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SITTING DAYS—2013

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Parry
Temporary Chairs of Committees—Senators Cory Bernardi, Thomas Mark Bishop, Suzanne Kay Boyce, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Alexander McEachin Gallacher, Scott Ludlam, Gavin Mark Marshall, Anne Sowerby Ruston, Dean Anthony Smith, Ursula Mary Stephens, Glenn Sterle and Peter Stuart Whish-Wilson

Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

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

Printed by authority of the Senate
Members of the Senate

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

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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.
(3) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice C. Evans, resigned 12.4.13), pursuant to section 15 of the Constitution.
(7) Casual vacancy to be filled (vice B. Joyce, resigned 8.8.13), pursuant to section 15 of the Constitution.
(8) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice M. Thistlethwaite, resigned 9.8.13), pursuant to section 15 of the Constitution.
(9) Chosen by the Parliament of Victoria to fill a casual vacancy (vice D. Feeney, resigned 12.8.13), pursuant to section 15 of the Constitution.
(10) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr, resigned 24.10.13), pursuant to section 15 of the Constitution.

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

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

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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
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<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Women</em></td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Josh Frydenberg MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Alan Tudge MP</td>
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<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
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<td><strong>Attorney-General</strong></td>
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<tr>
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<td><em>Senator the Hon Simon Birmingham</em></td>
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Tuesday, 3 December 2013

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

BUSINESS

Days and Hours of Meeting

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:31): I move:

That the days of meeting of the Senate for 2014 be as follows:

Autumn sittings:
- Tuesday, 11 February to Thursday, 13 February
- Monday, 3 March to Thursday, 6 March
- Monday, 17 March to Thursday, 20 March
- Monday, 24 March to Thursday, 27 March

Budget sittings:
- Tuesday, 13 May to Thursday, 15 May

Winter sittings:
- Monday, 16 June to Thursday, 19 June
- Monday, 23 June to Thursday, 26 June
- Monday, 7 July to Thursday, 10 July
- Monday, 14 July to Thursday, 17 July

Spring sittings:
- Tuesday, 26 August to Thursday, 28 August
- Monday, 1 September to Thursday, 4 September
- Monday, 22 September to Thursday, 25 September
- Tuesday, 30 September to Thursday, 2 October

Spring sittings (2):
- Monday, 27 October to Thursday, 30 October

Spring sittings (3):
- Monday, 24 November to Thursday, 27 November
- Monday, 1 December to Thursday, 4 December.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:31): I move the amendment circulated in my name:

That the days of meeting of the Senate for 2014 be amended as follows:

(1) Omit:
"Monday, 7 July to Thursday, 10 July Monday, 14 July to Thursday, 17 July."

(2) Omit all words and dates from "Spring sittings" and substitute:

"Spring sittings:
- Tuesday, 19 August to Thursday, 21 August
The Greens are seeking to amend the sitting days the government has determined for next year. We want to amend the sitting schedule for very significant reasons. The government has selected sitting days later in the year that conflict significantly with school holidays in all of the states of Australia. This government professes to be family orientated and yet sets sitting days that require parliamentarians to be out of their states when their children are on school holidays. With some careful thought they could have avoided those school holidays. The Greens have circulated amendments that in fact do avoid those school holidays so that we can have more sitting days in the second half of next year that do avoid—

Senator Ian Macdonald: Mr Deputy President, on a point of order: I am very keen to follow what Senator Siewert is saying but I do not have a copy of the circulated amendment in front of me, so I do not know what she is talking about.

The DEPUTY PRESIDENT: We will facilitate a copy of the amendment for you. Senator Macdonald now has a copy. Senator Siewert, you may continue.

Senator SIEWERT: Thank you. As senators are getting copies of this amendment, they can see that we have put some thought into how we could arrange the sitting days to facilitate the necessary debate in this chamber that would also allow senators and members to be in their states during the school holidays so that they can spend valuable time with their children.

We as senators, and I am sure those in the other place, are away from home for a great deal of time, so to be able to be in your homes when your children are on holidays is very important. So we have looked at those dates and found dates that enable us to be here but also at home. They also remove the two weeks that have been put in the July school holidays. We know why the government wants those days; so they can get rid of the carbon legislation. The legislation that is working, that is reviewing, that is able to deliver renewable energy in this country and is reducing carbon dioxide emissions. These amendments enable proper consideration of those bills.

I urge the opposition to support these amendments, given that they not only facilitate more family friendly arrangements but also will not facilitate the government's agenda of trying to get rid of the carbon package that is in fact working so significantly. I am sure the opposition know that the longer we ensure that these packages are working, the harder it is to repeal them and the more the community will understand these packages and appreciate that they are delivering the change that we know we need to make to ensure that we are addressing climate change in this country.
The industry itself is also pointing out that the longer the packages are in place, the harder it is to repeal them. So I urge the opposition to support our amendment in order to ensure that we are as family friendly as everybody in this place says that we are. The Abbott government say they are family friendly but bring in a calendar that specifically for the first time takes out all the school holidays—not just a couple but all of them in the latter half of next year. It means that we are all away from our homes when our children are on school holidays.

The opposition say they want to make it harder for the government to repeal the legislation. Join with us to make sure that we have proper scrutiny of the government's proposals and that we are able to spend time at home with our families when our children are on school holidays.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:36): It will not surprise you, I am sure, that we will not be supporting Senator Siewert's proposed amendment. We will be continuing to propose that the sitting schedule as circulated be the pattern for next year.

I might say I am a little perplexed, though, by Senator Siewert's contribution here and her concern in particular about the Senate sitting in July because I did pick up a copy of the 2011 sitting schedule on the way into the chamber and, lo and behold, there was a sitting week in the Senate on 4 July which—as those of us who were in this place at that time will recall—was essentially an opportunity for the Australian Greens to do a victory dance around the chamber to demonstrate that they, with the Australian Labor Party, in glorious communion, had effective control of the Australian Senate. They did not want anyone to be in any doubt that they were here, that they were in charge and that they were running the previous government.

The Greens at that time, through proposing and supporting a July sitting week after a new Senate came into being, did touch on something important, though—and that is that there is absolutely nothing wrong, in fact it is quite appropriate, for the new Senate to have the opportunity to examine significant legislation. That is what the government is seeking to do: to give effect to the will of the people, expressed at the ballot box in the form of a new Senate, at the earliest opportunity. Nothing could be fairer, nothing could be more democratic than to give the new Senate the opportunity to express its view on behalf of the Australian people in relation to important legislation. I have no doubt that there will be important legislation for the Senate to consider at that time. So, as I say, I am a little perplexed at the concern that the Australian Greens have about a July sitting. We will rely on the precedent that they and the Australian Labor Party put in place in 2011. And, unlike those who are seeking to amend the motion, our purpose will not be any sort of victory dance. Our very serious purpose will be to get down to the people's business.

Senator MOORE (Queensland) (12:39): The Australian Labor Party will not be supporting this amendment, though I do wish to acknowledge the points raised by the Greens about the issues around school holidays. In terms of the process, we accept the longstanding convention that the government of the day has the right to determine the sitting pattern for the government. However, I think it would be useful in future to consider having some negotiation beforehand because I think the issues Senator Siewert raised about family friendly policies should be discussed openly in this place and maintained.

While rejecting the Greens amendment and supporting the government because we have had the longstanding process of accepting the government's proposals on sitting patterns, we
do wish to put on the record that—as we were told many times in this place by the opposition of the day—by accepting this sitting pattern we expect there will be a degree of certainty about it and that people will be able to make plans around it. Should any request come forward from the government to the opposition around extended hours or extended sitting weeks, we will be raising the same points about how important it is that we have that certainty, and there can be no guarantee of any agreement to requests for extensions in this place. It would be, as we say, 'in exceptional circumstances', with a real case put forward, that we would consider such a request. However, as we ought, we are saying that the government of the day has put forward their proposed sitting pattern, we have it in front of us, we accept that and will support that.

Senator IAN MACDONALD (Queensland) (12:40): The Greens, you would be surprised to hear, Mr Deputy President, almost had me on their argument. I wish they had given us some notice of it. With respect to Senator Siewert, the hypocrisy of the Greens shows through. They are talking about family friendly and I am a bit attracted to that—not that it is of particular relevance to me personally, but there are other senators who are in that family situation where this would be useful. I would have liked to have had a bit more time to sit down with my calendar, look through that and see what is right or what is wrong. The hypocrisy, of course, comes with the first part of the proposed amendment: that you cannot sit in July. If the purpose of sitting in July is to get rid of the carbon tax then I am totally in favour of that. As soon as we possibly can we have got to discharge the will of the Australian people in getting rid of the carbon tax, so if we could bring that forward to 1 July I would be happy about that. I just find the hypocrisy breathtaking, but it is what you expect from the Greens.

If you were serious about your argument about being family friendly you would have separated the two parts of the amendment perhaps. You would have left out the first bit, done the second bit, and we could argue about that some other day.

Senator Whish-Wilson: We did!

Senator IAN MACDONALD: You did approach the government and they told you to get lost? I would have hoped that if you had approached them about that they may have taken
some account of that particular argument you put. But the first part of your amendment completely destroys my faith, though limited and very temporary, in some serious proposal by the Australian Greens as to how to run this chamber. As to whether the carbon abolition package cannot get through before 1 July, I guess everyone is speculating. And, quite frankly, nobody knows how anyone is going to vote on various issues after 1 July.

I can guarantee one thing: I for one will be voting every way I can to get rid of that carbon tax, for two reasons: (1) I firmly believe that it is bad policy and (2) it is a breach of a commitment by the previous government not to introduce it. So the sooner that we can get that on the better. But, if it is just a question of giving you another five minutes to talk about the carbon tax, it really takes away from the sincerity that I thought you might have had in relation to family friendly sitting days.

The DEPUTY PRESIDENT: The question is that the amendment moved by Senator Siewert to Minister Fifield's motion be agreed to.

Question negatived.

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

Question agreed to.

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:45): I move:

That consideration of the business before the Senate on Wednesday, 4 December 2013, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator O'Neill to make her first speech without any question before the chair.

Question agreed to.

MOTIONS

White Ribbon Day

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:46): At the request of Senators Cash, Moore and Rhiannon, I move:

That the Senate:

(a) notes:

(i) that 25 November is observed as White Ribbon Day,

(ii) that White Ribbon Day aims to reduce and prevent violence against women and raise awareness of the issue in all Australian communities,

(iii) that the White Ribbon organisation is the world’s largest male-led movement to end men’s violence against women, and

(iv) the Coalition’s commitment to increase funding to the White Ribbon campaign by $1 million over 4 years; and

(b) acknowledges:

(i) that partner violence is the most common type of violence against women, affecting 30 per cent of women worldwide,
(ii) that women are most at risk of violence in the home and from men they know, and young women are at greater risk of violence than older women,

(iii) that, in the past year, between 5 and 10 per cent of Australian women experienced at least one incident of physical and/or sexual violence by a man, and

(iv) the men and the members and senators that swear the White Ribbon Oath: ‘I swear never to commit, excuse or remain silent about violence against women’.

Question agreed to.

BILLS

Clean Energy Finance Corporation (Abolition) Bill 2013

Second Reading

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

Senator PRATT (Western Australia) (12:46): I begin my contribution to the second reading debate on the Clean Energy Finance Corporation (Abolition) Bill 2013 by acknowledging the discussion that we had yesterday in this place when we separated the package of bills out to be debated separately. The Leader of the Government in the Senate, Senator Abetz, said he had a mandate for this package of legislation. Well, I can tell you there is no mandate. We can repeal the carbon tax without abandoning the important principles of a holistic framework to manage carbon emissions in this country. We can have an ETS that commits us to binding targets and lets business work out the most efficient ways of cutting emissions. We can do this without abandoning the Clean Energy Finance Corporation, which is in fact the most efficient form of direct action that I have seen. We can also keep transparency, independent advice and good governance by retaining the Climate Change Authority.

Despite the shallow rhetoric of the coalition stating that it believes in climate change and that it supports action, it is very clear that nothing could be further from the truth. If the coalition government did believe in climate change then it would not be putting our nation in a position where we fall behind in playing our part in global action and—this is a very important point—we leave the Australian economy exposed in the future to unnecessary costs because we have failed to take adequate action. That action should include responding to the need to invest in renewable energy in this country and the need for more efficient energy generation from fossil fuels. These are core tasks of the Clean Energy Finance Corporation.

In putting forward this legislation, the coalition not only seeks to do away with the carbon tax—and I support doing away with it—but it also wants to do away with an emissions-trading scheme and the other vital tools that we need in this nation to address climate change. The Clean Energy Finance Corporation is one such tool. Despite the very successful operation of the Clean Energy Finance Corporation, this bill seeks to abolish it. It is a great shame to me that coalition senators have been unable to see past their so-called free-market blinkers and appreciate the very important role that the CEFC plays in the market in facilitating investment in renewable energy and other more efficient energy generation, with the cutting of emissions and energy consumption, which would otherwise be missed by normal commercial banks.

The coalition want to abolish the Clean Energy Finance Corporation for purely political reasons, with no logic and just negativity. Shallow, narrow arguments were put forward in the
second reading speech, all of which can be dismissed when you look at the evidence. The coalition, for example, argue that the CEFC is full of risky ventures, when nothing could be further from the truth. We have a $10 billion fund generating a return to the taxpayer—a negative cost of abatement of $2.40 per tonne—with legislated-for good governance. Did you hear that? That is $2.40 generated as income for each tonne of abatement versus what has been put forward within what we know of the very spurious direct action policy, where we have not seen any costings or any analysis, where in effect you pay polluters. With a negative cost of abatement, the Clean Energy Finance Corporation are generating a return on investment. As they point out, the discipline of debt when it comes to cost abatement is very significant. It is the discipline of debt and the importance of that discipline versus paying the polluters to cut their emissions, where you just hand them some money to cut their emissions.

It seems incredible to me that those opposite would want to overlook these important economic principles in abandoning the Clean Energy Finance Corporation. The direct action fund is a $3 billion fund where we will pay polluters to reduce emissions, so that is abatement that will cost us, as opposed to the return to the taxpayer generated by the Clean Energy Finance Corporation. The thing is that the Clean Energy Finance Corporation makes investments to reduce emissions. We can reduce a lot more emissions through a $10 billion fund. It creates an asset that is owned and leverages more funds. Think about that: a $10 billion fund which is able to leverage a whole range of other investment versus the $3 billion fund of the coalition.

What the CEFC does is a good model and stakeholders know it. Stakeholders that gave evidence regarding the important work of the Clean Energy Finance Corporation to the Senate Environment and Communications Committee, which I am a member of, gave very compelling evidence and they argued very strongly that the Clean Energy Finance Corporation should be retained. It is but one part of a complete package for addressing climate change. We have not only priced carbon to reduce emissions but we have also put together a suite of policies, including the CEFC and the Australian Renewable Energy Agency. What we have here with the CEFC is a body which is able to facilitate comprehensive commercial loans and is set to fund emissions reductions at a negative cost—that is, it turns a profit. On the other hand, what we have from the coalition is an emissions reduction fund that will consume billions from consolidated revenue without a return to the taxpayer.

We know that since it began operation the CEFC has been very successful in providing loans to organisations. It has had the capacity to make investments that would account for 50 per cent of the five per cent emissions reduction by 2020, at a profit to the taxpayer of $2.40 a tonne. That is pretty impressive, and I cannot believe that those opposite would want to abandon this organisation and do away with it, unless of course they do not believe in targets, unless of course they do not actually believe in climate change and do not believe that it is important for our society and our economy to make a contribution to lowering emissions and going on a low emissions pathway. The Clean Energy Finance Corporation has $546 million in 47 projects in partnership with major trading banks, which means we have got private finance, private sector co-financiers, where we are leveraging and multiplying the available funding for investment by three to one. It is very impressive. We have leveraged from a little more than $500 million an additional $1.5 billion in private sector co-financing. This has
created over $2.2 billion worth of renewable energy projects, of projects which help big companies lower their energy consumption. It has delivered around four million tonnes of abatement—and, as I said before, at a negative cost.

This is an absolutely brilliant record. It represents a return to the taxpayer and it is a return that is misrepresented in the explanatory memorandum to this bill, where the impact on both the fiscal and cash outcome of the budget is underestimated in terms of the benefit to the taxpayer of retaining the Clean Energy Finance Corporation. As Mr Yates described in estimates:

Our price per tonne is actually negative $2.40. The reason it is negative is that when we lend we earn a profit on that lending activity. Corporations use that money that is lent to become more efficient by reducing their energy costs and by reducing their energy usage they actually reduce emissions. It works very well that we lend. The taxpayer receives a return because we are running profitably on that money and the company receives a better return because they are actually becoming more efficient.

It is really important to recognise that what we are doing with the Clean Energy Finance Corporation is not just about renewable energy; it is very importantly about helping major corporations in this country lower their energy use. That can require a big investment. It is something that can be co-financed with the CEFC and with the banks, and in turn those corporations are able to repay the government and repay the banks with the efficiencies from their lower consumption costs. It is an incredibly effective model and about the most effective form of direct action that you could dream up. This is very important model, earning a profit to reduce emissions.

The former Reserve Bank board member who is chair of the CEFC, Ms Jillian Broadbent, said at estimates:

Instead of paying something, when you do a reverse auction you might say we are taking the lowest price, we move into the positive price. So for every tonne of emissions that we manage to encourage to be achieved, it has a return to the government of $2.40 per tonne.

So taxpayers are actually benefiting from the reduction in emissions.

We have heard from many stakeholders about the importance of what the Clean Energy Finance Corporation does. Nathan Fabian, who is the chief executive officer of the Investor Group on Climate Change, summarised in evidence for us the importance of the CEFC. He said that there are now 14 co-financing organisations around the world and they are needed for these important reasons:

Firstly, government cannot sufficiently finance low carbon alternatives to meet a two-degree outcome and private capital is needed. Secondly, the low-carbon investment market is relatively young and so deal flow needs to be supported. Thirdly, capacity in the finance sector must be increased through the experience of financing investments. Fourthly, financial participants welcome investment opportunities presented in new markets by an objective third party, even more than by investment banks.

This is particularly important because that is what the Clean Energy Finance Corporation is set up to do. It is set up to be that independent, objective third party, but it also has the expertise and governance to deal with energy issues, whether they be renewable or about creating greater energy efficiency. Mr Fabian goes on to say:

Lastly, co-financing organisations can actually earn financial returns for governments, delivering abatement at negative costs—and we think this is appealing and makes sense to all parties. Given the
government's infrastructure agenda, we think dismissing co-financing as a useful policy instrument may be premature.

This is something that has been reiterated by many other submitters to the Senate economics committee. I do not have time to go through today all of the excellent evidence that they have put forward, but I will touch on what the Responsible Investment Association of Australasia submission highlighted. They said that the CEFC is not a novel idea and that, as was pointed out by Mr Fabian, many other countries are deploying similar financing models. The co-investment model, he says, is a prudent and cost-effective way to allocate limited funds and to leverage private investment to do the heavy lifting in the investment into a low-carbon transition. Again, the CEFC is actually earning a return on the government's cost of funds; taxpayers are gaining a significant return over and above the actual costs of funds.

Chair of the CEFC, Jillian Broadbent, went on to tell estimates:
… there really is an appetite for progressing emissions reduction, but it does need an advocate and it needs an encouragement to get on with the job, because the market has been very immobilised by the lack of bipartisan policy in this space.

This is exactly the gap that the CEFC has been highly successful in filling. It has had that expertise and that leverage there. It has had the understanding of clean energy investments alongside the capital required to get that extra investment out of the banks and make an important array of renewable and energy efficiency projects viable in our nation. This is going to be a great loss, if the Clean Energy Finance Corporation is repealed, because there will be billions of dollars of investment that we will forego, which will really put us way behind the eight ball in dealing with climate change and the need to adjust our economy in this country.

Industry, as Ms Broadbent pointed out, is actually looking for leadership on this issue. So let us get on with it. It is an example of government providing real, tangible leadership in response to a need for solutions. I think that we in this place—perhaps, unsurprisingly, other than those on the other side of the chamber—would all want to see those solutions being developed in partnership with the private sector. The CEFC was put in place to deal with imperfections in the market and it is clearly achieving that.

As Mr Yates, CEO of the CEFC, pointed out:
…we actually provide targeted monetary policy. When the government wants to encourage activity in one sector, it uses a very broad tool such as overall interest rates. By having an organisation such the CEFC, we are able to deliver a targeted monitoring policy to the clean energy sector, including those people who want to take action to reduce emissions and become more efficient. We can ensure that they have access to capital efficiently and at a lower cost.

So it is an incredibly efficient way of doing things.

I am not going to have time this afternoon to go through all of what I want to say in the 20 minutes that I have, but I will be pleased to save some of those issues for the committee stage of this bill. But what I want to say is that the CEFC, the Climate Change Authority and the emission trading scheme in the suite of bills all have separate and very important attributes. You could in fact retain the Clean Energy Finance Corporation and the Climate Change Authority and do that alongside direct action. They would be meaningful things to do, and it is an important reason to separate these bills. But the coalition is full of political warriors, not for any free-market ideal or any demonstrated ideological rationale, but simply because it is
driven to remove all rational policy, however meritorious, because it was delivered by a Labor government.

In conclusion, I move the following second reading amendment:

At the end of the motion, add:

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

Senator WHISH-WILSON (Tasmania) (13:06): Taking effective, strong action on global warming is a challenge of my generation, and it is certainly why I am here in the Senate today and why the majority of my party room do what they do. Taking action on global warming and the gases that lead to global warming is not going to happen through a silver bullet solution; it requires a policy approach that uses multiple and complementary measures—sticks and carrots. Policies based on incentives. As an economist I understand economics is more about incentives than anything else—understanding how they work and how people and markets respond to them to get results.

Senator Nash interjecting—

Senator WHISH-WILSON: I will make sure I talk through Senator Nash’s speech next, Acting Deputy President Gallacher.

The way I describe action on climate change to a lot of people I meet who maybe do not necessarily understand the complexities of things such as the clean energy package is that it is an insurance policy. If you think about insurance for a second you do not have to have proof to be prudent. Even if you face up to the climate sceptics—and I recognise there are a number of them on the other side of the chamber—then what we talk about here is risk management, managing what clearly is a risk. It is clear that most scientists and experts not just in this country but around the world recognise it as being a clear and fast-approaching risk. In fact, it is already in our economy and our society today. This is the basis on which insurance markets work.

In fact, speaking of insurance, it has actually been the insurance companies themselves who have led the charge on action on tackling climate change. As early as the 1980s they were the ones who chaired the first round tables on action on climate change, because they priced the risks of things such as extreme weather events and rising sea levels and they are well aware of the costs of climate change. So if we just focus our jobs in government as managing risk then it becomes a lot clearer and the importance of what we do in this place to tackle what is the issue of my generation becomes more apparent.

We hear a lot of arguments and debate in this chamber about the cost of living—that somehow a small and questionable impost on your electricity bill is going to have a significant impact on your life. I agree that this debate should be about the cost of living, but it should also be about the cost of living with climate change and the impacts of climate change. We know from a number of international and Australian climate change authorities that the potential cost of climate change from things such as floods, rising sea levels, damage to ecosystem services and direct damage from extreme weather events—economic damage that is tangible and that we can measure—will rise into the trillions. It is certainly already in the billions. Whether you ascribe current extreme weather events to climate change or whether you believe the experts when they say to expect them to be more frequent in the

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future, either way these types of events are going to cost our economy significantly—not to mention our beautiful environment and our communities—so we need to take action and we need to show leadership.

On this note I would like to pay a special tribute to Senator Milne for all her hard work over many, many years in helping put together the clean energy package, but especially the work Senator Milne and the Greens party room did prior to my entry into the Senate on getting the Clean Energy Finance Corporation and the Climate Commission up and running in Australia. The Clean Energy Finance Corporation is just one of many measures set up by successive governments in this country to tackle climate change including: the carbon price, fixed and floating; the renewable energy target; and grant funding from agencies such as ARENA are other measures. They are all sophisticated approaches and they are designed to provide incentives to attract investment and influence prices.

Why was the Clean Energy Finance Corporation specifically necessary in this package of measures? Like all these measures it seeks to make commercial investments to counter market failures and impediments to financing. I have heard climate change or global warming described as the biggest market failure of our time. Why is it a market failure? We define that in pretty simple terms: it is because the activities, the costs of producing the pollution, the dirty energy from the polluters, does not reflect the external cost that climate change impinges on our economy and on our environment. We therefore have to take measures to price that externality into those production activities.

I would say this for Senator Cormann's benefit, because he is in the chamber at the moment. I have heard him say in this chamber that a fixed price on carbon or a floating price on carbon is not a market based instrument.

Senator Cormann: It is a government intervention.

Senator WHISH-WILSON: A market based instrument by definition is anything that influences the price of a good or service that is traded on a market.

Senator Cormann interjecting—

Senator WHISH-WILSON: I have taught this at university, Senator Cormann, and I can tell you that a fixed price on carbon is by any definition a market based instrument. What are the impediments to finance? Clean energy finance quite simply helps de-risk investments in renewable energy, low-emissions technologies and energy efficiencies that are currently high risk, as was mentioned in the previous speech, by the nature of their development. These are young industries. As I mentioned when I first started, it is going to take a long time to reduce emissions and tackle climate change. Over a long period of time we have issues with financing.

There are other risks besides project risks to some of these technologies. We also have political risk. This is what is so ironic about the coalition and the Liberal Party's behaviour with repealing these bills. It creates more uncertainty for business. As Senator Cormann well knows, there is nothing businesses hate more than uncertainty. We can justify low-interest loans from the Clean Energy Finance Corporation because that is helping tackle an externality. By any definition we can justify governments taking action to help correct an externality.
Uncertainty cannot be justified. By repealing these bills and putting up phoney strategies to deal with climate change, we create more uncertainty that has worse impacts on business investment and on many thousands of jobs across this country that have been created by the revolution in our economy brought on by measures such as the clean energy package. We can see the transition to being 100 per cent renewable in this country; jobs for electricians and for renewable energy engineers; thousands of jobs for greater energy efficiency; investment in research and development and in innovation; and all the good things that we like to mention when we talk about jobs and wealth creation.

All these are under threat by repealing the package associated with the Clean Energy Finance Corporation, and more broadly when we look at repealing things such as the carbon price. At a recent Senate committee hearing, the Clean Energy Finance Corporation chair, Jillian Broadbent, who I point out is a former Reserve Bank board member, claimed the CEFC would be a significant contributor—if the full amount were spent over time—to emissions reductions in Australia. It would contribute net revenue to the Australian taxpayer. Her exact words were:

... this would contribute 60 per cent of the total abatement required to meet the bipartisan 2020 national abatement target, and at the same time deliver a net positive return to the taxpayer of over $200 million per annum.

If these types of structures are designed to de-risk investments that encourage co-investments and bring more research and development, innovation and jobs to Australia, why are we opposing an initiative such as the Clean Energy Finance Corporation by trying to repeal it? I will give you a couple of reasons that are talked about. Minister Hunt recently labelled the Clean Energy Finance Corporation a 'green hedge fund' borrowing in taxpayers' names to invest in speculative ventures. This shows a complete lack of understanding of the subject at hand and certainly the policy imperatives associated with the Clean Energy Finance Corporation.

The CEFC entails prudent application of capital, strict risk management frameworks and a commercially rigorous approach to investment and often co-investment. As was mentioned at that Senate hearing, it has brought significant private financial investment for our renewable energy sector. This is something that we have seen all around the world, not just in Australia.

It is also false because the Clean Energy Finance Corporation associates its investments with the developed end of renewable energy. The venture capital end, with higher risk investments and technology developments, is associated with ARENA. It was specifically structured to have that separation with risk premiums associated with the investments of this fund. So we are looking at well-established technologies feeding clean energy into our electricity grid. Another argument that is often used is that somehow government involvement will create what we economists call 'crowding out' an investment. Also at the recent Senate inquiry, Ms Broadbent said that in fact there had been a 'crowding in'. We have had three international institutions who have participated in the market for the first time, encouraged by the fact that there was a government-owned entity there at the table as a co-financer. So far so good, and there is absolutely no reason for us to imagine things will change if the CEFC sticks to its very strict investment mandates.

The real reason for opposing the CEFC with these repeal bills is purely political. It is purely ideological and it is bloody-minded: 'At all costs let's push through; never mind the
casualties.’ Or is it that the Abbott government are puppets of big business in this country—businesses who have an agenda of putting their own profits before the interests of the Australian people? Or is it big business interests who are directly trying to stifle competition from renewables in the energy sector? Certainly the most active public members of the Liberals’ cheer squad on the subject of repealing the clean energy bills have been the Australian Chamber of Commerce and Industry, the Australian Industry Group, the Business Council of Australia and the Minerals Council of Australia.

Maybe Mr Al Gore was right in his recent comments concerning the Abbott government’s repeal of our climate package. He said our democracy had been hijacked by special interests. It certainly appears the Liberal Party has been. What is the alternative proposed by the Liberals to the years of hard work and policy put in place to take real, strong and effective action on climate change at a low cost to the Australian taxpayer? It is a Liberal Party grants program, at straight expense and a net cost to the taxpayer. Direct Action will cost $3.2 billion whereas the existing legislation creates $7.3 billion. That is a total deterioration of $10 billion in the budget position.

Direct Action will run for only a few years, after which we will inevitably have to implement a carbon price again. One thing I understand from teaching this at university is that a price on carbon creates what we call ‘secondary objectives’, such as the planting of trees and soil carbon initiatives, all of which I wholeheartedly agree with. But they are much more effective and likely to happen if we can value those initiatives by having a price on carbon. The markets need the certainty that is brought on by a price on carbon. They are complementary measures. The idea that somehow they are not, or that they will work without a price on carbon, is plainly stupid.

Of 35 economists surveyed, only two thought that governments picking winners was better than a market based scheme. One of those two, Mr Danny Price of Frontier Economics, helped the coalition design their Direct Action policy. It consists of an Emissions Reduction Fund which will pay taxpayers’ money to those firms—the big polluters—who think it is worthwhile spending the time bidding for a small pool of money.

In reality, doing nothing will be an easier option for them because they can pollute as much as they like with the cost borne by the rest of society, just as they did before. There is $1.5 billion set aside for the Emissions Reduction Fund, but with most of the money in the final year so they can claw it back when they no longer have to pretend the policy was ever going to work. I note $300 million will also be spent on a green army to plant trees. With absolutely no detail on the policy developed, with a green and white paper process still to go and with a depleted and demoralised departmental staff, the Emissions Reduction Fund is highly unlikely to be ready to start auctions by June next year. In other words, it is a phony.

Compare this to the achievements of the Clean Energy Finance Corporation and it looks like more of a joke. Every $1 it has contributed so far in financing has generated $3 of private sector investment. It has spent $536 million and so far has generated over $2 billion of new capital investment. As I mentioned earlier, it will make a net return to taxpayers. Within its first year of operation, the CEFC has generated investments responsible for 3.9 million tonnes of CO₂ equivalent abatement annually, which has been generated at a negative cost of approximately $2.42 per tonne. A hundred and seventy-nine proposals for projects are in the pipeline, with an estimated value of $14.9 billion of investment in clean energy technologies.
So much for the Greens being anti-jobs. This will be lost to the government's irrational distaste for low-carbon businesses, purely to keep an election promise.

We have a vision. The Greens are the only ones who have a vision for transforming the economy in this country to be 100 per cent renewable. We have a vision that will create new jobs, innovation, new research and development—and it is already working. The only reason we are seeing it repealed is an election promise that the coalition hides amongst hundreds of other things that voters went to the election with, saying it was the reason they were voted into power.

I would like to finish with a quote that is often used by my predecessor, former Senator Bob Brown. He quite simply says, 'A good policy is a policy that is good for your grandchildren'—not, in this case, what is good for your electricity bill, if in fact it even impacts your electricity bill, which I thoroughly dispute. To someone who cares about our children and future generations and taking real action on climate change, nothing is more frustrating or infuriating than this constant grind that somehow a questionable argument on cost of living is more important than looking after our kids and the future generations of this country in a way that is positive, that creates new jobs, new industries and hope, and that moves us away from traditional industries which we cannot always rely on and which in some cases are highly vulnerable. The clean energy package is a win-win for this country, producing more jobs, emissions reductions, and real, effective action on reducing global warming, the biggest threat to my future and the future of everyone in this chamber.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:26): With the introduction of the Clean Energy Finance Corporation (Abolition) Bill 2013 and the carbon tax repeal bills, the parliament is being given the opportunity to remove a job-destroying, economy-stalling and environmentally damaging tax. And yes, I will accept what Senator Whish-Wilson said: we are introducing this package of bills to honour an election promise. I have never heard a government being condemned, other than by the Greens, for coming into the parliament and saying, 'We are seeking to honour an election promise'. That is what we are doing, pure and simple. We accept that; we acknowledge that. We will wear it with a badge of honour. And, as Senator Whish-Wilson leaves the chamber, I simply remind him that opinion poll after opinion poll tells us that more Australians oppose the carbon tax than voted for the coalition at the last election. So it is not only coalition voters who do not like that carbon tax; there are Green voters and there are Labor voters and other voters as well. This is a tax that is abhorred by the Australian people, and quite rightly so.

These bills give the ALP the opportunity to purge itself of the deception it perpetrated on the Australian people in 2010. By voting for these bills, honourable senators will have the opportunity to play a positive role in helping to restore the economy, grow jobs, reduce the cost of living, help the environment and restore the Australian people's faith in their democratic and parliamentary system. Rarely has one bill delivered so many opportunities for the people of Australia.

In submitting ourselves to the Australian people in 2010, we said there would be no carbon tax. The ALP did exactly the same. Indeed, so adamant were our opponents that they accused us of being hysterical when we suggested Labor could not be trusted. The Australian people
now know that the coalition was not being hysterical; rather we were being historical. We have seen Labor pull these stunts in the past.

I put to those opposite this very simple proposition: if a carbon tax is or was such a good idea—was good for jobs, good for the economy and good for the environment—why did the ALP so emphatically deny that they would introduce a carbon tax in the 2010 election campaign? Surely, if it was so good, they had a duty to embrace it and advocate for it and be proud of the proposition. So proud of the proposition were they that when they came into this place with the carbon tax, in cahoots with the Australian Greens, they guillotined the legislation through this place because they were so embarrassed to continue debating the issues.

And having so solemnly promised not to introduce a carbon tax the ALP of course did the exact opposite, thereby betraying the Australian people.

Some in the ALP claim they did not really want to introduce a carbon tax, but the Greens made them do it. Remember that kindergarten excuse: it was never your fault, it was always somebody else's fault; they made you do it? A lamer excuse is hard to imagine. But, seriously, would the Greens, under the leadership of former senator Bob Brown, have really said: ‘No carbon tax under Labor will lead the Greens to supporting Mr Abbott, as Prime Minister, who emphatically promised no carbon tax’? I think not. The excuse is disingenuous and dishonest.

But I am willing for the purposes of this debate to take this lame ALP excuse at face value and remind those opposite that the Australian people freed them from that deal with the Greens on 7 September 2013, through the ballot box. Are those Labor senators now still saying the Greens are making them do it, even from opposition?

When a political party gets it wrong, it should admit the fact. Political parties have the same frailty as humanity: we get it wrong. That is, unless you are Bob Brown and the Australian Greens. The coalition got it wrong with Work Choices. We said it, we acknowledged it and, what is more, we showed our sincerity when dealing with it and its repeal in this and the other place. Being able to admit errors is a sign of maturity, a sign of integrity and a sign of respect to the Australian people. It is the right thing to do.

Today the ALP are being given the opportunity to right their wrong by voting down this toxic tax before Christmas and to admit they got it wrong. It is the best Christmas present this Senate could deliver the Australian people—and, if I might say, the ALP to themselves—and would get this monkey off their own back.

Mr Shorten and the ALP can be either Santa's helper or the Grinch. It is up to them. The 2013 election was a referendum on a number of issues, as Senator Whish-Wilson indicated. But, very clearly, if it was one thing, it was a referendum on the carbon tax—a tax so destructive, so unpopular, so despised that the ALP pretended to abolish it. Indeed, during the election campaign, Mr Rudd, the former Prime Minister, said:

… the Government has got a number of things wrong …

For example, I don't think our actions on the carbon tax were right.

And further:

To begin with we didn't have a mandate for it.

There he was, trying to say that they did not have a mandate and that they got it wrong. They even put out brochures saying that they had removed the carbon tax. Now that the election is
over, they are reverting to their old ways and voting to keep the carbon tax, which they promised they would not have, which they then promised to repeal and which now they are not going to repeal. Indeed, another frontbencher from the Labor Party, Mr Marles, is reported as saying that Labor must ‘acknowledge the fact that Tony Abbott won the election and we lost’ and the new government had a mandate to axe this tax.

The Labor Party know what is the right thing to do. Mr Rudd said it and Mr Marles said it, but they just cannot bring themselves to admit that they got it so terribly wrong—and not only wrong but did so with deception to boot.

The Labor Party even had the audacity to campaign, saying Kevin Rudd and Labor had removed the carbon tax. If they had removed the carbon tax, why do we need to spend time in this chamber debating these bills? The simple fact is that the Labor-Greens carbon tax is still in place; it was just another dishonest campaign technique by Labor in their desperate bid to win the 2013 election.

Those same ALP senators who put out those brochures are the ones who got elected in 2010 on the promise of no carbon tax. So, having been elected in 2010 on a promise of no carbon tax, they voted for one. Then at the 2013 election they go out, saying, ‘We've repealed it.’ Then, after the 2013 election, they come into this place to do the exact opposite. Oh what tangled webs the ALP have woven for themselves!

But let us make no mistake: the Australian people voted overwhelmingly to oust the carbon tax and they did so for good reason. So strong, so overwhelming, so unassailable were the reasons to abolish the carbon tax that the coalition promised to introduce this legislation as its first item of business. And we are here today honouring that solemn promise with these bills. We made that promise and the people voted for that promise because the tax was truly toxic. It was destructive and it was perverse.

As an aside, it is a matter of regret that the trade union leadership of our country sold out the interests of their members in pursuit of their own personal political ambitions. The workers and the minority of workers who were still members of the trade union movement clearly ignored the trade union leadership and voted for their jobs and voted to reduce their cost of living by voting for the coalition, many for the very first time in their lives.

The carbon tax is destructive of jobs, especially in the manufacturing sector. Every Australian-made motor vehicle carries a reverse tariff of $400, courtesy of Labor's carbon tax. Each Australian-made vehicle starts $400 behind each and every imported motor vehicle into our country. Yet where was the AMWU's leadership? Either missing in action or actively supporting the carbon tax because they were looking after their personal parliamentary prospects, whilst selling out their members.

Senator Kim Carr, who presided over the shedding of tens of thousands of manufacturing jobs, actively voted and cheered this toxic, job-destroying tax through the Senate. And what did the then general manager of Holden have to say about the carbon tax? In June, Holden's general manager, Mike Devereaux, said: 'There is no question that a tax on electricity, in making it more expensive in input costs, makes it more difficult for me to make money building cars.'

He said that repealing the carbon tax will reduce the cost of an Australian-made motor vehicle by $400.
But it was not just the auto sector; food manufacturing was similarly hit, making the industry's already very tough circumstances so much worse. Our abattoirs, which are so vital for the viability of our agricultural and pastoral sectors, were hit and hit hard. Even the home-building sector was slugged. The Housing Industry Association says that the carbon tax has an impost on every new dwelling of $5,000. And yet the previous government said they were trying to fight to reduce the cost of housing. They even had a housing minister. What use is a housing minister when that housing minister has no impact on policy which increases the cost of housing by $5,000 per unit, helping to put home affordability out of the reach of so many of our fellow Australians?

Being the far-flung country that we are, we rely heavily on the transport sector. It is about to be slugged with a Greens-ALP carbon tax, yet the Transport Workers Union leadership fails to connect this extra impost into the overall cost pressures that the road transport sector is currently battling.

We have heard from the tourism sector and the airlines what the carbon tax is doing: making their precarious sector so much more precarious. If a person flies from Perth to Tasmania for a holiday, there will be carbon tax payable. If that same person decides to holiday not somewhere in Australia but in Fiji or Bali, there is no carbon tax payable. How does that help the Australian tourism industry? But these are the measures that the Greens-Labor alliance guillotined so shamefully through the Senate without a mandate.

We all know, from going around the Australian electorate during the last election campaign—if we needed reminding—that Australian households are grappling with the cost of living. Household budgets are tight. Balancing them is exceptionally difficult. I heard the dismissive remarks made earlier in the debate by the Greens senator about the cost of living. You can be dismissive of cost-of-living pressures when you are on a senatorial salary; you cannot be so dismissive of cost-of-living pressures when you live in the outer suburbs of Hobart and work at the Cadbury factory, the zinc works or some of these other places. People are hurting out there. We recognised it. There is no doubt that the repeal of these carbon tax bills will, in effect, give a $10 per week after-tax pay increase to the average household—a modest but nevertheless genuine fillip in these tough times.

