ensure a National Children’s Commissioner can be established as soon as possible for the benefit of Australia’s children and young people.

The creation of the National Children’s Commissioner, is an important initiative in the Government’s work to protect our children and young people and promote and protect their human rights.

PASSENGER MOVEMENT CHARGE AMENDMENT BILL 2012

This bill amends the Passenger Movement Charge Act 1978 to increase the rate of the Passenger Movement Charge by $8 to $55 per passenger. This will take effect from 1 July 2012.

The charge will also be indexed annually by movements in the Consumer Price Index from 1 July 2013.

This increase was announced by the Treasurer in the 2012-13 Budget.

The increase will fund the establishment of the Asia Marketing Fund that was also announced in the Budget.

Sixty-one million dollars will be allocated to the Fund which is aimed at supporting the promotion of Australia to growing markets in Asia as a premium holiday and business travel destination.

It is estimated that, in less than a decade, there will be 100 million outbound travellers per annum from China alone. This Fund will help promote Australia as a tourism and business destination in this important market.

The Passenger Movement Charge was increased in 1999, 2001 and 2008. Annual indexation of the charge will ensure the charge maintains pace with inflation.

This is in line with a number of other charges levied by the Commonwealth. It will also provide certainty to the tourism industry about future increases.

The charge is mostly collected by airlines and shipping companies at the same time a ticket is sold and remitted to the Commonwealth. The increase and future CPI increases will only apply to tickets sold on or after 1 July 2012.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.
Personally Controlled Electronic Health Records Bill 2011
Personally Controlled Electronic Health Records (Consequential Amendments) Bill 2011
Returned from the House of Representatives
Message received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

Electoral and Referendum Amendment (Maintaining Address) Bill 2011
Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012
Second Reading
Debate resumed on the motion:
That these bills be now read a second time.


As we know, these bills arise from considerable work by many members of parliament and senators in this parliament over many years and specifically from the work of the Joint Standing Committee on Electoral Matters to review how our electoral system is operating. I have great interest in these matters, as, I know, many of my colleagues do also, having a deep commitment to ensure that as many people as possible participate in our democratic processes.

The Greens have been in discussion with the government and with many other parties about this important work to ensure that the electoral rolls are well maintained and kept up to date. In New South Wales, we have already achieved a breakthrough, and much of what is set out in this legislation already applies in New South Wales and to some extent Victoria. I will come back to that in more detail because it is relevant to the current debate and shines a light on some of the attitudes and comments of coalition members.

The proportion of eligible people on the roll has fallen in recent years, which I think should trouble all of us. It has gone from 95 per cent a decade ago to around 90 per cent today. But when you look at some age categories their take-up rate for putting their names on rolls is quite worrying. The percentage of eligible voters who actually cast a vote is, as we know, much lower; it was 78 per cent in 2010.

The most recent estimates suggest that about 1.6 million eligible Australians are not enrolling to vote. I think that figure alone tells us that the current system is not working. Analysis by the Australian National Audit Office suggests that, for the younger age groups, the take-up rate is much lower. The ANAO suggests that among 18-year-olds the enrolment is only 52 per cent. While it is true that the enrolment rate swiftly improves, it is not until you get two people in their mid-30s that the enrolment rate passes 90 per cent, and then not until the late 40s does it reach the Australian Electoral Commission’s own target, which is effectively the target we are obviously aiming for, of around 95 per cent. So, again, it underlines the need for the legislation that we are considering here today.

As a nation with a long history of compulsory voting for its citizens, we must do better than having 1½ million people eligible who are actually missing from our rolls, who are not taking part in a critical aspect of our democracy: voting come
Compulsory voting can be seen as one of the most positive aspects of our democracy. It is certainly something that I am very proud of. Maintaining the electoral rolls is a big undertaking and clearly it is not without its problems, and we have explored many of those on the JSCEM hearings. The integrity of citizens' personal data and privacy concerns are least among these issues. But the principle of full participation in elections is fundamental to our democratic system of government in Australia. So the Greens see these reforms before us today as essential. The work of getting eligible voters onto the electoral rolls remains a large part of the work of the Australian Electoral Commission, or AEC. Clearly these bills will assist those all important endeavours.

The bills deal with two aspects: firstly, updating the information of people who are already enrolled to vote; and, secondly, adding eligible people to the electoral rolls. The maintaining address bill allows the AEC to update an elector's address using relevant and current information it receives from other reliable sources outside the Electoral Commission, such as state roads departments. The protecting elector participation bill will allow the AEC to add people it deems eligible to the electoral rolls. The AEC will contact them to let them know this has happened and give them the opportunity to change their enrolment.

There is criticism of this bill and, having sat on JSCEM, I have heard it time and time again from Senator Scott Ryan and one of the House of Representatives members, Ms Bronwyn Bishop. They have outlined extreme criticism, which just leaves one with the understanding that there is not a commitment to follow in the footsteps of their colleagues in Victoria and New South Wales to make every effort to get as many people onto the rolls as possible. The critics of these bills argue that compulsory voting is draconian. Another argument that comes up is that people choose not to enrol to vote as a snub to our system of party politics and they have every right to do so. This may be the case for some people, but there is a larger section of the community who simply have not enrolled to vote or who have fallen off the rolls for various reasons. Sometimes people are not enrolled because they are newly arrived in the country or they are not acquainted with our electoral system for reasons of education or where they live or pressures in their daily lives. I believe a key responsibility for us is to make the provisions to ensure that it is as easy as possible for the rolls to reflect voters in the wider society.

I want to return to the figures because they are worth dwelling on. According to the Australian Electoral Commission, as at 30 June 2011 only 90.9 per cent of eligible people were on the electoral roll. That means that over a million people are missing out. There is a growing perception that younger people are disengaged from politics and have no interest in voting. I acknowledge that this is a problem—and it is one we could give in on, as the coalition seems to have done in its response to these bills—but it is essential for our democracy that we do engage young people with the political process, address their means of communication and how they take things up. We need to be widening consultation with their generation, specifically how young people get on the rolls, and forward thinking in our own policies and our own vision. We cannot accept that disillusionment is as widespread or as inevitable as some make out, but rather we need to be working with all generations to ensure that we do better. Doing better here ensures that we have a roll that reflects the voters who can participate in our democratic processes.
A report by the Australian Human Rights Commission showed that, whilst all Australians aged 18 or over are required to vote, certain groups are disproportionately more likely to miss out. Those who are more likely to be excluded from voting for legal or practical reasons are young people, people with a disability, those in rural areas, Indigenous Australians, the homeless, and prisoners serving longer sentences. AHRC’s report is extremely useful and informative for what we are considering here. Participation in the political process clearly is the basis of our democracy, and that is what needs to be enhanced. The right to vote in elections without discrimination is a fundamental human right, set out in international human rights treaties that bind the Australian government and also in the Universal Declaration of Human Rights. That is why I was quite concerned with a number of the comments made by Senator Ryan in his contribution to this debate yesterday, because, essentially, the result of what he wants—that is, not following through with these important bills—denies so many people their fundamental human right to participate fully in our democratic processes. All we are doing here is providing one means to help achieve that. Updating elector addresses on the rolls is one of the ways that the government can deliver on the all-important aim set out in the Universal Declaration of Human Rights and other treaties.

I noticed some interesting comments from Bernard Keane in Crikey earlier this year. He noted that the government wanted to introduce these bills so that it could increase its share of public funding by getting more people on the rolls. I acknowledge this would be a consequence of the bills, but it is hardly the primary motivation. Cynicism abounds within certain areas of our community, but I did think that was a step too far. It is important to consider that if we did not have a compulsory voting system, much of that public funding would be greatly reduced. Having talked to so many people on this critical issue, I do believe that the motivation is about ensuring as many people as possible can participate in our democratic process.

When it comes to electoral reforms that will benefit parties, what the Greens want most is to move to a system of proportional representation. I want to take the opportunity in this debate to emphasise that key policy point, because it is something that is overlooked time and time again. We are a party that at the 2010 election received around 1½ million votes, and in the House of Representatives we gained one seat. Depending on the form of proportional representation introduced, and we know that there are many systems, we could have anything between 13 and 17 members of the House of Representatives and a number of other smaller parties would probably also pick up some representation. That is something that really does need to be addressed. It is another aspect to enhancing our democracy. I realise it is not part of these bills, but I do like to bring it in whenever we get down to talking about how we improve the workings of our democracy.

I want to return to some of the issues of privacy. There are genuine privacy related concerns with this legislation, which is moving from an opt-in to an opt-out system. People's personal information is stored by a range of government agencies—we know that; it happens already—and we know that it can subject to inaccuracies. The electoral roll can potentially be updated with inaccurate information, which could then in turn be passed on to other agencies that use the electoral roll as a reliable source of record. An increased power to change electoral details without consent warrants an increased
onus on the AEC to ensure the reliability of the data. In many ways this comes down to that. The AEC is clearly working to ensure the integrity of its data that is becoming more complex in our digital age and resources are obviously critical to them being to achieve that.

I signal that this issue of privacy and the responsibility that rests with the AEC need be priorities for the government to address in its privacy review of these new laws. Another priority will be to assess how the AEC is meeting its responsibility to avoid compounding and passing on any errors in the source data that it relies on to update the rolls. The AEC, I know, is well aware of these problems and has plans to review how these privacy considerations are affected by these new laws. But technology can offer solutions, as well as create problems. The answer lies in getting the system right from the beginning—that is, how the data is updated and how it is checked. I am pleased the government has increased the operating budget of the AEC, but we are still arguing that it needs close attention, because it would appear that resources will be critical to this work.

On balance, the Greens believe that the undertaking before us is important and must be allowed to proceed. We have signalled our privacy concerns here and on a number of occasions with the government. We will engage fully with the privacy review of these new laws, which I understand will be undertaken in the near future.

I also want to take up some of the issues relating to homeless people being able to vote. This is something that, as I mentioned, was touched on by the Human Rights Commission report. The rights of homeless people are often overlooked in our society. I draw senators’ attention to some very useful submissions from Homelessness Australia to some of the reviews of past federal elections and other issues we have addressed on JSCEM. They raise the very important concern of how we ensure that people experiencing homelessness have every opportunity to vote at elections and they take up the issue of the change in the law.

I think it is worth putting on the record what happened under the former, Howard government and how it really brought a great disadvantage to homeless people and people who may not be able to quickly change their details, for a whole range of reasons. The situation previously had been that voters were given a seven-day grace period from the date the election writ was issued. But, as we know, under the Howard government this changed, with people having to enrol by 8 pm on the same day that the writs were issued, bringing about difficulties for many homeless people. Often they may not have even been aware that they had to respond so quickly. It is important and good that those issues are being addressed.

I want to put on record some other suggestions that Homelessness Australia have made because they are relevant to the overall thrust of an issue that we deal with regularly as a Senate, which is how to ensure our democratic process involves as many people as possible. They have suggested that there should be more extensive education and training for electoral site managers and volunteers on how they can assist homeless people in exercising their right to vote. They have taken up the issue of polling places, stating that they should also be set up in places that are accessible and highly visible to people who are homeless. There is the very good idea that has been trialled in some areas of having mobile polling booths regularly visit areas where homeless people often gather. I am not just talking about where they may sleep but places like Centrelink, emergency accommodation and
other places. I find the next recommendation interesting, and I know some people have challenged it. It is about being registered. Homelessness Australia state that homelessness should be seen as being sufficient reason to register an individual with no fixed address. I think it is time that we started looking at those provisions.

I also want to touch on developments in New South Wales. As I mentioned earlier, both New South Wales and Victoria have changed the way in which rolls are managed. We have seen worrying developments recently where there is an inconsistency between the state rolls in those two states and the federal roll, which has meant that some people have missed out on a vote come federal election time because they thought they were on the federal roll. One of the very important aspects of these two bills before us is that consistency will be brought back between the two rolls.

The current enrolment system in New South Wales and Victoria is similar to what is in these bills, with voters having to independently enrol for federal elections. That is where there is confusion. It is quite clear that many people would not understand that that is what they had to do. It is not how you would logically think an electoral system in Australia, which is seen as being fairly up-to-date and modern in how it manages these things, would expect people to respond.

Another issue relates to high school students. The systems in New South Wales and Victoria have focused specifically on high school students’ eligibility and responsibility to enrol. That is a really important development but again it underlines why we need these two bills passed, because clearly many young people would have no understanding that they had to get themselves on the federal electoral roll.

There are so many good reasons why we need these two bills passed and implemented as quickly as possible. The integrity of our electoral rolls is really a foundation of our democratic process. The efforts that the coalition have gone to to discredit the two bills that are before us now I think is enormously revealing. It highlights that their arguments are essentially those of self-interest. They are not interested in getting these new voters, many of whom are young people or disadvantaged people, on the rolls. When we approach these questions we should be looking at how we put our democratic process first, not the self-interest of our own party. I am very pleased that the Greens have been part of and have worked on these bills. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (13:29): The minister at the table earlier described the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the related bill we are dealing with today as being all good, but I rise to beg to differ with him. I think there are serious concerns about the two bills that the Senate is currently debating.

Notwithstanding the effusive support given by Senator Rhiannon for these bills, I think we ought to look long and hard at what we are doing by passing these bills. The intention of this legislation is that a net be thrown out to the broader population of people who are apparently not enrolled on the present Commonwealth electoral roll. Using certain assumptions, a proportion of these people would be enrolled automatically—without their consent and presumably often without their knowledge—on the Commonwealth electoral roll. It is thought that this will increase the number of people who are enrolled and who are eligible to cast their vote at federal elections. It is a
method of improving participation in Commonwealth electoral processes, which the Greens and the Labor Party obviously think is important, but which I think represents a large amount of self-interest. Senator Rhiannon suggested that it is only the coalition that has self-interest in this legislation; I think the support of the two governing parties for this legislation reflects a large measure of their own self-interest.

An important point about this legislation is that it goes to the operation of our electoral system and to the operation of a body like the Senate. To pass the laws of the country with authority and with a sense of reflection of the wishes of the Australian people, we need to have underpinning the work of the parliament the strong foundation of an electoral system that is accurate and fair and that produces results that reliably reflects the views of the Australian people. Underpinning that is the integrity of the Australian Electoral Commission, which, in turn, relies on the integrity of the electoral rolls. If you do not have reliable rolls you have an immediate and fundamental problem with the effectiveness of the entire democratic structure upon which this country depends for good government.

Without any doubt at all, this legislation degrades the quality of the Australian electoral roll. Throwing out this net and enrolling people who have not offered to be enrolled or who may not be eligible to be enrolled because they are already enrolled in a different location or under a different name must necessarily increase the unreliability of the electoral roll. For Senator Rhiannon to rise in this place and say that this is about ensuring the integrity of the electoral roll is farcical; it demonstrably decreases the reliability of the electoral roll. The proponents of this legislation might argue that that is a fair enough trade-off. They might argue that, by getting onto the roll more people who might, through ignorance or perhaps reluctance to be on the roll, not be enrolled already, it is all right to degrade the quality of the roll overall. I beg to differ. I think that maintaining a roll that reflects the wish of Australian citizens to be on the roll—to want to vote and be part of the electoral system of this country—is very important. When we move to a system that does not have that foundation we are inherently working on weaker foundations. That is a great concern.

This bill relies on the Australian Electoral Commission's being able to use other sources of data—what is referred to in the bill as a 'reliable and current data source'—to add names to the electoral roll. The legislation does not tell us what these reliable and current data sources might be; it just says that the information should be garnered from such, unnamed sources. That in itself creates some concern, because essentially it is up to officers of the Electoral Commission to determine what information it is that they might rely upon. It is a phrase that is supremely open to interpretation. Why does the legislation not name the sources that the roll ought to rest upon? Why does it not say that we can rely on Medicare enrolments, Australian Taxation Office records, state electoral rolls or something else? It does not do that; it creates a wide discretion. That in itself is a concern, not because members of the Electoral Commission might deliberately misuse it but because the principles are open to variable application and because it may result in some officers using information which simply is not reliable, in the objective sense of that word.

It is important to make sure that we know why people are enrolled, if they have not made an express decision to enrol themselves on the Australian electoral roll. There are many reasons why a roll constructed in this form might not be an
accurate reflection of what people intend
doing or what their eligibility for enrolment is. In a 1999 inquiry by the House of
Representatives Standing Committee on Economics, Finance and Public
Administration, which was a review of an earlier Australian National Audit Office
report on the management of the tax file number system, it was found that there were
3.2 million more tax file numbers than there were people in Australia at the preceding
census—the last census before 1999. But we are saying that names can be added to the
Australian electoral roll, presumably, on the strength of a tax file number being attached
to a name and address in the ATO's database—that is, 3.2 million presumably
inaccurate or partially inaccurate tax file numbers potentially being the basis for
enrolment on the electoral roll. The audit found that there were 185,000 potential
duplicate tax records for individuals. An audit of deceased clients of the Australian
Taxation Office found that 62 per cent of those deceased clients were in fact not
recorded as deceased in a sample batch. So potentially very significant numbers of dead
people would under this system be eligible for some kind of enrolment. Maybe there are
measures that the government has planned to prevent that from occurring.

Senator Fifield: I think I know how they
might vote.

Senator HUMPHRIES: Yes, I think I know
how they might vote as well. Hence
my comment before, Senator Fifield, about
the self-interest of the Labor Party and the
Greens alliance government. We know that a
system that provides for such things to occur
is inherently dangerous. Will there be checks
undertaken to make sure that a person who is
deceased but who still has a tax file number
attached to a name and an address does not
get onto the electoral roll? We don't know,
because it is not spelt out in the legislation. It
is not described anywhere. I would invite the
minister in closing this debate to tell us how
we make sure that those sorts of things do
not happen. I suspect that she will not be
able to.

The same audit report from 1998-99 by
the Australian National Audit Office found
that up to half a million active Medicare
enrolment records were probably for people
who were deceased. So the problem of out-
of-date records in the tax office is replicated
with out-of-date records in the Medicare
office. Presumably, if a name is identified on
the tax office database as belonging to a
certain person and they say, 'We'd better
check this. We'll look at the Medicare
records and see if that name is confirmed
there. Yes, it is, at the same address. That
must be a real person,' then suddenly we
have a confirmed enrolment. It has been
checked and confirmed but in fact it is not an
enrolment of a living person at all. That is
the foundation on which this government
wants to build this brave new world. I have
to say I think that is extremely concerning.

There is really only one reliable way of
ensuring that eligible people appear on the
Australian electoral roll, and that is for them
to exercise the initiative of saying, 'I choose
to exercise my democratic right to be
enrolled—indeed my democratic obligation
to be enrolled—and I come forward to put
that information into the public arena for the
purposes of enrolment.' That is a reasonable
system. That is a fair system, but that is not
the system to which the government is
presently proceeding.

There are a number of aspects of this
which I think generate real concern. One is
that it actually removes the sense of
individual responsibility as the basis on
which people engage with the electoral
system. At the moment I am sure all of us in
this place with children tell them, when they
reach the age of 18, 'Make sure you're enrolled on the electoral roll.' You pursue that as a matter of responsibility, and it is good for your children to take that active step, maybe pushed a little by their parents, to go and put their name on the electoral roll. It reminds them of their responsibility as citizens in a democratic nation—one of the world's oldest democratic nations, indeed—to take part in the electoral system.

But what this government's legislation is moving towards is a system where that responsibility is removed or at least downplayed. What is to stop people from making an assumption, based on legislation like this, that enrolment is taken care of for you by the government? 'Don't worry about it—a computer somewhere will enrol you. You don't have to worry about that.' It may have the perverse effect of making some people think they do not need to take the step of enrolling, and that would be most unfortunate.

This is obviously an invitation to fraud. We will have an electoral roll which will be clearly less accurate than has been the case in the past, but of course it will remain a public document. Say we have a tight federal election in the offing one day. I don't particularly think the next one is going to be very tight, but let's assume there is a tight federal election coming up and there are a few key marginal seats that are likely to decide the outcome. Some people decide that it is very important that their party win those tight seats to make sure that they win the election. They go to the electoral roll and they discover with a bit of research that there are a number of names on that roll of people who are deceased. The temptation is there to cast votes in the names of those deceased people.

This is not a scare tactic; it is true. We know from audits of the electoral roll in the past that it is true there is some measure of deliberate fraudulent voting and some measure of fraudulent enrolment. When we have very tight election outcomes, the thought that results might be corrupted because of such behaviour is anathema to the effectiveness and reliability of our system. To think that we are passing legislation today to make that more likely is a matter of real concern.

Senator Rhiannon in her remarks raised concerns about privacy. Indeed, where people's names are being plucked from other data sources and placed on the electoral roll, there are real concerns about privacy. She addressed those by saying that records can be corrected. Perhaps they can, but that does not alter the fact that the problem with privacy is there at the beginning. Unless a person happens to know that some details are being used in an inappropriate way—and of course people are not asked to enrol under this new system; they are simply enrolled—the likelihood of that kind of abuse of privacy increases. It goes without saying that many people who are eligible for enrolment have reasons not to be on a publicly available, published version of the electoral roll—and I imagine there are a few such people in this very chamber, for example. They may lose that control because their names might be added to the electoral roll without them being aware of it.

Reference was made by Senator Rhiannon to the experience in New South Wales and Victoria, where once again Labor governments have introduced automatic enrolment provisions. Antony Green, the distinguished psephologist, noted in his blog on 16 July last year that of the 70,000 people automatically enrolled in New South Wales for its most recent election, two-thirds were so-called updated address details. That is the automatic system we are now looking at here. Only 12 per cent had filled out the
AEC’s form to enrol federally. Further, of the 20,000 people whose address details were changed automatically in New South Wales, only 87.5 per cent turned out to vote, below the overall attendance of 92.3 per cent. For those automatically enrolled for the first time, the turnout was only 64.3 per cent. So clearly the systems in New South Wales and Victoria are not completely effective at accurately reflecting what people want to do and what their intentions are. Taking from them the responsibility of making those decisions to enrol clearly presents a problem.

Acknowledging that there are, for example, problems with people enrolling to vote at the state level but not enrolling at the federal level, there are other ways of fixing those issues. If people demonstrate a desire to be enrolled and they put their name down on an electoral roll at the state level and think that they might therefore be enrolled at the federal level it is perfectly possible for the Australian Electoral Commission to write to these people and ask, ‘Are you aware that you are enrolled on the state roll but not on the federal roll?’ and deal with the issue in that way and leave the initiative to individual potential electors. But that is not the approach taken in this legislation, and that is very concerning.

I mentioned self-interest before. I cannot help but wonder whether a party or parties facing an adverse outcome at the next election might think it is a good idea to try to rake as many other people as they possibly can onto the roll so that it might perhaps tip the balance in their favour in some seats they are at risk of losing. It is very hard to know what their intentions are in that respect.

To sum up, these bills are a concern because they reduce the integrity of the Australian electoral roll, with electors having their details updated without their knowledge, leading to a higher number of potential irregularities. The bills give the Electoral Commission the discretion to determine what are reliable and current data sources without specifying to the rest of the community what those actually are. I think that places far too great an onus on individual officers within the Electoral Commission.

The coalition believes that the personal responsibility which is part of our electoral system, the initiative to be an active and informed participant in our electoral system, is eroded by a system which puts people on the electoral roll without them knowing or consenting to that happening. It is likely that this is a step towards across-the-board automatic enrolment with all the problems that obviously go with such a concept. I have already indicated to the Senate the various problems with other data sources. There is no highly accurate other data source from which such information can be derived to place a person’s name on the electoral roll.

At a time when trust in the political process and in politicians is at a fairly low level relative to other points in our history, as demonstrated by some recent opinion polls, why would we in the Senate want to add to that problem by increasing the unreliability of electoral tools which attempt to reflect the wishes of the Australian people for the make-up of their government? Why would we want to degrade that most important tool—the Australian electoral roll—by degrading the quality of the information on it, as this legislation inevitably will do? That is the question the Senate faces this afternoon. Why we would want to make our system less reliable and to attack the reputation of our system as having fair and accurate outcomes in federal elections is a mystery to me. I think members of this place should reconsider their support for this flawed legislation.
Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (13:49): At one level these bills are pretty straightforward. They have a pretty direct objective, and that is to seek to amend the Commonwealth Electoral Act to allow the Australian Electoral Commission to automatically update the details of an elector when they change residential address based on information from other sources. At first blush, people might think: 'It sounds like a good idea. It sounds pretty reasonable. What is wrong with that?' According to the explanatory memorandum itself, the bills 'will allow the Electoral Commissioner to directly update an elector's enrolled address following the receipt and analysis of reliable and current data sources from outside the Electoral Commission' that indicate an elector has changed residential address. Again, that sounds pretty reasonable. The average person in the street would hear the words 'analysis of reliable and current data sources' and think: 'That sounds like a process of integrity. It does not sound like we have anything to worry about.' It would not immediately shriek out to someone listening to those words that there is the prospect of degrading the integrity of the electoral roll.

But I think the first indicator that this legislation might do just that is who is supporting this legislation. You have the Australian Labor Party and the Australian Greens supporting a change to the Electoral Act. Those of us on this side of the chamber note that when Labor and the Greens agree on a change to the Electoral Act there is more than what might appear at first blush. I know that will shock you, Mr Acting Deputy President Furner, but it is a rule of thumb that we go by on this side of the chamber. So this legislation does bear further and closer examination. However, as a little bit of background, the Joint Standing Committee on Electoral Matters, which we in this place know as JSCEM, conducted an inquiry into the 2010 federal election and reported in July last year. One of the recommendations of that report by Labor and the Greens was to introduce automatic enrolment, whereby without ever having to fill out an enrolment form an individual elector is put on the electoral roll based on information from other government sources. In that report the coalition opposed that recommendation because we had genuine concerns that it would greatly reduce the integrity of the electoral roll and that it would put people on the electoral roll without their knowledge. A fundamental stumbling block for those of us on this side of the chamber is that electors would be put on the roll without their knowledge. They are entitled to know of, be aware of and be in control of their own enrolment. It is the hand of government reaching just a little bit too far into the personal business of individuals. What could be more personal than casting a ballot? What could be more personal than making sure you are indeed enrolled and eligible to vote?

The legislation before us does go a significant way towards that goal of Labor and the Greens of automatic enrolment. It seeks to allow the AEC to directly update electors' details when they change address. Not only are we concerned about the impact of this on the electoral roll; we also have a very strong belief in the responsibility of the individual to enrol; it is their duty to accurately maintain that enrolment at their permanent place of residence; it is their duty to cast a vote when an election is called; and it is their duty to
fully extend preferences to all candidates contesting the election for the House of Representatives in their local electorate.

In her contribution, Senator Rhiannon noted that the ability to vote is a fundamental human right, and I would agree with her; I think that is a fundamental human right. But the human right there is to have the opportunity to cast a ballot. We should not ignore the other side of the equation, which is the duty to avail yourself of that opportunity. If you want to avail yourself of that opportunity there is an onus on you to ensure that you are enrolled and to ensure that your enrolment is accurate. It is not a fundamental human right to be enrolled. It is a fundamental human right to have the opportunity to vote and if you do not enrol and do not change your address you are excluding yourself from that opportunity. You are not being denied by government the right to vote; you are excluding yourself. It is important to observe that distinction. The failure of government to compulsorily change someone's enrolment address without their knowledge is not denying someone the right to vote. It is very important that we come back to the responsibility of an individual to take advantage of that opportunity, which is their right.

Senator Rhiannon also noted that since about 1990 the number of eligible enrollees has gone down from 95 per cent to 90 per cent. Yes, we would all like to see as many eligible people as possible enrolled, but I would rather have a slightly smaller electoral roll that was robust, that was accurate and that had integrity than have 100 per cent of Australians enrolled and for that roll not to be robust, not to be accurate and to lack integrity. There are two separate objectives: we want to maximise the number of people who are enrolled but we also want to make sure that the enrolments are accurate. If we have only 90 per cent of people availing themselves of the opportunity to enrol, we need to look at why that is the case. There may be an issue of fundamental electoral integrity at the heart of the falling rate of electoral enrolments. Let me pick one example: the Prime Minister's pledge that there would be no carbon tax under a government she leads. I can understand why the Australian people in significant numbers might be a little disillusioned about the political process, about parliamentary democracy and about the accountability of the government of the day. That is a pattern that we have seen time and again over the last five years from this government. There is something very practical that the Australian Labor Party and the current federal government can do today to lift the number of people who seek to take advantage of the opportunity and obligation to enrol to vote—that is, start living up to their word, start honouring their commitments and stop fibbing to the Australian people.

Mr President, time is almost up. I will continue these remarks later because there is much more to be said.

Debate interrupted.

QUESTIONS WITHOUT NOTICE
Carbon Pricing

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister Representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Is the minister aware that the 2012-13 budget of the Brisbane City Council, Australia's largest municipal authority, which was handed down yesterday, contained an overall rate increase of 4.5 per cent, of which almost half—1.9 per cent—was directly attributable to the additional costs imposed on the BCC by Labor's carbon tax? When will the
government be honest with the Australian people and admit that they face increases in municipal rates just as they face higher electricity, gas and fuel and grocery prices because the Prime Minister broke her solemn promise that there would be no carbon tax under a government she leads?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:01): It is interesting to have Senator Brandis calling for some honesty in the carbon debate. This is a bloke who walked in here and tried to accuse the carbon price of somehow changing the face of the media in this country. He now comes in here and demands that there be an honest debate about carbon. The government and I are up for an honest debate about carbon but the opposition have not wanted to have it. The opposition have wanted to engage in a factually misleading desperate scare campaign when it comes to the carbon price. That has been the entirety of the opposition’s position when it comes to carbon.

I am aware of the announcement by Brisbane City Council. I am aware that there has been assertions made. The facts that I have been advised of are different from those that Senator Brandis put into his question. My advice might be incorrect—and, if so, I will make sure I correct the record—but if Senator Brandis is incorrect I would invite him to do the same. I understand that the Brisbane City Council has stated that the rate increase is made up of $11 million out of $15.8 million to cover an 0.7 per cent increase in the CPI. Even those figures, which are different from the figures that Senator Brandis has put forward, are misleading because, as everyone knows, the consumer price index is a measure of inflation across all goods and services. Councillors are subject to a much smaller exposure to cost increases than households as they purchase a much smaller range of goods and services. The advice I have is that, while some costs will increase as a result of the carbon price, this is likely to be less than 0.5 per cent. But the important point is that the government is assisting— *(Time expired)*

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. Is the minister aware that the Brisbane City Council is one of Australia’s greenest local authorities, having halved its carbon footprint since 2000 through direct action and other practical initiatives such as planting two million new trees and fully offsetting the emissions of its entire vehicle fleet? Does the Brisbane City Council’s experience demonstrate the superiority and cost-effectiveness of direct action rather than a great new big tax based on a lie?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:03): There is a reason why not a single economist anywhere in the world supports direct action. There is a reason why Treasury has advised about the costliness of direct action. There is a reason why, apart from Mr Hunt, no-one on that side believes it will actually do anything. It is a policy that is designed to get you through an election. It is a policy that you know will not work. It is a policy that will cost Australians more—$1,300 per year extra tax paid by Australian households. So we give tax cuts and you impose a tax hike for a policy that you know will not work.

In terms of the Brisbane City Council rate increases, remember that the proportion associated with carbon is being the subject of assistance by the federal government, unlike every other part of the rate hike. *(Time expired)*

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (14:03):
Mr President, I ask a further supplementary question. If Labor’s carbon tax has forced a significant additional rate increase upon one of Australia’s most energy-efficient cities, what assurance can the government give that ratepayers in other cities and towns across the length and breadth of Australia will not have even greater rate increases forced upon them by this toxic tax based on the Prime Minister’s lie?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): I should also add in relation to the Brisbane City Council that they actually received $5 million from this government as part of the Community Energy Efficiency Program—$5 million was granted by this government to the Brisbane City Council. In the face of a suggestion that we are not supporting local government, I remind the Senate that the council in question has been the recipient of a significant grant from the government. I say again to the opposition that Treasury has found very clearly that your policy will cost Australians more. I know you do not want to believe what experts tell you—you do not like what experts tell you because you do not want the truth in this debate—but your policy, to achieve the same outcome, will cost Australians more. (Time expired)

QUESTIONS WITHOUT NOTICE

Broadband

Senator BILYK (Tasmania) (14:07): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister provide an update to the Senate on the deployment of the National Broadband Network in Tasmania?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:07): I thank Senator Bilyk for her ongoing interest in the NBN. I visited Tasmania last week to announce that fibre services are now available to Deloraine, Triabunna, Sorrell and Kingston Beach and that George Town and St Helens are coming online within weeks. They join Scottsdale and Smithton and Midway Point—which was the first to be connected to the National Broadband Network. That means that almost 13,000 premises in these nine communities can access fast, affordable and reliable broadband over fibre. I also announced that 32,000 premises in 28 areas across Tasmania should have access to the NBN’s fixed wireless network from mid-2013. There are 530 Tasmanian homes and businesses that are already connected to the NBN interim satellite service. Tasmanians can access the NBN at the same wholesale price as people in Melbourne or Sydney.

Last week I met with Lou Barrett, who runs the IGA Supermarket in Scottsdale with her partner Dale. Lou said this to me:

The speed and reliability that we get from our connection to the NBN means that we have been able to take advantage of a range of new applications and content that have helped us streamline our business practices. This has helped

Honourable senators: Hear, hear!
The Gillard government is getting on with delivering the National Broadband Network. (Time expired)

Senator BILYK (Tasmania) (14:09): Mr President, I ask a supplementary question. Is the minister aware of any recent misunderstandings about the NBN rollout?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:09): Yesterday in the other place the member for Mitchell complained that the NBN rollout is missing every suburb in his electorate—every suburb. He also put out a newsletter with the headline 'Mitchell misses out on the NBN'. Well, it is not just hypocritical; he is wrong. In the three-year rollout plan there are more than 15,000 homes and businesses in the suburbs around Castle Hill, in the member for Mitchell's electorate, with work to begin in late 2013. So let me again be clear: nobody in Australia will miss out on the National Broadband Network. It will reach every, single home, school, business and hospital in every electorate across Australia.

Senator BILYK (Tasmania) (14:10): Mr President, I ask a further supplementary question. Is the minister aware of any other members of parliament who support the NBN?

Government senators interjecting—

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:10): Mr President, as you have seen, everyone on this side recognises that the National Broadband Network is vital to our economic future. But, Mr President, some on the other side also support the National Broadband Network. The Leader of the Nationals complained his electorate 'should have been a high priority area'. The member for Maranoa put out a media release: 'Maranoa missed out on NBN' and he stated that he wanted the benefit of e-learning, telemedicine, videoconferencing, tourism and businesses opportunities which a faster internet connection would provide. But it was not just those two; the members for Farrer, Stirling, Swan, Parkes, Bowman, Flynn and Leichhardt have all complained about areas that they represent not getting the National Broadband Network fast enough. (Time expired)

Employment

Senator BERNARDI (South Australia) (14:12): My question is to the Minister representing the Treasurer and the Minister for Climate Change and Energy Efficiency, Senator Wong. Given the 2012 budget shows the government expects to fall 200,000 jobs short of the target it set in the 2011 budget, how can the government be confident that employment will increase by the 1.6 million jobs by 2020 as estimated by Treasury in its 2011 carbon tax modelling?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:12): I will take the question in my capacity representing the Treasurer, because I do not think it is a question that goes to climate change. What I would say is that we have another question from an opposition that delight in trying to talk down the Australian economy. They cannot bear it when the economy is doing well. They would rather see the economy do poorly because it might improve their political position—and that is outrageous. They have come in here and they have tried to use unfortunate job losses for their own political
benefit and now they come in here trying to talk down the economy.

The reality is that since this government came to power we have seen in excess of 800,000 jobs created and unemployment at 5.1 per cent in the last national accounts. This is a demonstration of the strong economic management of this government and the action taken by this government during the global financial crisis—action opposed by Senator Bernardi and his colleagues—which ensured we did not see the sorts of levels of unemployment and capital destruction that we saw in so many other advanced economies.

It is the case, Senator, as we have said in the 2012-13 budget, that we anticipate slower growth in employment. That is transparent in the budget papers. But I would invite him to, for once, instead of talking down the economy perhaps cheerlead the creation of jobs. Would he be prepared to do that?

Senator Bernardi: Mr President, I rise on a point of order on relevance. I asked how confident the minister was in the estimates of creating 1.6 million jobs by 2020 given the failure in only 12 months to create the 200,000 jobs that they had promised. She has not even come close to answering that question.

The PRESIDENT: I do consider that the minister is answering the question. I cannot direct the minister how to answer the question. The minister has 16 seconds remaining to answer the question.

Senator WONG: As I was in the process of saying, which probably demonstrates that Senator Bernardi is not interested in listening to me, which I understand—I do understand that—the 2012-13 budget did update the unemployment and employment forecasts and I would refer him to those.

Senator BERNARDI (South Australia) (14:15): Mr President, I ask a supplementary question. I refer to the fact that, from 1 July, Australian industries will be paying a $23 per tonne carbon tax while many of their competitors will be paying no carbon tax at all or one at a much, much lower rate. What effect does the government estimate this competitive disadvantage will have on existing Australian jobs and the creation of new ones?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:16): I look forward to 1 July because we might stop asking the same questions endlessly. I think I must have answered that question, if I may say, perhaps 200 or 300 times in various contexts in this chamber. The reality is Senator Bernardi is not interested in the answer, because the answer is, as he well knows, that the Treasury modelling demonstrates very clearly we can increase the number of jobs in this country, we can grow our economy, we can grow our incomes with a carbon price. I know this is something that Senator Bernardi finds hard to accept. He should go and have a look at what former Prime Minister Howard said, because, when former Prime Minister Howard announced the emissions trading system that you were once committed to, he also said that this was the way you could grow your economy and grow jobs—with a carbon price.

Senator BERNARDI (South Australia) (14:17): Mr President, I ask a further supplementary question. Minister, I asked yesterday whether you could advise the Senate on how the government defines a 'green job' and, secondly, how many of the 1.6 million jobs the Treasury modelling talks about will actually be green jobs. You failed to answer that question yesterday. You have had 24 hours to update yourself on this
portfolio. Would you please advise the Senate now?

The PRESIDENT: I find it very hard to see how a question from yesterday is supplementary today.

Senator Abetz: You be very careful with this.

The PRESIDENT: I am very careful. You prefaced your remark referring to the question that you asked yesterday. I will give you the opportunity to rephrase your question. I do not believe that, as it was asked, it was in order.

