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SITTING DAYS—2012

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- BRISBANE 936AM
- CANBERRA 103.9FM
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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

Printed by authority of the Senate
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

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

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

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

(5) 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.

(6) 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.

(7) 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.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing

Clerk of the House of Representatives—B Wright

Secretary, Department of Parliamentary Services—C Mills
## GILLARD MINISTRY

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<tr>
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<td>The Hon Julia Gillard MP</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister on the Centenary of ANZAC</strong></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Senator the Hon Jan McLucas</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<td>Senator the Hon Chris Evans</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
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<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
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<td>The Hon Sharon Bird MP</td>
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<td>Minister for Trade and Competitiveness</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
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<td>The Hon Tony Burke MP</td>
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Wednesday, 19 September 2012

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

BILLS

Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012

In Committee

Debate resumed.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:31): I seek leave to move Greens amendments on sheet 7282 and 7280 together.

Leave granted.

Senator SIEWERT: These amendments relate to the sunset clause I talked about earlier in my second reading contribution, removing the sunset clause and restoring the social and economic impacts and consideration of those to the bill, and also banning a vessel over 2,000 tonnes and reversing the onus of proof, all of which I articulated in my second reading contribution.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:32): We oppose the amendments.

Senator SIEWERT: These amendments relate to the sunset clause I talked about earlier in my second reading contribution, removing the sunset clause and restoring the social and economic impacts and consideration of those to the bill, and also banning a vessel over 2,000 tonnes and reversing the onus of proof, all of which I articulated in my second reading contribution.

Senator LUDWIG: Senator Siewert, I just make some clarification. We will need to put amendments (1) to (4) on sheet 7280 and then amendments (1) and (2) on sheet 7282 while (3) will have to be taken as a separate item, if you are comfortable with that.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:33): Fine, thank you, Mr Chairman. I move items (1) to (4) on sheet 7280 and items (1) to (2) on sheet 7282:

(1) Schedule 1, item 1, page 3 (line 7), before Chapter 5B, insert:

Chapter 5AA—Oversize fishing vessels

Part 15AA—Oversize fishing vessels

Division 1—Prohibition

390SAA Civil penalty—fishing activity using an oversize fishing vessel

A person must not engage in fishing activity using an oversize fishing vessel in a Commonwealth marine area.

Civil penalty:

(a) for an individual—5,000 penalty units;
(b) for a body corporate—50,000 penalty units.

Note: If a body corporate is found to have contravened this section, an executive officer of the body may be found to have contravened section 494.

390SAB Offence—fishing activity using an oversize fishing vessel

(1) A person commits an offence if:

(a) the person takes an action; and
(b) the action is taken in a Commonwealth marine area; and
(c) the action is a fishing activity using an oversize fishing vessel.

Penalty: Imprisonment for 7 years or 420 penalty units, or both.

Note 1: If a body corporate is found to have committed an offence against this section, an executive officer of the body may be found to have committed an offence against section 495.

Note 2: Subsection 4B(3) of the Crimes Act 1914 lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.

(2) Strict liability applies to paragraph (1)(b).

Note: For strict liability, see section 6.1 of the Criminal Code.

390SAC What is a fishing activity using an oversize fishing vessel?
A fishing activity using an oversize fishing vessel is a fishing activity using a vessel capable of processing and storing more than 2,000 tonnes of biomass.

A fishing activity means an activity that constitutes fishing.

(1) Schedule 1, item 1, page 8 (lines 4 to 11), omit paragraph 390SF(3)(b), substitute:

(b) remains in force until a revocation of the declaration comes into force.

(2) Schedule 1, item 1, page 8 (lines 12 to 15), omit subsection 390SF(4).

(3) Schedule 1, item 11, page 12 (line 10), before item 11, insert:

10A Section 528

Insert:

fishing activity using an oversize fishing vessel has the meaning given by subsection 390SAC(1).

(1) Schedule 1, item 1, page 5 (line 17), after "environmental", insert ", social or economic".

(2) Schedule 1, item 1, page 7 (line 22), after "environmental", insert ", social or economic".

Senator COLBECK (Tasmania) (09:33): Just to go back to where we were last night, I asked Senator Ludwig a series of questions in relation to the confidence of the Minister for Sustainability, Environment, Water, Population and Communities, Mr Burke, and the investigations that he might have taken to satisfy his uncertainty in relation to the science. I just wonder whether Minister Ludwig has had a chance to get any information on those matters overnight since he did take those on notice last night.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:34): Clearly, I would take advice from the Department of Agriculture, Fisheries and Forestry in relation to the target species, plus the Australian Fisheries Management Authority, which is the independent regulatory authority, and of course, in respect of environment considerations, Minister Burke and his office.

Senator COLBECK (Tasmania) (09:35): Thank you, Minister, for that. My question is: did you take any advice from any outside agencies: for example, the Fisheries Research and Development Corporation, which does come under your portfolio responsibility in relation to this; the Institute who he actually consulted. You do not have the information yet?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:34): No.