So, be it jobs in manufacturing, transport, tourism or housing—indeed, in every sector—or household budgeting, this tax is destructive of jobs, saps confidence from a low-growth economy and reduces people's disposable income. All this reckless damage ostensibly is being done in the name of fixing the environment. It is here that the cruel nature of the carbon tax hoax is fully exposed. Rather than helping the environment, it, perversely, makes things worse. The example of Coogee Chemicals is a classic: a $1 billion capital venture with a promise of 150 ongoing jobs and providing export earnings and import replacement by the billions—all this was available to our country but did not proceed in Australia. The venture did proceed, but not in Australia. Where did it proceed? In China. Why did they do that? Because they could not make ends meet under the carbon tax regime. But what is so cruel about this from the environmental point of view is that their carbon footprint in China will be twice what it would have been in a pre-carbon-tax Australia. That is why we say on this side that not only is it economically destructive and destructive of jobs; it is also destructive of the environment.
Indeed, the European experience shows us that. With their emissions-trading scheme, they saw a lot of manufacturing desert Europe. Where did it go? To Africa. Is there anybody in Australia who actually believes that the environmental safeguards in Africa are better than in Europe? Does anybody actually believe that the Europeans stopped using aluminium and manufactured products? Of course not. They still wanted them; they still demanded them; they still required them. So we then had the added impost to the environment of the fossil fuels used to bring all these goods back into Europe, once again damaging the environment.

These carbon tax bills have mugged our economy, both domestically and through its export efforts. They have also mugged people's faith in our democratic system. Our economy has seen a dramatic decline in growth, and Labor's last budget told us that. Labor budgeted for higher unemployment and lower growth—higher unemployment with all its socially corrosive consequences. Around the world, country after country are abandoning or scaling down their now discredited and corrupt carbon regimes. In the face of this overwhelming evidence, the Greens-ALP alliance will simply continue their mantra dating back from before the world conference at Copenhagen.

I quickly turn in the time left to the solution that the coalition has put forward. It is very simply this: you do not have to mug your economy. You do not have to destroy jobs to look after the environment. That is why our Direct Action Plan will deliver our five per cent carbon dioxide reduction target, beautify our landscapes and vistas with more trees, provide more fertile soils and make our energy generation more efficient. And all this, I stress again, without mugging our economy, destroying jobs or breaking household budgets.

The coalition rejects the extreme Green-ALP proposition that to be environmentally responsible you somehow need to be economically irresponsible. Somewhere in this debate we will no doubt hear what a great fillip the carbon tax is for our economy—and Senator Whish-Wilson went down that track. Well, if it is that good, why wouldn't you double or treble it? And we would get double or treble the benefits! I think we know why it is not being doubled or trebled; it is because it is so toxic that, if it were doubled or trebled, it would not just slowly poison our economy, it would finish it off once and for good.

We all know the carbon tax simply is not an economic boost; it is an unnecessary handbrake that damages the environment. Having betrayed their electorates in the 43rd Parliament, will those opposite now compound that betrayal by blocking this measure in the 44th Parliament? The coalition will seek to do everything it can to obtain the passage of these bills.

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (13:46): I rise to speak in the debate on the Clean Energy Finance Corporation (Abolition) Bill 2013. As expected, I will not be supporting this bill. I hope government senators and members listen to this debate and consider the benefits of the Clean Energy Finance Corporation.

Senator Abetz has just talked about a number of things in relation to car manufacturing. He might want to check his facts. As I understand it, the additional cost of a Toyota car is $115 and the additional cost of a house is $465, not $5,000. The AMWU is about jobs for the future. If you talk to the AMWU—a union that I am a proud member of—you would know that they have for a long time been arguing about jobs for the future for our members and also for future generations.
So I hope those opposite can put aside their ideological opposition to government co-financing and see the potential of the Clean Energy Finance Corporation. We have a bipartisan emissions reduction target in this country. We have agreed that we must reduce Australia's emissions by at least five per cent on 2000 levels by 2020. We clearly are not agreed on a path to achieve that target. We on this side want to stimulate private sector investment and use market based mechanisms to reward innovative businesses and send a price signal. This argument is based on many rigorous assessments conducted by Australian and international professionals on how to achieve emissions reductions at the least cost for our economy. At this stage the Australian people are unsure what those opposite believe. On one hand there is a fierce belief in the market over government control, yet on this, the fundamental issue of our generation, they want to throw out the market and revert to the dangerous pastime of picking winners.

This first debate is on the Clean Energy Finance Corporation, a body that is assisting companies and organisations finance clean energy technology and energy efficiency measures through commercial loans, not government grants. It is a body that is forecast to achieve a positive return to taxpayers of $2.40 per tonne of abatement, a remarkable achievement that no-one could have predicted when the corporation was founded just a few months ago. It is an achievement that we will no doubt be hearing a lot about today and into the future as we all grapple with the best ways for government to set policies and implement programs to reduce carbon emissions, which is how we can preserve jobs, preserve growth and prevent carbon shock in future years.

I have participated in the Senate Environment and Communications Legislation Committee inquiry into these repeal bills. It was definitely a quick and nasty inquiry. The chair, Senator Williams, did a fine job at the hearing keeping everyone to time; however, that time was too short. It was not fair on the witnesses, the organisations and the individuals who sought to make a submission and it was not fair on the Australian people. The coalition government referred the suite of repeal bills to the committee to examine the costs of pricing carbon on households and businesses. We, the opposition, referred the bills on the basis of examining how they fitted with Australia's long-term climate change obligations. Put simply, we start from and continue to see this problem through very different lenses. On one side the coalition government see climate change in terms of purely the here and now, while on our side we see the problem in terms of the medium to long term.

As important as any 2020 target is the need to have in place a pricing mechanism for emissions reductions beyond 2020, with a target for reductions at 2030 and 2050. We want to ensure the transition is a smooth one, but we acknowledge that we have to start somewhere. The former Labor government put in place a suite of measures to address climate change, including the establishment of Low Carbon Australia and subsequently the Clean Energy Finance Corporation. The value of the Clean Energy Finance Corporation extends beyond carbon pricing. The current clean energy legislation has put in place a clear path for Australia to transition to a low-carbon economy. Fundamental to that passage is government's role in fostering the development and rollout of clean energy in Australia. Labor established the Clean Energy Finance Corporation to facilitate finance for renewable and clean energy technology investments.
I would like to note at this point the depth of the submission that the CEFC provided to the Senate inquiry. I thank the staff at the CEFC for the efforts in providing this detailed information and I encourage all members and senators to read it. It covers the role of the corporation, the policy rationale for introducing the corporation, and its expected use-by date; the impact of abolition, including the cost to the taxpayer; and some comprehensive case studies on how the corporation is investing taxpayer dollars to reduce emissions and turn a profit. The corporation currently has 39 investments in its portfolio. Its investments are secured through facilitating comprehensive commercial loans. So far, it has co-invested $536 million with $1.55 billion of private sector funds. This $2.2 billion investment will deliver approximately four million tonnes of abatement and achieve this at a negative cost—a profit—of $2.40 per tonne.

The CEFC has been able to coordinate finance for emissions reduction that benefits business, provides returns to private sector investors and achieves a profit to government. The CEFC has funded projects that will generate or support over 500 megawatts of clean electricity. These investments are across a broad range of technologies, including wind, solar, energy efficiency and low-emissions technologies. Importantly, the CEFC’s investments will deliver an estimated annual carbon abatement of 3.88 million tonnes.

The CEFC has demonstrated that it actually has the capacity to make investments that would account for 50 per cent of the five per cent emissions reduction target. The CEFC invests in projects that are demonstrating the benefits of proven technologies in the Australian market. Its team of financial experts, all with significant experience with major banks and financial institutions, conduct comprehensive risk assessments and financial evaluations of projects. This analysis then allows them to demonstrate to the private sector its confidence in a project. As the staff members are drawn from the private sector, they utilise their networks and contacts to build confidence in clean energy projects. So far, the CEFC has been securing $2.90 of private sector investment for every dollar it invests—a fantastic leverage rate indeed. The investments to 20 August 2013 carry an average yield of 7.33 per cent, and this compares very favourably to its cost of finance, the five-year bond rate, which on average was 3.11 per cent—well over double the return.

Beyond the first few projects, the pipeline for the CEFC looks good. Its submission outlined that it had conducted discussions with 37 proponents for projects worth some $4.5 billion, while initial assessment is underway of a further 142 projects. Together, this investment pipeline comprises almost 200 projects and $15 billion of opportunity. That is a $15 billion pipeline of investment, and we have barely taken the training wheels off the corporation. The CEFC’s investments assist in building Australia’s clean energy supply chain capability, funding projects in regional and rural Australia and supporting 21st century jobs in local communities. Many industries are benefiting from their financing, including agribusiness, property, manufacturing, utilities and local government.

I commend Ms Jillian Broadbent, the chair, and Mr Oliver Yates, CEO, together with their team, for the quality of their submission, their evidence and, more importantly, the quality of the work they are doing every day to help financiers appreciate the benefits to their business of investing in clean energy and energy efficient technology. The hearing was a difficult forum where, despite the best explanations from the CEFC officials, some government senators could not comprehend the purpose of the CEFC. The officials had to spend most of
the hearing explaining that private investors need the coordinator to come to the table with some skin in the game—that chief financial officers would not turn up if the CEFC was not a co-investor in a project, and that the CEFC is much more than just a $10-billion government bank. Mr Fabian from the Investor Group on Climate Change summarised the need for the CEFC thus:

Investors do not turn up for chat; they turn up when there is a deal to be done. If we know that the counterparty can make the investment more attractive, then we are interested. We are not just going to come along for a bit of a chat about what might occur or what investment might take place.

Mr Yates highlighted the importance of financing in the corporation's role:

We need the ability to deploy cash so we are a real participant in the market, so that we can participate equally and on level terms with the private sector, so that we can actually facilitate transactions.

So where does this leave us?

The CEFC cannot operate without providing finance. It cannot leverage the private sector funds. The projects that it has financed so far—$2.2 billion worth of investment—will see over four million tonnes of abatement achieved, at a profit to the taxpayer. This seems to be a good program. The market does not provide the service required by all sides to achieve the bipartisan emissions reduction target. A government corporation utilises innovative financing to provide such a service and return a profit to the government—surely the new coalition government would seriously consider keeping this corporation as part of its direct action policy? Unfortunately, as is occurring all too often with this new government, ideology is getting in the way of good policy. Meanwhile, the emissions reduction fund will, as far as we are aware, consume billions from the budget, billing general government revenue for abatement, taking money off education, off health and off programs for families. It is clear that coalition senators have been unable to see past their free-market blinkers and appreciate the role that the CEFC plays in facilitating investment in renewable energy that would otherwise be missed by normal commercial banks.

As I mentioned earlier, the CEFC provided some quality case studies to the inquiry. I thought I would read one for the Leader of the Government in the Senate, as I imagine he has firsthand knowledge of the building in question. The CEFC has invested in a lighting upgrade for the Civic Centre in Kingston, Tasmania, which has cut the building's lighting energy costs by 75 per cent. The Kingborough Council replaced the building's fluorescent lighting system with more energy-efficient LED tube lighting, to make energy savings of more than $11,000 a year. The council covered the $45,000 up-front cost with finance from Low Carbon Australia, now the CEFC. The 20-year life expectancy of LED lighting, compared with four years for the old fluorescents, means that the council is also saving on its maintenance costs. I congratulate the member for Franklin, Julie Collins, on her work assisting the council with this loan. I urge the Leader of the Government in the Senate to venture up the road to the council chambers and flick the light on.

There have been a range of comments made by those opposite to deride the work of the Clean Energy Finance Corporation. Once again, the detailed submission of the corporation brought these to the attention of the committee, and I would like to take some time to share these with the Senate. On 'crowding out of private sector investment': the CEFC has actually done the opposite and encouraged investment where links were not being made. Ms Broadbent said to the hearing:
I think we have got evidence that there has certainly been crowding in rather than crowding out, because new financial institutions have come to participate in the market, being encouraged by a government owned entity's participation.

It is a fascinating concept, 'crowding in'. Where there is a market failure—

Debate interrupted.

The PRESIDENT: Order! It being 2 pm, it is time for question time.

**QUESTIONS WITHOUT NOTICE**

**Education Funding**

**Senator KIM CARR** (Victoria) (14:00): My question without notice is to the Minister representing the Minister for Education, Senator Payne. I ask: can the minister confirm that the schools-funding agreement reached with Queensland, Western Australia and the Northern Territory will deliver Commonwealth money with 'no strings attached'?

**Senator PAYNE** (New South Wales—Minister for Human Services) (14:00): I thank Senator Carr for his question. I can confirm that this government will be treating state governments and territory governments in Australia like adults and that we will be expecting them to deliver education services to their—

**Senator Wong:** Oh, really? Allowing state and territory governments to cut funding while they don't put anything in!

**Senator Cormann:** You just ripped money away from them, Penny!

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

**Senator PAYNE:** As I said, we will be treating state and territory governments in this country with respect and as adults, unlike those opposite, who chose to exercise almost a command-and-control approach over education in this country.

But nevertheless, if the opposition are so keen to raise this issue and are so keen to talk about the sorts of concerns they have about the behaviour of state and territory governments perhaps they might want to consult with Senator Wong's colleague Mr Weatherill, who appears to have cut $230 million from the South Australian education budget, notwithstanding having an agreement with the former Commonwealth government. So if you are looking for an example, Senator Carr, that might be the one to use.

**Senator KIM CARR** (Victoria) (14:02): Mr President, I ask a supplementary question. Can the minister confirm that agreements with states under the Better Schools model, including state-funding commitments, are now up for renegotiation?

**Senator Sterle:** Try 'yes' or 'no'!

**Senator PAYNE** (New South Wales—Minister for Human Services) (14:02): The day I take advice from Senator Sterle will be a cold day somewhere. Let me advise the Senate, Mr President—

**Senator Jacinta Collins:** I reckon you were doing better yesterday, Marise!

**Senator Sterle:** Knock yourself out, Marise!

Government senators interjecting—

The PRESIDENT: Order! Senator Payne is entitled to be heard in silence. On both sides!
Senator PAYNE: As I understand Senator Carr’s question, I am able to say that the funding agreements that are in place are the agreements that are continuing, and that the Commonwealth has committed to observing the funding arrangements which were discussed at some length in the chamber yesterday. If it is a matter of memory loss for the senator, perhaps he could refer to the Hansard. However, in relation to those states and territories which are, perhaps, choosing to go in a different direction, I refer again to Mr Weatherill, who I understand to be the Premier of New South Wales—

Senator Jacinta Collins: Poor Barry!

Senator PAYNE: I am sorry—South Australia. (Time expired)

Senator KIM CARR (Victoria) (14:03): Mr President, I ask a further supplementary question. How can this government claim there is ‘no need’, to quote Senator Abetz, for any school to be worse off if the Commonwealth hands out money to states without ensuring it goes to students who need it most?

Senator PAYNE (New South Wales—Minister for Human Services) (14:04): It gives me great pleasure to once again refer to South Australian Premier Weatherill’s cuts of $230 million to education in that state. As I understand it, he is the Labor Premier of the state of South Australia and, of course, the people of South Australia will have an opportunity to have their say on education cuts in that state quite soon.

Senator Jacinta Collins: Ooh—got the state right!

Senator Lines: Talk about Colin Barnett’s cuts! Look at all the WA senators on the frontbench!

Senator PAYNE: Can I also say that the coalition—

The PRESIDENT: Order! Senator Payne, you are entitled to be heard in silence. There is a debate going on from both sides over the chamber, which is completely disorderly—

Senator Bernardi: There is screeching on the other side of the chamber!

The PRESIDENT: Order!

Senator PAYNE: I also say that as far as the coalition is concerned, we do regard state and territory governments as adults. We do not think we need federal inspectors in state schools. We do think we need more parental and principal involvement in the running of schools. We do think we need a stronger approach to curriculum, and not for one moment is the coalition intending to apologise for that.

National Security

Senator LUDLAM (Western Australia) (14:05): My question is to our Attorney-General, Senator Brandis. Given the US National Security Agency has proven that it cannot control its own data internally—and I quote the NSA’s inspector general as noting:

… wilful violations of NSA’s authorities have been found—

what has the Australian government actually done to ensure that information held by Australia’s national security and intelligence agencies is secure and that bulk collection of information about Australian citizens has not occurred?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:06): I thank
Senator Ludlam for his question. I know this is an area of great interest to Senator Ludlam, so Senator Ludlam will be aware that the Australian intelligence agencies operate under a regime of parliamentary oversight comprising the Joint Standing Committee on Intelligence and Security and the Senate Standing Committee on Foreign Affairs, Defence and Trade. They operate under strict statutory obligations under the ASIO Act and the Intelligence Services Act, and they act under strict executive government oversight—both ministerial oversight and oversight by the independent agency of the Inspector-General of Intelligence and Security.

The government is confident that the Australian national security agencies discharge their statutory obligations and that they act in the interests of Australia and of Australians. The senator will understand that it is not the practice of Australian governments, and this has been the case from time immemorial, to comment on particular security matters.

Senator LUDLAM (Western Australia) (14:07): That makes you, Senator Brandis, one of the only people left on earth not commenting on security matters. Mr President, I ask a supplementary question. Will the government now commence a comprehensive revision of the Telecommunications (Interception and Access) Act as called for by the Australian Law Reform Commission and as recommended by the May 2013 report of the Parliamentary Joint Committee on Intelligence and Security, of which you are indeed a member?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:07): In fact—through you, Mr President—Senator Ludlam, I am no longer a member of that committee. However, you were right in saying that throughout the last parliament I was a member of that committee and, as you would be aware, that committee conducted very extensive hearings on the powers of the national security agencies and one of the issues that was the subject of those hearings was the telecommunications interception and access regime.

As the honourable senator would be aware, that report is currently before the government for consideration, as indeed is the ALRC report to which he refers. The government is considering those recommendations and, in the event that the government chooses to adopt some, any or all of them, then that will be a decision indicated in due course.

Senator LUDLAM (Western Australia) (14:08): Mr President, I ask a final supplementary question and we will see if we do any better with this one. Will the Attorney-General assist the Prime Minister to understand what metadata actually is, given he stated yesterday it was simply billing data when in fact metadata reveals mobile and landline phone records, a person's precise location, the source and destination of electronic mail, their entire social network and their web history? Could the Attorney please give an undertaking to remind the Prime Minister of what this term actually means?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:09): I think the honourable senator, if I may say so, assumes too much, because the term 'metadata' is not a term of art; it is a term that means different things to different people. I can tell the honourable senator that, during the parliamentary inquiry to which I referred in my answer to his first supplementary question, a number of witnesses gave different definitions of what they understood to be metadata. I myself, on the basis of having been informed by the evidence of those several witnesses during the last parliament, thought that the Prime
Minister’s description of metadata as essentially billing details was a perfectly accurate, shorthand description of what is a contestable concept.

National Security

Senator FAWCETT (South Australia) (14:10): My question is also to the Attorney-General, Senator Brandis. Could the Attorney-General update the Senate on the arrest of two men in Sydney this morning on foreign incursion related offences?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:10): I thank Senator Fawcett for his question. This morning, members of the Australian Federal Police and the New South Wales Police Force arrested two men in Sydney after investigations carried out by the joint counter-terrorism team. The Australian Federal Police indicated this morning that the men will be charged with offences under the Crimes (Foreign Incursions and Recruitment) Act. That act makes it an offence for an Australian citizen to travel to a foreign state or to assist somebody else to engage in such travel with the intention of engaging in hostile activity or to train another person to engage in hostile activity.

As this case will shortly be before the courts, I will not comment on it other than to acquaint the Senate with the fact that it will be alleged that one of the two men arrested, a 39-year-old man, was actively involved in recruiting people to travel to Syria to engage in hostile activities—that is, politically motivated violence—while the other man arrested, a 23-year-old man, was preparing to travel to Syria to engage in politically motivated violence in the course of the Syrian civil war. Those offences carry a maximum penalty of 10 years imprisonment.

In recent months there has been evidence of a growing number of Australians travelling to Syria to fight in or to assist others to fight in the Syrian civil war. This is a matter of grave concern to the Australian government. Those who consider doing so should be conscious that travelling to Syria to fight in the Syrian civil war puts them at risk of arrest and prosecution under the Crimes (Foreign Incursions and Recruitment) Act. The government condemns politically motivated violence in all of its forms and that includes war fighting in Syria.

Senator FAWCETT (South Australia) (14:12): Mr President, I ask a supplementary question. Will the Attorney-General update the Senate on the threat posed by Australians who support or engage in the Syrian conflict?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:12): Senator Fawcett, the number of Australians travelling to Syria and surrounding countries to engage in that civil war is unprecedentedly high by comparison with other violent civil conflicts abroad. Of concern to the government is not only the engagement by those persons in politically motivated violence but evidence that Australians travelling to Syria to participate in that conflict are radicalised or further radicalised by violent jihadist ideology. The return of such radicalised persons to Australia, with the capabilities acquired through fighting or training with extremist groups, is of serious concern to the national security agencies. As the Director-General of ASIO observed in the 2013 ASIO annual report:

ASIO is concerned about the potential for Australians in Syria to be exposed further to extremist groups and their ideology.
An individual who becomes involved in the conflict and who holds, or develops, an extremist ideology could return to Australia not only with the intent to facilitate attacks onshore but also with experience—

(Time expired)

Senator FAWCETT (South Australia) (14:13): Mr President, I ask a further supplementary question. What is the Attorney-General's advice to Australians who are planning to travel to Syria?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:13): The advice of the government to Australians who are intending to travel to Syria to participate in the Syrian civil conflict is not to do so, not only because they put themselves at risk but, if it is their intention to participate in that conflict, either by engaging in it personally or aiding or assisting those who are engaged in it, they are committing a crime against Australian law, and if they do they will not expect to escape prosecution. In fact, the arrests this morning demonstrate the resolve of the police and national security agencies that these individuals will be identified and prosecuted. As AFP Deputy Commissioner Burn said today, it does not matter who you are or what you believe in, if you choose to illegally participate in a foreign conflict then you are not only breaking the law; you are placing yourself in immense danger.

Education Funding

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:15): My question is to the Minister representing the Prime Minister, Senator Abetz. I refer to the Prime Minister's statement on 2 August when he guaranteed, 'No school will be worse off under the coalition's school funding arrangements.' I refer the minister to his statement in question time yesterday where he said, 'There is no need for any school to be worse off.' Which is correct?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:15): Both.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:15): Thank you, Minister, for confirming that the government's commitment is completely ambiguous. Mr President, I ask a supplementary question. Yesterday, Mr Pyne said:

… I can say with absolute confidence that every school will get exactly the same amount of money, or in fact better now, than they would have if Labor had been elected.

I again refer the minister to his statement that there is no need for any school to be worse off. Given the inconsistency with the minister's own statement in question time, who should Australian parents, students and teachers believe?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:16): The Australian people know they cannot believe the Australian Labor Party on the strength of their 'no carbon tax' promise. If I were Senator Wong, I would be going nowhere near the issue of election promises. But let us be very clear: what do the coalition stand for in education? We believe in parent power, we believe in the states undertaking their constitutional responsibility and we do not believe in Canberra control. So they are three distinct differences between those on that side and those in the coalition, who actually believe that the states do have a role and that mums and dads do have a role in the education of their children, and should have a role. The people opposite believe that, if you happen to find
yourself in Canberra in this place, you somehow know it all. We actually believe that mums and dads and the states have a role to play in education as well. (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:17): Mr President, I ask a further supplementary question. The Prime Minister went to the election telling the Australian people that there was an 'absolute unity ticket on school funding'. Given what the minister has said today and the inconsistencies which he has repeated today, can the minister now guarantee that no school will be worse off because of yesterday's hurried deals and state budget cuts?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:17): In relation to honouring election promises, I feel in very great company with the Hon. Will Hodgman, who is in the gallery. He is also from Tasmania and he stood by his election promise of not doing any deal with the Greens, unlike those opposite. So I am delighted to take the supplementary question from the Leader of the Opposition in the Senate—

Opposition senators interjecting—

Senator ABETZ: It is nice to see the Labor Party smiling and laughing as well!

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

Senator ABETZ: In relation to the funding envelope, the Labor Party promised $2.8 billion. We promise $2.8 billion as well. But the former minister for finance, who now sits here as the Leader of the Opposition in the Senate, was part and parcel of the tactic by the then Minister for Education, now Leader of the Opposition in the other place, who took $1.2 billion out of that funding envelope which we have replaced.

International Day of People with Disability

Senator BOYCE (Queensland) (14:19): My question is to the Assistant Minister for Social Services, Senator Fifield. Minister, today is International Day of People with Disability. Can the minister please explain to the Senate the significance of this day and its importance to Australians with disability, their families, their carers and the support organisations? Can the minister also update the Senate on the National Disability Awards celebrations that have been held to mark this day?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:20): Can I acknowledge Senator Boyce's important contribution to disability policy in Australia and also all that she has done to engender a cross-party approach to disability in this place. Today, thousands of Australians will come together to celebrate International Day of People with Disability, with more than 700 local events being held across the nation. This year is a significant milestone for the international day, being the 21st anniversary of its inception. It is occurring in a landmark year, the year that the NDIS has launched in Australia. This day is important and it is a great opportunity to acknowledge the contributions made by Australians with disability. It is also a good time to reflect on the achievements that we have made and the progress that we have made in providing Australians with disability with a better deal. But it is also an opportunity to reflect on the work that we still have to do.

Last week, I was delighted to present 12 awards to exceptional individuals and organisations at the National Disability Awards—people who have made an important
contribution to improving the situation of Australians with disability. This year there was a
terrific field of more than 200 nominations in nine categories. It was an opportunity to give
the winners and the finalists well-deserved recognition for their commitment and
contributions.

As I have said on a number of occasions recently, it is great that disability issues are no
longer at the margins of Australian public policy. This has been no better demonstrated than
by the cross-party support for the National Disability Insurance Scheme. It is important that
we recognise that there is more to do, and the National Disability Strategy has an important
role to play.

Senator BOYCE (Queensland) (14:22): Mr President, I have a supplementary question.
Can the minister please outline to the Senate the coalition government's plans to better meet
the needs of Australians with disability and their families?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and
Assistant Minister for Social Services) (14:22): As we celebrate the International Day of
People with Disability and the progress that has been made over the last two decades in
breaking down barriers for people with disabilities, we also appropriately look to see what
more we can do to ensure there is more choice, more independence and more opportunity for
Australians with disability. This government is determined to see that Australians with
disability get a better deal. This is the rationale at the heart of the National Disability
Insurance Scheme, and it is why this government is so committed to seeing that important
reform through to completion.

The National Disability Insurance Scheme is going to make a huge difference to the lives
of more than 460,000 Australians, but it cannot do everything. It was not designed to do
everything, which is why it is important that we focus on the National Disability Strategy to
make sure that all levels of government continue to play their part.

Senator BOYCE (Queensland) (14:23): Mr President, I have a second supplementary
question. Could the minister please outline for the Senate the extent of the coalition
government's commitment to the National Disability Insurance Scheme, which is currently in
its launch phase?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and
Assistant Minister for Social Services) (14:24): It is a great privilege to be the minister with
responsibility for implementing the National Disability Insurance Scheme, but it is also a
great responsibility. Let me state unequivocally again that this government is absolutely
committed to implementing in full the National Disability Insurance Scheme. When we were
in opposition, we put partisanship aside and supported the referral to the Productivity
Commission. We supported the legislation, the announced funding and the launch sites. In the
words of the Prime Minister, 'The NDIS is an idea whose time has come.'

We will work to ensure that the National Disability Insurance Scheme is sustainable, not
just now and through the launch sites but for the long term. Australians with disability are
entitled to have certainty that the National Disability Insurance Scheme and the services it
provides are here to stay.
**Whaling**

Senator WHISH-WILSON (Tasmania) (14:25): My question is to the Minister representing the Minister for Immigration and Border Protection, Senator Cash. Last summer in the Southern Ocean, in Australian territorial waters, documented evidence shows the Japanese whaling fleet harpooned a mother whale and her calf. It took 30 minutes for both whales to die. They drowned in their own blood. I highlight this happened in our waters and on our watch. We have a purpose-built Southern Ocean patrol vessel, the ACV Ocean Protector. The Ocean Protector is currently acting as the world's most expensive water taxi off the coast of Christmas Island as part of Operation Sovereign Borders. Sea Shepherd is about to leave Hobart to do the government's job. When will the government send the ACV Ocean Protector to the Southern Ocean to stop the blood in the water this summer?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:26): I thank the senator for his question, in particular given that the senator was part of the group of senators from the opposition who last night voted to disallow the temporary protection visas. There is a reason that boats are water taxis, and that is the actions of those opposite. If you had the same resolve this government has in relation to stopping the boats, questions like the one you have asked today would not need to be asked.

Senator WHISH-WILSON (Tasmania) (14:27): Mr President, I have a supplementary question. I thank the senator for her answer—or non-answer, I should say. On 16 February this year, Minister Hunt said, in relation to Japanese whalers: 'We've got blood in the water and a blind eye in Canberra, it's completely unacceptable.' What is the Australian Customs plan to stop blood in the water and protect our whales, and to provide a safety net for Australian citizens on board the Sea Shepherd vessels?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:27): I can advise the Senate as follows: the coalition is well and truly committed to the protection of whales and dolphins. This is demonstrated by the government's commitment to developing and implementing best practice management in Australian waters and strongly advocating for the protection of whales in the International Whaling Commission. The coalition government committed to a $2 million whale and dolphin protection plan that includes a whale stranding action plan, a dolphin recovery plan and a national whale trail. These commitments are to be considered as part of the 2014-15 budget process, with implementation to commence in the 2014-15 financial year.

In relation to the national whale stranding action plan, we will include a review of recent strandings to identify potential causes, outline best practice techniques—(Time expired)

Senator WHISH-WILSON (Tasmania) (14:28): Mr President, I have a second supplementary question. On 23 August the coalition announced an election commitment that, should the whaling season continue, the coalition would send a Customs vessel to the Southern Ocean, because it is important that Australia have a Southern Ocean presence given the ongoing risk of confrontation between whalers and protesters. When will the coalition meet this specific election commitment and send the Ocean Protector to the Southern Ocean?
Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:29): I refer the senator to my answer to his first question.

Education Funding

Senator DASTYARI (New South Wales) (14:30): My question is to the Minister representing the Minister for Education, Senator Payne. I refer the minister to Mr Pyne’s claim that the Better Schools Plan was a ‘conski’; to Mr Abbott’s claim the coalition had a unity ticket with Labor on school funding; to Mr Pyne’s claim all agreements made by Labor would be renegotiated; and, finally, to the statement by Mr Abbott and Mr Pyne that Labor’s school funding agreement would be honoured in full. Minister, how can any parent, teacher or student trust anything this government says on education?

Senator PAYNE (New South Wales—Minister for Human Services) (14:31): I thank Senator Dastyari for his question. It is very interesting that Senator Dastyari should raise in the chamber the question of how one could trust a government, because the irony is not lost on me. It was after all Mr Shorten, who is now the opposition leader, who, as Minister for Education, chose to remove $1.2 billion from the education budget before the last election. It is also not lost on me—I think I have referred to this earlier today but I am very happy to go back to it—that it is in fact Labor Premier Jay Weatherill from South Australia who, notwithstanding having signed up to the previous government’s education agreement, is now cutting $230 million from the South Australian education budget, confirmed by the South Australian parliament’s budget and finance committee. If the senator opposite is concerned about trust, I suggest he take that up with the Leader of the Opposition and Premier Weatherill.

Senator DASTYARI (New South Wales) (14:32): Mr President, I ask a supplementary question. The coalition promised the Australian people a careful and consultative government. Is the chaotic and shambolic performance on school funding what you, Minister, had in mind?

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence on both sides, I will call the minister.

Senator PAYNE (New South Wales—Minister for Human Services) (14:32): I thank the senator for his supplementary question. Speaking of chaos, I think Mr Pyne referred to it quite effectively yesterday when he referred to the absolute wreckage that Mr Shorten had left behind in this portfolio area. We know that what he did was cut $1.2 billion out of school funding. We know that, of the jurisdictions across Australia, the Northern Territory, Western Australia and Queensland had never been part of the so-called national funding plan. We were actually told that Victoria and Tasmania had signed up, but they had not. We were actually told that the Catholic system had been signed up, but it was not. So it was a complete mess. To use Senator Dastyari’s words, it was chaotic. What Minister Pyne has done is spend the last 11 weeks consulting with the states and territories and consulting—(Time expired)

Honourable senators interjecting—

The PRESIDENT: Order! Senator Dastyari is on his feet.

Senator DASTYARI (New South Wales) (14:34): Mr President, I ask a further supplementary question. Can the minister confirm that the decision to backflip on school funding was made by the leadership group and only discussed by the cabinet after the Prime
Minister's announcement? Which ministers and which members of the Prime Minister's office were included in this decision—because clearly the cabinet was not?

Opposition senators interjecting—

The PRESIDENT: Order! When there is silence on my left I will call the minister.

Senator PAYNE (New South Wales—Minister for Human Services) (14:35): I can confirm that this government has reinstituted the $1.2 billion that the previous government took out of funding. I can confirm that this is a truly national agreement. I can confirm that the previous government was incapable of achieving this.

Honourable senators interjecting—

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

Diabetes

Senator EGGLESTON (Western Australia) (14:36): My question is to the Assistant Minister for Health, Senator Nash. Minister, too often we have heard about a national diabetes epidemic. Could you inform the Senate about the seriousness of this epidemic and how the government plans to address it?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:36): I acknowledge the senator's very keen interest in this issue. The prevalence of diabetes alone has more than doubled since the 1990s. Results from the latest Australian health survey indicate that 5.1 per cent of Australian adults have diabetes. While four per cent of adults have a known diabetes condition, another one per cent have an undiagnosed case of the disease. A further 3.1 per cent of adults have impaired fasting glucose levels, which indicates a high risk of developing type 2 diabetes. Of particular concern, diabetes has been found to be three times more common in Indigenous Australians. Tragically, Indigenous Australians are around seven times more likely to die from diabetes than other Australians.

Type 1 diabetes accounts for one in every 10 cases of the disease. Gestational diabetes occurs in more than five per cent of pregnancies in Australia. The human cost is significant and so is the cost on the Australian health system. Expenditure on diabetes is expected to increase by over 430 per cent over the next two decades. The direct cost of diabetes to our health system is currently over $1.5 billion a year.

Part of our plan is to establish a national diabetes strategy, which the Minister for Health, Peter Dutton, announced yesterday at the 2013 World Diabetes Congress in Melbourne. I also addressed the congress, and I acknowledge former Senator Guy Barnett's contribution in this area and note that he is in the chamber today. The national diabetes strategy will be supported by expert input from key stakeholders to ensure that health spending can be better targeted to address the prevention, treatment and management of this chronic disease. The strategy's advisory group will be co-chaired by the Hon. Judi Moylan and Professor Paul Zimmet. Together they bring a wealth of knowledge to diabetes prevention and medical research. The resulting policy framework will be action oriented and will focus particularly on tackling the impact of diabetes on our children.
Senator EGGLESTON (Western Australia) (14:38): Mr President, I ask a supplementary question. Can the minister further inform the Senate about what is being done to address the worrying incidence of diabetes affecting children?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:38): The incidence and prevalence of type 1 diabetes among children in Australia is among the highest in the world, which is extremely concerning. This will be a focus of the national diabetes strategy. The coalition government has provided an additional $1.4 million for the Type 1 Diabetes Insulin Pump Program to provide insulin pumps for 136 children. This is in addition to the 68 pumps already available under the program and it will benefit more than 200 children and their families over the next year. The pumps, which deliver a continuous level of insulin throughout the day, help to improve the management of diabetes for children and their parents and teachers. As well, the government has promised a $35 million grant to support the Juvenile Diabetes Research Foundation's Type 1 Diabetes Clinical Research Network in its efforts to help find a much-needed cure for type 1 diabetes.

Senator EGGLESTON (Western Australia) (14:39): Mr President, I ask a further supplementary question. Can the minister inform the Senate of other measures to address diabetes? In particular, what is being done to make treatment more affordable?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:40): Research has long been the foundation of our national efforts in diabetes prevention and care. In the past decade more than $475 million has been invested in diabetes through the NHMRC. The Prime Minister and the Minister for Health recently announced $559 million for NHMRC council grants—17 of which are focused on diabetes. As well, the government has an ongoing commitment of up to $1 billion over five years towards universal access for all Australians with diabetes to self-management products and support through the National Diabetes Services Scheme. We will also continue to support Australians with diabetes and other chronic diseases through the PBS and MBS so that they can access medication, services and equipment to help treat and manage their condition.

I have no doubt that the recent listing of four new diabetes medicines on the PBS by Minister Dutton would have been widely welcomed. Further, the government will invest in rebuilding primary care specifically through the teaching, training and education initiatives—

(Time expired)

Broadband

Senator LUNDY (Australian Capital Territory) (14:41): My question is to the Minister for Finance, Senator Cormann, in his capacity as shareholder minister for the NBN. I refer to media reports of advice prepared by NBN Co. during the caretaker period for the incoming government, which states:

… it is unlikely that NBN Co will meet the 2016 deadline to upgrade the fixed network to enable Australians to have minimum download speeds of 25Mbps.

I note also Ziggy Switkowski’s evidence to a Senate committee last week that ’2016 as a deadline is very, very demanding.’ Will the minister confirm that the government will meet its promise that by 2016 every Australian household and business will have access to broadband speeds of at least 25 megabits per second, or will this be another broken promise?
Senator CORMANN (Western Australia—Minister for Finance) (14:42): The NBN project is another fine mess that we inherited from the Labor Party. Since the election this government has worked carefully, methodically and purposefully to fix the mess that we inherited from the Labor Party. We have done exactly what we said before the election that we would do, and that is to go through a proper strategic review of NBN Co. That review is about to be released and it will be there for all to see: the fine mess that Senator Conroy and Senator Wong, shareholder ministers of NBN Co., made under the previous government. This government will deliver faster, better broadband more affordably for taxpayers and more affordably for consumers. We are fixing the mess that you created.

Senator LUNDY (Australian Capital Territory) (14:43): Mr President, I ask a supplementary question. Will the minister confirm that the coalition's flawed, second-rate fibre-to-the-node broadband plan will not be capable of delivering premium high-speed services to Australian households and businesses? Will the minister also confirm that NBN Co.'s current revenue forecast will have to be revised down by as much as 30 per cent because the coalition's fibre-to-the-node plan cannot deliver these services to Australian businesses and households?

Senator CORMANN (Western Australia—Minister for Finance) (14:44): I completely reject the assertions that are the premise of the question. We are focused and we will deliver faster, better broadband sooner than Labor would have, and we will do it in a way that is more cost-efficient—to the benefit of taxpayers—and more affordable for consumers.

Senator LUNDY (Australian Capital Territory) (14:45): Mr President, I ask a further supplementary question. I refer the minister to media reports that show that NBN Co. had identified, validated and was on track to implement substantial cost savings in its fibre-to-the-home rollout, and yet current NBN Co. chair, Ziggy Switkowski, at last week's Senate hearings dismissed these cost savings as 'not passing a special test'. Will the minister confirm that NBN Co. has identified billions of dollars of cost savings? And does he support rejecting these savings just so Mr Turnbull's mates can deliver a 'special' NBN review that justifies the government's switch to a second-rate broadband— (Time expired)

Senator CORMANN (Western Australia—Minister for Finance) (14:45): Thank you. When you are in a hole, you really should stop digging. This NBN Co. project that we inherited from the Labor Party was a complete mess. NBN Co. under the previous government failed to meet every single one of their targets. They even failed to— Honourable senators interjecting—

The PRESIDENT: Senator Cormann, resume your seat until I have order on both sides.

Senator CORMANN: For the benefit of Senator Lundy: guess what? There was an election. And guess what? The Australian people voted for our policy, for faster, better broadband services; more affordable for taxpayers, more affordable for consumers—

Senator Wong: Mr President, on a point of order: the Minister for Finance was asked a very specific question about cost savings; he has not come close to the answer. If he does not know, he should sit down. But his answer currently bears no relevance whatsoever to the very specific question that was asked.

The PRESIDENT: I am listening closely to the minister's answer. I believe the minister is answering the question. The minister still has 23 seconds remaining to address the question.
Senator CORMANN: Thank you. For the benefit of Senator Wong, I will say it again slowly: the coalition will deliver faster, better broadband services sooner than Labor would have, cheaper for taxpayers. Guess what? Those government change deniers over there better get used to the fact that very soon it will be there for all to see what a fiscal mess Labor left behind in the NBN. (Time expired)

Asylum Seekers

Senator SMITH (Western Australia) (14:48): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. At the election, voters in my state strongly supported the reinstatement of temporary protection visas. Can the minister explain how the government will honour its promise to deny permanent residency to people who illegally arrive in Australia by boat?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:48): I thank Senator Smith for his question. I advise the Senate as follows. As the Prime Minister said today in a press conference prior to question time: this government will never allow people who come here illegally by boat to obtain permanent residency in Australia. The message to people smugglers is clear: 'You should not come, because you will not stay'.

Just like the former Howard government, the Abbott government is the most potent weapon that we have against people smugglers. What this government has that the former government never had is resolve. Unlike those opposite, who were prepared to grant permanent visas to over 33,000 people who are in this community on bridging visas, sending a clear sign to people smugglers that Australia is open for that type of business, you will not see the Abbott government making that mistake.

Our resolve is clear; our commitment to the Australian people is clear, despite the very best efforts of those opposite. You can try as hard as you like, but you cannot deny the fact that this government is implementing policies that work. In relation to those who arrived illegally by boat under the former government and who have not yet been processed, the resolve of this government and our commitment to the Australian people is that they will not receive permanent visas.