Senator BERNARDI: My question was in relation to the 1.6 million jobs that the Treasury modelling talks about as being created in the future, by 2020. I have asked the minister to define exactly what a 'green job' is and how many of these 1.6 million jobs will actually be green jobs.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:18): I think I said yesterday, and the senator referred to it in his question, that employment is anticipated to grow by 2020 by 1.6 million jobs. I am very pleased that Senator Bernardi has in fact acknowledged that employment will grow by 1.6 million jobs by 2020 with a carbon price. As the senator knows, there will be many, many different jobs created in the Australian economy. I hope there will be many jobs created in the Australian economy in years to come. I certainly hope also there will be many jobs in the clean energy sector as we see increased generation from renewables and clean energy, but—

Senator Bernardi: Mr President, I rise on a point of order that goes to relevance once again. I have asked about the definition of 'green jobs' and the minister is not being relevant to the question; she is just chattering on trying to defend her very poor legacy.

The PRESIDENT: The minister is answering the question. The minister has 23 seconds remaining to answer the question.

Senator Abetz: Mr President, I rise on the point of order. Could you please explain to the Senate how on earth the minister is being directly relevant, as is required under sessional orders, to the question asked by Senator Bernardi? I would invite you to give us a written ruling after question time, but, with great respect, Mr President, there is nothing in that answer thus far that is in any way relevant, let alone directly relevant, to the question that was asked.

The PRESIDENT: There is no point of order. The senator has 23 seconds remaining to answer the question.

Senator WONG: As I have said, employment will grow by 2020 by 1.6 million jobs. I would invite those opposite to consider the Treasury modelling, which also looks at industry sectors, and those industry sectors include renewable energy and clean energy, which I assume would fall within Senator Bernardi's definition of a 'green job'.

Carbon Pricing

Senator DI NATALE (Victoria) (14:20): My question is for the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Senator, with the Labor-Green alliance's carbon tax now responsible for the death of Fairfax, can the government produce modelling to prove that the carbon tax did not cause or contribute to Victoria's earthquake on Tuesday evening? Furthermore, what do you have to say to those people who suffered distress and damage in the Victorian earthquake, and will you guarantee there will be no further earthquakes in Victoria following the carbon tax?

Honourable senators interjecting—
The PRESIDENT: Order! The question is to the Minister for Climate Change and Energy Efficiency. The minister representing that minister can only answer the question in so much as the question applies to the portfolio.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:21): Thank you to the senator for the question. On a serious note first, obviously any natural disaster is something to be concerned about. I am sure that all of us are pleased that there was not more significant damage or any concerns as a result of the earthquake.

I have to say, if I closed my eyes when the question was being asked by Senator Di Natale, I almost thought it could have been Senator Bernardi. Apologies for that, Senator Di Natale. I can confirm that the carbon price was not responsible for the 2005 Ashes loss and I can confirm that the carbon price will not have an effect on whether or not Port Power are able to beat the Cats on 1 July.

Senator DI NATALE (Victoria) (14:22): Mr President, I ask a supplementary question. I refer the minister to a recent episode of MasterChef, on 25 May, where Julia, a legal secretary from Queensland, made a pannacotta which failed to set. Is the minister aware that every significant stage of the pannacotta production chain, from milk to sugar, will be impacted by the carbon tax, and will the government ensure the carbon tax does not cause such culinary tragedies in the future?

Senator WONG: I have a confession to make, that I have never actually been able to make a pannacotta set, and I cannot blame anybody for that.

Senator Chris Evans: Before or after—

Senator WONG: Before or after the carbon tax. I do not expect that the introduction of the carbon tax will improve or worsen that situation at all. I can confirm to the Senate that pannacottas indeed are safe after the carbon tax starts.

Senator DI NATALE (Victoria) (14:23): Mr President, I ask a further supplementary question. With the carbon tax inflicting such damage on our economy, an economy which is the strongest in the OECD, with low inflation, unemployment of five per cent and low interest rates, why is the government introducing a carbon tax with Australia on the verge of a recession?

Senator Birmingham: Mr President, I rise on a point of order. It is a very simple point of order. I draw your attention to standing order 73, which states, at point (f), that questions shall not contain ironical expressions. Unless, of course, Senator Di Natale means the statements that he is making, I suspect his questions have been full of ironical expressions.

The PRESIDENT: There is no point of order. Senator Di Natale.

Senator DI NATALE: I simply point out that there is no more or less irony than in the statement that the carbon tax was responsible for the death of Fairfax.

The PRESIDENT: Senator Di Natale, I will give you the opportunity to rephrase the question.

Senator DI NATALE: Thank you, Mr President. With the carbon tax inflicting serious damage on our economy—I would just like to point out it is an economy with low inflation, unemployment at five per cent and low interest rates—why is the
government introducing a carbon tax at the best possible time?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:27): I think I might leave the list of things that we know the carbon price is not responsible for, but I would say this: we do know that the economy is in a period of substantial change, but we also know—

Senator Brandis interjecting—

Senator WONG: I will take that interjection from Senator Brandis, because the only person who said people have never had it so good was former Prime Minister Howard. If you have a concern about that, Senator Brandis, I suggest you go and give former Prime Minister Howard a call, rather than throwing it at us. What we will say is that this is an economy that is in a period of change.

Honourable senators interjecting—

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

Senator WONG: I would make the point that I have made before: this is an economy that is in a period of change because of what is occurring in the global economy, but it is an economy that is performing very well. We have strong growth, we have low unemployment, we have contained inflation and we have falling interest rates. It is always easy to put off reforms, but it is no longer appropriate and there is no longer a reason for us to continue to put off— (Time expired)

Resources and Energy

Senator McKENZIE (Victoria) (14:28): My question is for the Minister representing the Minister for Resources and Energy, Senator Evans. I refer the minister to the government's decision last year to negotiate the closure of around 2,000 megawatts of electricity generation by 30 June 2012. Is the minister aware that three of the five generators that have progressed beyond the expression-of-interest phase are located in the Latrobe Valley? Given that the government's decision has created uncertainty and negatively impacted business confidence in parts of regional Victoria, can the minister confirm whether the government has reached agreement with these five power generators on a closure arrangement? If not, can the government guarantee that such agreements will be concluded before the world's biggest carbon tax comes into effect on 1 July?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:29): I thank the senator for her question. As I understand it, an invitation for expressions of interest has seen five generators progress to the negotiation stage. They include Playford B power station, Energy Brix in the Latrobe Valley, Hazelwood power station in the Latrobe Valley, Collinsville power station in Queensland and Yallourn power station in the Latrobe Valley. All five have submitted a closure proposal to the Department of Resources, Energy and Tourism. Following assessment of the proposals, the government expects to commence bilateral negotiations with the eligible generators. It intends to enter into contracts for closure in the near future. The government's preferred closure time frame is 1 July 2016 to 30 June 2020, although proposals for closure prior to July 2016 may be considered. Obviously, this transition will not occur overnight. We need to make sure it happens in an orderly manner, and retirement of existing high-emission capacity needs to coincide with new investment in cleaner replacement electricity generation capacity. It is intended
that any contracts that are negotiated will ensure that the appropriate arrangements are put in place to preserve workers' entitlements and meet all relevant state legal requirements, including requirements regarding site remediation. In terms of the Latrobe Valley, we believe it has a bright future. The people in the Latrobe Valley understand the need for a managed transition. I think it is important that people do not play politics with these issues but try to support the community as they deal with the transition that is going on in the Latrobe Valley. We are seeing investment also coming to that area and we think that provides opportunities. (Time expired)

Senator McKENZIE (Victoria) (14:31): Mr President, I ask a supplementary question. Given that the government's carbon tax policies are already making it difficult for those in the Latrobe Valley to plan and invest in the future with confidence, can the government guarantee that the Latrobe Valley will still be eligible for assistance under the Regional Structural Adjustment Assistance Program even if closure agreements are not reached by 30 June? Has the government told Latrobe Valley organisations that no funding under this program will be made available without successful contracts for closure being made available?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:32): Firstly, as those negotiations are ongoing and the contracts for closure have not been completed with any of those generators, I suspect that information is not available. But I do not know the answer to the question, so I will seek advice as to whether the minister has anything to say in response to that or whether there are commercial-in-confidence issues. I do not know, but I will take the question on notice and seek whatever information I can from the minister.

Small Business

Senator McEWEN (South Australia—Government Whip in the Senate) (14:34): My question is to the Minister representing the Minister for Small Business, Senator Lundy. Can the minister advise the Senate of what the government is doing to ensure that small business remains the engine room of a healthy Australian economy?
Thank you, Senator McEwen, for the question. Small business is, of course, at the heart of the Australian economy and it is the efforts of Australia's 2.7 million small business owners—their long hours, their hard work—that keeps over 4.7 million Australians employed. Small business contributes around 35 per cent of private sector industry value-added or around a fifth of our GDP. The Gillard Labor government understands how important it is to support small business people and to this end we have introduced a number of programs and reforms to assist them. These are aimed at increasing cash flow, reducing red tape and providing information in a simple and easy-to-access way. For example, from 1 July this year all small businesses will be able to immediately write off each eligible business asset they buy that costs less than $6,500 per asset. This will be worth more than $1 billion to small business in 2013-14 alone. This change to the asset write-off provisions and the new simplified depreciation pooling arrangements for other assets will increase cash flow and save time, money and paperwork. In addition, from 1 July the government is providing new tax relief to help businesses return to profit. In 2012-13 companies will be able to carry back tax losses of up to $1 million so they can get a refund against tax previously paid. From 2013-14 companies will be able to carry back tax losses for two years, and this will provide a tax benefit of up to $300,000 per year. The government will also extend support services to small businesses, and I have spoken about these in the chamber previously. The Small Business Advisory Service will be made ongoing, with additional funding of $28 million over the next four years, and the very popular small business support line will be extended—

(Time expired)

Can the minister inform the Senate of what the government is doing to reduce the burden of red tape on small business?

The government is committed to reducing red tape for small businesses and we have introduced a number of reforms, such as the ones I have mentioned, so they can concentrate on growth and job creation. The small business commissioner will act as a high-level advocate within government to represent the interests of small business, including identifying opportunities to reduce red tape. The impact of unnecessary regulation has been an ongoing area of focus through the Prime Minister's Taskforce on Manufacturing and in the recent economic forum. The Prime Minister emphasised the government's recommitment to deregulation and the competition agenda at the Business Advisory Forum which met with COAG in April. That initiative brought business leaders together for the first time at the Prime Minister and premiers meeting to talk directly about deregulation. We are working closely with states and territories to deliver a seamless national economy which includes reforms to reduce the regulatory burden on business. Other measures to cut red tape include the new national business names—

(Time expired)

Mr President, I ask a further supplementary
question. Can the minister advise what the impact of the carbon price will be on small business?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:38): The Gillard government is committed to helping small business to be part of the move to a clean energy future. The carbon price mechanism is not a tax on households or on small business. It is a price that will be paid by around 500 of our largest polluters for each tonne of pollution they produce. Small business will not have to measure or monitor their carbon pollution or fill in a single form as part of the carbon price reform, which means no red tape.

The carbon price will create new opportunities for a whole range of small entrepreneurs and business owners across many industries. For example, opportunities will open up to develop services and products in new clean industries such as renewable energy generation, carbon farming and sustainable design, not to mention information and other technology that facilitates energy efficiency within businesses and households and transport logistics, just to name a few. (Time expired)

Carbon Pricing

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:39): My question is to the Minister representing the Minister for School Education, Early Childhood and Youth, Senator Kim Carr. Is the minister aware of New South Wales Treasury modelling, based on the federal government's own carbon modelling, which shows that the Labor-Greens carbon tax will cost New South Wales public schools $77 million over the next four years, or $9,000 per school per year?

Honourable senators interjecting—

The PRESIDENT: Order! On both sides. Senator Nash is entitled to be heard in silence.

Senator NASH: What compensation does the government intend to provide for this heavy burden on New South Wales schools, particularly those in regional areas? How is this consistent with Labor's so-called education revolution?

Senator KIM CARR (Victoria—Minister for Human Services) (14:40): I thank Senator Nash for her sudden interest in schools. It has been a long time since we have heard anything from the National Party on the question of schools. What we can say with confidence is that this is a government that has delivered record funding for school education, almost doubling the amount of money available for every schoolchild across the Commonwealth of Australia. We can contrast that with the cuts that are occurring by conservative state governments to education across the Commonwealth. We can also say with absolute confidence that the 2012-13 budget includes $13.9 billion for schools and youth programs and that this is a government that is maintaining a substantial commitment to the improvement of the resourcing of schooling right across Australia.

We can also be absolutely confident that the Commonwealth is funding schools on a basis of appropriate indexation. The funding is based on average government school recurrent costs, which takes into account the effects of increases in the operational costs, including such matters as electricity. So the whole premise of your question, Senator Nash, is fundamentally flawed, like your thinking on so many matters when it comes to education. It is a sad, sad day when the National Party tries to lecture this
government about the value of education and tries to lecture us about supporting it.

Senator Nash: Mr President, I raise a point of order on relevance. I specifically asked the minister the very simple question of whether or not he was aware of the New South Wales Treasury modelling.

The PRESIDENT: The question was broader than that. The minister has 22 seconds remaining and I believe the minister is answering the question.

Senator KIM CARR: I also draw the Senate's attention to the $16 billion for the BER. Every country school across the Commonwealth benefits. We know the truth of this because of the National Party members and senators who turn up for the openings. They will argue the case here that it is no good, but they will turn up for the opening and get their photograph in the local paper. (Time expired)

Senator Cameron interjecting—

The PRESIDENT: Order! Senator Cameron.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:42): Mr President, I ask a supplementary question. Minister, does the government consider schools like Bargo Public School in Wollondilly Shire, a primary school which I visited last week, to be major polluters? If not, why is the government failing to compensate them for the impact of the world's biggest carbon tax?

Senator KIM CARR (Victoria—Minister for Human Services) (14:43): This government provides support for schools across the Commonwealth. Every single school across the Commonwealth gets support from the federal government—every single one. Every single school across the Commonwealth gets support for the increase in costs of operations. The premise of your question is just wrong. I would also say that we have an obligation in this country to do something about pollution. We have to ensure for the future of this country that we change the way in which people behave. What we are seeing through our climate change programs is an attempt to shift that and invest in the future of this country. Every school across the Commonwealth of Australia will benefit from that approach. Every school will benefit from the almost doubling of funding this government provides, and every school child across this Commonwealth will see the benefits of us investing in the future for all. (Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (14:44): Mr President, I ask a further supplementary question. Minister, does the government agree with the Daily Telegraph, which said on 11 June, about the $9,000 carbon tax hit on schools:

"The list of beneficial things that schools... could do with this money is probably infinite, and almost all of them would have a more positive effect—"

Senator Cameron interjecting—

The PRESIDENT: Senator Cameron, I cannot hear the question because of your interjection. It is disorderly.

Senator NASH: It said:

... and almost all of them would have a more positive effect than sending those funds to Canberra—

which is effectively what the schools will be doing through their increased power bills.

Senator KIM CARR (Victoria—Minister for Human Services) (14:45): I have explained now on three occasions that the funding that the Commonwealth provides is indexed. The amount of money we are providing this year is $13.6 billion. That compares with $8.5 billion in the last year of the Howard government. According to the
figures I have seen on the opposition's funding cut proposals, they would seek to take $2.8 billion off the current programs. It is the height of hypocrisy for Senator Nash to come into this chamber and argue that this government is doing something when it is not, while at the same time having a policy of cutting funding.

Senator Nash: Mr President, I raise a point of order again on relevance. I asked the minister if he agreed with the Daily Telegraph reference. He has not addressed the question at all.

The PRESIDENT: I believe the minister is answering the question. The minister still has 24 seconds remaining to answer the question.

Senator KIM CARR: This government is providing $1.5 billion for disadvantaged schools. It is providing $550 million for teacher education, to support quality teaching education. It is providing $2.5 billion for schools to access new trade-training centres. It is providing $1.1 billion in rewards for greater teacher schemes, and $475 million over seven years for schools' autonomy. (Time expired)

Yallourn Mine

Senator MADIGAN (Victoria) (14:47): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Minister, my question concerns the failure of the Morwell River Diversion in the Yallourn open-cut mine on 6 June this year. In the light of the fact that Victoria's EPA has authorised TRUenergy to pump likely polluted water from the Yallourn open-cut mine directly into the La Trobe River flowing into the Ramsar listed Gippsland Lakes and that the Victorian EPA is not testing the water, instead relying on test results supplied by TRUenergy, can the minister advise what steps are being taken to end this convenient arrangement between the Victorian EPA and TRUenergy, to impose independent water testing at the Yallourn mine and to ensure that those test results are publicly available; and that he has taken action to stop TRUenergy pumping directly from the mine into the La Trobe River, were pollution to be detected?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:48): Thank you for your question, Senator Madigan. The department is aware from correspondence from TRUenergy that recent heavy rains in the Gippsland region have resulted in damage to a section of the Morwell River Diversion, impacting on the operation of the existing Yallourn power station and the coal conveyor system. If any activity taken by TRUenergy in relation to the mine water discharge is likely to have a significant impact on nationally protected matters, then it may require referral under national environmental law. As no referral has been received in regard to this specific activity, the minister has referred this matter to the Compliance and Enforcement Branch of the department for investigation. The minister will keep you informed and the parliament informed of outcomes of that investigation.

Senator MADIGAN (Victoria) (14:49): Mr President, I ask a supplementary question. In the light of comments by TRUenergy, or Yallourn management, published this week in the Latrobe Valley Express that pumping will commence tomorrow, Friday, 22 June, of 100 megalitres per day, rising to 2,000 megalitres per day, is the minister willing to act today if he has not already done so?
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:49): As I indicated, it has been referred to the compliance division, but, if there is any other part of that that the minister would like to add to, I will take that on notice.

Senator MADIGAN (Victoria) (14:49): Mr President, I ask a further supplementary question. Is the minister willing to guarantee that he is acting to protect the La Trobe River, the Gippsland Lakes, their farming, fishing and tourism industries and the diverse wildlife, including five endangered species, that lives on or around the lakes from the waters of Yallourn mine in accordance with the Commonwealth's Ramsar convention responsibilities?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:50): As I indicated, the minister has referred it to the compliance division and will keep us updated. If the minister would like to add anything further in relation to your supplementary question, I will take that on notice and get the appropriate reply.

Media

Senator BIRMINGHAM (South Australia) (14:50): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to the recommendations of the Finkelstein review and the Convergence Review, which the minister indicated during question time yesterday that he was preparing to act on 'in the not too distant future'. I ask the minister if he is now prepared to rule out any of the recommendations from these reviews and, if so, which ones. In particular, will the minister rule out the Finkelstein recommendation to establish a new news media council?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:51): Playing the traditional guessing game, Mr President, of 'please rule in one recommendation versus another recommendation' is a time-honoured practice exercised by those in opposition. The government is considering all of the recommendations. It is not giving any early indications of where it is going to land on the Finkelstein recommendations. I am sure that Senator Birmingham will wait with bated breath, but at this stage I am not going to be able to be too much more helpful until after the government has finished deliberating.

Senator BIRMINGHAM (South Australia) (14:51): Mr President, I ask a supplementary question. Noting that the minister will not deal with specific recommendations, in the light of the extensive job losses and restructuring occurring in the print media environment at present, as well as increasing pressure being felt in other areas of traditional commercial media, will the minister give an assurance that he will not seek to impose greater regulation on media content or any increased costs on these sectors of the media?

Senator Wong: Blaming the carbon price again.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:52): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to the recommendations of the Finkelstein review and the Convergence Review, which the minister indicated during question time yesterday that he was preparing to act on 'in the not too distant future'. I ask the minister if he is now prepared to rule out any of the recommendations from these reviews and, if so, which ones. In particular, will the minister rule out the Finkelstein recommendation to establish a new news media council?
Yes, the carbon price is to blame again! The opposition's position on this is quite clearly split between Mr Turnbull and Mr Abbott. On the one hand, Mr Abbott says it is okay for Ms Rinehart to take over holus-bolus. On the other hand, Mr Turnbull put out a very thoughtful piece in the *Age* yesterday—Mr Turnbull and I were recently described as a unity ticket on this.

The question is: where do those opposite stand? The question is: when it comes to signing the charter of editorial independence, are you in the Turnbull camp or are you in the Abbott camp? Because they are in different camps. Let me be very clear: on the public record, in the last 48 hours, Mr Abbott and Mr Turnbull have expressed diametrically opposite positions. That is not a surprise, given—(Time expired)

**Senator BIRMINGHAM** (South Australia) (14:53): Mr President, I ask a further supplementary question. I draw the minister's attention to the fact that the first supplementary question was about media content, not media ownership. It was about greater regulation of media content and increased costs on the sector. My further question to the minister is—

**Senator Conroy:** Editorial content might have something to do with it.

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

**Senator BIRMINGHAM:** He seems very touchy. I further ask the minister: given his apparent desire to impose increased media content regulation on both traditional and new media platforms, can he explain how this will help with the divergence of views and voices in the Australian media—rather than stifling speech, increasing costs and contributing to the decline in traditional media jobs?

**Senator Conroy** (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:54): Yes, it is pretty clear which side he is on, is it not, Senator Cameron? The whole question is based on a false premise. If you go back to *Hansard* and have a look at that question, you will see it begins with an entirely false premise. He then builds up the usual rant, but clearly Senator Birmingham has been got to. Clearly—

**Senator Brandis interjecting**—

**Senator Conroy:** You could stand up and tell Mr Abbott to support the charter of independence. Why do you not stand up, Senator Brandis, and ask Mr Abbott to support Mr Turnbull on this one?

**The PRESIDENT:** Order! Senator Conroy, ignore the interjection and address your comments to the chair and not across the chamber. Those on my left, cease interjecting.

**Senator Conroy:** My apologies, Mr President. I was outrageously distracted—'provoked' would possibly be a better word. There is clearly a divide on the other side. Senator Birmingham's question demonstrates that he is just spending his time, once again, crawling to Mr Abbott—backing up Mr Abbott instead of getting behind the principled position of Mr Turnbull on this one. As Mr Turnbull has said, 'Sign the charter of editorial independence.' That is—(Time expired)

**Superannuation**

**Senator SINGH** (Tasmania) (14:55): My question is to the Minister for Human Services, Senator Kim Carr. Can the minister inform the Senate what the government is doing to help small businesses meet their
obligations to look after superannuation for their workers?

Senator KIM CARR (Victoria—Minister for Human Services) (14:55): I thank Senator Singh for her concern for the superannuation rights of the five million Australians who are employed by small business. This week the Department of Human Services is running a nationwide campaign to promote the Small Business Superannuation Clearing House. This service allows businesses with fewer than 20 staff to pay their workers' super contributions in one electronic transaction. The DHS clearing house then distributes the superannuation contributions to the nominated funds. It cuts the level of red tape for managers and it brings security for workers. All those benefits come at no cost to the business or workers. It is a smarter, faster and cheaper way to operate. That is why business strongly endorses this service.

Increasing numbers of business owners are looking to the Commonwealth to help look after their workers. In the first two years of its operation, the clearing house has already transferred more than 560,000 individual payments, valued at some $316 million. Over 150,000 employees in some 24,000 small businesses are covered by the program, but we of course have the capacity to service many more. That is why we want to make sure that more businesses sign up to help secure the future of Australian superannuation for workers in small business.

Senator SINGH (Tasmania) (14:57): Mr President, I ask a supplementary question. Can the minister respond to claims that it would be simpler and cheaper to cut back on workers' rights?

Senator KIM CARR (Victoria—Minister for Human Services) (14:57): There have been some suggestions that we need to reduce the flexibility of the scheme and the rights of workers rather than help businesses support the choices of their employees. But we are not in the business of providing a second-best option. Superannuation is a great Labor reform. It provides security for a quality retirement for many millions of workers and their families. This is a legacy that we will not compromise. By enabling them to draw upon the support of a quality public service, we will empower businesses to empower their staff. This is the return on our investment in public enterprise. We do not have to join the Liberal Party in the race to the bottom. We can implement the innovative and creative solutions that Australians deserve. (Time expired)

Senator SINGH (Tasmania) (14:58): Mr President, I ask a further supplementary question. What action is the government taking that demonstrates the value of public enterprise?

Senator KIM CARR (Victoria—Minister for Human Services) (14:59): This government knows that there is a creative role for the public sector in building our nation. I strongly endorse the value of good public administration. In my portfolio alone, there are countless examples, one being the jobs and skills expos which have put more than 20,000 people into work in some of the most disadvantaged regions in the country. This is how the public sector helps to build our economy.

Senator Conroy interjecting—

Senator KIM CARR: Senator Conroy, you are quite right. There are those opposite who do not share our vision, because essentially they are backward in their approach. They are not interested in supporting Australian workers, because essentially they have a Neanderthal attitude to the development of social policy in this country. As Senator Conroy well knows,
those knuckle-draggers opposite refuse to fulfil their obligations to the Australian people. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Climate Change

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:00): On 18 June Senator Milne asked me a question in my capacity as Minister representing the Treasurer. I seek leave to incorporate in Hansard some additional information which the Treasurer has provided.

Leave granted:

The answer read as follows—

Australia has met its responsibilities under the G20 commitment to rationalise or eliminate inefficient fossil fuel subsidies that encourage wasteful consumption.

We took a considered and thorough approach to developing our response and concluded we had no measures within scope of the G20 commitment.

Six other G20 countries also do not think they have any fossil fuel subsidies that fall in scope.

No further work is expected in relation to the commitment by Australia.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Media

Senator BIRMINGHAM (South Australia) (15:01): I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Birmingham today relating to the media.

To paraphrase Edmund Burke, in the reporters’ gallery yonder there sit a fourth estate more important than all of us. Indeed, he was quoted by Thomas Carlyle, who in his book *French Revolution* talked about a fourth estate of able editors springing up, ‘increases and multiplies, irrepressible, incalculable’.

Senator Wong: There are no liberals over there now, so why are you espousing liberal philosophy?

Senator BIRMINGHAM: I thank Senator Wong for her gratuitous advice. The reality is that not since the advent of the printing press have we seen such a multiplication of able editors and reporters across the media—but of course they are all found in the new media, in the emerging areas of the media, as a result of the transformation that is happening at present in the media. We are getting a very different media environment than we have had before.

The real risk inherent in Senator Conroy’s answer today is that we have not a fourth estate but a government that desires to apply instead a fourth branch of government, as it is referred to elsewhere. This fourth branch will be created as a result of what the government proposes to do out of its Convergence Review and the review of the Finkelstein inquiry. The government is seeking to impose more regulation at a time when media should be facing less regulation. Today Senator Conroy was given the opportunity to provide some assurances to the media industry that they would not face increased regulation, that they would not face increased costs at a time when the media industry on its traditional platforms is bleeding jobs and bleeding profits. Instead Senator Conroy chose to defer and deflect. He chose to take his old-fashioned approach, the usual modus operandi of Senator Conroy, which of course is to go and attack
somebody else; to ignore the question and go on the attack.

That is what started this whole process of potential new media regulation—Senator Conroy's desire to attack News Ltd. He called them the hate media. They were the focus of his attack for many a month. They were the reason we ended up with a media inquiry in the first place. Now, he has moved on. He has new targets of attack. His new target of attack is no longer News Ltd but instead Gina Rinehart and Fairfax. They instead are the new targets for Senator Conroy's attack. In doing that Senator Conroy is overlooking the very serious issues that are at play here when it comes to the future of media in Australia. I stand, the Liberal Party stands and the coalition stands for free speech in this country—

Senator Wong: Except when it comes to so many things—

Senator BIRMINGHAM: We stand for free speech supported by a free media. Senator Wong is welcome to speak next if she wants.

The DEPUTY PRESIDENT: Senator Wong, can we have order and, Senator Birmingham, would you please address your remarks through the chair.

Senator BIRMINGHAM: We stand for free speech supported by a free media. It is the most important accountability mechanism to hold this parliament and governments of whatever political persuasion to account. It is what we must fight to preserve at all costs regardless of who the government of the day is. The government proposals that have come forth from the Finkelstein inquiry and the Convergence Review to establish either a news media council or a new independent communications regulator are of course all, in the end, just code for greater government regulation that will give governments of the day greater potential to influence what appears in the media; greater potential to say what it is right to publish or what it is wrong to publish, what is appropriate speech or what is inappropriate speech.

The role of government should not be in that space, save for extremely limited circumstances. This government seeks such an expansionary power to dictate what is the appropriate speech and what is inappropriate speech that all Australians should rightly be concerned. Today Senator Conroy had a chance to at least provide some certainty that an industry under pain and threat will not face greater costs and that free speech in this country will be preserved. He chose to reject the opportunity to provide any such assurances and instead continued with his MO, which has always been to find something to attack instead.

Senator MARK BISHOP (Western Australia) (15:13): Part of the way through Senator Birmingham's contribution, he made a reference to the fact that the Liberal Party believes in free speech and a free media. There is a very simple response to that: ditto. Because, in the four years that we have been in government, there has been not one whit of change and not one response from the current government that in any way interferes with the concepts of free speech or a free media. What we have witnessed over the last four years is the market operating, and there has been enormous technological change for content providers and new players entering the market. Over the last fortnight, we have seen the two principal media companies in this country engaging in revision—occasioned by technological change—of their own particular business models. We have seen it in News Limited's headline paper, the Australian, today, outlining their changes, and we saw it earlier in the week from the Fairfax press, which operates in the country's two largest states
and the ACT. What is occurring—and it is not caused by government; the government has not interfered and it has not sought change—is the operation of the market.

Senator Birmingham made some references in his contribution to the independent inquiry into the media and the Convergence Review Committee inquiry. The government has received the findings and recommendations of the independent inquiry. What have we done with those? They have been sent off to be Convergence Review Committee for its consideration. And both the convergence review and the independent media inquiry have recommended to the government—which the government has not yet decided on and cabinet has not even considered—that the framework for news media regulation in Australia needs to be strengthened. That is hardly a remarkable proposition when the media industry, whether radio, TV, the press or the internet, is going through such radical change that it would occur to anyone who takes an interest in this that the degree, nature and type of regulation that has occurred under successive governments in this country for the last 100 or 150 years might need to be looked at and possibly altered into the future. That is all that is occurring.

One of the principal proposals so far, from the Convergence Review Committee, is that all content service enterprises be required to join and fund a body. What is that body going to do? It will require those enterprises to join that body to administer self-regulatory codes of practice. Content providers in the media, entertainment and news industry will be required to join a body to administer self-regulatory codes of practice. So all of these organisations develop their own behaviour and establish codes of practice, and all of the players in that market, whether it be TV, radio, newspaper or internet, who provide content will simply be required to join that body and then they can administer their own codes of behaviour, which they themselves—not the government, not the parliament, not some bureaucrat somewhere—have determined. This is hardly a remarkable proposition. And what has happened with that? It is only a recommendation to the government and it will be considered by the government at the appropriate time.

Let us not kid ourselves: the media plays a fundamental role in our society. A healthy, robust, growing and differentiated media is not only fundamental to a market economy such as ours but also fundamental to the democratic society that we work in, live in and wish to retain. It cannot be argued that, as a result of technological change, the media is not facing significant challenges; regrettably and regretfully, we have seen those played out on the front pages over the last week. We are told that, over the next two or three years, 1,900 people are going to be laid off from the Fairfax organisation alone. The number of people to be laid off by News Limited has not yet been identified. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:11): Mr Deputy President:

The time, it is to be hoped, is gone by, when any defence would be necessary of the "liberty of the press" as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive … to prescribe opinions to them—

that is, the people—

and determine what doctrines or what arguments they shall be allowed to hear.

They are not my words but the words of John Stuart Mill writing not now in the early 21st century but more than a century and a half ago, in 1859, in On Liberty. How bizarre that
what was considered beyond argument more than 150 years ago, the defence of the absolute liberty of the press, is now necessary in the second decade of the 21st century in Australia, but it is. It is necessary because the freedom of the press can no longer be taken for granted in the era of the Gillard Labor government.

I see a member of the cabinet, Senator Penny Wong, is in the chamber. So listen carefully, Senator Wong; I have a challenge for you. We heard Senator Mark Bishop, in the contribution he just made, say that there has never been an occasion in the life of this government when there has been any interference with the freedom of the press. Well, Mr Deputy President, you may recall, as I do, that late last year a column by the respected veteran political journalist Mr Glenn Milne was actually removed from the Australian newspaper. It was withdrawn after it had been published and it was taken down from the Australian's website. That column contained serious allegations concerning the Prime Minister. Let Senator Wong deny, because I am giving her the opportunity to do so, that the withdrawal of Mr Milne's column and its removal from the Australian's website was directly consequent upon the Prime Minister demanding of the then CEO of News Limited, Mr John Hartigan, that the piece be removed. Was it a defamatory piece? No defamation was alleged. No proceedings were ever issued by the Prime Minister against News Limited or Mr Glenn Milne. Do you deny, Senator Wong, that that act of political censorship was demanded by the Prime Minister of the then CEO of News Limited? If a government, a Prime Minister, can get away with that, then the freedom of the press, particularly the freedom of the print media in this country can no longer be assured.

You are a member of a government, Senator Wong, which is in coalition with a political party, the Greens, whose policy is to license journalists presumably so they can express politically correct opinions, opinions congenial to the Green's ideology. You are a member of a government whose 'minister for truth', Senator Conroy, refused in question time today to rule out greater government regulation of the print as well as the broadcast media. You are a member of a government, Senator Wong, whose ministers opened the champagne bottles last year when a conservative columnist, Mr Andrew Bolt, was the subject of censorship by a court ruling applying an act of parliament, the Racial Discrimination Act, which a previous Labor government instituted. There has not been a time when the freedom of the press in this country has been under such threat.

Senator MARSHALL (Victoria) (15:16): It is always fun to follow Senator Brandis when he is in one of his Shakespearean, theatrical moods. He started his contribution with lofty quotes from a century and a half ago, espousing freedom of the press and challenging us about what has changed, putting challenges across the chamber to the minister. It is all fun stuff, Senator Brandis, but seriously: come on, get a grip! A century and a half ago is a century and a half ago. We on this side absolutely support free speech and we absolutely support a free media but what underpins a free media? What underpins a free media is in fact editorial independence. That is something you can pretend does not matter and does not figure in your quotes from a century and a half ago and in your theatrical presentation to the Senate today, but it matters in real life. It matters in the business models of today. It matters in the internet world of today, Senator Brandis, as you go back to your 1850s world where you think everything is wonderful and lofty, but it is not.

This is 2012. We have the internet world, we have different business models, we have
different standards, we have different things applying to the way media works and does not work. Only yesterday—or it might have been the day before—we had Senator Brandis blaming all the problems in the Fairfax media on the carbon tax. He was not talking about editorial independence or anything else when he was making that accusation. He cannot quite get his lines right because he was reading from a script of a century and a half ago and putting all his effort into great challenges across the chamber, as if anyone pays attention to him any more.

Editorial independence is an important thing. It is something readers of the Age, in particular, and the Sydney Morning Herald have always appreciated. It makes reading a newspaper enjoyable because you know journalists are going out, researching things and reporting the news—not reporting the owner’s views but reporting the news. Editorial independence is the cornerstone of a free media. The existing charter in the Age and the Sydney Morning Herald reads, in part:

... full editorial control of the newspapers within agreed budgets shall be vested in the editors. They alone shall determine editorial content and appoint, dismiss, deploy and direct editorial staff.

That is the way it should be if you want to claim to be a newspaper. If you want to claim to be free media, you ought to have editorial independence. If you want simply to be a spin doctor or an advertising person for different owners, you should declare that, but if you are going to be a newspaper, editorial independence is the cornerstone and what underwrites a free press.

Let us not misunderstand the importance that a genuinely free press has in our society. It is absolutely crucial to inform people so that they know what is going on, to do all those things Senator Brandis referred to about exposing difficulties, about informing the public about current affairs and different views within the community, and about views from this chamber itself. That is exactly what editorial independence, an independent charter, does in the free press. A system where people put their point of view and present it as news—that is not news and people ought not pretend it is. An important aspect of free media in this country is ensuring free speech. It is the cornerstone of editorial independence.

Were anyone to deliberately seek to breach the charter in the case of the Age or the Sydney Morning Herald, that would lead to a crisis of confidence among the readership. If the readership deserts the papers, that will undermine the whole media industry and that would be a shame. It is of interest to the government and that is why we have undertaken the convergence review.

Senator RYAN (Victoria) (15:21): I note that the previous speaker, Senator Marshall, said he was in favour of freedom of speech, freedom of the press but—

Senator Marshall: I am—

Senator RYAN: In this area it is always the 'but' that gets you. Every tyrant or every person who has tried to suppress what people may say, print or broadcast has always claimed to be in favour of freedom of speech. When they were censoring student newspapers at universities they said it was about freedom of speech but only for certain groups on campus. What we have here in Australia today is freedom of speech, not just of the press but freedom of speech and expression more generally, which is under more serious threat than at any time since Labor was last in office and they tried to ban political advertising. But the High Court drew a line under that and said: 'No. This parliament does not have the power to ban
political advertising because that counts as expression and that is an implied right of freedom in our Constitution.¹ It is a ruling that I strongly support, because the greatest threat to freedom of speech has always been government.

The greatest threat to freedom of speech and freedom of expression has always been the power of the state. Just last year we had a columnist in Australia dragged through the courts for expressing an opinion. They were not found to have defamed someone, they were not found to have libelled someone but they were dragged through the courts for expressing an opinion that some people found offensive. I am quite proudly in the American school of free speech. The courts should take a minimalist view of every single law restricting speech. There is no country on earth, no country in the history of humanity, where freedom of speech and expression has been as strongly guaranteed as in the United States.

Always the threat to freedom of expression comes from people in places like this. It comes from experts and people who think they have some right to determine what is the correct opinion and who are the correct people to express it. That the government on the other side here would tolerate the idea of the licensing of journalists, that it would not unilaterally, automatically and immediately dismiss that whole idea, is offensive to the democratic history of this country. It is absolutely offensive. This is the idea that you would need a ticket from a body appointed by government, no matter at what arm's length, before you could write in a newspaper. Let us just put that into historical context: countries in the world that no longer exist had rules like that.

Where is the problem that freedom of expression has got to us in this country? In fact, I put it to you and to the people, Mr Deputy President, that the problem in this country has been a lack of freedom of expression. Our laws on defamation have protected people who could be exposed. Our laws on sedition have occasionally in the past, with things like D-notices, been too strict when we compare them to what has happened in the United States. Always we should be aiming to err on the side of freedom of expression, but that is not the approach of this government and their Greens allies. The approach of this government and their Greens allies is that there is a correct opinion to express and there is a correct form or way to express it. What we have seen is a proposal to regulate blog sites.