Senator COLBECK (Tasmania) (09:34): I understand that. I was reacting perhaps to your statement that you have confidence in Minister Burke. We might differ on that, as you might understand. I was really interested to know whether we do have any information as to who he actually consulted with—I did name a number of entities last night—in what he did himself to satisfy his uncertainty. As you would be aware, there is some question around that.

Minister, I acknowledge that we are debating an EPBC Act amending bill but there is an obvious role for you as the minister for fisheries in this particular matter regarding your certainty around the science. Who did you actually consult with during your discussions on this particular matter and do you actually have certainty in the science?
for Marine and Antarctic Studies, which is a globally respected voice on this particular matter; and also, of course, the CSIRO, who do have a whole-of-ecosystem modelling program that looks at broader interactions in relation to this, specifically their Atlantis program, and who I understand have also peer reviewed a lot of the science on this?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:37): On the total of that, I will take it on notice because I do not want to mislead the Senate. There were a number of advices I received, so I will be safe in respect of that rather than trying to list them now.

Senator COLBECK (Tasmania) (09:37): Can I ask the minister to respond to the question—acknowledging that it was amongst a number of others I asked—in relation to his confidence in the science around the quota and the setting of the quota for the fishery.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:37): That is why I avoided it in that sense, that I think it is a question of fact, not a question of confidence. I am not a scientist, clearly. I take advice. I take advice from DAFF. I take advice from AFMA. And where I do have a role then that would be factually based decision making, evidence based decision making, on the available information that is provided to me. I would always take advice from the department of agriculture and/or AFMA, depending on the relevant circumstance of the matter.

Senator COLBECK (Tasmania) (09:38): Minister, does the advice that you have received from the department and from AFMA, which is an agency that comes within your portfolio responsibility, express confidence in the science around the setting of the quota for the fishery?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:38): I think we are getting into a difficult area in that sense that I cannot speak for AFMA. I can certainly take it on notice. I have got no doubt AFMA do a very good job and I would imagine they would be confident in the science that they provide to me, and the same with DAFF. My assessment of that is a personal assessment as to the information that is provided to me.

Senator COLBECK (Tasmania) (09:39): My question was specific, though. Does that advice to you express confidence in the quota for the fishery?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:39): I will take it on notice. There is a range of information that has been provided to me over the time. I will certainly go back and have a look. Nothing stands out particularly.

Senator COLBECK (Tasmania) (09:39): Surely, Minister, given that this whole debate is about confidence—Minister Burke has said that he is uncertain, particularly in relation to marine mammal interactions, as part of his decision-making process, which is, after all, why we are here—and part of your decision making under this new act is in fact about confidence and certainty around particularly the science and the quota, and if there is uncertainty then that is the trigger for this process, you have some idea whether you or your department are confident in the science around this fishery?
Forestry and Minister Assisting on Queensland Floods Recovery) (09:40): I think you missed the point again—or, perhaps, not again but in this instance at least. The bill has not passed and until and unless the bill passes I do not have a role. When the bill does pass, I do have a role—that is, a decision in unison with Minister Burke. When we are in that position I will assess the available information put to me, should it be put to me, but I do not want to pre-empt that. I will have a look at it and consider it then, basing that decision on information that is put to me at that particular time and on the evidence that is put to me. Again, what you are actually asking is for me to prejudge, and I will not do that.

Senator COLBECK (Tasmania) (09:41): Minister, you would be aware that there has been some media speculation around the calculations set in the quota, particularly by a Dr Wadsley, from Western Australia. Can you tell the committee whether you have any advice in response to that criticism?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:41): If I recall correctly, there are a range of individuals and scientists who have had views in this area in the last month. I will go back and have a look at those and see whether there is any advice provided to me which is helpful in answering your question.

Senator IAN MACDONALD (Queensland) (09:42): There are a couple of areas that I would like to explore in relation to the aspects of this bill. Minister, could you please explain to me how on Monday of last week you were fulsome in your defence, if I might say, of the Abel Tasman and of the people who, as a result of the encouragement by your predecessor as fisheries minister, Mr Burke, brought this big fishing vessel to Tasmania? On Monday, 10 September, in the Senate in answer to a question from Senator Whish-Wilson you were fulsome in your praise of the big fishing vessel. Quite rightly, you indicated that this had been looked at for some time—in fact, I think you mentioned that it had been since 2004, without the date. The scientists and those people whom you appointed to assess the reports of the scientists came to the conclusion that this was a productive, efficient and environmentally friendly way of fishing. Minister, if you are looking for your answer from Monday, I can give it to you if you do not have it in front of you and do not recall what you said. But, clearly, you were right on the message.