Senator SMITH (Western Australia) (14:50): Mr President, I ask a supplementary question. Are there any threats to the government's efforts to stop people smugglers luring people into making dangerous boat journeys to Australia on the promise of attaining permanent visas?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:50): I think it is very clear to all of those present that the only threat to the coalition's strong border protection policies is those opposite. That was made clear to the people of Australia last night. Those opposite should listen to words of the previous Minister for Foreign Affairs, Bob Carr, who offered them one piece of advice, but it was a very good piece of advice. He said that there 'should not be a bit of daylight' between Tony Abbott and Labor on irregular migration; 'If you want to embrace the Greens-Left-Fairfax-ABC position, you are going to go backwards at the next election'.
The opposition may want to continue to be in an unholy alliance with the Greens but that will not stop the resolve of this government.

Senator SMITH (Western Australia) (14:51): Mr President, I ask a further supplementary question. What steps is the government taking to deny people smugglers a product to sell?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:52): As the Minister for Immigration and Border Protection said today, whether you came here illegally three weeks ago or three months ago, you will not receive a permanent visa under this government. And in relation to those who have come post-19 July, again, the resolve of this government is very clear: you will be processed offshore, you will be sent to Nauru, you will be sent to Manus Island, you will settle there unless you choose to return home, but—unlike with the former government, who quite happily worked with the people smugglers to assist them in plying their evil trade—you will not come to Australia. We have implemented Operation Sovereign Borders and we know that, unlike those others, these policies will work.

DISTINGUISHED VISITORS

The PRESIDENT (14:52): Order! I acknowledge the presence in the President's gallery of former senator Guy Barnett. Welcome.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Automotive Industry

Senator TILLEM (Victoria) (14:53): My question is to the Minister representing the Minister for Industry, Senator Ronaldson. I refer the minister to the Australian Industry Group submission to the Productivity Commission inquiry on the auto sector and the comments by their CEO, Innes Willox, who said:

… policies and funding commitments need to be predictable and, above all, stable and we believe the $500 million commitment should be honoured.

Will the government listen to business and give the industry the certainty it needs by scrapping the disastrous cuts to auto?

Government senators interjecting—

The PRESIDENT: Order! Before I call the minister, the debate going on behind him is disorderly. I remind honourable senators I am waiting for Senator Ronaldson to have the call.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:54): I thank the honourable senator for his question. I am somewhat surprised that, having moved from the nation's great job wrecker, Senator Carr, the question has been flicked off to the new senator from Victoria.

Senator Jacinta Collins: Is the problem that you're briefless?

Senator RONALDSON: No, it is a very large brief, actually. I'm happy to give it to you in three years time!

The PRESIDENT: Senator Ronaldson, ignore the interjections and address the chair.
Senator RONALDSON: I dare say, Mr President, it is probably the largest brief here. Putting that to one side, I just want to draw to the honourable senator's attention—I know that he has recently arrived—and remind him of his party's changes to the fringe benefits tax which the Australian automotive industry said would have cost 100,000 jobs.

Honourable senators interjecting—

The PRESIDENT: Senator Ronaldson, resume your seat. Senator Ronaldson is entitled to be heard in silence.

Senator RONALDSON: I do have a brief here that Senator Carr might not be quite as keen for me to read, which I am happy to talk to. What I will say to the honourable senator is that the fringe benefits changes that you proposed were going to cost 100,000 in annual production for the automotive industry. I will just go through some figures with your colleague from Victoria, the great job wrecker of the automotive industry in this country. These are some very interesting figures. Automotive industry employment averaged 45,007 people in the four quarters to August 2013, down from 50,376 in the same period in 2012. Just out of interest, Senator— (Time expired)

Senator TILLEM (Victoria) (14:57): Mr President, I have a supplementary question. Will the minister admit that taking away $500 million in legislated support creates a major issue of sovereign risk when it comes to new investment in Australia?

Government senators interjecting—

The PRESIDENT: Order, on my right!

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:57): There are some very golden rules in here, Senator. Although you might be new, you do not have to take a dog's breakfast of a question like that. The simple fact is that when you go back and reflect on what the Australian Labor Party has done to the car industry, the carbon tax which added about $400 to $500 on the cost of a car, and when you look at what has been withdrawn by Senator Carr and others—

Honourable senators interjecting—

The PRESIDENT: Order! If people wish to debate this question the time is after 3 pm. Senator Ronaldson is entitled to be heard in silence.

Senator RONALDSON: Thank you, Mr President, it is very hard to concentrate. Can I just say to the honourable senator: at close of business before Christmas, you, and those beside you, have got an opportunity to deliver to the car industry, to deliver to the mining industry, to deliver to Australian industry the best Christmas present you can give them, and that is to allow the abolition of the carbon tax. We are sick and tired of the crocodile tears from Senator Carr, the great job destroyer— (Time expired)

Senator TILLEM (Victoria) (14:58): Mr President, I have a further supplementary—considering the size of the minister's brief. Given that we already know, thanks to many published studies and evidence reiterated at the Productivity Commission inquiry, the value of Australia's automotive industry, the comparative amount of government assistance provided against international benchmarks, the level of support Australian industry requires and the
impacts of any failure in the industry, will the minister admit that the true purpose of this inquiry is to provide an alibi for government inaction?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:59): That is quite extraordinary, quite frankly—another wasted supplementary. I will tell you the impact that the previous government policy has had on the Australian automotive industry. I will just go through this.

Senator Moore: Mr President, I rise on a point of order. My point of order is on relevance. I know Senator Ronaldson is moving to give us a list of figures, but his premise seems to be that it is going to be passed, and he is not giving a response to the question, which was: what was the reason for the review?

The PRESIDENT: The minister has been going for 15 seconds. There is no point of order at this stage. The minister has 45 seconds remaining to address the question, and I ask the minister to now take that opportunity.

Senator RONALDSON: I will just say this to the honourable senator in relation to the Productivity Commission and the future of the Australian car industry. You may or may not be aware of this, Senator, but I will just go through the terms of the inquiry. The broad terms of reference include examination of the industry's structure, productivity, investment, profitability, international competitiveness, exports, workforce structure and practices and long-term sustainability. This government is committed to the sustainability of Australian industry. This government will not do things like impose a mining tax and a carbon tax which are going to destroy employment in this country. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Education Funding

Senator PAYNE (New South Wales—Minister for Human Services) (15:01): Yesterday, on behalf of the Minister for Education, I took on notice a question from Senator Wong about contact with the New South Wales government. I can advise that the education minister has indicated that he has been in ongoing consultation with the New South Wales government about schools funding.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Education Funding

Senator KIM CARR (Victoria) (15:02): I move:

That the Senate take note of the answers given by the Minister for Human Services (Senator Payne) and Minister for Employment (Senator Abetz) to questions without notice asked by Senators Carr and Dastyari and the Leader of the Opposition in the Senate (Senator Wong) today relating to schools funding.

Today we heard further attempts by this government to explain its backflips on the schools-funding regime, a funding regime which is in complete contrast to what the government said, prior to the election, that it would have. Prior to the election, we were told that there would be no gap between Labor and Liberal when it came to schools funding. Since the election, we have had four separate iterations of the government's position. But nothing can take away
from the fact that Labor's program was a once-in-a-lifetime opportunity to secure genuine schools-funding reform for the 3½ million Australian students currently in schools and for subsequent generations. Labor's program involved a $14.5 billion contribution, of which $9.4 billion would come from the Commonwealth. What we have heard proposed from this new government is a fraction of that amount of money. Less than a third of that amount of money is being proposed.

Under Labor's requirements, there would be conditions applied to the states to ensure that they would not do what they have done for generations, which is to shift costs to the Commonwealth. Labor's conditions would prevent that happening. Under the Labor government's program there was a requirement for three per cent indexation on the contributions, whereby, for every dollar the states put in—and they had to actually put extra money in—$2 would be put in from the Commonwealth. We also saw under Labor's program a commitment to a new system of needs based funding, in which money would flow to those most in need: the disabled, the Indigenous, students from working-class and poorer backgrounds, those with limited education, those in remote areas and those who, as a result of no circumstances other than their postcode, were suffering quite massive disadvantage. All of those things this government has walked away from.

Yesterday we heard the Minister for Education say—and this is reflected in the answers given today—that there would not be conditions applied to Western Australia, Queensland and the Northern Territory and, 'We would expect the signatory states to keep the promises they've made.' They would expect! What generosity of spirit! We have heard today about grown-ups. We know the history of education funding in the Commonwealth of Australia. We know the long-established pattern of cost-shifting and the way in which the states have taken money away while at the same time accepted additional money from the Commonwealth. What Mr Pyne said yesterday was that they would expect the states to keep their promises, 'but at the end of the day that is a matter for those sovereign jurisdictions'. So there again we have a situation where this government has walked away from its pre-election commitment, to ensure that there is additional funding provided by the states—not just by the Commonwealth but by the states as well. What we know is very clear, and Senator Abetz has reinforced this point today: there is no way, under this government's new arrangements, that there can be any guarantee that schools will not be worse off. That is crystal clear and it is a broken promise.

We heard much about the South Australian government today. What we do not get told is that the South Australian department of education and schools will increase their funding by $1.87 billion over the next five years. That is a direct result of the agreements that were entered into with the Commonwealth Labor government to ensure increased expenditure by the state government in South Australia. There is nothing that can be construed from any statements that have been made by the education minister today about anything that the South Australian government is doing which will have any negative impact on schools, on teacher numbers or on services, yet we heard this wild allegation being put by Mr Pyne that somehow or other the government in South Australia has walked away from its commitments under the terms of the Better Schools program.

What we have is a coherent package of reform proposed by Labor and a gutting of that program by this government: only one-third of the money delivered, walking away from the equity provisions, walking away from the governance provisions. There is no doubt
whattover that this is a government that cannot keep its word. This is a government that has reneged on its commitments to the Australian people. *(Time expired)*

**Senator BIRMINGHAM** (South Australia—Parliamentary Secretary to the Minister for the Environment) (15:07): Mr Deputy President, he doth protest too much, does Senator Carr. From what we hear, over there Senator Carr howls and he yells and he squeals and he screams. What he is so upset about is that this government has done what his government could not. This government has set about and achieved delivery of funding across every state and territory of the Commonwealth for schools, which his government failed to do. This government will ensure, as promised, that, firstly, there is no need for any school to be worse off and also, as Senator Abetz said today, that, secondly, no school will be worse off. The money is on the table and flowing not just to four states and one territory but to all six states and to both territories to ensure that every student around Australia will be treated equitably under our school funding arrangement.

Senator Carr comes in here, as do other Labor senators, and talks about the potential for schools to be worse off, for children to be worse off, for parents to be worse off. You know who was going to be worse off under the Labor Party had they remained in office? The schools, the students, the parents, the families in Queensland; the schools, the students, the parents, the families in the Northern Territory; and the schools, the students, the parents, the families in Western Australia. Labor was providing no future funding for students, parents, schools and families in those jurisdictions. Labor went into the last election having stripped $1.2 billion out of the budget so that it had nothing left to provide to those jurisdictions. The coalition in government have set about rectifying Labor's problems. We are ensuring that no student will be worse off because we are ensuring that every state, every territory and therefore every Australian family and school student will be treated equitably regardless of where they live. They will be guaranteed of getting the funding they deserve for their schools because every jurisdiction will receive the funding that they deserve.

Mr Shorten has history when it comes to axing things. He may have in the pre-election context axed $1.2 billion of school funding, but that was on top of his track record of having axed two prime ministers during their squalid term in office. How can the Labor Party can come into this chamber and talk about fairness of funding when they got it so wrong—how can they talk about proper process when they ran such a chaotic and shambolic government; how can they talk about any of those things—when they are led by a leader who was the one who left three jurisdictions in the lurch, who failed to properly sign up other jurisdictions to his much vaunted model? Let us be very clear in what we understand here: the school funding package Labor took up was just an attempt to mask all of the failures of government at the last minute running into the election campaign. Mr Shorten ran around the country attempting to stitch together at the eleventh hour of a chaotic government a deal which did not have equity at its heart because he could not get everybody onto the same funding page, a deal that left virtually half of Australia in the lurch, a deal that was clearly and demonstrably unfair in its approach.

Senator Carr comes in here and talks about shifting costs. The truth is that Mr Shorten shifted costs all right. In trying to claim that all money in the world was being provided to schools, he shifted costs outside of the forward estimates. It is very easy to promise things that you do not have to budget for. That is not the style of this government. We are promising...
what we know we can budget for and deliver over the four-year budget cycle, not what might happen beyond that. What might happen beyond that has to be the subject of future proper budgeting. Mr Shorten also then shifted costs right outside of the budget when he stripped that $1.2 billion away. So be under no illusion: this government stand proud of their education record because they are delivering the equity, the service and the money to all Australian students. *(Time expired)*

**Senator THORP** (Tasmania) (15:12): It has become so clear over the last weeks and months that those opposite simply do not understand what education is; they really just do not get education at all. However, quite cynically, they do understand the value that Australians put on education. Australian people do get education, they do know what a valuable thing education is. That is why the Australian community embraced the review of school funding and education in this country and they embraced the outcomes of that review that became known as the Gonski report. The Australian people know that the most valuable thing we can do with our time and efforts in this country is make sure that every one of our children has the opportunity to have their full potential realised. They are our future and that is something that the Australian people know. That is why those opposite could not afford to go to the election threatening to undermine all that work and its endpoint, the Better Schools plan. They knew they could not do it. What happened? Our Gonski became their 'conski'. It is absolutely shameful.

The coalition went into the last election saying 'every single school in Australia will receive dollar for dollar the same federal funding over four years whether there is a Liberal or Labor government'. This was a cynical exercise designed to comfort voters that, whatever election decisions they make on any other issue, that very important issue, the most important issue of all, the education of our children, was one issue on which they could say, 'It doesn't really matter whether I vote Labor or Liberal, I'm going to get the same outcome.' Honestly, what a backflip! Was it a Nadia Comaneci? It is a backflip of those proportions. I think it is probably the second perfect 10 of a backflip. That promise became a commitment to the overall envelope and quantum of funding and then it moved from honouring the signed commitments to honouring the deals for a year prior to the introduction of a new funding model. Those opposite are even trying to say that there was no deal negotiated with my home state of Tasmania, which is completely and utterly untrue. The leader of the government knows that to be a fact, because he knows that that agreement was made between the state Labor government and the then government. Of the weasel word backflips that I have heard from the Prime Minister, this must be the best one of the lot.

We are going to keep the promise that we actually made, not the promise that some people thought we made or the promise some people would have liked us to make. It is quite unbelievable. 'Stupid Labor, stupid journalists, stupid voters: you should have listened more closely because without forensically looking at every slippery word we said you could not really understand what we meant.' The now Prime Minister may as well have listened more closely because without forensically looking at every slippery word we said you could not really understand what we meant. 'Sucked in, because you actually believed us.' But unfortunately—unfortunately for the kids of Australia—the uproar has been too great, and the Prime Minister has already had to step in, reinstate the agreements with the signed-up states and territories and come up with some hastily put together agreements with the couple of states and the territory that had not signed up. As for those 'sucked in' states, who thought that hanging around for a new
government might get them better money, how wrong they were. Now, the coalition has
found the lost $1.2 billion they claim we had removed from the education budget and they are
still in very hot water.

Let no-one be in any doubt about this: the current government has abandoned the Better
Schools Plan. They want to revert to a broken model that was examined forensically through a
very thorough school review of planning, programs and funding that demonstrated that it
treated schools differently and it treated well-off schools too well. They have not even made
sure that the states that have most recently signed on cannot use the money that they will
receive to prop up their own budgets. How appalling is that when we had this wonderful
opportunity to really transform the nature of education in this country? It is absolutely
appalling and an absolute waste of time and opportunity. (Time expired)

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (15:17):
Isn't today just extraordinary! Yesterday, I sort of expected that the opposition would come in
and not be able to understand the announcement that the Prime Minister and Minister Pyne
made yesterday afternoon before question time. But I thought that, after they had had a day
for it to settle in, they might have a sense of shame in that it has taken the coalition to deliver
on the promises that both the opposition and the government at the time made to the
Australian people. Labor will not be allowed to run away from the fact that in the dying days
of their government and in the shadows of the election campaign—hoping they would get
away with it—it was revealed, only due to the Charter of Budget Honesty, that they had cut
$1.2 billion from education in this country. The previous few years were nothing but a series
of bumper stickers and a sham they were trying to pull over the eyes of the Australian people,
just like they did with the carbon tax and the litany of other broken promises.

I almost laughed earlier when I heard Senator Carr talk about a six-year plan—I thought he
was more enamoured with five-year plans. He comes in here and talks about a plan where
people were expected to believe the Labor Party for three elections away in 2018, 2019 and
2020. They could not even be trusted to deliver year 1 of the funding commitments that the
Better Schools Plan required. The students in the jurisdictions of Western Australia, the
Northern Territory and Queensland were not going to get a needs based funding arrangement;
they were going to be funded and penalised on the basis of the states they came from. This is
despite the fact that Western Australia funds its students above the levels the federal
government wanted.

Now, we have them fall back on the pathetic excuse that somehow, because Canberra will
not dictate to the states the micromanagement of their schools, we are not living up to our
promises as to education. Labor cannot be trusted to live up to promises it makes months
earlier, but this betrays Labor's constant view. As a party of centralism, and as a party that has
spent every waking day of its history trying to undermine our federation, they have this view
that all of the wisdom resides in this parliament and in this city. They always take the side
against our communities, our towns and our cities as they want to be prescriptive about how
things like schools are run. That is only because they want the power of patronage. They lack
the humility to say, 'I believe these communities know how to run their schools better.' But
when we go to the state level and see the Labor Party taking sides, it is always in favour of the
AEU, the bureaucracy and the centralisation of schools but, again, against parents, families,
students and communities, because Labor has no sense of its own limitations.
For members of the Labor Party—the party of school halls and pink batts—to come in here and say that they are somehow better placed to run our schools than the authorities responsible for them is nothing short of rank hypocrisy. The Labor Party rolled out the overpriced school halls program. If I had said to anyone in Australia in 2007 that they could have a once-off, once-in-a-generation $14 billion investment in schools, no-one would have come up with the idea of overpriced school halls as a solution to that. The Labor Party paid $2 billion more than was necessary and there were no strings attached then about getting value for money. So why on earth would people trust you managing schools and teachers' salaries in the states that know they are responsible to their electorates for managing our schools?

Only the Labor Party would not think that there is a difference between the requirements of a school in Brunswick and one in Broome and that maybe people in Belconnen are not best placed to make those decisions, that we should leave it to those local communities.

The Labor Party on this issue are shameless, but they will not be allowed to run away from their own history. Their own history is that in the dying days of their government, despite all the promises, political posturing, bumper stickers and green buses, they stripped $1.2 billion from school funding in this country. It is the coalition, as always, that cleans up Labor's mess. It is the coalition that actually delivers on the commitments that this parliament has made to the Australian people and to Australian families. The Labor Party will not be allowed to run away from that history.

Senator FURNER (Queensland) (15:22): I am pleased, at the start of this motion to take note of answers, to hear from Senator Ryan his point of view on the school halls program, a signature program of the previous Labor government.

Senator Kroger interjecting—
Senator Cash interjecting—

Senator FURNER: There are children sitting up there in the gallery who are from primary schools that, as a result the Labor government, had the good fortune of being successful in gaining a hall, a science centre or a library. Those opposite, when they were in opposition, condemned that policy, notwithstanding the fact that they turned up to every opening for a photo opportunity—smiling, being prepared to be there hand-in-hand with the duty senator or whoever was opening it. They condemned it and wanted to block that program of funding for school halls, science centres and libraries that those schoolchildren up in the gallery now enjoy. That would have been denied by the then opposition.

But that is not what we are here today to talk about; we are here today to talk about the backflips of the government in school funding—and what typical backflips we have seen. For the last two days in question time we have seen here firsthand the Minister representing the Minister for Education in this chamber not being able to answer questions as to why certain things have occurred. In a second supplementary question today she failed to answer why the government backflip on school funding was only discussed by cabinet after the Prime Minister's announcement. This is a typical sign of the disingenuousness of this government—the reason why people are not trusting them. That is the reason why this particular issue on school funding hit the social media like a rash to a—I will not say what I was thinking about. It hit social media over the weekend and led to the situation we are in today of exposing their broken promises.
It is a broken promise that continues into this week. You will hear it in their doorstops and you will hear it in the chambers—this humiliating backdown of Mr Tony Abbott and Minister Pyne. They have done absolutely nothing to fix the broken promise that no school would be worse off. I can remember when the previous education minister the Hon. Peter Garrett and I were involved in many forums discussing not only with students but also with teachers—going round the countryside explaining to people in their schools—maybe the schools that these children in the gallery attend—what the Better Schools Plan, better known as Gonski, meant. That was the consultative process that we went through as a government. This government now are loath to go out there and discuss these issues associated with their backflip, where they are going to cut people short in schools like in my state of Queensland.

What captured the whole issue was a cartoon I saw in the media today. It was a cartoon of Mr Abbott and Mr Pyne in a car swerving around a corner and Mr Abbott says, 'We will now honour our promise we didn't make but the public thought they heard'. That is typical of the media when it comes around to picking up issues that this government is doing in terms of backflips.

Senator Conroy: They are honouring a promise they didn't make!

Senator FURNER: That is right—a promise they didn't make. The public are a lot smarter than that and they realise what this government are up to. They realise the flaws in their argument and that is why they have had to come cap in hand and reach a settlement with regard to the mistakes they have made and stump up to the commitments that we made in government.

What concerns me is what is happening in my state when it comes to education. This is my concern about not having that commitment to have some say when you reach agreement with another party over what you are going to do with that money. In my state of Queensland the government there are actually closing schools down. They are selling off parts of those schools and school grounds. What is going to happen to the education of those children? At this stage there are some six schools that have closed down in Queensland and a further two that are being considered. This is a typical example of why you need, when you reach agreement with a party, to have some commitment, some trust, some accountability of how you are going to spend that money. But this government will hand over a blank cheque to those primary schools and secondary schools in how they are going to spend that money.

Senator Kroger interjecting—

Senator FURNER: They do not really care, as long as they just get that money and get that support that they wish to obtain in the future. Once again, the people do not trust you. They are wise to you, Senator Kroger. You have been found out. *(Time expired)*

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

Question agreed to.

Whaling

Senator WHISH-WILSON (Tasmania) (15:28): I move:

That the Senate take note of the answer given by the Assistant Minister for Immigration and Border Protection (Senator Cash) to a question without notice asked by Senator Whish-Wilson today relating to efforts to prevent illegal whaling.
I certainly hope that Senator Cash's non-answer to my question today is not an indication that we are looking at another election promise broken or another backflip.

Senator Abetz interjecting—

Senator WHISH-WILSON: If it is the case it would give me no pleasure at all, Senator Abetz, I can tell you. We have a lot in common with the coalition on the issue of whaling, certainly in terms of recent comments made by the coalition about whaling. I wanted to run through a couple of those comments, especially from Minister Hunt—and I notice that Senator Abetz has also raised this issue in previous estimates—about the importance of sending a Customs vessel to monitor whaling activity in the Southern Ocean.

The Japanese whaling fleet is currently undergoing sea trials in Japan. The New Zealand Southern Ocean patrol boat departed for duty to the Southern Ocean several days ago. The Ocean Protector, as I mentioned earlier in question time, is off Christmas Island. Dating back to 2008, the present minister Mr Hunt indicated that Sea Shepherd was doing the government's job and blamed the previous Labor government for the Southern Ocean conflict. Where is the Oceanic Viking, the previous Customs boat? It was promised weeks and weeks ago. Because it is not there, Greenpeace and Sea Shepherd have had to do the government's work and that, in part, has contributed to this conflict.

On 16 February this year the now Minister Hunt said blood in the water was unacceptable to Australians. He said:

Reports of the slaughter of whales in Australian waters are deeply disturbing. The Government must make a statement immediately, have whales been slaughtered in Australian waters, if so what are they going to do about it. We've got blood in the water and a blind eye in Canberra, it's completely unacceptable.

These are Australian waters that should be protected. Whaling should never be occurring but for it to occur in Australian waters is an utter failure in Canberra.

On 25 February 2013 Mr Hunt indicated that the coalition would make defending Australia's Southern Ocean interests an election issue, promising to restore regular boats and also to deploy a Customs vessel to monitor Japanese whaling. On 23 August 2013, the coalition made an election promise to send a Customs vessel to the Southern Ocean.

Should the whaling season continue, the Coalition commits to sending a Customs vessel to the Southern Ocean. It is important that Australia has a Southern Ocean presence given the ongoing risk of confrontation between whalers and protestors.

That is certainly something that I spoke about to the Sea Shepherd crew last weekend when I visited the Bob Barker in Hobart. It is a significant area of concern to the Sea Shepherd crew who go down and do the government's job for them. Lastly, this weekend Greg Hunt's office issued a statement on the election commitment. A spokesman for the environment minister Greg Hunt said he remains committed to monitoring and observing the Japanese fleet.

We would agree with all of these comments made by Minister Hunt relating to the previous whaling activities in the Southern Ocean. It was clear today in question time that we have a minister who refuses to match Minister Hunt's commitment to sending a Customs vessel, the Ocean Protector, down to the Southern Ocean, which is exactly what it was designed for. It is an Antarctic vessel, purpose built for patrolling our waters in the Southern Ocean.
The Japanese fleets are very close to leaving. Australians have watched the whales frolicking off our coastline for the last three or four months as they have headed south, swimming and surfing. These whales breed in Australian waters and they calve down in the Southern Ocean in an international whale sanctuary. Yet the Japanese whaling fleet illegally—and it has been deemed illegal by the Australian government, and I hope it will be by the International Court of Justice—continue to poach whales. This activity has got to stop. The great majority of Australians do not support this illegal whaling and they want to see our government take action. This is certainly something that we would be very pleased to see.

I genuinely hope that Senator Cash's response today is not an indication of a broken election promise or a backflip on a very important issue. Given what has happened this week with Gonski, I do not think that would be a particularly good look for the coalition. More importantly, it will not be good for the whales in the Southern Ocean. This is an issue that many coalition senators feel strongly about, as I do. Please, send the vessels south to do a good job. **(Time expired)**

**Question agreed to.**

**PETITIONS**

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

**Defence Honours and Awards**

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

The undersigned petitioners express disappointment that the Report of the Defence Honours and Awards Appeals Tribunal Inquiry into unresolved recognition for past acts of naval and military gallantry and valour failed to recognise any of the thirteen nominated brave Australians for a Victoria Cross or some other award, including and especially ordinary seaman Teddy Sheean. Teddy Sheean served on the HMAS Armidale and when attacked on 1 December 1942 and ordered to abandon ship he returned to his anti-aircraft gun and fired at the enemy aircraft to protect his mates being strafed in the water. Teddy Sheean did this in total disregard for his own safety and life, and was seen continuing to fire as the ship went down.

The Tribunal stated "Sheean's actions displayed conspicuous gallantry but did not reach the particularly high standard required for recommendation for a VC". The Tribunal's Report was flawed and their assessment of Teddy Sheean and his bravery was incorrect.

Your Petitioners therefore ask the Senate to note our disappointment and ask the Government to set aside the report of the Tribunal and reconsider the acts of valour demonstrated by the thirteen nominated brave Australians and specifically Teddy Sheean.

by Senator Parry (from 5159 citizens).

**Pesticides**

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

The petition of the undersigned citizens of Australia shows our:

**Call for a Royal Commission into the Use of Pesticides and Harm to Public Health**

Your petitioners ask that the Senate take the necessary action to initiate the following:

1. A Royal Commission into the use of pesticides, related illnesses and environmental harm,
2. A Moratorium on the use of pesticides on public and private open space, and on the growing of pesticide reliant Genetically Modified Crops,
3.  a) The prevention of Australian law being subjugated to foreign Interests under the proposed Trans Pacific Partnership, and
  b) the right of the Australian people to the regulation of food labelling, the refusal of GM crops and of increasing pesticide levels in food.

by Senator Siewert (from 168 citizens).

Petitions received.

Defence Honours and Awards

Senator KROGER (Victoria—Chief Government Whip) (15:33): Mr Deputy President, I have a document that is to be tabled and is associated with one of the petitions. There are a number of signatures to this petition, which is a non-conforming petition. I seek leave to table it as a document.

Leave granted.

NOTICES

Presentation

Senator Xenophon to move:
That the resolution of appointment of the Joint Standing Committee on Electoral Matters be amended to provide for participating membership, as follows:

After paragraph (3), insert:

(3A) participating members may be appointed to the committee on the nomination in the House of Representatives, of the Government or Opposition Whips or any minority group or independent Member, and, in the Senate, of the Leader of the Government or Opposition, or any minority group or independent Senator, and such participating member:

(a) shall be taken to be a member of the committee for the purposes of forming a quorum if a majority of members of the committee are not present; and

(b) may participate in hearings of evidence and deliberations of the committee and have all rights of a committee member except that a participating member may not vote on any question before the committee.

Senator Carr to move:
That the provisions of the Tax Laws Amendment (Research and Development) Bill 2013 be referred to the Economics References Committee for inquiry and report by 17 March 2014.

Senator Whish-Wilson to move:
That there be laid on the table by the Minister representing the Minister for Trade and Investment, the final text of the Trans-Pacific Partnership plurilateral free trade agreement well before it is signed.

Senator Bilyk to move:
That the Senate—

(a) notes that 2013 is the 80th anniversary of Holodomor, an enforced famine in Ukraine caused by the deliberate actions of Stalin’s Communist Government of the Union of Soviet Socialist Republics [USSR];

(b) recalls that it is estimated up to 7 million Ukrainians starved to death as a result of Stalin’s policies between 1932 and 1933 alone;
(c) condemns:
   (i) these acts aimed at destroying the national, cultural, religious and democratic aspirations of the Ukrainian people, and
   (ii) all similar acts during the 20th century as the ultimate manifestations of racial, ethnic or religious hatred and violence;
(d) honours the memory of those who lost their lives during Holodomor;
(e) resolves to annually mark Holodomor on or about the international ‘Holodomor Remembrance Day’, being 24 November;
(f) joins the Ukrainian Australian community and the international community in commemorating this tragic milestone; and
(g) recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated.

Senator Madigan to move:

That—

(a) the inquiry into the Fair Trade (Workers’ Rights) Bill 2013 of the Foreign Affairs, Defence and Trade Legislation Committee of the 43rd Parliament be re-referred for inquiry with the same terms of reference, granting the current committee access to all inquiry submissions and documents of the preceding committee; and
(b) the committee report to the Senate by 4 March 2014.

Senator Fifield to move:

(1) That estimates hearings by legislation committees for 2014 be scheduled as follows:

   **2013-14 additional estimates:**
   
   Monday, 24 February and Tuesday, 25 February (*Group A*)
   
   Wednesday, 26 February and Thursday, 27 February (*Group B*)

   **2014-15 Budget estimates:**
   
   Monday, 26 May to Thursday, 29 May, and, if required, Friday, 30 May (*Group A*)
   
   Monday, 2 June to Thursday, 5 June, and, if required, Friday, 6 June (*Group B*)
   
   Monday, 20 October and Tuesday, 21 October (*supplementary hearings—Group A*)
   
   Wednesday, 22 October and Thursday, 23 October (*supplementary hearings—Group B*).

(2) That pursuant to the order of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 28 February, Friday, 30 May and Friday, 24 October.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(4) That committees meet in the following groups:

   **Group A:**
   
   Environment and Communications
   
   Finance and Public Administration
   
   Legal and Constitutional Affairs
   
   Rural and Regional Affairs and Transport
Group B:

Community Affairs
Economics
Education and Employment
Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:
(a) Tuesday, 18 March 2014 in respect of the 2013-14 additional estimates; and
(b) Tuesday, 24 June 2014 in respect of the 2014-15 Budget estimates.

Senator Cameron to move:

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:

The Government’s approach to re-establishing the Australian Building and Construction Commission through the Building and Construction Industry (Improving Productivity Bill) 2013 and related bills, with particular reference to:
(a) the potential impact of the re-establishment of the Australian Building and Construction Commission on the building and construction industry;
(b) the need or otherwise for a specialist industrial regulator in the building and construction industry;
(c) the potential impact of the bills on productivity in the building and construction industry;
(d) whether the bills are consistent with Australia’s obligations under international law;
(e) the potential impact of the bills on employees, employers, employer bodies, trade and labour councils, unions and union members;
(f) the extreme and heavy-handed proposed powers of the Australian Building and Construction Commission, including coercive powers, conduct of compulsory interviews, and imprisonment for those who do not co-operate;
(g) the provisions of the bills relating to requirements to provide information to the Australian Building and Construction Commission during interviews including provisions that interviewees have no right to silence;
(h) the provisions of the bills that introduce the law of conspiracy into the industrial regulation of the building and construction industry;
(i) whether the provisions of the bills relating to occupational health and safety in the building and construction industry are adequate to protect the health and safety of employees and contractors in the industry; and
(j) any other related matter.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Building and Construction Industry (Improving Productivity) Bill 2013 and any related bills.

Withdrawal

Senator MOORE (Queensland) (15:34): On behalf of Senator Wong, I ask that business of the Senate notice of motion No. 1 standing in her name for today, proposing a reference to the Education and Employment References Committee relating to the Australian Building and Construction Commission, be withdrawn.
Postponement

The following items of business were postponed:

General business notice of motion no. 22 standing in the name of Senator Whish-Wilson for today, proposing an order for the production of documents by the Minister representing the Minister for Trade and Investment, postponed till 9 December 2013.

MOTIONS

Global Fund to Fight AIDS, Tuberculosis and Malaria

Senator RHIANNON (New South Wales) (15:35): I seek leave to amend general business notice of motion No. 29 standing in my name for today, relating to the Global Fund to Fight AIDS, Tuberculosis and Malaria, before asking that it be taken as a formal motion.

Leave granted.

Senator RHIANNON: I move the motion as amended.

That the Senate—

(a) notes that:

(i) Australia and other donors are due to announce their 3-year pledges to the Global Fund to fight AIDS, TB and Malaria at the replenishment meeting being held in Washington DC on the morning of 4 December 2013 (AEST),

(ii) the Global Fund is seeking a total of $15 billion to build on progress in bringing an end to AIDS, TB and malaria,

(iii) Australia should offer the strongest possible support to the Global Fund to continue an ambitious and successful program to fight AIDS, TB and malaria. In addition, Australia's contribution will support positive bilateral and multilateral relationships and will be seen as a measure of Australia's standing in the international community,

(iv) the Global Alliance for Vaccines and Immunisation (GAVI) is committed to saving children's lives and is on track to immunise 500 million children by 2015, and

(v) at the GAVI Pledging Conference in June 2011 the Australian Government increased Australia's commitment from $60 million over 3 years to $200 million for the period 2011 to 2013, of which $52.5 million remains outstanding; and

(b) calls on the Federal Government to:

(i) commit at least $375 million to the Global Fund for the period 2014 to 2016, and

(ii) complete its current pledge and increase investments in GAVI to at least $75 million in both 2014 and 2015.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government will not be supporting this motion, but I should point out that Minister Bishop and Parliamentary Secretary Mason today announced that Australia will commit $200 million over three years to support the Global Fund to fight AIDS, Tuberculosis and Malaria. The national prevalence of HIV-AIDS in Australia is lower than in many comparable nations. However, it is estimated that around five million people in our region are living with HIV-AIDS. It is the leading cause of death globally for women and girls aged 15 to 44. Australia has spent $1 billion combatting HIV-AIDS in our region over
the last decade. The global fund is the largest multilateral funder of health programs in developing countries. It invests around one-third of its funds, or around US$6.8 billion, in the Indo-Pacific region, where it has delivered HIV treatment to over 700,000 people, treated seven million cases of tuberculosis and distributed 51 million bed nets.

Question agreed to.

Education Funding

Senator WRIGHT (South Australia) (15:37): I move:

That the Senate—

(a) notes:

(i) needs-based funding, where money is distributed equitably according to need, is essential to ensuring all students can access high-quality education,

(ii) that disadvantage occurs in all sectors of schooling, but is concentrated in government schools,

(iii) the discredited SES funding model was responsible for increasing inequity, and

(iv) the Government made a clear pre-election commitment to maintain the reformed school funding model from 1 January 2014 for 4 years, with the same funding envelope; and

(b) recognises that, in reneging on its pre-election commitment, the Government will perpetuate and worsen the inequities at the heart of the schooling system, which needs-based funding reform had the only chance of reversing.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:37): Mr Deputy President, I seek leave to make a short statement

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government will not be supporting this motion, but it is important to note that the former government did leave school funding in a mess. The hurried agreements that were signed in the dying days of the previous government meant that some states secured funding while others missed out completely. The coalition government is delivering what the previous government failed to do. That is a national agreement on school funding that ensures parents, principals and students, regardless of where they live, have funding certainty. The government is implementing a funding model that is national, fair and needs based, while getting rid of the prescriptive command and control features that removed authority for schools from the states and territories and the non-government sector. The coalition made clear that it would deliver a school funding system that is fair and national, and that is what the government is doing.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:39): At the request of Senator Sterle, I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to meet during the sittings of the Senate for private briefings, as follows:
(a) on Monday, 9 December 2013, from 10 am; and
(b) on Tuesday, 10 December 2013, from 4 pm.
Question agreed to.

**DOCUMENTS**

**National Broadband Network**

**Order for the Production of Documents**

**Senator LUDLAM** (Western Australia) (15:39): I move:

That there be laid on the table by the Minister representing the Minister for Communications, no later than noon on Monday, 9 December 2013, the Strategic Review of the rollout of the National Broadband Network conducted by NBN Co and due to be provided to the Government on Monday, 2 December 2013.

I seek leave to make a brief statement.

**The DEPUTY PRESIDENT:** Leave is granted for one minute.

**Senator LUDLAM:** This is an issue of key importance, not just to people who follow telecommunications issues but also to the whole country. Prior to the election, the government—the then Rudd and then Gillard government and the Australian Greens—moved legislation through this place providing for the restructuring of the telecommunications industry and the construction of an end-to-end fibre-to-the-premises National Broadband Network. The extraordinary shambles that has ensued since this government took office, which has effectively swept anybody with any construction expertise out of NBN Co and left us not really knowing what exactly is to come, could be resolved by the Senate getting its hands, and thereby the public's, on a copy of the strategic plan. It will not be good enough for Minister Turnbull to say that everything is commercial in confidence. The current government's proposal for the NBN should be put into the public domain and we have set a date for next Monday for that document to be tabled. *(Time expired)*

Question agreed to.

**MOTIONS**

**World AIDS Day**

**Senator PRATT** (Western Australia) (15:41): I, and also on behalf of Senator Smith, move:

That the Senate—
(a) notes that 1 December 2013 is World AIDS Day;
(b) recognises that:
   (i) more than 35 million people now live with HIV/AIDS worldwide, and almost 10 per cent of these are under the age of 15,
   (ii) every day nearly 6 300 people contract HIV, nearly 262 every hour,
   (iii) in Australia in 2012 there were 25 000 people living with HIV and 1 253 new diagnoses of HIV infection, a 10 per cent increase from previous years,
   (iv) in 2012, 1.6 million people died from AIDS related illnesses,
   (v) in some communities HIV rates are as high as 40 per cent,
(vi) since the beginning of the epidemic in the 1980s, more than 75 million people have been infected with HIV and nearly 36 million have died of AIDS related illnesses,
(vii) there are now outstanding antiviral treatments available to people living with HIV, and
(viii) although a lot of work has been done and many medical advances have been made, there is no cure and no vaccine, so a lot of research and work still needs to be done before we see the end of HIV;
(c) acknowledges that:
(i) in July 2014, Melbourne will host the 20th International AIDS Conference (AIDS 2014),
(ii) the conference will bring together 14,000 delegates from around 200 countries, which will be the largest medical conference ever held in Australia, and
(iii) the conference will be chaired by Nobel Laureate, Professor Françoise Barre-Sinoussi, and Professor Sharon Lewin; and
(d) calls on the Parliament to:
(i) continue Australia's strong commitment to an enduring effective partnership between government, scientists and the community to meet the needs of people living with HIV,
(ii) continue Australia's strong commitment to medical health and research; and
(iii) foster and cultivate Australia's medical health and research community and researchers to ensure we stay at the forefront of all aspects of treatment, care and research in HIV.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator XENOPHON (South Australia) (15:41): I move:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the Poker Machine Harm Reduction ($1 Bets and Other Measures) Bill 2012 [2013] be restored to the Notice Paper and that consideration be resumed at the stage reached in the last session of the Parliament.

Question agreed to.

Senator XENOPHON: At the request of Senator Madigan, I move:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.
(2) That the Fair Trade (Australian Standards) Bill 2013 be restored to the Notice Paper and that consideration be resumed at the stage reached in the last session of the Parliament.

Question agreed to.