Senator WONG: All the people who believe climate change is real are not allowed to speak out.

Senator RYAN: What was that, Senator Wong? I do not know how this relates to climate change.

The DEPUTY PRESIDENT: Ignore the interjection, Senator Ryan. You have the call.

Senator RYAN: Senator Wong, maybe you are afraid of the fact that your religious crusade has been exposed by this very freedom of expression.

Senator Wong interjecting—

The DEPUTY PRESIDENT: Senator Wong, that is not a assisting the chamber. Senator Ryan, direct your remarks to the chair and not across the chamber. Ignore the interjections. You have the call.

Senator RYAN: I point out, Mr Deputy President, that it is on this side of the chamber that people are free to express their opinions and to vote as their consciences see fit. It is on that side of the chamber, in the Labor Party, that expressing an individual opinion outside the caucus has since the day
they were formed been forbidden. That binding caucus rule means that, no matter what opinions are expressed inside a now leaking Labor Party caucus, the people of Australia will never hear them in an official sense.

The internet is the equivalent of the modern day Gutenberg press. It has made the ability to write—to become an author, a publisher, a journalist or whatever you might want to describe yourself as—cheaper and more available than at any time in human history. Yet, from the Labor Party, from the government, we see proposals which, again, have not been immediately dismissed to somehow start regulating blog sites. How are we going to do this? Rather than have the contest of freedom of speech being out there in the public domain, we want to try to regulate what people do. It is not just legal action that suppresses freedom of speech; it is the threat of legal action. It is the threat of people being dragged through the courts. It is the threat of bloggers having regulators come down upon them. Freedom of speech is under more threat than it has been in this country for many years because of those opposite.

Question agreed to.

Carbon Pricing

Senator DI NATALE (Victoria) (15:27):

I move:

That the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Di Natale today relating to the carbon tax.

I would also like to make a few points relating to the discussion we have just heard, but I will come to that in a moment. Earlier in question time, I asked what was, I think, a very light-hearted question, but I was asking that question to make a serious point. I was asking the question because it appears that we have entered a political environment where facts simply do not matter anymore. Whether it be climate change or poker machine reform—something that I have been involved with in the recent debate over the government's proposed legislation—it seems that facts simply do not matter. We are in an environment where one side can fabricate a position, it can put something forward, that seems so utterly preposterous and yet they are not called to account and they continue to do it.

Earlier this week during question time, we heard a comment from Senator Brandis about the recent changes at Fairfax. He, through his question, made the connection between the changes at Fairfax and the carbon tax. We can have disagreements in this place over whether acting on climate change at this point in time in the way that we have is the most appropriate thing to do. I am happy to engage in that debate. I think it is a good debate to have and I think the Australian community at least deserves it. But to debase the public debate in such a way that you make some of the most asinine, incredible and outrageous connections to something like a shake-up that is occurring within the newspaper industry and the carbon tax serves no-one's interest. It serves no-one's interest in this parliament and it certainly does not serve the public's interest. We heard a speech from Senator Brandis a little earlier where he made the statement that the Greens' policy was to license journalists. That is simply wrong. The facts do matter. Facts are important, and people need to be called to account.

The past is not something we should romanticise too much. I know I am new to this place and I also know that there has always been vigorous debate in this place, but I think we have entered a new phase—a phase where facts simply do not matter. I do not think that is good for our democracy and
it is certainly not good for our parliament. I attempted to make a point by asking a question in a light-hearted way to simply highlight the fact that our public debate has been debased—in fact some questions are outrageous—and that people do need to be called to account. The idea that somehow carbon pricing legislation is connected to a shake-up in an industry which has undergone major change, largely through changes in telecommunications—the ways we communicate, the internet and so on—really does not serve to advance the public interest. I asked that question in the hope that we highlight how ludicrous that is. It is important we do that because if we do not we will continue to have a disengaged community, a disengaged public, and that is bad for our democracy.

I was less interested in the response from the minister than I was interested in highlighting how important it is to get some civility, some reason and a much more rational public debate, where we can debate the issues at hand—that is, the issue of carbon pricing legislation, the model we have chosen, the impact it will have, where the rest of the world is heading and our role in that. That is the reason that the question was put in the way it was put.

Question agreed to.

MINISTERIAL STATEMENTS

Homelessness

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:32): I table a statement on homelessness.

Senator PAYNE (New South Wales) (15:32): by leave—I move:

That the Senate take note of the document.

The disappointing aspect of this statement is that it is a bit like a glossy paint job over a slightly peeling house. It is trying to highlight some of the positives in the area, but not really going to the heart of many of the issues surrounding homelessness in Australia. Some would say the government has failed in that regard and I would certainly be one of them.

It does not take very long when you look at, for example, the figures on the National Rental Affordability Scheme in the Northern Territory—if that is any indication of a government's capacity for service delivery, then one could be forgiven for being slightly pessimistic about the prospects for those Australians who find themselves homeless for a vast range of reasons and in a vast range of circumstances. Just 16 houses have been built in the Northern Territory out of a proposed 1,186 in round 3 of the National Rental Affordability Scheme, ahead of a deadline, which is 1 July 2012. That is a pretty disappointing situation for those in the Northern Territory seeking affordable housing. While that aspect of the government's housing policy is not specifically directed at the homeless—the minister does indeed refer to affordable housing in his statement—I am concerned and the coalition is concerned that the problems in this area will certainly have a trickle-down effect on the broader housing market. It is already enormously challenging in the Northern Territory, as I am sure senators know. Low-income renters who find themselves unable to get access to affordable housing end up being pushed into marginal accommodation—they end up in caravan parks, they end up in their cars and many resort to sleeping rough.

The government began its first term in 2007 with what we saw as soaring rhetoric and really high hopes for homelessness policy, but the results are really what matter in this case. The very comprehensive white paper on homelessness, which was released in 2008, came with a promise that we would
be in a position to measure progress by 2013. That is not all that far away; it is just over six months away. Looking at the latest budget figures, there is not a lot there for housing and for homelessness in particular to give us any confidence that we will be able to do that.

There is nothing committed in the budget to the renewal of the National Partnership Agreement on Homelessness after it expires at the end of the next financial year or, as far as we can identify, any homelessness money elsewhere to make up for that funding stream finishing. We have asked questions about the status of that and about the status of negotiations. You are looking at about 180 services across this area, and really they will want answers as to whether they will still exist as well when that funding stream expires.

If you look at the government's claims of committing almost $5 billion to homelessness since 2008 and if you take a very close look at the allocations, they tell a slightly different story to that very broad claim. Three billion of that money went in stimulus funding, in remote Indigenous housing, in social housing funding and in mental health funding. They are all, I am sure, regarded as worthy programs by the government, but they are not actually specific or direct homelessness programs in the way in which one might hope when they were claimed as funding for homelessness. It sometimes seems that the government haphazardly counts any housing measures as homelessness programs, which pushes up those figures. I am struck by the clear demonstration of the government's focus on 'the big issues' when the minister complains about the opposition not including the word 'homelessness' in the title of the shadow minister for housing. He spent some time on this recently. I find that quite remarkable, when we are talking about a government that has had three ministers for homelessness in the last seven months. Of course, the current health minister was the minister for housing, with no mention of homelessness in her title. So I suppose one should not look too closely at those facts, to keep this minister happy. It could in fact draw me to comment that the current federal Minister for Housing and Minister for Homelessness is also the Minister for Small Business, but that would be following his lead, and I do not intend to do that.

The important fact in this area is that it is estimated that there are over 105,000 Australians who are homeless every night in this country. The figures for 2008-09 showed that 61.5 per cent of people who sought crisis accommodation had to be turned away. That is 330 people, including 125 children, per day. Our estimates also show that 20 per cent of Australia's homeless were in homelessness services at any one time.

This is a massive issue in this country and it does not actually matter whether you are in a city, in a regional area, in a rural area or in a remote area—it affects every part of this nation. The lack of affordable housing and the housing shortage of 228,000, according to the latest National Housing Supply Council report, is also pushing families out of the private rental market and into marginal accommodation and endless public housing waiting lists. You only have to look at the front pages of local papers to see that. In fact I saw it myself today on the front page of a newspaper in Penrith. The front-page story is of a well-known local gentleman with a quite serious disability not being able to find housing that is affordable and will suit his needs.

We regard homelessness—and I know the government has referred to this over time as well—as much more than being a matter of putting a roof over one's head, because
domestic violence or family breakdown accounts for around a third of Australia's homeless. Homelessness is often the last step and the most desperate step of a very tortured journey for many Australians. One suspects that, for a range of reasons, there will always be homeless people amongst us, and it is our response which is a very crucial test of our compassion as a society. Those who are unfortunate enough to be homeless do need more than a bed for the night and a meal. They also need a pathway out of their challenges. So, while it is a crucial issue, we obviously believe it is equally important to address the root causes to help prevent struggling families and individuals from becoming homeless in the first place. We have to tackle Australia's structural housing shortage, which results in fewer houses being available for those who need them, and higher prices, which lock out those on low incomes and government support.

We went to the last election with a serious homelessness policy based on taking very practical action and offering incentives for the states and territories to achieve tangible results and to help service providers to direct their efforts into helping the homeless and not filling out forms day after day. We are building on that policy in the homelessness area and we will continue with our overarching theme of addressing homelessness by improving housing affordability. We will pursue a number of practical steps. We will establish a homeless coordination unit to operate as a one-stop shop for service providers, with application and reporting requirements to apply once rather than be duplicated across each agency. We will set incentive based targets for the states and territories to offer homelessness services, ensuring those targets are achieved. We will link our homelessness plans to the wider causes of homelessness, including justice issues, mental health, law enforcement, substance abuse and family breakdown. We will provide incentives to develop partnerships with private and non-profit sectors to develop new facilities for homelessness services.

I think one of the first things that I ever did when I became involved in formal party politics a long time before I came here was to experience an almost visceral response to the report by Commissioner Brian Burdekin of the Human Rights Commission on youth homelessness in Australia. I was probably the federal president of the Young Liberal movement or something like that. It struck me at the time that, when you looked around at my university or at families that I knew, somewhere in those groups of people there were numbers of homeless people who you might not even know about. I was very young. I was very naive, I suspect, at the time. I am certainly not so young and I would hope I would still have some naivete, but you never know.

Since that time the thought has stayed with me that in a country like ours no person deserves to be homeless. It is an intractable problem but in my view not an insoluble problem. I think the services that do a lot, often with quite little in terms of support and funding, are to be commended for their work. I have met young people from the Canberra area just recently at a display in the Great Hall who had had their lives changed by a local homelessness service run by some very good Australians. I was very proud to have the opportunity to meet on that occasion those young women. This is a very important area of social policy and one I will continue to call the government to account for.

Question agreed to.
COMMITTEES

Government Response to Report

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:42): I present three government responses to committee reports as listed on today’s Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The documents read as follows—

AUSTRALIAN GOVERNMENT RESPONSE TO THE REPORT ON IRAQI WHEAT DEBT – REPAYMENTS FOR WHEAT GROWERS BY THE SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

Introduction

The Government welcomes the Committee’s report on compensation arrangements for wheat growers following the writing off of Iraq wheat debt in the Paris Club.

The Government supports the Committee’s conclusion that, although the Export Finance and Insurance Corporation (EFIC) is a government entity, the insurance policies they provide to exporters are commercial agreements and, as such, should be free from governmental intervention. In addition, the Government supports the Committee’s judgment that to interfere to amend retrospectively EFIC contracts could possibly affect the future viability of National Interest Account (NIA) insurance arrangements and reflect a short-sighted approach to export insurance arrangements. The Government, however, does not accept the Committee’s recommendations.

Recommendation 1

The Committee recommends that the Export Finance and Insurance Corporation and AWB Ltd agree to a distribution of Paris Club scheduled repayments that enables growers, through AWB Ltd, to receive the first 20 per cent of repayments from Iraq, beginning in 2011.

Response

The Government does not accept this recommendation.

Agreement by EFIC (the Government) to pay the growers the first 20 per cent of repayments from Iraq would contradict the terms of the original insurance contracts between EFIC and the former Australian Wheat Board and would be inconsistent with the principle of risk sharing implicit in not only these, but all, insurance contracts. Such an agreement would also be inequitable for other exporters who had sales defaults in Iraq covered under insurance arrangements with EFIC.

Under this recommendation, AWB Ltd’s share of the debt, payable to wheat growers, could be paid by 2014. The taxpayer portion would not commence repayment until 2014 and would not be fully repaid until 2028. In the event that Iraq did not honour its obligations to Paris Club creditors part-way through the repayment schedule, the Government, and therefore the taxpayer, would be left with all the remaining liquidity.

Market practice within the insurance industry is that claims and recoveries are made on the basis of the conditions agreed at the time an insurance policy is established, and before the risks covered are realised. Recoveries are shared between the insured and insurer, in proportion to the loss borne, at the time of the recovery. The precedent set by departing from this practice in the case of Iraq debt may create an expectation that Government might be willing to waive this basic contractual principal for other recovery situations.

The Government notes that previous debt reschedulings, such as Russia and Egypt, have followed market practice, but any precedent set with regard to Iraq debt could then be applied to other situations and to Australian non-government creditors of rescheduled debt, in addition to other Australian exporters to Iraq. The situation which the committee describes, in which individual growers will be required to wait very long periods to receive remaining funds, may also apply to many other exporters whose debt has been subject to rescheduling, such as creditors of Russia.
An additional implication of government agreement to repay growers first, and consequently depart from market practice, would be that it may make it more difficult for EFIC to source reinsurance for exposures on the NIA in the commercial market. Commercial reinsurers, who would also have a contractual right to recoveries in proportion to their level of reinsurance, would take into account the prospect of the Australian Government departing from contractual obligations after claims have been paid, in favour of insured exporters and to the possible detriment of reinsurers, in their consideration of whether to reinsure NIA exposures.

Recommendation 2

AWB Ltd immediately commences the process of identifying and locating every grower entitled to receive payments made by Iraq under the Paris Club agreement. Further, prior to the commencement of Iraq’s scheduled debt repayments in 2011, AWB Ltd undertakes to establish a payment mechanism whereby those receiving Iraqi payments are responsible for meeting the costs of their distribution.

Response

The Government notes this recommendation. This is a matter for AWB Ltd to consider.

Dissenting Report by Senator Bob Brown

In preparing its response to the report, the Government has also taken into account the dissenting report by Senator Bob Brown. The dissenting report’s recommendations are:

1. The government should within 12 months undertake to repay growers the outstanding Iraq wheat debt and to cover the cost of this redistribution.

2. That the Export Finance and Insurance Corporation and AWB Ltd ensure that the first 20 per cent of Paris Club scheduled payments, beginning in 2011, are returned to the government.

3. That, to assist the government, the AWB Ltd immediately commence the process of identifying and locating every grower entitled to receive payments made by Iraq under the Paris Club agreement.

Response

The Government does not accept recommendations one and two, and notes recommendation three.

As noted in the response to the Committee’s first recommendation, implementing these recommendations would require EFIC to deviate from market practice, and set a damaging precedent for the future provision of insurance on the NIA. In addition, repaying the growers within 12 months would require an additional outlay from taxpayers which would shift all the risk of non-repayment by Iraq onto the taxpayer. This is considered untenable given the outlays already provided by taxpayers under the original insurance contract.

The second and third recommendations would be relevant only if the first recommendation was accepted.

1 Agrium Asia Pacific International (AAPI) is the new name for AWB (International) Ltd. Although the broader AWB Commodity management business was sold by Agrium Asia Pacific to Cargill in 2011, responsibility for historical issues, such as the Iraq wheat debt, remained with Agrium.

Parliamentary Joint Committee on Corporations and Financial Services (PJCCFS)

Statutory Oversight of the Australian Securities and Investments Commission (ASIC)

March 2012

Government Response

Recommendation 1

The committee recommends that ASIC acquire empirical evidence of its resource allocation to its educative activities and outcomes of these activities. This information should be more fully publicised in ASIC’s regular reports and other media accessed by investors especially retail investors.

The Government supports the recommendation in principle and notes that ASIC, as the
Government's financial literacy educator through its National Financial Literacy Strategy (NFLS), provides a coherent framework to improve consumer financial literacy nation-wide.

ASIC has indicated that it accepts the recommendation and it will provide more detail of the resources it devotes to the NFLS, including making this material available to retail investors.

The Government commends ASIC's decision to adopt the Committee's recommendation, and also its continued approach to consumer and investor education.

**Recommendation 2**

The committee recommends that ASIC take steps to use available information to collate and analyse definitions of, and approaches to, financial crime, with a view to developing standard definitions and classifications that can be used across the Commonwealth.

**Recommendation 3**

The committee further recommends that ASIC give particular attention to ways of distinguishing between criminal fraud and market failure, and the interventions available to ASIC in each case.

The Government supports these recommendations in principle.

The Government considers that the extent to which it would be beneficial for this work to be undertaken would need to be determined by ASIC, subject to its resourcing priorities.

The Government notes that should these recommendations be carried forward, ASIC would consult with the Attorney-General's Department which has responsibility for criminal law on a whole of government basis.

The Government's in principle support for recommendation 3 should not be taken to imply any deficiency on the part of ASIC in its current approach to determining the causes of losses to investors.

**Recommendation 4**

The committee recommends that the government provide the basis on which company registration fees are set and explain the process of determining late fees.

**Government response**

The Government provides the following response to Recommendation 4, on the understanding that the question, while referring to 'company registration fees', is seeking the basis for the setting of both registration fees and annual review fees.

**Background**

Following registration, companies receive annual invoices from ASIC for payment of the annual review fee pursuant to the Corporations Act 2001, Corporations (Review Fees) Act 2003, and related regulations. The purpose of the annual review process is both to collect fees to fund the national corporations scheme, and to ensure the currency of information held by ASIC by providing a clear and regular opportunity for companies to check all details held by ASIC's register, and notify ASIC of any changes.

Section 1351 of the Corporations Act specifies that payment of the annual review fee is required within two months of the company's review date. If a company fails to make payment within the specified period, then a late fee arises under the regulations. The fee is $69 for payments which are up to one month overdue, and $287 for payments which are more than one month overdue.

ASIC has the ability to waive a company's obligation to pay a fee in certain circumstances, from a power delegated to it under the Financial Management and Accountability Act 1997, and is restricted to situations where circumstances exist that are outside the control of the applicant company or its representatives (including agents).

Company office holders have a legal responsibility to ensure they are aware of their obligation to pay prescribed fees within the specified time limits. Details of these requirements are provided with the annual statement package.

**Rationale for Company fees and late fees**

Successive governments have supported the view that corporations fees should be set to ensure that over time, total revenue from the fees approximates the total outlays associated with the national corporations scheme ('the scheme'). The rationale for this is that as the scheme provides
general benefits to market participants, including companies, the cost should be borne by them rather than by all taxpayers.

Following the establishment of the national corporations scheme in 1991, the Commonwealth Government initially set fees at a level that would cover the costs of the regulator (then the Australian Securities Commission (ASC), now ASIC) and make a contribution towards other outlays and compensation payments associated with the scheme. These other outlays include the costs of providing policy advice (formerly by the Attorney-General's Department and now by the Australian Treasury), and of various bodies involved in the administration of the scheme which operate independently of ASIC. Today these include the Corporations and Markets Advisory Committee, the Takeovers Panel, the Financial Reporting Council, the Australian Accounting Standards Board, the Auditing and Assurance Standards Board, the Companies Auditors and Liquidators Disciplinary Board, and the Financial Reporting Panel. Fees are also meant to contribute to the costs of various related law enforcement, court and tribunal activities.

A significant component of the fees raised was to provide compensation payments to be remitted by the Commonwealth to the States to make up for the loss of companies and securities fees payable under the various State-based company registration schemes.

In 1992-93, for example, the scheme raised revenue of $190 million. The ASC's outlays were $124 million, the outlays for the other administrative bodies were $10 million, and compensation to the States and Territories were $118 million. Consequently, the scheme deficit was $62 million.

Fee levels were reviewed by a cross-departmental steering committee in 1994, with input from the business community and the ASC. A major principle guiding the review was the preference for cost recovery – that is, for the scheme to run at an approximate fiscal balance. The other key principles were equity between fee-payers, and the efficiency and simplicity of the scheme. The characteristics of the scheme consequently adopted included:

- avoidance of extra costs on business that could not be justified by the objective of fiscal balance;
- a tiered company annual return fee with different levels for ‘special purpose’ (for example, non-profit organisations), proprietary companies, and public companies, reflecting the relative level of surveillance and supervision required of the regulators; and
- an increase in late fees, to encourage the more timely lodgement of documents and information onto the regulator's databases.

Fee levels were considered again in 2000 as part of the Simplified Lodgements and Compliance paper issued under the Corporate Law Economic Reform Program. The principles guiding this review broadly accorded with those of the 1994 review, with an additional emphasis on the need to facilitate the administration of the Corporations Law, and to provide flexibility to facilitate future regulatory reforms.

It was noted in this review that whereas a cost recovery objective may exist at an aggregate level, as an objective for setting fees, this did not mean that individual fees for specific regulatory activities needed to represent full cost recovery for that activity. For example, the annual return fee was set at a level significantly higher than the direct cost of receiving and processing annual returns, because the fees were also designed to cover the costs of other activities relevant to the scheme, such as surveillance, enforcement and prosecution.

The outcomes of the review in 2000 did not diverge significantly from those of the 1994 review in terms of the principles upon which fees were to be set, other than adjusting the levels to reflect Consumer Price Index (CPI) increases.

The last wide-ranging change in fees took place in June 2003, which again adjusted fees in line with CPI increases. Subsequently, only ad hoc fee changes took place.

By 2007-08, the scheme raised $545 million. ASIC's outlays were $292 million, payments for services to the scheme by other bodies amounted to around $31 million, and compensation to the States and Territories was $173 million. Payments to the States and Territories pursuant to
the National Corporations Scheme were discontinued after 2007-08 in the 2008-09 Budget. This is the primary reason for the current annual surplus of scheme revenues over expenses.

A review of cost recovery under the national corporations scheme was originally scheduled for completion in time for any implementation to occur as part of the 2008-09 Budget. The review was deferred following the decision to discontinue payments to the States and Territories. It was subsequently abandoned when the Government decided to automatically indexed in line with the CPI from 1 July 2010.

It should be noted that automatic fee increases in line with the CPI at the start of each financial year had been recommended by both of the reviews undertaken in 1994 and 2000.

**Late fees**

The review of fees in 1994 recommended a significant increase in late fees, to encourage the timely lodgement of documents and information onto the regulator's databases. The recommendation was for a late fee of $50 for the first month, followed by a $200 fee after one month. The review noted at the time that the behavioural impact of this late fee structure was uncertain, and foreshadowed potential criticism that this structure was aimed at raising revenue rather than ensuring the integrity of the information held by the regulator.

By the time of the review in 2000, a late fee of $60 applied for lodgements within one month of the specified period, and a fee of $230 for lodgement more than one month late. The review reiterated the objective of late fees to encourage the timely lodgement of documents so that ASIC's corporate database is accurate and up to date, and that the late fees regime remained an effective mechanism for encouraging the timely lodgement of documents.

The current fee is $69 for lodgements up to one month overdue, and $287, for lodgements more than one month overdue.

**Summary**

The imposition of fees for company registration and annual returns, including penalties for late lodgement, is a practice common across many jurisdictions. In Australia, fee levels were set in the 1990s to recover costs in line with the expenses of the national corporations scheme. As the scheme has evolved, fee levels have been raised so as to approximately maintain this equity between revenues with expenses. The most significant structural change in recent years has been the automatic indexation of fees in line with the CPI from 2010, this proposal having been recommended twice earlier by reviews of the scheme. A surplus of revenue over expenses has opened up since the abolition of compensation payments to the States and Territories under the scheme at the end of 2007-08. The imposition of a substantial late fee in respect of annual reviews, to encourage prompt lodgement, has been an important component of the scheme since its inception.

**Government Response to the Parliamentary Joint Select Committee on Gambling Reform - Second Report: Interactive and Online Gambling and Gambling Advertising and Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011**

**Recommendation 1**

2.109 The committee supports the need for national research on online gambling to acquire data on which to base appropriate policy responses. As recommended in its previous report, the committee reiterates its call for a national independent research institute on gambling.

**Response:** Matter for Jurisdictional Consultation. The Productivity Commission recommended in their 2010 report on gambling that jurisdictions work together to improve the usefulness of gambling survey evidence. This issue will be discussed through the COAG Select Council on Gambling Reform.

Additionally, in 2009 the Australian Government renewed their memorandum of understanding with the states and territories for the national research body Gambling Research Australia until 2014. Future research arrangements are a matter to be discussed with states and territories through the COAG Select Council.
Recommendation 2

2.111 The committee recommends that the review of the Interactive Gambling Act 2001 be conducted by the Department of Broadband, Communications and the Digital Economy commission relevant research on the local online gambling environment.

Response: Agreed. Work is being done on this as part of the department's review of Interactive Gambling Act 2001, through the commissioning of research by Allen Consulting Group and KPMG.

Recommendation 3

7.87 The committee recommends that the Interactive Gambling Act 2001 (IGA) be amended to address the inconsistencies and ambiguities identified to the committee regarding prohibited interactive gambling services and any others that are identified through the review being conducted by the Department of Broadband, Communications and the Digital Economy. Specifically the IGA should be amended to capture methods of avoidance such as websites which provide links to facilitate access to prohibited interactive gambling services.

Response: Agreed. The following ambiguities have been identified and will be addressed in the Review Report of the Interactive Gambling Act 2001:

- meaning of a 'sporting event'
- definition of 'gambling service'
- definition of 'accidental or incidental broadcasting of an interactive gambling advertisement'
- definition of 'micro-betting'
- promotion and advertising of gambling services.

Recommendation 4

7.89 The committee recommends that following the review of the Interactive Gambling Act 2001 by the Department of Broadband, Communications and the Digital Economy, an education campaign be developed for consumers to provide clarification of online gambling regulation and highlight the risks of harm.

Response: Any education campaigns should be highly targeted. Initiatives will be identified as part of the review of the Interactive Gambling Act 2001.

Recommendation 5

8.32 The committee supports the recommendation of the Productivity Commission that the COAG Select Council on Gambling Reform should review new gambling opportunities, particularly those which appear to target youth, with a view to developing a national regulatory approach.

Response: Matter for jurisdictional consultation. New opportunities such as use of social networking sites are being considered in the review of the Interactive Gambling Act 2001. The Consultative Working Group on Cybersafety is also considering the issue of gambling services being made available through social networking sites.

The Government will discuss this issue further with state and territory governments through the COAG Select Council on Gambling Reform.

Recommendation 6

9.50 The committee recommends that the Interactive Gambling Act 2001 be amended to address the inconsistencies and ambiguities identified to the committee regarding the advertising of prohibited interactive gambling services, and any others that are identified through the review being conducted by the Department of Broadband, Communications and the Digital Economy. Specifically it should be amended to capture methods of avoidance such as advertisements that do not mention gambling linked to gambling websites.

Response: Agreed, refer to response to Recommendation 3.

Recommendation 7

11.30 The committee recommends that the current prohibition on online 'in-play' betting should remain in place.

Response: Noted. This issue will be considered in the review of the Interactive Gambling Act 2001.
Recommendation 8

11.31 The committee recommends that the attractions, risks and potential harms of online ‘in-play’ betting be the subject of appropriate research commissioned by the current IGA review being undertaken by the Department of Broadband, Communications and the Digital Economy.

Response: Noted. This issue will be considered in the review of the Interactive Gambling Act 2001, and research being conducted by the Allen Consulting Group.

Recommendation 9

11.41 The committee recommends that through the COAG Select Council on Gambling Reform, governments, in consultation with industry, review the 90-day timeframe to verify identity when opening a betting account, with a view to reducing it to 72 hours, in order to diminish the risk of minors using the current timeframe to gamble illegally.


The Government will also discuss this issue further with state and territory governments through the COAG Select Council on Gambling Reform.

Recommendation 10

11.119 The committee recommends that the COAG Select Council on Gambling Reform, in consultation with the COAG Legislative and Governance Forum on Consumer Affairs, develop nationally consistent consumer protection standards for tighter controls on the practice of credit betting.

Response: Noted. The Government announced on 21 January that it will increase consumer protections including tightening rules on the provision of lines of credit, restrictions on betting inducements, and protection of consumer funds. The issue will also be considered in the review of the Interactive Gambling Act 2001.

Recommendation 11

11.120 The committee recommends that the COAG Select Council on Gambling Reform, in consultation with the COAG Legislative and Governance Forum on Consumer Affairs, develop nationally consistent consumer protection standards for greater transparency around the practice of paying third party commissions by betting agencies.

Response: Noted. The Government announced on 21 January that it will introduce stricter limits on betting inducements. This issue will also be considered in the review of the Interactive Gambling Act 2001.

Recommendation 12

12.62 The committee recommends that the COAG Select Council on Gambling Reform commission further research on the longer-term effects of gambling advertising on children, particularly in relation to the 'normalisation' of gambling during sport.

Response: Matter for jurisdictional consultation. The impact of advertising on gambling behaviours is a priority issue for the COAG Select Council. Specific research into the impact of advertising on children will be discussed with state and territory governments through the COAG Select Council on Gambling Reform.

Recommendation 13

12.77 The committee recommends that the COAG Select Council on Gambling Reform work towards nationally consistent requirements for responsible gambling messages to ensure they work effectively as harm minimisation measures to counter-balance the promotion of gambling.

Response: Agreed, matter for jurisdictional consultation. The Government will discuss this issue further with state and territory governments through the COAG Select Council on Gambling Reform.

This issue will also be considered in the review of the Interactive Gambling Act 2001.

In relation to messages for individual players on poker machines, the Government is also currently undertaking a trial of dynamic warning parameters that is being facilitated by the Queensland Government. COAG Select Council Ministers have agreed to further consider the implementation of dynamic warnings and cost of...
play displayers for poker machines once results of the trial become available.

**Recommendation 14**

12.101 The committee recommends that the government legislate a total ban of the promotion of live odds both at venues and during the broadcast of a sporting event.

Response: Government announced on 21 January that it is working with the sporting and betting industries to reduce and control the promotion of live odds during sports coverage through amendments to their existing industry codes.

If satisfactory amendments have not been put in place by broadcasters by the end of June 2012, the Australian Government will introduce legislation to ban the promotion of live odds in sporting broadcasts.

The promotion of live odds at venues is a matter for the states and territories and the Government will continue to work with states and territories through the COAG Select Council on Gambling to address this issue.

**Recommendation 15**

12.103 The committee recommends that the work to legislate a total ban on live odds promotion also ensures that responsible gambling messages are retained as a harm minimisation measure and continue to appear as a counterpoint to other instances of gambling advertising, both in venues and during sporting broadcasts.

Response: Noted, matter for jurisdictional consultation. The Government agrees that responsible gambling messages should be retained, the requirements for responsible gambling messages to accompany advertising or promotion of gambling at venues is a matter for states and territories. However, this issue will be considered in the event the government decides to introduce legislation to ban the promotion of live odds in sporting broadcasts.

The Government will discuss this issue further through the COAG Select Council on Gambling Reform.

**Recommendation 16**

12.139 The committee recommends that the COAG Select Council on Gambling Reform, in consultation with Australasian Racing Ministers and the wagering industry, develop a mandatory national code of conduct for advertising by wagering providers covering:

- inducements to bet;
- credit betting and third party commissions;
- harm minimisation messages on responsible gambling; and
- other nationally consistent standards to restrict certain forms of sports betting advertising, which at a minimum, should include a ban on the display of gambling companies' logos on sporting players' uniforms and merchandise (such as children's replica sports shirts), as well as restrictions on the giveaways of free merchandise which depict betting companies' logos.

Response: Matter for jurisdictional consultation. The Government will discuss this issue further with state and territory governments through the COAG Select Council on Gambling Reform. Further, the Government announced on 21 January that it will increase consumer protections including tightening rules on the provision of lines of credit, and restrictions on betting inducements.

These issues will also be considered in the review of the Interactive Gambling Act 2001.

**Recommendation 17**

12.143 The committee recommends that, following the outcome of the Federal Court 'betbox' case, the COAG Select Council on Gambling Reform, in conjunction with regulators, investigate the potential for the growth of betting opportunities in a range of venues which have not previously offered gambling services and develop appropriate nationally consistent regulations to address it.

Response: Matter for jurisdictional consultation. The Government will discuss this issue further with state and territory governments through the COAG Select Council on Gambling Reform.

**Recommendation 18**

15.60 The committee majority recommends that consideration of the amendment to the Interactive Gambling Act 2001 (IGA) in relation
to inducements be deferred until the review of the IGA being undertaken by the Department of Broadband, Communications and the Digital Economy is completed. This would allow the amendment to be considered along with any further amendments proposed by the government arising from the review.

Response: Noted.

Recommendation 19

16.50 The committee majority recommends that the Broadcasting Services Act 1992 be amended to prohibit gambling advertising during times when children are likely to be watching.

Response: Noted. As indicated in the response to Recommendation 14, the government priority is to address the promotion of live odds during sports broadcasts.

Recommendation 20

16.73 The committee majority recommends that the Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 not be passed.

Response: Noted.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT (15:43): On behalf of the President, I present a response from the Minister for Mental Health and Ageing, Mr Butler, to a resolution of the Senate of 10 May 2012 concerning Schizophrenia Awareness Week.

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:44): 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 WONG (South Australia—Minister for Finance and Deregulation) (15:44): I table the revised explanatory memoranda relating to the bills and move:

That this bill 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—

Tax Laws Amendment (2012 Measures No. 2) Bill 2012

This Bill amends various taxation laws to implement a range of improvements to Australia’s taxation laws.

Schedule 1 protects workers’ superannuation entitlements and Government Pay As You Go withholding revenue, and deters phoenix operators. It strengthens the director penalty regime by extending it to cover superannuation obligations and, in some instances, making directors and associates liable to Pay As You Go (PAYG) withholding non-compliance tax.

These amendments provide disincentives for directors to allow their companies to fail to meet superannuation and PAYG obligations. They do
not introduce new obligations on the company but rather bring company directors within the scope of the existing director penalty regime where they have failed to ensure that their companies meet their obligations.

The Legislative and Governance Forum for Corporations has been consulted and has approved the amendments to the Corporations Act contained in this Schedule. These amendments commence on Royal Assent.

Schedule 2 amends the taxation of financial arrangements (TOFA) consolidation interaction provisions where a financial arrangement (such as an asset or liability) of a joining company is acquired by the head company pursuant to a joining/consolidation event. Where this occurs, this Bill ensures the tax treatment of the financial arrangement is consistent with the TOFA tax timing rules, which recognise gains and losses from financial arrangements on an accruals basis as opposed to a realisation basis.

The changes also recognise the fact that, like financial assets, the value of a financial liability can change other than from the repayment of the liability.

Schedule 2 also amends the TOFA consolidation transitional balancing adjustment provisions to ensure the transitional balancing adjustments for existing arrangements that the head company acquired as part of a joining/consolidation event are worked out taking into account the proposed changes to the TOFA consolidation interaction provisions.

These amendments address the technical issues raised by industry as part of the post-enactment consultation on the TOFA consolidation Stages 3 and 4 regime and maintain the integrity of the tax system by ensuring symmetrical tax treatment of financial assets and liabilities.

These changes will apply from the start of the TOFA consolidation Stages 3 and 4 regime.

Schedule 3 amends the Income Tax Assessment Act 1997 to modify the consolidation tax cost setting rules so that the tax outcomes for consolidated groups are more consistent with the tax outcomes that arise when assets are acquired outside the consolidation regime.

Under the consolidation regime, when a consolidated group acquires an entity, the tax costs of the entity's assets are reset at an amount that reflects their respective share of the group's cost of acquiring the entity.

The consolidation regime was amended in 2010 to clarify that, for some assets, this reset tax cost (rather than the original tax cost) is used when a taxing point later arises for the asset. The amendments applied from 1 July 2002 as they were thought to be merely returning the regime to its originally stated intent.

Shortly after passage of those amendments, it became clear that the new rules could result in the recognition of the tax costs of some assets being brought forward in an unanticipated way. Consequently, the Board of Taxation was asked to examine the operation of the rules. The Board concluded that the scope of the new rules, as enacted, is broader than was originally intended at the time of their announcement in 2005 and could allow consolidated groups to access deductions that are not available to taxpayers outside the consolidation regime.

The changes in this Bill take away the unintended retrospective benefits arising from the 2010 amendments and are necessary to protect a significant amount of revenue that would otherwise be at risk. These changes demonstrate the Government’s commitment to maintaining the equity, fairness and integrity of the tax system.

Schedule 4 makes consequential amendments to the Tax Administration Act 1953 to give effect to the increase in the managed investment trust (MIT) final withholding tax rate to 15 per cent for payments made in relation to income years commencing on or after 1 July 2012.

Full details of the measures in this Bill are contained in the explanatory memorandum.

Pay As You Go Withholding Non Compliance Tax Bill 2012

This Bill accompanies Schedule 1 to the Tax Laws Amendment (2012 Measures No. 2) Bill 2012 to make directors, and in limited circumstances their associates, liable to Pay As You Go (PAYG) withholding non compliance tax.
The tax liability arises where the company has failed to pay the Commissioner amounts withheld under PAYG withholding arrangements and the director, or their associates, is entitled to a credit for amounts withheld from payments made by the company to them.

This Bill will impose a tax to reverse the economic benefit of a credit entitlement for directors and their associates. This produces a result consistent with the Government's election commitment.

Senator WONG: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Carbon Pricing

Senator CORMANN (Western Australia) (15:45): I move:

That the Senate condemns the Labor Government for imposing the world's biggest carbon tax on the Australian economy at the worst possible time, when the Prime Minister (Ms Gillard) promised before the 2010 election that there would be no carbon tax under a government she leads and when it will:

(a) push up the cost of living;

(b) push up the cost of doing business;

(c) make Australia less competitive internationally;

(d) cost jobs;

(e) result in lower real wages and cause a cumulative reduction in Australia's gross domestic product in the order of $1 trillion between now and 2050, according to the Government's own Treasury modelling; and

(f) shift economic activity and emissions overseas, therefore doing nothing to help reduce global emissions.