My first question is what happened on the night of Monday, 10 September, in an issue of proper fisheries management—I am not interested in the politics of it, Minister. I do not care if Kevin Rudd was about to roll Julia Gillard as Prime Minister. I am not interested in those sorts of things. I would hope that ministers in the government of my country would be making decisions on the basis of science and on the basis of what is good for the fishery. Clearly, on Monday, 10 September you were confident—in fact I think your words were that you 'need to give confidence that the food impacts of the small pelagic fishery on predators and on small pelagic fishery species themselves, including through localised depletion, are unlikely’—that is, any adverse impact. I am not a scientist but may I say, with respect, that that has always been my understanding. So I want to know, if you could please tell the Senate, what it was, as a responsible minister in charge of Australia's fisheries and the sustainability of Australia's fisheries, that happened on Monday night that caused you to change your mind completely.
I would also like to know, Minister, if you would be so good, which of the AFMA commission that you have appointed you do not have confidence in or respect for. The chairman is the Hon. Michael Egan, a former Labor treasurer of New South Wales, as I recall. There is Dr James Findlay, the CEO, a man whose scientific credentials are impeccable. If you ever wanted anyone in the world, I can confidently say, to give you good advice on fisheries and fisheries management it would be Dr Findlay. You have appointed a deputy chairman, Mr Richard Stevens, who I am delighted to say has been on the predecessor of the AFMA commission since I was minister. I know firsthand that Mr Stevens is an exceptional administrator when it comes to the science of fisheries management. There is Mr Ian Cartwright, who I know has been involved in fisheries management for years. You and I, Minister, have been involved in fisheries management in different periods of time in the flick of an eye in our history. Mr Cartwright has been there for years: a qualified, exceptional fisheries management person. You clearly agree with me, Minister—that is why you appointed him.

I do not know Dr Glaister, Ms Jennifer Goddard, Ms Elizabeth Montano or Ms Denise North. Perhaps I have met them, but I do not know a lot about them. But, again, Minister, I am confident that, if you appointed them on advice from your department, on advice from the fisheries industry and from those people who know, they would be good people. The final member of the commission is Professor Keith Sainsbury, who I do know. Again, whilst you and I are involved in a blip in history, Professor Sainsbury has been around for a long time. And he is good! That is why you, Minister, appointed him to the commission. I would really like to know why you, Minister, having appointed these nine exceptionally well-qualified experts as commission members—I know half of them, and I know they are good fisheries management people—have decided that their advice is wrong. It is not as if they woke up one morning and said, 'Let's have a look at this small pelagic fishery.'

As you mentioned very generously in your answer to the question on 10 September, you would know that since 2004 these people and all of the best fisheries scientists and managers have been looking at the small pelagic fishery. They and you came to the conclusion, Minister, as did your predecessor, that getting a big trawler to get the same quantity of fish out of the same quota—no more fish being caught; exactly the same quota—was a good way to go. Your predecessor, Mr Burke, as fisheries minister, encouraged Tasmanian fishermen to do exactly what was being done. Minister, ask your advisers all you like, but the record is there of what Mr Burke said and how he did encourage these people to do exactly what they did.

Mr Burke, in that instance, was correct. He knows as much about fisheries management as you or I do but he clearly took advice from the experts that he had appointed, not experts that have any political persuasion at all but experts in the business of fisheries management and that is why Mr Burke appointed them. Mr Burke took their advice, as well he should, and you took their advice. I refer you again to your answer to Senator Whish-Wilson's question on Monday, 10 September, where you took the advice, you appropriately referred the questioner to the science and you defended the action that your predecessor, Mr Burke, had taken as the fisheries minister.

Suddenly, on the night, I assume, of Monday, 10 September something happened. I know that one of your Western Australian
colleagues of the left faction had indicated they were going to move a private member's bill, which the Greens naturally would have supported because they want to shut down any resource industry in Australia and it does not matter what it is.

Senator Johnston: All of them.

Senator IAN MACDONALD: Yes, all of them. So it would have got support from Mr Bandt in the other house and a couple of your left-wing colleagues if the Prime Minister had not had the fortitude to pull them into line. But it would not have mattered as that in itself was a blimp. Then suddenly Mr Kevin Rudd indicates publicly that he is going to support the private member's bill—oops, Mr Rudd is going to support Ms Parke's private member's bill and that brings a whole new complexity to the issue. Can you just see Mr Rudd and Ms Parke moving the motion sitting on one side of the green chamber over there and all of their colleagues sitting on the other side! That was never going to happen, was it, Minister? That was never going to happen. A Prime Minister who had some intestinal fortitude and who was a leader would have told her backbench members, Ms Parke and Mr Rudd, to toe the line, rely on the science and do what was right and do what Minister Burke had encouraged to happen when he was fisheries minister—and this would have gone through.