MOTIONS

International Day of People with Disability

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:42): I, and also on behalf of Senators Boyce, Moore, and Fifield, move:
That the Senate—
(a) acknowledges that 3 December marks the 21st anniversary of the International Day of Persons with Disability;
(b) congratulates the following winners of the National Disability Awards;
(i) Ms Ann Procter (Duffy, Australian Capital Territory) and Mr John Moxon (Northmead, New South Wales), recipients of the Lesley Hall Award for Lifetime Achievement in Disability,
(ii) Mr Huy Nguyen (Victoria), recipient of the Emerging Leaders Award in Disability,
(iii) Western Desert Dialysis (Alice Springs, Northern Territory), recipient of the Excellence in Accessible Communities Award,
(iv) Penrith City Council (Penrith, New South Wales), recipient of the Excellence in Improving Social Participation Award,
(v) Mr Robert Pask (Bentleigh East, Victoria), recipient of the Excellence in Advocacy and Rights Promotion Award,
(vi) ABLE Employee Action Group and Westpac Group's Diversity and Flexibility Team (National), recipient of the Excellence in Improving Employment Opportunities Award,
(vii) Hear for You (National), recipient of the Excellence in Improving Personal and Community Support Award,
(viii) Down Syndrome Victoria (Fitzroy, Victoria), recipient of the Excellence in Improving Education Outcomes Award,
(ix) Ms Susan Race (St Albans, Victoria), recipient of the Excellence in Improving Health and Wellbeing Outcomes Award,
(x) The Project, Network Ten (Victoria), recipient of the Yooralla Media Award of Distinction, and
(xi) Ms Lesley Hall, recipient of the Prime Minister’s Awards for Outstanding Achievement;
(c) joins with all Australians, including those with disability, in celebrating the many advances that have been made to improve the lives of those with disability and their families;
(d) acknowledges the important role that so many organisations and individuals play in supporting and advocating for people living with a disability; and
(e) acknowledges that much remains to be done to remove the barriers to employment, education and full community participation of people with disability.

Question agreed to.

Education and Employment References Committee
Reference
Senator MOORE (Queensland) (15:43): On behalf of Senator Wong, I ask that business of the Senate notice of motion No. 2 standing in the name of Senator Wong for today, proposing a reference to the Education and Employment References Committee relating to the provisions of the Fair Work (Registered Organisations) Amendment Bill 2013, be taken as a formal motion.

The DEPUTY PRESIDENT: Is there any objection to that motion being taken as formal?
Senator Abetz: Yes.

The DEPUTY PRESIDENT: There has been an objection, so that motion cannot be taken as formal.

DOCUMENTS
Asylum Seekers
Order for the Production of Documents
Senator HANSON-YOUNG (South Australia) (15:44): I, and also on behalf of Senator Carr, move:
That the Senate—
(a) notes:
   (i) the failure of the Minister representing the Minister for Immigration and Border Protection (Senator Cash) to comply with the order of the Senate of 14 November 2013 by noon on 18 November 2013, and
   (ii) that tabling publically available information such as transcripts and operational updates is a failure to comply with the order, and that tabling of other publically available information would still represent a failure to comply with this order;
(b) orders the Minister representing the Minister for Immigration and Border Protection (Senator Cash) to comply with the order by 5 pm on Wednesday, 4 December 2013; and
(c) does not accept the claims of public interest immunity made by the Minister in respect of the documents ordered by the Senate to be tabled, or the grounds for making these claims.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:44): Mr President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CASH: The government will not be supporting this motion moved on behalf of members of the Labor-Green alliance. As previously stated, Operation Sovereign Borders is a military-led border security operation. It has clear, established communication protocols designed by the Joint Agency Task Force, led by Lieutenant General Campbell, to support the effectiveness of the operation. These procedures ensure that people smugglers do not use official information to sell and promote their product and create false perceptions amongst potential illegal immigrants to Australia. In addition to previously tabled documents, the government have offered to provide confidential briefings on Operation Sovereign Borders. The Greens have not accepted our offer; however, the opposition have. The government are therefore surprised that the opposition support this motion as they know that the release of operational information will only help people smugglers and only serves to weaken our borders, compromise operational security, prejudice active operations and risk lives. (Time expired)

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

The Senate divided. [15:50]

(The President—Senator Hogg)

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

AYES
Bilyk, CL  Brown, CL
Cameron, DN  Carr, KJ
Collins, JMA  Dastyari, s
Di Natale, R  Farrell, D
Faulkner, J  Furner, ML
Gallacher, AM  Hanson-Young, SC
Hogg, JJ  Lines, S
Ludlam, S  Ludwig, JW
Lundy, KA  McEwen, A

CHAMBER
Senator Sterle did not vote, to compensate for the vacancy caused by the resignation of Senator Joyce.

Question agreed to.

COMMITTEES

Electoral Matters Committee

Reference

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:56): I move:

That the following matter be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by 24 March 2014:

Different options for Senate voting, with particular reference to:

(a) the possible advantages and disadvantages of the following voting methods for both above the line and below the line voting:

(i) optional preferential,
(ii) partial preferential, and
(iii) compulsory preferential; and
(b) other related matters.

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

The Senate divided. [15.54]

(The Deputy President—Senator Parry)

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Question negatived.
MOTIONS

Political Donations

Senator RHIANNON (New South Wales) (15:57): I move:

That the Senate—

(a) notes that:

(i) political donations for the 2013 federal election made on or after 1 July 2013 will not be made public until 1 February 2015,

(ii) political donations under $12 400 do not have to be disclosed by parties or candidates to the Australian Electoral Commission, and

(iii) this higher disclosure threshold level means the public is not aware of the details of a large number of political donations received by political parties; and

(b) calls for:

(i) a donation disclosure threshold of $1 000,

(ii) a ban on overseas donations,

(iii) a $50 cap on anonymous donations,

(iv) donations to different branches of a political party to be accumulated and treated as donations to the same party in order to stop political parties minimising their disclosure obligations by donation splitting,

(v) 6-monthly disclosure of donations and political expenditure, and

(vi) online disclosure of donations over $1 000 in the 3 months prior to an election or from when the election is called.

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

The Senate divided. [15.59]

(The Deputy President—Senator Parry)

Ayes .....................9
Noes .....................48
Majority ..................39

AYES

Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

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

NOES

Bernardi, C
Boswell, RLD
Brown, CL
Cameron, DN
Cash, MC
Collins, JMA
Edwards, S

Bilyk, CL
Boyce, SK
Bushby, DC
Carr, KJ
Colbeck, R
Dastyari, s
Eggleston, A
Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Education Funding

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (16:02): A letter has been received from Senator Moore:

Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The government's failure to honour its pre-election commitment to maintain the Better Schools funding model.

Is the proposal supported?

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

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

Senator KIM CARR (Victoria) (16:03): The MPI before the chamber today raises once again the failure of this government to actually honour its election promises and its obligations to the 3½ million students in this country, not just the current generation but future generations. What has occurred in the recent gyrations of the Minister for Education and the Prime Minister is that this government has abandoned its commitments made prior to the election to honour its election promises and to actually make sure that it had a unity ticket with the previous government in the once-in-a-lifetime opportunity to see real reform of Australian schools.

What we have seen as a result of those gyrations designed to meet an immediate political objective—that is, to cover the gross embarrassment that the Minister for Education has caused the government by his ineptitude and his failure to actually articulate a clear case for
why the government is abandoning its election promises—is a government's attempt to scramble, to cover up its embarrassment. Through a breakfast meeting the government, without reference to the cabinet, produced a further position on school funding, which of course sums up the position of the government in its confusion most eloquently—that is, schools in this country are going to be abandoned to the cost shiftings of the states because there will be no conditions imposed by this government on its relationships with states.

I quote directly what the minister himself said just yesterday. After his backflip, after his U-turn, he said there will not be conditions attached to the way in which the Commonwealth approaches school funding. Conditions will not apply to Western Australia, Queensland and the Northern Territory. However, in an act of incredible faith rather than any reference to experience, he says:

… we would expect those signatory states to commit to those previous promises. But at the end of the day, that is a matter for those sovereign jurisdictions.

What we have noticed here is a complete debacle by this government, and it shows above all else that the people of this country cannot rely upon the word of this government. Their credibility is in tatters. They have broken promises on school funding and they have not been able to provide any substantive government guarantee whatsoever that students in Australian schools will not be worse off as a consequence of their policy positions.

What we have seen is that they have failed to commit not just to the abstract principles of school reform but to the specifics of the funding model, which secures the funding that goes to the students that most need it. That was a fundamental premise of Labor’s school reform program—a school reform program which was a once-in-a-lifetime opportunity to ensure quality teaching and quality learning; to empower school leadership; to ensure that we are able to meet, as a nation, the needs of the most disadvantaged people in this country; and to provide the transparency and accountability required in the funding that should flow to those students most in need.

We have seen a return, in a most inept fashion, to the old Howard days of ensuring that the most wealthy and the most privileged get the most advantage. Senator Abetz made the point yesterday and again today that there is no need for schools to be worse off—but there is no guarantee that they will not be. He said, ‘You might actually find some schools are worse off courtesy of various state government decisions.’ We have a dodgy deal being done with Queensland, Western Australia and the Northern Territory with what we call interim agreements. Under those circumstances the states are given a blank cheque. We have no assurance whatsoever that the Commonwealth money will not be substituted for state government expenditures.

The government of this Commonwealth under the Liberal Party has rewarded the governments of Western Australia, Queensland and the Northern Territory for not putting additional money into their schools program. It is very clear that, in terms of the amount of money that was offered under the previous Labor government to the governments of Western Australia and Queensland and what it is now asserted has been accepted under the present arrangements, far less money is provided. These governments refused to sign up to a proposition where the governments of Queensland and Western Australia were actually required to spend more money under the terms of the agreements entered into under the Labor government. The states were required to maintain funding and increase their funding.
In July last year, the Queensland government cut $23 million from its education budget and the Queensland schools commission proposed the closure of 55 schools in that state. In this year's budget the Western Australian government cut 500 teaching jobs and capped teacher numbers for 2014 at the present levels. They cut the schools support program—the schools support resources allocation which tackles behavioural issues, literacy and numeracy—by 30 per cent. Extra time allowances were cut, additional levies on schools were introduced and a 1.5 per cent efficiency dividend was also imposed. At the end of October it was revealed that the Northern Territory government was cutting 71 jobs from its schools. These jobs included class support roles, English as a second language teachers and behavioural support staff. These are not incidental questions. This is not about whether or not there would be reductions at head office. It is not about whether or not you take away the tea ladies. None of those sorts of cliches can be applied here; these are front-line services that directly affect the quality of education for students.

We see a sharp contrast in approach by this government as opposed to the previous government. The Labor government required that additional money be provided to schools on the condition that the states put extra money on the table and that that money be spent in a way that would secure greater equality of opportunity for Australian students, greater quality of education and greater scope for real reform and improvement for Australian students. Under the Abbott government Queensland will receive $794 million. Under the Labor government they were actually offered $3.8 billion, because the Labor program was for six years, not four. Where two-thirds of the money was to be spent in years 5 and 6, this government has walked away. In Western Australia they have been offered $120 million by this government but under the previous government they were offered $920 million.

Why would a state government walk away from that level of investment by the Commonwealth? The simple reason is that under Labor they were required to spend more money themselves and under this government they are able to walk away. They do not have to maintain commitment, as they say they lost the command-and-control features of the program—by which they mean that states will be able to turn their back on Australian students and they will not have to have any accountability, they will not have to maintain effort, and while the Commonwealth pours money into the bucket from the top the states can rip it out from the bottom. It is the age-old question of the way in which the education system in this country has operated. The states seek to shift their costs to the Commonwealth; the states refuse to maintain effort unless they are required to as a condition of funding. That has been the basis of the state schools grants bills in this Senate for as long as I have been here. That principle of conditionality of funding has been a principle of schools funding for a very, very long time because it was necessary. But what has happened under this government? There is a movement away—a movement to allow conservative governments around this country to walk away from any social or economic commitment to justice in any way. (Time expired)

Senator BOYCE (Queensland) (16:13): I am somewhat bemused by Senator Carr's query as to why on earth any government would walk away from an offer of funds over six years from the previous Labor government. The reason they would walk away from that is that it was complete fantasy. They knew it was complete fantasy. The only people who apparently did not know it was complete fantasy—and I suspect even they did—were the previous Labor
government themselves. There was no money to go out over six years and they knew it. They had money on the books for the forward estimates but they had no idea how they were going to fund a six-year education program, given the huge amount of debt that they already had. It was a fantasy of the previous government and it was one of those many continuing fantasies that they developed as it became more and more obvious that they were not the people who were going to win the election. Perhaps we should be looking not at any purported failure on our behalf but at the real failure, the genuine failure, of the previous government to do anything that looked vaguely like a national education agreement. They failed to honour their commitment for fair funding for schools for all states and territories.

We should look also perhaps at the manner in which the then education minister, Mr Shorten, snuck $1.2 billion out of the alleged four-year funding that he was offering just before the election. Under the previous education minister, Mr Shorten, my state of Queensland would not have received billions of dollars as Senator Carr would have you believe. It would have received absolutely nothing. Why would it have received absolutely nothing? Because the regulations and the red tape that went along with this bogus offer from the previous Labor government were unsustainable and unacceptable to any state government that called itself a government.

Now we have a situation where my home state Queensland will receive $794 million in additional funding over the next four years, an amount that has been welcomed by the Premier, Mr Campbell Newman. Not only has he welcomed the amount of money that we will get from the federal government he has also welcomed the certainty that our education minister, Mr Pyne, has put around that funding. There will no longer be the command-and-control situation that was a classic example, yet again, of how Labor goes about trying to sneak federalism—a creeping sort of centralism—into the system and destroy the federal basis for our nation, the way we fund.

Big news for the Labor government: education is in the main a states issue. More than 70 per cent of the funding that goes into our public schools in the states is provided by the states, not by the federal government. The federal government do some topping up and some evening out, and that is exactly what we will continue to do with the $2.8 billion that the education minister, Mr Pyne, has now managed to negotiate with all states and all territories over the next four years. We do not have the ridiculous situation where some states were not signed up at all, such as my home state of Queensland, while other states were supposedly signed up by Mr Shorten, but, 'oops', they had not actually signed the agreement. I am slightly bemused by that, because certainly, if I were wanting to do a deal with the previous Labor government, I would have wanted to have a signature on a piece of paper before I would believe that there was any likelihood of any type of assistance coming from that group.

We in the coalition believe in having the best education system there is to have. The best education system is not simply based—memo to the opposition—on throwing money at a system. There is a lot more to a good system than chucking money at it. Some years ago I ran a workshop on the topic of what we needed to have good, inclusive education for students with disabilities in Australia. The name of that workshop was: 'Is it the will, the skill or what's in the till that guarantees a good education for children with disabilities in inclusive schools?' The answer is that it is all three, and the answer is the same for mainstream schools and for other students as well. It is the skill of the teachers; it is wanting to provide a good education;
it is wanting to have a good education; it is the funding resources and the will to use those resources to achieve the best outcomes. You need all of those things before you get a decent education for children, whether they have disabilities or not. This is apparently something that Labor does not know.

We want to improve education outcomes across the board, across the nation. We want to do that by having quality teaching. We want more power for principals to run their schools and, if and when necessary—and I know that this is a dirty word in the lexicon of the opposition—to discipline teachers who are not performing to the standard that is required. We also want outcomes that include more say for parents and, where appropriate, for the local community, and we want a strong curriculum. All of those things are needed to achieve a good education for our children, a world-class standard for our children. It is not achieved by the current position of the opposition, which seems to be more about the fact that they cannot stand the success of this government. They cannot cope with the fact that Mr Pyne as education minister has negotiated an agreement with all the states and all the territories, based on real money that will be genuinely there over the next four years, to give all the states and territories the opportunity to go about performing education within a national curriculum in a way that improves the outcomes for all our students.

Certainly there is nothing we can look at, in the results we have had from NAPLAN and from other tests that have been undertaken, to suggest that Labor's answer was successful—and you need to remember that former Prime Minister Gillard was also in fact a former education minister who vaunted her work in education as having achieved a lot in Australia. You need to keep that in mind—and yet there is nothing in any of the statistics, in any of the results that we see, that would show that what had been done under the previous government had achieved anything, had in any way been successful.

I would like to quote the Queensland Education, Training and Employment Minister, Mr John-Paul Langbroek, who of course was welcoming the $794 million that we will receive from the government—which is $794 million more than we would have got from a Labor government. He said:

Labor used heavy handed tactics to try and force Queensland to sign up to a program that meant more red tape instead of getting the results we needed.

The Abbott government knows Queensland runs our schools and we know what our schools need. He said the Queensland government:

… has a relentless focus on achieving better outcomes for Queensland students. We—
the state government of Queensland, like every other state and territory government—
are committed to revitalising front line services for families and this federal and state funding
demonstrates some of the ways we are delivering on our election promises.

It is a shame that there is so much spite, I think, in the opposition when they should simply be supporting this wonderful scheme.

Senator WRIGHT (South Australia) (16:23): I rise to support this matter of public importance motion because the issue of education funding remains urgent, notwithstanding the piecemeal posturing we have been seeing from the minister. This motion is urgent because the inequity in our education systems is increasingly urgent—it has been growing over decades—and because the government has not honoured its pre-election commitment to
reformed, needs based funding. Despite the risible attempts of the Minister for Education to rewrite history and now to reassure everyone that everything is fixed—trying to say that it does not matter where you start, it is where you end up that counts—it is important to look at where we have ended up after this circus that we have seen over the last year but particularly over the last week. What is clear is that there is no national schools funding model in Australia being delivered by this government.

What we do see is that schools in five of the states and territories will still be funded very differently to those in the other three. We do not have a national system. As the president of the New South Wales Teachers Federation said this week, the Abbott government has responded to a political problem, a problem of their own making, but not to the problems with our funding system that have been screaming out for leadership and a truly national interest approach—what we should expect our national government to be attending to. As he noted, the only thing the government has been consistent about is its opposition to a fairer funding model right from day 1. And that is because Minister Pyne has never acknowledged the truth at the heart of the Gonski review of funding for schooling. He has never admitted, and neither has the Prime Minister, that there is disadvantage in our schooling systems.

There is overwhelming evidence of disadvantage. For instance, under the existing education scheme the educational outcomes of Indigenous children in Australia are scandalous. They have fallen two years behind those of non-Indigenous kids. We know that only 45 per cent of 20- to 24-year-old Indigenous people in Australia had a year 12 or equivalent qualification in 2008, compared with 85 per cent of non-Indigenous population. Clearly, there is an overwhelming effect of disadvantage on the school achievement rates of young Australians.

Minister Pyne has never admitted that the socioeconomic status funding model, which preceded the Gonski reforms and resulted in millions and millions of dollars in funding increases for the wealthiest private schools, was flawed. Indeed, it was Prime Minister Howard who introduced that scheme and Minister Pyne has been persistent in trying to extol the virtues of that scheme, despite the evidence and the very widely held view of commentators throughout Australia that that is a flawed scheme which actually entrenched privilege. That was because that funding was never given to government schools; it was Commonwealth funding to the schools in the private system. In distancing himself from the Better Schools Plan last week, Minister Pyne even flagged the SES model as a potential starting point for his government. He said:

The principle of a needs-based funding system, where disadvantaged students get more money, is a good principle and that was the same principle of the previous socio-economic status [SES] funding model. It was called socio-economic status, because funding got to where it was most needed.

We know that that assertion is wrong on so many levels, and yet he insists on continuing to make it. The money did not get to government schools, which educate 80 per cent of those students who have characteristics of disadvantage in Australia, because under the existing arrangement the Commonwealth largely funds private schools and the states, with less financial reserves than the Commonwealth, fund the public schools.

New South Wales Education Minister Adrian Piccoli is a conservative politician who is prepared to speak the truth about this sham that is going on. He said last week of Minister Pyne:
He must be the only person in Australia who thinks the SES model is a good model. The Gonski panel said no. If you walked into any school in New South Wales, every teacher and principal would say no. But Minister Pyne and his colleagues have rejected the expert Gonski review without assessing its merits. Gonski was dismissed as a 'conski', with no explanation as to why, apart from the fact it had been commissioned by a government that was not theirs. Not even the most basic policy analysis was used to try to justify these wordplays. We had no evidence before us that Christopher Pyne understood the nature of the Gonski reforms—we still have no evidence to that effect—or why they were needed and what the implications would be of maintaining the status quo.

The impacts of years of unsustainable funding are very real. We continue to see evidence that the gap between the highest and the lowest performing students is widening. If we do not move quickly and effectively to fix that we will not be able to raise Australia's overall education performance. Many of us await the further PISA results that will be released tomorrow to see what the effect of this education disadvantage gap is on our education performance standards on the international stage. Most of us are concerned about the fact that they will very likely be showing a further decline. This represents an enormous future cost for Australia in terms of social costs as well as considerable losses in productivity.

No matter how much it has been reported and how much spin has been put on this, the truth is that the Minister for Education has not committed to needs based funding. In the wake of his announcement yesterday, on the Prime Minister's instructions, the fictional funding vacuum of $1.2 billion is restored. But there is no requirement that states distribute that funding according to need. It is no-strings-attached, no-conditions funding provided to the three states that were the slowest to sign up to the proposal from the previous government to increase the school funding in Australia. There is no need for the states to kick in the complementary funding they committed to as part of their agreements with the former government—and that is the states that were signed up. There are not even requirements for states to provide information about how effectively, let alone how equitably, the additional funding is going to be used.

For the states which had never signed an agreement, there is nothing stopping them cutting their own schools funding to offset what the minister announced yesterday. They have, of course, the Prime Minister's advice that to do so would be 'poor form', but that is hardly compelling, given the shattered credibility of the minister. In fact, we have been seeing world's best practice when it comes to poor form, in the backflips, the obfuscation and the duplicity that we have seen, particularly over the last week, especially when we have the minister and the Prime Minister trying to shift the blame from their own ducking and weaving to the public and the media, suggesting that we just have not been smart enough to be able to understand what they have been saying, or rather not been saying.

What is truly poor form is the constant politicking of this government when it comes to the future of Australian children. The coalition pledged, before the election, to what it called a 'unity ticket' on education funding. But since then it has walked away from that, clarifying that all it can offer is a unity ticket on the overall amount of money—but we cannot be sure how that money will be spent. By abandoning needs based funding, the government is committing our education system to inequity, a worsening of achievement and, ultimately, a reduction in the level of opportunity available to Australians.
As long-term advocates of universal access to high-quality education everywhere, for every child, the Australian Greens welcomed the Gonski review of funding for schooling. We supported the Better Schools Plan, on the basis that its accountability mechanisms and other key elements that the review recommended could be implemented more robustly. We will continue to advocate for funding to be distributed on the basis of need, with a baseline amount for every student in every school in every sector. We also know there have to be loadings on the basis of factors that are known to be associated with disadvantage: low socioeconomic status, Indigenous status, remoteness, school size and disability. Sadly and dispiritingly, it is clearly impossible to trust this government on education funding, because it is delivering a system where there is no national funding model, and we will continue to have a system where some Australian kids are more equal than others.

Senator FAULKNER (New South Wales) (16:33): Education policy in the Abbott government is a shambles. After only 76 days in office, Mr Pyne, the Minister for Education, has become a national laughing stock. Quite rightly the government has copped an avalanche of criticism as a bemused public have witnessed backflip after backflip after backflip. I would like to look at the facts. First, when the Liberal Party were in opposition, we had what they called 'conski'—an amateurish play on words from the amateurish Mr Pyne. But don't take my word for it; this is what was said at the time:

This is not Gonski – it is a conski.

Those were Mr Pyne's own words on 14 April this year in a press release—one of those press releases which have survived and remarkably, unlike many others, are still available on the Liberal Party website. Then 'conski' was followed by a monumental backflip. Mr Pyne was embarrassingly humiliated by his leader. On 2 August, Mr Abbott was forced to announce to the Australian public a second position, a 'unity ticket' on education funding, and forced to make clear he would honour all of the Labor government's agreements. Again, don't take my word for it; here is what Mr Abbott said:

… as far as school funding is concerned, Kevin Rudd and I are on a unity ticket. There is no difference between Kevin Rudd and myself when it comes to school funding.

At the same doorstep, Mr Abbott assured the Australian public that no school would be worse off, that the coalition would honour all the then government's agreements and deals, and all funding would be matched if the coalition won the impending election. Mr Abbott again:

We will make sure that no school is worse off.

…

… we will honour the agreements that Labor has entered into. We will match the offers that Labor has made.

Then just two days later, on 4 August, Mr Abbott reiterated his commitment, in his own press release:

We’ll also provide schools with funding certainty – so the Coalition will match the dollar-for-dollar commitments already made to schools for the next four years …

But, after the election, guess what; everything changed. We had Liberal education policy No. 3. On 25 November, Mr Pyne announced another backflip—an egregious broken promise. He said on radio:

I will renegotiate all funding agreements with the signatory and non-signatory jurisdictions …
And to add to the outrage, two days later, at a press conference on 27 November, Mr Abbott said in answer to this question from a journalist:

… You're guaranteeing that no individual school will be worse off?

Mr ABBOTT: No.

That's what he said: 'No.' Then yesterday we had the latest gyration from this hapless government—yet another backflip. The political fix was in. No cabinet meeting or decision, just the leadership group deciding the outcome, minutes before question time yesterday. It was policy No. 4: all deals and agreements were now being honoured. But even today there is no certainty, no clarity, no detail, no specifics about the government's latest model for school funding.

The funding model itself is a very sorry story. On 29 August this year, at a News Ltd education forum, Mr Pyne said: 'We have agreed to the government's school funding model.' That is the first position. After the election, Mr Pyne did not agree with the school funding model. The Australian, on 25 November, quoted him:

Everything needs to be examined fresh, because the model that Labor came up with is a shambles and quite unimplementable.

The following day, 26 November, Mr Pyne said that the 'unimplementable' model would be implemented, but only for one year. I quote him again:

Well in 2014 we will ensure that the new school funding model as proposed by Labor is implemented …

That is his third position on a model for school funding. Then three days later, at a press conference on 29 November, Mr Pyne was proposing yet another new schools-funding model. I will quote him again, out of his own mouth, his own words:

Well next year I will sit down and after consulting and talking with stakeholders I will develop a new model in the early part of the New Year …

That was the fourth position. Then, just yesterday, here in Parliament House in Canberra, Mr Pyne announced approach No. 5. He said the government would keep the original model and keep it for four years this time. I quote Mr Pyne again: 'We will keep the model for the next four years.' That is his fifth position on school funding. At this stage I have to be fair to Mr Pyne and acknowledge that that is his current position; he has not changed it in the ensuing hours. That is the situation we have got.

Now we know that Commonwealth funding is to be provided to state and territory governments with no strings attached—no strings attached at all. I ask this question: what of the risk that state and territory governments—the Queensland government, the West Australian government, the Northern Territory government—will reduce their funding whilst receiving additional funding from the Commonwealth? Who knows how individual schools or individual students may be disadvantaged with the current policy as announced by Mr Pyne?

We simply do not know; none of the detail has been tied down. What would you expect when the cabinet did not even meet before the latest position of the Abbott government on school funding was hastily announced before House of Representatives question time yesterday? It was incredible.

Mr Pyne told us all that he had 'a good day in the office' yesterday. That is what he said: 'I had a good day in the office yesterday.' I have got to say, and I am sure you would agree with
me, Mr Acting Deputy President, that it looked a shocker to me. This is a sorry story of incompetence, of bungling and of deceit. I finish by awarding Mr Pyne, as Australia's education minister, an emphatic fail, an emphatic F minus. Yes, he must do better, as is written on so many school report cards. But, no, I do not like our chances.

Senator FAWCETT (South Australia) (16:42): I rise to address some of the positive things that the government is doing in the area of education. But my first comments really are to talk about the confected outrage from members opposite, particularly the fine performance by Senator Faulkner. I realise he was a teacher in a former career; perhaps acting would have been a good career as well after the performance we have just seen.

One of the important things to understand when you are listening to those opposite is that they only tell half the story. My grandmother used to give me very good advice about being upright and truthful: half the truth is not the truth and therefore it is important to get the whole story. Senator Faulkner has just been talking about the risk—'what if?'—and he named some conservative state governments. What if those state governments decided to cost shift and not pass on the full costing? Yet we heard here just today about cuts to education funding in South Australia by the Labor Party. Why didn't he talk about that? Why did he only give half the story?

When Senator Carr was addressing this matter of public importance earlier he talked about class warfare. It amazes me how, when issues come up, the Labor Party immediately resorts to class warfare rather than dealing with the real issues at hand. He was keen to talk about dodgy deals—in his words, dodgy deals were done—because we had signed up with states and territories with no conditions attached. But what he does not talk about is what happened prior to the last election. For those who can remember, think back to the dying days of a bad government that was so desperate to retain power that one of the few planks of its platform where it hoped it could have credibility with the Australian public was education. The current Leader of the Opposition went around the country with a chequebook saying anything, doing anything and signing any amount to try and get state and territory governments on board so that his government could say, 'We have a national scheme and the support of the states.' Talk about dodgy deals!

Why didn't Senator Faulkner and Senator Carr tell the full story about the background to this sorry state of affairs? Senator Carr talked about the fact that Queensland would have less money under the coalition because there were no strings attached. But the full story is that under the former Labor government's deal Queensland had no requirement to increase their funding and they were not going to get funding from the Labor government. So, clearly, they would have significantly less funding than has been provided by the coalition. Again, only half the story is being given, and, without that context, people are very easily misled about why this government has had to take the steps that it has taken.

This government has restored the $1.2 billion in funding that the previous Labor government chose not to give to students in the Northern Territory, Western Australia and Queensland. Without that decision, those students, regardless of the actions of their own state governments, would have been worse off under a Labor government. They are better off under a coalition government because more money is going to them. There is also now a truly national scheme being developed. Again, that half story thing—Labor love to talk about the national scheme they were putting together and they love to talk about the people who had
signed up, but what we have found since the election is that some of the states and some of
the schooling sectors who were said to be on board in partnership with the Labor government
had in fact not signed agreements. So one of the certainties that the Australian public have is
that they will not only get half the story, but also that they cannot even believe the half story
they get from the Labor Party. Real discretion is required.

This government is giving $2.8 billion to the education sector, to the independent and
Catholic sectors, to the states that had signed up previously and to the states that had not—
Queensland, Northern Territory and Western Australia. This government is giving it over the
forward estimates as a guarantee, which brings me to the next point of the half-truth. When
the Labor government talk about the funding over a six-year period, what they are hiding is
that this is just another of the many commitments that a bad government made in their dying
days. They were promising money that went beyond the forward estimates. Why did they
push things beyond the forward estimates? Because they were so desperate politically to be
able to say that they were delivering a surplus. They were on a trajectory to deliver a budget
surplus and they were shifting money left, right and centre to make the forward estimates and
the books look good. In business, you would call that cooking the books. A forensic
accountant would be on the lookout for that if they were doing due diligence on a company
you were about to buy. That says something about the state of finances in this country under
the Labor government.

As well as the funding, one of the key things that this government is looking to do is
increase the quality of teaching, have robust curriculums, increase school autonomy and
encourage greater parental engagement. Why do we say that? We say that because the
alternative, which has been so fulsomely put forward by the Labor Party and the Greens
today, is about central control.

If I go back to the founder of the Liberal Party, Sir Robert Menzies, one of the things he
said was:

… what we must look for, and it is a matter of desperate importance to our society, is a true revival of
liberal thought which will work for social justice and security, for national power and national progress,
and for the full development of the individual citizen, though not through the dull and deadening
process of socialism.

Socialism is all about central government controlling everything that happens. We on this side
know that giving local control works. This was exemplified in the Australian technical
colleges that were part of the Howard government's education policy.

In South Australia, St Patrick's Technical College, which started its life as an Australian
technical college under the Howard government, has a board which is run by local industry
and parents so that the curriculum and the whole way it runs is targeted to the real
opportunities and the educational and employment outcomes that are needed for those young
people to get jobs. In April this year, they had their 500th young person get an apprenticeship
with local industry. Why? Because industry and parents have a voice in how that runs. So that
local control is not just educating for the sake of educating, it is educating with a focus on
outcomes. It gives these young people a real opportunity in life. The coalition is about
funding certainty and real outcomes.

Senator CAMERON (New South Wales) (16:51): Senator Fawcett, you will have to do
better than that. If you have to descend to the argument that it is socialism to give Australian
schoolkids a fair go, then I think you have lost the plot—a bit like Mr Pyne, who has completely lost the plot when it comes to education policy and actually understanding the key issues for children in this nation.

I just want to go through some of the headlines to dispel the arguments of Senator Fawcett. What are the headlines that we have seen in the press in the last couple of days? 'Pyne blows himself, and the Gonski reforms, to pieces'. The argument that the coalition are actually going to deliver is a nonsense, because the independent analysis is that the Gonski reforms are dead. The only thing that is left is additional funding. In a blind panic the Prime Minister and the Minister for Education have gone to the states and said: 'We will throw billions of dollars your way. You won't be accountable for how it is spent. Sign off and we can then run an argument that we have a national agreement.' There is no national agreement because there are no checks and balances on how that money will be spent. There is no guarantee that the public school system in this country will be better off.

I, like many senators here, go to both public and private schools in my work as a senator and I have to say that I know where the money needs to be spent. The money needs to be spent in our public school system. If you go to a public school you see some of the infrastructure that is falling apart. You see some of the lack of decent conditions that our schoolkids are toiling in. Then you go to a private school and you see the cricket pitches, the three-quarter length Olympic swimming pools and the art galleries. You see all the trappings of wealth and luxury. Public school kids have to go in and toil to get their education in conditions that in my view are unacceptable in the 21st century. They are just not acceptable.

We have to get a position where we understand what this government is doing. It has been clear that they are destroying the capacity of public schools to provide a fair opportunity for schoolkids in this country. The first headline was 'Pyne blows himself, and the Gonski reforms, to pieces'. You cannot say much more than that. Then there is 'Abbott in backflip to save face on schools'. It is about saving face; it has nothing to do with the education system, nothing to do with our schoolkids. Mark Kenny in The Age: 'Abbott's Gonski backflip shows honesty in short supply'. He goes on to indicate that Minister Pyne 'first feigned surprise at the "missing" $1.2 billion'. It was in the Pre-Election Economic and Fiscal Outlook. So there was this feigned surprise at the $1.2 billion that was not there.

Another headline from The Age reads 'Going, going, Gonski: report is no longer found in online search'. The government has removed the Gonski report from government websites. The Australian Financial Review says, 'Reverse double backflip but no safe landing'. That was from Laura Tingle. I think it says it all. Actually, I don't think Laura Tingle, with all her expertise, has got it right. I think they will have to come up with a new name for this backflip, because it is the most complex, convoluted backflip you have ever seen and there will be no safe landing because the public are onto the coalition. They know that this is about ripping off from the public school system, they know this is about destroying Gonski. You will pay a price for this. You will pay a heavy price for this backflip, the lies and the awful position that you have adopted on Gonski.

Senator KROGER (Victoria—Chief Government Whip) (16:56): If there ever was an address to this place that demonstrates just how out of touch those in the opposition are then we have just heard it from Senator Cameron. I thought the days of seeing things through the prism of class warfare was a thing of the sixties. That was 50 years ago. Get up to speed,
Senator Cameron. It is extraordinary that you still actually seek to characterise things through that prism. That is really a sad reflection on you and a sad reflection on the senators who sit on the opposition benches.

If I could make a couple of observations. What we are seeing today with this matter of public importance is the most breathtaking hypocrisy that we have seen for a long time, and that is saying something having sat through the protestations of the government—originally a Rudd government and then a Gillard-led government and then a Rudd government again—and their claims that they were investing in the future of our young Australians. How wrong they were.

If I could just come to the facts here because we actually seem to have missed the actual facts of the situation. We know what they are. I suggest that most Australians do. The opposition are intent upon peddling misinformation in this debate. The first thing is, former Treasurer Chris Bowen himself, in line with the Charter of Budget Honesty, demonstrated that $1.2 billion was being cut out of the education fund. Former Treasurer Chris Bowen admitted that Labor had cut $1.2 billion out of school funding just weeks before the election. Just weeks before the election he conceded that they had done that because there was no agreement cut with the states of Queensland, Western Australia and the Northern Territory.

He conceded that the then government did cut funding. But we do not hear any of this today. Oh no, it is all protestations about what we are doing in fixing up the mess that we have inherited from the more recent Rudd ALP-Greens alliance government. What we are not hearing and what we have not heard today is the fact that we are now dealing with the national education funding model that is in the best interests of all young Australians, given the extraordinary and an incompetent fiscal scenario that the former government bequeathed to us.

One of the other things we have to deal with here is increasing the debt ceiling so that we have sufficient resources to deal with the appropriations and budget determinations. Just coincidentally, those on the other side forget who has bequeathed this legacy to Australians.

Senator Cameron interjecting—

Senator KROGER: I have to suggest to you, Senator Cameron, that the Australian public are not fooled and they will not forget who has put the country in this situation, which is why the protestations and interjections that we continue to hear—

Senator Cameron interjecting—

Senator KROGER: With great respect—through you, Mr Acting Deputy President—notwithstanding how difficult it was, I gave Senator Cameron the courtesy of allowing him to make his address in silence. It is a courtesy that he finds it very difficult to extend to others. Perhaps he should take a leaf out of other people's books in extending some decent and common courtesy in this chamber. Notwithstanding that, what concerns me about this debate is that all we hear about is the effect that increasing money has on a particular outcome. All we are hearing today is about the dollar value and the bottom line.

The very fundamental difference between the coalition government and an ALP opposition or government is this: we do not believe that the actual dollar amount is the only thing that will increase standards. As we have seen from international independent reports that have compared the numeracy and literacy standards of Australia with like-sized countries and
economies, notwithstanding the protestations from the other side of the chamber, the literacy and numeracy standards of our young men and women have declined under the ALP-Greens alliance regime. But we do not hear about that. All we heard about was the very—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! I remind members on my left that under standing order 197 senators have a right to be heard in silence.

Senator KROGER: All we heard about the situation was that they were going to commission a report, and then they commissioned Mr Gonski to provide a report. He came up with a recommendation to invest $6 billion. The government of the day was in such dire straits that that was clearly out of the equation, so they cherry-picked that report to reduce it to what we have today. I stress this: I urge those on the other side to look at the real ways in which we can raise standards.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! The time for the discussion has expired.

COMMITEES

Education and Employment Legislation Committee
Corrigenda to Report


Ordered that the document be printed.

DOCUMENTS
Tabling

The Clerk: A document is tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red. A statement of compliance is tabled in accordance with the order relating to departmental and agency files.

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

COMMITEES

National Disability Insurance Scheme Committee
National Broadband Network Select Committee
Membership

The ACTING DEPUTY PRESIDENT (Senator Fawcett) (17:04): The President has received a letter from a party leader nominating senators to be members of committees.

Senator PAYNE (New South Wales—Minister for Human Services) (17:04): by leave—I move:

That—

(a) Senator Siewert be appointed as a member of the Joint Standing Committee on the National Disability Insurance Scheme; and

CHAMBER
(b) Senator Whish-Wilson be appointed as a participating member of the Select Committee on the National Broadband Network.

Question agreed to.

**BILLS**

Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013

Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013

Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013

First Reading

Bills received from the House of Representatives.

**Senator PAYNE** (New South Wales—Minister for Human Services) (17:05): 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 PAYNE** (New South Wales—Minister for Human Services) (17:06): 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—*

**GRAPE AND WINE LEGISLATION AMENDMENT (AUSTRALIAN GRAPE AND WINE AUTHORITY) BILL 2013**

The Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013 creates the Australian Grape and Wine Authority which will commence operation on 1 July 2014. The new Authority will be the result of a merger of the Grape and Wine Research and Development Corporation and the Wine Australia Corporation. It will take on the roles and functions of these two corporations to become the single statutory authority for the wine industry.

The reform has come about at the request of industry, following discussions raised over the last twenty years. It is finally being made a reality following a proposal submitted by the industry peak bodies, the Winemakers’ Federation of Australia and Wine Grape Growers Australia.

The Australian wine industry is a wonderful success story for our agricultural know how and initiative. The industry is valued at approximately $3.4 billion annually and is a major contributor to the economy of rural and regional Australia. The industry suggests that more than 22,000 people are directly employed in grape growing and winemaking activities, with many more employed in associated industries such as tourism and hospitality.

There are more than 2,500 wine producers in Australia, and almost 6,000 wine grape growers. Wine grapes are grown in all states and territories of Australia, except the Northern Territory.
The Grape and Wine Research and Development Corporation had revenue of $22.8 million in 2011-12, of which the Australian Government provided $10.4 million through its matching funding arrangements.

With these funds the Corporation was able to produce key outcomes that deliver real productivity gains for the industry. This has included partnering with the CSIRO to develop new rootstocks with characteristics including the ability to tolerate drought and salinity and to be resistant to phylloxera, a potentially devastating pest. Its investment in water use efficiency has contributed to the level of water use per hectare in the wine grape industry dropping from 9 mega litres at the end of the 1990s to well under 6 by the mid 2000s.

The research and development programme continues to invest in vineyard sustainability and production techniques that look to continually improve the consistency and quality of Australian wine, while at the same time improving the bottom line for our wine grape growers and wine producers.

The Wine Australia Corporation had revenues of almost $12 million in 2012-13 from industry levies and contributions. These funds underpin a sophisticated marketing and export compliance regime that promotes the quality and reliability of Australian wine across the world. Australian wine holds significant market share in countries such as the United Kingdom, the United States, Canada and our premium wines are gaining an ever growing foothold in the important Chinese market.

With the help of Wine Australia, the premium, higher profitability segment of the wine market continues to grow in key East Asian markets, like China. The Chinese market has grown from $57 million in 2007 to $250 million today, to be our third biggest by value. Australian bottled wine exports into the United States at the higher, above $7.50 a litre segment grew by 16% in the year ended 30 September 2013. This is an exciting new growth opportunity for the industry. Wine Australia also continues to engage internationally, through groups like the World Wine Trade Group, to deliver sensible trade reforms that make exporting wine simpler and more cost effective.