Senator CORMANN: In about 10 days from now, the people of Australia will be hit with the world's biggest carbon tax. It is a carbon tax that, before the last election, our Prime Minister, Ms Gillard, promised the people of Australia in the most emphatic way they would not get. No Australian should forget that time when the Prime Minister looked down the barrel of a camera and said, 'There will be no carbon tax under the government I lead.' We need to remember that the Prime Minister made that most emphatic pre-election commitment, in the shadow of an election that was going to be difficult for her to win, because she knew that unless she provided that absolute, emphatic guarantee the chances were that she would lose the support of the Australian people and be unable to form a government.

We have to remind ourselves that Kevin Rudd went to the 2007 election promising that he would sign Kyoto and that he would introduce an emissions trading scheme. Over a three-year period we had a pretty intense and robust debate about whether or not imposing a carbon pollution reduction scheme—imposing a price on carbon—would be an effective way of helping to reduce global greenhouse gas emissions. The conclusion at the end of that robust debate, the conclusion after a number of parliamentary inquiries, including some very good inquiries conducted by the Senate, was that, no, putting a price on carbon when our trade competitors were not likely to go down the same path, now or in the foreseeable future, would not be a sensible way for Australia to go. It is not only people on this side of the chamber who came to that conclusion. Ms Gillard and Mr Swan, our current Prime Minister and Treasurer, walked up to then Prime Minister Rudd, to the great disappointment of Senator Wong, who is in the chamber, and said to him, 'Don't go ahead with this. It is not a good idea for you to press ahead with this carbon pollution reduction scheme when there are significant economic clouds on the global horizon. This is the worst time to introduce this sort of scheme. Don't do it; scrap the thing.' Of course, Mr Rudd had been on
Q&A, telling all the world about the engagement that he had with his then Deputy Prime Minister and the Treasurer. People across Australia as they went to the ballot box at the last election knew that Ms Gillard had said to Mr Rudd: 'Don't proceed with this carbon pollution reduction scheme; scrap this price on carbon.' They knew that Ms Gillard had given a most emphatic pre-election commitment that there would be no carbon tax under the government she led, only to find after the election that they were going to have a carbon tax from 1 July 2012. The people of Australia are entitled to feel absolutely deceived and lied to by this government. They are entitled to punish this bad government at the next election because of that deception.

The Prime Minister's promise that there would be no carbon tax is not the only lie at the centre of this tax. The Prime Minister wants the Australian people to believe that, somehow, a carbon tax will help to reduce global greenhouse gas emissions. Imposing this tax will push up the cost of electricity, the cost of gas, the cost of living and the cost of doing business in Australia. It will make us less competitive internationally and will shift economic activity and jobs overseas into countries where, for the same amount of economic output, emissions will be higher than if that economic activity had occurred in Australia. The people of Australia know that this tax will impose economic sacrifices in Australia and be bad for household budgets and the federal budget but will not actually do anything to help global greenhouse gas emissions, because it is a tax that will take emissions from Australia and shift them to other parts of the world where those emissions will be higher arguably than if that economic activity had happened in Australia.

The verdict was in pretty well immediately. The Australian people were quite insightful post the announcement of a carbon tax by Prime Minister Gillard with the then de facto Deputy Prime Minister, former Senator Bob Brown, who got himself out of this chamber just in time, before the carbon tax hits the Australian people on 1 July 2012. The verdict from the Australian people was as emphatic as the Prime Minister's pre-election promise that there would be no carbon tax. The public verdict was that Australians do not want this tax. Overwhelmingly, people across Australia sent a very strong message to the Prime Minister that they do not want this carbon tax that will push up the cost of living and the cost of doing business, make us less competitive internationally, cost jobs, lead to lower real wages, according to the Treasury's own modelling, and take about $1 trillion in cumulative economic growth out of the economy between now and 2050. We do not want it, particularly because it will not do anything for the environment.

Faced with an overwhelming backlash against this fundamental breach of faith, what did the Prime Minister say?

The Prime Minister said to her backbench and to the Australian people: 'Don't you worry—as soon as we have explained the compensation, as soon as we have explained the transitional detail, people will like this tax. People will understand it's not that bad. People will understand that this is actually a good thing. Even though I promised people before the election that there would be no carbon tax under the government I lead, people will see the light and they will say a carbon tax was what they always wanted. People will come back in their droves and support the Labor Party that has been complicit in this fundamental breach of faith with the Australian people.' When that did not happen, the Prime Minister said: 'Don't you worry. What I'll do after the parliament rises in July 2011 is I will wear out my shoe leather. I will go up and down every single
main street. I will go up and down every single shopping centre. I will explain to the Australian people what a wonderful tax this carbon tax is.

Guess what? People still did not like it. In fact, the more they heard about it the less they liked it. Now the Prime Minister is telling us: 'You know what? On 1 July 2012, when the Australian people realise the sky has not fallen in, people will love the carbon tax.' All of the people on the Labor side have now put their hope into the idea that people across Australia will pass judgment on the success or failure of the carbon tax on 1 July 2012 and forget from 2 July 2012 onwards that this is a tax which will continue to push up the cost of living, which will continue to push up the cost of doing business in Australia, which will continue to make us less competitive internationally as it imposes a cost on business in Australia that is not faced by most of our competitors in other parts of the world. They just hope that, from 2 July 2012 onwards, people will forget all about it because on 1 July 2012 the sky did not fall in.

Of course the sky is not going to fall in on 1 July 2012. This is just political trickery by the Labor Party. They are trying to lower expectations such that as long as we are still alive, as long as the sky does not fall in on 1 July 2012, the carbon tax is a great success. 'It's a fantastic success! Isn't it great? The sky has not fallen in.' This is what you call expectations management, I guess, in politics. It is about setting the bar very low. We on this side of the parliament have higher aspirations for Australia and for our economy than to create a situation where at least the sky has not fallen in. We have higher aspirations on this side of the parliament.

When I say that people on the Labor side are pinning their hopes that this time around the Prime Minister will actually be right when she has been wrong before, that this time around people across Australia will flock back to the Labor Party because they will see what they did not see before, that this carbon tax is the best thing since sliced bread, that is not entirely true. Increasingly, people in the Labor Party are telling us on and off the record that they think the carbon tax should be watered down, that it should be scrapped, that it should be moved into a floating price more quickly. We have had a plethora of different positions out there from the Labor Party. Kristina Keneally says that it should be scrapped altogether. People who are briefing out of cabinet say that if Mr Rudd came back as Prime Minister they would water it down, they would reduce the price or they would make it a floating price. I assume, Mr Acting Deputy President Cameron, given that you were part of the Rudd team back in February and March 2012, that you are in the school that wants to water the carbon tax down and move it into a floating price more quickly. But you might be able to—

The ACTING DEPUTY PRESIDENT (Senator Cameron): Senator Cormann, I am not one who usually gets too upset by you attacking me, but you should show some respect for the chair. Thanks very much.

Senator CORMANN: Thank you, Mr Acting Deputy President. The point here is that even inside the Labor Party people are increasingly aware that this carbon tax will not all of a sudden become popular come 1 July 2012. People inside the Labor Party now understand that, where all of the hopes that were put into getting the public on side with this broken promise in the past have failed, people after 1 July 2012 will become increasingly aware that this is a bad tax based on a lie which will push up the cost of living, push up the cost of doing business, make us less competitive internationally,
cost jobs, result in lower real wages and take significant potential economic growth out of our economy.

I refer the Senate to an article in the West Australian today. The headline is 'Carbon tax won't save Labor, say Ruddites'. I quote:

Kevin Rudd's supporters—and I would not want to reflect on the chair, but there are people who must be identifying themselves as Kevin Rudd supporters—say the July 1 introduction of the carbon tax will not be the "game-changer" being promised by Julia Gillard and Wayne Swan, increasing the likelihood of the Labor leadership being revisited in spring.

And so it goes on. I strongly encourage senators to have a good read of that article by Andrew Probyn in the West Australian.

That is the point. Those people who are talking to Andrew Probyn, those people inside the Labor Party who are backgrounding and briefing Andrew Probyn about their concerns about the Labor-Greens carbon tax, are 100 per cent right. They are right because 1 July is not going to be the key date. What is going to happen as of 1 July, progressively moving forward, is that Australia will be heading in the wrong direction. Australia will be heading in a direction where the government is imposing sacrifice on the Australian people that will not make a difference. We are heading in a direction where the Australian government is going to impose cost increases on the Australian people that will not actually lead to reductions in greenhouse gas emissions.

All you have to do is look at the government's own Treasury modelling. The government's own Treasury modelling shows in black and white that emissions, even in Australia, will continue to rise under the carbon tax. The Treasury modelling shows that under the carbon tax the cost of living will continue to go up and up. The Treasury modelling shows that under the carbon tax real wages will be lower than they otherwise would be while prices and the cost of living will continue to go up. That is a very toxic combination—lower real wages than there otherwise would be and higher prices than there otherwise would be. The carbon tax, in those circumstances, at the worst possible time, will of course have significant consequences for people's quality of life.

If it was a sacrifice imposed on the Australian people that would actually make a difference, we would be having a very different conversation. But to actually ask the Australian people to make a sacrifice for something that is not going to make a difference is cruel. It is outright cruelty. People should look at the Treasury modelling to get a sense of some of the implications of the government's carbon tax in that regard.

One of the things that really shocked me in the government's own Treasury modelling was when I looked at 2050. As a result of the carbon tax, our GDP in 2050 is expected to be $100 billion lower than it otherwise would be. We have to bear in mind here that this Treasury modelling is based on some very generous assumptions that are designed to minimise the perceived economic impact that the carbon tax will have. For example, there are assumptions that the US, China and others will have equivalent carbon pricing arrangements in place by 2016, which of course will not be the case. We have to remind ourselves that in the context of the CPRS Treasury modelling the government assumed that the US would have an emissions trading scheme equivalent to our emissions trading scheme in place by 2010. It did not happen then and it will not happen now.

Despite all of these errors and heroic and unrealistic assumptions that are designed to
minimise the perceived economic impact of the carbon tax in Australia, let us just take the modelling figures as they are. Even the government's own Treasury modelling shows that by 2050 our GDP will be $100 billion lower than it otherwise would be. 2050 is the out year. Some people might say, 'That is a long time away. Who cares what happens in 2050?' None of us is going to be around. Senator Carr ain't going to be around. I am not going to be around. So who cares about what is going to happen in 2050? We should care because it is not what happens on 1 July 2012 that matters; what matters is what happens between now and 2050. What is important is what happens over the 38 years or so between now and 2050, which is the period that the Treasury modelling looks at. If you look at the cumulative impact year after year after year then you will see that in today's dollars the impact on our economy from the carbon tax, according to the Treasury's own modelling, is a loss of economic growth, a loss of GDP, of $1 trillion. That is a staggering amount to take out of the economy as a result of the carbon tax between now and 2050. $1 trillion in today's dollars is effectively the whole GDP for the whole of Australia for a whole year. It means that as a result of Labor's carbon tax, the carbon tax that we were promised we would not get, every single person across Australia who works will be expected to work for nothing for a whole year in order to pay for the impact of the carbon tax between now and 2050.

Some people might say, 'So what? People across Australia should be expected to work for nothing for a whole year— that sacrifice effectively, for a whole year— that sacrifice was actually going to make a difference. But, no. If you look at the Treasury modelling again you will see that emissions will continue to grow. They will continue to go up.

The government would say, 'But they will grow by less than they otherwise would have.' That is true. According to the Treasury modelling, emissions will grow less than they otherwise would have. But what happens to the emissions that otherwise would have happened? They will just be transferred to other parts of the world. Those emissions will go to China, the US and even Europe, because the carbon tax even in Europe is much lower than the world's biggest carbon tax here in Australia.

This is a bad tax. It is a tax that is based on a lie. The Australian people will judge this government very harshly for the very bad impacts that will flow from this carbon tax over many years to come until such time as the coalition— hopefully after the next election— can rescind this carbon tax once and for all. (Time expired)

Senator SINGH (Tasmania) (16:05): I speak to this motion in a sense to try to find some way in which to dispel the myths and absurdities that Senator Cormann espoused through his contribution to the motion. Before doing that, I have to say that there were two areas where I could bring myself to agree with Senator Cormann in his contribution. One is that, no, the sky will not fall in come 1 July. Senator Cormann acknowledged that, and I certainly acknowledge that as well. The sky is certainly not going to fall in. We are going to continue on. Our economy will continue to grow. We will continue to have a sustainable future and a future where we look at our economy and our economic growth in a sustainable way which has an impact on the
emissions and pollution that our economic activity creates.

The other area which Senator Cormann referred to is what the future is going to be like by 2050. I think that is a really important thing for us to think about, and that is exactly why we are acting now to ensure that when we are gone from this place and 2050 comes about—and even 2060, 2070 and so on—our planet, and our nation as part of it, continues to be a planet that we have left sustainable and things continue as best they can, both economically and environmentally. Of course that is not for us; that is for our future generations. That is exactly why the Labor government is acting now. That is exactly why various other nations around the world either are already acting or have already acted when it comes to addressing carbon pollution.

Senator Cormann says Australia is heading in the wrong direction. I think it is about time he comes to understand that Australia, with a number of other countries, is actually leading in ensuring that we address something that is fundamental to our planet. It is so fundamental that we are not alone in addressing the emissions that are continuing to rise in nations around us. Countries such as China, which at this point in time has become the largest emitter, are addressing the issue of carbon pricing and are also looking at introducing emissions trading schemes. China is looking to do so in something like seven provinces and will take that pilot as an example of how they can introduce a national emissions trading scheme. The reason they are doing that, and the reason Australia, Europe and a number of other countries on the globe are addressing this issue in the context of introducing an emissions trading scheme, is that they know one of the most efficient and cost-effective ways of addressing carbon is through a new economic model—that is, emissions trading.

Of course that is in complete opposition to the position of the current opposition, which is to have a direct action policy, which we know is a much more expensive method of addressing carbon. But we also know that it was not always the opposition's policy to have direct action. We know that once upon a time many senators and members of the opposition were very much for introducing an emissions trading scheme. I only have to look at a number of quotes that are on the public record from opposition MPs such as Julie Bishop, who said:

The Liberal Party has a policy of both protecting the planet and protecting Australia. We support, in principle, an Emissions Trading Scheme (ETS) ...

Fancy that, eh? And Greg Hunt said:

... the market system is a preferable regime as it better ensures that the polluter bears full responsibility for the cost of his or her conduct.

Funny, that, isn't it, Senator Cormann! Some of your fellow opposition members who are still part of the opposition and who currently make up your team—unlike former Prime Minister John Howard, who I know was also very much a fan of an emissions trading scheme but has now gone from this parliament—have 'changed their minds', so to speak, and no longer support an emissions trading scheme, which was once supported by their former Prime Minister. For example, Christopher Pyne said:

The idea that somehow the Liberal Party is opposed to an emissions trading scheme is quite frankly ludicrous.

Your fellow opposition member Christopher Pyne in July 2009 on Sunday Agenda said that to be opposed to an emissions trading scheme is 'quite frankly ludicrous', Senator Cormann. And here it is: you come into this place with a motion which claims that Australia is heading in the wrong direction by introducing an emissions trading scheme. We in government on this side of the
chamber know—very much so—that the longer we delay taking serious action to reduce our emissions the more costly it will certainly be for our economy in future. That is why we need to act now—very much so. We need to introduce an emissions trading scheme now to reduce that cost on our economy going forward and also to do something about emissions.

In fact, the International Monetary Fund, which is tasked with advising governments about how best to manage their economies in the context of prevailing global economic conditions, with that in mind said two important things last year, and I want to share those things with Senator Cormann. One was: 'The Australian economy is strong and well placed to withstand current fragilities in the international economy. Australia is right to be introducing a carbon price starting with a fixed price and moving to an emissions trading scheme.' The International Monetary Fund, and OECD, support for a carbon price went on. The IMF said:

We support the proposed introduction of a carbon price as part of a transition to a permits trading system to mitigate greenhouse gas emissions.

On top of that, we have the incredible force and weight of scientific evidence, which has also led us to the position of acting on climate change and introducing a carbon price. But of course that scientific evidence was around before 2007. In fact, that scientific evidence was the reason that the coalition went to the 2007 election on the platform of delivering a carbon price through an emissions trading scheme, something which, as I said earlier, was stated by many members of the opposition. There are a number of myths that continue to be raised by opposition members, including Senator Cormann, about climate change itself and about why the Gillard Labor government is acting, through an emissions trading scheme, and those myths certainly need to be corrected in the context of the motion before us. One of those myths is that the climate is not changing and that the science is wrong. I have heard a number of times those senators and members alluding to that very myth. Of course, governments do have a responsibility, I believe, to follow peer reviewed scientific advice. That scientific advice, which has been presented to the government, is that the climate is changing. It is that greenhouse gas emissions caused by human activity are contributing to that changing climate. And it is that, if climate change is not tackled, it will cause significant human, environmental and economic costs. So I ask Senator Cormann: on the basis of that scientific advice, does he really think it is in Australia's interests not to act and address climate change through reducing our emissions? Does he really think that Australia, as he says, is heading in the wrong direction?

Organisations that have given the government this kind of advice are none other than the CSIRO, the Bureau of Meteorology and the Australian Academy of Science—and, of course, across the globe we have also had from 2001 to 2010 the warmest decade on record. Each decade, in fact, in Australia since the 1940s has been warmer than the last. These findings are backed by the overwhelming majority of climate scientists whose research has been published. It has been peer reviewed. It is in scientific journals. You can go online and read it. It is out there for all to read and see, every day and night that you want to read about it. But those senators opposite would have us believe that the science is wrong and therefore the government is going in the wrong direction.

Another myth that Senator Cormann and other senators have referred to is that Australia is acting alone when it comes to
addressing climate change—another furphy from those senators opposite. That is certainly not right. Australia is certainly not acting alone; in fact, Australia is not even the first when it comes to introducing an emissions trading scheme. Many countries around the world are taking action to reduce their carbon pollution, including putting a price on carbon. In fact, 90 countries have made pledges in the United Nations international climate change conference to reduce their carbon pollution by 2020 and beyond. This does, in fact, include the United States and China, the two biggest emitters. Many countries also already have carbon taxes, carbon prices or emissions trading schemes in place. These include 27 countries in the European Union and Norway, Iceland, Switzerland, New Zealand and the United States, in relation to California. Several other countries have legislated or are planning carbon prices to start in the next two to three years. These include South Korea, South Africa, Mexico and the seven Chinese cities I referred to earlier, all of which have a combined population of more than 200 million people.

This is significant because we know that in addressing climate change we all have to act together as a globe and do something about it. Carbon pollution certainly does not fit within the nice boundaries of each country. It is only through coming together and coordinating our efforts, by trying to change the behaviour of some of those biggest emitters, through introducing an emissions trading scheme, that we will act in unison to reduce those emissions. And that is exactly what we are doing by joining with some of the nations in our region and also some of the nations on the other side of the globe.

I understand that Senator Cormann and those other opposition senators have also referred to the fact that Australia's carbon price that we are introducing is one of the biggest in the world.

Senator Williams: It is the biggest.
Senator SINGH: That is not right.

Senator Williams interjecting—
Senator SINGH: That is not right, Senator Williams, at all.

Senator Williams interjecting—
Senator SINGH: That is not right at all.

The ACTING DEPUTY PRESIDENT (Senator Cameron): Order! Senators should not engage across the chamber.

Senator SINGH: Thank you, Acting Deputy President. The fact that Australia is introducing the biggest carbon tax in the world is simply not right. People who make this claim ignore two things. Firstly, several countries have carbon prices similar to or even higher than Australia's. These include—for Senator Williams's information—Norway's carbon price, which on petrol is up to A$64, and Switzerland's carbon price, which is around $37. Sweden has a tax on heating fuels of $145. Ireland has a carbon tax of around $24. Finland's taxes on fuels range from $38 to $76. In Canada, the province of British Columbia's carbon tax is around $28. The UK has introduced a price floor for the electricity sector starting at $24 from next year.

While Australia's headline carbon price starts very much at $23 a tonne, the government is giving extensive assistance, as those senators opposite would know, to industries that compete in those international markets. Those industries, like steel, aluminium, oil refining, papermaking, cement manufacturing and the like, will get up to something like 94.5 per cent of their carbon permits from the government for free. That means that the effective carbon price they will pay is actually $1.30 a tonne, not the headline $23 a tonne—which is the other
lack of detail and myth that Senator Cormann, along with those other senators, likes to contribute. It is actually $1.30 a tonne through the fact that, through the government's package, we have addressed those industries I have listed that will get extensive support to compete in those international markets. That, of course, in turn will support jobs in those industries, which obviously face strong international competition.

I think I also heard Senator Cormann allude to the fact that our climate change package, our carbon price, will not actually achieve anything—that it will not actually cut Australia's emissions. Again, that is another furphy, another myth by Senator Cormann. The carbon price will exactly reduce Australia's carbon emissions—by at least 150 million tonnes, in fact, in 2020. That is the equivalent of taking more than 45 million cars off the road by 2020. How will that be achieved? The carbon price will not only apply, of course, to the large emitters such as the coal-fired electricity generators and other large industrial activities. Those emitters will have to buy a carbon permit from the government for each tonne of carbon pollution that they put into the atmosphere each year, which creates very much a powerful incentive to cut their pollution. When the carbon price moves to an emissions trading scheme from 2015-16, the government will put a limit, or cap, on the number of carbon permits it issues each year. This cap is how the government ensures Australia will meet its targets for reducing carbon pollution. Both sides of politics have agreed that Australia should reduce its carbon pollution to a level five per cent below the year 2000 level, by 2020. The difference is that we understand that the carbon price—the carbon-pricing system, the ETS—is the best way of achieving this pollution reduction target at the lowest cost to our economy.

I have been able to demonstrate in my contribution some of the ways in which this motion by Senator Cormann is about fearmongering and not putting forward the truth about the government's carbon-pricing scheme. Senator Cormann's motion is about denying that there is actually a problem. It is about not accepting the science, not wanting to act and misleading those in the community who actually listen to them. That is what I have been able to demonstrate through my contribution today—that some of Senator Cormann's contribution to this debate is nothing but fabrication.

I could go on to talk about a number of other claims made by Senator Cormann and other opposition senators: their fearmongering about the cost-of-living impact, their claim that the carbon price will not achieve anything; their claim that the carbon price will make electricity prices rise astronomically or their argument that, since Australia only produces a fraction of global emissions, there is no point in acting. We have all heard the opposition this week blame the carbon price for job losses at Fairfax and for electricity price rises—when the carbon price is not even in yet. It is not even 1 July, but we already have the opposition out there front-footing it: 'Blame the carbon price. Let's blame everything on the carbon price.' That will be their next mantra—in fact it has already started being their mantra this week. It is an easy stock standard line they can throw around to try to generate more fear in the community and to put more mistruth into the debate.

We all know very well that recent electricity price rises have been driven by the fact that a lot of the infrastructure that provides our electricity is ageing—it is really old. Coming from Tasmania, I can certainly
attest to that. We have one of the oldest hydro schemes in the country and, yes, those wires and that infrastructure need to be updated. The electricity price rises were certainly not the result of a carbon price that has not even come in yet. It will start on 1 July. When it does, we know that the sky will not fall in and that we will be acting to reduce our carbon emissions—and that is good for Australia and Australia's children.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:25): It is with pleasure that I rise to speak on this motion about the carbon tax, a very good motion put forward by my colleague Senator Cormann. Senator Singh talked about scaremongering and fearmongering. Let us look at some of the scaremongers. Tim Flannery said that Brisbane would run out of water and so would Melbourne. 'You will never see the dams full again,' he said. Adelaide, he said, would be as dry as a bone. What is the situation now? Who was doing the scaremongering? Who was spreading the fear that, if this tax did not come in, it was never going to rain again—we would never again have the big floods. Well, we had a drought in Australia from 1895 to 1907—12 years. That was followed by floods. This time we had a drought from 2002 to 2010—and what was it followed by? Floods. Every drought is broken by a flood.

Let us get back to the point of this great motion put forward by Senator Cormann and to that promise made by Prime Minister Gillard before the last election. That promise will haunt her to her political death, which will probably come in about—I give it until October. I know, Mr Acting Deputy President Cameron, that you are not a gambling man; you would never behave that way. But I will be looking for someone to have a $10 lottery ticket with me that Ms Gillard is not Prime Minister by the end of October this year. The numbers are being counted. Mr Rudd will not give up. Perhaps, Senator Stephens, you would like to join in that lottery ticket wager?

Senator Stephens: You're on.

Senator WILLIAMS: The numbers are being counted—the word is getting around parliament that Mr Rudd will not give up until he gets his job back. If the polls do not improve, if they still show a 31 or 32 per cent primary vote for Labor come October, who is going to follow Ms Gillard over the political cliff come the next election? They will be wanting Mr Rudd back to restore some credibility for the next poll.

This magnificent carbon tax being introduced—why do we have it? Who drove this tax? People are saying the Greens drove it with their balance of power. I say that there is a certain member for New England, Mr Tony Windsor, who drove it as much as anyone. He demanded, before he gave his vote to the Labor-Greens alliance and put them into government, that the Multi-Party Climate Change Committee be formed. It is quite amazing. Just prior to the last election—on 21 August 2010, I believe—Mr Windsor was being interviewed on ABC Radio in Tamworth. Prior to that, he had introduced a private member's bill into the House of Representatives seeking a 20 per cent reduction in emissions from Australia by 2020 and a massive 80 per cent by 2050. When Kelly Fuller, the well-known broadcaster on the ABC's Morning Show in Tamworth, asked, 'Mr Windsor, why did you put this bill in?' he said, 'That is not my bill—I just did that on behalf of some of my constituents.' He walked around it. But he would not support Mr Rudd's Carbon Pollution Reduction Scheme because it was only five per cent by 2020. Then he drove us all away.
The people of New England will not be fooled and the polls this week showed it. Mr Windsor, who got a 62 per cent primary vote in New England at the last election, is now polling at 24 per cent—62 per cent down to 24 per cent. Politicians do not own those seats; the people own those seats. They will have their say and they will square up with Mr Windsor at next election for the way he deceived his electorate—the way he let them think he was a conservative Independent and then aligned himself with the socialist government we have in this nation today. The people will have the final say and we look forward to it. This tax is a tax on regional Australia. Already we have higher electricity prices than in the cities. I again congratulate Senator Cormann for moving this motion. In rural Western Australia the price of electricity is 30 per cent more than in Perth. Add 10 per cent onto that and who pays the biggest increase? Those in the rural and regional areas. The one group that will be hit big time is our truckies. We have just passed legislation about fair rates. I was not too concerned about it—although I know that the big end of town likes to force our truckies to work hard and perhaps work for next to nothing. But this government has already taken 6 cents a litre off the truckies rebate—$480 million. Senator Carr will be interested to know that the truckies use eight billion litres of diesel a year. The government has added $480 million to the cost of truckies' fuel. These are the people who carry our nation, and those opposite are supposed to represent them. Senator Sterle and Senator Conroy are staunch supporters of the Transport Workers Union, yet on 1 July 2014 they are going to put another $520 million tax on the truckies. That will be $1 billion a year extra tax on our truckies' fuel.

Who is affected the most by this tax? Those in regional Australia—in places like Inverell, where I live. We do not have a rail system. Everything in town comes in on the road, by truck. Every load of wheat, comes by road, and the thousand head of cattle slaughtered each day at abattoirs in Inverell come in on the road and they go out on the road. We are going to tax our truckies an extra $1 billion fuel tax a year, and that is going to change the planet. It will mean that, come next election, if there is not a change in government the truckies will face that extra $520 million on 1 July 2014. There will not be one truckie voting for the Labor Party come next election. They know the government is doing them over for $1 billion worth in total, and they will change their vote.

Mr Sheldon, the boss of the Transport Workers Union, calls this a death tax. The Transport Workers Union will no doubt finance the Australian Labor Party come election time, and no doubt many on that side of the chamber are supported by the Transport Workers Union, yet Mr Sheldon calls this a death tax. Why? Because he says it sweats the trucks and it sweats the drivers even more. What he means is that we are making the drivers work longer hours, trying to exist, and then they are shortcutting maintenance on the trucks by, for example, not replacing the brake linings when they are due and not checking or replacing half worn-out universal joints, making it more dangerous to drive the truck. That is what Mr Sheldon is saying, and I agree with him totally. That is what this tax on our truckies is—it is a death tax. Make no mistake about it, with a change in government at the next election the truckies will not face that extra $520 million tax on their diesel, brought on by these people who are supported by the Transport Workers Union. It is amazing what they are doing to the people who support them.

I mentioned the abattoirs. Senator Cormann and our Select Committee on
Climate Change visited Tamworth—unfortunately, Mr Acting Deputy President Cameron, you were not present in the room with us that day at Tamworth but you were certainly there in voice on the telephone. There will be a $1.74 million cost to Bindaree Beef in the first year. They employ 630 people. They pay, I would say, $650,000 in gross wages a week in our country town of 12,000 people, and the government is going to put another cost of $1.74 million onto them through the carbon tax. See how it affects regional Australia? This is the area our nation's wealth is derived from, and it is those who export our iron ore and coal and our food exports including beef and grain that will cop it the most. American abattoirs are competing against Bindaree Beef at Inverell—an export abattoir, supplying beef into those great markets such as South Korea and Japan—but in America they do not have to pay these costs. Yet we are expected to compete. How do we do that when the government just keeps lumping charges onto magnificent industries like this.

Macquarie Generation is situated in the Hunter Valley between Singleton and Muswellbrook. They produce 40 per cent of New South Wales's electricity. This year they will make a profit of $125 million for their owners, the New South Wales government. New South Wales, Queensland and Western Australia are the only states that still own their generators. Next year their profit will be reduced from $125 million down to $20 million, and the year after their profit will be? Absolutely zero. What is that going to cost the state government of New South Wales, already struggling for money with a $5 billion hole in its budget left by that rabble of a government that was thrown out on 26 March 2011? They left a huge financial mess, and that is why they got massacred—just like in Queensland. That will be the cost to the New South Wales government just in one small sector. I still say they should have had a closer look at the Constitution. I notice that when Macquarie Generation make $125 million a year they do not pay any tax to Canberra because section 114 of the Constitution says that the Commonwealth shall not impose any tax on property of any kind belonging to a state. Macquarie Generation is owned by the state. How can the Commonwealth put a carbon tax on Macquarie Generation, a state-owned property? The Constitution says it cannot. I wish Queensland, New South Wales and Western Australia had challenged the constitutionality of this tax in the High Court. I do not think it is constitutional, but it is probably a bit late in the day for that.

What will this tax do to local government? Again, when our Senate select committee was in Tamworth we heard it was going to cost the Tamworth council an extra $300,000 a year for electricity alone. Where does a local government just pluck $300,000 from? Of course they get it from their ratepayers. But it gets worse. The local Tamworth council rubbish dump—landfill, local tip, call it what you like—has now been listed as one of the 33 landfills in Australia, out of more than 500 local governments, that is going to come under the carbon tax. If action is not taken in some way or another, it will cost them at least $350,000 a year by 2017 to operate their rubbish tip. Yet the rubbish tip down the road that might only have 20,000 tonnes does not bear any cost at all. So here we are in New England, the seat of Mr Windsor, the people's representative—and I will get to that in a minute. He is now in discussions with the government, saying, 'How do we save costs for the LPG industry and how do we save costs for the Tamworth council?' With his primary vote at 24 per cent, he would want to be doing something to try and save the furniture; the house is already gone.
Mr Windsor did a poll of New England which had 1,600 responses returned, out of 93,000 voters, on same-sex marriage and other issues, but he did not poll the electorate on the carbon tax. We had a poll at the last election where 44 per cent of the people in New England voted for the Liberal and National parties in the Senate. Easily coming in second was the National Party candidate, Tim Coates. I sent out forms in New England, and 4,947 were returned, of which 4,408, or 89 per cent, said they did not support the carbon tax. It is no wonder Mr Windsor’s primary vote is down to 24 per cent. In Inverell, where I live, 775 were returned: 94 per cent said no, and just 46 votes said yes. The people’s representative said no. But, just like the Prime Minister with her promise—which, as I said, will haunt her to her political grave—the member for New England turned his back on his electorate, and now we face this tax.

Let me give you a few figures, Mr Acting Deputy President Cameron. We have the Greens wanting to shut down every coalmine in Australia—one. It is amazing. China produces 51 per cent of the world’s coal. Last year, they burnt 3.1 billion tonnes of coal, increasing their consumption of coal by a massive 434 million tonnes. In one year, they increased their burning of coal by 434 million tonnes. In Australia last year, we produced a total of 421 million tonnes of coal, domestic and export. So China increased their burning of coal by more than the whole of Australia produced in a year. But, if we shut down every coalmine in Australia, that is going to change the planet? That is rubbish. China will produce 10.3 billion tonnes of carbon dioxide this year. Senator Singh said, ‘China’s taking action,’ But, under Treasury figures, China will produce 17.9 billion tonnes of coal by 2020. They are going to go up by 7.6 billion tonnes. And is this tax that is coming in in Australia going to change something? No, it is not. Australian produces 578 million tonnes of CO₂. Under the government’s plan, we will get up to 621 million tonnes by 2020. We are going to go up by 43 million tonnes a year. Those are the government’s figures; that is Treasury’s plan. That is not a reduction.

How are we going to reduce our emissions by five per cent or whatever? We are going to spend $3½ billion a year buying carbon credits. From where? From overseas. People are going to say, ‘We’ve planted this many trees and here’s a carbon credit for sale,’ but who is going to check that? This opens the whole thing up to fraud. We are spending $3½ billion of taxpayers’ money and our CO₂ output is going up by 43 million tonnes a year under the government’s plan. It is just going to open up a whole network of falsified credits and fraud throughout the world. It is simply outrageous.

I turn to the cement industry. In Australia, we produce 10 million tonnes of cement a year. We also import two million tonnes. That is 12 million tonnes of cement a year. When we make one tonne of cement in Australia, we produce 0.8 of a tonne of CO₂; so, for 10 million tonnes of cement, we would produce eight million tonnes of CO₂. In China, they produce one billion tonnes of CO₂ a year—one billion. But when they make one tonne of cement they produce 1.1 tonnes of CO₂. This is a $10 million tax on our 14 cement plants in Australia, which are in regional Australia, of course. They cannot afford an extra $10 million in tax, with the high dollar and cheap imports. It will shut down those 1,875 blue-collar jobs for workers whom the Labor Party is supposed to represent. When they go, they will ask why.

So, if we shut down the industry in Australia, those 10 million tonnes of cement
that produce eight million tonnes of CO\textsubscript{2} will be produced in China, where they will produce 11 million tonnes of CO\textsubscript{2}. By producing our cement, their CO\textsubscript{2} emissions will go up by three million tonnes. That is what we mean about transferring our industries overseas; whether it be steel, aluminium or cement, this is what we are facing. But somehow this carbon tax is going to reduce CO\textsubscript{2} emissions around the world and cool the planet! It is outrageous.

I am a firm believer in climate change. I think the climate has been changing for thousands of years. For instance, 18,000 years ago, the Whitsunday Islands off Queensland did not exist. They were part of the mainland of Australia, with all that ice over the landscape. Then, 10,000 years ago, the planet started to warm, the ice started to melt, sea levels rose and the Whitsunday Islands were formed. Now, what made the planet warm 10,000 years ago? I do not think it was coal-fired electricity generators. I do not think it was V8 Mustangs roaring around the United States or wherever. I do not think it was even four-cylinder petrol cars being burnt or the truckie running his 600-horsepower Cummins up the track. It was Mother Nature and climate change. It has been happening for thousands of years. And somehow we are going to stop all that? No, we are not. We will not stop it. Nature will run its course.

What we need to do is look after our environment, look after our land. Australia's greatest asset is the soil on our farms that produces our food. If we increase the level of carbon in that soil by three per cent—which is equivalent to 150 tonnes of CO\textsubscript{2} per hectare—over 450 million hectares of agricultural land in Australia, we will neutralise 100 per cent of our emissions for more than 100 years and we would have better farm country for it. Some of the farm county—Moree, the black soil plains—used to be five per cent carbon. Now it is down to one per cent, even to 0.5 per cent. We need to increase carbon in the soil. We need to give an incentive to farmers to help them balance the calcium and magnesium in the soil by putting more lime on the country and raising the calcium level and to let mother nature do its thing. That is better for the soil—fewer chemicals. That is what we want to do. If you do not have healthy soil, you do not grow healthy food. If you do not have healthy food, you do not have healthy people. People need nutrition in their food and that is what we intend to give them. We do not intend to treat farmers the way Bob Carr did when he was Premier of New South Wales—with a big stick. We intend to entice farmers with a carrot, working with the man on the land and his wife and family to help them achieve what they want to achieve. It is very hard for them to be green when so many are so far in the red. That is what we wish to do.

The government say that agriculture is excluded. No it is not. You are putting the cost on the truckies for fuel and you are putting the cost of electricity up. Do you think farmers drive the shearing shed with the old hand-wound machines? No, they have electric shearing plants. Agriculture will be included. The costs will flow on and once again our farmers, trying to competing on the world market, will have extra costs here. This is simply crazy.

Senator Cormann, we commend you for the motion. This is a tax that Australia will not accept. Australians will let the government know that at the next election. The government misled the people at the last election and the people will not put up with it again. They will square up come next election day.

Senator FAULKNER (New South Wales) (16:45): I do not support the motion.
put before the chamber by Senator Cormann. I really do believe that the opposition is becoming very desperate on this issue. Clearly they are becoming desperate because, as we all know, 1 July is just 10 days away and then there will be a price on carbon. In 10 days Australia will take serious and comprehensive action in the global effort to tackle climate change. And when the sky does not fall in, the earth keeps spinning and the sun comes up in the morning, all of which will happen after 1 July, the outlandish claims being made by the opposition, their desperate fear mongering, the relentless negativity that is the hallmark of this opposition, will amount to nothing. It will be a total fizzer. It will be exposed for the political sham it is.

The Australian government, in the national interest, as a responsible government and a responsible global citizen, has taken decisive action to minimise the impact of climate change and has taken decisive action to intensify investment in clean energy. As I have said before in this chamber, acting in the national interest is not just about telling people what they want to hear. It is not just about belittling debate on important issues with platitudes and abuse—the hallmark of those on the other side of this chamber. It is to speak and act, conscious of the need to ensure a vibrant, strong and competitive future for our nation, which will take the courage necessary to undertake reform. Of course that can be unpopular and of course that means that governments need to make controversial decisions. So in just a few days, for the first time in our history Australia will have a price on carbon. This has been a long and bitter process. It has been a difficult debate but I believe it is absolutely integral to our national interest.