I have to say, Minister, that several months ago people rang me and said, 'We're seeking support.' I said, 'Well, don't come to me. I rely on the scientists. They have clearly said it's right. What's more, I know that the Labor Party is right behind you in your venture. So thanks for calling me but you need not waste your time or mine as it will go through. We know the Greens will be opposed to it.' The Labor Party, for once in their life, I suspect—although not once, as you have been right a couple of times—were firm on this. I said to the people who rang me: 'Just have a look at what Mr Burke said as fisheries minister. He encouraged you to do it. There's no way in the world the Labor Party would backflip on this. They've backflipped on the carbon tax and on the mining tax—you name it—but they won't backflip on this, because science is on your side. You have a senior minister, Mr Burke, encouraging you to come there, so don't worry about it. You'll be right.' And they were right, and I was delighted, Minister, to hear your answer just last Monday, when you defended them appropriately on advice from the scientists and from the commission that your predecessor appointed.

So, Minister, my question in this committee stage of the bill is: what actually happened on Monday night? Forget the politics—I do not want to go into internal Labor Party factional deals—but what happened in a scientific fisheries management way on Monday night that caused you, on Tuesday morning, to have a completely different view to the view you expressed in this chamber on Monday at 2.20 pm? That is my first question: what happened? The second question is: which of those eminent scientists and fisheries managers that you or your predecessor as minister for fisheries appointed to the AFMA commission do you now not have confidence in? Which of those people are so incapable or ignorant that you no longer take the advice they have given you? They are two fairly simple questions.

Unfortunately, my time has run out. I do have another question. I will be much briefer on that, but I will just forewarn you on that so your advisers might be able to assist by getting some information. I want to briefly question you about the role of the ombudsman in this issue, but I will leave that to my next question if I may. But my first
two questions are: what changed on Monday night and which members of that commission do you not have confidence in?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (09:57): I was just going to say 'nothing' and 'none'.

The CHAIRMAN: You have just said that, so thank you, Minister.

Senator IAN MACDONALD (Queensland) (09:57): So nothing happened on Monday night?

Senator Ludwig: Nothing out of the ordinary.

Senator IAN MACDONALD: A challenge by Mr Rudd to Ms Gillard is nothing out of the ordinary; I accept that. But, Minister, you say nothing happened on Monday night. So please tell me what it was that occurred to make you do a complete 180-degree turn on an issue. Please tell it. There are some Australians listening to this. I see we are on broadcast today. I am sure they would want to know what changed your mind between 2.20 on Monday afternoon and when you held your press conference at 11 o'clock the next day. Something must have happened. As I say, I am not interested in the fact that Kevin Rudd was going to challenge Ms Gillard for the Prime Ministership. I am not interested in that. I want to know how you can look yourself in the mirror every morning and say—

Senator Ludwig: A lot more easily than you would be able to.

Senator IAN MACDONALD: Minister, you must have woken up on Tuesday morning, looked yourself in the face and said: 'I was right yesterday. I took the advice of all the scientists. I took the advice of these very highly qualified people I appointed. I was right.' But suddenly, for what you are trying to pass off as good fisheries management, you had a change of mind. I repeat: forget the challenge of Mr Rudd to Ms Gillard. But, Minister, you as a minister of the Crown and of our nation must be able to explain what happened overnight. You say in your answer to my question that you have full confidence in the board of the commission. Why don't you take their advice? With respect to you, Minister, and with respect to me as a former fisheries minister, we do not know much. We try, but we are not the experts.

You have appointed the best qualified scientists in the world, I would go so far as to say, to your commission, to give you advice. They gave you advice. On Monday you accepted it. Suddenly on Tuesday you did not. So please, Minister, do not treat me as a fool—well, treat me as a fool; I accept that, but please do not treat the rest of your colleagues as fools. Please do not treat this chamber like that. There has to be a reason you ignored the advice of your expert.

I also read Mr Egan's letter to the ombudsman, and that disturbs me. This is the same ombudsman, I understand, who wrote questions at estimates for the Greens political party. I think it is the same ombudsman. Certainly Mr Egan thought that in his letter to the ombudsman. I think Mr Egan, former Labor Treasurer of New South Wales, was indicating that the ombudsman had sort of shown his colours. I do not know what the ombudsman's politics are, but, clearly, writing questions for the Greens at estimates gives an indication of where his political allegiances might lie.

The allegation that Mr Egan raised in his letter to the ombudsman is a very serious one. I would like, Minister, for you to tell us whether you and your government still have confidence in an ombudsman who would make a decision—as I understand Mr Egan's
letter says—without even bothering to lift up the phone and ask the people who are being accused whether they have a view on it. He was not going to necessarily take their advice, but you would think that, if you go to an ombudsman and say 'Ian Macdonald is corrupt', natural justice would mean that the first thing the ombudsman would do is ring Ian Macdonald and say—sorry, I am using a bad analogy here; there is an Ian Macdonald who was a politician who is alleged to have been corrupt. He is a nice fellow. I used to know the other Ian Macdonald. He was also a fisheries minister. Perhaps my analogy, talking about an Ian Macdonald who is corrupt, is wrong, because that is the allegation. He was a Labor minister, you might remember; yet another Labor minister who is in trouble with corruption allegations.