The wine industry is a great example of a progressive Australian agricultural industry and the wide support industry has shown towards the proposed merger is yet another example of this.

The proposed merger is consistent with the government’s deregulation agenda and will ultimately result in efficiencies through combining the administrative resources of operating two statutory bodies into one. This will consequently result in improved service delivery to industry. The opportunity has also been taken to reduce red tape where possible, such as removing the requirement for ministerial approval of annual operational plans under the new Authority.

A single wine industry statutory authority will support the industry by providing links between the investment initiatives and functions of the Grape and Wine Research and Development Corporation and the Wine Australia Corporation.

This Bill proposes amendments to the Wine Australia Corporation Act 1980 to establish the new authority and renames the Act as the Australian Grape and Wine Authority Act 2013. Although the Bill amends the existing Wine Australia Corporation Act, these amendments are significant and the merger is not a takeover of the Grape and Wine Research and Development Corporation by Wine Australia. This is a strategic merger of the two statutory corporations on an equal footing.

This Bill is divided into two schedules. Schedule 1 amends the Wine Australia Corporation Act to create the Authority. Schedule 2 covers matters arising from the transition from two statutory corporations to the Authority. It covers matters such as the transfer of staff to the Authority.

Schedule 1 is divided into two parts. Part 1 of Schedule 1 commences on the day after Royal Assent. This part amends the Wine Australia Corporation Act 1980 to establish a selection committee to select and nominate to the Minister for
Agriculture, possible directors of the board of the Authority. The Bill gives the Minister for Agriculture an alternative option of appointing a first board of the Authority for a 12 month period without reference to the selection committee.

Part 2 of Schedule 1 commences on 1 July 2014. This part provides amendments to the Freedom of Information Act 1982 and the Wine Australia Corporation Act 1980. This Part establishes the Authority and provides the governance framework for its operation.

Schedule 1 provides the research and development functions, including provisions for the Commonwealth to match research and development levy funding dollar-for-dollar.

The Authority will be required to spend research and development levy money and government matching funds on research and development activity. Industry has highlighted the importance of this issue for the new Authority and I want to make it clear to the industry that its R&D levies will be spent on R&D purposes only. It is also important to the government to ensure that Australian government money appropriated for research and development is used for this purpose.

The Bill does not include any changes to the structure or the amounts of the levies that currently fund both statutory corporations, or to the existing regulatory, marketing and compliance roles of the Wine Australia Corporation.

The Bill transfers definitions of research and development from the Primary Industries and Energy Research and Development Act 1981.

It establishes an Authority with a skills-based board of five to seven directors selected and nominated by a statutory selection committee and appointed by the Minister.

The board is led by a Chair appointed by the Minister following consultation with industry.

The Authority is required to prepare a five-year Corporate Plan to outline the Authority’s strategies, policies and priorities to achieve the objectives.

The Authority is also required to prepare an annual operation plan but, unlike those of the two statutory corporations, this plan is not required to have the Minister’s approval.

Schedule 2 provides for the transition of the Grape and Wine Research and Development Corporation and Wine Australia to the Authority, including that the operations, assets, liabilities and staffing conditions are transferred to the Authority.

The Bill allows the Minister for Agriculture to select the first board directors after Royal Assent. The board will commence on 1 July 2014. Between the date of appointment and 1 July 2014, the Minister can engage the future board directors as consultants to assist with preparations for the Authority’s commencement, including making preparations to appoint a chief executive.

The boards of the two statutory corporations will continue to exercise their powers and meet all statutory responsibilities until 30 June 2014.

Before 1 July 2014 the future directors, in their role as consultants, could not make decisions that would bind the Authority. However, it can be expected that any recommendations they make would be considered for ratification by the board at its first meeting.

The costs of the consultants will be met by the Commonwealth through the Department of Agriculture. Once the Authority commences, any and all Commonwealth funding provided for the purpose for engaging consultants will be refunded by the Authority. As the consultants are the future board directors acting in the interests of the Authority, it is reasonable for the Authority to reimburse the Commonwealth for the costs of the consultants.

The Bill ensures that all employees of the Grape and Wine Research and Development Corporation and Wine Australia are transferred to the Australian Grape and Wine Authority along with all employee entitlements.
The Bill also provides for a number of amendments to be made to outdated sections of the Wine Australia Corporation Act 1980, and introduces modernised language to bring it up date with current terms.

The wine industry has a unique regulatory structure with the Wine Australia Corporation enforcing the Label Integrity Program, licensing exporters and maintaining Australia’s wine geographical indications system. These important roles are not affected by the merger.

The Australian Grape and Wine Authority will therefore have a strong focus on controlling exports and developing domestic and international markets for Australian grape products, along with investigating, coordinating and funding grape and wine research and development. The Authority will be responsible to report its progress on these matters to the Parliament or Minister and representative organisations.

Two companion bills are being introduced alongside this Bill that propose minor amendments to the Primary Industries (Excise) Levies Act 1999 and the Primary Industries (Customs) Charges Act 1999 to enable levies collected to be paid to the new Authority.

The creation of the Australian Grape and Wine Authority is a natural progression by the industry in continuing to reform to meet future challenges. The benefits of replacing the existing two statutory bodies with a single authority will come at no additional cost to winemakers or grape growers. Instead, this reform will deliver efficiencies while enhancing links between the industry’s research and development and marketing activities – which are the key to future industry competitiveness and profitability. Through this reform the Government wants to ensure that the levies and fees that industry contributes to these efforts has the best opportunity to keep delivering for the industry in the future. It is with great pleasure that I introduce this Bill to make this important reform a reality.

PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT (AUSTRALIAN GRAPE AND WINE

The Primary Industries ( Customs) Charges Amendment ( Australian Grape and Wine Authority) Bill 2013 is a companion Bill to the Grape and Wine Legislation Amendment ( Australian Grape and Wine Authority) Bill 2013.

The companion Bill provides consequential amendments to replace references to the Wine Australia Corporation in the Primary Industries (Customs) Charges Act 1999 with ‘Australian Grape and Wine Authority’ to reflect the Australian Grape and Wine Authority Act 2013 that will govern the new authority.

The change will allow for levies collected to be paid to the Australian Grape and Wine Authority.

The Bill also repeals clauses that provided for Wine Australia, following an annual general meeting, to make recommendations to the Minister about the levy rate. The Government has a process for consulting with industry about levy rates that provides for consultation, a vote of industry and an objections process. The Bill provides that the process for changing wine industry levies is consistent with other industries.

PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (AUSTRALIAN GRAPE AND WINE AUTHORITY) BILL 2013

The Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013 is a companion Bill to the Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013.

The companion Bill provides consequential amendments to replace references to the Wine Australia Corporation in the Primary Industries (Excise) Levies Act 1999 with ‘Australian Grape and Wine Authority’ to reflect the Australian Grape and Wine Authority Act 2013 that will govern the new authority.
The change will allow for levies collected to be paid to the Australian Grape and Wine Authority.

The Bill also repeals clauses that provided for Wine Australia, following an annual general meeting, to make recommendations to the Minister about the levy rate. The Government has a process for consulting with industry about levy rates that provides for consultation, a vote of industry and an objections process. The Bill provides that the process for changing wine industry levies is consistent with other industries.

Senator PAYNE: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Education and Employment References Committee

Reference

Senator MOORE (Queensland) (17:06): At the request of Senator Wong, I move:

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:

The provisions of the Fair Work (Registered Organisations) Amendment Bill 2013, with particular reference to:

(a) the potential impact of the amendments to interfere with the ongoing operation of registered organisations in Australia; and

(b) the potential of the amendments to impede the ability of employees of registered organisations to carry out their duties.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Fair Work (Registered Organisations) Amendment Bill 2013 and any related bills.

We heard earlier, when we asked for this motion to be heard in an earlier part of the debate, that it was denied formality. Now we have the chance to talk more fully about the reasons we have decided we want to refer this particular bill to a references committee: to have more discussion and more consideration. One of the key reasons was that this, along with a number of other key pieces of legislation, was referred at the end of the first sitting of parliament; then we went through a week of Senate estimates. Then we had one week in which this committee had the chance to have a public hearing for one day. Funnily enough, a whole range of these important pieces of legislation, which we first saw in that first sitting of parliament—to be fair, this bill has been working around for a while, but we first saw it absolutely in front of us in the first sitting—all had completion dates of 2 December. There is only one reason for that: it was the intent of the government, which I have to admit they did not hide, to make sure that all these pieces of legislation could come back and be forced through the parliament in these two weeks of sittings. We do not believe that this bill should be able to be rushed through in that way.

Senator Ian Macdonald: We learned from you.

Senator MOORE: Senator Macdonald, I take that interjection. I take that statement. Governments of all flavours at different times during the course of their government have had reason to try to get through things very quickly in this parliament. Of course that happened when we were in government—

Government senators interjecting—
The ACTING DEPUTY PRESIDENT (Senator Fawcett): Senator Moore, resume your seat. I remind senators on the right that senators have the right to be heard in silence under standing order 197.

Senator MOORE: That happened in our government. That happened in the previous government. That probably happened in governments straight through from about the time of Andrew Fisher. But nonetheless there is a process in terms of debate coming to this place. Allegations are made about the speed of things going through and then quite rightly, if there are concerns about those allegations, we bring them back into this chamber. Sometimes the decisions are changed, sometimes not. But every time our system allows us, when there are concerns, to bring them back into this chamber. That is exactly what we are doing about this particular bill.

We are saying that, because of a whole range of complexities of interests involved in this area, there is a need for further consideration beyond one public hearing day and a report that has been presented to come back into this place. This is not a statement that I alone am making. This is a statement that has been made by a number of the witnesses that came to the hearing last week, by people in the press and by people in the discussion around the Senate inquiry. Unsurprisingly, when that Senate report was brought down on time, on 2 December, there was a government report and there was a dissenting report. This is often a standard practice in this place. But the issue about the concerns with the content and the complexity was not in the dissenting report from the opposition senators; it was in the core part of the document. It clearly states that there were issues raised by submitters about the time frame in which they were asked to bring forward their submissions and their concerns, and there were also concerns about the background of the bill, the process of the inquiry and the impact of the bill on associations.

We know that the Fair Work (Registered Organisations) Amendment Bill 2013 applies not only to workers’ organisations—to trade unions—but also to a whole range of registered organisations. What we are saying is that the concerns are of such a nature—these issues have been on the agenda for a long time and there have been a series of pieces of legislation passed over the last few years purporting to respond to the same issues, and now we have this one that came in very early in the life of this government—that we believe that time needs to be taken to consider what has gone before; the range of issues that were raised about the need for more scrutiny; and what has happened so far through the normal interactions of reviews, through the establishment of institutions within the Fair Work Commission and through the various discussions that have gone on looking at the very important issues of transparency, accountability and responsiveness to members. All of those things are of critical import to the organisations themselves, to the members of the organisations and to the wider Australian community. On that basis, we believe that there needs to be more time, there needs to be a wider consideration and there needs to be a chance for all those involved to look effectively and closely at what has gone before.

Certainly a lot of the concerns I personally have are to do with organisations that I know well and that I know are currently working through the previous legislation about compliance and governance. That work is going on as we speak. Only on Saturday of last week I was visiting an organisation. On that day the organisation, a trade union, was having compliance training for its volunteer delegates to see what was in place in the previous legislation, which
was concluded only in 2012. So what has happened? That organisation and other organisations, at considerable expense—these issues came out during the hearing—have put in place their responses and their accountabilities under the Fair Work (Registered Organisations) Amendment Act 2012 and are working through those processes. Now, within two to three weeks of it first being raised in the lower house and coming here, there is an expectation that another range of impositions and accountabilities, all looking at the issues that were originally raised as concerns, will impose on organisations further training, further expense and further personal scrutiny of those people who are choosing to be involved in the organisations.

I know that when he has the chance Senator Cameron will talk, because he was on the committee and he will be able to refer to both the submissions and the evidence that was given to that committee. I was not part of that, but I have spoken with some of the people who were there. Certainly it is important that we understand that a key point was that there was no doubt and no lack of commitment to the principles that any bill that is looking at fairness and scrutiny and accountability is being designed to meet. Not one submission or piece of evidence said that there was any doubt that people who are part of registered organisations should have a very structured, transparent process in place to look at accountabilities to their members and to the community to ensure that responsibilities in relation to money are fulfilled.

That process has already started. There are already quite strong elements of scrutiny in all the organisations that gave evidence to the committee. They know that previous legislation required registered organisations to have processes that prohibit members' money from being used to favour particular candidates in internal elections or campaigns. That is already in place. That issue was raised as part of the urgent need for new legislation. The current registered organisations act allows for criminal proceedings to be initiated when funds are stolen or obtained by fraud. That is a standard expectation. Not one organisation came forward during the hearings or through the submissions and said that, if one of their organisers or one of their people in their union were involved in criminal activity, it should not be exposed and subject to the law. No-one denies that. Those provisions are already in place. What is needed is full training about how that works, and that is happening now.

Also, the registered organisations act ensures that the Fair Work Commission can share information with the police as appropriate. Again, we are looking at ensuring that the operations of individuals and registered organisations are accountable, that they are subject to scrutiny and that, should anything occur that is illegal or thought to be illegal, the same processes occur as already happen in most areas—that is, that they are subject to criminal prosecution. The onus of proof is then before the legal system, as would happen with anyone accused of breaking the law. That is how it works and there is no argument about that.

The registered organisations act already provides for statutory civil penalties where a party knowingly or recklessly contravenes an order or direction made by the Federal Court or the Fair Work Commission under the registered organisations act or the Fair Work Act. That is already in place. A range of organisations are under scrutiny—and they should be. I can only speak from a trade union perspective, not from an employers' organisation perspective, and I have no particular knowledge of the Corporations Act. In many ways, they are moving through this process to make an alignment between registered organisations and corporations.
I openly state that I have not worked in the corporations area and do not have knowledge about it, but I do know about how trade unions operate.

We know that there have been individuals and trade unions that have been the subject of public scrutiny. Some individuals have been found to have done the wrong thing and some individuals have been the subject of criminal investigation and prosecution. No-one argues with that. That should be the natural process. However, we are talking about changes that have put expectations on organisations that are already working within fairly tight budgets—organisations that operate to a large extent on a volunteer basis. Certainly, in my own union there were very, very few employed officials. We relied absolutely on a network of workers in our industry who volunteered to take a role in the organisation as delegates or on management committees. The kind of scrutiny that seems to be in place with this new round of expectation under the Fair Work (Registered Organisations) Amendment Bill 2013, I believe, puts extra scrutiny on these volunteers. There is already an expectation on paid officials. There should never be any time that issues around conflict of interest or accountability with funds should not be fully accounted and fully explained to the membership. Certainly, I can say that in my union that was held as law, and we can go back and see it. Our books are open to that.

We fear that the degree of personal scrutiny that is explained in this particular change—and this was raised in the hearing—could be a disincentive to individuals working in an industry taking on extra work in their trade union on top of their job. It could be a disincentive to them saying, 'Yes, we'll do that extra work and we'll take on this extra scrutiny and accountability.' That would be a real shame in terms of building skills and engagement. We want our membership engaged. We want our membership involved. We want the knowledge and skills base of our membership.

As I said earlier, organisations are already responding to the expectations of previous legislation. My understanding is that that has been going relatively smoothly. There is an expectation that certain things are done by organisations and that they report back to Fair Work through that process about what they have done. They are not able to pass the test until they can attest that everybody who was expected to take on these roles has had the training and knows what they are doing. I have seen the forms. They have to make a very strong statement that that has been done. It has to be signed off and it says what people have done.

However, within a very short time frame—I imagine six to seven months—another range of expectations are put forward in a new bill which, in many ways, only repeats what they are doing but gives organisations the message that the work they have done has been inadequate and that they are not trusted—work that, in many ways, is done very enthusiastically. Whilst extra workload is not often celebrated, the rationale behind the need for accountability and transparency was well made. My understanding is that registered organisations have accepted that as a mark of their importance and as a mark of their own commitment to the valuable work that they do. There needs to be industrial as well as community faith that they are running well trained, skilled and transparent organisations.

That was the mark of the 2012 legislation. Faults had been identified. There had been enormous public and media coverage of the very few officials who were subsequently found to have been acting illegally. However, it seems to me that we are using the wrong test, as the percentage of people who were found to have broken the law and who have earned the
distrust of members is very small as a proportion of the large number of organisations and their membership. In some ways, even more sadly, those people who have broken the law have betrayed the trust of the very people they represent and serve.

We have had this debate in this place on a number of occasions. I do not remember any difference in the views of people in this chamber on the need for organisations to be legal and responsible and so having the respect of their members and the community. We all expect the same thing. There is agreement in this chamber on what the expectations of organisations should be. The background to this motion wanting to refer a particular issue to a references committee is building on that goodwill. We want to build on the common ground to ensure registered organisations work well within the Fair Work Act for their membership and are seen by the community to be doing their job. Organisations must earn respect through the work they have done.

We believe this process deserves more time than one day of public hearings. We believe the process should engage much more widely with the organisations themselves to give them a chance to put on record what they have done in response to the previous legislation. That needs to be matched to the proposed recommendations of this legislation to see whether there is a need for a new set of regulations, examinations and processes.

It seems to me that we have heard the terms 'overregulation' and 'red tape' many times in this chamber and I remember hearing those very terms used often during recent Senate estimates with regard to a whole range of operations. There was a commitment by the current government to cut through the overregulation, over-examination and onerous workload of a range of organisations and individuals. This would make sure that the balance is right between effectively doing their job and the required scrutiny to ensure they meet expectations of performance. That is a huge battle. My view is that by imposing the expectations of this legislation, the Fair Work (Registered Organisations) Amendment Bill 2013, we would be putting another level of regulation and scrutiny on organisations that are already subject to significant regulation and scrutiny. Some of these regulations have only been brought in during the last 12 months.

We note that this issue is of great importance. It demands greater scrutiny by the parliament, as it demands greater engagement of the people at whom this legislation is directed. Those people must have the chance to ensure that the regulation put through does the job we expect and organisations can feel part of it, not punished and overregulated but not respected for the efforts they have already made.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (17:26): The Australian Labor Party are shameless. I am sure that if the former Labor member for Dobell, Mr Craig Thomson, and a former National President of the Australian Labor Party, Mr Michael Williamson, were listening to the contribution just made then they would have been cheering. They would have been cheering because they are part and parcel of the corruption that has now, regrettably, become endemic within the Australian Labor Party.

Let us be very clear on a few fundamental issues. We campaigned on this bill for well over 12 months and we promised the Australian people that we would be introducing this bill into the parliament in the first week. It was a high priority for us. The Australian people knew that and they voted for it. We now have the Australian Labor Party and the Greens using an abuse
of process in this place to ensure that the will of the people cannot be achieved. Let us be very clear: when Mr Shorten tried a patch-up job on registered organisations, he rushed the bill through this place. Do you know how many days the Senate committee was given? Five days from beginning to end. This was a clear election policy on our part, and we gave it eight days. Our eight days are an abuse; the Labour Party's five days are due process. Give me a break.

The dissembling in this place by former trade union officials is very obvious. It is obvious for all to see other than, pitifully, themselves. The real reason they are seeking to delay this legislation is the penalty provisions. That is the reason, and that alone is the reason. We said during the campaign that we have a very simple view on this: a company director ripping off his or her shareholders is to be treated in the same manner as a leader of a registered organisation ripping off his or her members. Under corporation law, if you are a director ripping off shareholders, you can face five years imprisonment or a fine of $320,000. If you are a union official, it is a princely fine of $10,000.

I wonder why these trade union officials opposite are so anxious not to have a new penalty regime come in. Why would that be when there are people—I have to be careful because I will be talking about a member of the judiciary—who I think it would be fair to say are not necessarily seen as sympathetic politically to the coalition side of politics? Federal Court Judge Anthony North was reported on 13 July 2013—there was a smile of acknowledgement from the other side that Justice North, chances are, would not be seen as favourably disposed towards the coalition—

Senator Moore: A fine judge.

Senator ABETZ: If he is a fine judge, why do you not take these words into account, Senator Moore? An article on page 11 in the Australian Financial Review on 13 July 2013 said:

A Federal Court judge has criticised the penalties available under laws governing misconduct by union officials who are found to have inappropriately used members' money or failed to comply with governance regulations.

... … …

… Federal Court Judge Anthony North said he was unhappy at the relatively small penalties on offer, particularly in relation to the cost of the court proceedings.

His Honour said:

The penalties are rather beneficially low ... beneficial to wrongdoers

I wonder why the Labor Party is against the higher penalty regime when even His Honour Mr Justice North sees that higher penalties need to be applied.

Do you know what? This push by the coalition has received support from the Australian Workers' Union National Secretary, Paul Howes. He even wants to clean it up. From the discredited Australian Workers' Union, with the scandal of the early 1990s and of the early 2000s, even Mr Howes sees the need for a clean-up. But those opposite and the Greens absolutely do not. They do not want to go anywhere near allowing this legislation to pass. Do you know what? There are a couple of Labor people with a trade union background who served in this parliament and who rose above their former career as trade union officials: Simon Crean and Martin Ferguson. They became ministers of the Crown. They rose above it.
As former ACTU presidents, they were willing to go public and say there had to be tougher penalties applied.

So why do we need this Senate inquiry when His Honour Justice North—not from our side of politics—the Australian Workers' Union National Secretary Paul Howes and two former ACTU presidents say that there is this need for higher penalties? The reason is that the people sitting opposite and in the other place sitting opposite are still the beneficiaries of being bankrolled by the sort of funny money that we were exposed to courtesy of the Fairfax media on the weekend. Let us not fall for Senator Moore's suggestion that it was just one or two. We now know about the Australian Workers' Union scandal. We know about the multiplicity of scandals in the Health Services Union, the Transport Workers Union, the Electrical Trades Union, the MUA, the CFMEU—the list goes on and on and those opposite know it. We knew it, we took it to the people and we got a resounding endorsement. Indeed, so serious were we that we said, 'If you elect us, we will deal with this matter by bringing it to the parliament in the very first week of its sitting.' That is what I was charged to do as the Minister for Employment by the incoming Prime Minister. Thanks to departmental and other staff, we were able to achieve it.

Now, not content with continuing to protect the racketeers, Labor are now abusing the process of the Senate to allow the protection. Let us be very clear. The Senate has two Senate committee systems. One is the legislation committees set up specifically to look at legislation—hence the name. Then we have another set of committees called the references committees to which you refer issues as opposed to legislation.

I asked the keeper of the records in this place: how often and by whom had legislation been referred to a references committee? Since 1996 it has been done on 13 occasions—I am proud to say never once by the coalition. Even when we had the numbers in the Senate, we did not do that between 2004 and 2007, because we actually believe in the system. What happens here is that the Labor Party and the Greens have the numbers on the references committees and therefore they will seek to delay this legislation until late March next year. Why would you want this delay in this situation?

Senator Moore raised matters in the debate about the complexity and the problem with volunteers. Indeed, members of the CPSU general council that I had the privilege of addressing the other day have indicated to me the problem with the legislation governing trade union officials and volunteers. Do you know whose mess that was? It was Mr Shorten's legislation. If given the opportunity to introduce and pass this legislation into this place, we could amend Mr Shorten's mess and clean it up for the benefit of those whom Senator Moore professes to be concerned about. But she is denying us that opportunity—and deliberately so, because it is just a ruse. It is just an argument, a straw man to be put up to try to justify the delay. Senator Moore has exposed herself as one who is protecting the racketeers in this debate by not allowing this bill to proceed until March next year. She knows that many trade union officials and other volunteers in registered organisations have been unreasonably entangled in the mess Mr Shorten created just before the parliament rose, in a desperate attempt to show the Australian people that he had cleaned up the show. And he did everything but increase the penalties. That is the one thing the Labor Party is scared of: seeing increased penalties.
It is interesting that those who have risen above it—like Martin Ferguson, Simon Crean, the AWU national secretary and Justice North, all from the Labor side of politics—can see the need for these increased penalties. Why is it that the Labor Party want to deny the will of the Australian people and abuse their numbers in this place? Sure, they are entitled to the numbers they enjoy in this place until 1 July, but they must admit to themselves that the numbers here in this place no longer reflect the will of the Australian people. They cannot bring themselves to acknowledge it on the carbon tax, on the Australian Building and Construction Commission, on the mining tax or on the registered organisations commission. They will use and abuse their numbers right up until 1 July next year.

I say: when you have made a mistake, acknowledge it; when you have your policy positioning wrong, fess up and let the new government get on with its task. That is what we as a coalition did after 2007. We recognised that Work Choices was wrong; we recognised that the people had voted and had made a determination. We still enjoyed the numbers in this place up until 1 July the following year, but we accepted it in a mature and considered manner, respecting the will of the people, and we said that the Fair Work legislation, Labor's alternative, was entitled to go through this place. That is the big difference between the coalition and the Labor Party. We accept the people's verdict but Labor cannot help themselves. It is within them: if you have got the numbers, use them and abuse them for your own personal benefit. That is what the Labor Party have done consistently, and here we are again. They will now add another bill to the sheet of bills being referred to references committees. Since 1996 it has only been done 13 times and, if the vote goes as I suspect, it will now be 14 times. To the great credit of my predecessors in this place, the coalition have never done that, and I think that is a great credit to coalition senators. We respect this place. We respect the forums, we respect the committee system and, indeed, our legislation was before the committee for eight days. Labor's legislation was before the committee for five days. Excuse me? Where is the fault in process there? But it is this immature argument: Labor use their numbers for a five-day hearing, good; the coalition have an eight-day hearing, bad—despite the fact that it is so much longer for the committee to consider these matters.

I recall again that most of the evidence before the committee in relation to the difficulties with reporting was in relation not to the coalition's proposed legislation but to Mr Shorten's legislation. And here we are saying: 'Look, let's work together. We can clean up this mess together.' I must say that the evidence from the committee to me as minister was very persuasive, and I thought there should be some changes made to overcome the problems that the trade union leadership were saying should be sorted—and, if possible, before 1 January. And yet the Labor Party are deliberately stopping that from happening. Why? Because the trade union officials are more than happy if more volunteers get knocked out of the system, just as long as the highly paid professionals—who run the slush funds, who have the funny money—are not subjected to higher penalties. That is what this is all about, and it is a shame on the Labor Party and all those who vote with them and for this motion, which seeks to defer further consideration of this legislation until later on in March next year. There is no reason for it. It is not a surprise. We had a specific policy paper in relation to registered organisations; it was there for all to see. The now Prime Minister announced it at a Victorian state conference well in advance of 12 months before the federal election. It was out there for all to see and talk about. And we said that within the first week it would come into this place.
The people voted for us, we delivered on that promise, and the greatest election promise betrayers, the Labor Party—the party of 'no carbon tax', who then introduced the carbon tax—are seeking to deny this new government the opportunity to implement its policies. Be it on the carbon tax, on temporary protection visas, on the mining tax or on anything we are seeking to do to clean up the mess Labor left us, they are standing in the way. Having trashed the house, they are now standing at the doorway refusing entry to the repairmen and repairwomen who have been charged with cleaning up the place—with repainting, recarpeting and getting the show back on the road.

Senator Cameron: New bookshelves.

Senator ABETZ: Can I simply say to the interjection: a beneficiary who used trade union members' money for the benefit of his ICAC appearance, dealing with the corruption of one Eddie Obeid and Ian Macdonald—not Senator Ian Macdonald but the Ian Macdonald of New South Wales—

Honourable senators interjecting—

Senator ABETZ: And why did AMWU members have to pay for his appearance when all that good senator was doing was manipulating numbers for preselections to ensure that this corrupt Ian Macdonald got re-endorsed? Why should hardworking AMWU members have to pay for that? Those are the sorts of things we want to cut out, because the average trade union member who I speak to tells me that they are a member of the union because it is like an insurance policy, if you like. They do not want to hold hands and sing Solidarity Forever. That is not why they are a member of the union movement. They are simply there to protect their interests. They see the corruption and the rip-offs. And it is not only the former National President of the Australian Labor Party, Michael Williamson, and the former Labor member for Dobell involved in these sorts of corrupt activities; it is a whole host of Labor officials and it is now coming out more and more.

The current national vice-president of the Australian Labor Party has been caught up in the latest slush fund allegations. It is endemic; it is corrupt. Australia deserves to be rid of it. That is what we campaigned on, that is what we got a mandate for and that is why I encourage the Labor Party to search their souls and say: 'Enough of this corruption. Let's get rid of it once and for all and clean up the mess.' (Time expired)

Senator CAMERON (New South Wales) (17:46): I think anyone who is listening in should always remember the modus operandi of the coalition in relation to workers' rights in this country. No-one ran harder against workers' rights than the Leader of the Government in the Senate, Senator Eric Abetz. Senator Abetz was the main proponent to take rights away from workers in this country and he is now the main proponent to take away longstanding rights of the organisations of workers in this country. So let us not get carried away with all the nonsense that we have heard from Senator Abetz in relation to this debate. I am absolutely shameless—no shame—in standing up here for workers' rights and for the trade union organisations in this country because, without the trade union organisations in this country, workers around this country would be much worse off. They would be subjected to terrible laws, implemented by the coalition in their last term of government—the laws that dare not speak their name from anyone in the coalition: Work Choices.
That is why you need strong trade unions in this country and it is why you need debates on the
demolition of workers' rights. You need debates in this place on the demolition of the
rights of registered organisations in this country. You need to examine every aspect of
industrial legislation put forward by the coalition because underpinning every aspect of the
coalition's industrial legislation against the trade union movement is the need for them to pay
homage to the big business groups which support their election in this country and which pay
their bills when it comes to election time. So this is payback time to big business, which want
to reintroduce Work Choices. The government are not game to reintroduce Work Choices
quite yet, but anyone who is listening in knows that this legislation is the precursor to Work
Choices. So make no bones about where they are coming from on this.

I am absolutely shameless in standing up here and supporting the trade union movement in
this country and actually supporting the business organisations in this country, which have
overwhelmingly rejected the propositions that are being put forward in this bill and which
have been pleading for more time to have the implications of this bill analysed in a full and
frank manner. That is why the opposition are saying that a reference committee should deal
with the issue. It is quite easy to stand up here and look at Mr Williamson, Mr Thomson and
the HSUA and say: 'This is the reason why we should introduce these draconian laws.' But
you do not make laws because of the criminality of one small group in an overall
establishment. That is what is happening here. Both Williamson and Thomson are before the
criminal courts of this country. That is the reality. If you actually fiddle the books, the same as
if any businessperson or unionist fiddles the books, then you deal with that through the
criminal courts.

Senator Ian Macdonald: What's the penalty?

Senator CAMERON: Senator Macdonald has asked what the penalty is. The penalty is
jail, if you are corruptly operating within a business organisation, a union or any other
establishment in this country. There are criminal laws to deal with that. But what the coalition
want to do is to try to impose corporate laws on the trade union movement and it has been
quite clearly demonstrated by submissions to the legislation inquiry that it is not appropriate,
not effective and should not happen.

We hear from Senator Abetz that there is dissembling by former trade union officials. The
only one who is dissembling is Senator Abetz in his contribution because he did not argue
that, if someone is found taking illegal actions in the trade union movement, they should be
dealt with through the laws that are being proposed here. The reality is that the Labor Party,
the coalition, the Greens, the Independents and the Nationals would argue that, if someone
breaks the law, if there is criminal activity, that criminal activity should be taken to where it
can be dealt with, the courts of this land, and you could end up in jail. That is the bottom line.
This argument that union officials should be treated the same—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Cameron, please
resume your seat—I am sorry, I thought Senator Macdonald was seeking to raise a point of
order.

Senator Ian Macdonald: I was just leaving. I can't stand it anymore.

The ACTING DEPUTY PRESIDENT: I apologise, Senator Cameron. I thought you
were being called to order.
Senator CAMERON: Thank you. I will take that comment from Senator Macdonald that he is leaving because he cannot stand it anymore. The reason he cannot stand it anymore is that he really cannot stand common sense—common sense from the trade union movement and common sense from the employer organisations, who say that this bill is fundamentally flawed.

Senator McKenzie: Mr Acting Deputy President, I rise on a point of order. My understanding is that the question before the chair concerns the reference of a matter to the Senate Education and Employment References Committee, not a debate of the bill per se.

The ACTING DEPUTY PRESIDENT: I can say that I think Senator Cameron is being as relevant as the previous speaker in relation to that question, so there is no point of order.

Senator CAMERON: Through the chair, for Senator McKenzie's information, I have basically been following through the points that were made by Senator Abetz in his speech, so, if I am not being relevant, you could have showed an even hand and interrupted Senator Abetz in his contribution. So I will continue on with Senator Abetz's contribution, if that is okay, Senator McKenzie.

Senator Abetz spoke of people rising above being trade union officials. I think one of the highest things you can be in this country is a trade union official, looking after workers' rights against some terrible bosses in this country, working with decent bosses in this country to improve productivity, doing the right thing day in, day out, protecting workers rights and entitlements and making sure they get their penalty rates. I think rising above that is a big rise. You have to rise a long way to be above trying to ensure the rights of workers.

Then Senator Abetz spoke of the AWU, the HSU, the TWU and the CFMEU without any evidence of any corruption or criminal activity. I remind the Senate that the current coalition government spent over $60 million on a royal commission into the building industry—and what was the outcome of that? Not one trade union official was charged with a criminal activity. Sixty-odd million dollars of public money was spent to try and prove some corrupt activity in the building industry and not one union official was charged with any corruption.

The other interesting point that Senator Abetz raised was abuse of the process of the Senate. Well, hasn't Senator Abetz got a short memory! If you listened to his contribution, you would have thought that they actually really believe in the processes of the Senate and did not abuse the power or processes of the Senate. He gave us a little lecture about the difference between legislation committees and references committees. We got a little homily from Senator Abetz about references committees versus legislation committees and how important it was to respect the different roles of the legislation committees and the references committees. But what Senator Abetz forgot to say is that, when they were in power last time and had complete control in the Senate, they got rid of references committees. They abandoned the references committee approach because it might just have been a little problem for them in their complete and utter control of the Senate. So they got rid of them. I am not sure if I was listening carefully enough, but I do not think Senator Abetz mentioned that huge abuse of process of the Senate when he was telling us how the coalition respect the processes, functions and history of the Senate. Senator Abetz might come back and explain that little abuse of process—or not so little; a huge abuse, actually.
I want to go to this issue of the criminal versus the civil approach. Registered organisations, whether they are employers or employees—the AiG, the ACCI, the ACTU, the MUA and the CFMEU—have all said: if there is criminal activity in any form, then deal with it through criminal laws and make sure it is dealt with expeditiously. No-one in the trade union movement is covering up, as Senator Abetz would have it, any alleged criminal activity in the trade union movement.

Senator Abetz continually raised the suggestion that this was the trade union movement trying to protect itself from laws that would bring about better behaviour and expose criminal activity. Well, I did not see one submission from any employer organisation to the inquiry that took place that actually said they agreed with that analysis. I will come back to the AiG position because they go through in some detail the weaknesses and problems with this bill. Actually, Senator Abetz did alert us to the fact that this was done very quickly, that it was only through the hard work of the department that this was put together. So what he is foreshadowing in my view is that this is quick and dirty legislation. When you see the analysis from both the trade union movement and, more importantly, the employer organisations on this issue, you will see that it was quick and dirty legislation. The drafting is incomplete, the drafting is vague, the drafting has massive amounts of consequences that have not been thought through by the government.

The ACCI, certainly no friend of the trade union movement, said:
As the impact of the recent changes to the Registered Organisations Act cannot yet be assessed—and remember, there have been significant changes made with significant increases in penalties—
ACCI does not support further changes to the Registered Organisations Act at this stage.
They do not support this bill. The ACCI, the allies of the coalition on so many issues, do not support this legislation. They are saying basically that they would welcome the opportunity to participate in a review, should it occur, and will consider proposals which would amend the registered organisations act within that context. Well, what we are arguing for is an inquiry that would give them the opportunity to do that in a considered and timely way. So, the ACCI agree with us; they do not agree with the coalition.

The Master Plumbers have requested a further period of consultation. They have done that because they know there are problems with this bill. So, the Labor Party agrees with the ACCI and the Master Plumbers, but the coalition do not and they want to rush this through.

The Pharmacy Guild of Australia—you would not think they would be arguing in support of a proposition that is not about accountability and doing the right thing—are saying there are more detailed examples of the ambiguity and confusion with aspects of the bill. And then they lay them out—all the ambiguities and confusion. ‘This bill is full of ambiguities and confusion’—that is not from the ACTU, the union movement. The Labor Party agrees with the Pharmacy Guild that there are ambiguities and confusion in this bill.

We should be fair dinkum about this and not make holier-than-thou speeches, as Senator Abetz just did. We should be clear that you are making laws in this place and they should not be based on ambiguity and confusion or about targeting individuals because there are some criminal activities that are being dealt with in the courts. The registered organisations act has been longstanding in this country.
I now want to go to what the AiG are saying—the AiG I have had fights with all of my industrial life as a union official. What they say is that 'overwhelmingly the officials and staff of registered organisations of employers and employees are dedicated and ethical people who work very hard for the benefit of their members'. Let me say that again: 'overwhelmingly the officials and staff of registered organisations of employers and employees are dedicated and ethical people who work very hard for the benefit of their members'. So, they have got no doubts. They are actually in the area of industrial relations doing the business on behalf of their members, on behalf of employers. They play it hard, they play it tough, they have got a reputation of taking every chance they can get to make it tough for the union movement if that is to the benefit of their members. But they do not do that here. They say there are huge problems with this bill and it is unfair.

I do not have time to go through every point they raise, but they make point after point. They say, 'What is the definition of "serious contravention"? What is the definition of "serious"?' There are no definitions in this bill as to those issues. They go on and basically say the penalties are over the top and that you cannot compare the operation of a voluntary organisation, such as an employer organisation or a union, with a corporation. They are two completely different things, and the history of this country has always treated them differently. They go on to point out a number of provisions of the bill that are a real problem. There is a clause in the bill that says if an organisation—an employer organisation or a union—does not respond within 28 days to a member request for a statement of membership they can be fined $80,000. They accept that that is over the top.

So that is the AiG, the Pharmacy Guild of Australia, the ACCI and the Master Plumbers. Let me tell you, when we have a further hearing into this the employer organisations will be queuing up to say you cannot and should not treat these registered organisations as criminal organisations, you should not treat them as organisations that do not do the right thing—because they can see that, overwhelmingly, the employee organisations in this country, the union movement, are made up of people who do the right thing. This is an ideological agenda and we should support this proposition.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:07): Mr Acting Deputy President Furner, I will not keep you long. I indicate that we will be supporting this referral. But I have been sitting in this chamber for a period of time listening to this debate, and I did listen quite carefully to Senator Abetz when he went through at length the fact that they had never referred provisions of bills to a references committee. However, I have been in this place for a period of time now, and I was here when they had control of the Senate—and I am sure that others in this chamber remember this as well—and the then government actually changed the whole committee system so that they could in fact control the committee system and so did not need to bother referring things to a legislation or a references committee. If we remember right, they got rid of references committees and just had standing committees. So it is very disingenuous of the Leader of the Government in the Senate to say that they have never done this. Of course they have, because, during that entire time that they had control of the Senate and they changed the committee system, all those bills were effectively referred to committees that were both references committees and legislation committees.

So the Leader of the Government in the Senate should be articulating correctly what really happened during that time. Perhaps he could go and count those bills that were referred. I
have done a quick check of just one of those committees, the committee that is very close to my heart, the community affairs committee, and a large number of bills were referred to that particular committee, which was effectively functioning as a references committee as well. So, when he is laying into the Greens and the opposition, he really should make sure that he gets those facts correct.

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (18:10): I rise to speak after that tirade from Senator Cameron—and, for the public’s listening pleasure: that is about the third time I have had the pleasure of that particular tirade; I chaired Senate estimates when the department came before us and Senator Cameron had a lot of leeway and a lot of conversations with officials around these particular issues—similarly, last week, during the inquiry. So whilst Senator Cameron wants to argue the toss, he did not actually address the question before the chair.

When I look at the reports that we have been talking about, I note that these bills were inquired into last week with a one-day inquiry—fully consultative, with all the usual players. The Greens were actually a no-show. It is funny that they are supporting the opposition on this reference, because when I sat down to chair the inquiry into this bill by the legislation committee there were name cards for Senator Rhiannon and Senator Siewert but neither were there. When I look through the report into this legislation, there is a dissenting report from the opposition, rightly stating their long-held objections on industrial relations matters—it is an ideological issue, as Senator Cameron touched on—and stating the opposition's perspective on this and the other bill we inquired into that day. What is not in the report is any comment from the Greens on this piece of legislation, and I would ask whether we are here today putting this reference to the Senate Education and Employment References Committee simply because the Greens could not quite get it together to get their comments on the legislation before the committee.

As to Senator Cameron, I want to address one of Senator Cameron's comments about abuse of the Senate. We actually saw that today. When we talk about checks and balances in this place, there is no greater check and balance on government in the Senate than the Privileges Committee. It is interesting to note that earlier this week the opposition sided with the Greens in their desire to change the balance of the Privileges Committee. When the opposition was the government, a few months ago they rejected that proposition—as rightly they should. It is a check and balance for opposition on the government of the day in this place. So when you want to talk about abuse of the Senate, I do not think it gets much higher than that as an attack on the integrity of the Senate.