The planet is warming and we must take action. Putting a price on carbon will ensure that our nation's economic and environmental interests remain secure. We live on the driest continent on earth. We live in a place renowned for droughts and flooding rains. Putting a price on carbon is the first step to significantly address the impact of climate change.

I say, as I have said consistently for two decades in debates about this issue in this parliament, the science is in. Reports from the IPCC, from our own scientists at the CSIRO and from those at the Bureau of Meteorology show that the climate is warming, that seas are rising, that coastlines are shrinking and that weather patterns are changing. This will continue to happen as a result of greenhouse gas emissions from human activity. If greenhouse gas emissions continue to grow unabated, the problem will get worse. The carbon price will cut carbon pollution and drive investment in clean energy technologies and infrastructure like solar, gas, and wind. It will help build a cleaner energy future, which is what future generations of Australians deserve. This is not just about us. It is not just about those who happen to sit in this Senate chamber in the year 2012; it is about all of those who come after us. It is a heavy responsibility, I believe, on this generation of Australian parliamentarians, and I am of the view that it is critically important that the Australian government meets its responsibility.

The Australian government has worked hard to ensure that Australians are not dramatically impacted by the carbon price. Overall, the carbon price will see prices rise by less than one per cent. The big polluters will pay the carbon price, not ordinary Australians. The carbon price will be paid by fewer than 500 of our biggest polluters. Millions of Australians will in fact pay less tax. Tax cuts and increased payments are targeted at those who need it most. The government will make sure that pensioners, low- and middle-income earners and families
doing it tough, the most disadvantaged people in our community, are looked after. Nine out of 10 households will get a combination of tax cuts and increased payments. Almost six million households will get tax cuts or increases in payments that cover the entire average price impact. Over one million Australians will no longer need to lodge a tax return. And the government will review the adequacy of assistance each year and will increase it further, if that is required.

In relation to the issue of assistance to industry, which is so often raised in this debate, I would say that assistance provided to industry maintains the incentive for companies to reduce the level of their carbon emissions, partly because they will compete with other companies looking to cut costs by cutting pollution and partly because the assistance will decline over time. Funding and grants will be provided to businesses seeking to invest in renewable energy, in low emissions technology and in energy efficient research and technology. The Jobs and Competitiveness Program will provide assistance to emissions intensive trade exposed industries to support jobs and reduce the risk of companies moving overseas and continuing to pollute.

This ongoing program will provide $9.2 billion in assistance over the first three years of the scheme. The assistance is specifically targeted at those companies that produce a significant amount of carbon pollution but are constrained in their capacity to pass through costs in global markets—industries like steel, aluminium, cement and zinc manufacturing and the like. The purpose of the carbon price is to make the economy grow stronger but with less carbon pollution, with a smaller amount of carbon being emitted into the atmosphere.

Climate change is a global problem. Again, contrary to what you hear so often in this debate, the rest of the world is acting on this issue. It is not true to say that Australia is going at it alone. We are not going at it alone: 89 other countries, representing 80 per cent of global emissions and 90 per cent of the world's economy, have already pledged to take action on climate change.

There is analysis from the Department of Climate Change and Energy Efficiency which shows that from 2013 there will be more than 50 national or subnational, if you like, emissions trading schemes in place around the world. That is 33 countries with national emissions trading schemes, including Switzerland, the European Union's 27 member countries, Norway, Iceland and Lichtenstein. There will be another 18 subnational jurisdictions with emissions trading schemes, including: the US states of California and New York, the Canadian province of Quebec and, I am pleased to say, seven provinces and cities in China. These schemes will cover a combined population of more than 850 million people. Other countries such as South Korea, Brazil, Turkey, Chile, South Africa and Mexico have also strongly signalled their intention to develop emissions trading schemes.

Globally, more money is now invested in new renewable power than in conventional high-pollution generation. Just think of that; think of the difference we have seen over recent years. China is now the world's largest manufacturer of both solar panels and wind turbines, and it is a world leader now in renewable energy research. There is an old expression which my friends from the National Party—who used to call themselves the Country Party—always liked to quote: 'You make hay while the sun shines'.

Senator Williams: We do.
Senator FAULKNER: You do? That is the one thing in this debate you have got right, Senator Williams. I knew I would eventually hear you say something sensible and you have. You have not let me down. As Senator Williams says—he is very insightful—'You make hay while the sun shines'. Our economic fundamentals are solid and our investment pipeline is strong. Now is the time to implement our comprehensive clean energy future package. I say to the Senate that putting a price on carbon is the cheapest and most effective way to reduce our carbon footprint. It will ensure that our nation's economic and environmental interests remain secure. I do strongly support the introduction of this measure on 1 July.

No senator should forget why this is being done or why responsible governments have to stand up and be counted on this issue. The climate is warming; sea levels are rising; weather patterns are changing. This is a global problem on which developed nations like Australia can and should show leadership. Many years ago—in fact in the mid-1990s—I was Australia's environment minister and I proposed a small carbon levy at that time. I was very committed to that course of action. Whether or not I was ahead of my time, I could report that it was not warmly welcomed by all, either in my own party or in the coalition at the time. But just look at the reports of the IPCC; look at the science; look at what our own agencies, the CSIRO and the Bureau of Meteorology, are saying. It is responsible to act; it is responsible to act now. I, for one, proudly support what the government is doing in this regard and completely reject the nonsense from the opposition and that which is contained in Senator Cormann's motion this afternoon.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (17:05): I rise to support the motion and I obviously have some views that are quite contrary to the contribution from the previous speaker, Senator Faulkner. In some of his closing remarks, Senator Faulkner said that we need to focus on why this is being done. I think that is a fundamental question, not necessarily for the chamber to consider, but certainly for those opposite. Senator Faulkner is, in my considered opinion, a great orator. He has made some wonderful contributions to this place, but sometimes it is about how he says it, rather than the substance of what he says. Senator Faulkner put his hand on his heart and said, 'The reason we are doing this is that we need to show the globe leadership.' He said that we need to ensure that because we are the driest continent on the earth, we talk about droughts and flooding rains. He basically went on to make the case that the Labor Party are motivated in this matter by a whole range of good things. The party to his right, the Greens—Senator Di Natale, my old mate Senator Ludlam and Senator Whish-Wilson, who I have just met and who I am sure is a very fine stamp of a man; I am looking forward to getting to know you better, mate—have at least always had a consistent position on this, about going to an election and saying, 'We are going to have a carbon tax.' Yes, it was slightly different and a little bit more aggressive than the position of those on the other side. But, Senator Faulkner, I would remind you of the reason we are here debating this. Sadly, it is not because Julia Gillard put her hand on her chest and said, 'We need to show the globe leadership.' It is because we have a hung parliament. It is because she had to do a deal.

Senator Ludlam: Just as well, because you guys would have done nothing.

Senator SCULLION: Senator Ludlam, I usually take your interventions, but the point I am making is that those opposite are singly motivated because they had to do a deal with
the Greens. It was not a long-term plan to go and deal with the environment and it was not a long-term plan to introduce a carbon tax. The now well-worn phrase, 'There will be no carbon tax under the government I lead,' said a few days before the election pays credit to that. So I do not think anyone on the other side can have any credibility at all in saying: 'This was a fantastic idea. We went to an election with this and we have always believed in it.' I would probably take Senator Faulkner on his word personally that it may have been one of his values, but it certainly was not that of the leader or of the majority of those on the other side.

As many of us who represent constituencies in regional and remote Australia know, the cost of doing business and the cost-of-living pressures are even more intense; we may love to live in regional and remote Australia but of course it is a more expensive process. This carbon tax is a tax on remoteness. It is going to hurt the Territory in far greater ways than it will hurt capital cities. And I have not noticed anything in this legislation that somehow pulls Darwin or Katherine or Alice Springs closer to Sydney—horror the thought.

As I have indicated, we had this spectacle of the current Prime Minister, Julia Gillard, just days out from the election, assuring everybody that this was a tax that we were not going to have. In Lingiari just before the election I was doing the standard 'fear and loathing', as one does in a campaign, telling people, 'They have been talking about this carbon tax; it is going to be horrible.' In the last few days of the campaign there was some relief. People were saying: 'Look, Nige, she has been absolutely clear: there is not going to be a carbon tax. I am sorry, I am not going to be concerned about that anymore. She has absolutely clarified it for me. I am more than likely going to stick with voting Labor because I am a Labor voter, I am a swinging voter.' Many Territorians that I speak to today still rue the day that they accepted that as the truth.

One of the most important impacts on the cost of doing business and the cost of living in the Northern Territory is fuel. Wherever you go in Darwin is not dissimilar in distance to a lot of other cities, but certainly the cost of fuel is. I was speaking to a mate of mine, Dave Gray, the other day. He is a mango farmer. He used to farm not far down the road from where I was farming mangoes in a previous life. He told me that he has gone through his books and looked at increases in fuel, electricity, refrigeration and the freight on the box costs. He indicated that he is going to suffer some 25 per cent gross profit loss. A lot of people say, 'How can that possibly be?' I would have to acknowledge that he is running at a pretty thin margin, as many people do. It might seem a lot in terms of profit, and it is—it is horrific. But, for people who are running at a pretty slim margin, this is going to have a significant impact on their capacity to do business. He has rated his increase in fuel at around about three per cent and his box costs at about two per cent. He has done calculations of his electricity prices, particularly for the cool rooms, and he knows the increase is going to be significant. He is not actually sure how much it will be. He has calculated that at 16 per cent, but I would say that is pretty conservative given some of the price hikes in other parts of the world.

I hear the Prime Minister and the government constantly saying that this is only on the 400 big polluters. Poor old Dave Gray, with the arse out of his pants, is saying, 'I am not really sure that I consider myself a big polluter, Nigel.' I say, 'Well, mate, apparently you are on that list now.' How many businesses like this mango grower are going to invest in an industry with reasonably slim margins, as has always
been the case, with potentially a 25 per cent reduction in profitability? When the markets are remote, we are not going to know the transportation costs. Senator Faulkner and others say, 'Look, the sky is not going to fall in on 1 July.' It probably will not, but there will be a bit of squealing and creaking about eight weeks after that as soon as this impacts. Part of the concern of my constituents is that this is simply unknown. They are scrabbling down sums, they are trying to work out what to do, they are trying to run a budget. They are invariably small business, family businesses, and they are finding it very difficult.

About 1,500 Northern Territory businesses are going to face quite considerable increases in their fuel costs under the carbon tax when there is a reduction in the diesel fuel rebate. I have been speaking to the Chamber of Commerce and they are having some difficulty in providing information to all those in business who are trying to work out exactly what some of these cost implications are going to be. Australian Taxation Office data has also shown that Territory businesses are going to be hit five times as hard by the tax as average businesses in other states. I think about 60 per cent of that is due to remoteness and transport costs, but there are some other complexities. That may be just about the Northern Territory, but it is certainly significant.

In addition to the obvious impact on mining operations, there will be an impact on Northern Territory construction, manufacturing, retail, wholesale and particularly tourism operators. By tourism I do not mean grand hotels and magnificent big schemes—invariably, they will get through. The problem is with the small operator, whose costs are fixed. Many of them have a fishing tour operator with a car, a wish and a dinghy that goes and they might own a small lodge somewhere on the Mary River. If tourists decide not to travel because it is now too expensive, many of those small operators will go out of business, as happened I recall in some of the downturns in the past.

According to the tax office data, Northern Territory businesses claim an average of $55,000 under the Fuel Tax Credits Scheme. The reduction in the credit as a result of the carbon tax will mean that NT businesses will face an additional cost of $9,200 a year, on average. Yes, that is an average and it is obviously raised by some of the larger businesses, but some operators would find it very difficult to amortise even 25 per cent of that. The number of businesses affected is going to increase to more than 100,000 on 1 July 2014, which is when the road freight sector, on which all of us in the Territory depend for our groceries, including tens of thousands of owner drivers, is going to become liable for the carbon tax on fuel. We know that fuel prices are always increasing. In Darwin, last week, the average petrol price across jurisdictions was $1.40.6; for the rest of the Northern Territory the average price was $1.58—that is a clear 18c a litre above everywhere else. In any event, we are starting behind the eight ball. Perhaps that is why the profitability of some of these small businesses is so marginal. An increase of some 6.5 cents a litre in the price of petrol, which has been indicated, is going to put even further pressure on small and marginal businesses.

The Chamber of Commerce NT did a study using a carbon price of $25 a tonne, before the $23 a tonne price was announced. Given that the price is going to $29 a tonne in 2015-16, its figure could be used as a conservative measure. The study has indicated that the cost of carbon to the Territory economy is going to be around $147 million in the first year, which equates to $642 for every man, woman and child,
regardless of where they live. Again, if the government is saying that only the big polluters will pay it is simply not being honest. Everybody is going to pay, particularly those people who are in the business of creating or making something. As you look around, you will see that the new tax collector will be the electricity outlet, the three-slotted maw in the wall. I suppose that the whole notion behind the carbon tax is: be careful when you turn something on; do not use as much electricity. If you are a wasteful person, that would make you think, but most of us use as little fuel as we can. We are as efficient as the technology will allow us to be, we use the minimum amount of electricity and hot water and we whinge at the kids even more to do the same. That is the environment we are in. I appreciate the motivation behind having a tax to change behaviour; I am just very cynical about what it can achieve if people do not have the choice to change their behaviour.

Families and businesses—very small and medium businesses—in the Northern Territory are going to be hurt, but they are the ones who can least afford it. There has been a lot of discussion about pensioners. The Northern Territory pensioners I have spoken to are already concerned about the high cost of living. Remember, people's pensions are not indexed just because they live in the Northern Territory and have a much higher cost of living than anywhere else. They have made a choice to live there, but they know that people with a fixed income are going to be hurt by the increase in the carbon tax. The government has said that it will give them a one-off settlement for that. I know that that is welcome to some degree, but it is being sold as: 'By the way, I'm just putting your pension up. I am a nice bloke, because I do not like to talk about it in the context of a tax.' Of course, the carbon tax will go up and up; one adjustment will not assist these people.

We have already said that, if elected, the very first thing the coalition will do is repeal the legislation. That will be our first order of business. We have also gone on to say, 'If those opposite attempt to block the scrapping of the carbon tax we will go to a double dissolution election.' We have made that very clear, and that is exactly what we will do.

Senator Chris Evans: Never happen.

Senator SCULLION: Senator Evans, I am sure that you will not remember my betting you a beer on that, mate, but I am sure we will have a beer on the result, in any event.

We are already facing substantial cost of living pressures. The carbon tax will only increase these pressures, particularly in those regions that can least afford it. Figures already show that the carbon tax is going to go up and up. This tax is going to increase. It is a new, $9 billion a year tax that will cause a 10 per cent hike in electricity bills in the first year alone. I am being conservative—very realistic—about the figures; I know that there are other figures quoting between 18 per cent and 20 per cent for some of the other jurisdictions. There will be a $3.4 billion hit on the budget bottom line and a nine per cent hike in gas bills in the first year alone. Our forgotten families are already struggling; a carbon tax is going to make a bad situation worse. Households around the country will be paying $515 on average, against $642 that we Territorians will pay because of our remoteness. It will be a trillion-dollar cost to the economy over coming decades that will send hundreds of billions of dollars of Australian business overseas. There will be $3.5 billion spent each year on foreign carbon credits by 2020, which will rise to $57 billion by 2050. Senator Faulkner and some on this side have
talked about 50 years being a long way off. These sorts of figures, where we will be making a contribution for foreign carbon credits to the tune of $57 billion, to anybody with any sense seem almost sublime. Perhaps 2050 is not really in our context, but $3.5 billion each year on credits by 2020 is in our context and is a considerable amount of funds. A lot of Australians are having great difficulty understanding why that is an investment, not a cost. On those sorts of figures, we will see every Australian slugged about $40,000 over the coming decades. To many people that is the equivalent of a year's work for Labor's broken promises.

The 2012-13 budget confirmed the government is forecasting the carbon tax to rise from $23 a tonne to $29 a tonne by 2015. A lot of people would really like to understand what the impact of that will be. Sadly, the government is running an advertising campaign that does not appear to be informing people. Many people are disturbed about what the full impact will be on them personally. There is $36 million for an advertising campaign that will start in 2012-13. They are spending a total of $70 million of taxpayers' money on carbon tax advertising, and that includes last year's campaign. So when the Prime Minister tells the ACTU conference, 'Nobody has anything to fear from carbon pricing,' I think we all find it difficult to understand why she does not appear to have the courage to include the term 'carbon price' in the advertisements.

Quite clearly the circumstances of people who are just trying to eke a living in regional and rural Australia are difficult enough, but this is a toxic tax on remoteness. Certainly all of the constituents that I speak to are sick and tired of being told by this government that this is all about leadership: 'We're here to change the climate. We're here to change the environment.' They made a rock solid promise. I do not believe that the Prime Minister, Julia Gillard, was lying at the time. That is my personal view. But circumstances that arose later meant that she had to do a deal. She went and did that deal, which made it a lie. I think people are sick and tired of being told that this is a good idea. Labor are out there beating their chests saying the world is going to be a better place because of the introduction of this tax. If the polls are not telling those opposite, they should listen to their constituents. I speak to quite a wide diaspora of individuals and I certainly do not have many who would tell me that this is a good idea today, for the future, for those people living in the cities, for the global environment or, most importantly, for our national interest.

Senator CAMERON (New South Wales) (17:25): I heard Senator Kim Carr today describe the coalition as knuckle dragger. I must say, what a performance of knuckle dragging from Senator Cormann, Senator Williams and Senator Scullion. When people have a look at the Hansard in years to come and they do an analysis of Australia's response to this terrible, terrible problem of carbon pollution in the atmosphere, they can look at those three contributions and say: 'What a bunch of knuckle dragger the coalition were.' The skin has all gone, they are through to the bone and they are still dragging their knuckles on this very important issue.

But they have not always been like that. It has only been since the extremists in the coalition took over. There was a group of coalition MPs—even, if I have to say so myself, up to the former Prime Minister John Howard—who recognised that climate change had to be dealt with because of the danger it posed to the future of this globe, to the extent that on 10 December 2006 Prime Minister John Howard announced a joint government business task force. It was known as the Shergold inquiry. The Shergold
inquiry came up with a number of unchallengeable propositions that had to be dealt with. Remember, this was an inquiry established by John Howard. That is when the coalition determined they would have to put a price on carbon.

I will go through a couple of quotes from the Shergold report. It says:

Australia has a vital interest in the form of any emerging global response. Given our exposure to the impacts of climate change we want an approach that is effective.

It then goes on to say:

However, waiting until a truly global response emerges before imposing an emissions cap will place costs on Australia by increasing business uncertainty and delaying or losing investment. Already there is evidence that investment in key emissions-intensive industries and energy infrastructure is being deferred.

After careful consideration, the Task Group has concluded that Australia should not wait until a genuinely global agreement has been negotiated. It believes that there are benefits, which outweigh the costs, in early adoption by Australia of an appropriate emissions constraint. Such action would enhance investment certainty and provide a long-term platform for responding to carbon constraints.

There is much more I could go to in the Shergold report. All of this was done under a coalition government and there was an emerging political consensus that we had to deal with global warming.

Then came the current Leader of the Opposition, Tony Abbott, who then described himself as the weather vane for the coalition—one minute a climate change denier, the next minute saying something had to be done on climate change. Whatever the Australian or the Murdoch press were saying about climate change, that is where you would find Tony Abbott. And then Tony Abbott linked up with all the climate change sceptics and shared a stage with Viscount Monckton, the climate change sceptic in chief. No scientist of any standing places any confidence or any credibility in Lord Monckton. But what do the extremists in the coalition do? They line up with Lord Monckton and Gina Rinehart. They help sponsor Lord Monckton to come here to run all his climate change nonsense.

This motion before us talks about the cost of living, the cost of doing business and competitive international issues. Extremists do not care about that. This is a cover for those in the coalition who refuse to accept that climate change is real and that it has to be dealt with. They are prepared to back their big business mates so that there is no cost on the polluters in this country—and it is typical of the coalition to be doing the bidding of big business—and to try to ensure that everyone else in the community accepts the cost of climate change but not big business. Big business are looking at the short term on this. They are not looking at the long term.

I am looking at the long term and the Labor Party is looking at the long term. I am looking at the long term because I have two beautiful grandchildren—six and four years old. I want to leave them an environment in which they can have the same benefits that we have had over the years. That means that the economies that have taken advantage of being able to pour uninhibited amounts of carbon into the atmosphere need to take the lead. As John Howard himself said, we need to take the lead. But the extremists are in control in the coalition and the lead will not be taken by them.

I get pretty angry, I must say, when I hear the knuckle-dragging speeches from the coalition claiming that this is about economics when it is about the future of the planet. It is about the future for my grandkids and it is about the future for kids around this country. If we simply take the knuckle-
dragging line of the coalition then we will ignore doing the right thing. We will ignore the coalition's Shergold inquiry. We will ignore what John Howard has said, which is that we should deal with this. We will ignore the scientific community in this country if we refuse to do something about global warming. That is the issue that we have to face. The coalition are controlled by the extremists. The Lord Monckton cheer squad and knuckle draggers over in the coalition are in absolute control.

They just refuse to accept the science. I have so many pieces of scientific literature here. I have *Climate change: science and solutions for Australia* by CSIRO. This is our scientists telling us what the problem is. I would say to the knuckle draggers, 'Read this and then tell anyone that we should not be putting a price on carbon, tell anybody that they should ignore the scientists and the CSIRO.' They say that there will be huge ecological and health impacts from not dealing with climate change.

CSIRO have written another one called the *State of the climate—2012*. Why don't you read that? Why don't you listen to the Climate Commission when they outline all of the literature on climate change? Why don't you take note of our scientists in *The Copenhagen diagnosis*, where the leading scientists from across Australia say that we must do something about climate change? They are saying that there are surging greenhouse gas emissions around the world, that the recent global temperatures demonstrate human-induced warming, that there is an acceleration of the melting of ice sheets, glaciers and ice caps, that there is a rapid Arctic sea ice decline, that the current sea level rise is underestimated, that the sea level predictions have to be revised upwards, that any delay in action risks irreversible damage and that the turning point must come soon.

The coalition do not listen to CSIRO, the Bureau of Meteorology or the credible scientists in every university in this country. Instead, they listen to Lord Monckton and Gina Rinehart and do their bidding and get their advice. I would rather listen to the advice of our scientists than that absolute fraud Lord Monckton any day. For the Leader of the Opposition to be sitting down with Lord Monckton, railing against climate change action, shows how the extremists have got absolute control.

We heard Senator Williams talk today about socialists. Lord Monckton talks about the communists having control of this debate. This is a guy who says he is a member of the House of Lords when he is not, who says he is a Nobel laureate, which he is not, who claims to have single-handedly won the Falklands War and who says he has invented a cure for Graves' disease. This is the guy who the Leader of the Opposition cohabitates with in the climate change debate. He is not someone who can be taken seriously. He calls young demonstrators against his climate change scepticism 'the Hitler Youth marching in and breaking up meetings'. These are the types of people the Leader of the Opposition sits down with and tries to treat credibly. Senator Williams talks about the socialist takeover and about the Pew foundation and Greenpeace trying to close Australia down.

I do not know what the opposition think about NASA. I do not think NASA is inhabited by communists. I do not think NASA is inhabited by the Socialist Left in America. I do not think NASA can be seen to be some loony left-wing group. But NASA says that the climate has changed. All you have to do is go onto its website and have a look at what it says. We get arguments about the cost. My colleagues who presented here before, Senator Faulkner and Senator Singh, have gone over the
issues. I will not go over them again; I want to concentrate on the issue of the science. If you do not agree with the science, the knuckle-dragging analysis from the coalition becomes a reality for them. You have to listen to our scientists; you have to understand the science.

The National Aeronautics and Space Administration of the United States is clearly one of the leaders in science. It says there are certain facts about the earth's climate that are not in dispute. It says:

The heat-trapping nature of carbon dioxide and other gases was demonstrated in the mid-19th century.

It says:

Ice cores drawn from Greenland, Antarctica, and tropical mountain glaciers show that the Earth's climate responds to changes in solar output, in the Earth's orbit, and in greenhouse gas levels.

It goes on to say that there is a global temperature rise. It says:

All three major global surface temperature reconstructions show that Earth has warmed since 1880. Most of this warming has occurred since the 1970s, with the 20 warmest years having occurred since 1981 ...

NASA says the oceans are warming; the top 700 metres has increased by 0.302 degrees Fahrenheit since 1969. It says:

The Greenland and Antarctic ice sheets have decreased in mass. Data from NASA's Gravity Recovery and Climate Experiment show Greenland lost 150 to 250 cubic kilometers (36 to 60 cubic miles) of ice per year between 2002 and 2006 ...

There is declining Arctic sea ice. There is glacial retreat; the glaciers in the Alps, the Himalayas, the Andes, the Rockies, Alaska and Africa are in retreat. And there is ocean acidification. So the CSIRO, the Bureau of Meteorology, NASA—every one of the experts in the field—say you have to deal with this issue. Yet the coalition are denying that there is change. We heard the contribution of Senator Williams earlier. He said, 'Yes, I accept there is climate change' and then went on to try to justify it as a natural phenomenon of the Earth. He did not deal with the issue of CO₂ emissions. He did not deal with any of those issues, which are so important.

What are NASA doing? As I said, you cannot say that they are the communist underbelly of the United States. NASA are out there with an education program for schoolkids. I would like to send Senator Joyce, Senator Williams and a few of the coalition knuckle draggers along to one of these NASA education programs. We should all pass a resolution that we pay for them to go to the NASA education program. The grade 5 to 8 program would be enough. They would not have to go to the high science; just send them to the kiddies science training that NASA does.

Senator Ludlam: Just little words.

Senator CAMERON: Just little words, little theories. What does NASA say to grade 5 and 8 kids in the United States? They are down there in the heart of communism, in Minnesota and Arkansas, telling the kids, 'You've got to rebel against climate change'! Even in those areas of the US they are talking about climate change, and one of the questions they ask is: 'Do you know the difference between weather and climate?' I have heard Senator Williams. I have heard Senator Joyce. Obviously, they do not know the difference. They should go to NASA's kiddies class so they can understand the difference between weather and climate. That is long overdue. On their website NASA ask:

Is Earth's Climate Changing?

And they say, 'Yes, the Earth's climate is changing.' They ask:

What Is Causing Earth's Climate to Change?
They say:
Some causes of climate change are natural.
But Senator Williams tries to say that all of it is about nature. NASA go on to say:
Most scientists think that recent warming can’t be explained by nature alone. Most scientists say it’s very likely that most of the warming since the mid-1900s is due to the burning of coal, oil and gas.
Then they ask:
What Is the Forecast for Earth’s Climate?
Remember, this is to the kids at school. It is something that the kids in America are being taught and that the leaders of the coalition do not understand. So let us get them to some basic education, some kiddies school education, on climate change. NASA say:
Climate models predict that Earth’s average temperature will keep rising over the next 100 years or so.
They ask, 'What are the impacts?' They say:
Some impacts already are occurring ... sea levels are rising, and snow and ice cover is decreasing. Rainfall patterns and growing seasons are changing.
This is the US's NASA. It is not some green group. It is not any group that is setting about to try to destroy the capitalist economies of the world.
This is NASA. They say the same thing as the CSIRO and they say the same thing as the Bureau of Meteorology: if we do not do something about it we are in real trouble. And what do we get from the coalition? We get denial of climate change. Well, I say we should pass resolutions in this place to send the knuckle-dragging coalition climate change deniers over to NASA to do the kiddies class in climate change. They should do the kiddies class in climate change that NASA has so that they can understand that their analysis is wrong, that their economic arguments are flawed, that we need to deal with climate change now and that there are huge implications in not dealing with climate change—and I think NASA would host them even though it might be more difficult for them to deal with the knuckle-draggers opposite than with some of the kiddies. So those opposite should go and understand the science of climate change.

Senator EGGLESTON (Western Australia) (17:45): I have heard of this before from Senator Cameron, that we on this side of the Senate do not believe in climate change, and I have said several times before—and I have a speech in front of me from 11 August 2009 that says this—that I believe in climate change and that climate change is real. I came from the south-west of Western Australia and I know rainfall in the south-west has dropped by something like 30 per cent over the last 25 years. We do not deny that climate change is real, Senator Cameron; we do not deny it at all. But we do disagree about the causes.

For example, the year before last I went to Barrow Island, where it is possible to demonstrate no less than seven different sea levels over the last few thousand years. If you go to Marble Bar in the inland, in the Pilbara, and dig into the dirt, you will find that you have seashells there. The Pilbara used to be an ancient seabed and there used to be a land bridge to Indonesia. So the seas have fallen and risen and this has gone on in a cyclical fashion over the millennia and it is part of the natural history of the earth. It is true, as you say, that since the beginning of the last century we have burnt more coal and produced more carbon dioxide. Nevertheless, the fundamentals are the same. It is the great galactic forces that control the climate of the earth: things like variations in the earth’s orbit and the activity of sunspots. These things, Senator Cameron, are more important than a simple rise in carbon dioxide in terms of the magnitude of the forces needed to change the climate of the earth.
We do not deny that there has been pollution. In fact, we think pollution should be reduced. But we do not think this carbon tax is the way to do it. Here we are in Australia with 1.4 per cent of the world's pollution—that is all we contribute—so we are a very minor contributor to the levels of carbon dioxide in the world's atmosphere and yet the Labor Party plans to hit the people of Australia with the world's highest carbon tax. This is completely out of proportion and it is going to have really severe effects on the Australian economy and the lifestyle of the Australian people. As I said, here we are with just over one per cent of the world's pollution and we are going to be slugged by the world's biggest carbon tax.

Senator Cameron referred constantly to the science being decided. He referred to the International Panel on Climate Change of the United Nations. But obviously he reads very selectively about the IPCC because he does not seem to have noticed there have been a lot of articles critical of the IPCC and its methodology and the fact that a lot of their so-called experts are really junior- or middle-grade scientists chosen from around the world so there is a nice balance, in the way the United Nations does things. He ignores the fact that, in what must be one of the biggest scandals of the scientific world, the University of East Anglia, I think, was found to have cooked some of the results the IPCC bases its claims on. Even here in Australia, sadly, a few years ago at estimates we heard about a scientist in the CSIRO who was put under so much pressure because he did not agree with the accepted view of climate change—and, in fact, he was something of a sceptic about the causes and the impacts of climate change and so was pressured and ostracised—that he left and went to live in Norway, where he found a different kind of approach to scientific method and scientific research. I think that whole story was a very sad reflection on the commitment of the CSIRO to scientific research, because scientific research is based on the scientific method, where you do an experiment, you get results and you accept those results however surprising they might be. So this argument that Senator Cameron and the ALP in general put up, that the science of climate change is absolutely rock solidly proven, is really very far from being the case.

So here we are with Australia facing the imposition of a carbon tax from 1 July. Even though, as I have said, we only contribute 1.4 per cent of the world's emissions, we are going to have the world's largest carbon tax. We are going to be charged $23 per tonne of carbon dioxide emitted and that tax will go up year by year according to the government's own budget. It will be $29 a tonne by 2015-16 and that will be raking in for the government something like $9 billion a year and $36 billion over four years. By 2020 the carbon tax will be $37 a tonne—an enormous fee—and by 2050 it will be $350 a tonne as the world's broadest and biggest carbon tax. One has to wonder what the outcome of that will be. What will that mean for the average Australian? Who will pay, for example?

Everyone will pay. Electricity companies will pay the most and they are passing those costs directly on to the customers. In New South Wales the average price rise for electricity will be 18 per cent, with half directly attributed to the carbon tax. From 1 July this year, every time you turn on a light, boil the kettle, switch on the computer or put on the heating or air-conditioner, you will pay the carbon tax.

If you look around Australia, electricity bills will go up. In New South Wales it is 18 per cent; in Victoria 14.8 per cent; in Queensland commercial electricity bills will go up by 15.9 per cent; in South Australia 18
per cent, and the lucky people of Adelaide will be paying the world's highest prices for electricity; in WA the increase will be 12.6 per cent; in Tasmania 15 per cent; in the Northern Territory 9.6 per cent; and here in the ACT the lucky people will have an increase of 17.7 per cent. This means that ordinary Australians, the people we know living in the suburbs, ordinary people, are going to have to bear the cost of this tax, which is, as I have said, the biggest carbon tax in the world.

It is also going to affect industry. It will mean a huge imposition on industry. It is going to lead to losses of industry, industries like the cement industry and oil refining. Many mining companies say they will no longer do business in Australia once this tax and the subsequent emissions trading scheme are introduced because it will mean that there are cheaper places for them to operate in around the world and they will follow the cost trail and take jobs overseas. So this is going to have a very big impact on Australia and the Australian economy.

Yet, as I have said, there is nobody else in the world who is going to have a carbon tax of this size. The Europeans have a carbon tax but nothing like as big as this. When this changes into an emissions trading scheme as it is scheduled to in 2015, we are going to have the problem of the fact that, except for the small emissions trading scheme in the European Union, there will be nobody to trade our emissions with. Our major trading partners, the United States, China, South Korea, Taiwan and Japan, are not going to have emissions trading schemes. Admittedly New Zealand has an emissions trading scheme, but it is very small. So the Australian public will end up bearing the cost of the emissions trading scheme, which will run into hundreds of millions of dollars a year, causing great increases in prices and the loss of jobs and industries for this country. That I think is an absolute tragedy.

Having said those things, I would like to move that we proceed to vote on this matter.

The ACTING DEPUTY PRESIDENT (Senator Pratt): Senator Eggleston, you are unable to move that motion for closure as you are not a minister, as I understand it. And you have spoken. Had you done so before you spoke, it was possible. That is the advice I have. Senator—

Senator Brandis: A point of order, Madam Deputy President.

The ACTING DEPUTY PRESIDENT: Senator Brandis on a point of order.

Senator Brandis: I move that the question be put.

Senator Thistlethwaite: On a point of order, Madam Deputy President, I was on my feet.

The ACTING DEPUTY PRESIDENT: Senator Brandis in fact went to take a point of order, but moving to put the vote is not a point of order. You can interrupt the debate to take a point of order and I had started to speak Senator Thistlethwaite's name to give him the call. Senator Brandis interrupted me to take a point of order but in fact he moved to put the vote, which I would think, seeing as Senator Thistlethwaite was getting the call, is not appropriate. Senator Thistlethwaite.

Senator Brandis: On a point of order, Madam Deputy President: in relation to what you have just had to say, first of all, as you know, and as the record will show, you had not begun to recognise Senator Thistlethwaite. Perhaps you were about to but you had not in fact begun to, and I did not interrupt you in calling him. Secondly, I have moved that the question be put. That motion is now, unobjected to, before the chair.
The ACTING DEPUTY PRESIDENT: The question is that the motion be put. The Senate divided. [18:02]
(The President—Senator Hogg)

Ayes....................26
Noes....................32
Majority................6

**AYES**
Abetz, E
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Kroger, H (teller)
Madigan, JJ
Nash, F
Payne, MA
Ryan, SM
Smith, D
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
Mason, B
Parry, S
Ronaldson, M
Scullion, NG
Williams, JR

**NOES**
Bilyk, CL
Cameron, DN
Di Natale, R
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLachlan, J
Moore, CM
Pratt, LC
Singh, LM
Sterle, G
Thorpe, LE
Whish-Wilson, PS
Bishop, TM
Collins, JMA
Evans, C
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Stephens, U
Thistlethwaite, M
Urquhart, AE
Wright, PL

**PAIRS**
Back, CJ
Bernardi, C
Birmingham, SJ
Boswell, RLD
Fisher, M
Humphries, G
Joyce, B
Sinodinos, A
Carr, KJ
Carr, RJ
Waters, LJ
Conroy, SM
Siewert, R
Wong, P
Crossin, P
Brown, CL

Question negatived.

Sitting suspended from 18:04 to 19:00

**BILLS**

*Electoral and Referendum Amendment (Maintaining Address) Bill 2011*

*Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012*

**Second Reading**

Debate resumed on the motion:

That these bills be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (19:00): Before question time intervened in my contribution on the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012, I was commenting upon the difference between appreciating the right to have a vote and the opportunity to have a vote. The opportunity to have a vote is a human right, but actually being in a position to exercise that is not, in the context of this legislation, because there is also a duty upon someone who is eligible to be a voter. That duty is that they should make sure that they are enrolled and they should make sure that their address is up to date. Senator Rhiannon in her contribution commented that voting is a human right. I agree with that, but there is an obligation on the individual citizen to avail themselves of that right. If they fail to enrol, if they fail to maintain an accurate enrolment, then they are absenting themselves from that opportunity. That is not the fault of government, and I do not think government should feel an obligation to step in and do what is the citizen's duty and the citizen's responsibility. That is one of the fundamental
stumbling blocks the opposition has regarding this particular legislation.

The coalition's greatest concern about this legislation is its impact on the integrity of the electoral roll. If the address of an elector is changed without their knowledge, which this legislation would seek to give the Electoral Commission the capacity to do, there is an increased chance of error occurring. This is particularly the case where an elector has more than one residence. The amendment proposed by this legislation and the power that it would give the Electoral Commission would dramatically increase the chance that these electors were incorrectly re-enrolled.

In the coalition members' and senators' dissenting report in the Joint Standing Committee on Electoral Matters report of July 2011, considerable attention was paid to the risks of using external data sources such as the ATO, Medicare or other government agencies to update electoral details. That report said:
The reliance on external data sources that have been collated and that are utilised for other purposes does not make them fit for use in forming the electoral roll.

As outlined in the previous report into these proposals, a 1999 report by the House of Representatives Standing Committee on Economics, Finance and Public Administration: Numbers on the Run – Review of the ANAO Report No.37 1998-99 on the Management of Tax File Numbers, found that:
- There were 3.2 million more Tax File Numbers than people in Australia at the last census;
- There were 185,000 potential duplicate tax records for individuals; 62 per cent of deceased clients were not recorded as deceased in a sample match.

Similarly, an ANAO Audit Report (No.24 2004–05 Integrity of Medicare Enrolment Data) stated that ‘ANAO found that up to half a million active Medicare enrolment records were probably for people who are deceased’.

I think it is clear that the best and most reliable source of accurate information for the enrolment of an individual is indeed that individual. As I said earlier, I would prefer that we had 90 per cent of people who were eligible for enrolment enrolled with accurate details on a robust electoral roll than that we had 100 per cent of people enrolled but with inaccurate details and an electoral roll that lacked integrity. It is clear, I think, that there are many examples of inconsistency and lack of accuracy in Commonwealth data, and I for one do not have sufficient faith in that data to have it as a source of updating electoral enrolment details.