Let me use a different scenario. If someone complains to the ombudsman that Ian Macdonald is drawing his salary but not coming to parliament, the first thing the ombudsman would do is ring me and say, 'Senator, I have had a complaint that you are taking your pay but you do not come to parliament.' There are one or two members on the other side—a member from up my way in North Queensland—who rarely go to parliament. The first thing the ombudsman would do is ring up and say: 'Senator Macdonald, it has been alleged that you do not attend parliament. Could you give me your side of the story? I am not going to say I believe you. But what do you say?' But the ombudsman in this instance apparently did not bother to even pick up the phone; he just took the complaint of the Greens political party at face value and, with his record in writing questions, you could understand that.

But my question is twofold. You have answered my previous one; you said nothing happened Monday night. I am sorry, but nobody believes you about that. I know your leader, Ms Gillard, is prone to telling lies. One day she promised there would be no carbon tax and a week later she introduced it. I know that is a bit of a thing in the Labor Party, but surely you cannot expect us to believe that on Monday night nothing happened to make you change your mind. I am challenging your answer and asking you to, please, give us a truthful answer. Know your leader does not understand truthfulness and does not require ministers to be honest, but please, Minister: I have known you for a while. You are an old Boonah schoolboy, so you must be good. Please give us the truth. What happened Monday night that caused you to change your mind?

The other question is: does the government still have confidence in the Ombudsman who dealt with this issue in such a cavalier way that lacks any semblance of natural justice?

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (10:05): Minister, I would like to ask you about one specific thing. I know you appear to have some amnesia over the issues around the celebrated Monday night but I am sure you will have no difficulty with this question. This is a fundamental question about how well we manage our fisheries. It was very interesting to listen to Senator Macdonald; I think he diminished himself a little bit by saying he knows no more than other fisheries ministers. I can recall when he was the fisheries minister, and he was very good. We were not always on the same side of the debate, but he won most of them because he simply knew so much about it. I can recall him saying, 'Look, Nigel, this is how it operates,' and giving me a lecture—whilst it was quite unnecessary—on the fact that we had moved forward from the dinosaur age of input controls.

For those who do not understand the difference between input and output controls,
it is the fundamental difference in two fisheries practices. Input controls probably were still the flavour of the month 30 to 35 years ago, and that was how we did it. We basically managed fisheries through inefficiency. We said, 'We think you're catching too many fish, so you're only allowed to use half your nets.' If we thought that was a bit difficult, we said, 'Make the holes in your nets bigger.' If you looked like you were pulling the boats too fast, we'd lower your horsepower. If you had a very smart skipper, we'd make sure he only had an IQ of five. There were a spectrum of efficiencies you could put on a boat and they were called input controls. We controlled the size of the boat and the net, we might say you could only fish for two days of the year and all those sorts of things.

But after a while we thought about that, and there are linkages in that system that people can get around. 'We'll make a certain horsepower motor, but we can do things to gearboxes to make the propeller turn faster and make the boat go harder.' So, to make sure all of those were out, we went back and said, 'What's our motivation?' Our motivation is to control the number of fish that are caught, so why don't we just do that? We will just say you can only catch this number of fish. So modelling happened, people developed, we all grew and the world knew then that output control fisheries were the way to go. At about the same time—25 years ago—people started output control fisheries, and slowly we have gone from input control fisheries in Australia to primarily output. Certainly the Commonwealth fisheries have a policy of going to output control. It is the best way to manage a fishery. It basically does not matter if you want to throw rotten socks in the water and kill fish. It does not matter how you go about doing it as long as you do it in a way that only kills or takes this many fish, and primarily for human consumption. They say, 'Go and do that.'

So we have had a bit of a change. We had a huge amount of confidence that that was the very best way to manage our fishery, but we seem to have sent a bit of a signal. The only issue about this boat that is different from the other boats that exist in the fishery is its size—in fact, its freezer capacity. It is not towing bigger gear. We have established it is not killing more fish than the other ones. It is not doing anything different in that regard apart from it being bigger because it has a huge freezer capacity to process stuff at sea. In effect, what we have said is that we are going to prohibit this vessel from being here because it is more efficient. That is an input control. That is the first input control I have seen introduced into Commonwealth fisheries management in the 35-odd years that I have been involved and had an interest in Australian fisheries.