I will now turn to the matter and the reference before us. It is in my role as Chair of the Senate Education and Employment Legislation Committee that I want to highlight the blatant disregard that the ALP-Greens continuing alliance has for this Senate convention—and, indeed, for the will of the Australian people. At our last sitting, the Fair Work (Registered Organisations) Amendment Bill 2013 was referred to the Senate Education and Employment Legislation Committee for inquiry, as is usual and appropriate. There has been a lot of noise around the haste of this inquiry. I think the road of the previous government is littered with examples, but I would actually like to turn to an example which, in looking at earlier instances of oppositions referring bills to references committees, I came upon, with the good help of the
Back then, the reason given by the Labor Party in complaining about why they had to put it through the references committee was that, No. 1: it was an explicit breach of the government's pre-election commitments, that the then coalition government had not explicitly made a core promise, if you like, to the electorate prior to the election that they were actually going to look at changes to the IR law. I think that the issue on the table was unfair dismissal laws for small businesses. So because the coalition back then did not make it a clear election promise, the No. 1 issue for the newly minted opposition in 1996 was that it breached the government's pre-election commitments. I quote, 'At no time prior to the election did the coalition foreshadow an exemption for small business from the unfair dismissal laws'. That was the No. 1 reason why it had to go off to the references committee.

Nos 2 and 3 reasons were that it was unnecessary and unfair. I think that goes, essentially, to the nature of the discussion before us—the content, if you like, of the issues. The coalition and the Labor Party are never going to see eye to eye on industrial relations matters. It is a polarising topic for us, and that is why we have democratic processes—to help us, as political entities in this nation, to sort through particularly polarising issues. We have processes, we have elections, we have parliaments and we have committees to protect the people from the very edges of our ideology. I think that sending a bill that has already been inquired into—not once but a couple of times—and that was foreshadowed 17 months prior—everybody knew it was coming—to a references committee, with the help of the Greens, to ensure that they get to ask their questions, is an abuse.

Essentially, this reference is unnecessary and unwarranted because it is a delaying tactic by an opposition that is still in denial about an election held many months ago. They are unwilling to accept the clear will of the Australian electorate, that was very aware of this policy intent by the coalition government—17 months prior; very aware of what we intended to do in this space. And yet—and I know you cannot believe it and I know you do not want to believe it—they still cast their votes in the manner in which they did. That ended up with the government actually being able to put before the parliament the election promises that we made in our desire to keep up with the Australian people.

The reference before us seeks to investigate the potential impact of the amendments to the registered organisations act to interfere with ongoing operation of registered organisations in Australia. It also wants to examine how potential amendments will impede the ability of employees of registered organisations to carry out their duties. I am not quite sure how we think this evidence that we will get before this inquiry will be any different to the evidence submitted in previous inquiries and, indeed, in the inquiry conducted last week. And it is good to see Senator Lines in the chamber, because she was there last Tuesday. The Greens were not, but Senator Lines was there, as was Senator Cameron and Senator Tillem, prosecuting the case for the opposition. But in terms of who actually presented, I am not sure we will get any different perspectives.

I will just read through the submissions received for the inquiry. I think there is a bit of smoke and mirrors going on, that this was what I think Senator Wong likes to call a 'quick and dirty inquiry'. But we got a fair number of submissions, reflecting the full diversity and ideological positions of this particular area. We had the Queensland Nurses Union, the
Timber Merchants Association of Victoria, the Maritime Union of Australia, Master Builders Australia, the Department of Employment, the Master Plumbers and Mechanical Services Association of Australia, the Australian Industry Group, the Pharmacy Guild of Australia—and I really appreciate Senator Cameron getting in behind the Pharmacy Guild—the Australian Council of Trade Unions, the Australian Chamber of Commerce and Industry, the Fair Work Commission, the Australian Nursing and Midwifery Federation, Unions New South Wales, the Australian Public Transport Industrial Association, the Australian Community Services Employers Association, the Finance Sector Union of Australia, the Victorian Automobile Chamber of Commerce, the Timber Trade Industrial Association, the Australian Manufacturing Workers Union and the National Union of Workers. That is a pretty comprehensive list!

I think that all of us in this place who have argued about industrial relations approaches could pretty much back it in; we have all the usual players, and some. We have the whole gamut of perspectives on this particular issue and, indeed, we were able to prosecute that through those who appeared before the committee on Tuesday. They included the department and, obviously, the ACTU, who headed down even though they were in an executive meeting—and that was very good—AiG, ACCI et cetera. So we were able to actually investigate. They also all took on, kindly, some questions on notice and got the answers back to us in a timely manner. And so it was a full process for an inquiry into a bill that we have actually looked into more than once—if we think about private senators’ business in the last parliament—and we produced the report. And yet, here we are seeking to refer it on.

When I go to the reference itself—the potential impacts and impeding employers—some of the issues are what the inquiry turned up. We looked at disclosure requirements. We looked at the level of regulation and, indeed, the minister has been persuaded, as he said. If only all ministers would consult as widely as this minister has with the range of stakeholders that he has, not only in coming to a position around the evidence before the committee on this particular bill but, indeed, in his construction of the policy we took to the federal election in the first place.

If you go to the coalition policy document on this area you can see that we did not just talk to our friends. We did not just talk to the people who agreed with our position on this matter. We went to a wide circle and tried to get an holistic perspective on how to fix the issues with the registered organisations act and to fix, as we said, some of the mistakes in the earlier iterations.

We also looked within the report at increased accountability issues. Training of officers was raised by some of the submitters, as was the engagement of the ILO—the International Labour Organization—and how this bill addresses that. We looked at the Registered Organisations Commissioner and the special account and we also looked at the financial implications and the financial penalties for noncompliance. So we did not just tick-and-flick this. We actually listened to our submitters, took their evidence on board, highlighted the issues that they raised and then made some recommendations. It is those recommendations that I commend to the Senate.

So, rather than pursue this delaying tactic so that maybe the Greens can get to the next inquiry in the references, we should actually get on with doing what we have been elected to do. We are in government and this is a core part of the election commitment that we brought
to the federal election. Convention would say that if you are elected to government you get to pursue your legislative agenda, particularly in an area where we are so ideologically opposed, where the process of parliament and the mechanisms we have in place in our democracy save us from our worst selves. In referring this to a references committee, we have sought to simply delay and not facilitate the people's will, as much as we may not appreciate it. I am confident that what I heard from Senator Cameron in the last 20 minutes, what I heard from him for a few hours last Tuesday and what I heard for lots of hours last week during Senate estimates we will hear again and there will be nothing new under the sun. The ACTU will critique the methodology, the department will make its defence of the methodology and we will end up in the same place, where the only thing happening is delay around this crucial piece of legislation to fix Labor's issues.

I go to delivering on our election commitments and what an important aspect that is. Senator Abetz mentioned the history of referring bills to references committees. Senator Siewert mentioned earlier that there were a whole lot of other bills referred to references committees for inquiry, but they were from minor parties—from the Australian Greens, from the Democrats and from Senator Xenophon, for instance, not from oppositions. Our whole parliamentary system is set up where we have a government and an opposition and minor parties come and go, as this table reflects, and they have used various tactics in order to flesh out areas of issues. But there have only been three other times when an opposition has sought to put a bill before a references committee of the Senate, and that was on Telstra in 1996, on the Workplace Relations and Other Legislation Amendment Bill in 1996—the report I read from earlier—and on the Gene Technology Bill. Maybe there is a little deja vu here. Maybe a similar, newly elected opposition were struggling with the same realities that this opposition in the Senate is struggling with: irrelevancy and a legislative agenda that the Australian people are no longer in favour of and have made that very, very clear.

Senator Wong put this reference to the Senate. She did not use the same excuse, if you like, that the minority Senate report in 1997 used—that it was a breach of a government's pre-election commitment—because she cannot. So what excuse do the opposition use for breaching process in the way that they have breached it? They argue the merits of the bill—what they like about the piece of legislation and what they do not like about the piece of legislation. They do not actually address why they have done it, because the fact is that no such reason exists. The bill delivers on a clearly stated government election promise. It is legislation that has been effectively examined twice in 12 months, because we have debated a not dissimilar private member's bill. The issues have been raised and they have been wholeheartedly canvassed in this place, in our committees and, indeed, in the construction of the coalition's policy itself.

Let's face it, if we go over the last six years this is in contrast with policy and legislation that was not widely consulted on, that we only talked to our friends about, or we might have got a few famous people in a room with a piece of white paper and some whiteboard markers—there is our legislative framework for the following six years after a 2020 Summit. No—the process we have taken on policy construction, legislation development and legislative program development is with careful consideration, a consultative process, because we seek, as this minister seeks, to govern for all Australians, not just those who voted for us. That is why we consult with whom we do.
We received 20 submissions from unions and employer organisations, so I am not quite sure what the reference is getting at—what else we can dig out. It is a delaying tactic. Because of this reference the Senate cannot actually debate the legislation, so we will have to come back on the last sitting day of March. The bills will not be before us until budget week or beyond. So it is simply a delaying tactic, which I understand when you are as ideologically opposed as the opposition is. However, we must accept the will of the people, and we could not have been clearer about our legislative agenda on this.

I note that Senator Wong this morning withdrew the other inquiry we had last week through the Senate Education and Employment References Committee, in reference to the Building and Construction Industry (Improving Productivity) Bill. That reference was withdrawn, but I note that Senator Cameron just cannot stop talking about it—

Senator Nash: He just can't stop talking!

Senator McKenzie: He cannot get on with the new paradigm, Senator Nash, that he is no longer in government. He may be on the front bench, but it is a shadow of his former position. He actually put in a new reference to do exactly what this reference seeks to do, and we will be debating that tomorrow, I am sure. The points he goes to have all been dealt with in the inquiry last week. They were fully prosecuted by Senator Cameron; I am sure if he reads the Hansard he will see that we do not need to go back. He has all the answers. Labor and Greens, this is an abuse of process and it should not happen.

Senator Lines (Western Australia) (18:30): I would like to add to some of the comments that Senator McKenzie made about the inquiry we had last week. As Senator McKenzie noted, I was one of the people who went to that inquiry. We had one day where we looked at two bills. When we looked at the Fair Work (Registered Organisations) Amendment Bill 2013—and I am happy to stand corrected on this—I think we had just under three hours. In that time we heard from the ACTU, who had about 40 minutes; we heard from AiG; we heard from a range of other employer organisations; and then we heard from the department. I do not think that three hours is anywhere near an adequate time to hear from people.

I do not know if Senator McKenzie has ever been a member of a trade union, but I have spent most of my working life working for a trade union, prior to becoming a senator. I worked for United Voice. I worked as a paid organiser, and then I took on elected positions. In the Western Australian branch I was the assistant branch secretary of United Voice. In early 2000 I became the assistant national secretary of United Voice. I am a trade union official; it runs through my blood. I am now a senator, but 'once a trade union official, always a trade union official'. And I must say that, as a trade union official, I really took offence to what Senator Abetz was saying. A point that has certainly been overlooked is that one of the reasons we need a reference is to give people a fair go. What most of the organisations said last week was that they did not have enough time.

My union, United Voice, for example, has a governing structure of 100 national councillors; it has both a state and federal structure. The governing council of the Western Australian branch is two-thirds ordinary workers, who give their time in an unpaid capacity to manage and govern and comply with all of the requirements under the act to make sure United Voice is a competent organisation. I am talking about people like cleaners. In fact, the president of United Voice is a health worker who worked in the kitchen at Sir Charles Gairdner Hospital. The vice-president is a worker from the disability sector, a personal carer.
The other vice-president comes from the paint industry. Other members of the committee of
management are from, for example, the bread industry or the childcare industry; they are from
schools; they are cleaners, and so on.

It is ordinary members who take on, in a voluntary capacity, the management of a very
large organisation like United Voice. In fact, United Voice is the largest trade union in
Western Australia, so there are significant responsibilities there that need to be given voice.
They need to be given an opportunity to speak to a Senate inquiry, a references group, to say
what it is really like from their perspective to be a manager of a trade union, because that is
what they are. That is the role they take on and that is the role that is spelled out in Fair Work.
It is time that we heard from those people who, every week, every month, come along to
executive meetings of trade unions, who attend branch meetings of trade unions, who attend
national meetings of trade unions, in their own time. To get those people to Melbourne last
week for a three-hour hearing at which they might have got two minutes is simply an insult. If
we are serious about regulating trade unions we need more time than that.

There is not a person in the Labor Party who does not believe that we need strong trade
unions and we need regulation. No-one is backing away from that; no-one is backing away
from the fact that we need strong trade unions. But I am not going to short-change those
members of trade unions who give their time voluntarily, who have my enormous respect, and
stop them from having a say. I do want to hear from ordinary committee members of trade
unions about what they think, about how they feel about the sorts of onerous regulations that
the coalition government wants to impose on ordinary working folk in this country.

They are the voices we need to hear, and we will only hear them if we have a references
committee that has enough time; that is able, for example, to go to Perth or Hobart or
Brisbane to hear those voices. They are the voices that are missing and they are, by and large,
the people who manage all of our trade unions across this country. That is why we need much
more than a three-hour hearing at which the ACTU represents the whole of the trade union
movement. I have to say they did a brilliant job in a very short space of time to give that
evidence. But 40 minutes is an insult for the working people of this country.

I have to say too, after listening to Senator Abetz today, that I want paid trade unionists in
this country to be able to talk to Senator Abetz about what it is really like
As the former national assistant secretary of United Voice I can say that, despite its name
changes over the years, it is one of Australia's oldest trade unions. As I just described in
response to comments made by Senator McKenzie, it has a strong representative structure at
branch level, with branches in every state and the territories and at the national level. It takes
its obligations under the various state and federal industrial relations systems very, very
seriously. It is not unique: it is like most trade unions in this country in taking those
responsibilities seriously. And of course, like any progressive organisation, United Voice is
always open to new and better ways of undertaking its role, including accountability.

United Voice, along with other trade unions in this country, has always had open and
transparent methods of reporting to its membership. That has always been a requirement of
trade unions. In many ways, United Voice has reported far more extensively than what was
required at various times by state and federal jurisdictions. United Voice is not alone there.
Yes, Fair Work would have set out a minimum set of requirements, but most trade unions in
this country, because of their own rules, have always reported much more extensively than what was required.

I can certainly assure the Senate that when I was an elected official I had obligations under the Fair Work Act which I took seriously. Again, I am not unique in taking my obligations seriously. If you work in a trade union there are particular obligations and you work within them. Any worker in this country tries to abide by the laws that govern their particular work, and I was not unique in that. As I said, United Voice, like many trade unions in this country, takes its obligations seriously. After all, union budgets are raised from members' subscriptions—in the case of United Voice, low-paid members.

United Voice is a typical Australian trade union that takes its responsibilities seriously, and we need the reference to the committee so that we can talk to trade union officials and elected representatives around the country. I particularly want their voices to be heard in this debate. As Senator Cameron pointed out, if you just listened to Senator Abetz you would think it was all about trade unions, but the AiG and ACCI are very concerned about this legislation too and I would like to give the AiG and ACCI a further opportunity to bring their volunteer board members along so their stories can be heard. I think there will be commonalities between our trade union unpaid representatives and those who sit on the boards of AiG and ACCI. They will have some similar concerns about this new bill.

The ACTU was at pains to point out that it does not want to be above the law and it does not expect to be above the law. On behalf of trade unions it certainly made the point that, yes, trade unions have to be accountable. But we have got accountability through the passage of the bill that became the 2012 act. This current bill, apart from increasing penalties, is quite similar. I certainly would like some of AiG's officers to come to a references committee to talk us through how onerous they are finding the bill. AiG were at pains to point out last week that they were just starting to implement the requirements of the 2012 act and they were finding that act onerous. Let's not kid ourselves—this legislation goes much further. Again, that is a reason for us to have a references committee to give those representatives much greater time to be heard.

Like United Voice, AiG have been around for a very long time. This is a respected employer organisation. I heard Senator Cameron say today that in his former role with the Metal Workers Union he had had some pretty tough fights with AiG, but he too respected them as an organisation. They are to be respected. They were registered in the New South Wales industrial commission in 1902 and gained federal registration in 1926. So this is an organisation, like the ACTU, like United Voice and other trade unions who have been around a long time, who have some expertise in this area, who are worth listening to and who are worth giving more than 40 minutes to.

AiG, a longstanding and well-respected organisation, do not see any need for this new bill—none at all. AiG not only think this new bill is unnecessary from their own organisation's perspective, but they also do not believe it is necessary for trade unions. As I said before, their expertise, the history they have lived through and the experience that their organisation has are worth delving into. They should be given the opportunity to give much more detailed input and for their branches throughout the country to be heard. After all, we saw their key personnel, as we did from the ACTU, but let's go and hear from the branches, big and small, who have to deal with this onerous legislation. The 43rd Parliament, as we
have heard today, considered and adopted a bill that addresses much the same things as the bill in question. Again, I take issue with Senator Abetz because if you listened to him today you would think that almost every trade union had some kind of corruption going on. It was quite disgraceful. If that is his view, there are now laws in place to deal with that.

Given the attack that we are getting from the opposition, we should look at corporations. We have had some staggering corporation crashes in this country, but it is just: 'Oh well; it's just another corporation; let's not worry about it.' Why don't I ever hear Senator Abetz talking about OneTel or ABC, which crashed spectacularly? That is why we need a references committee inquiry, so that we can hear from the ordinary folk managing our employer organisations and our trade unions.

Senator KROGER (Victoria—Chief Government Whip) (18:45): I was not actually intending to speak to this motion to refer the provisions of the Fair Work (Registered Organisations) Amendment Bill 2013 to the Senate Education and Employment References Committee, but I was listening to some of the observations that were being made from the other side of the chamber, and that inspired me to come in and make a couple of observations.

I sat on this inquiry last week. I sit on the Selection of Bills Committee. What I could not believe when I saw this reference, which necessitated me looking into the precedents for this, was the abuse of process. This is furthering it. It is a total abuse of process. The purpose of the Selection of Bills Committee and referrals to committees is so that inquiries can be convened in relation to bills and they can be dealt with in the most efficient and expeditious way. I sat through that process. I note that the senators on the other side of the chamber seemed to prosecute the case against the bill, and they were talking about that as opposed to why there was a critical need to have another inquiry. My colleague Senator McKenzie has gone through the background and precedents for this, but it took a lot of homework to come up with the last time that this happened. It really does militate against the proper process that we all, with goodwill and good faith, work together to try and implement.

Listening to the contributions that have been made, the one complaint that seems to be coming from the other side of the chamber all the time is about the lack of time for consultation in relation to this. I would like to remind those on the other side of the chamber that, when the then Minister for Workplace Relations, Mr Shorten, proposed amendments to the Fair Work (Registered Organisations) Act in 2012, the Senate committee at that time had five days to deal with it—five days from the day of referral to reporting, with one very short hearing on a Friday morning, at the end of a sitting week in Canberra. So there were five days from the date of referral to the date that that report was to be tabled in parliament.

We hear—and I just heard the senator discussing it when I came into the chamber—about the disclosure requirements and the fact that some organisations, including the Australian Industry Group, whom the senator spoke of at length, have complained about them. May I direct her to the fact that these disclosure requirements were contained in the Fair Work (Registered Organisations) Amendment Bill 2012, which was introduced by the former minister, Mr Bill Shorten, and will come into effect on 1 January 2014. The complaints also go to the requirements in relation to the Corporations Act, and there is the suggestion that they go beyond that. If that was such an issue, why wasn't it raised in the Labor caucus in 2012? Why has it taken this length of time to suddenly have these concerns about the requirements that supposedly go above the Corporations Act? We did not hear about them.
back in 2012, but suddenly we seem to be hearing about them today. It is just breathtaking, this absolute hypocrisy that we see time and time again, and we have seen it today in relation to other matters in the chamber. I can only suggest that this is an absolute abuse of process.

Debate interrupted.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Furner) (18:50): Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

Australian Institute of Family Studies

Senator MOORE (Queensland) (18:51): I move:

That the Senate take note of the document.

I want to note some of the work that has been done by the Australian Institute of Family Studies over the last couple of years, particularly around the first half of 2013, around the issues of adoption in Australia. The issues of adoption in Australia have been particularly sensitive and for a long time were not in the public eye. I see that Senator Siewert is not present; I was turning as normal to catch her eye when we talk on these things. We had the immense privilege in our Community Affairs Committee to work with the issues around forced adoption in Australia.

That leads onto another series of committee inquiries some of which you took part in, Mr Acting Deputy President Furner, around the issues of people who had been in institutions and had been subject to the foster care system in our country. I know the Australian Institute of Family Studies have done particularly good research work in that area, but I wanted to mention the experiences we had with the inquiry into particularly mothers in the period from around 1930 into the 1970s but most particularly in the 1960s and 1970s in our country. They shared their experiences with us with great strength and openness about having their children stolen. They used the term 'stolen' because that is what happened. They came to their parliament and told us their stories and had a need and a desire that the Australian public would know what happened to them, with the key aim that it would never happen again.

Through the work of that committee we made a number of recommendations about how we could do more work on understanding the whole very complex issues of adoption, which in our country is essentially a state based issue. One of the core issues that came out was the way issues of adoption, the rights and responsibilities, access to records, all those important things are now being conducted at the state level and—surprise, surprise—there is very little consistency. So again we had this lack of a national agreement about how things should be done. But through that the department, then FaHCSIA, now DSS, was looking at doing a wider study about the issues of adoption in our country, how people were impacted by it, their own experiences, future needs and really putting on record what is the face of adoption in Australia in the 21st century.

The Australian Institute of Family Studies did an extraordinary job in working through the various people who have ownership in this area and also ensuring that they felt they had the right and the ability to put forward their views, their concerns and often their conflicts, because what happens is that people react to their experiences in widely different ways. But the core issue was that we could have on record what is the current state of adoption in Australia looking at the history, looking at the present and looking into the future at what
could happen. I particularly want to commend the work of Dr Dale Higgins, who continues to work in this field with the group that works in the area. The Australian Institute of Family Studies is a jewel in our nation. They provide research and support that give us the opportunity to learn more about our society, and to develop policy which is effective and responsive.

There are so many issues in this annual report and I will come back to them in the future, but I felt I needed this evening to put that on record for other people to learn about what kind of resources they have to access and also to thank them on behalf of all of us, and in particular those mothers and those people who were adopted who until this stage had felt that the governments of their nation had not responded effectively to their need. We have seen a range of apologies and we are coming to the anniversary of the apology in this place. But the ongoing research and professionalism and also the fact that we will have this resource into the future are a credit to our parliament for making it happen and a credit to the AIFS for ensuring that we had the resource on tap. I seek leave to continue my remarks.

Leave granted; debate adjourned.

DOCUMENTS
Consideration

The following government documents tabled earlier today were considered:


The following general business order of the day relating to government documents was considered:

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2013. Motion to take note of document moved by Senator Kroger. Debate adjourned till Thursday at general business, Senator Kroger in continuation.
General business orders of the day nos 96, 97, and 99 relating to government documents were called on but no motion was moved.

**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Furner) (18:59): Order! I propose the question:

That the Senate do now adjourn.

Fitz-Nead, Ms Joan, AM

Senator CAROL BROWN (Tasmania) (18:59): I rise tonight to pay tribute to a truly inspirational woman. Last Thursday, I was privileged to attend a ceremony organised by Goulburn Street Primary School to honour Joan Fitz-Nead AM. The ceremony was attended by the Premier, Lara Giddings; Alderman Jeff Briscoe, Debbie Woods and Nobby Griffiths from the Hobart City Council; principal, Gay Cumming; past principal, Carol Mackel; and Goulburn Street Primary School students from year 5/6 Harrison.

The ceremony, conducted by the students, took place at the Peace Park in West Hobart of which Joan is a co-founder. In my contribution I could do no better than use the words of the students themselves. Their words were expressed with warmth, admiration and gratitude. The students told the moving story behind the deed to obtain a bench seat for the Peace Park dedicated to the hardworking and passionate Joan Fitz-Nead:

As part of Harmony Day in March this year it was decided to visit the Peace Park. Mr Harrison like any good teacher never lets a chance go by and invited Joan over to talk to us about the Peace Park.

Joan came loaded with old photos, plans, her 2003 award and lots of stories about the park, its beginnings, and the beautiful sandstone sculpture. One thing that we all noticed was Joan's passion. She also happily answer questions and told us stories that made us think about not giving up and how you can get things done.

Someone asked her the question, “What did she think that the park still needed?” One of the things that she mentioned was more seats.

Later that day when we were discussing Joan, Reuben Connor, suggested that we should try and organise a seat to recognise Joan's wonderful contribution to West Hobart. We all thought that this would also help solve the lack of seating and thank Joan from the West Hobart community.

On contacting the Hobart City Council, the students were told that they could have the bench and the plaque but that they would have to pay half the cost. Not giving up, the students wrote letters to all of the Parks and Customer Services Committee, chaired by Mr Briscoe—and success. An email was received to say that the seat and plaque would go ahead at a better price, and a better price was agreed upon. The students then embarked on fundraising. The funds were raised and a beautiful park bench crafted by Nobby Griffiths appeared.

On the day of the dedication, this is what the students had to say:

Today we are celebrating Joan's wonderful contribution to Tasmania, and especially her contribution to the community of West Hobart.

In the 1950's Joan trained as a midwife and worked in Australia and later England and Canada.

We know that Joan moved to Tasmania in 1964 and then trained as a Maths and Science teacher.

Joan was also invited to set up and manage a special school for girls who are at risk of expulsion or refused to go to school.

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**CHAMBER**
Joan has chaired the Alcohol and Drug Dependency Tribunal, was a member of the Accountability and Working Group as a part of the review of local government act, was the head of the School of Child Care at TAFE and was instrumental in establishing an Associate Diploma of Child Care, Trustee of the Tasmanian Peace Trust, a Member of the Republican Movement, a Life Member of the Labor Party and lots of other things that we really didn't understand.

However we do understand the phrase "a tireless worker" a role model for our community and a long time member of the Goulburn Street Primary Association. Joan has committed her life to advancing the principles of social justice. We are so thankful for inspiring many of us to put others before yourself. Without her hard work and dedication this wonderful park and so many other things would not be there.

The plaque says:

Dedicated to Joan Fitz-Nead AM
An extremely passionate West Hobart citizen who is making the world a more peaceful place. Goulburn Street Primary School 2013

Joan's acceptance speech was truly humble, but she was pleased and very proud of her students for what they had been able to achieve. Together with Senator Lin Thorp, I would like to say that Joan Fitz-Nead has been an inspiration to us for over 30 years. Joan has never wavered from her determination that every child, regardless of their circumstances, is respected and supported. She has been a champion of all who need support, whether they are living with a disability, coming from a low socioeconomic background or coming here as refugees. She believes in justice and equity. She talks the talk and is a treasure with a wicked sense of humour. I would particularly like to put on record my thanks to the students from Goulburn Street Primary School year 5/6 Harrison who took Joan's words of wisdom of never giving up and used them to honour a great woman. I thank them.

World AIDS Day

Senator Faulkner (New South Wales) (19:05): Last Sunday, 1 December, marked the 25th anniversary of World AIDS Day. This year's theme is Getting to Zero. The Getting to Zero campaign aims to reduce new HIV infections, discrimination and AIDS-related deaths to zero through increased advances and equal access to HIV prevention, testing, treatment and care.

The AIDS pandemic, caused by the spread of the HIV infection, has been one of the most destructive diseases in human history. The statistics are alarming. According to the 2012 UNAIDS worldwide statistics, over 60 million people have been infected with HIV since 1981. There are currently 35.3 million people living with HIV/AIDS. Over 25 million people have died from the disease. The most alarming statistics are in sub-Saharan Africa where there are currently around 25 million people living with HIV. Each day, around 4,400 people are infected. And each day around 3,300 people die from AIDS on the African continent.

The Australian World AIDS Day website indicates that last year there were 1,253 new cases of HIV diagnosed in Australia. That is a 10 per cent increase in diagnoses from the previous year. Equally concerning is the prevalence of HIV-AIDS and AIDS in our region. The 2012 UNAIDS report, *HIV in Asia and the Pacific—getting to zero*, indicates that in 2009 there were:

... between 4.5 to 5.5 million people in Asia and the Pacific living with HIV.
It goes on to say:

…the vast majority of people living with HIV in the Asia Pacific region live in 11 countries: Cambodia, China, India, Indonesia, Malaysia, Myanmar, Nepal, Pakistan, Thailand, Vietnam, and Papua New Guinea.

In Papua New Guinea in 2009 there were between 30,000 and 39,000 people living with HIV, between 2,100 and 4,800 new HIV infections, and 1,300 AIDS related deaths. These statistics show alarming rates of HIV infection and AIDS related deaths in PNG—far higher, of course, than here in Australia.

Recently, Nobel Laureate and Myanmar opposition leader, Aung San Suu Kyi, speaking on World AIDS Day, launched AIDS 2014, a major global health conference to be held in Melbourne next year with 14,000 delegates from 200 countries. She warned against discrimination towards victims of the disease, drawing parallels between the plight of sufferers and her own struggle for democracy in Myanmar.

It is critically important that the fight against HIV-AIDS in Australia and globally remains a policy priority. I acknowledge the work so many are doing here in Australia and overseas to meet this challenge and I know that this is a sentiment that is shared by all senators.

Christmas Lights Record

SIDS and Kids ACT

Senator SESELJA (Australian Capital Territory) (19:09): It is my great pleasure this evening to draw to the attention of the Senate a wonderful achievement by the Richards family here in the ACT. Their Christmas lights display has set an official Guinness World Record for the most Christmas lights on a residential property. David and Jenean and their three children—Aidan, Caitlin and Madelyn—have installed 502,165 lights at their home, smashing the previous record of 346,283 held by a family in the United States. The Richards family held the record previously when they installed just over 330,000 lights in 2011. That was beaten by the Americans and the Richards family have come back and smashed the record this year. It took them a month to set up the 48 kilometres worth of wiring, with the help of family and friends, and the result is truly spectacular.

This achievement is a testament to the great community spirit here in the ACT. There are few things as admirable as people who, of their own initiative, take up a simple and worthwhile challenge for no material or financial gain—rather they do it to spread joy and foster a sense of belonging. I note that this project was not the result of government; it was the result of a family doing what they wanted to do to serve their community. The Richards family are just one of many families in the ACT who undertake this kind of thing and who give of themselves. It is people like David and Jenean who exemplify that community spirit.

Not only do I commend and congratulate the Richards family for spreading Christmas cheer and achieving a world record, I also note their deep commitment to serving the community by giving the proceeds of their lights display to raise money for SIDS and Kids ACT. Mr and Mrs Richards have told how they endured the tragedy of losing a child to sudden infant death syndrome and have dedicated themselves to helping others who have gone through such unspeakable loss. I would like to honour their character and resolve in choosing to be so generous with their time and talents in raising money for this cause.
Last time around the Richards raised $78,000 for SIDS and Kids ACT and this year they are hoping to raise over $100,000. I hope that drawing the Senate's attention to their achievement will help them along the way to that goal. I encourage my colleagues in the Senate and also members of the House of Representatives in the next week and a half while you are here in Canberra—and others in the Canberra region right up until Christmas—to make the trip to Tennyson Crescent in Forrest. It is truly a spectacular display. It is something that inspires us to something greater. If people can go there and enjoy this world record lights display and also make a donation to a very worthy cause then I am sure that not just the Richards family would be very grateful but SIDS and Kids ACT, in particular, would be very grateful.

**World AIDS Day**

Senator SINGH (Tasmania) (19:13): Last Saturday I attended the annual Rainbow Dinner and Awards in Hobart to mark World AIDS Day and to acknowledge the passion and commitment of various individuals in breaking down discrimination in the LGBTI community. World AIDS Day has been held on 1 December each year since 1987 and is the longest running health awareness day. I also acknowledge the contribution of Senator John Faulkner to raising awareness of this important day in his contribution previously in this chamber.

David Foster OAM, 2013 World Aids Day Ambassador for Tasmania, sums up exactly what World AIDS Day signifies:

Life gets so busy and there is so much to be concerned by, which means that sometimes we forget about big issues facing others. HIV is one of those issues. We have to refocus on raising awareness of HIV. We need to come together as a community and support those who need us.

So we cannot become complacent in dealing with this disease. HIV-AIDS is still a disease with no cure and remains a global epidemic often forgotten in the Western World. Many of the same barriers which have fuelled the epidemic over the past 30 years are still in existence. These barriers must be broken down to properly tackle disease. Stigma, discrimination, attitudes and practices impede the application of treatment options and prevention programs. Individuals facing these barriers are often left in isolation from the mainstream support systems that do exist. Solutions require focusing on key affected populations with partnerships between community organisations and policymakers.

In Hobart, as in many capital cities, World AIDS Day is an important opportunity to fundraise and to raise awareness in our community. Funds such as the Andrew Shaw fund provide emergency relief to Tasmanians living with HIV-AIDS and their carers. The Tasmanian Council on AIDS, Hepatitis and Related Diseases runs the fund and is highly active in education and support in our community. The spirit and passion of individuals in this association and others like them around the country are very much to be commended. Tackling stigma, discrimination and the fear of HIV-AIDS which still exists encourages us to move past the diagnosis and onto long-term, comprehensive policies and prevention.

As Australians we work towards an international dialogue on the prevention of HIV-AIDS. Many countries, including developing countries, have made huge advances in combating the AIDS epidemic. The achievements of the United Nations organisation UNAIDS should be commended in this area, with more than 80 countries increasing their domestic investments for AIDS by over 50 per cent between 2006 and 2011. More than seven million people now
are on HIV treatment across Africa, where new HIV infections and deaths continue to fall, while there are renewed commitments in Eastern Europe, Central Asia, the Middle East and North Africa.

The International AIDS Conference will be held in Melbourne next year, 2014, and, as the largest medical conference held in Australia, it will help us to focus our sights. It is a fantastic opportunity for Australia to develop prevention policies and engage with experts in the areas of policy and science. We have the responsibility to work to prevent further increases in diagnoses. Testing more, treating early and staying safe should be our focus. I believe we can achieve this through education, better access to options and working together in civil society.

Risk reduction strategies launched by community organisations have greatly improved transmission rates. Key to early detection and treatment is access to flexible, easy and quick testing. Rapid testing gives people results in half an hour in a non-threatening environment and is now available at specific locations such as in New South Wales, Queensland and Victoria. Effective treatment can result in an undetectable viral load which dramatically reduces transmission rates.

World AIDS Day reminds us all in Australia that we have a responsibility to continue the fight against this global epidemic. I encourage my Senate colleagues to help the effort to end HIV-AIDS.

Semmler, Mr Eric

Senator RUSTON (South Australia) (19:18): Tonight it gives me great pleasure to advise the House that a Riverland winemaker has been named Australian Winemaker of the Year by Winestate magazine. It is probably not terribly exceptional that a winemaker will be named winemaker of the year, but over many years the Riverland has been regarded as an area that produces only bulk wine. For Mr Eric Semmler, from 919 Wines in Monash, to be named Australian Winemaker of the Year is extraordinarily exceptional. It sets the tone for where some of our warmer-climate wines and their makers are going to in the future.

The thing that has allowed Mr Semmler to break the mould of those more traditional winemakers from the cooler climates, who always seem to receive the great awards for winemaking, has been that he decided to start using alternative types of varieties for making wine. He has spent a lot of time focusing on the kind of grape varieties that are likely to flourish and make good wine in hot climates—certainly, the Riverland during summer has extremely hot temperatures. He made quite a famous wine out of durif a number of years ago. We now see durif emerging as a varietal that is quite popular in Australia. He has also tried some of the Spanish varieties such as tempranillo, which is a lighter style of wine. It is absolutely fantastic that Mr Semmler has been acknowledged for making wines to suit his climate and growing grapes that suit the climate and that he has now been acknowledged for excellence in achieving the great wines he produces.

He also deserves to be acknowledged not just for making wine but also because he understands the extraordinary value of wine tourism to regional areas of South Australia. The Riverland has struggled over the last few years because of a lack of water and problems with water allocations through the development of the Murray-Darling Basin Plan during a time of drought. Mr Semmler and his wife, Jenny, decided that instead of worrying about those problems they would diversify their business. Now they have a very successful tourism
business attached to their winery. This may not seem terribly exceptional to many people who have come from the more traditional wine regions around Australia such as Coonawarra, the Hunter Valley and the Yarra, but the Riverland once again is not necessarily known as a region for wine tourism. Mr Semmler and his wife have made a very successful business out of wine tourism by including food and art and promoting local artists and food producers.

I put on the record the fantastic result that Eric and Jenny Semmler have achieved for the Riverland, for the South Australian wine industry and for tourism in our area. I recommend to everybody in this place that if you are looking for an alternative drop of wine to have with your Christmas dinner—turkey or pork—you look up the brand 919 Wine from Monash and learn for yourself what a wonderful job he does of using alternative grape varieties to make some fantastic wines.

Nepal Election

Senator STEPHENS (New South Wales) (19:22): I rise to speak this evening on the Nepal election. Senator Kroger has already reported that a national election was held on Tuesday, 19 November this year for Nepal's Constituent Assembly. The Election Commission of Nepal had registered more than 12 million voters for this historic poll and we were very privileged to be selected to be official observers. As Senator Kroger has said, Australia was one of only five nations, including the UN, that were invited to join other international and local observers to provide an independent review of the electoral process and of all the matters connected with the conduct of the election. Last night Senator Kroger outlined the context of the election, so I will not go over that. After the 2008 election, the Constituent Assembly failed to deliver a new constitution for Nepal, so the caretaker government was appointed to oversee a new election and I have to say it did an exceptional job in bringing about this election in a very timely manner.

The Nepali media continued to report a high level of local scepticism that the national election could take place in 2013, because there had been a series of national strikes, boycotts, protests and violence in the period leading up to the announcement of the election date and the government had experienced difficulties in producing the voting lists. Having developed a very comprehensive code of conduct guide that included the development of the requirement of a photographic voter registration card, it then had to oversee the distribution of that card.

So, as Senator Kroger said, it was a very complex environment in which we observed the election. But it was evident when we arrived in Nepal that there was a huge level of expectation and speculation about the voter turnout. Every Nepali that we spoke to was genuinely excited about having the opportunity to vote, and most believed it would be a very fair process, that the threats of intimidation and boycotts had been a general failure, and that the incendiary devices we had heard about exploding were often just mud bombs, designed to frighten rather than to maim—although, as Senator Kroger reported, there was one serious incident on election day.

We had the opportunity to meet with the Nepal Chief Election Commissioner, Nilkantha Uprety, and the other commissioners. We had the opportunity to meet with the Minister of Home Affairs and the Minister of Foreign Affairs. We met with many of the international observers, including former President Jimmy Carter, and we had the opportunity to be briefed by two of our Australian Electoral Commission staff who have been assisting the Nepali
preparations. We also met two youth ambassadors, fantastic ambassadors for Australia who participated very actively in this process.

The Australian observers consisted of four teams led by Senator Kroger; me; the Australian ambassador, Glenn White; and the deputy head of mission, Damien Dunn. Each team comprised a leader, a coordinator, an interpreter and a driver. Senator Kroger's team also included the first secretary development cooperation, Ben Reece, who did a fantastic job.

I visited Chitwan, where I was accompanied by two locally engaged staff who provided wonderful support to me. The vehicles all had to be registered because there was a four-day public holiday declared to deal with the administrative processes of the day and no vehicles were allowed on the road except those that were registered. We visited a total of 48 polling booths across the country and had an opportunity to meet officials and volunteers. We visited the counting centres, where we had an extraordinary time. The polling day was full of colour and light and it was wonderful to see the enthusiasm of those registering to vote for the first time, and those elderly and disabled Nepalis who were determined to exercise their vote in what they all recognised was a very important election.

We drew conclusions in our official report and I would like to put them on the record. We made the following observations: registered voters were enthusiastic in their desire to exercise their democratic right to vote and that desire was appropriately facilitated; security was sufficient; the parties were eliminated from threat; procedures were—we—(Time expired)

Daw Aung San Suu Kyi MP, AC

Senator KROGER (Victoria—Chief Government Whip) (19:27): I feel like finishing that for Senator Stephens because it really was an extraordinary experience and an opportunity that we both commended very much. But it is not that that I rise to speak to tonight.

Last week, one of the world's most inspiring and courageous leaders visited Australia. Many Australians had the opportunity to meet and listen, either in private meetings or in public audiences, with the remarkable Daw Aung San Suu Kyi. This is a leader to whom no other leader in modern history can be compared. She is a leader who has been oppressed physically, mentally and emotionally and yet has raised herself beyond the limitations that were forced upon her and now leads the opposition party in Burma as a member of parliament.

Whilst there are many heated and dynamic exchanges across this chamber and in the other place—impassioned speeches reflecting our ideological beliefs and even fuelled passions that are tempered only by the firm hand of the President or the acting president in this place—the one thing that unites us all is democratic freedom. Too often we take what we have for granted, with little appreciation for the fundamental rights and privileges we enjoy as Australians—so long as we respect the rule of law, of course. We are privileged to live in such a fair, open and peaceful democracy, and so it is salient to be reminded of what we have when in the presence of Daw Aung San Suu Kyi. As the chairperson of the National League for Democracy party in Myanmar, this extraordinary leader continues her passive but relentless struggle for human rights, dignity and democracy for the people of Burma. Her election to the Burmese parliament in April 2012 was a further advance in a lifelong struggle. A decade or more of home incarceration would challenge, I would suggest, the stamina of
most of us. Yet her determination and inner strength saw her turn that into a remarkable positive fight for her country.