This legislation also has the difficulty that it does not give a specific definition of what the Electoral Commission might regard as a reliable and current data source. What a 'reliable and current data source' is is open to interpretation, and I think that actually puts the Electoral Commission in a very awkward situation of having to make that judgment. It would open the Electoral Commission to unnecessary questioning and would leave the electoral roll also subject to unnecessary questioning.

A number of colleagues have traversed similar ground and no doubt will do so in this debate, but I just want to use the remaining time to say that I think there should be some higher priorities in relation to voting and electoral law than this particular legislation. I think the effort that is being put into this legislation would be much better focused on trying to ensure that Australians who are blind and vision impaired have the opportunity for a genuinely secret and a genuinely independent vote. There was a trial conducted several elections back with computers and electronic voting at particular trial sites. JSCEM found that that was quite an expensive exercise. At the last election, the Electoral Commission provided an
interim solution whereby people would go to a divisional returning office and be marked off in that office as being eligible to vote in a particular electorate. The Electoral Commission would then phone another electoral officer at another location. That officer would not know the identity of the voter, but they would know the electorate the voter was eligible to vote in. That officer would then take down their vote and their preferences over the phone. That did provide a degree of independence and a degree of secrecy. But I think it was seen by many as an interim measure.

I know the Electoral Commission has been working closely with people in the disability sector and with the Disability Discrimination Commissioner, Mr Innes, to find a more complete, more elegant solution. I know that there are plans afoot—from what I hear they may be quite similar to what was in place at the last election. I cannot help but keep coming back to a version of that old saying: ‘Surely, if we can put a man on the moon, we should be able to provide a more independent and a more secret vote for blind and vision-impaired Australians.’ There have been great technological advances since the original trial a few elections back. No doubt there are options for people to key in, with passcodes, on iPads or websites. I do not for one second pretend to be particularly technologically aware or adept at identifying solutions, but I do think that, with goodwill on the part of the government and the Electoral Commission, there should be a way to find a voting solution which is widely accessible and cost-effective. I appreciate that both of those criteria need to be met.

I am just taking this opportunity to urge the Electoral Commission, who are no doubt tuned into these proceedings or in the advisers box, and the government, through Senator McLucas on the other side of the chamber, to work together for a more complete solution. It would be unfortunate if we were to end up in one of those situations where the Electoral Commission says to blind and vision-impaired Australians, ‘Look, we would love to help, but you really need to talk to the government,’ and then the government says, ‘Look, we would love to help, but it is really up to the Electoral Commission to work out a solution.’ I would hate to see this fall between the two. I am not saying that I think it will; I am just providing encouragement to the Electoral Commission and the government to be lateral in their thinking and creative in looking at the available options.

As I said, I think the effort which has been put into this legislation could be more fruitfully directed to another venture which would give blind and vision-impaired Australians that opportunity which many of us take for granted: a genuinely independent and secret ballot. As I have indicated already, we do have major misgivings about the piece of legislation before us.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (19:11): In recent times, we have seen many pieces of legislation where we seem to be in desperate search of a problem to match the solution we have just devised. These bills, the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the Electoral and Referendum (Protecting Elector Participation) Bill 2012, are yet another example of that. I have been reading the papers and I have not seen an overwhelming movement of Australian people saying that there are issues with our electoral system which require this legislation. I acknowledge fully that there are certain classes of people, especially the visually impaired, who need assistance, but this goes beyond that.

I note that, back in 2002, the Auditor-General did a study of the accuracy,
completeness, validity and security of the electoral roll. He found then:

Australia has a system of compulsory enrolment and compulsory voting. By law all eligible individuals must enrol to vote. The audit found that the AEC maintains a balance between encouraging enrolment in line with the requirements of legislation and with not overly intruding in the lives of citizens. As a result, it is unlikely, nor indeed feasible, that the roll will achieve 100 per cent completeness.

For some years, the AEC has set a target of 95 per cent completeness for the roll. ANAO analysis indicated that, at the close of roll for the 2001 federal election, the roll was likely to be 95 per cent complete.

In other words, we were meeting our targets. So where is the problem which requires fixing?

One could be rightly suspicious that, when a government which has given us a long list of fiascos—and I will go into a few of them—decides to automatically change rolls and automatically make payments, it will be another fiasco. So why are we doing this? I think people in our nation have a personal responsibility, if they wish to vote, to at least have their details in place so they can. We have reached the ultimate nanny state if we have to chase people around to give them one of their most precious rights, their right to vote.

I want to go through a couple of things which I think clearly elucidate what is happening here. Remember when the stimulus payments went out? How could we forget? How could we forget the $22 billion which was borrowed from overseas and thrown around? Actually it was not borrowed at that stage; we actually had that money—one of the last bits of our savings. It was estimated that, amongst those to whom the money was sent, 16,000 dead people received payments. This, apparently, is the same system we are going to use and the same competency which is going to be applied in dealing with the electoral roll—16,000 dead people. I remember we had Mr Tanner saying that this was a good outcome—that a lot of stimulation came from the commerce of the graveyard; if money goes to people who are no longer with us, who have descended the pearly vale to the choir invisible, that is a perfectly reasonable outcome. It is no wonder that this is the same government that now finds itself $231 billion in debt. It is a clear example of this government showing no competencies in this area.

Are we going to have 16,000 dead people now getting the vote? One could suggest that in some areas even now there are some peculiarities. You can go to certain booths in the north of my state where I know the Labor Party is supported but its support in some areas seems to have been exceptional—absolutely astounding in some booths. One would not presume that anything untoward is going on, but it does beg the question whether the fervent support of the Australian Labor Party is a true reflection of the constituency. We would hope that people are not being guided in their vote. It is worth drawing attention to this. It is good to see Senator McLucas in here, and maybe she would like to address this matter.

So Mr Tanner was telling us that the stimulus payments to dead people would not go to waste. It shows the problem we have when the government is now deciding that we are going to have the electronic tracking of rolls and the changing electronically of people's place of voting. We know where this is going to end up—we are going to end up with a whole lot of people who are not entitled to vote and we will start to doubt the credibility in certain areas, including certain strategic areas, of the voting. So many elections nowadays come down to just a small number of votes. I remember when I
got into the Senate, although I got up at the end after collecting preferences—I think from Pauline Hanson's One Nation, to be honest; right at the end they threw me up—before that, as we went through the exhaustive process of taking people out from the bottom, there were certain gates I got through by only 20 or 30 votes. I understand how important it is that there be absolute diligence and credibility to reinforce the absolute power of the vote. We have to make sure that this is not put at risk in any way, shape or form. I can see this process doing precisely that.

Another example of Labor Party competency concerns the gentleman who had made a pretty handy business out of collecting Centrelink payments for people who were deceased. He managed to rack himself up $330,000. A report of that case states:

A 33-year-old man has admitted to using the identities of dead people to rort about $330,000 from Centrelink and sending some of the money overseas.

Once more, this brings a focus onto the irregularities that are abundant when you use the electronic process as opposed to the process of someone turning up in person and enrolling to vote, pursuing their own responsibility in gaining one of the greatest rights you will ever have in this nation, which is the right to vote.

What are the checks and balances being provided to ensure that these problems will not happen? Maybe we are getting to a time possibly of new fracture in the Labor Party. We have all heard that the current Prime Minister, Ms Gillard, does not have the numbers and it is only a matter of time before those numbers against her are exercised and there is a change in arrangements at the top end of our nation again. We are aware that they are currently negotiating who is going to be the Treasurer, whether it is Mr Bowen or Mr Shorten. I am aware we will be possibly going to an election in the medium term, so is this a way to save some of the furniture in some areas? I want to make sure that the stringencies of these measures in our more remote areas is impeccable. I do not believe that the government in its other mechanisms which have relied on electronic analysis and databases has delivered those stringencies. In fact, its performance has been abominable. I could go on all night.

Constitutional issues are usually put into place by the votes of reasonable people, and there are so many other things right now that are vastly more important than this. I think of the recent Williams decision in the High Court. That is an area we should be putting our efforts towards when we have a judgment by the High Court that says, by majority, that funding agreement and payments—such as Roads to Recovery—were invalid because the executive power of the Commonwealth did not allow them. A summary of the decision goes on:

In the absence of legislation authorising the Commonwealth to enter into the Funding Agreement, the Commonwealth parties relied upon the executive power granted by s 61 of the Constitution. ... A majority of the High Court held that, in the absence of statutory authority, s 61 did not empower the Commonwealth to enter into the Funding Agreement or to make the challenged payments. In particular, a majority of the Court held that the Commonwealth's executive power does not include a power to do what the Commonwealth Parliament could authorise the Executive to do, such as entering into agreements or contracts, whether or not the Parliament had actually enacted the legislation.

This is a vastly more important issue. When we read that reference to Roads to Recovery, these programs might be happening but they are probably not legal. That is what I think the nation should be focusing on; that is what
I think we should be concentrating on. That is the issue I am hearing loud and clear.

Over the last couple of days, when the local government conference was here, one person brought up with me issues regarding the roll. Yet we have a government that tonight is going to bring in a process that we know will be as totally and utterly mismanaged as everything else they do. They will be true to form. They will show the same competency in this as they showed in the ceiling insulation debacle, the school hall funding, the carbon tax—another fiasco; we now have Mr Windsor amending the thing that they said would never be amended—the payments to dead people in the stimulus package and the defrauding of the Australian taxpayer through their so-called stimulus payments. That is the sort of fiasco that the electoral roll is going to end up being. But this time it is important, because our voting system determines the path of our nation. People will lose confidence in who is electing and where they are, and start having suspicions not only when the vote in certain remote areas is all for one particular party but also—particularly in areas where we suspect there might be some difficulties—when the completeness of the vote is spectacularly, incredibly high. One would have to ask why the informal vote in other areas of the nation was lower. But I am sure that Senator McLucas will very soon be able to give us a very good—

Senator McLucas interjecting—

Senator JOYCE: clear understanding of why that is the case. It might be something on which you will be able to instruct the rest of Australia. You will be able to instruct the rest of Australia, Senator McLucas, as to how we could get—

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator Joyce, I remind you that you do not speak across the chamber to another senator.

Senator JOYCE: Fair enough, Madam Acting Deputy President. Senator McLucas might like to inform the rest of Australia how we can get such a high formal vote in other parts of our nation, because Labor have done exceptionally well in some of these areas, exceptionally well—and, I must say, there has been overwhelming support, incredible support, for the Labor Party. But Senator McLucas will soon tell us why and how that comes about, because we are all fascinated and ready to hear why.

So that is the reason why we need to have absolute stringency in how people enrol to vote. We need to have absolute stringency in how people obtain the right to vote. We have to make sure that, when a vote is cast, expressing whatever view, it is actually cast by a person. That would be a good start! A person who is still alive would be even better still! If they are breathing, I think that is a good credential, seeing as we are managing to pay money to people who are no longer with us.

I remembered that there was one person who forgot to enrol to vote. I was trying to think of who it was and then it came to me—

Senator Abetz: The member for Kingsford Smith.

Senator JOYCE: It was the Hon. Peter Garrett. He had not enrolled for three years. But it is good, because that sort of competency has put him on the front bench of the Australian Labor Party; he is part of the government. Maybe Minister Garrett would be assisted by this. He would not have to worry about the inconvenience of enrolling—the fact that, to become a member of parliament, it helps if you are actually on the electoral roll. Maybe there are some other potential Labor Party frontbenchers
who need this legislation; maybe that is where this legislation has appeared from.

On a more serious note, no, we should not be reducing the stringency we have in making sure that all votes are authentic, that there is no question of their authenticity. The only way you can judge what will happen in the future is by looking at how a government has acted in the past. This government has been totally and utterly incompetent, and this is yet another instance of that—just like another issue in Senator McLucas's area, the shutting down of the vast majority of North Queensland fishing areas. What marvellous representation that was, Senator McLucas!

Senator McLucas: You are a joke.

Senator JOYCE: What an oracle! What an orb of shining light you are for that part of Queensland, shutting down the fishing areas! In your town, Cairns, where we should be broadening the economic base, you are shutting it down—

Senator McLucas: How many fishers are based in Cairns?

Senator JOYCE: I went out the other night in Cairns, to the Splash Seafood Restaurant. It is very hard to find an Australian fish because of the—

Senator McLucas: I'll tell you where to go!

Senator JOYCE: tutelage and guidance of the government you represent. What an adornment you are to the north of Queensland, letting that happen! What an absolutely splendid outcome we have, Senator McLucas, as you sat back idly while the north of Queensland shut down its fishing area.

The ACTING DEPUTY PRESIDENT: Senator Joyce, do not speak directly across the chamber to another senator.

Senator JOYCE: Absolutely, Madam Acting Deputy President. But it is a shame that Senator McLucas was not a better advocate for the people of North Queensland; they might have managed to broaden their economic base rather than narrowing it, rather than shutting it down and exacerbating unemployment issues in that part of the world. We shut down so much at the whim of those in the inner suburbs of Sydney. It would be handy if we had advocates in the north that had the capacity to stand up for those people. But they do not. Sometimes they do not even stand up there.

One would hope that the concentration of attention on that area is keeping the economic base open, keeping the fishing grounds working and broadening the economic base, not letting the Greens run riot and shut the show down. But maybe these bills can in some way assist a certain party to get a higher vote, because, if we break down the stringency of how people are able to enrol, that might well work to a certain party's advantage. It might well work as an addition to the serious questions that have been asked in certain areas of our state already.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (19:29): Democracy is a fragile flower. It is the standout form of government where people are able to contest elections, advocate for ideas and candidates and vote for representatives of their choice. Democracy largely relies on an unwritten compact, a culture which sees, among other things, the peaceful handover of government by one party to another in the face of electoral defeat, a culture which allows people to freely exercise their vote. As an aside, such freedom should include, in my respectful opinion, the right not to vote, as allowed in most democracies, but I accept I am in a minority not only in this place but also in my party in relation to that particular proposition, so I will move on.
For a democracy to be fully functional it requires people to have absolute confidence in the electoral results. They might not like the results but they need to know they were achieved robustly and fairly and with absolute integrity. That is why I and other colleagues on the coalition benches have consistently inquired into the issue of multiple voting. In a close election result, as we experienced in 2010, we need to know the result was not manipulated.

Earlier this year, on 16 January, I asked some follow-up questions to ascertain the details and prevalence of the scourge of multiple voting. The answer, in case anyone is interested, is in response to question No. 1511. The answer informed us that 16,210 electors were found to be marked off a certified list more than once. The highest number of multiple votes by one person was 10. One thousand, four hundred and fifty-eight electors admitted to multiple voting, yet not a single person was charged and only three were given cautions. If we are to retain confidence in the outcome of our democratic processes, we need confidence in the robustness of the system. The figures I just referred to do not lend themselves to the encouragement of community confidence in the integrity of our system.

I accept—I am a bit of a lone voice on this—that the presentation of some form of identification at the time of voting may be a measure to reduce the incidence of multiple voting. In short, the integrity of our system of democracy in voting is a vital ingredient in the culture of democracy. That is why the integrity of the electoral roll is so important. That brings us to this bill, which will further undermine the integrity of the electoral roll and thus consequentially undermine confidence in our democracy. And that is why the coalition opposes the Electoral and Referendum Amendment (Maintaining Address) Bill 2011. It slackens what should be a tight enrolment and re-enrolment process. To retain confidence and integrity in the system, we need safeguards. That is why direct and deliberate enrolment and re-enrolment are so essential. I know we will be told about safeguards. We are told the same thing about multiple voting, yet we know it occurs and the official figures confirm it. It happens not once or twice but literally thousands of times each election.

The use of external data—that is, data not collected or validated by the Australian Electoral Commission itself—is a matter of concern. It is that external data which the Australian Electoral Commission would seek to use to enrol and re-enrol people. It is known from previous audits that the Australian Taxation Office, Medicare and other files are not as robust as we might hope. The Australian National Audit Office, who hopefully know something about this, told us in report No. 37 of 1998-99 that there were 3.2 million more tax file numbers than people in Australia at the 1998-99 census. We were also told that 62 per cent of deceased clients were not recorded as deceased in a sample match. Similarly, a more recent audit report, No. 24 of 2004-05, said:

ANAO found that up to half a million active Medicare enrolment records were probably for people who are deceased.

So simply to leave to some bureaucrats and, with respect to be Australian Electoral Commission, highly regarded officials to determine what may be a 'reliable and current data source' simply does not cut it for me or for the coalition. It is appropriate for the AEC to make contact with electors based on information to which they might have access to encourage re-enrolment or to update relevant information or enrolment. That makes sense. But we need the protection to ensure that changes are not made in error. Regrettably, this legislation
goes that step too far by allowing the Australian Electoral Commission to directly update an elector's enrolled address. That Labor should seek to pursue measures that allow for roll integrity to be compromised does not surprise and should not surprise. We all recall Labor MP Mike Kaiser in Queensland, who rorted the electoral roll. He was later given a safe landing as chief of staff to a certain Labor Premier in New South Wales and then found his way back into Queensland for employment in the Queensland Labor government. Labor simply does not take these matters seriously and, in fact, anybody caught, such as Mike Kaiser, is always looked after, always given a soft landing. Now Labor is going even further with another bill for automatic enrolment, with the Orwellian name of 'protecting elector participation'. In fact, it is conscription. There is no protection about it. It is putting people on the electoral roll whether they ask for it or not.

Let us turn to the explanatory memorandum in relation to that second bill. I note that the explanatory memorandum tells us:

The Bill contains provisions that will:
• allow the Electoral Commissioner to directly enrol a person if satisfied that the person is entitled to enrolment, has lived at an address for at least one month and the person is not enrolled;

I think most of us who are active in politics in this place have always been anxious close to an election to get the final electoral roll for particular electorates, so we then can do our mail-outs and our advocacy to the electors. And bundles and bundles and bundles of those letters are returned as 'not at this address'. I remember observing that as Special Minister of State. I understand that, if there is one thing I can lay claim to, I am the longest-serving Special Minister of State. I remember going around to electoral offices—and by 'electoral offices' I mean 'electoral' as in the Australian Electoral Commission offices around Australia, not individual MPs' electorate offices—where the MPs, Labor and coalition, brought to the Australian Electoral Commission all the returned envelopes, including hundreds of people who had been rushed onto the electoral roll in the last few days that you are allowed to enrol before an election.

Senator McLucas: How do you know that?

Senator ABETZ: Senator McLucas just shows her ignorance, embarrassing ignorance, by interjecting: 'How do you know that?' Because, you see, we are given electoral roll updates, aren't we? And we then send letters to those people, welcoming them for being on the electoral roll for the first occasion for this election. When those letters come back, you scratch your head and ask the question: 'Is it because they don't like, for example'—and I will pick on myself—'Senator Abetz?' But you then find out that Labor mail has also been returned from that address. Then you have got to ask the question; 'Why is this so?' A lot of the Australian Electoral Commission staff did assist me when I went around and indicated that, in the lead-up to an election, putting people on the electoral roll is not as robust as it is under normal circumstances. I know the Australian Electoral Commission at Senate estimates always claims that it is exactly the same. You talk to the people at the coalface face-to-face who are tasked with that and they will tell you a different story.

Accidents occur. I am not going to go into any conspiracy theories here, but accidents and mistakes occur. I am sure the fact that Medicare has 62 per cent of the deceased people still on their files is not because of any conspiracy but because they are too slow; they do not update their files...
appropriately. It is the same with the Australian Taxation Office. We do not want that to occur. If Centrelink does it, for example, what you get is money being paid to dead people. It is an absolute waste of taxpayers' money that Labor specialises in, but at the end of the day it is only money. But when we are dealing with the Australian electoral roll, the Commonwealth electoral roll, we need to know that every single name on that roll is actually that of a living person who is entitled to vote. We want integrity. We want robustness.

Simply purporting that somebody should be put on the electoral roll because of a certain degree of information being provided to the Australian Electoral Commission does not cut it with us in the opposition. We believe people should have to proactively show some identification and sign the request for the electoral roll so that there is actually a document that can be called upon, and of course that is what caught out certain individuals in Queensland with the Shepherdson inquiry. Absent those sorts of documents, people might appear on the electoral roll without anybody's fingerprints on that particular enrolment.

Realistically, how often is this going to affect an election in Australia? Not often, if at all. But we need to have robustness. We need to have integrity. We saw the election for the former member for McEwen, Mrs Bailey. It was contested to the High Court and back. I forget the final margin—possibly Senator Ronaldson can assist me—after the 2007 election.

Senator Fierravanti-Wells: Twenty-seven.

Senator ABETZ: Senator Fierravanti-Wells suggests that it was about 27 votes. What that means is that if 13 people changed their vote, that seat could have fallen a different way. The extent of multiple voting, which I pointed out earlier in my speech, makes the case that we have to be very careful because individual seats can be decided on literally a dozen votes. As we know, after the 2010 election, if that one seat falls one way or the other—because of multiple voting, because of people being enrolled when they should not be—it can change the government. That is why it is such a serious matter that the electoral roll at all times be absolutely robust, be beyond question and have the confidence of the Australian people.

In the remaining minutes I simply ask the question: what is so urgent about this legislation that it needs to be guillotined? I was written to by the Leader of the Government in this place, indicating a whole raft of bills that needed to be guillotined through this place because they were key bills—they needed to be passed before 1 July since they were budget measures. I am sorry, but this bill does not fit that category, does it? So, what is the real reason? Why are we seeking to rush this through and curtail discussion which goes to the very core of our democracy? I will tell you why. It is like the bills we discussed the other night, which were so important because they put a union representative on a particular training board. And guess who the union appointee was? One Mr Paul Howes of the Australian Workers Union. In case my colleagues opposite have forgotten, he was the one who appeared on Lateline to tell the Australian people that the next day they were going to be getting a new Prime Minister, Ms Gillard. We then had to rush through the legislation relating to the ABC. What was the rush with that? Oh, that's right: getting an employee—read union official—onto the board of the ABC. Where is the time-sensitive nature of that one? Why did that one have to be guillotined? How is that related to the budget?
I am starting to get a whiff here of a Greens-Labor alliance government in its death throes thinking that they cannot guarantee their longevity for much longer, that they may lose the next election and therefore that they will ram everything they possibly can through this parliament without fear or favour or without any concern for the democratic processes of the parliament. Let me remind this place that in this sitting fortnight we will be guillotining 36 bills through this place—in one fortnight. When the Howard government had control of the Senate between 2004 and 2007, a full three years, guess how many bills were guillotined? Thirty-six. That is a bit of serendipity for me and the coalition to be able to point out that in a full three years we as a coalition respected the Senate so much we only guillotined 36 bills.

But here is the Greens-Labor alliance this sitting fortnight guillotining the same number through the place. And if that is not bad enough, we have the Leader of the Australian Greens misleading this place on 19 June, suggesting that we had guillotined the Northern Territory Intervention through this place in 2007. She said it not once but twice, to try to make the point that we continually guillotined matters through this place. I happen to remember that I was in fact Manager of Government Business in the Senate in 2007, and—because of my charm, no doubt!—I was never required to move a guillotine motion. So I knew Senator Milne was wrong—and sure enough, she was. No guillotine, yet she goes out to the media, she makes statements and repeats the falsehood. I must say, the Greens are falling apart with the departure of Senator Bob Brown. I am sure Senator Bob Brown would not have such basic errors. But it is for Senator Milne to correct the record, hopefully some time in the future.

There is no urgency with this bill. There is no reason or rationale for it being guillotined other than a government trying to stack the deck in its own favour.

Senator RONALDSON (Victoria) (19:49): I welcome the opportunity to speak on the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the Electoral and Referendum (Protecting Elector Participation) Bill 2012. I think the matter that causes me the greatest concern about both these bills is that they are another endeavour by the Australian Labor Party to junk the principles that underpin our democracy. It is of great deep, personal regret to me that it is, I fear, being done for cheap political purposes. I also need to express my profound disappointment that the Australian Electoral Commission, which ultimately should be the greatest protector of the integrity of the roll, I am advised supports these moves. I have enormous respect for the senior officers of the Australian Electoral Commission; there is one here tonight for whom I particularly have great respect. But this is ultimately the great protector, surely, of the integrity of the roll. The junking of the principles that underpin our democracy with these bills tonight is an absolute outrage. It does this chamber and it certainly does this government no credit at all to be part of this cheap political stunt.

I have heard talk over the last 24 hours about the people missing from the rolls, and of course that is an issue—and I acknowledge that is an issue. But what about the rights of those who are properly enrolled? Who is protecting their rights with these two bills? The answer to that is no-one. The greatest right we have in this country is the right to vote. But with that comes enormous responsibility. As the coalition dissenting report of the recent inquiry by the Joint Select Committee on Electoral Matters
states, their right is to enrol to vote; their responsibility is to accurately maintain their enrolment at their permanent place of address, to cast a vote when the election is called and to fully extend preferences to all candidates contesting election for the House of Representatives in their local electorate. What about the right of the person casting their vote in the ballot box to know that the person beside them is the person who they say they are and is properly enrolled? If the person standing there cannot trust the process to ensure that the person standing beside them fills those two requirements, then why would it be that the properly enrolled person casting their vote would not question the integrity of the system? Why is it that in these bills we are passing responsibilities attached to the right to vote to someone else? Surely it is not too much for us to ask those who are enrolled to notify the AEC of change of address, to ensure that we know that the person is the person they say they are when they go in to vote.

I am utterly amazed that the Australian Greens and, quite frankly, some of my colleagues in the Australian Labor Party are letting this go through. Can you imagine what would happen in any situation other than this, which has been rammed through this chamber, if someone had the right to write to a person and tell them that they were going to be placed on a public record and that the only way they could be removed would be to object to that? What a remarkable notion. I know what the response would be from those opposite in any other circumstance. I know what the response would be from the Australian Greens and I know what my response would be—that it is an absolute outrage that a government institution can place someone on the public record without their knowledge and that the only way they can be removed is to object.

Senator Abetz talked about return mail. I do not know how many tens of thousands of letters in this country are returned every week because someone has changed address. But to put the onus back on the person who has been written to by the Australian Electoral Commission and effectively say, 'Unless you object, we are going to put you on the public record' is outrageous. It would not be tolerated by the Australian Labor Party or the Australian Greens in any situation other than this, where there is some political benefit to be gained from ramming these bills through. That is the most outrageous aspect of these two bills. If you do not maintain the integrity of the electoral roll, what right do properly enrolled voters have left in this country? That is what these bills are about.

A number of my colleagues have made reference to what data the Australian Electoral Commission will use. There was an expression used by Senator Abetz, which I will get to shortly. Ultimately, we are placing on a de facto government bureaucracy the right to determine what is or is not appropriate information on which they should act. That is the responsibility of this chamber. It is the responsibility of this chamber to say what information should or should not be used in relation to these matters. One of my colleagues earlier referred to the ANAO Audit report No. 37 1998-99: Management of tax file numbers, which found that there were 3.2 million more tax file numbers than people in Australia when the last census at that time had been conducted. The report also found that there were 185,000 potential duplicate tax records for individuals and that 62 per cent of deceased clients were not recorded as deceased in a sample match. Similarly, ANAO Audit report No. 24 2004-05: Integrity of Medicare enrolment data found that up to half a million active Medicare
enrolment records were probably for people who were deceased.

So we have this sort of information, we know we cannot rely on this data, but we are giving to a semi-government body the right to determine whether that information can or cannot be used. What an abrogation of the responsibilities of this Senate to the Australian Electoral Commission. When you lose the integrity of the electoral roll, what else in this country have we got left to protect the democracy that so many people have fought and died for? What have we got left if we diminish that? They fought and died to ensure that we had a democracy that, as far as possible, delivered appropriate rights and responsibilities to the Australian community. In one fell swoop we are throwing that right out the door.

Returning to the integrity of the rolls and to these bills, I find it fascinating to see, when I look at the JSCEM report into the last election, that Labor Party members wanted automatic enrolment. When the maintaining address bill was introduced, the then Special Minister of State, Gary Gray, said in his second reading speech:

The bill will not provide the capacity to directly enrol new electors. Persons who are not on the roll will need to enrol in accordance with the current requirements in the Electoral Act.

The other bill we are dealing with today, the protecting elector participation bill, delivers what the Labor Party members of the JSCEM wanted—automatic enrolment. They have got what they wanted. What happened between the introduction of the Electoral and Referendum Amendment (Maintaining Address) Bill and the Electoral and Referendum Amendment (Protecting Elector Participation) Bill? What a nonsense of a title that is, incidentally. This is protecting no-one at all, but it is diminishing the rights of people in this country who are properly enrolled. Their rights are diminished, because you are allowing people who are not properly enrolled the opportunity to be casting a vote. You are providing an increased potential for the person I spoke about before, standing in the ballot box, properly casting a vote, to have no confidence that the person beside them is casting a vote similarly.

Why is the Australian Labor Party not upfront about the cheap political nature of these bills? It is a philosophical issue that it has been pursuing for decades. It has finally got its wish. But the penalty that this precious democracy of ours will pay for having it play in this space and using voting as its own philosophical plaything will come back to haunt it, as it should. It is not the right of the Australian Labor Party to play with this democracy. It is not the right of the Australian Labor Party to interfere with the right of ordinary Australians to know that the vote being cast by the person beside them is being cast in the same manner as theirs. While those opposite will walk out of the chamber tonight, having guillotined this debate, go back to their offices and say, 'Wow, we've finally got these through! Isn't it fantastic?', I hope they wake up in the morning and reflect on what they have done.

I wonder whether the Australian Greens, and Senator Rhiannon, who is in the chamber now, have not just created the most appalling precedent for themselves by supporting a bill that places onto an individual who does not know they have been identified the onus to object. Senator Rhiannon, through you Madam Acting Deputy President Crossin: tonight you are voting for the placement on an electoral roll of someone who does not know that has happened. The only way they can be removed is if they object. If they are not aware of it they may well be placed in a position where they will have to pay a fine if they do not vote. Senator Rhiannon, through
you Madam Acting Deputy President: if that is what you really believe in, please do not come in here and bleat about the rights of ordinary Australians ever again, because the Greens and the Labor Party have abrogated your right to represent that group of Australians. This is a gross abrogation of that right. I cannot believe that you are all allowing the Australian Electoral Commission to interpret what is or is not appropriate information to be used when you know full well that there are numerous cases of information being held about Australians that is either not correct or is grossly out of date. You know that as well as I do, but you are still prepared to come in here tonight and diminish the rights of properly enrolled Australians. You are prepared to throw away the right they treasure when they walk into the ballot box. I find that a quite remarkable interference in the due democratic process of this country. This is just another example of the Australian Labor Party's preparedness to junk the principles that underpin our democracy. Why, as Senator Abetz said, does this bill need to be guillotined tonight? Why can't we have an appropriate level of debate in relation to this matter? Why can't the rest of my colleagues who want to talk about this and represent the rights of ordinary Australians have the opportunity to do so? Why is it that we need to put these bills through tonight? As Senator Abetz said, in the three years that we had the balance of power in this place there were 36 bills guillotined, and there will be 36 bills guillotined over the next two weeks alone. I was here and I heard the bleating from the then opposition about bills being guillotined. I heard bleating from the Australian Greens when bills were being guillotined. Yet you sit here and watch 36 bills being guillotined in two weeks. Why aren't you screaming about that now? Where are the Australian Greens when we are seeing this disgraceful behaviour over these last two weeks? Senator Di Natale is smiling. If he believes this is funny, that is okay, but please can the Australian Greens never come in here and complain about due process again, because you have thrown that out. I will finish with this.

Senator Polley: That's a good idea.

Senator RONALDSON: Senator Polley says it is a good idea. I will tell you what is finished, Senator Polley, as a result of these bills. In these two bills you have trashed something that I would have thought every single person in this place believed was precious, and that is the integrity of the electoral roll. Yes, I will finish, because I have 51 seconds left. But when you withdraw a right from a group of people who have accepted the legitimate responsibilities which come with that right, when you create an environment where that level of trust can no longer exist, then this is a legacy that the Australian Labor Party and the Greens will have to live with. It is a cheap philosophical stunt with quite dramatic ramifications which will come back to haunt the Greens and the Labor Party. But, regrettably, they will haunt the very things that underpin this democracy of ours.

Senator BOYCE (Queensland) (20:10): Yesterday I had the privilege of speaking at the annual general meeting of the Australian Blindness Forum in Canberra. It met at the National Disability Services headquarters in Canberra. Unfortunately, the Labor government was not able to provide a spokesman there, but I discussed the coalition's view of the National Disability Insurance Scheme. As I walked into that building, the headquarters of the National Disability Services in Australia, I saw on the front wall, by the front door, a big sticker that says 'Count me in'. The National Disability Services is the peak group for
service providers in the disability area. There are over 700 members. 'Count me in' is the slogan that the national disability sector has been using in advocacy to build support for the National Disability Insurance Scheme for almost two years now.

So I was somewhat surprised to receive in the mail the other day a card from the Australian Electoral Commission that said 'Count me in'. I thought, 'Why is the Australian Electoral Commission getting involved in the National Disability Insurance Scheme?' Because I knew, as millions of other Australians know, that 'Count me in' is the slogan of the National Disability Insurance Scheme advocates. But there in my letterbox was a postcard from the Australian Electoral Commission saying 'Count me in'. Unfortunately, as I have since worked out by looking on a website, this was not because the Electoral Commission had decided to support in some way the National Disability Insurance Scheme. It was because the Electoral Commission, their public relations company and whoever else was involved in this did not know that the slogan had been used for at least two years by the disability sector. That is what really concerns me—that they are out of touch with what is happening in Australia let alone within the voting community.

The coalition very much supports the idea that everyone over the age of 18 ought to be enrolled to vote. But we also support the idea that individuals must take responsibility for becoming involved and enrolling to vote. I was worried when I read the views of the minister, Mr Gary Gray, who made the point that, 'Right now only individuals can initiate their enrolment but the bills would give the Electoral Commission the ability to directly enrol eligible people.' The point is that right now only individuals can initiate their enrolment in Australia, where voting is compulsory. The only person who can decide to enrol someone to vote is the individual whose responsibility it is to vote.

It is often very heartening to see many people who become citizens of Australia who have come from countries where they do not have the option to cast a vote in a democratic election lining up to have the opportunity to enrol to vote. Whereas it is some of our teenagers and younger people who have been born here and do not appreciate what a privilege it is to be able to vote who are not on the roll.
So this government have chosen, in my view, not just the easy way but the nanny-state way of trying to do something about improving the number of people on the electoral roll. They have not gone about this by trying to educate young people to enrol to vote; they have gone about it by saying: 'Don't worry. We'll do it for you.' The long-term outcome of this will be very interesting because these people will have been enrolled without them having had to put any effort into it. They will not even have had to initiate their own enrolment. As the minister said, the Electoral Commission can just do it for them. Will the Electoral Commission be voting for them? Will the Electoral Commission be picking them up and taking them down to the booths? Will the Electoral Commission be explaining to them what their options are? Will the Electoral Commission be telling them how the party system in their electorate works and who the candidates in their electorate are? No, they will not. The Electoral Commission will be doing none of that. So what we will simply end up with is a far larger number of people who either do not vote at all, who fail to arrive to vote, or lodge some sort of an informal or donkey vote. That is what we will end up with out of this system. There is an inability to accept that individuals have to take responsibility sooner or later for their own actions. This is surely a core responsibility that individuals must take. If you want democratic government to continue in this country—and we do it very well, in my view—you as an individual must take responsibility for enrolling to vote and for ensuring that you continue to be enrolled to vote by changing your enrolment when you move.

I admire the Electoral Commission's recent moves in the past few years to work in high schools and the like to ensure that 17-year-olds have the opportunity to register to be enrolled when they turn 18. This was not available when my own children turned 18, but within their birthday cards they got their enrol-to-vote forms. I have no idea why any parent who is concerned that their child would not enrol to vote would not do that. It is such an important part of our democracy. That is the sort of work we should be doing. We should be encouraging people at that level to enrol to vote.

The flipside of that is that we must continue to try to make the point that their vote counts. We must try to make the point that the system does have integrity and honesty and is genuinely democratic and that people who involve themselves in it actually do have a chance to have a say. This is something that can be undertaken by the Electoral Commission, by schools, by the community and particularly by parents.

I was somewhat startled today during the debate on the dental services bill to hear Senator Urquhart say, 'Unfortunately, we cannot monitor teeth brushing by children.' She was talking about children's dental health. Well, I am pleased that as a government we cannot monitor children's teeth brushing. We do not belong in the bathrooms of Australia checking to see who brushes their teeth and whose mummy and daddy watches properly and whose does not. This sort of attitude—regretting not being able to look at that sort of individual behaviour—is what underpins a bill like this, when you have the minister saying, 'Currently only individuals can initiate their enrolment and the Electoral Commission do not have the ability to directly enrol eligible people but it will be wonderful when they do.' The coalition does not think that will be wonderful. The coalition thinks that will be a very backwards step. The coalition thinks that will result in numerous inaccuracies. The coalition thinks it will cause problems with the integrity of the roll and also that it
sends completely the wrong message to individuals in Australia, the voters of Australia, who are the people responsible for electing the government of Australia. Surely this is one place where we do need to have respect for individual ability and individual responsibility, if ever we were going to have it.

I might also point out that—like most senators, I imagine—I send out letters to people newly enrolled in Queensland, whose addresses are provided to me by the Electoral Commission. These are people who the Electoral Commission advises me have either moved to Queensland or changed their address within Queensland. In some months we send out up to 10,000 letters and in some months we get back 1,000 or more that say 'address not known; return to sender'. One assumes that the current information provided not only by the Electoral Commission to us but also to the Electoral Commission can go out of date very quickly or be inaccurate. I would like to think that the information I am getting is going out of date very quickly, not that it is completely inaccurate. But, in terms of where this legislation is going, the level of error demonstrated by the number of returns I receive of letters that have been sent out and come back unopened saying 'return to sender; not known at this address', when the addresses are based on information recently sent to my office by the Electoral Commission Queensland, really concerns me.