Minister, I wonder if you could indicate whether this new decision to provide an inefficiency in a fishery to ensure that that vessel is unable to fish in Australian waters is a new direction for Australian fisheries management.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:09): As I understand the question, we have moved to output control of the legal fisheries—mind you, not in all fisheries. There is still the northern prawn fishery. In fact, I will say that you agree with me that they should move as soon as possible to output control for the northern prawn fishery. I am sure you will help me achieve that this year.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (10:10): Thank you for your confirmation that the policy of the Australian Fisheries
Management Authority is to have all our Commonwealth fisheries in output control. Does this mean that, given we have now moved to an input control in this regard to this particular fishery, that you are now considering a multiple approach of both input controls and output controls across our Commonwealth fisheries?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:10): Again, I am sure you will assist with me in moving to output control for the northern prawn fishery and I have asked Mr Ian Borthwick to review the legislation. I will wait for the results of that. There has been no change to fishing policy.

Senator WHISH-WILSON (Tasmania) (10:11): Minister, I would just like to ask about the use of the word 'uncertainty' which is on page 7 of the bill under Subdivision C—Final Declaration. It has been discussed a lot in the chamber in the last few weeks. Senator Brandis and Senator Abetz discussed that 'uncertainty' is a very broad term that has no legal meaning and should not find its way into a bill. I wanted to ask you whether the definition of that word related to the statistical definition of 'uncertainty'. My understanding of 'uncertainty' is that it is technically something that cannot be quantified as against probability being applied to a value, which is what we use to measure risks. If something is uncertain and it cannot be quantified at this point in time, is it a relevant word to use for such activities or such issues as local depletion? They have not been scientifically quantified, particularly in the way that the concerns have been allayed by local fishermen and discussed by conservation groups. Is it possible for us to calculate? Do we have the data to calculate things such as bycatch from an operation such as this supertrawler, particularly with a seal-exclusion device that has not been tested on this vessel?

In terms of the word 'uncertainty' which has been focused on in this bill: is it an appropriate word on its statistical definition, because it relates directly to something that is not able to be calculated versus risk which is very specifically able to be calculated by assigning of probability and an expected value? We can talk about managing risks to the fishery. But what if something is certain, statistically speaking? It cannot be calculated, or has not been calculated, which is the case with local depletion, for example. We have discussed the lack of scientific work in areas such as movement of the small pelagic fish species and our lack of understanding of impacts in local areas. Is it an appropriate word from a statistical point of view?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:13): All I can really add is that you should address it in the plain meaning of the word.

Senator COLBECK (Tasmania) (10:14): I just want to go to a couple of further questions that I have for Minister Ludwig. Minister, what is the situation with the final approvals for the vessel? Can you give me another indication of what the normal time frames for those are? I understand they are usually a relatively simple process. What are the delays around the final approvals for the vessel?
Abel Tasman to be nominated against a fishing concession it must be registered by the Australian Maritime Safety Authority as an Australian flagged vessel. This process was completed on 5 September 2012 when the Australian Maritime Safety Authority registered the FV Abel Tasman as an Australian flagged vessel under the Shipping Registration Act. It is currently, as I understand it, waiting final advice from the Australian Fisheries Management Authority about its request to use the FV Abel Tasman in the small pelagic fishery. I will take that on notice in case that has been updated between yesterday and today.

Senator COLBECK (Tasmania) (10:15):
What is the normal time frame for this allocation process to occur? My understanding is that there was an expectation from Seafish to be able to go fishing the Friday before last, yet 'paperwork' issues are still holding up the process. What is the basis for what appears to be a variation from the normal process for allocating the quota once the registration matters are dealt with?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:16):
Clearly it is something that AFMA deals with as the independent regulator. I will ask them whether they can say if there is or is not a normal period for this to occur in and take it on notice.

Senator COLBECK (Tasmania) (10:16):
Minister, Senator Macdonald asked a question of you in respect of the ombudsman's activities in relation to what is allegedly a private investigation that is occurring around the activities within the south-east MAC and the fact that Mr Egan, the chair of AFMA, had complained that the ombudsman, who I think Senator Macdonald alleged has a history in providing questions to the Greens at estimates, had not contacted AFMA to get their views in relation to that allegedly private investigation. My understanding is that no contact has been made with the company either, in relation to this allegedly private investigation. Does the minister have any advice on that?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:17):
I can get an update. But I always encourage people to recognise that the office of the ombudsman and the Australian Fisheries Management Authority are both independent bodies and act independently of one another and government. I respect this independence. Any comments you might want to make or questions, you should direct them to the ombudsman. I cannot speak on their behalf. In terms of AFMA, the same. They are an independent regulatory authority and if you have any questions in relation to their operation I am sure you can have avail yourself of that opportunity of getting a response from them. You can do that by questions on notice or through estimates, or you could write to them or email and ask for a response. But I do not think it is a matter that I should comment on or deal with.