Myanmar is a nation that covers 677,000 square kilometres, with a population of 63.7 million people. It is a complex ethnic and religious mix, governed under a traditionally strict military regime. It is a testament to the power of democratisation that their GDP has grown from US$31.4 billion in 2008 to $57.4 billion in 2013. Sadly, though, there are still many who live on the poverty line. Positively, the inflation rate has decreased from 22.5 per cent in 2008 to 6.5 per cent in 2015. This nation's transformation has been quite remarkable, but it is not as remarkable as Aung San Suu Kyi's non-violent campaign, which is a testament to all humankind of the power of the word and, I have to say, the power of a woman.

As the recipient of more than 130 international honours and awards, including the 1991 Nobel Peace Prize, Aung San Suu Kyi is a fabulous example to us all and anyone who wants to make a difference in life should take a little time out and reflect on what she has done, what has been inflicted upon her and the way she has turned that around to hopefully change the lives of many in her country. I am very pleased that the Commonwealth of Australia made her a Companion of the Order of Australia in 1996. The values that she advocates for are those values that we hold very dear and they were certainly the values that we were championing when we were observing the election in Nepal—that is, the values of freedom, democracy, transparency and the ability to have a fair go at whatever you seek to do. I wish Aung San Suu Kyi the very best as she continues initiatives to advance and encourage constitutional reform, establish the rule of law and promote national reconciliation along with the many humanitarian projects and causes that she pursues.

Nepal Election

Senator STEPHENS (New South Wales) (19:32): I seek leave to incorporate the formal findings of our delegation report.

Leave granted.

The document read as follows—

The Australian teams' visits resulted in the following observations and conclusions:

1. Registered voters were enthusiastic in their desire to exercise their democratic right to cast their ballots, and that desire was appropriately facilitated by officials and security personnel working in most of the election centres;

2. Security was sufficient for voters to feel confident in attending voting centres even against the atmosphere of threat that parties boycotting the election attempted to instil;

3. Procedures and practices observed by Australian teams provided the expectation of a free, inclusive and transparent election which would lead to a fair and accurate outcome in terms of voters' political preferences.

4. Voter education and provision of voter ID cards (although delayed until the last minute) had enabled voters to basically understand voting procedures and facilitated entry/exit at the polling centres.

The Australian observer teams and the Australian Parliament congratulate the Election Commission of Nepal, the Chairman and Interim Election Council of Ministers, and the people of Nepal in the carriage of a transparent and fair election which saw a turnout of over 75% of registered voters.
I rise to speak on the International Day of People with Disability, something that I am very pleased to say has been celebrated quite widely in this building today and in the days leading up to it. I started myself on Sunday with a picnic in Boyd Park, Nundah, which is not far from where my office is and not far from where I live. The picnic was designed to bring together people with disabilities and people without disabilities to do things everybody enjoys irrespective of whether they have a disability—things like face painting, balloon stick people and the like. You can see some of the results of that on my Facebook page, which I would encourage people to do.

Tonight, I want to speak about attitudes toward disability and then move on to some of the barriers, if I have time. The Assistant Minister for Social Services, Senator Mitch Fifield, earlier today spoke about disability having moved from the margins of society and being far more in the centre of society because of the work that has been done by Mr Shorten and many others on the National Disability Insurance Scheme. I must commend everyone who was involved in that. I would like to commend Senator Fifield too for his very real interest and his almost immediate grasp of the problems present in the disability sector.

One thing I would particularly like to thank him for is returning to the name NDIS and completely abolishing from our landscape the blot of the name DisabilityCare for the National Disability Insurance Scheme, which Ms Macklin and others managed to develop towards the end of the last government. I was talking to people from the disability sector about how you almost feel like someone has physically hit you in the stomach when you think they have understood the issue and you suddenly realise they have not got a clue what you are talking about when you talk about the issues in the disability sector. That is a little how I felt and how many, many others in the disability field felt when the former government produced the name DisabilityCare. A press release from the National Council on Intellectual Disability was headed 'Dignity, respect and citizenship or charity, welfare and little else'. Their view was that the name DisabilityCare, which they say must have been thought up by a PR agency, indicated 'charity, welfare and little else'. To suddenly go back and try to equate disability care with Medicare was stepping back well over 30, 40, 50 or even 60 years to the time when disability was seen as a deficit that needed to be fixed by the good burghers of the scientific and medical world—what was known as the medical model, where you try to fix the individual, rather than the social model, which simply looks at dealing with the discrimination that is experienced by people with disability. To have moved back to a model that the National Council on Intellectual Disability was headed 'Dignity, respect and citizenship or charity, welfare and little else'. Their view was that the name DisabilityCare, which they say must have been thought up by a PR agency, indicated 'charity, welfare and little else'. To suddenly go back and try to equate disability care with Medicare was stepping back well over 30, 40, 50 or even 60 years to the time when disability was seen as a deficit that needed to be fixed by the good burghers of the scientific and medical world—what was known as the medical model, where you try to fix the individual, rather than the social model, which simply looks at dealing with the discrimination that is experienced by people with disability. To have moved back to a model that the National Council on Intellectual Disability referred to as 'giving dignity, respect and citizenship to people with a disability' by using the name the National Disability Insurance Scheme is a fantastic start. This move clearly demonstrates the attitude this government has towards assisting people with disability to be the best they can be and not poor little sufferers who are looked after. That was the attitude displayed to people with disability perhaps 100 years or so ago.

The other way you know that disability has moved off the margins is that the November issue of the magazine of the Australian Institute of Company Directors, Company Director, features the National Disability Insurance Scheme and disability on its front page and in a major article. You know disability is in the mainstream when it is being written about in a corporate magazine. The article is titled 'The changing conversation on disability boards'. It is
wonderful that this area is finally getting some recognition from the corporate world. I have pushed hard at various times for organisations, like the Institute of Company Directors, to recognise private family businesses and not-for-profit businesses as organisations needing the same sorts of governance and assistance as major companies in Australia. I am somewhat concerned that the magazine quotes Mr Trent Bartlett, a non-executive director of Good Samaritan Industries, saying:

Hopefully there will be fewer smaller-scale, inefficient operators but more choice for clients. Hopefully that adds up to a better quality of life.

I agree fully with Mr Bartlett in wanting efficient operators and service provision to give clients the choice they want and a better quality of life, but I am very concerned about the attitude within the service provision part of the disability sector that Mr Bartlett indicates in talking about there being fewer small-scale organisations. There is going to be and must be room within the National Disability Insurance Scheme not just for large or medium-sized organisations but also for plenty of very small, niche organisations providing services needed by a small part of the disability community. We need a whole range of services, and there is absolutely no reason why disability sector businesses should be run differently from other businesses, from sole traders to massive organisations.

I agree with Mr Bartlett and others, such as Ms Joy Cusack of ParaQuad in New South Wales, that we are about to see a huge shake-up in the service provision industry within the disability sector. This will be the first time that people with a disability and their families can genuinely choose the products they want and pay for those products themselves. In the past there have been elements of choice and some good organisations going out of their way to provide choice. More often, organisations have provided services that were sort of or maybe what people wanted, and if those people did not accept the service closest to what was needed, they got no service at all. That situation would not have been accepted within the mainstream of Australia but was supported for far too long and allowed to continue to exist by federal and state governments. One thing we need to keep in mind, as this article points out, is that there will be massive changes and a massive need for change and for more and new types of personnel. We are looking at social change, so there will be a lot of pressure in this sector. We need to support the sector through this transition.

A petition was launched today by the Federation of Ethnic Communities Councils of Australia, FECCA, to push for an increase in the employment rate of people with a disability. People with a disability are currently employed at half the rate of other Australians. People with a disability and an ethnically, culturally or linguistically different background have half the employment rate of people with a disability, so they form a group with only 25 per cent of the employment rate of the rest of Australia. I urge people to support that petition and the International Day of People with Disability.

World War I

Senator FARRELL (South Australia) (19:43): This is my third speech on my grandfather's World War I letters and my first as shadow minister for veterans' affairs and the centenary of Anzac. When I previously spoke, I reported that my grandfather, Sergeant Edward Farrell, had set foot in France in late July 1917, when he was heading for action on the Western Front. He knew that the war was in earnest, writing to his fiancee, Em, on 30 July 30:
We are in billets, and still a good many miles from the front line. Despite this, the big guns are plainly heard and in the evenings the flashes would remind you of sheet lightning—only more consistent. The German planes bomb the villages all round us and it's nothing to hear the anti-aircraft guns burst out all of a sudden, and the firing taken up all along the route of the German aircraft.

On 3 September Edward wrote that the troops had been inspected by Sir Douglas Haig, and that water was six inches deep in the trenches. It was about the time of the last Australian attack at Pozieres, where Allied troops had casualties of nearly 23,000 officers and men in a mere six weeks on a front that extended little more than a mile. In that battle five Australians were awarded the Victoria Cross. On 20 September Edward reported his position was near Ypres.

Had two days on the march and it was pretty hard work. Had very nice billets to camp in the first night—a big barn and plenty of dry straw. Not so good here, though, as we got washed out of our tent, and I could not produce much that is dry now except my throat. It looked fine early in the evening and I had a fairly comfy cot in a turnip patch but alas all that rain and mud. It is also pretty lively here about, especially in the air and all night long the big guns are flashing—just like a big thunderstorm coming up.

On 6 October Edward wrote:

We have had a very lively time, part of which was spent in the front line on ground that the battalion we relieved had wrested from the Germans. The scenes up that way were not too nice, and neither are the smells. The way the ground is cut up by the big stuff is beyond description, as indeed everything in connection with it is. The weather has remained delightfully fine throughout, and in fact the moon could not have shone more peacefully one night while we stood by waiting for the Germans, who would not come. It is pretty hard coming out as well as going in. We have been out a few days and are now perhaps 15 miles back and wait hourly for the command to go forward again. A nuisance though, as the weather broke a few days ago, and since then it has been wet and stormy, and not too hot either. Our casualties were light considering the worst is the big stuff lobbing nearby, which puts a nasty taste in one's mouth.

Had a funny experience one afternoon. The Germans started to bombard us during a heavy thunderstorm and hail shower. While the hailstones were coming down, trees, mud, and dugouts et cetera were going up, and it is hard to say which was the loudest, the shells bursting or the thunder. If I grinned it was a pretty sickly one. We are out of range of his guns here, but every night German planes come along with bombs et cetera, but they drop few and far between, and we do not worry our heads about them. Bit of a nuisance though when 'lights out' rings through the lines.

In this camp we have got fairly comfortable wooden huts that are at least dry. Up to now we have been in tents, but they are not too good in the rain and mud. We will be going into the front line again in a day or so and only hope the weather will be fine for our next performance.

Some days later, Edward wrote from the front line:

Did a record sprint one morning just near the line. A few of us were digging in one morning when a German plane came and spotted us, and in a few minutes shells began to arrive. One chap was killed, and we decided to go back to our previous dugout. Got ready to hop out, waited for the next one to lob—it was only about three yards over the trench—and away we went.

The winter is making itself felt pretty well now and the rain and mud is the limit. Marching, or rather scrambling through the mud on a cold rainy night makes one think of Take me back to Dear old Blighty. The troops are cheerful, though.

But on Christmas Eve, Edward wrote from the Australian Red Cross Hospital in Boulogne:
Just a word to let you know I have been damaged. Left Belgium on the 15th. Marched a few miles, entrained, and at 3 am on the 16th there was a collision. It was some bang. I finished up somewhere on top of the next carriage. I was pinned down for perhaps 20 minutes. Eventually I was taken to a French house on a stretcher and then to here per motor ambulance. No bones broken—they must have bent instead. A bit bruised about the hips, thighs, back, arms, legs and two lovely black eyes—otherwise I am not too bad. I have been a bit seedy, but bobbing up well now, and can nearly get my head off the pillow. I am amongst the luckiest as there must have been a good many broken limbs, and one or two deaths.

He wrote again on 30 December, reporting more fully on his accident:

I think I was at the centre of the carriage facing the front. Was sort of dozing when I heard a crash coming from the front like a very sudden stop, which of course it was, and then 'bang'—men, rifles, equipment and wreckage were all thrown forward in sweet confusion.

Some were thrown clean out, others under wheels, and some others, including yours truly, finished somewhere in the next carriage. I knew I was not anything like as badly hurt as most of them appeared to be, but I could only move my shoulders and arms. I remained in the wreckage for the 20 minutes or so, and was highly pleased that the usual fire did not break out. Luckily, I didn't require much attention and was packed into a motor ambulance and brought here about daylight.

My appetite just about returned in time for the Christmas dinner, as I had been off my food a bit up till then and I would have been very disappointed had I not been good enough to eat too much. Had a bottle a dinkum English beer to help it down too. Each patient received a Christmas box from the British Red Cross with pipe tobacco and chocolates et cetera. All was warm and cheery inside, but outside it was snowing and blowing a treat—what they are pleased to call a real English Christmas.

Joves, though, I pitied the poor beggars holding the trenches. Just before Christmas we had an air raid, with bombs falling close enough to shake this building. Some of the dead and dying were brought in here.

My next speech will cover Sergeant Farrell's treatment and repatriation to England, and his recuperation, which included a trip to visit his grandmother's family in Ireland.

Sharks

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:50): Tonight I want to talk about sharks. I am an avid ocean user as is my partner, who has surfed his entire life—and probably has gills. As such, I am not an outsider to this issue. The reason I hold the marine portfolio is that I love the marine environment. I am never as happy as when I am near the ocean or in the ocean.

The recent shark attacks and the recent debate about sharks are touching very close to home. However, I do not believe it is the time for knee-jerk reactions, and calls for culls of sharks will not help us understand our shark populations or protect our community. Despite their fearsome reputation, sharks are marine animals with whom we share the ocean and are part of the marine ecosystem. The loss of human lives is tragic and my heart goes out to those that have lost loved ones. Having recently suffered a loss of a loved one in sudden and horrific circumstances, I can understand some of what these people and their families are going through. However, there is nothing to suggest that sharks are deliberately going near populated beaches to specifically prey on humans.

We know very little about sharks. If there are more shark contacts and if more sharks are using our coastal zones, why? Is it a simple response to the use of our oceans by more people, as was suggested by researchers in WA today? A simple increase in numbers is unlikely given
their slow reproductive rate and response. We do not know what the drivers of increased occurrences are—if that is, in fact, what is happening.

There is now an urgent need to research the links between increased inshore shark presence and pressures such as ocean warming. More research and monitoring is the only way that we can understand shark behaviour and reduce the likelihood of encountering one when we enter the water. While there is still insufficient information for us to draw any firm conclusions about shark behaviour, changes in their behaviour are beginning to be linked to ocean warming, through research such as the Marine climate change in Australia: impacts and adaptation responses: 2009 report card and recent South African research which shows that that there have been more shark sightings during warmer water years, particularly of female sharks of certain sizes.

As we know, climate change has led to increased acidification of the ocean and changes to the ocean currents. This has raised the temperature of the ocean and profoundly affected marine ecosystems. This impacts not only humans—although a lot of climate change discussion is around impacts on humans—but also our marine ecosystems. It is already changing where fish species are, and there is nothing to say that it is not impacting on sharks as a response to other changes in marine ecosystems. Clearly, we need to better understand the pressures that climate shocks, warming waters and diminished fish stocks have on shark behaviour, population and distribution in our oceans. The information obtained from shark research and monitoring is invaluable not only for protecting threatened species but also for increasing public safety.

Shark research generally involves electronic tagging of sharks so that their movements can be tracked and interpreted. The Western Australian research to date has also included monitoring information from receivers; studying the impact of changes in fisheries management on shark numbers; exploring correlations between shark sightings and factors like water temperature, prey abundance, whale movements, weather, time of day and time of year; and reviewing research on the effectiveness of shark mitigation strategies like beach netting.

Western Australia has refined its active transmitting receiver system so that if a tagged white shark is detected by the receiver an SMS message is automatically sent to public safety authorities such as police, surf lifesavers and local councils. This enables nearby beaches to be temporarily closed, helping to keep swimmers and surfers safe. CSIRO has also been investigating the feasibility of an app to provide information about the location of tagged white sharks in Australian waters. Unfortunately, while the work that Western Australia is doing is world leading, it cannot extend across the whole coast and not all of the technology is robust enough to be rolled out at all of WA's popular surfing spots. Also, some surfers actively seek out isolated areas where there is not too much human activity and other surfers. However, as a result of what has already been rolled out, a much better picture of our shark population is emerging which will help us develop ways to keep our communities safer and more alert to the risks.

Research needs to be consistent and long running in order to be effective. We should be investing more rather than less in our shark research, and I must admit I am concerned about the reduced investment in research funding. This is one of the key areas that we need to be looking at. The only way we can understand any changes that may be occurring in shark
populations and behaviour in response to ocean warming, climate change and other impacts on our marine environment is to study them. We need to better understand what the impacts are and if there are more interactions, and that is yet to be established. If there are more interactions, what is driving them? We do not believe that calls to amend the Environment Protection and Biodiversity Conservation Act to remove white sharks as a protected species is a viable solution, and nor is widespread culling, given the enormous distances that sharks travel and the difficulty we already have in locating sharks that have been tagged. Culling will not address this issue. We need a much deeper, well-thought-out approach. We need to know the drivers of increased interaction and we need to know whether they are in fact coming closer to our coasts. Culling will not address those issues. There have been a number of statements lately by researchers who have been researching sharks, and that is their opinion too. In fact, there was another article in today's media about research in Western Australia that points out that culling will not solve this issue.

We need to understand not only sharks but also the marine environment in which they live. We believe that better understanding the drivers and finding ways to minimise the risks for those who do love the oceans and want to use the oceans will help us address this. We need to look at and properly solve this issue and not make kneejerk decisions that will not solve the issue. The marine environment is an amazing environment, and that includes all the pieces of that environment—all the elements that make it up. Taking out top predators from this environment will also cause other changes to our marine environment. Those using the water and the marine environment generally understand these risks and that is why most of the families of those who have lost loved ones say: 'Please don't cull'. That is our call to government: please fund research, but do not change the status of white sharks. They are protected for a reason; because their numbers have been diminishing.

Workplace Relations

Senator LINES (Western Australia) (20:00): I rise tonight to speak about some of Australia's unsung heroes. These unsung heroes are predominantly young women who, every day, give their very best—their expertise, their problem solving skills and their love, care and concerns—to Australia's most precious asset, our young children. The unsung heroes I am talking about are our educators who work in early childhood education and care. They work in childcare centres across our country.

As educators they are required to develop individual plans for all the children they are responsible for. These plans must detail the educational and caring outcomes for each child. Records need to be kept and outcomes reported to parents. Educators are accountable under the law for their actions and, in severe cases, fines can be applied. Educators must hold appropriate qualifications, including first aid, and keep their knowledge updated by attending in-service and other specialist courses. As they work in a team environment, they also attend team meetings, often in their own time. And at this time of the year, end-of-year events will be being planned, many of which are held outside of normal working time. There are also parent interviews, fundraising and mentoring co-workers and students. As well, centres are rated, and this means educators are observed, programs and policies are examined and a rating is given.

This is just a small snapshot of what it takes to be an early childhood educator. And, of course, we as a community and those of us who are parents of young children have a right to
expect the highest standards of care and education to be in place. Yet educators are undervalued by society. Unbelievably, some in our community still see early childhood educators as 'babysitters', not as the pedagogical leaders that they are. And why is this so? Because the pay scale of educators goes nowhere near the responsibilities they hold; their legal responsibilities and the responsibility they take on each day as parents leave their children with educators.

A worker with a certificate III, equal to a tradesperson, earns just $19.07 per hour. A director, with direct responsibilities under the law, earns just $27.08 per hour. These rates of pay do not reflect the level of responsibility expected from this workforce, and they are at least $10 per hour behind an equivalent worker with a trade certificate. For a director with at least equivalent responsibilities to that of a primary school principal, they are woefully inadequate.

Many times in both state and federal jurisdictions, cases have been taken to industrial tribunals using pay equity or pay parity principles on behalf of educators. Some progress has been made: one dollar per hour here or 80c per hour there. Whilst this level of wage increase may make a difference to workers on higher wages, it makes little or no difference to educators, because their wage is too low for increases of this amount to make a difference. Let me make it clear: educators earn so little that they are locked out of the housing market, including the rental market. They cannot afford to have their own children. They certainly cannot afford childcare fees, and they battle to buy basic items, such as shoes, or to pay for driving lessons and so forth.

So educators lobbied the former Labor government, and indeed many in the coalition, about their low wage and their solution. As the federal government is the major funder of early childhood services in this country, educators believed that the federal government had some responsibility to play a part in fixing the wage crisis in the sector. Certainly it hampers the quality agenda when 180 educators leave the sector each week because they cannot afford to stay.

I want to give you a snapshot of a couple of educators, what they do each day and how they barely survive on their wage. Natasha is a team leader in the kindy room. Natasha instructs and develops programs as part of the Early Years Learning Framework. Natasha is also a part-time director and takes on additional roles such as enrolments, admin and paperwork. The most rewarding part of her role is the relationships she is able to build with the children from her local community. Natasha can have a role in giving them strength and pride about who they are and their culture, and to help shape them into the little people they become. But Natasha finds that living on her own in a private rental very expensive. Having a pay increase would be beneficial. 'There are things I have to sacrifice so I can live fortnight to fortnight', said Natasha. 'If things happen, like the car breaks down, I might have to skimp or miss out on a night out or something, but that's my decision really. If rent wasn't so much, or we got a decent pay increase, I would love to be able to go on holidays. I would love to visit Sydney and see a live rugby union match.' These are some of the sorts of things that we take for granted in our community.

I want to turn now to Maddy. Maddy talks about the fact that her parents bought their first home when they were 21. Maddy says, 'That's where I'm at, but there's no way I can afford to buy a house.' Maddy feels like she is letting her parents down: 'You always want to live up to
your parents dreams, but when I compare my life to theirs I have to think there's something not right here. I want to be independent, but rates in Canberra are through the roof and housing affordability is at an all-time low. I can't afford to move out and rent a house—I'd be looking at $450 a week. On an early childhood educator's wage, it's not possible. I want to buy a house, they say it's the Australian dream, but I can't afford to do that either.'

Those educators were successful in their lobbying last year and the federal government lived up to its responsibility and established the Early Years Quality Fund. It put $300 million into that fund. That was not going to fix the entire wage crisis in the sector, but what it would do was set a decent benchmark from which that workforce could go forward. Right now, having a benchmark of $19, you could have the cleverest lawyers in the land but you would never win a pay equity case because no commissioner in this land is going to award $10 an hour to an educator. So that Early Years Quality Fund would have put $3 an hour onto Maddy's wage, and that would have made an enormous difference to her take-home pay. It would have taken her from $19 to $21 an hour. It would have given her a better starting point.

What the coalition government is doing now is waxing and waning and not making a decision about the Early Years Quality Fund. They promised almost a unity ticket—'Yes, we'll live up to the expectations; yes, we'll pay out on those services that got their applications in.' That is what they committed to do, that is what Sussan Ley committed to do, before the election. Sussan Ley has met many of these educators and she admits they are low paid. But, right now, the coalition government is responsible for the Maddys and the Natashas of the world living in poverty by holding back on that $300 million, by not making a decision about the Early Years Quality Fund. That is something educators fought for, and won. The coalition government is now trying to renege on it and to pocket the $300 million, to put it into general revenue, so that low-paid educators who do an amazing job will have no access to it. It is disgraceful. It is time the government made a decision about the Early Years Quality Fund and put it into the pockets of the workers who so deserve it.

**Education Funding**

**Senator PRATT** (Western Australia) (20:10): I rise this evening to talk about the great responsibility a government has to the nation to provide a quality education to the next generation. This is something Labor takes very seriously. On this side of the parliament, we have always stood for a fairer, more accessible and higher quality education system. A good education is the best creator of opportunity in our society. It is why as a government we put forward the $15 billion Better Schools Plan so that our children could get more of the individual attention they need from their teachers to be able to reach their full potential.

If ever there was an example of a government abandoning its commitment to the next generation, we have seen it in Christopher Pyne's actions this week. And if ever there was a great example of a broken government promise, we saw it yesterday with Christopher Pyne's triple reverse backflip with pike on the Better Schools funding program. In the election campaign, we saw Tony Abbott and Christopher Pyne promise to support Labor's education funding reform. Why? Because they know what the public wants, and that is fairness in education. It mattered to the electorate; if it did not matter, they would not have said their weasel words during the election campaign. The public in our nation are now seeing the coalition's commitment at the election as simply a cynical election ploy.
The truth is, I think, that the coalition never intended to keep that promise. The truth is that Minister Pyne does not understand Gonski; does not want to understand fairness and equity in education funding. The fact that Christopher Pyne coined the use of the term 'consin' to refer to the Gonski reforms demonstrates that he never had any intention of supporting an equitable model for school funding in our nation. It is the Australian public who were conned at the last election.

The Abbott government have blatantly abandoned their so-called bipartisan 'unity ticket' support for education reform by ripping up the agreements that they made with the states. We are now left as a nation not knowing where he wants to take us. What we do know is that an equitable and fair education funding model is not in Mr Pyne's knitting. His first impulse has been to take us back to Howard's broken SES formula, which unfairly prejudiced disadvantaged schools in our nation. It seems that directing limited education resources to the privileged is, sadly, hard-wired into Mr Pyne's brain. Labor, on the other hand, knows that the Gonski reforms are about creating a quality, fair and equitable education for our young people.

What Tony Abbott and Christopher Pyne have done on education is quite a manoeuvre, and it is highlighted in the editorial in The West Australian today:

It is a shame that the issue has been entirely overtaken by partisan politics. The Government has done itself no credit in getting to this position. It would be reasonable to expect that during six years in opposition, the coalition might have been able to formulate a cohesive education policy but the flip-flopping over the past few weeks shows a surprising lack of commitment.

A lack of commitment? Yes. Am I surprised? No—sadly, not really. Why aren't I surprised? Let us take a quick look at what is being offered by the coalition to Australian schools and, in particular, Western Australian schools. Christopher Pyne has said the coalition will fund WA to the tune of $120 million over the forward estimates. This is certainly not in keeping with the coalition's promise to ensure that no school is worse off under a coalition government. WA schools were most definitely better off under Labor's Better Schools Plan, with $211 million of funding over the forwards.

In addition to that, WA schools and WA students would have been better off under Labor's Better Schools Plan because it contains protections to ensure that these resources would go to the schools in need, and the funding was conditional on the states making a contribution, not on cuts. We have seen massive cuts to WA schools under Colin Barnett, and sadly any leverage the Commonwealth had on Colin Barnett to lift his game and do the right thing by WA students has now been ripped away by Mr Pyne.

This really matters to WA students. It particularly matters to WA's disadvantaged students. In WA 350 education assistants have been targeted for job losses. This is at a time when parents are calling out for more teacher's aides, not fewer. This will have a massively detrimental impact on WA's most disadvantaged students. Think about it—the loss of a teacher's aide in your classroom. That simply could not have happened under Gonski, had Colin Barnett signed up and had Tony Abbott delivered on the plan as promised. Both the states and the Commonwealth, under Gonski, need to put in more money, not less. What is more, the Gonski deal offered to WA was good because it recognised the high costs of delivery for education in WA schools, considering our remoteness and our labour market.
Mr Abbott and Mr Pyne put forward unashamedly populist policies at the election. In this case it was the right policy—of education equity—but they have reneged. We are now left with a government that has no plan to improve education equity or quality for our nation's schools. And, worse, so many of our nation's schools—schools that desperately need a lift in support—have had their hopes dashed. States under Pyne's plan—so-called plan; I am not sure what kind of plan it is—of education equity—of education equity—of education equity—are not required to make a higher contribution; nor are they obliged to maintain their current funding levels; nor are they obliged to address the longstanding equity imbalances in education funding that Gonski was designed to address. In fact, Pyne himself is not committed to correcting these problems. The Commonwealth, under Pyne, has left a path open to handing all the additional funding promised under Gonski to wealthy private schools—the schools that benefited from the SES formula—rather than to the most needy schools, targeted by Gonski. It seems that continuing this inequity is in line with Pyne's idea of a needs based model within the promised 'funding envelope', whatever that means. Put simply, the government cannot ensure, as it has promised, that no school will be worse off than it would have been under Gonski, under its cynical commitment.

Under the government's new 'commitment'—at least until the coalition decide to change their minds again—they have left it open for the states to gut funding for schools. This is what has happened in Western Australia. After the federal election Premier Barnett said, 'Gonski has gone'. At the time I did not understand why he did not want to accept a $920 million funding deal for education. But we know now that Barnett was in fact standing ready to cut education funding to Western Australian schools to pay for his government's mismanagement of the WA economy. He did not want to be accountable for maintaining education funding in WA—and, it seems, nor do Tony Abbott or Christopher Pyne. Barnett has delivered budget cuts to every public school, levies on every teacher and a new $4,000 school fee for children of guest workers.

The true nature of both the Barnett and Abbott governments is cuts to education and cuts to public services, cuts that affect the most disadvantaged schools in my home state. This has meant cuts to programs such as literacy, numeracy, music, English as a second language, children with learning difficulties, art, counselling and truancy services. It seems, sadly, that both the Abbott and the Barnett governments have abandoned Western Australia's children, and this is something that Labor will not do.

2nd/27th Battalion, Australian Imperial Force

Moten, Brigadier Murray, DSO, CBE

Senator McEWEN (South Australia—Opposition Whip in the Senate) (20:20): I have reflected on a number of occasions, both in this chamber and at numerous commemorations and dedications, on the effort and sacrifice of the 2nd/27th Battalion, Australian Imperial Force, of which my father was a member. I would like to acknowledge tonight the 90th birthday of Mr Keith Addison. He was a very young man when he joined up and fought in all the major battles of World War II in which the 2nd/27th participated. I am sure there were times during those battles in the Middle East, New Guinea and elsewhere when Mr Addison wondered if he would make his next birthday, let alone his 90th birthday, and I wish him a very happy birthday.

I was poignantly reminded of the personal sacrifices that have been made by those who never return from war, and the need to remind ourselves that their efforts and lives should
never be forgotten, when I recently visited Gallipoli and other First and Second World War battle sites in Greece. Visiting iconic sites, such as Gallipoli or Lemnos, reminds us of the concrete presence of the past and our need to reaffirm those values in whose name so much sacrifice was made. While the Gallipoli story is familiar to many of us, and we are all anticipating the centenary of Gallipoli with much interest, there are many other stories of our military history that are not so familiar but are also worth remembering.

Of course, I am not alone in my interest in the lesser known stories of our military history, but I was quite surprised last year to be contacted by an Irish journalist, Mr Liam Doran, of Roscrea in Ireland, who was seeking some information about the 2nd/27th for a book he was writing. Mr Doran's subject matter was specifically the story of Murray Moten DSO, CBE. Moten was one of many courageous, humble and dedicated men of our defence forces whose stories are not often told. It is from Liam Doran's history of John Letsome Moten and Murray Moten that I have borrowed in telling the latter's passage from a youth in Quorn in rural northern South Australia to being a commander of the 2nd/27th in the Middle East and in New Guinea.

Murray Moten's family past is colourful, with his grandfather, John Letsome Moten, being transported from Ireland to Tasmania, reaching Tasmania in 1846. Murray Moten's early employment saw him as a messenger boy at the Mt Gambier Post Office, then a junior bank clerk at the Mt Gambier branch of the Savings Bank of South Australia until he saw greater challenges and public duty in enlisting in 1917 for combat service during WWI. Rejected for medical reasons but undeterred, he joined the CMF, rising to the rank of major in 1929 in recognition of his ability, perseverance and diligence, qualities that were recognised and elaborated upon by war historian John Burns in his history of the 2/27th The Brown and Blue Diamond. As Burns notes about Moten:

It was, therefore, no surprise to those who knew his character and had note of the military lore stored in his mind when he was appointed to be commander of the 2/27th battalion, even though there were numerous candidates who had already distinguished themselves on the field of battle.

I venture to say that Brigadier Moten's passage from citizen soldier to commanding officer is unique in Australia's war history and testimony to his brilliance and character. Little wonder then, as Liam Doran's history notes, that Moten's command of the 2/27th Battalion from its infancy and its subsequent successes in the Middle East are in no small measure a testament to the man.

Brigadier Moten's skills as a leader and tactician were again shown in his understanding of jungle warfare and his successful leadership in the New Guinea theatre of war—now we say Papua New Guinea—principally with the 17th Brigade at Milne Bay in 1942 before he and the 17th were airlifted to Wau in early 1943. They saw successful action at Wau and later at Mubo, Labadia Ridge, Komiatum, Mt Tambu and Aitape-Weewak. One of the men who served under Murray Moten in the 2/27th, my friend Ray Baldwin, has said of his commanding officer:

He was not a bombastic man in any way, and under his leadership and guidance the battalion became an efficient unit when the battalion went into action in the Syrian campaign. He proved to be a good leader and his tactical knowledge was evident. The battalion record in the campaign was sound and this was all due to his leadership.
For all of his achievements in the Middle East and the Pacific, Brigadier Moten was awarded the DSO with Bar and made a Commander of the Order of the British Empire as well as often being mentioned in dispatches. Unfortunately, higher promotion eluded Moten, he perhaps being a victim of his humble military beginnings. In what could be seen as a delicious piece of historic irony, Brigadier Moten was appointed to lead the AMF London Victory March in 1946 on the 100th anniversary of his grandfather's transportation to Australia. He was, after active service, appointed to the command of the 9th Brigade CMF, made honorary colonel of the 27th Battalion and in 1953 was made ADC to then Governor-General Sir William Slim. Sadly, Moten died shortly after his appointment as ADC and he was buried, appropriately, with full military honours.

As I said earlier, I have relied heavily on Liam Doran's book for this speech and I want to acknowledge not only his fine work, but the fact that he saw the beginnings of a story in Roscrea, where the Motens came from, and followed it through to South Australia and along the way made sure the history of a man who was a significant part of our military history has now been told. The launch of Doran's book, *From Roscrea to New Guinea*, was held in Roscrea in October this year and by all accounts was well attended by family and friends of the Moten family as well as others who are touched by this story. Through my small contribution to the recording of the history of Murray Moten, I have been fortunate to make acquaintance with Murray Moten's son, John Moten, John's wife Anne and their daughter Caroline, who live, and are well known, here in Canberra and who have shared my enthusiasm for the story of the 2/27th. I thank them for including me in their memories of a fine Australian soldier.

**White Ribbon Day**

*Senator MOORE* (Queensland) (20:27): This morning in this place Minister Cash moved a motion, co-signed by Senator Rhiannon and myself, about White Ribbon Day. I think it is important that we make further acknowledgement in this place about the importance of White Ribbon Day, which is celebrated on 25 November, and also the ongoing consideration around the issues of violence in our community that culminates in this period of action with Human Rights Day on 10 December. Through that period we are able to work with our community to listen to the stories of people who have the power to tell them and to ensure that women and men acknowledge that there is no place for violence in our community. Indeed, White Ribbon Day is acknowledged by its pledge, and I think it is appropriate that I make it here tonight because it applies to men and women. Particularly in the white ribbon campaign it focuses on the role of men. It says:

I swear never to commit, excuse or remain silent about violence against women.

This pledge reverberated around our country on 25 November because what we have seen over the last few years is a blooming of acknowledgement of the role of White Ribbon Day and also through our communities local groups taking their own actions and making their own commitment. In fact, 25 November was a really important time to stop for a minute and just know that all across our nation, from small local communities to the larger social occasions that we have now to celebrate the issue, men and women were sharing a public commitment that they would not tolerate violence in our community, and more so that they would listen to and understand people who had been the victims of this violence. This was not saying that being a victim was something of which to be ashamed, to hide or to feel discriminated
against; rather, it was a statement to say that they had survived the horrors of domestic violence.

Last year, I was really fortunate to go to a small regional centre just outside my home town. My home town is Toowoomba, as everybody in this chamber knows. I was lucky to go and visit a small regional community just outside Toowoomba, Oakey—famous as an Army-Air Force base. In that community a young woman had made a personal decision that she wanted to ensure that her community understood the issues around White Ribbon Day and would be involved in a campaign to identify and see that violence existed in the community and to be champions to ensure that it was seen and challenged every time.

Emma Ziebell made this decision because of tragedy within her own family. In June 2011, Emma's aunt became a victim of domestic violence. The pain that it caused that family generated her interest to ensure that the community would become engaged in the issues about standing up against violence. Last year, I was lucky enough to go to the first annual Butterfly Ball, and I went back this year to the second annual Butterfly Ball. Emma, her family and her community are committed to ensuring that there will be Butterfly Balls in Oakey every November to acknowledge the loss that their family suffered and to ensure that the public message that violence cannot be and will not be tolerated again reverberates around Oakey.

The butterfly was particularly chosen because it signifies beauty and new beginnings. In September 2012, the White Ribbon Butterfly Ball and Charity Auction raised over $11,000 to go back into the community to have people know about the issues of domestic violence and seek help. This year's ball had two organisations to which money was given. One was the Toowoomba Domestic and Family Violence Prevention Service and the other was Oakey State High School's NAPCAN LOVE BiTES program. At the forum, we were able to meet with teachers and students from Oakey State High who came out to tell their stories about being involved in the LOVE BiTES program. LOVE BiTES is a school based program that engages with the community to talk about respectful relationships, to have young people identify their own feelings and fears and to see what contributes to a relationship which is based on respect and where women and men can feel safe and share their emotional feelings.

On the evening of the Butterfly Ball, we were able to see the hall decorated by artwork which the students had produced and then hear the students and one of their teachers talk about what their LOVE BiTES program meant to their school. They also told us that one of the reasons they needed the funding from the ball was that there was not sufficient funding to provide the resources to each school to allow them to partake in the program. The local community decided that this program was worth having. The reason they knew that was that students and teachers told them it was worth having. The money was needed to provide a trained resource in the school to run the specialised programs. As you would know, Mr Acting Deputy President, when talking about emotion, safety and violence you need special training, particularly to work with young people in that area. So one of the beneficiaries of this year's Oakey Butterfly Ball is the LOVE BiTES program at Oakey State High. I am looking forward to going back and visiting again—I had the joy of opening their BER program a number of years ago—and see how the next generation of students are engaging in the LOVE BiTES program.
The other beneficiary was the Toowoomba Domestic and Family Violence Prevention Service. This service covers an enormous area. As we know, in regional Australia, you need to cover a large geographic area. The Toowoomba service covers—I will list them because I know these areas well and you will get a sense of the geographic challenges—Toowoomba, Warwick, Goondiwindi, Oakey, Pittsworth, Stanthorpe, Dalby, Chinchilla, Kingaroy, Nanango, Murgon and Cherbourg. This is a massive geographic area, which is not unusual, but it is one where there is a particular need for education and support because the Domestic and Family Violence Prevention Service offers crisis support, counselling, court support and assistance with DV protection orders. This service is incredibly busy because there have been many cases of domestic violence in the regions and there is such a need for this professional support service. Again, the work that Emma has generated because of her own dedication and commitment will now lead to support for the domestic violence service which covers the area where her family lives.

One of the exciting things about the Butterfly Ball is the fact that Emma has drawn her whole community along with her to make sure that this occasion is well known, successful and keeps the message about White Ribbon Day and antiviolence alive in the community. There is a range of local sponsors that get on board. I am not going to read them all out, but they need to be acknowledged because this kind of event relies on the local people getting involved. Certainly, one of the real strengths of the area is that the local regional council is a very strong supporter of the White Ribbon program and is a strong activist in the CEO Challenge program, which challenges organisations to take the message into their workforce and the wider community that violence will not be tolerated.

One of the true strengths of the White Ribbon program is that every time there is an event or a program people who have not felt the strength before know that their community is beside them, behind them and around them making sure that people will be safe and understand the message. When all of us in this parliament share in the oath, and I repeat: I swear never to commit, excuse or remain silent about violence against women.

That message is much greater than just in the location where it is made. The message goes out and the women, men and children who are caught up in the horrors of violence know that the White Ribbon message is not just something you read about, is not just an event you attend—rather, it is a personal and community commitment to say that violence is wrong and all of us, men and women, must take our responsibility to ensure that we have a safe and supportive community.

Israel

Senator RHIANNON (New South Wales) (20:37): Breaking the Silence is an organisation of former Israeli soldiers, courageous men and women, who speak openly about their duties in the Israeli Defence Forces. Many of the testimonies of these former soldiers provide further evidence of why Australia should not engage in military trade or any form of military cooperation with Israel. Our Harsh Logic, one of the books produced by Breaking the Silence, is a compilation of testimonies from Israeli soldiers, disturbing events they witnessed and performed on duty. One story sticks out as particularly illustrative of the ongoing injustices perpetrated against the people of Palestine.

A first sergeant in the Lavi Battalion in 2003 describes his experience:
... my deputy company commander was a terrorist. He was a settler, an Arab-hater, and they used to scare the Arabs. There was one arrest mission where I was with him and he slapped some Palestinian right in front of his children ... Instead of taking the guy out, I dunno, so at least they wouldn't witness it, because at that moment you produced another—there were three kids there?—three brand new terrorists.

The interviewer then asks, 'Is that what you thought at the time?' and the sergeant responds:

No, I was in the swing of things. I knew it was wrong but I didn't have so much time to think about it.

'In the swing of things'—when I read those words I thought of Australia's position on the Israel-Palestine conflict. Are we and our government turning a blind eye to a state acting in contravention of international law, according to the United Nations, with impunity? Earlier this year I spoke in this Senate about the destruction of aid and development projects, some funded by the Australian public. I have visited Palestinian villages where aid projects are being destroyed. The Israeli Defence Forces often cause the destruction.