The minister pointed out that he sees the feature of this bill as its allowing the Electoral Commissioner to directly enrol a person if the commissioner is satisfied that the person is entitled to enrolment, that the person has lived at an address for one month and that the person is not currently enrolled. If the Electoral Commissioner is satisfied that someone meets those criteria, the commissioner can give them written notice that he has enrolled them and they have 28 days to say, 'I'm not at that address' or that they are not entitled to enrolment. I am a bit confused as to how someone who is not at an address will be able to respond to a letter and say, 'I'm not at that address.' If I live in Jones Street, Grange, and someone sends a letter to me in Smith Street, Grange, and I do not answer it, what does that mean? I cannot respond to a letter and say, 'I don't live in Smith Street' if the letter goes to Smith Street and I live in Jones Street. I am constantly amused by a sign at a local shopping centre near where I live, the Stafford shopping centre. There is a large sign that says, 'Unattended dogs must not enter'. I spent some months trying to work out how an unattended dog would read the sign and know not to enter. It would be only dogs that were actually attended that would benefit from the information on the sign; no unattended dog is going to be able to read the sign. It seems to me that this legislation is based on exactly the same theory: I will write to you at Jones Street and if you do not live at Jones Street you can write back to me and tell me you do not live at Jones Street—except of course that you never got the letter, because you do not live at Jones Street.

I have no idea of the philosophy underpinning this bill but or of the practicality of this bill. I was appalled by the suggestion of the minister, Minister Gary Gray, that this legislation gives the Electoral Commissioner:

... the ability to use modern processes to protect the participation of eligible Australian citizens in the electoral process.

This is fundamental to maintaining the strength and resilience of our democratic system of government.

Currently 10 per cent of the potentially eligible citizens of Australia are not enrolled. According to the government and the
Greens, inaccurately enrolling large numbers of people and not having a clue about whether the results of that are accurate are not, and enrolling them whether or not they understand the political process or have been encouraged in any way to participate in the political process, is going to strengthen and improve the resilience of our democratic system of government. That is a complete nonsense; it is absolutely complete nonsense. It is not going to do anything of the sort. We firmly believe in the responsibility of the individual elector to maintain their enrolment details when they change addresses. We also firmly believe in the individual responsibility of an elector to enrol to vote. The reason we believe those things is that it is a serious and important thing to enrol to vote. The privilege to vote in a democratic society like Australia is not something that people should be signed up to whether they know about it or not. The way to go about improving the enrolment of people to vote is to point out to them, educate them and teach them about the critical importance of exercising their vote—the immense freedom that Australians have in being able to exercise their vote. I know a number of people have said to me—if I knew their names and addresses, I would pass them on to the Electoral Commission, but I do not know their addresses—that they are not enrolled to vote because what does it matter to them? It is not about signing those people up, because it still does not matter to them. What is relevant there is trying to teach those people why it must matter to them and why it is important that they become involved in our democratic process, not nanny-stating them through, the way this government is intending to.

Senator EDWARDS (South Australia) (20:30): Today I rise to speak on the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012. I look across the chamber and I see my new Senate colleague Senator Whish-Wilson up the back there now. I welcome him to the chamber for his first day and congratulate him on signing in and attending. I also welcome another winemaker into this chamber. It is great to have somebody on the other side whom I can now go and talk to about such matters, and I hope that he brings a commercial application to the role that I rarely experience from that end of the chamber. Let us hope that in our work together, Senator, we can get down to getting some good outcomes for all Australians.

Along with my coalition colleagues and, I think, any thinking person from the free world, I strongly oppose these measures. This government legislation introduces an amendment to the Electoral Act which will allow the Australian Electoral Commission to automatically update the details of an elector when they change their residential address, based on information obtained from other sources. Let me be very clear—

Senator Feeney: North Korean!

Senator EDWARDS: these changes are a dramatic change in our enrolment process. I will take that—

Senator Feeney: Oh, you're desperate for material, so you should!

Senator EDWARDS: No, I am not; I have got plenty here, Senator Feeney. I will be very clear. For a government on the ropes, they seem to have all these desperate measures to try to squeeze any advantage they possibly can, thus clearly answering the question—and I will use a Latin phrase for you, Senator Feeney—cui bono, or for whose benefit?

Before exploring that core motivation, I first turn to the myriad of practical problems with the measures proposed in this legislation. The first of these to which I turn
is of paramount importance—namely, the integrity of the electoral roll. In a proposed system whereby the state can change the address of an elector without their knowledge, there exist and will no doubt be many errors. For an elector who maintains more than one residence, there is a distinct and all-too-likely possibility that they may be incorrectly re-enrolled under the legislation. I can see it playing out now. Most of my winemaking mates from the Clare Valley have a second residence, of course, and what will happen? Some department will pick up their second residence, and what will happen? They will turn up on election day where they think they are registered and enrolled to vote, only to be told that they are enrolled 150 kilometres away. It is just a recipe for disaster. Who is thinking about the ramifications of this? I myself may fall into this trap because, if I am travelling from my home in Clare to my place in Adelaide, where I launch from to come to Canberra, who knows what department will pick up what address that I might be registered at? And then all of a sudden I will find myself on polling day driving halfway round South Australia.

The heavy reliance on external data sources such as Medicare, the Australian Taxation Office or other government agencies to update elector details exposes the elector to the inherent errors of using information not collected for this express purpose. This essential electoral information will now be downgraded to a mere by-product of the day-to-day implementation and administration of policy—and, God knows, the bureaucracy makes serious mistakes enough in its own work. Such errors should be able to be mitigated or at least under the control of the individual, as participation in the democratic process is inherent and it is a civic responsibility of the individual.

The coalition's dissenting report of July 2011 gave us a taste of the flood of examples of inconsistency in Commonwealth data management. For example, way back 13 years ago, a 1999 report by the House of Representatives Standing Committee on Economics, Finance and Public Administration, *Numbers on the run: review of the ANAO report No.37 1998-99 on the management of tax file numbers*, found that (1) there were '3.2 million more tax file numbers than people in Australia at the last census', (2) there were '185,000 potential duplicate tax records for individuals', and (3) '62 per cent of deceased clients' were 'not recorded as deceased in a sample match'. In the same vein, the Australian National Audit Office Audit report No. 24 of 2004-05: *Performance audit: integrity of Medicare enrolment data*, stated:

ANAO found that up to half a million active Medicare enrolment records were probably for people who are deceased.

More recently, the Rudd government sent cheques off for $900 each in stimulus payments to 16,000 people who were deceased.

This is an example of the government bungling this simple exercise, so how can we trust them with this proposal?

Why should our citizens have faith in the ability of the Commonwealth bureaucracy to properly handle this electoral data if it is only a by-product of their core work? The potential for error is even greater when using data from state or territory governments, as the Commonwealth cannot determine its accuracy. They cannot reach in and properly audit or otherwise check the integrity of the data.

Should the potential list of errors made by government be lengthened—and with data as necessary to the integrity of our democratic processes as the electoral roll? That is a good
question. Our democratic process must have integrity and our faith. It must be above reproach in the midst of our ongoing, yet ultimately constructive, conflict over ideas and subsequent policy implementation. The only way to ensure the integrity of the electoral roll is not to cede the demands of our civic duty to the bureaucratic be-all and end-all of supposedly seamless electronic record keeping and a promise of competency. Instead, we must make sure that the current system is maintained to ensure that electors continue to be responsible for changing their details.

This leads me to, and is reinforced by, my next point. The bill does not give a specific definition of what the Electoral Commission may regard as a 'reliable and current data source' from which to change elector details. What is considered a 'reliable and current data source'? That is open to interpretation and the coalition believes this power is not within the purview of the Australian Electoral Commission, an unelected body. Coalition members of the Joint Standing Committee on Electoral Matters noted this in July 2011 in their dissenting report:

We are concerned that the power to deem data sources ‘trusted’ in determining the use of such data in compiling the roll as a potential risk to the office. The inclusion of such data, if erroneous, would be extremely damaging to public faith in our electoral process. Furthermore, the inclusion of such data may well be controversial due to lack of faith in its inclusion or utilisation. Placing the Electoral Commissioner at the heart of such a potentially politically charged dispute can only damage the standing of the office and the AEC.

That is a perfectly reasonable statement, compelling in its simplicity and its fairness.

The logical question to ask is: how have these measures that have played out in the states held up as the exemplars of their success? Both New South Wales and Victoria introduced automatic enrolment at their recent state elections, which means a number of electors in these states are enrolled for state but not federal elections as a result of the differences in state and federal legislation. Let us be clear on that: in both New South Wales and Victoria, automatic enrolment applies only to a voter's state enrolment. It does not apply to their federal enrolment. As such, when electors have their details changed or are added to the state electoral roll in New South Wales or Victoria, they are then sent an enrolment form by the AEC.

Arguably one of the country's most prominent and trusted political commentators on electoral matters, the ABC's Antony Green, has reported that, for the 70,000 enrolment transactions included in the electoral roll since the introduction of the new system, two-thirds of which were updated address details, only 12 per cent of the people affected filled out the AEC form to ensure their federal enrolment was correct. Furthermore, of the 20,000 people in New South Wales whose address details were changed automatically, only 87.5 per cent turned out to vote—below the overall attendance of 92.3 per cent. For those automatically enrolled for the first time, the turnout was only 64.3 per cent. Can you imagine their faces when the fine for not turning up at the voting station comes? They did not even know they were enrolled.

The fact that only 12 per cent of the people who had their details changed by the New South Wales Electoral Commission at a state level had taken steps to ensure that their federal enrolment was correct demonstrates that electoral commissions at both state and federal levels are having difficulty contacting electors whose details have been automatically changed. As such, many would be unaware that they have been re-enrolled or that their enrolment details have been changed. Given that information from
government agencies can be unreliable, there is no way of knowing whether the individual has been re-enrolled correctly. It is thus imperative that the responsibility to maintain one's electoral address remains with the individual voter.

This brings me to my next point—namely, the serious concerns raised about privacy. The inquiry into the maintaining address bill heard some evidence from Dr Roger Clarke of the Australian Privacy Foundation regarding the extensive concerns about individual privacy which accompany this legislation. There are a number of risks for people who do not want their details published on the electoral roll. They may be involved in domestic violence disputes or have stalking fears. They may be under police protection. There is the very real possibility that, because of this legislation, the elector's details could be placed on the electoral roll without their knowledge.

Dr Clarke outlined a number of these concerns, many of which could be exacerbated by this legislation, to the JSCEM hearing on 15 February 2012:

Stalking and, in recent times, cyberstalking, is quite common. Stalking is not only of celebrities. Victims of domestic violence are of course the extreme end of that problem. We are not suggesting that these are things that the AEC is unaware of and does not deal with, but there are a great many of these circumstances and very few of them are directly supported by government. Protected witnesses and undercover operatives, which is a subset of the very last category, are the only forms which are directly supported by governments in Australia.

Dr Clarke went on to say:

The rest of those people have to fend as they can, and in this case the point that we make in this section is that, where people suffer from these difficulties, they have to fight with the electoral commissioner, they have to apply, they have to disclose a considerable amount of distressing information—which is a further source of vulnerability for them—and they then have to fit into the very narrow constraint of 'because it places the personal safety of the elector or members of their immediate family at risk'. That is the only head that they are allowed to argue from. Then they depend on the grant of the discretion by the Electoral Commissioner. This is not something that represents care being taken by the federal parliament or by the Electoral Commissioner of the many people in Australia who are at risk.

This was compelling evidence given to the inquiry and at the end it is laid squarely in this chamber. I reiterate:

This is not something that represents care being taken by the federal parliament or by the Electoral Commissioner ...

We can hardly bring the Electoral Commissioner into it, can we? But this is what this bill is all about—this is what Dr Clark was talking about when he talked about the safety of these people. This is yet another unintended consequence resulting from Labor's gross oversight.

My short foray into the myriad practical problems with this legislation must be complemented by some comments on the broader ideas at play. The coalition not only are concerned about the impact that this will have on the integrity of the roll but also firmly believe in the responsibility of individual electors to maintain their enrolment details when they change addresses. As outlined in the Joint Standing Committee on Electoral Matters dissenting report on the 2010 election, the coalition note that it is the duty of each Australian citizen to: enrol to vote, accurately maintain their enrolment at their permanent place of residence, cast a vote when an election is called and fully extend preferences to all candidates contesting election for the House of Representatives in their local electorate. It is not an impost to vote—in many countries around the world people are dying to vote. Here we are, in this nanny situation we seem
to be in, trying to take away people's responsibility to take part in the democracy they enjoy. How much we want to reach into people's lives is beyond comprehension.

The coalition does not believe this responsibility is too onerous for individual electors and opposes moves to water down this requirement. This Labor bill assumes that individual electors are unable to update their enrolment details when they change address and it is thus up to the government to do it for them. Senator Boyce made it very clear she did not want the government in the bathrooms watching the kids clean their teeth, and I thoroughly concur with her sentiments. Let us get governments out of the households, out of the businesses, out of people's lives and facilitate the taking up of responsibilities rather than, in this case, carrying out a thorough invasion of something that should be an aspiration of every 18-year-old—enrolling to vote.

Labor's changes undermine the very sense of civic duty that we should be encouraging; they encourage a timid deference to Labor's all-wise nanny state. These dramatic changes to these electoral procedures should not be enacted lightly. Why then do Labor and the Greens insist on doing away with due consideration and deliberation? This bill proposes myopic change for change's sake. In doing so, it risks undermining our democratic traditions for what is, at best, a way for so-called progressives to feel better about the all too often elusive chimera of e-government and, at worst, a shrewd electoral tactic for the Labor and Greens parties to exploit. While there are obviously some problems with the current system, such a radical and ill thought out series of changes to such fundamentals is unwarranted, and thus I cannot support this legislation. I urge all those in the chamber not to support it, either.

Senator JOHNSTON (Western Australia) (20:50): 'Vote early, vote often' is an expression I have come to know and understand is used by people of a different political persuasion from myself. Vote early, vote often is a catchcry of people who seek to abuse the democratic political process by committing acts to subvert and undermine the integrity of the electoral roll. Vote early, vote often is a blight, an attack, is a cancer on the way we do our democratic political business in this country. These provisions support and make much easier the subterfuge and the dishonesty described by the expression 'vote early, vote often'. These electoral and referendum amendment bills do nothing to protect the integrity of the roll—they take us in the opposite direction.

In Western Australia we have a Minister for Electoral Affairs, and we believe that enrolling is a right and a duty that is not too onerous and one that should be fulfilled by a deliberate act of each elector or potential elector. People should voluntarily and earnestly undertake the responsibilities of the democratic process. The situation with respect to Western Australia is, as I have said, that they have a separate stand-alone and independent Electoral Affairs portfolio. When the Howard government brought in the Langer amendment to the electoral laws to insist on full, consecutive numbering of House of Representatives ballots, the then Court government in Western Australia deliberately went the other way to allow for errors in numerical sequence. It is a minor point, but it is a significant one because it shows that partisanship is something that must not be able to enter into the fundamental operation of the electoral roll and its underlying philosophy through these bills. In Western Australia, for example, prisoners are disqualified from voting if sentenced to more than 12 months
imprisonment, whereas in the Commonwealth, by contrast, it is three years.

The joint roll arrangement between state and Commonwealth electoral administrators is very sensible. It is cost-effective. It means that there is a capacity to ensure that the people who elect a state government are close to being the same people who elect a Commonwealth government. In Western Australia, enrolment requires a witness. Under federal law, it is simply a matter of proof of identity. This results in limited numbers of people who are on one roll but not on the other—and this is a negative. This is something that does not advance the democratic process.

The discrepancy created by the automatic federal enrolment provisions contained in these bills will blow out the discrepancy between the legislative base of the roll in Western Australia and that of the Commonwealth roll. We can assume that the majority of apathetic enrollers will not enrol for state elections, so we will have the Commonwealth roll and the state roll heading in different directions. There will be one roll for the state and one roll for the Commonwealth. Furthermore, this situation apparently does not occur in New South Wales or Victoria, so we will have a plethora of electoral rolls state by state, with the Commonwealth assisting that by having a separate basis for enrolment—that is, automatic enrolment.

There will be major headaches in the joint electoral roll in Western Australia, and Western Australians resent having these changes foisted upon them through unilateral federal legislation. A joint but accurate electoral roll incorporating the same basis for federal and state enrolments, on a non-partisan basis, is sensible and efficient.

A joint roll in Western Australia will also have a greater capacity to deal with Indigenous people in particular. This is an important issue between state and federal elections, when different agencies try to analyse who is present in desert communities to work out who is going to be present on polling day and, indeed, present on the arrival of the mobile polling booth. And the basis of their participation—I am talking about the Central Reserve residents in Western Australia—should be the same. This legislation will make it more difficult, and the integrity of the electoral roll will come under greater threat. It assists those who believe in, as I mentioned earlier, the adage 'vote early, vote often'.

I turn briefly to automatic enrolment using databases. Automatic enrolment will occur without people's knowledge or consent. Here we are in the brave new world of government officials putting people and their details on the electoral roll without their consent or knowledge. I think that is a problem. Again, given that people have different names and given that the databases from which these names will be taken may have no integrity—or are not checked by anyone for their integrity—the integrity of the roll is under threat.

The coalition's concern with automatic enrolment is obviously, as I have said, to do with the integrity of the electoral roll. In enrolling people without their knowledge, there is a significant chance of errors occurring. There is the potential for electors who are not Australian citizens to be enrolled, again assisting the adage that I think sums up the threat to the integrity of our whole system: vote early, vote often. To enrol electors who are under 18, or electors who use different names, without their knowledge damages the integrity and the reliability of the roll, and that is the problem here. Having electoral officers acting on their best understanding is not satisfactory for maintaining the integrity of what is a very
vital, basic ingredient of our democratic process.

As mentioned, following the inquiry into the Electoral and Referendum Amendment (Maintaining Address) Bill, coalition members of the Joint Standing Committee on Electoral Matters noted in their dissenting report in July 2011 the risks of using external data sources such as the Australian Taxation Office, Medicare and other government agencies. They said:
The reliance on external data sources that have been collated and that are utilised for other purposes does not make them fit for use in forming the electoral roll. As outlined in the previous report into these proposals, a 1999 report by the House of Representatives Standing Committee on Economics, Finance and Public Administration: Numbers on the Run—Review of the ANAO Report No.37 1998-99 on the Management of Tax File Numbers, found that:
There were 3.2 million more Tax File Numbers than people in Australia at the last census.

Goodness only knows that rings a number of alarm bells and let me say fits right into the mischief I have portrayed in the expression 'vote early, vote often'. The quote goes on:
There were 185,000 potential duplicate tax records for individuals; 62 per cent of deceased clients were not recorded as deceased in a sample match.

Similarly, an ANAO Audit Report (No.24 2004–05 Integrity of Medicare Enrolment Data) stated that ‘ANAO found that up to half a million active Medicare enrolment records were probably for people who are deceased’.

Vote early, vote often is given a much better opportunity here with this sort of nonsense going on referring to databases—tax databases, Medicare databases—which are completely inaccurate and have been an administrative nightmare for the Commonwealth for many years:

It is clear that where there are such examples of inconsistencies in Commonwealth data, there cannot be sufficient faith in this data being used to automatically update the people on the electoral roll.

One should not need to have to say that:
The potential for error is even greater when using data from state or territory governments, as the Commonwealth cannot—
roll its sleeves up, wade into state offices and determine the integrity and accuracy of that data. No access is available to Commonwealth officials to state offices:
The only way to ensure that the integrity of the Electoral Roll is maintained is to ensure electors continue to be responsible for changing their individual details.

That is the Australian way. That is the way we have done things in this country since 1901. It has served us well. Turning to the minister's second reading speech, he said on 23 November 2011:
This bill will allow the Electoral Commissioner to directly update an elector's enrolled address following receipt and analysis of reliable and current data sources from outside the Electoral Commission.
It might surprise you to know that the bill says nothing of the sort. Those words, 'reliable and current data sources', are not mentioned in the bill. Clause103A(1)(b) says that the Electoral Commissioner is simply needs to be:
satisfied, for reasons other than a claim under section 98 and a notice under subsection 101(5), that the person lives at another address—in order to change a person's address. What on earth was the minister up to? Why would he say:
This bill will allow the Electoral Commissioner to directly update an elector's enrolled address following receipt ... of reliable and current data.
The Electoral Commissioner is not empowered to go exclusively to reliable and current data. He simply has to be satisfied. The minister is saying something here that is
patently not true. I go on. In the same speech, the minister says:

This bill will enable the Electoral Commission to deliver a more accurate electoral roll. The Electoral Commissioner will be permitted to use accurate and timely information from reliable sources to maintain the current address of already enrolled electors.

The bill says nothing of the sort. We are being sold a pup here. The minister has dressed this up as something that is going to create greater integrity in the electoral role of the Commonwealth. It is not true. The Electoral Commissioner only has to be satisfied that there has been a change of some elector's address, on any basis. I could go to the Electoral Commissioner in say, 'Do you know Fred's moved two doors down?'; and if the Electoral Commissioner believes me, he can change the address of that elector. Why would the minister not mandate, as he seems to imply he has, that the Electoral Commissioner must rely upon reliable and current data sources? He is, wittingly or unwittingly—and I will give him the benefit of the doubt—giving succour to the expression 'vote early, vote often'. He is undermining the integrity of our electoral system. Why would he say that? We all know you have to be able to find words in the bill. This bill does not only allow the Electoral Commissioner to use 'reliable and current data'. It just allows the Electoral Commissioner to do whatever he wants to do as long as he can say, 'I am satisfied.' There is no integrity whatsoever in this.

As with the Electoral and Referendum Amendment (Maintaining Address) Bill 2011, the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill does not give a specific definition, as I have said, with respect to 'reliable and current data source'. There is no such definition; there is no reference. It is open to interpretation and we believe this power should not be within the purview of the commission; it should be laid out specifically on the bill. The coalition members of the joint standing committee noted this in July 2011 in their dissenting report. When they said:

We are concerned that the power to deem data sources ‘trusted’ in determining the use of such data in compiling the roll as a potential risk to the office. The inclusion of such data, if erroneous, would be extremely damaging to the public faith in our electoral process.

That is obvious. It continues:

Furthermore, the inclusion of such data may well be controversial due to lack of faith in its inclusion or utilisation.

Placing the Electoral Commissioner at the heart of such a potentially charged dispute can only damage the standing of the office and the AEC.

And may I add: and its independence and its reputation. The problem with all of this is that none of these amendments deal with the impact on special category electors. Special category electors are people who have decided to be silent electors, who are prisoners, general postal voters, Norfolk Island and Antarctic electors and itinerant electors, including homeless electors. These electors are absolutely problematic for the terms of these two bills.

Let us just take silent electors. The risk we have here, with this proposition, is that the Electoral Commissioner will change or publicise the electoral details of a silent elector through administrative oversight or will not record or will record a change of address for one of those other categories of elector. In the case of silent electors, an application for enrolment requires that the applicant sign a statutory declaration that they meet specific requirements. The bill does not provide separate provisions relating to special category electors. One possible consequence of automatic enrolment, as anticipated in these bills, is that an elector
who is enrolled under one of the special categories can potentially have their enrolment updated and lose their status, as I have said, as a special category elector.

The AEC has indicated that special category electors would be administratively excluded from the process of matching data from external agencies. I would not want to leave it to chance. I would want to put it in the bill. How difficult is it to mandate the fact that special category electors shall have their special category preserved, notwithstanding the provisions of this legislation? There is the wording of the act; it is that simple. In New South Wales there is no specific provision in the Parliamentary Electorates and Elections Act that excludes special category electors from being part of the automatic enrolment process. They have problems with that. The legislation states:

While special category electors are proposed to be excluded by administrative rules from the automatic enrolment process, it may be appropriate—

(Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (21:10): Perhaps I will start at the same place that my colleague Senator Johnston did when he talked about vote early and vote often. This is a phrase that has often been used. It had its origins, as I understand, in the United States in the mid-19th century. Apparently, it had an early appearance in Britain when a newspaper reprinted correspondence from an American solicitor. But, of course, the phrase did not receive widespread recognition until its usage in the early 1900s, when it was used in relation to the activities of organised crime figures in Chicago, and it was best known in the form of Mr Al Capone.

So goodness knows! We have certainly seen this practice quite a lot in New South Wales. In particular, in recent elections, we had quite a number of instances with the usual people, inevitably from the union movement, turning up at different polling booths and well and truly advocating the Labor motto of voting early and voting often. Even when you take photographs of them and produce that sort of evidence, nothing much seems to be done; it is just not something that we worry too much about. And if the votes do not make too much difference for that particular electorate, why bother doing anything about it?

Senator Abetz, in his contribution to this debate, made reference to being a lone voice in relation to identification and the need to produce identification. I assure him that he is not a lone voice in this matter. I, too, share a hope that one day we will have photographic ID needed to be produced to vote. Also, I would like to go a little bit further. My personal view is that we should be voting in our own ward areas. I have had occasion over the years, being of Italian background, to observe the Italian political system. The Italians have got voting down to a fine art. They do it a lot. They have done it very often in recent history and certainly they seem to have perfected it to the point where they require not only your ID but also voting in your local ward, which could probably go a long way to resolving some of these issues and problems.

I now turn to the bills before us, the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012. Certainly of concern to the coalition is the impact these bills will have on the integrity of the roll; but, more importantly, this goes to the question of responsibility of the individual elector. In Australia we talk about rights and responsibilities as citizens. We go to citizenship ceremonies. We often hear our rights and responsibilities talked about.
Our responsibilities as citizens include enrolling to vote, accurately maintaining our enrolment at our permanent place of residence, casting a vote when an election is called, fully extending preferences to all candidates contesting election for the House of Representatives in their local electorates and other responsibilities. But there are also rights and a very important right in this area is to know that the system you are participating in is one that is characterised by full integrity, a system that you can have faith in, a system that is fully transparent. That is your right as a citizen in this country. I do not think it is too onerous on us as citizens to have the responsibility to enrol and to keep our enrolment updated. It is the very least we can do.

Senator Abetz made reference to the reason for the urgency of this bill. I asked myself the same question and thought that an election is perhaps in the wind. But, as Senator Abetz correctly pointed out, it is very clear, and history has shown many times, that when the Labor Party think they are going out of office they always try to shut the door on the way out to make life a lot harder for those who come after them—whether that means leaving a huge bill to pay or something like this legislation. Perhaps an election is in the wind. Perhaps Mr Rudd will finally have the numbers, and if he becomes the prime minister he might suddenly decide that everyone loves him to go to an election. But we will wait and see.

Let us look at some of the concerns that were raised in relation to this legislation by the Joint Standing Committee on Electoral Matters. I will start with the integrity of the roll. As parliamentarians, we are entitled to know that the roll is accurate and reliable. Errors, and the potential for errors, create difficulties and there is far more opportunity for fraud to occur under the proposals before us. It is very clear that the Greens-Labor alliance consistently plays down the issue of the integrity of the electoral roll. In the joint standing committee report there was a recommendation that the data sources used by the Australian Electoral Commission to automatically enrol voters should be subject to disallowance by the parliament, but that has now disappeared in this legislation, because we are now going to outsource this to the Australian Electoral Commission. Without denigrating the AEC, outsourcing to a bureaucracy causes an even more worrying situation, because of the scope for error—and, dare I say, fraud—if that data is hacked into or some other problem arises.

Another concern is that the bill does not give a specific definition of what the Electoral Commission may regard as a reliable and current source from which to change an elector's details. What is a reliable and current source? This, of course, is open to interpretation. I would have thought that as a very pertinent point it should have been clearly defined and delineated in this legislation, but it has not been. Therefore, as coalition senators have said, we are concerned that the power to deem data sources trusted in determining the use of such data in compiling the roll is a potential risk to the office. As they continue, the inclusion of such data, if erroneous, would be extremely damaging to public faith in our electoral process. Furthermore, the inclusion of such data may well be controversial due to lack of faith in its inclusion or utilisation. They go on to say that placing the Electoral Commissioner at the heart of such a potentially politically charged dispute can only damage the standing of the Australian Electoral Commission.

Another concern is that people will be automatically enrolled. The bill does not specify which data sources are considered to be reliable sources, and there are no restrictions on the data sources the AEC can
use to enrol an elector. There are no provisions for specifying the standard of proof the AEC needs to be able to enrol an elector. Every single one of these things is left in the air, left open to interpretation, which 99 times out of 100 may not necessarily lead to any problem. But for that one occasion when there is a potentially politically charged dispute, it can, as I have said, only damage the standing of the office of the AEC. During the hearing, we learnt that the Australian Electoral Commission would use information from Centrelink and state government road and traffic authorities. It had previously stated that information from Australia Post could also be used. Well, well, well. We saw with the mailing of the $900 cheques that some went to people who were deceased or even to family pets. What sort of reliability would that lend to a system based on similar data sources in relation to this legislation?

Previous speakers have referred to the ANAO report of 1998-99, which outlined that there were 3.2 million more tax file numbers than people in Australia when the last census was conducted at that time, that there were 185,000 potential duplicate tax records for individuals and that 62 per cent of deceased clients were not recorded as deceased in a sample match. Previous speakers have also highlighted, and I wish to reiterate, the serious assault on the integrity of the system by these proposals. ANAO Audit report No. 24 2004-05: Integrity of Medicare enrolment data found that up to half a million active Medicare enrolment records were probably for people who were deceased.

Another issue of concern is automatic enrolment. How many people will find their way onto the electoral roll who are not eligible to be on the electoral roll? We have seen the potential for spelling inaccuracies, so people may be enrolled under names with a combination of different spellings, and suddenly two or three voters are registered to vote when in effect there is really only one person. Where is the integrity in the system when you cannot ascertain an individual’s eligibility to enrol? Has the potential for errors that can occur as a result of automatic enrolment been examined or has there simply been a process by the AEC of assuming that there will be errors but downplaying the effect that can have? It is like double voting at elections: unless the result gets really close, why bother about it? We are not going to pursue the issue. Again, there is a focus on issues of integrity.

Dr Roger Clarke from the Australian Privacy Foundation told the JSCEM roundtable hearing on 29 February 2012:

We are not aware of any risk assessment having been performed. We were not aware of any privacy impact assessment having been performed. We were not aware of consultation processed which the Electoral Commissioner has just referred to. We are not aware of the APF or any of the civil liberties organisations being involved in any of those.

It goes on and on. This legislation clearly has a deficiency in the risk assessment process, which, as I said, goes to the very heart of our democracy. Proper risk assessment of this legislation was not undertaken.

Dr Clarke was also very concerned that this legislation enables electors to be put on the electoral roll without their knowledge and for their address details to then be made available to members of the public, who can view the roll. There are legitimate concerns for victims of domestic violence or people who may be involved in custody disputes or those sorts of areas, where, for safety reasons, it is legitimate for that information to be suppressed. But of course this will all go on the roll automatically without the silent elector status being properly adhered to.
Then of course we come to fraudulent voting. I have mentioned before that I think the attitude to that has certainly been evident in the failure to prosecute any cases of fraudulent voting. This is despite the fact that, as the joint standing committee indicated, at the 2007 election there were over 20,000 multiple votes. An important point that was also picked up at the inquiry was the fact that when you enrol there is a signature, there is a verification of details, and that will not occur with automatic enrolment. That further waters down the possibility of prosecution for fraudulent voting. Not only do we have an attitude issue here—‘It is not important; we will not worry about it’—but we are making it even harder by not having a proper verification process that at least allows you to have a signature on the record.

I take the opportunity to commend the HS Chapman Society for the work they do in relation to electoral fraud. They are very vigilant and they are very consistent in pursuing these matters. I place on the public record my admiration for the work they do. As members of the society who have approached me have said, despite their efforts at various elections to produce evidence of electoral fraud to various electoral commissions, regrettably the attitude remains the same. It is not a high priority. They do not want to know too much about it, despite certain instances in which there has even been photographic evidence.

I would like to look at some issues relating to difficulties with automatic enrolment, which have been evidenced in particular in New South Wales and Victoria. Automatic enrolment at recent state elections has meant that a number of electors in those states are enrolled only for state and not for federal elections, given the differences in the two sets of legislation. People who may have been enrolled for one think that they may have been enrolled for both. So, all in all, it is little wonder that the coalition will not be supporting this legislation.

The question is that the bills be now read a second time.

The Senate divided. [21:34] (The President—Senator Hogg)

Ayes ...................... 32
Noes ...................... 27
Majority ............... 5

AYES
Bilyk, CL
Cameron, DN
Crossin, P
Evans, C
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Stephens, U
Thistlethwaite, M
Urquhart, AE
Wong, P

NOES
Abetz, E
Boyce, SK
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG
Williams, JR

PAIRS
Brown, CL
Carr, KJ
Carr, RJ

Boswell, RLD
Brandis, GH
Cash, MC
Edwards, S
Fawcett, DJ
 Fifield, MP
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Smith, D

Buck, CJ
Bernardi, C
Birmingham, SJ
Question agreed to.

Bills read a second time.

Third Reading

The PRESIDENT (21:36): The question now is that the remaining stages of these bills be agreed to and these bills be now passed.

The Senate divided. [21:38]

(Away—Senator Hogg)

Ayes.......................33
Noes.......................26
Majority.................7

AYES

Bilyk, CL
Cameron, DN
Crossin, P
Evans, C
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Singh, LM
Sterle, G
Thorpe, LE
Whish-Wilson, PS
Wright, PL

NOES

Payne, MA
Ryan, SM
Smith, D

PAIRS

Conroy, SM
Ludwig, JW
Lundy, KA
Siewert, R
Waters, LJ
Cormann, M
Humphries, G
Sinodinos, A
Fisher, M
Heffernan, W

Question agreed to.

Bills read a third time.

COMMITTEES

Membership

The PRESIDENT (21:40): Order! I have received a letter from a party leader requesting changes in the membership of committees.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (21:40): by leave—I move:

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

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—

Discharged—Senator Brown
Appointed—Senator Thorp

Community Affairs Legislation and References Committees—

Appointed—Participating member: Senator Thorp

Economics Legislation and References Committees—

Appointed—Participating member: Senator Thorp
Education, Employment and Workplace Relations Legislation and References Committees—
  Appointed—Participating member: Senator Thorp
Environment and Communications Legislation and References Committees—
  Appointed—Participating member: Senator Thorp
Finance and Public Administration Legislation and References Committees—
  Appointed—Participating member: Senator Thorp
Foreign Affairs, Defence and Trade Legislation and References Committee—
  Appointed—Participating member: Senator Thorp
Gambling Reform—Joint Select Committee—
  Discharged—Senator Crossin
  Appointed—Senator Pratt
  Participating members: Senators Crossin and Thorp
Legal and Constitutional Affairs Legislation and References Committees—
  Appointed—Participating member: Senator Thorp
National Broadband Network—Joint Standing Committee—
  Discharged—Senator Brown
  Appointed—Senator Thorp
  Participating member: Senator Brown
Privileges—Standing Committee—
  Appointed—Senator Stephens
Regulations and Ordinances—Standing Committee—
  Discharged—Senator Marshall
  Appointed—Senator Pratt
Rural and Regional Affairs and Transport Legislation and References Committees—
  Appointed—Participating member: Senator Thorp

Scrutiny of Bills—Standing Committee—
  Discharged—Senator Marshall
  Appointed—Senator Thorp
Treaties—Joint Standing Committee—
  Discharged—Senator Urquhart
  Appointed—Senator Thorp.
Question agreed to.

Education, Employment and Workplace Relations Legislation Committee
Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (21:41): At the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee, Senator Marshall, I seek leave to amend a motion agreed to earlier today authorising the committee to hold a public meeting during the sitting of the Senate by omitting 'to 1 pm'.

Leave granted.

Senator McEWEN: I move the motion as amended:
That the Education, Employment and Workplace Relations Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 22 June 2012, from 9.30 am, to take evidence for the committee's inquiry into the provisions of the Fair Work (Registered Organisations) Amendment Bill 2012.

Question agreed to.

BUSINESS
Consideration of Legislation

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (21:41): by leave—The next bill that is scheduled in the government's guillotine motion is the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011. I have been advised by the government that, due to technical issues
in relation to the printing and transmission of that bill, the Senate will not be in a position to consider it. In the ordinary course of events that would not be an issue, because simply by agreement there would be a reordering of bills. But if we on this side of the chamber were to insist that the government's own guillotine motion, as passed by this chamber, was followed, the direct consequence of that would be that this particular bill would be bounced out of the guillotine and would be dealt with on Wednesday next week.

We on this side, contrary to what we hear from those opposite, are reasonable and practical. So we have agreed—and this comes at a forfeit of 20 minutes of debating time—to allow that bill to kick over until tomorrow and for the order and sequence of bills to be followed. We do that because we think that this bill, which is essentially a copy of Mr Abbott's bill of a similar name, is an important piece of legislation. We want to see it dealt with quickly. We have always pursued a reasonable and practical approach in this place, as evidenced by the fact that on Monday night 19 bills were passed. We facilitated the passage of 19 bills, and despite that the government instituted the guillotine motion.

We hope that the government recognise our very, very reasonable nature and that they reconsider in the future the use of these guillotine motions. They are not necessary. We are in this position at the moment, where we are happy to help the government, as a direct consequence of their own guillotine motion, which if followed by this chamber would see the bill bounced to next week. These guillotine motions are a folly. I put on the record that we are being reasonable. We have no cause and no reason to be, but we are. We want to see this place work. We hope the government learn the lesson of this week. I think there is a bit of internal division on the other side as to whether these guillotine motions should be pursued. With those words I will finish, but again I ask the government to reconsider the contempt that is being shown to this chamber.

**ADJOURNMENT**

**Senator JACINTA COLLINS**  
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (21:44): I move:  
That the Senate do now adjourn.

**Cybersafety**

**Senator BILYK** (Tasmania) (21:45): As Chair of the Joint Select Committee on Cyber-Safety, the issues of cybersafety and cybersecurity are close to my heart. The internet is increasingly being relied on by Australians for everyday activities such as banking, shopping, socialising and running a business. As the internet becomes an essential and pervasive tool in our lives, we as a society are becoming increasingly aware of the dangers posed by internet usage. Identity theft, cyberstalking, cyberbullying, breaches of privacy, scams and online fraud are all threats that present themselves on the internet.

While recognising that the internet is a dangerous place, I do not wish to discourage anyone from using it. I am convinced that the benefits the online environment brings to society far outweigh the dangers. What is important though is recognising the dangers and understanding the role that government, internet users and the wider society all have in addressing those dangers as well as the role that parents have in keeping their children safe online.

One thing that has become apparent through the cybersafety committee's various inquiries is that, while there is a role for policing and regulation in keeping users safe
online, the most effective tool for promoting cybersafety and cybersecurity is education. Being chair of the cybersafety committee has given me an opportunity to see and experience first-hand the range of programs the Australian government has for raising cybersafety and cybersecurity awareness. I have spoken previously in this place, for example, about some of the Australian Communications and Media Authority’s initiatives, including: Safer Internet Day; the short film, Tagged; and the cybersmart networking program, launched at the St Aloysius Catholic College only a short distance from my office in Kingston in Tasmania.