Senator COLBECK (Tasmania) (10:18):
Does the government have any concerns at all that we now have two allegations of unfair treatment by the ombudsman, who you would expect the community should have some confidence will treat any inquiry fairly and give due process to any inquiry? We now have in the space of 24 hours two allegations that the ombudsman is not treating this process fairly in the view of the two people making the allegations. Particularly given that there is a history around the operations of the ombudsman, does the government have no concern to all
that we are in a situation where for a second time we appear to be having questions asked around the way the ombudsman is operating, particularly given that this is supposed to be a private process and yet one of the protagonists in the whole process is given a letter, which I have to say in my view was misrepresented, but was given a letter the day before an anti-company rally was to be held in Hobart so that it could be used as part of that anti-company rally. Does the government have any concerns that this seems to be occurring for a second time?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:19): One of the difficulties is that I do not accept that a lot of what you say is factual as being factual. Again, I will simply reiterate that if you want to question the ombudsman about their conduct you should avail yourself of that opportunity. I am not going to put myself between the ombudsman and you in relation to what I think are some questions that you have been asking where, factually, I cannot even say whether they are accurate or not.

Senator COLBECK (Tasmania) (10:20): I just want to move on to another question in relation to the act. Can the minister give the committee any advice as to whether a section 33 declaration under the EPBC Act might have been considered as a part of the consideration of the government's capacity to deal with the issues around the vessel?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:21): That fits under part 10 so I am not sure how it would relate to the current legislation, if at all. I do not see it being related. Part 10 considerations are completely separate. Again, they are matters for Minister Burke to consider, but they do not relate to this piece of legislation. They are part of the chain of events that occur for decisions under part 10. If you read section 33 under part 10, it has its own legislative requirements.

Senator COLBECK (Tasmania) (10:21): I might just take this a little bit further. My understanding, and my advice, is that section 33 declarations are necessary to exclude individual fishing operations from the provisions of part 3, including the prohibition on taking an action that is likely to have a significant impact on the environment in the Commonwealth marine area. I suppose the question comes back to the statement that Minister Burke made that he had no powers to do anything and therefore this legislation was necessary. What assessment was made around that particular provision of the act?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (10:22): Again, I think that they are two different matters. Minister Burke has powers under part 10 section 33. As I understand the way that part 10 operates, you can propose a strategic assessment but you do not have to make a decision under part 10. That is entirely a matter for Minister Burke. Then we have this piece of legislation, and they are completely unrelated. I can take it on notice, if that might assist, and see if Minister Burke wants to provide any additional information to that. But I do not see the relationship between this piece of legislation and part 10.

Senator COLBECK (Tasmania) (10:23): It might help if you could take that on notice. I would appreciate getting an understanding of that. I suppose the question that comes from that is: given that we have had a lot of
discussion around the science, the scientific assessments and the level of confidence that you, during the debate on this matter, have expressed at points in time, and that a number of other people have expressed, was it the fact that the science did provide that level of confidence that we are basically now in a situation where we are making a legislative process to deal with one particular event rather than a broader suite of measures—particularly demonstrated, given that we have had so many amendments to the legislation to narrow its focus as part of the debate this week, and last week in the other house?

The TEMPORARY CHAIRMAN (Senator Fawcett): The question is that Greens amendments (1) to (4) on sheet 7280 and (1) and (2) on sheet 7282 be agreed to.

The Committee divided. [10:29]

(The Temporary Chairman—Senator Fawcett)

Ayes ......................... 9
Noes ......................... 36
Majority ..................... 27

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

NOES
Bilyk, CL
Bishop, TM
Brown, CL
Cameron, DN
Carr, KJ
Cash, MC
Colbeck, R
Cormann, M
Crossin, P
Edwards, S
Faulkner, J
Fawcett, DJ
Feeney, D
Furner, ML
Gallacher, AM
Hogg, JJ
Kroger, H
Ludwig, JW
Lundy, KA
Madigan, JJ
Marshall, GM
McEwen, A (teller)
McKenzie, B
McLucas, J
Moore, CM
Nach, F

Question negatived

The TEMPORARY CHAIRMAN (Senator Fawcett): The question is that division 4, item 1, schedule 1 stand as printed.

Senator COLBECK (Tasmania) (10:32): There is one final matter that I do need to deal with in relation to this because it has become part of the debate. It is around the setting of the quota. The Greens were quite delighted that a new paper came out from IMAS last week, and I indicated that I would go back and have a look at that. One of the key things is that the science and the discussion around the science is very important and, unfortunately, as I have indicated in my previous contributions on this piece of legislation, there have been some very disappointing attempts to smear the scientists who are involved in this process. I understand there has been quite a reluctance by some of our institutions to allow those scientists to defend themselves. I have to say that is quite disappointing because the naysaying comment effectively stands and there is very little opportunity for these people to actually make a comment.