In October this year Israeli bulldozers backed by military jeeps entered a Palestinian village of Makhool, north of the Jordan Valley. They evacuated the residents before destroying the village. All the very real and very pressing problems here at home do not make those abroad any less so. In fact, it makes it more important that we take a step back and think about the plight of our fellow global citizens.

In 2010 shortly after the Israeli offensive on Gaza known as Operation Cast Lead, the Greens passed a resolution calling on the Australian government to halt military cooperation and military trade with the Israeli government. The situation in the Palestinian occupied territories, driven by the aggressive policies of the Israeli government, has further deteriorated since then. During the same period, Australia's military cooperation and trade with the Israeli government has strengthened. When I think of what our military cooperation with Israel is perpetrating, I reflect on the comments of the young Israeli who was an IDF sergeant in the Lavi Battalion in 2003 and other members of Breaking the Silence I met in January this year. I thank them for the insights they gave me into the crimes the IDF is committing against Palestinians.

There is a strongly growing case for the Australian government to adopt the Greens policy of no military cooperation and trade with Israel. This policy change is needed to ensure that Australia no longer supports crimes committed by the Israeli government. Two common objections are often voiced against the call to end military cooperation with Israel. It is stated that such a position is anti-Semitic and arbitrarily targets Israel. These assertions are wrong and are a deliberate distraction. Calling for an end to military trade and cooperation is not anti-Semitic. It is not based on race, ethnicity or religion; it is a stand against lawlessness and militarism, regardless of these other factors. The Greens are against military cooperation and trade with any government acting illegally and has spoken up against human rights abuses in West Papua, Tibet, Sri Lanka and other countries.

Jake Lynch, Director of Sydney University's Centre for Peace and Conflict Studies, has pointed out that Israel is the only country which is guilty of the following four major transgressions. The first transgression is that it is illegally occupying foreign territory. The evidence for this is UN Security Council resolution 242 which calls on Israel to reinstate the 1967 borders. This violation is now in its 46th year. The second transgression is that Israel is
the subject of well-founded allegations of war crimes, most recently the 2009 UN Goldstone Report into Operation Cast Lead. A third transgression is that it is a nuclear armed state yet has refused to admit this or join the nonproliferation treaty. This is surely one of the biggest obstacles to a peaceful and stable Middle East. The fourth transgression is that it is the subject of well founded allegations of apartheid crimes, violating the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.

B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, identified a number of examples of apartheid actions the Israeli government subject Palestinians to. Apartheid is an official government policy of racial segregation involving political, legal and economic discrimination. The 2004 B'Tselem report, *The forbidden road regime in the West Bank— an apartheid practice*, found that Israel restricts Palestinian travel on 41 roads and sections of roads through the West Bank totalling more than 700 kilometres of roadway. In the West Bank Palestinians are subject to Israeli military law, not domestic, and this provides very few protections for minors. Another B'Tselem investigation found a 100 per cent conviction rate for minors charged with stone throwing, with 93 per cent serving jail time. Among those jailed were 19 children under the age of 14. If they had been tried under domestic Israeli law these Palestinian minors could not have been held in detention. Different laws for different groups of people living in the same locality is apartheid.

The one constant in these injustices is the Israeli military and the associated arms trade. In tandem with an increasing conflict is an increase in the size and the profits of the Israeli weapons sector. Last year, Israel became the fourth largest arms dealer in the world, with the sector almost quadrupling in the past decade. Weapons systems now make up one-fifth of its export market, meaning Israel now makes more money through arms trading per capita than the United States. The influence of this industry is growing at a rapid pace and it can only mean more conflict and suffering for the people of Israel and Palestine.

Neve Gordon, a politics professor at the Ben-Gurion University, argues that this is not some conspiracy theory. To demonstrate this you only need to look at the public marketing by the Israeli arms industry. Professor Gordon states:

It's all in there. What they are selling is Israel's "experience" and expertise gained from the occupation and its conflicts with its neighbours

Comments by the former Israeli defence minister turned industry minister, Benjamin Ben-Eliezer, back up this analysis. He argues that Israel's successful arms trade is due to other military organisations wanting proven results. In his own words he states, 'People like to buy things that have been tested.'

Dr Jeff Halper, the Director of the Israeli Committee Against House Demolitions, also argues that the economic incentives of the arms trade will make Israel increasingly reluctant to return the occupied territories to Palestine in any peace agreement. Dr Halper states:

The Occupied Territories are crucial as a laboratory not just in terms of Israel's internal security but because they have allowed Israel to become pivotal to the global homeland security industry. Other states need Israel's expertise ... in turn ... states exert no real pressure on Israel to give up the Occupied Territories because of their mutually reinforcing interests.

Of course, any trade needs buyers and here we find Australia's complicity. Elbit Systems is just one of the Israeli companies Australia deals with. Being the largest Israeli arms company by sales, Elbit is deeply involved in Israeli military activity. One of Elbit's more obvious
crimes is its involvement in the construction of the Israeli West Bank barrier, also called the 'apartheid wall'. In 2004 this giant barrier was declared illegal by the International Court of Justice. Despite this, Australia continues to sign deals with Elbit Systems, a company complicit in international crimes.

In 2008 the Australian Department of Defence signed a contract for Elbit to supply mini robotic aerial vehicles. In 2010 the department purchased a $350 million battle group management system from Elbit. In August, the Australian Federal Police awarded Elbit the contract for part of its $145 million core operational system upgrade, on top of the $35 million worth of contracts already signed. A search of the AusTender website reveals Elbit gained an additional $38 million in government contracts in 2013 alone. This excludes classified contracts.

Ceasing military cooperation and trade with Israel is not a radical policy. Cutting military ties has proved to be an effective tactic to raise awareness and put pressure on the Israeli government to comply with international law. In March 2010, the National Council of the Australian Greens passed the following resolution:

Given the continuing disregard by Israel of calls to halt settlement expansion in the Occupied Territories, including East Jerusalem, the Australian Greens:
• Call upon the Australian government to halt military cooperation and military trade with Israel;
• Reiterate our call for the immediate freezing of all Israeli settlement activity in the Palestinian Occupied Territories;
• Call for the removal of existing Israeli settlers and Israeli security and military forces from the Palestinian territories;
• Continue to condemn the use of violence in the Middle East in all its forms;
• Reject violence and its promotion, particularly against civilians, whether perpetrated by a state organisation or individuals;
• Support the promotion of a culture of justice, dialogue and peace between the peoples of Palestine and Israel.

A growing number of organisations and companies have ceased engaging with Elbit Systems and, in some cases, have divested their funds in response to Elbit's ongoing ethical violations. In 2009 Norway's Minister of Finance, Kristin Halvorsen, announced that the Norwegian state pension fund had sold its shares in Elbit, worth $5.4 million. The pension fund's council on ethics assessed that investments in Elbit constituted an unacceptable risk of contributing to serious violations of fundamental ethical norms because of the company's involvement in the construction of Israel's wall surrounding much of the occupied West Bank. Minister Halvorsen said at the time:

We do not wish to fund companies that so directly contribute to violations of international humanitarian law.

In 2010 similar action was taken by the Danske Bank, the PKA pension fund, the Dutch ABP pension fund and Deutsche Bank, and in 2011 by Sweden's state pension fund. In 2012 the New Zealand Superannuation Fund sold its Elbit shares.

Returning to the brave former Israeli soldiers who have told the world what is happening in Palestine, I would like to reflect on comments by one of Breaking the Silence's founders, Yehuda Shaul. Mr Shaul said:
... every soldier who has served in the Occupied Territories has these images of breaking into a house in the middle of the night; little children are crying; you wake up the family. That is constant. You have patrols that bump into random houses and disrupt the life of people—that is the idea. It is what we call in the military "to create the feeling of being chased". This is what our society is made of, you cannot ignore it, you cannot just run away from it—this is who we are ... this is something we should face.'

I stood in the streets of Hebron with other members of Breaking the Silence who told me similar stories about how they had raided houses in the early hours of the morning and perpetrated similar acts. We need to face up to the fact that by continuing to trade arms with Israel Australia is not only ignoring the injustices being perpetrated but also indirectly aiding them.

Every dollar we pay to Elbit is another dollar it uses to develop weapons and security systems that are being used to illegally remove Palestinians from their land and destroy their homes. The time for the usual diplomacy, based on negotiations in good faith, has passed. US Secretary of State John Kerry, frustrated with the current negotiations, said in an interview on 7 November this year with Udi Segal of Israeli Channel 2 and Maher Shalabi of the Palestinian Broadcasting Corporation:

Let me ask you something: How, if you say you're working for peace and you want peace and a Palestine that is a whole, Palestinian that belongs to the people who live there, how can you say we're planning to build in the place that will eventually be Palestine? It sends a message that somehow perhaps you're not really serious.

US Secretary of State Kerry is right. The Israeli government cannot be serious about peace when it uses war as a testing ground for its arms exports. And Australia cannot be serious about peace when we continue to buy those arms, and cooperate with the aggressor.

The work of a courageous Australian woman in Gaza, Dr Jean Calder, is a stark reminder of why Australian policy towards Israel and Palestine needs to change. During December 2008 and January 2009, the Israeli government launched Operation Cast Lead on Gaza. Over 100 schools were partially or completely destroyed in these attacks. With over half the population in Gaza under the age of 18, this destruction increased suffering and hardship and denied education to many of these young Gazans. Unsurprisingly, a recent investigation by UNICEF found that 70 per cent of children report constant nightmares and trembling, with depression, social isolation and aggression being endemic. When I was in Gaza in January this year many parents told me how their children still suffer with this fear.

Dr Calder is now in her 18th year in this war-torn region. She runs a rehabilitation centre for children with disabilities, a task made both more necessary and more difficult by the Israeli government. Describing her experience in January 2013 she said:

Everything has been restricted by the occupation and now by the siege on Gaza. You are dealing with it all the time, you are seeing people's lives basically being destroyed. I think it is very difficult for people outside to really understand what is happening. Gazans are tired, they have been through so much—people cannot leave, students lose scholarships. People die a little inside every time.

Disturbingly, the Abbott government recently gave tacit approval in the UN for Israel to continue its illegal occupation and expand its settlements when 158 countries voted to support the UN call for Israel to stop 'all settlement activities in all the occupied territories'. Despite our obligations under the Fourth Geneva Convention, Australia was not one of these 158 nations. A Roy Morgan poll of November 2011 showed that 64 per cent of Australians polled
opposed the building of settlements on occupied Palestinian territories. Despite this level of concern, the Abbott government refused to represent these views and condemn the Israeli government's aggression and lawlessness.

Late last year, Australia abstained from a UN General Assembly vote to grant the Palestinian Authority non-member state status. The vote was carried by 138 votes to nine, with fierce opposition from the US and Israel. Forty-one countries, including Australia, abstained. The resolution lifted the Palestinian Authority's UN observer status from 'entity' to 'non-member state'. While Australia failed to vote yes, our stance in abstaining was still widely recognised as progress because Australia broke from the Israel-US voting bloc. The UN General Assembly has proclaimed 2014 the International Year of Solidarity with the Palestinian People. This should stand as a call to action for Australia and our commitment to human rights, justice and international law.

Together with increasing numbers of civil society organisations, it is time more of us raised our voices in support of the growing call for peace and justice in Palestine. A small but significant step towards peace and justice for Palestine is for Australia to cease military cooperation and trade with Israel.

Asylum Seekers

Senator MADIGAN (Victoria) (20:57): Last night you should have heard Senators Cash and Carr at it again. They could not help themselves, competing on who could treat vulnerable people—people escaping persecution and threats as serious as death; people whom most of the world refers to as asylum seekers but whom our government prefers to refer to by their new-coined name, 'illegal maritime arrivals'—in the worst fashion possible. They were getting pretty fired up, and the idea of another party having a more disastrous effect on people's lives was getting too much to bear. They both had to set the record straight on who was tougher. Senator Cash had made it clear to the Senate that Operation Sovereign Borders has been successfully implemented despite the best efforts of the Greens and those on the opposition benches. She went on to state that to date we have seen an 80 per cent reduction in illegal boat arrivals coming to this country and that it is but the first 72 days of the operation of Operation Sovereign Borders.

I thought a little bit about this, and like any good researcher I sought the assistance of Wikipedia to make sense of the category this particular military operation would fall under. Wikipedia lists 16 types, none of which seemed appropriate for our Operation Sovereign Borders—because this is what it is all about. It is about being able to determine who comes to Australia and the circumstances in which they come. But to do this without compassion is to recognise a problem and to refuse to offer a meaningful and attainable solution.

If our governments could stubbornly put their minds to protecting our borders from substandard manufactured goods and could use the same resolve to level the playing field for farmers, manufacturers, food processors and industry in the same way they consistently regurgitate similar asylum seeker policies from over a decade ago, we would no doubt have a stronger economy to show for it. I use the plural 'governments' here because, as Senator Carr reminded us in this chamber yesterday, they deserve some credit too. Senator Carr was winding himself up yesterday as he thought about the prospect of his party not getting any recognition for their poor standards when it came to assisting the vulnerable who, in desperation, travelled to Australia. He made reference to the fact that on 19 July this year the
ALP government introduced the PNG regional resettlement arrangement. He reiterated that under this arrangement every person who arrives by boat is transferred from Australia and if such a person is found to be a genuine refugee they will be resettled in PNG. No offence to PNG, but they have their problems. Australia should be very grateful to them for their assistance to Australian soldiers during the Second World War. But to think that they are in a better position than us to provide a genuine future for those who have already been through so much is a little far-fetched. They have a population of a little over seven million and an economy that is smaller than that of Nepal. It seems to me it is a bit like moving deckchairs on the *Titanic*.

What is the ultimate problem here? The coalition? Perhaps. The ALP? Perhaps. The Greens? Although often the case, not necessarily, but still perhaps. I tend to think the real problem is politics. As a nation, we are big enough to help asylum seekers and refugees regardless of their preferred mode of transport based on their own personal abilities and opportunities. Let me be clear: people who come to Australia by boat are putting their lives in great danger. But I am also mindful that they calculate it to be proportionate considering what they are fleeing.

The solution we are choosing to take in response to the real problems faced by asylum seekers is to build a wall. We are acting as if it were us being persecuted and living our lives in fear from credible and capable threats. Our government's psychology reflects that of someone who cannot cope with the circumstances which they face and would prefer to shut Australia off.

If our governments were strong, we would not provide temporary protection visas indefinitely, but rather invite people to start a new life built on some of the values which they have shown by coming here in the first place: perseverance, ingenuity, courage and calculating risk. The debate for a sustainable solution for the issue of asylum seekers and refugees has seemingly ceased in Australia, yet the continual argument of mainstream unsustainable policy continues and we see this in our papers.

I would like to bring to attention the DLP's policy on this issue, as I think it is meaningful and a valuable contribution to a debate we must reignite. The DLP realise that Australia only has limited influence in ending the circumstances forcing people to flee their homeland and seek asylum. We must increase our efforts overseas to do all we can to foster peace and stability in areas of conflict around the world. This requires international cooperation. Australia cannot do it alone. Any sustainable solution will require short-, medium- and long-term plans. The issue of asylum seekers is one which is occurring throughout the world. We must therefore take a holistic and strategic response in line with recommendation 1 of the *Report of the Expert Panel on Asylum Seekers* of 2012. The DLP believe in a bipartisan approach by parliament in working to address this issue. It is time our leaders put politics aside and gave the issue the respect it deserves.

We must focus on what we can do to help the plight of asylum seekers in a balanced, dignified, safe and compassionate way. Rather than spending billions of dollars every year on keeping asylum seekers detained offshore, we should be spending this money within our domestic economy through an onshore processing solution. This will create jobs for Australian workers while treating asylum seekers with dignity. It will save lives and strengthen our economy to boot.
We must work more closely with our regional neighbours, particularly Indonesia, to ensure our ability to help 30,000 refugees each year in an orderly and sustainable fashion and to ensure that our secure borders are not undermined. The DLP therefore propose enhanced cooperation with Indonesian authorities. This would include forming a joint task force consisting of Australian Customs and Federal Police officers, two patrol boats and Indonesian law enforcement authorities. DLP propose deducting $1 million from Australia's upcoming aid to Indonesia for every vessel of asylum seekers which leaves their exclusive economic zone undetected for Australia. This will act as an incentive for Indonesia to eradicate corruption, especially in areas of its police force, which are linked to people smuggling. Every boat arrival is an extra financial cost. If we pay for an Indonesian based problem here, it should come out of the budget we have allocated to pay for problems there.

The DLP propose increasing our annual asylum seeker and refugee intake from Indonesia. There are thousands of people in Indonesia waiting for either a boat or one of the very few spots available in the UN resettlement program. Increasing our intake from Indonesia will give asylum seekers and refugees a good reason not to risk their lives on a boat to get to Australia. Asylum seekers who then still come to Australia from Indonesia as an irregular maritime arrival, so-called, will be transported to one of five UN accredited refugee camps of their choice. With the certainty of knowing Australia will increase its intake of asylum seekers and refugees from Indonesia, there is no excuse for risking their lives by taking a boat.

We also believe in onshore processing. Those asylum seekers and refugees who qualify for asylum should receive it on a temporary basis for up to five years. Processing would initially take place in a secure community. This process should typically take a matter of weeks. If a person's refugee status is confirmed, he or she would be promptly relocated to a purpose designed regional estate to live in typical Australian housing and be provided with the opportunity to work, undergo education and training, and integrate with the Australian community. Refugee status would be reassessed on a set date after three years and again after a further two years. Should it be found possible for them to return home at either of these points, they would be able to do so. Should they not be able to return after five years, they would then be granted permanent residency.

A secure community would be similar to a town in that it will function like a community. Housing would be modest compared to that enjoyed by many Australians. The residents would be processed as fast as possible. Once approved, the residents would be released to live in a regional estate. Those who have their claims rejected would be required to leave the country or be held in offshore detention. The secure community is still a processing area and, for this reason, it will still be required to be closed off from the rest of Australia. Although residents will not be allowed out, Australian citizens and organisations with authorisation from the relevant government department will be allowed to visit them.

A regional estate is a newly developed area which would cater for up to 600 refugees who are still within their first five years of seeking asylum. The estates would be located primarily near regional towns and cities, ideally in areas near nation-building projects in need of a workforce. The land would be developed to allow also for private investment. Careful planning will ensure that situations such as large ethnic enclaves are avoided, with sensitivity also to ethnicity, culture and the local community. The total number of refugees living in the
various regional estates should not account for more than five per cent of a town or city's total population.

Housing would be built to be durable and easy to maintain. It would also be built to comfortably house a large number of people where possible. Only a few designs would be made available for construction. Children would be able to attend local schools and participate in sport, and adults would be required either to work or to undergo a form of education or training. Each person would be entitled to basic welfare. The level of welfare should take into account Australia’s generosity in accepting them into our communities and therefore should only be a portion of what is provided to Australians who are also doing it tough. Workers would not be entitled to receive superannuation prior to becoming permanent residents.

I think what I have displayed here is that a minor party, the Democratic Labour Party, possibly has a stronger grasp on how to handle the issue of asylum seekers and refugees than do the majors. I hope they take the time to read over my remarks and reconsider their own policy for the sake of those people they are supposedly trying to help.

Canberra Centenary

Senator LUNDY (Australian Capital Territory) (21:09): On 12 March 1913, Canberra's naming and foundation stones day, the Governor-General of Australia, Lord Denman, delivered a speech in the luncheon tent on Capital Hill, one of the day's highlights. It was an impressively engaged public speech by a man who had developed a genuine affection for Australia and Australians. As we near the end of 2013, the momentous centenary year for Canberra, it is timely to recall the Governor-General's concluding words about young Australia's fledgling national capital:

Remember that the traditions of this City will be the traditions of Australia. Let us hope that they will be the traditions of freedom, of peace, of honour, and of prosperity; that here will be reflected all that is finest and noblest in the national life of the country; that here a city may arise where those responsible for the government of this country in the future may seek and find inspiration in its noble buildings, its broad avenues, its shaded parks, and sheltered gardens—a city perhaps bearing some resemblance to the city beautiful of our dreams.

It was a fine speech—eloquent, perceptive, optimistic and, above all, inspiring to all those who heard or read it. It was all the things you would expect for the time and place.

It has been an amazing centenary year for our national capital. Personally, I have attended as many centenary activities as I could—cultural events, lectures, concerts, art initiatives, publication launches and blockbuster exhibitions, all happening right here in my own backyard; such are the privileges of being one of the senators for the Australian Capital Territory. The batteries were regularly recharged by the centenary phenomenon that swept so many of us all along for a wonderful ride.

Significantly, the centenary has been a celebration for all Australians, many of whom explored their national capital for the very first time. They came away moved by the memorials to our war dead, uplifted by the music and visual arts, and warmed by the comfort of a nation's history well conserved and well told, be it in our National Archives, the museums or the National Library. They came away motivated by the sheer pleasure of experiencing our natural flora at the Australian National Botanic Gardens, the rare opportunity to see the planets from the Mount Stromlo Observatory and the history of great Australian scientists.
who have contributed so profoundly to our understanding of the universe in which we live and how it is changing. The program was beautifully captured in two volumes detailing the events and thematically presenting each month: science and discovery, the arts, history and culture, the environment, design and architecture, sport, music and a series of thought-provoking lectures on the big issues of our time and much more.

Who would have guessed, seven years ago in 2006, when a few booklets promoting some tentative centenary suggestions were first circulated, that the year of celebration and commemoration would be such an unqualified success? Anecdotal evidence of this has been constant, but it is worth noting that the research findings, hot off the press, of the Sydney-based Market Attitude Research Services group confirm this fact. A whopping 94 per cent of people living in Canberra and the surrounding region in New South Wales said they were 'extremely proud of the national capital', up sharply over the last two years, and the number of residents of the region stating they 'know quite a lot' or 'know a great deal' about Canberra has risen even more sharply to be now close to 80 per cent.

It is certain that Centenary of Canberra legacy projects are slowly but surely opening the hearts and minds of Australians across our continent to the important role the national capital plays in our collective sense of national pride. Further, Australians are getting an understanding of how important it is to know our deep history, which recognises the ongoing relationship of Indigenous Australians with the land through our ancient past to the present, and looking to an optimistic future of fulsome reconciliation. In this way, the Centenary of Canberra has been more than just a big year; it has laid a foundation for making our democratic development and social history more accessible, better understood and a reason to be proud of this remarkable city and all that it represents.

I would like to take this opportunity to acknowledge Sir William Deane, patron of the Centenary of Canberra year. For this remarkable program we have to thank both the former Chief Minister of the ACT Jon Stanhope and his successor, present Labor Chief Minister Katy Gallagher, for their vision and commitment to the centenary. And not least a huge thank you to them for making the brilliant decision to appoint the Creative Director of the Centenary, Robyn Archer, and her team of absolutely standout enthusiasts. To Robyn and her team, a most sincere thank you. I know 2013 is not yet over, but this is the best chance I will have to say these things for posterity.

Over the last three years, Robyn has been an unstoppable force for creativity and results. An Adelaide-born-and-bred agent provocateur, she understood the true significance of the national capital when taking up her position as creative director. She 'got' Canberra, unlike some federal politicians, not from any particular party, past and present. We have some way to go in truly appreciating universally as members of parliament the gift of Canberra and what it offers all Australians.

Robyn realised that what the centenary year needed was not a tidy, predictable couple of months of cosy little events leading up to a festive school fête of a day on 12 March 2013. Rather she imagined a great big ambitious, sprawling, inclusive, controversial, challenging, bulging 12-month program, aiming to give all Australians a much better understanding of, and ownership of, their national capital—our national capital—and the part we can all play in it, whether you live in Broome, Burketown, Bendigo or Ballarat. We have all been
enlightened and educated as result of her single minded vision and the way in which she and her team have implemented it.

And what an astonishing program we have been privileged to participate in. How do you do justice to its many dimensions? A superb Indigenous event such as the Sydney Theatre Company's *The Secret River* by Kate Grenville is destined to be a classic of Australian theatre. The *Seven Sisters Songline* in the memorable One River series of events brought loads of country people, Indigenous and non-Indigenous, together on the banks of the mighty Murray and Murrumbidgee rivers.

Then there was the breathtaking series of art commissions and collaborations, typified by the unforgettable 'Skywhale', with its ten teats and transcendent smile, who soon won us all over when we saw her in the flesh, so to speak—kids, adults and many a cynic alike. She is already part of Canberra folklore. I understand that, at last count, Skywhale had nuzzled her way into the hearts and imaginations of people in over 120 countries, prompting an impressive 120,000-plus video views on YouTube—not too shabby—thus making Skywhale a true triumph for the cause of public art.

Then there was the overwhelming array of centenary sporting events which inevitably captured my attention, as you would expect, because of my then portfolio responsibilities. It is impossible to cite them all, but the crowds were massive for the ISPS Handa Women's Australian Golf Open, which beamed a perfect picture of Canberra around the world for many hours, in fact many more hours than originally anticipated; for the rugby league test; for the British and Irish Lions and Brumbies game; for the PM's XI one-day cricket international pitting Australia against the West Indies; for the Matildas' Centenary Cup match; and for the international netball game featuring one of sport's great rivalries, the Diamonds versus the Silver Ferns. Coming up this weekend in their centenary match is Canberra United—our football-playing women—challenging Brisbane Roar, no less, in one of the great rivalries of the W-League. They will play this Sunday at 3 pm at McKellar Park, for all of those who would like to have their moment of centenary sport magic.

I also want to mention the remarkable contribution by the Australian Ballet, specially commissioned to produce a new work entitled *Monument* in recognition of both the centenary and the 25th anniversary of this beautiful building. *Monument* was a tour de force. Our parliament's principal architect, 93 year-old Aldo Giurgola, long-term Canberran resident and new Australian citizen, described the performance he attended as one of the most unforgettable of his life. The packed house at the Canberra Theatre totally agreed.

English nature artist, photographer and curator Jyll Bradley kicked in with her imaginative *City of Trees* project, on show at the National Library over many months mid-year, delighting tens of thousands of visitors from interstate and overseas. Yet the trees show was just one of a brilliant series of exhibitions promoting the quality of Canberra's design and planning history. The Griffins had their rightful day in the sun, at exhibitions at the National Archives and the National Library. The Andrew Sayers curated exhibition at the National Museum, up for six months, fascinatingly recreated the mood and community feel of the year 1913.

I must confess, though, to a soft spot for the very first major exhibition of 2013, which opened right here in the Presiding Officers' Gallery of our parliament, entitled *But Once in a History: Canberra's Foundation Stones and Naming Ceremonies*. It was curated by the centenary's history and heritage adviser, Dr David Headon, who also happens to have been
one of my advisers for the best part of five years. This exhibition contained the golden trowel used in the foundation stone ceremony and artefacts of the original surveying mission of the Australian Capital Territory. For the first time since 1913, the three trowels that were used by Lord Denman, Prime Minister Fisher and Minister O'Malley were later reunited in 2013 thanks to the wonderful work of Dr Headon, his researcher Barbara Coe and the Denman-Burrell family amongst others. David's Parliament House exhibition sought to underline just one compelling aspect of the special story. It put paid to old ignorant criticisms about Canberra. As this exhibition demonstrated in so many ways, all Australians who do have the opportunity to know our history become not only completely proud of that history but also a part of it. I take this opportunity to personally acknowledge Dr David Headon's contribution to the centenary celebration. His passion, his deep knowledge and his hunger for even more knowledge about the history and the intricacies of events and how they unfolded have added so much depth and substance to what has been a wonderful telling of this history.

It really was Australia's immense good fortune to be looking for a capital city at a point in human history when discussion globally was concentrated on the science of town planning, as it was then termed. We acted on the best the world had to offer and, through the competition for the design of the national capital, we were able to capture the most forward-thinking and progressive design of the time through the work of Marion and Walter Griffin. I feel compelled to mention that just recently the Chief Minister of the ACT, Katy Gallagher, launched the Marion Mahony Griffin View atop Mount Ainslie, which looks down the grand vista of the land axis of Anzac Parade, across the lake, up through Constitution Place, old Parliament House and, of course, ultimately the flagpole here on Parliament House. As she originally foresaw that grand vista, without having seen the topography of the land, she prepared the most beautiful watercolours that formed part of the submission to the competition back in 1908. Walter and Marion Griffin have made their mark through their design and the hierarchy of function embedded within that design. The forethought and the philosophies that were driving their vision for this city a century ago prevail today through the care and nurturing of many a government and indeed many a bureaucracy. The heart and soul of that design still lives on.

It was fitting that the former Labor government had the foresight to make the Commonwealth's centenary gift to the city of Canberra $20 million in effective funding for the National Arboretum. It is the kind of visionary initiative that Prime Minister Andrew Fisher had in mind a century ago when he spoke at the same luncheon as Lord Denman and he imagined a future capital where Australians' best thoughts would be expressed. Contained within Walter Burley Griffin's original plan was a space for a national arboretum in the very place where one is now being grown and built. For those who have not yet witnessed the wonders of that arboretum as it takes shape, please do. It is a remarkable sight that gives yet another unique perspective and viewpoint over the national capital.

The commitment to this ideal by all future federal governments, regardless of political persuasion, is now needed and, perhaps more so, expected in a mature, successful nation such as ours. A century ago Prime Minister Andrew Fisher had in mind a capital that offered much more to the population than had been previously imagined possible. I would like to quote King O'Malley, the Minister for Home Affairs at the time. He said:

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Tuesday, 3 December 2013

SENATE

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Such an opportunity as this, the Commonwealth selecting a site for its national city in almost virgin country, comes to few nations, and comes but once in a history.

One hundred years later, in the shadow of a century extraordinary for the growth of knowledge and innovation that has occurred, we are well equipped to make good decisions based on science, evidence and a comprehensive understanding of the human condition. Our democracy is so precious and, while the dignity and gravitas of this place is often elusive, it resides here. As I know many of my colleagues do, I take that responsibility extremely seriously.

Opportunities for Australia

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (21:27): Tonight I would like to speak about seizing the opportunities which are before us as a nation. I want to speak about looking forward and outward and making the leap from a comfortable national existence paid for by the mining boom to a prosperous future economy that makes the most of the opportunities of a changing global marketplace as the mining boom peaks. We need to be examining where the next areas for growth and prosperity lie and how best to harness our natural advantage. To do so we need to be active. We need ideas and planning so that we do not become victims of circumstance, and we need to make the most of the opportunities before us.

As a National Party senator, I understand only too well the importance of geography and its role in determining opportunity and access. In this 21st century, the Asian century, our geography perfectly situates us for opportunity and access. We need to make the most of our geography, which uniquely situates us in Asia at a time when the Asian developing economies are growing at unprecedented rates and when there is a desire by the growing middle class for safe food, English education for their children, financial services and leisure experiences previously reserved for the super-rich. This gives us a unique opportunity.

A recent Deloitte report titled *Positioning for prosperity?* looked at the coming waves of growth for Australia to take advantage of as the mining boom recedes. Whilst mining will continue to be an important driver of the economy, it has peaked. The report identifies five areas of potential prosperity: agribusiness, gas, tourism, international education and wealth management. I see agribusiness as a great advantage going forward. It has driven our economy for centuries, and our high environmental standards, advanced technological systems and innovative on-farm practices will continue to make this a key driver. Already food manufacturing represents the largest sector of manufacturing, with over 300,000 people employed—over half of whom are in the regions.

Gas is our third largest energy resource, with growing demand from neighbouring countries. Tourism has a potential for growth. We have such fabulous natural assets, such as the Great Ocean Road, the Alpine National Park and Uluru, to name a few. Unique flora and fauna, combined with our beaches and cosmopolitan cities, mean we are the natural choice for international guests. However, we have not probably capitalised on the cultural tourism experience, which I think is an area we could improve on.

Collectively, growing these sectors could add $250 billion to the economy over the next 20 years. What I find exciting about this analysis is that three of the five opportunities identified by the Deloitte report are regionally based. Whilst there are recognised challenges for tourism, agribusiness and gas, there are many opportunities. For tourism, we have identified...
that that includes infrastructure and the tyranny of distance, both externally and internally. I think everybody can relate to the international visitor who has flown a very long way at a very high cost to finally get to Australia, who then finds it is going to cost them almost the same again to get around internally within our nation. That is something we will have to address.

In agribusiness, some of the challenges are a skilled workforce both on-farm and in the research and development sector. I was privileged to work with Senator Back and Senator Marshall on an inquiry this year into agricultural education and the declining graduates within agricultural science and the flow-on effects into our research and development sector within agricultural science. We need those young graduates coming through to conduct the research. The regulatory burden that exists for agribusiness is also one of the challenges.

Obviously we have spoken about gas often in this place and through numerous Senate inquiries. The challenge is getting the balance right between regulation and extraction, and ensuring safety for communities and our water tables as we seek to make the most of that natural opportunity.

I think those are the top three areas out of the five identified by Deloitte that will ensure that regional economies continue that age-old trend of contributing significantly to the national economy, if we can begin to overcome some of those challenges. From my perspective, ensuring regional Australia is a key part of our future national economic growth is important as it will underpin the sustainability of the regional towns that I love and represent.

Regional Australia has so much to offer the rest of the nation but also the rest of the world. The regions have world-class produce, services, expertise and a growing savvy in all things technological which I am confident will allow us many more opportunities in times to come. For regional Victoria, this means planning for and adapting to the changing demands of the booming Asian economy. It is estimated that there are now 300 million urban Chinese who are classified as middle class, and this number is expected to grow to half a billion over the next 10 years. And this says nothing of the growing middle class right through South-East Asia, Indonesia and India. With this change comes opportunities for Australian producers, service providers and business operators. The Chinese middle class and the wider Asian middle class will demand higher quality food. This is an area where Australia excels.

They may have an appetite for Sunraysia citrus, Heathcote wine—and I recommend the shiraz—or Northern Victorian dairy, which after a decade of droughts, floods and Murray-Darling Basin uncertainty is actually going ahead in leaps and bounds and has a really exciting future. These neighbours in Asia may want to travel to Australia see the Murray River, tour wineries and experience the Grampians.

Agribusiness is a potential area of growth because of the rising demand for food from a population projected to grow by 60 million a year over the next 20 years. Australia has an exceptional international reputation for producing safe food but also high-protein foods, which have been linked to a growing middle class.

But we need to ensure we have good trading relationships and adequate transport infrastructure. We need to ensure there are enough young people entering agriculture to operate our farms and young researchers looking for the next innovation. We also need to
increase the number of investors prepared to back our brains and commercialise some of the great work that is going on in our universities in this area.

That is why the coalition is committed to funding $2 million to improve agriculture education in schools and listing agriculture and horticulture skills on the National Skills Needs List. Similarly, our commitment to building the infrastructure of the 21st century and beyond—perhaps most importantly, through inland rail—will support growth in agribusiness. There is no use growing the stuff if you cannot get it to a port, off the port and out into the wider international export market.

It is also why we are committed to an additional $100 million for research and development funding in agriculture. We cannot expect to continue to thrive without encouraging new and more efficient practices. It is the same reason we are focused on finalising trade deals with South Korea, Japan and China, to maximise the export opportunities for Australian producers and service providers.

The recent bidding wars for agribusiness in Victoria specifically around the dairy industry are a prime example of a thriving Australian agribusiness tapping into global marketplaces with success and international competitors seeing the value in that. Within the Victorian context, northern Victorian dairy farmers located from Echuca right along the Murray—Stanhope, Shepparton, Nathalia, et cetera, right through the north-east of Victoria—account for more than 20 per cent of the nation's milk production and contribute significantly to Victoria's $1.9 billion in dairy exports.

The value-adding process on agricultural products is well documented. The days of us just growing it and shipping it off are over. I think we can value-add within our own nation and through our technological advances reap a greater reward. I think that is what the Deloitte report was going to.

The agricultural sector, at farm gate, contributes three per cent of Australia's total GDP. The gross value of Australian farm production in 2010-11 was $48.7 billion. But, when value-adding processes are considered along with the value of all the activities supporting production through farm inputs, agriculture's contribution to the GDP works out to be around 12 per cent or $155 billion. Agribusiness is clearly an opportunity for regional Australia. In 2010-11 Victorian manufacturing exports were worth a staggering $6.3 billion and provided employment for more than over 310,000 people.

Most people know Australia has much to offer in terms of tourism. There is significant potential to increase Asian tourism because Australia is located close to Asia, is safe and has wonderful natural assets to share. Cheaper flights and our education market are other drawcards. But, again, we cannot take this for granted. We need to make sure it is easier for tourists to get here, but also to travel around once they are here and to ensure that the experiences they seek are on offer. That also means expanding our tourism experiences and not simply relying on beaches and cities. There is so much more to see and do. For instance, Rutherglen and the High Country in Victoria offer a great example of a regional tourism destination that could benefit from an expanded tourism industry. Fortified wines from the Rutherglen area have won international praise. With more than 23 well-established wineries in the region, there is a wide variety to offer the wine connoisseur. In fact, a provedore experience through the north-east would make a worthwhile trail.
Most of our tourism operators are small businesses, so some of the challenges generally for small businesses also extend to tourism operators. That is why the coalition will legislate to cut the company tax rate by 1.5 per cent and freeze the passenger movement charge at $55 for this term of government to assist our tourism industry. Most Australians know just how special their country is and want to share that experience with others. But, as I said earlier, we have a significant opportunity to increase our cultural tourism enterprises. When I travelled through Canada I experienced their indigenous culture in a variety of ways, from buffalo jumps to dance and art. I think we could expand that area here, because when international visitors are surveyed on the way out of Australia they will tick the boxes to say they got all the natural wonderland experiences they sought but say they did not get the cultural experiences they thought they would get. So I think there is a gap there for things that we can share, and not only the culture of Indigenous Australians but other cultural practices, such as mountain cattlemen experiences, right throughout our society.

To be prepared for the new global economy that Australia will be part of will require adjustment and preparation. We cannot simply sit back and wait for opportunities to fall into our laps, as that is unlikely to result in any positive outcome and will not give us the best chance to succeed in the international arena. We cannot rely on being the 'lucky country'; we need to make our own luck. We need to make sure that we have an adequately skilled workforce, world-class technology and innovation and a regulatory framework that fosters ingenuity and entrepreneurialism. Unlike the former Labor government, which was intent on placing as much additional and unnecessary red tape as possible, the coalition government will remove such restrictions. On agribusiness, gas exploration and export and the tourism industry, regulations—both red and green—have had a significant impact. This is why the Abbott-Truss government has committed to cutting $1 billion a year in red and green tape to boost productivity and innovation. In fact, the Productivity Commission has estimated that reducing the burden of unnecessary red tape could generate as much as $12 billion in extra GDP per year. Examples could include streamlining financial reporting for universities or creating a national reporting centre for universities, as suggested in the Universities Australia submission to the National Commission of Audit.

Ensuring a skilled workforce means focusing on skill development, or attracting skilled professionals to the areas and industries that need it, so that we can get on with doing the job. We need an education and training system that is focused on student outcomes so that we have the graduates and apprentices who have the right skills to lead us in this next wave. This is something that government can do effectively. Our most valuable resource will be our knowledge, underpinned by a drive to succeed and a willingness to be known the world over for our excellence.

Our ability to creatively adapt to changing circumstances should not be underestimated. We have lived at the end of this world for a very long time, isolated until very recent times from Europe, from the US, from where we perceived it was all happening. That has meant we are a very adaptive and innovative people. We have led the way, and continue to do so, particularly in scientific know-how, which will be a key driver for capitalising on perceived opportunities. Good relationships with our international neighbours will underpin this growth.

We need to be able to feed ourselves. We need to be free and to enjoy a high standard of living. We need to be safe. And, as a nation, we need to be autonomous. This means giving
due consideration to who owns and controls our national assets and our intellectual property and what we do with the patents that are developed here in our wonderful universities. These are conversations we need to have. We need to have very clear understandings of what is in our national interest to ensure that at the end of the 21st century we are still all the great things that we are at the start of it.

Obviously we have to operate within our limits, unlike the former government. We have had a structural budget deficit of more than two per cent of GDP for the past five years. We will have to be thoughtful about how we spend money and deal responsibly with the federal budget. We will need to make some tough choices and take steps to ensure we put in place systems within our budgetary framework so that we deal with that structural deficit. The Grattan Institute recently released a report that indicated how the mining boom, which has driven so much of the comfortable existence we have all enjoyed over recent decades, has actually masked this deficit. It will be apparent to all, quite soon, that it is there. The choices will not be popular, but few ideas should be ruled out. In that context I look forward to the reviews into our tax system that do not leave anything out. I look forward to a comprehensive review of our competition policy, because that will underpin our capacity to take up these opportunities. I look forward to a review into our education system, to ensure that we are best placed to grab the opportunities and capitalise on our natural advantage.

Geography is an important consideration when thinking about shaping our future. As a National, I believe that our geography can be an opportunity—our proximity to Asia, our diverse climate and internal geography and our desire to compete on the world stage, which is born from living in a large, isolated island nation. We are resourceful, determined and irreverent, and that means we take risks, we invent, we create and we back ourselves. Regional Australia is uniquely positioned to assist with the heavy lifting going forward. We should be proud of our nation, our people, our exports and our natural assets. This combination of characteristics could prove an unbeatable recipe for success. This nation is open for business, we are stocking the shelves and we will have people to man the tills.

 Senate adjourned at 21:45

 DOCUMENTS

Tabling

The following document was tabled by the Clerk:


Indexed Lists of Files

Tabling

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2013—Statement of compliance—Australian Taxation Office.