Another of the government’s key awareness initiatives is National Cyber Security Awareness Week. The annual awareness week has grown since its inception in 2011 and is now supported by over 500 partners. This year National Cyber Security Awareness Week was held last week from 12 to 15 June, so I am pleased to be able to speak about it tonight. The Stay Smart Online website features a calendar of the events for the 2012 awareness week at www.staysmartonline.gov.au.

Some of the events held this year included presentations on cybersecurity at various schools, including Narembeen District High School, Deenmore Primary School and Coomera Anglican College. I have also seen community organisations get involved, such as COTA Victoria, the Geelong Regional Library, the Pingelly Regional Resource Centre and the Harvey Community Resource Centre, all of whom organised forums or presentations on cybersecurity. There were also a number of industry forums, including one held in Newcastle, about the cybersecurity risks facing small business.

I was pleased to participate in the launch of the week by joining a cybersafety summit in Canberra. The summit was addressed by the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, and I had the opportunity to participate in a panel session with: Natalie Hutchins MP, the Victorian state member for Keilor; Mia Garlick, manager of communications and public policy for Facebook in Australia and New Zealand; Darren Kane, director of corporate security and investigation for Telstra; Maria Vassiliadis, manager of Cybersafety Outreach for the Australian Communications and Media Authority; and popular media personality and headspace ambassador Ruby Rose. The launch was also addressed by Darren Kane from Telstra, and Bajo and Hex, the hosts of the popular children’s TV show Good Game. They also participated in the panel.

The summit created a forum where over 150 participants—made up of students, parents and teachers—could talk about cybersafety issues with industry professionals from the government’s consultative working group on cybersafety. It also provided a great chance to hear directly from the members of the Youth Advisory Group on Cybersafety, commonly known as YAG, about how the government can continue to strengthen our approach to cybersafety issues. In the week preceding the cybersafety summit we concluded our online YAG consultations with over 800 secondary students from 95 schools across Australia. We received some fantastic advice. I will just let people know that a cybersafety summit for primary students aged eight to 12 will take place later this year.

I must also mention that among the schools that attended the summit were two schools from Tasmania. There were parents, teachers and students from Montrose Bay High School in the south of the state and St Brendan-Shaw College in the north-west of
the state. I was really pleased to be able to meet the parents, teachers and of course the students from those schools.

I mentioned that Ruby Rose, the popular media personality, was on this panel. I have also noticed that Ruby Rose is an ambassador for BackMeUp, a campaign which seeks to eliminate cyberbullying in Australia. The campaign features a video competition where children aged 13 to 17 are encouraged to produce a two-minute video explaining how they would back up someone who was being cyberbullied. Entries for the competition close on 15 August, and children can enter online at:

somethingincommon.gov.au/backmeup

I think it is really important that young people get involved in that.

The Australian Federal Police put out a media release for Cyber Security Awareness Week. They were reminding internet users to be aware of cyber-risks and to educate themselves about online dangers and how to avoid them. The warnings came from Assistant Commissioner Neil Gaughan, the National Manager of High Tech Crime Operations at the AFP. Assistant Commissioner Gaughan reminded the public to be aware of some simple steps to protect their online security, and I would like to remind everyone of those simple steps. They are things such as protecting your PIN and online passwords; checking your bank statements; ensuring your financial institution is kept informed of your travel plans; turning on automatic updates for security software such as virus checkers; using strong passwords—in other words, passwords with a combination of upper and lower case letters, numbers and non-alphanumeric characters, if possible; using different passwords, not just one password, for different sites; downloading applications only from reputable publishers; and regularly checking your privacy settings on social networking sites.

Another important principle is 'think before you click'. Aimed particularly at teenagers, that is a message to consider the implications of sharing photos and other personal information on social networking sites. There are still a lot of young people out there who are not aware that once they upload a photo or text it to someone they have lost control of it. People need to consider carefully whether it is something they are happy for the entire world to see. Of course the 'think before you click' principle can be applied to the sharing of any personal information. If people are about to submit personal details, such as a credit card numbers, online they should think about whether the site they are entering is reputable and safe and whether they are comfortable with the site having that information. People do things on social websites that are quite amazing. They will tweet or put on Facebook that they are going on holidays for three weeks. On Facebook in particular you might not know who is able to see your page if you have not set your privacy settings correctly. It can be an open invitation to someone to break into your house, so people need to be a bit more careful.

Currently the Joint Select Committee on Cyber-safety is conducting an inquiry into cybersafety for senior Australians and, although I obviously cannot go into too much detail about it, one of the common types of scams I have seen is phishing. A phishing scam involves copying a website, such as that of a financial institution, and then encouraging users to enter personal details such as their bank account details or passwords. People are usually directed to the fake site by an unsolicited email—for example, an email purporting to be from their bank, the ATO or somewhere else telling them there has been a security breach.
on their site. What surprises me as much as the sophistication of some of the scams we are seeing is that there are really simple steps that users can take to protect themselves.

I really encourage everybody to make sure that they are aware of what they are putting online. I encourage all senators to do what they can to encourage their constituents to be aware of cybersecurity scams—to make sure that people have their privacy settings set appropriately and that they are aware of what can happen if they put too many personal details on any sites. I encourage all senators and members to take part in next year's National Cybersecurity Awareness Week. (Time expired)

Grace Kelly: Style Icon Exhibition

Tourism

Senator McKENZIE (Victoria) (21:55): I rise tonight to speak about regional tourism, specifically about a fantastic exhibition that has been conducted at the Bendigo Art Gallery. During the last three months we have witnessed one of Australia's most successful tourism events, the Grace Kelly: Style Icon exhibition at the Bendigo Art Gallery. This exhibition ran from 11 March until 17 June, for 91 days in total. The exhibition explored the development and cultivation of Grace Kelly's style, influence and almost fairytale transformation from Hollywood actress to princess. It included films from the era and an array of the clothes, accessories and photographs of one of the most photographed women of the 20th century. I congratulate the Director of Bendigo Art Gallery, Karen Quinlan, and all those who worked hard to secure this outstanding exhibition from the Victoria and Albert Museum in London and the Grimaldi Forum Monaco.

I applaud Karen Quinlan's foresight in bringing this exhibition to regional Victoria, to the iconic Bendigo Art Gallery. It followed on from the success of two previous exhibitions at the gallery: the The White Wedding Dress: 200 years of wedding fashions exhibition and the The Golden Age of Couture: Paris and London 1947-1957 exhibition. Bendigo is getting quite the reputation for this type of exhibition, for using the unique space within the Bendigo Art Gallery to display this type of work. Opening the exhibition was quite exciting for Bendigo. The Princess of Monaco—Princess Charlene, Prince Albert's wife—was there for the opening, along with an array of dignitaries from the local area and right across Australia. The Premier of Victoria, Ted Baillieu, opened the exhibition. He acknowledged to the crowd:

Securing this exhibition, which will showcase the style and panache of Grace Kelly to Australian audiences, is a great result and another example of Bendigo Art Gallery punching well above its weight.

I would have to agree. The Victorian government supported the exhibition with a $160,000 grant and, as a result, this will be the last major temporary exhibition before a much anticipated $7.55 million redevelopment of Bendigo Art Gallery, with building works expected to commence this year. Karen Quinlan said:

We are thrilled to be able to introduce an Australian audience to this unrivalled wardrobe, and chart Grace Kelly's unique influence on twentieth century fashion.

Obviously that began with the white wedding dress exhibition. I was speaking to Senator Heffernan today and mentioned that I was speaking on this topic in the adjournment debate, and he told me that his wife had recently headed down south over the border from New South Wales to Victoria, to the great regional city of Bendigo, specifically to catch a glimpse of this significant exhibition. It has been a massive economic boost for Bendigo, as one
would imagine. It has lifted Bendigo's profile across the country and has given us credibility nationally. It is a cultural investment that will be long term. The *Grace Kelly: Style Icon* exhibition was even more successful than the 2009 exhibition *The Golden Age of Couture*, another significant fashion showcase entrusted to the gallery, which lured more than 75,000 visitors to Bendigo and resulted in a $9.2 million boost to the local economy. The Grace Kelly exhibition saw, in those 98 days, 156,000 visitors to the Bendigo Art Gallery, it being booked out for days on end. For the weekends before it finished they had to open late, and it was booked out. People were driving up from Melbourne thinking that they could just grab a ticket and get in; however, it was very disappointing for a lot of them when they could not. It resulted in a $17 million boost to the Bendigo economy. This is double the record of previous exhibitions.

The most recent figures from Tourism Victoria list the number of 'visitor nights' to the Bendigo region per year at about 2.6 million and the number of day trips to Bendigo at 2.9 million, which add around $661 million per year to the local economy. Overnight and day trip expenditure from visiting Australians has been calculated by Tourism Victoria at $1.8 million per day into the region—and that is just domestic visitors. On average they stay two nights and spend about $120 per person per day.

Bendigo businesses have seen an immediate impact. The Bendigo Art Gallery literally brought 500 to 700 people to the city in a weekend. The mums and dads often brought their kids and the grandparents. It is a significant economic injection.

There are lots of good reasons to encourage tourism in regional Australia and to continue to fund projects which assist regional communities to build their cultural capacity in the arts sector. It cannot be underestimated. Local tourism offerings highlight the value of natural attractions and generate economic activity, jobs—employment growth—and export revenues. Again according to Tourism Victoria, last financial year tourism directly contributed $7 billion to the our local economy and it was 2.4 per cent of the gross state product. The employment statistics in Victoria are also growing at an average annual rate of 3.1 per cent as a result of tourism; that is 17,000 people each year. Tourism's share of employment in Victoria is now at seven per cent. In regional areas, the value of tourism is estimated at 3.4 per cent of the regional economy.

It is critical, particularly after much of regional Victoria has been affected by drought, fire or floods, that a focus on tourism is ongoing, coordinated and well supported. Whilst we would like to focus on the diversification of our local economies, that is to take nothing away from the underpinning of what drives our economies in regional Victoria, that being agriculture and its associated value-adding industries.

Traditionally, though Bendigo has been known as Australia's premier goldfields heritage region, with the legacy of the gold rush still evident in the history and heritage of the area, the added success of the Bendigo Art Gallery clearly demonstrates the improving tourism experience and increased consumer demand for regional tourism—and an increased need for and availability of skilled workers in this area.

Developing cultural assets is crucial to ensuring the liveability of regional Victoria. Cultural asset funding improves the attractiveness and lifestyle benefits of regional Victoria and enhances the aesthetic
and cultural vibrancy of our local communities.

Sadly, though, Bendigo is an anomaly in terms of national tourism figures, as they are falling rather than increasing. Last year, Australians spent 132 million nights abroad, pumping billions of dollars into overseas economies. A decade ago Australia made a $3 billion profit nationally from tourism, and today we are making a trade loss of around $8 billion. Inbound tourism traditionally accounts for around a quarter of the sector's turnover, whereas activity by Australians holidaying at home is far more important for the national accounts and for the survival of local tourism business in our regional centres.

Tourism operators are crying out for customers as the high dollar further reduces our share of international tourism and encourages Australians to holiday abroad. The bottom line is that, unless we start holidaying at home in greater numbers, the great example of tourism celebrated this week by the Bendigo Art Gallery will be lost, and we will see expected tourism losses of $8.7 billion this financial year, 2012-13, and beyond.

But, finally, I would really like to offer my congratulations to Victoria's tourism operators for being recognised at the Qantas Australian Tourism Awards this year. The winners were the Melbourne Museum and the Bendigo Visitor Centre. I also congratulate the Bendigo Art Gallery on finalising what has been a fantastic example of their networking internationally to be able to bring an exhibition that has been celebrated right across the world into Bendigo. Opening night was quite a classic as the red carpet rolled down the historic streets in Bendigo, the cameras flashed and the limos of the important people rolled up. It was noted that this particular exhibition had gone to London and had been shown in Monaco, and now it was in Bendigo—in regional Victoria—which has been fantastic.

Cystic Fibrosis

Senator URQUHART (Tasmania) (22:05): 'Sixty-five roses.' If I were to say that, you would think of flowers or a box of chocolates. But 65 Roses is actually an organisation that raises funds to ease the suffering of people with cystic fibrosis. In medical terms, cystic fibrosis is called a recessive genetic disorder. It is considered to be the most common recessive genetic condition affecting Australian children and young adults. Sadly, there is no cure.

I recently attended a luncheon to raise awareness of the condition, where I learned that as many as one million Australians are thought to carry the cystic fibrosis gene without actually showing any symptoms. Tasmania holds the dubious distinction of having the highest rate of carriers in the country and one of the highest in the world. It is estimated that as many as one in every 20 Tasmanians carries the cystic fibrosis gene. This equates to around 25,000 carriers in Tasmania alone. The vast majority of those who carry the gene are unaware that they do so.

Cystic fibrosis is a condition that seriously affects a sufferer's lungs and digestive system. Sufferers are often required to undergo up to two hours of extensive chest physiotherapy each day to clear their airways and to take up to 40 enzyme tablets daily to aid their digestion. Due to recent advances in treatment, sufferers now have a life expectancy into their mid-30s. Unfortunately, many Australians with the disease will never reach adulthood. At the luncheon, I heard the story of Aaron Mackrill from his mother. Aaron lost his battle with cystic fibrosis on Anzac Day in 2010. Aaron's mother told how he valued the
concept of education and lifelong learning. Following his lung transplant in 2000, he went on to complete his qualification as a registered nurse and worked at the Hobart Private Hospital. The amount of voluntary work that Aaron undertook while holding down a job was incredible. It was this inspiring work which led to him being named as the Tasmanian Young Achiever of the Year in 2008. It was Aaron's instruction that, in lieu of flowers at his funeral, donations be given to Cystic Fibrosis Tasmania to establish a scholarship program. This scholarship program would enable others with cystic fibrosis to benefit, as he had, from further education.

Cystic Fibrosis Tasmania has worked closely with members of Aaron's immediate family to develop this program as a fitting tribute to a remarkable young man who sadly lost his battle with cystic fibrosis at the age of just 29. The Aaron Mackrill Memorial Scholarships are available to Cystic Fibrosis Tasmania members with cystic fibrosis who wish to study at a post senior secondary level on either a full- or a part-time basis. Scholarships are awarded twice a year on a non-competitive basis.

Cystic Fibrosis Tasmania is a small organisation with one part-time paid executive officer. The organisation's vision is 'Lives unaffected by cystic fibrosis'. Its mission is to achieve its vision through provision of supplementary services, raising awareness, education, advocacy, lobbying, and promoting and supporting cystic fibrosis research. The association was very lucky to last year secure Paula Wriedt as its part-time executive officer. Paula is supported by a large contingent of fantastic volunteers, including a tireless board.

A second story, told by Paula at the luncheon, was about a 17-year-old young man who had, all his life, been diagnosed with asthma. At seventeen, the young man was re-diagnosed with cystic fibrosis. It was obviously distressing for this young man and his family to realise that at 17 he may have only a few years of life left. At 17, young men are normally thinking about their future—they are playing footy, riding motorbikes, learning to drive and either studying at college or starting an apprenticeship. Instead, this young man's life was changed overnight as a result of this diagnosis.

Cystic Fibrosis Tasmania has recently launched an exciting new program for families with young people living with cystic fibrosis. Little Day Out is designed to be fun for the whole family. It is about bringing a little joy to families affected by cystic fibrosis by providing them every year with opportunities to enjoy recreational activities together. It will be up to each family to choose what they would like to do with their Little Day Out allocation. To maximise the benefit for the family member with cystic fibrosis, the parents are encouraged to engage their children in the choice of activity. Some examples of the sorts of things suited to Little Day Out are tickets to a sporting event, a gourmet picnic hamper, movie passes, a contribution towards a meal out in a restaurant or even a night away. The annual allocation for each eligible family is $100, which can be used for up to two events or activities throughout the year.

This program has been made possible through the outstanding fundraising efforts of staff from the Myer Hobart store, which selected Cystic Fibrosis Tasmania as its charity of choice for the past 12 months. Incredibly, Myer Hobart staff raised $8,000. This made the Myer Hobart store the sixth biggest fundraiser out of the 68 Myer stores around the country. The $8,000 was matched dollar for dollar by the Myer Community Fund, resulting in a most generous donation.
of $16,000. Given the difficult circumstances that staff of Myer found themselves in following the tragic fire in 2007, it is heartening to see them working so hard to support local organisations in such a positive way. As a small association which receives no government funding, it would have been difficult for Cystic Fibrosis Tasmania to provide this program to members without the generous support of the staff from Myer in Hobart.

Cystic fibrosis causes the body to produce thick secretions which particularly affect the lungs and digestive tract. Symptoms of cystic fibrosis include a persistent cough, particularly with physical effort; some difficulty in breathing, or wheezing, with physical effort; tiredness, lethargy or an impaired exercise ability; frequent visits to the toilet; salt loss in hot weather, which may produce weakness; and poor appetite. Cystic fibrosis can also affect a number of organs in the body. It is common for people with cystic fibrosis to encounter some difficulties with their lungs. A combination of airway clearance techniques and medication can help control lung infections and prevent lung damage. Cystic fibrosis affects the pancreas, which produces the enzyme needed to digest food, and makes it difficult for people with the disease to absorb food. This can cause malnutrition, which can in turn lead to poor growth, physical weakness and delayed puberty.

In older patients, insulin production can become deficient due to worsening pancreatic disease. Some develop cystic fibrosis related diabetes, and their blood sugar levels are no longer controlled. Common symptoms of diabetes include thirst, hunger, weight loss and excessive need to urinate, but some people do not show obvious symptoms of diabetes.

In every 10 babies born with cystic fibrosis, one is ill in the first few days of life with a bowel obstruction called meconium ileus. In these cases, the thick black material present in the bowels, the meconium, is so thick that it blocks the bowel instead of passing through. Babies with meconium ileus often need an urgent operation to relieve and bypass the blockage.

People with cystic fibrosis are prone to osteoporosis due to the nutritional and other problems involved with the disease. Adults with cystic fibrosis are at increased risk of osteoporosis because of the adverse effects of steroids taken to control lung disease. Although cystic fibrosis does not cause sexual impotency, it can lead to fertility problems. In most men with cystic fibrosis, the tubes that carry sperm are blocked, which causes infertility. Women with cystic fibrosis, however, do produce healthy, fertile eggs.

The cystic fibrosis gene was identified in 1989 and this has led to the development of a carrier test, improved treatment and better control of the disease. At the moment, every person who has cystic fibrosis must use intensive daily airway clearance techniques to combat the build-up of mucus in the lungs. Many people with cystic fibrosis also take up to 40 enzyme replacement tablets each day to aid digestion. They must also follow high energy diets with added vitamins and salt. They have to undertake frequent inhalations via a compressed air pump and nebuliser, meaning sufferers cannot venture far from their air pump and nebuliser.

Regular visits to cystic fibrosis clinics, hospitalisation and antibiotic treatment are common for people with cystic fibrosis. At present there is no cure for cystic fibrosis. What we need to focus on in the short term is providing quality of life to sufferers. We need government, the community health
sector and benevolent organisations to work with the brilliant cystic fibrosis associations like 65 Roses and Cystic Fibrosis Tasmania to provide treatment that is accessible to all sufferers of cystic fibrosis.

**Sudden Arrhythmic Death Syndrome**

Senator BOYCE (Queensland) (22:15): I support the comments made by Senator Urquhart. I appreciate that sometimes the adjournment debate can seem such a depressing time because we often speak about issues and problems that emerge. I note that Senator Urquhart, like me, is wearing a cornflower, which is the symbol of the Motor Neurone Disease Association worn globally today, on 21 June, and chosen because, whilst it is a fragile and attractive flower, it is also a really tough flower. People who experience cystic fibrosis, and many other disabilities and health conditions, such as motor neurone disease, are tough and do a dammed good job.

Tonight I wish to speak about sudden cardiac death in young people. Earlier this year I received an email from a Queensland mother, Lesley Keegan. In 2007, Leslie lost her son Nye, who died suddenly and unexpectedly. Not only was Nye's death a great loss for his family; it was a loss for the entire community. Nye was a very fit, athletic and healthy young man. He played soccer and was an avid spearfisherman. He died at the age of 22 from sudden cardiac arrest. Sudden cardiac death in young people is a condition that often strikes athletes and others while playing sport, and it has a devastating effect not just on that individual but on their whole family, their friends and their community. In parliament tonight, at the request of Nye's mother, I am raising the topic of sudden arrhythmic death syndrome in young people in an attempt to raise awareness about this issue. I will be doing what I can to raise awareness with Queensland sporting organisations and other organisations throughout Australia who might be able to help prevent sudden cardiac death in young people.

Sudden cardiac death in the young, which generally occurs within one hour of the start of cardiac related symptoms, affects relatively few young Australians under the age of 35. The figures are sketchy but it would appear that the number of deaths from this syndrome total between 200 and 1,000 young Australians every year. Mr President, you can appreciate the devastation that those 200 to 1,000 deaths of healthy and often very fit young people can bring to their families, their communities and their friends. It is estimated that in the UK there are about 500 deaths per year. One of the reasons we have such a broad range in Australia, between 200 and 1,000, is that the Australian Bureau of Statistics has been shown to misclassify deaths from sudden cardiac death syndrome as epilepsy, amongst other causes. So we are not even sure that we are classifying these deaths properly at present.

This dramatic or spontaneous death is thought to be caused by underlying heart conditions. Such conditions can include cardiomyopathies, which are abnormalities of the heart muscle, often inherited; congenital heart disease, including abnormalities of the structure of the heart which may have been present since birth but not caused a problem until a particular stress episode or inherited inflammation of the heart muscle; genetic connective tissue disorders; mitral valve prolapse; conduction disease; medication related causes; and other causes, such as fits mirroring epilepsy, or severe asthma attacks.

Most athletes who succumb to sudden cardiac death have no history of cardiac problems and no symptoms before the episode that causes their death. In effect, the
first symptom of cardiac problems is their death. Detection of at-risk individuals poses a significant problem, but a significant proportion of at-risk athletes could be identified if there were a thorough physical examination and medical history taken of those people. In some cases there are symptoms but, because the people who are affected by cardiac risk syndrome are young and very fit, the symptoms are often overlooked or misinterpreted as something else. I urge all families of young people, especially athletes, to refer these young people to a doctor if there is a family history of unexpected or unexplained sudden death in a young person, if they have fainting or seizure during exercise or excitement or if they have a consistent or initial chest pain or shortness of breath during exercise. Mrs Keegan said that Nye displayed what, in retrospect, could have been seen as symptoms—a cough that would not go away and a pain in the chest that was put down to indigestion. But at the time he was fit and he was active, so no-one thought to check these out further. Dizziness and palpitations can also be symptoms of an underlying heart condition in the young.

So if an exceptionally fit young person complains of chest pains, before dismissing it as 'just indigestion' or something else, consider that it might be something more serious. Most cardiac arrhythmias and structural defects that cause sudden death in the young are treatable. However, they may mean that the young person can no longer be involved in very strenuous exercise or athletic training.

There are a number of tests that can be done, I am told by the people from CRY, Cardiac Risk in the Young. You can understand why parents might call an organisation designed to raise awareness of sudden death in young, fit people CRY. But I am also told by people involved in the CRY organisation that currently there is no systematic testing done by sporting bodies, such as the Australian Olympic Committee, the Australian Institute of Sport or Swimming Australia, of its athletes to see if any are at risk of sudden cardiac death.

I would like to quote one other parent, a woman called Jill Masurkan, whose son James was headed for a professional soccer career. She had never heard of sudden arrhythmic death syndrome until James died of it. She said:

Our kids don't make it to A league, they die before they get there …

There are dozens of parents in Australia who have been affected—and you can imagine how awfully—by this condition.

I would encourage all of us here to get involved in developing awareness of cardiac risk in the young. There will be an information session here on 10 September to discuss cardiac risk in the young and sudden arrhythmic death syndrome, to explain the risks and what can be done about it. I would encourage all MPs to attend so they can learn a little about a problem that is not common but that is so tragic—and preventable. Again, I encourage everyone to attend.

**Senate adjourned at 22:25**

**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.]

Airspace Act—Airspace Regulations—Instrument No. CASA OAR 079/12—Determination of conditions for use of air routes [F2012L01258].
Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA 178/12—Direction – number of cabin attendants (Virgin Australia Airlines) [F2012L01259].
Energy Efficiency Opportunities Act—Select Legislative Instrument 2012 No. 108—Energy Efficiency Opportunities Amendment Regulation 2012 (No. 1) [F2012L01249].
Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—
EPBC303DC/SFS/2012/30 [F2012L01214].
EPBC303DC/SFS/2012/31 [F2012L01241].
Excise Act—Excise (Blending exemptions) Determination 2012 (No. 2) [F2012L01262].
Export Control Act—Export Control (Orders) Regulations—
Export Control (Fees) Amendment Order 2012 (No. 1) [F2012L01265].
Export Control (Fish and Fish Products) Amendment Order 2012 (No. 1) [F2012L01266].
Export Control (Prescribed Goods – General) Amendment Order 2012 (No. 1) [F2012L01247].
Family Law Act—Select Legislative Instrument 2012 No. 97—Family Law (Superannuation) Amendment Regulation 2012 (No. 1) [F2012L01251].
Fisheries Management Act—Select Legislative Instrument 2012 No. 98—Fisheries Management (International Agreements) Amendment Regulation 2012 (No. 1) [F2012L01240].
Health Insurance Act—
Health Insurance (Accredited Pathology Laboratories – Approval) Amendment Principles 2012 (No. 1) [F2012L01268].
Health Insurance (Allied Health Services) Amendment Determination 2012 (No. 2) [F2012L01267].
Migration Act—Select Legislative Instrument 2012 No. 106—Migration Legislation Amendment Regulation 2012 (No. 3) [F2012L01244].
National Health Act—Instrument No. PB 52 of 2012—National Health (Remote Aboriginal Health Services Program) Special Arrangements Amendment Instrument 2012 (No. 1) [F2012L01261].
Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2012 No. 110—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2012 (No. 1) [F2012L01257].
Parliamentary Entitlements Act—Select Legislative Instrument 2012 No. 104—Parliamentary Entitlements Amendment Regulation 2012 (No. 1) [F2012L01245].
Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 4) [F2012L01264].
Product Stewardship Act—Select Legislative Instrument 2012 No. 112—Product Stewardship (Televisions and Computers) Amendment Regulation 2012 (No. 1) [F2012L01248].
Quarantine Act—Quarantine Amendment Proclamation 2012 (No. 1) [F2012L01242].
Renewable Energy (Electricity) Act—Select Legislative Instrument 2012 No. 101—Renewable Energy (Electricity) Amendment Regulation 2012 (No. 4) [F2012L01246].
Safety, Rehabilitation and Compensation Act—Safety, Rehabilitation and Compensation (Weekly Interest on the Lump Sum) Notice 2012 (1) [F2012L01263].
Superannuation (Productivity Benefit) Act—
Superannuation (Productivity Benefit) (Penalty Interest) Amendment Determination 2012 (No. 1) [F2012L01252].
Governor-General’s Proclamations—Commencement of provisions of Acts
 Corporations Amendment (Phoenixing and Other Measures) Act 2012—Schedules 1 and 2—1 July 2012 [F2012L01239].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Qantas

(Question No. 1324)

Senator Abetz asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 2 November 2011:

In regard to the decision made by Qantas on 29 October 2011 to lock out its staff and ground its fleet:

(1) How many meetings has the Minister or the Minister's office had with Mr Alan Joyce or Qantas executives, and for each meeting what was the date and time.

(2) Can details be provided of the damage to Qantas caused by the union's campaign of industrial action as outlined by Qantas.

(3) Was the Minister ever informed of the likely consequences of this damaging campaign on the survival of the airline.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

Please refer to the Minister's comments in Hansard and his public statements.

Qantas

(Question No. 1326)

Senator Abetz asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 2 November 2011:

In regard to the decision made by Qantas on 29 October 2011 to lock out its staff and ground its fleet:

How many meetings has the Minister or the Minister's office had with representatives of the Transport Workers Union, the Australian Licensed Engineers Association or the Australian and International Pilots Association in the past 12 months, and for each meeting what was the date, time and who was present. Can details be provided of the damage to Qantas caused by the union's campaign of industrial action or any intention to cause damage as outlined by any of these unions.

Was the Minister or the Minister's office ever informed of the union's intention to continue industrial disputation.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

Please refer to the Minister's comments in Hansard and his public statements.

Qantas

(Question No. 1329)

Senator Abetz asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 2 November 2011:

In regard to the decision made by Qantas on 29 October 2011 to lock out its staff and ground its fleet:
(1) At what time was the Minister's office informed that Qantas intended on locking out staff from Monday and grounding the fleet.

(2) At what time was the Minister informed that Qantas intended on locking out staff from Monday and grounding the fleet.

(3) Was the message conveyed that Mr Alan Joyce was available to speak to in regards to the advice that was provided.

(4) At what time was advice requested from the department.

(5) At what time was advice received from the department.

(6) At what time was a teleconference with ministers convened.

(7) At what time did the teleconference with ministers take place and which ministers were involved.

(8) Were any other people who were not Ministers involved in the teleconference; if so, who.

(9) Which minister made the final decision for the Government to take action under section 424 of the Fair Work Act 2009 (the Act).

(10) At what time did the Minister intervene under section 424 of the Act.

(11) At what time was a brief: (a) prepared; and (b) provided to the lawyers representing the Government at Fair Work Australia.

(12) Was the Minister in receipt of any advice prior to 29 October 2011 that the Qantas dispute was having a damaging effect on any sectors of the Australian economy; if so, can details be provided, including who the advice was from and what was the advice.

(13) Was the Minister aware of any calls prior to 29 October 2011 for the Government to take action on the Qantas dispute; if so, can details be provided, including from whom the calls were made, the concern expressed and the Minister's action.

(14) Prior to 29 October 2011 and since May 2011, did the Minister or anyone in the Minister's office request information or prepare a note or briefing for the Minister on the use of sections 424 or 431 of the Act; if so, can details be provided including the date, who prepared the information and the reason for the request.

(15) Was the Minister aware that Qantas, under provisions of the Act, could take action to lock out their staff.

(16) Did the Minister have any concerns prior to 29 October 2011 that the ongoing Qantas dispute was having an impact on the Australian economy or sectors within it; if so, did the Minister take any action to deal with those concerns.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

Please refer to the Minister's comments in Hansard and his public statements.

Pontville Immigration Detention Centre

(Question No. 1688)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 08 March 2012:

With reference to the answer to question on notice no. 1521 (Senate Hansard, proof p. 164), with whom has the department or Serco entered into a contract for the supply of 22 combination television/DVD units located at the Pontville Immigration Detention Centre.
Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The 22 combination television/DVD units were rented by the Detention Services Provider through Mr Rental, a rental firm located in Moonah, Tasmania.

Infrastructure and Transport
(Question No. 1744)

Senator Abetz asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 22 March 2012:

(1) Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:

(a) the department or agency;
(b) the location;
(c) the size;
(d) the number of staff at each location and their classification;
(e) if the office location is rented, the amount and breakdown of rent paid per square metre;
(f) if the location is owned by the department or agency, the:
   (i). value, and
   (ii). depreciation, of the building; and
   (g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:

(a) the number of ongoing staff, specifying:
   (i). their classification,
   (ii). the type of work they undertake, and
   (iii). their location;
(b) the number of non ongoing staff, specifying:
   (i). their classification,
   (ii). the type of work they undertake, and
   (iii). their location; and
(c) the number of contracted staff, specifying:
   (i). their classification,
   (ii). the type of work they undertake, and
   (iii). their location.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

I refer the Honourable Senator to the Department's Annual Report which contains information concerning departmental assets and liabilities, as well as details of staffing numbers and classifications.
Immigration and Citizenship
(Question No. 1827)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 4 May 2012:

1. What is the current median processing time for the Dependent Child Visa (Subclass 445).
2. Is this category of visa subject to an annual cap; if so: (a) what is it; and (b) what is the policy rationale behind this.
3. How many requests for Subclass 445 visas were received in the 2010-11 and the 2011-12 (to date) financial years, including how many were: (a) onshore requests; (b) offshore requests; (c) from low risk countries; and (d) from high risk countries.
4. How many requests from low risk countries were: (a) granted; and (b) refused.
5. On what grounds were the applications refused.
6. How many requests from high risk countries were: (a) granted; and (b) refused.
7. On what grounds were the applications refused.
8. How many Subclass 445 visa applications have been withdrawn.
9. Given that the department's website states that processing times for Subclass 445 visas lodged in Australia are 7 months for low risk countries and 8 months for high risk countries and, for applications lodged outside of Australia, 3 months for low risk countries and 14 months for high risk countries: (a) why is there such a discrepancy between onshore and offshore low risk application processing times; and (b) why does it take 14 months to process an application offshore from a high risk country.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The current median processing time for Dependent Child (Subclass 445) visa applications in 2011-2012 migration program year to 30 April 2012 is 212 days or 7 months.

There is no annual cap on the number of Dependent Child visas. The visa is, however, subject to planning levels in the Migration Program which is determined annually by the Government as part of the Budget. My Department has a responsibility to ensure that the numbers of visas granted overall and within each visa category are in accordance with the agreed planning levels. Departmental resources are allocated to ensure that the planning levels are met over the course of the program year.

The planning level for Child category visas, which includes Dependent Child visas, in the 2011-2012 migration program year was 3 450 visa grants, an increase of 4.5 per cent from the previous program year.

On 8 May 2012 the Government announced a further 11.6 per cent increase in the size of the Child category for the 2012-2013 migration program year. The planning level will be 3 850.

The table below shows visa application lodgements, grants, refusals and withdrawals or otherwise finalised from persons from high risk and low risk countries.

<table>
<thead>
<tr>
<th>Dependent Child (Subclass 445) visa applications</th>
<th>2010-2011 program year</th>
<th>2011-2012 program year (YTD 30 April 2012)</th>
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<tr>
<td><strong>Lodgements – Offshore</strong></td>
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<td>High Risk Countries</td>
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<td>Low Risk Countries</td>
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<td>Dependent Child (Subclass 445) visa applications</td>
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<td>2011-2012 program year (YTD 30 April 2012)</td>
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<tr>
<td>------------------------------------------------</td>
<td>------------------------</td>
<td>------------------------------------------</td>
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<tr>
<td>Low Risk Countries</td>
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<td><strong>TOTAL—ALL LODGEMENTS</strong></td>
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<td><strong>Grants—Offshore</strong></td>
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<td><strong>Grants—Onshore</strong></td>
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<td><strong>TOTAL—ALL GRANTS</strong></td>
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<td><strong>Refusals—Offshore</strong></td>
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<td>12</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL—ALL REFUSALS</strong></td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td><strong>Withdrawals or otherwise resolved—</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Offshore</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Risk Countries</td>
<td>32</td>
<td>25</td>
</tr>
<tr>
<td>Low Risk Countries</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total – Withdrawals or otherwise resolved—offshore</strong></td>
<td>32</td>
<td>27</td>
</tr>
<tr>
<td><strong>Withdrawals or Otherwise Resolved—</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Onshore</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Risk Countries</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Low Risk Countries</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total – Withdrawals or otherwise resolved—onshore</strong></td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL—ALL WITHDRAWALS OR OTHERWISE RESOLVED</strong></td>
<td>44</td>
<td>31</td>
</tr>
</tbody>
</table>

High risk countries are those countries whose nationals are not eligible for an Electronic Travel Authority (ETA) to be issued for travel to Australia. The Department's current list of low risk countries, that is ETA-eligible countries, is below:

<table>
<thead>
<tr>
<th>Andorra</th>
<th>Malaysia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Malta</td>
</tr>
<tr>
<td>Belgium</td>
<td>Monaco</td>
</tr>
<tr>
<td>Brunei</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>Canada</td>
<td>Norway</td>
</tr>
<tr>
<td>Denmark</td>
<td>Portugal</td>
</tr>
<tr>
<td>Finland</td>
<td>Republic of San Marino</td>
</tr>
<tr>
<td>France</td>
<td>Singapore</td>
</tr>
</tbody>
</table>
Information about reasons that applications are refused is recorded on individual files but cannot be aggregated to provide caseload-wide statistical reporting.

The timeframes for processing Subclass 445 visas is based on expected demand and complexity of processing. These timeframes incorporate the likelihood of clients needing to undertake health and security requirements and existing pipelines for deciding cases. A review is currently underway to review processing timeframes for the processing of Subclass 445 visas lodged inside and outside Australia.

Employment and Workplace Relations
(Question No. 1828)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 7 May 2012:

With reference to the Minister's statement on 7.30, on 26 April 2012, that he had received advice not to support publication of the report by Fair Work Australia on the National Office of the Health Services Union prior to the resolution of civil or criminal charges:

(1) On what date and in what form did the Minister receive this advice.
(2) From whom did the Minister receive the advice.
(3) Can the full details of the advice be provided, including any precedents cited.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Minister received oral advice from his Department, including advice received on 26 April 2012 prior to appearing on the 7.30 program.

Foreign Affairs
(Question No. 1851)

Senator Johnston asked the Minister for Foreign Affairs, upon notice, on 17 May 2012:

With reference to the media release: 'Australia to assist Pacific and development nations to attend crucial Rio+20 Conference', dated 12 April 2012, and Australia's contribution to the Participation Trust Fund:

(1) Who are the trustees or guardians.
(2) (a) who will decide on the grants
   (b) what criteria will be used to assess applicants
   (c) which nations are eligible to apply
(3) What safeguards are in place to ensure the Fund operates transparently and with probity.
(4) Which other nations have donated or pledged funds, including details of the amounts for the respective nations.
**Senator Bob Carr:** The answer to the honourable senator's question is as follows:

(1) The participation trust fund for Rio +20 is managed by the United Nations Department of Economic and Social Affairs (DESA).

(2) (a) As managers of the trust fund, DESA decide on the allocation of funding.

   (b) DESA will consider applications on a first-come-first-served basis. Countries are able to request support for up to two participants. Member states are encouraged to be represented at the conference at the highest possible level including Heads of State or Government.

   (c) Funding is available to developing countries, including the least developed countries. Australia has expressed its preference that the funds be used to support representatives from the Asia-Pacific region, particularly least developed countries and small island developing states.

(3) The participation trust fund is operated in accordance with the United Nations financial rules and regulations.

(4) Other countries that have contributed to the fund include Canada, Croatia, Denmark, France, Iceland, Japan, Mauritius, Pakistan, Republic of Korea, Switzerland, Brazil, China, Czech Republic, Finland, Germany, Italy, Luxembourg, Norway, Poland, Sweden and the United Kingdom. We do not have a breakdown of individual funding.