The Greens and some media publications were declaring victory because at IMAS there had been some recalculations of the DEPM, the egg survey that is used as one of the elements of establishing the quota in the fishery. The fact that the scientists at IMAS had rerun the calculations using a number of different methods has brought, so it has been suggested, a result that means the quota should be very different. Dr Wadsley made
the claim in the first place that the quota setting was wrong because, as he refers to it, he could not reproduce the calculations, he could not reproduce the numbers that were set by IMAS. One of the problems was that he was using the wrong method. In fact, he was not actually using a recognised method in the first place. He was using an Excel spreadsheet, and that is nothing like any of the recognised methods for doing the calculations that are required to establish the biomass. But unfortunately, instead of ringing up the scientists who had done the calculations to understand what the inputs were and what the decision-making process was around the selection of the method of calculation, Dr Wadsley, as Senator Whish-Wilson said yesterday, put it on a blog. So rather than science by peer review, which is what happened with the science that was done out of the Institute for Marine and Antarctic Studies, we now have a process where we have science via blog and that is the peer review process—by blog. Quite frankly, I do not think that has any credibility at all, and I do not think that Dr Wadsley’s analysis has any credibility at all.

Not only that, but the person who is acknowledged as the expert on the DEPM process does not believe it has any credibility either. Nancy Lo, from the National Marine Fisheries Service in California, completely unsolicited—not asked by anybody—did a critique of Dr Wadsley’s criticism. In other words, this is somebody who knows about this versus somebody who works as a geologist in the oil and gas sector and a mathematician. So, as I said when quoting the Chief Scientist, it is a bit like getting a dentist to give you advice on heart surgery. What did Nancy Lo say? She acknowledged that he had made ‘some constructive comments’ but said he had ‘missed some major points’. The terminologies used by Dr Wadsley were too strong and some of them were not correct for the paper. As I said earlier, Dr Wadsley used Microsoft Excel to do the regression analysis. Most researchers use more sophisticated methods. While an undergraduate may know how to use these statistical packages, to understand the theory behind the estimation procedure requires a statistician or quantitative biologist with a higher academic degree. So, unsolicited, Dr Wadsley’s criticism of the work done by IMAS has been rejected by Nancy Lo, who is the acknowledged expert in this particular matter regarding the calculations around the egg survey.

Of course, because Dr Wadsley was not a part of the process that decided the method of calculation, he understandably would not be aware of why a particular method was decided upon. So, within the assessment panel that looked at which method would be used—not within IMAS but within the resource assessment group—there was a decision made as to which method should be used. So IMAS used the method that was recommended to them by the resource assessment group. Not only that, but he is not privy to the base information. So he comes from outside, completely cold, and makes an analysis using a very simplistic method—one that does not have the sophistication of the models that are used more broadly in doing these calculations—but he does not even do the common courtesy of ringing the scientists to find out why he could not reproduce their results. He has since changed his story. It is not that he could not reproduce the results; it is now that they used the wrong method. So his credibility is sinking even further.

Interestingly, though—and, I think, showing him a lot more courtesy than many would—AFMA have invited Dr Wadsley to attend one of their meetings. I think that is a decent approach. As I said, many would not give him that courtesy, but they are giving
him courtesy that he has not provided to any of them. In a press release yesterday, AFMA have invited Dr Wadsley to make a submission to the Small Pelagic Fishery Resource Assessment Group. They said, 'We also invite Dr Wadsley to contact Dr Tim Ward, the chair of that group, regarding his attention or participation in the future expert work of this group.'

It would be nice to see Dr Wadsley inform himself rather than just go public, make a criticism and allege that the quota is set at too low a level without understanding what happens behind it. I think that is a reasonable process to occur because that work of Dr Wadsley has been used in this debate against IMAS, and in particular against some people within IMAS. What has been forgotten in this process is that that work has been peer reviewed by SARDI in South Australia, and there is also a very, very sound body of work done by CSIRO. My understanding is that CSIRO has rerun all its calculations for the biomass in this fishery and that that work indicates the biomass is between 100,000 and 200,000 tonnes. The assessment of the resource assessment group and IMAS is that the biomass was at 140,000 tonnes, which was the basis for the setting of the quota.

The work by CSIRO was done using the Atlantis ecosystem model, something I referred to last night, and it has been rated the best in the world by the Food and Agriculture Organization of the United Nations—not by us; this was an external recognition. So, in respect of the certainty around the science for the quota, let us just put that to bed because there are a number of calculations, not just one, and the AFMA commission, as the minister has actually indicated on a number of occasions, does not just take the advice of the resource assessment group or the MAC, it takes advice from its own scientists and other sources. Here we have a very credible source, the CSIRO, that has made an assessment of this biomass as being between 100,000 and 200,000 tonnes.

So Dr Wadsley is now very much alone in his criticism. He was not aware of the inputs. He has taken one graph, tried to recalculate the calculations using Microsoft Excel rather than the modelling tools that are available to the industry and to the scientists, and could not reproduce it. He did not provide the common courtesy of going back and discussing it with the scientists who did the calculations to find out what was behind it and why; he just posted to a blog.

So, chair, I think that does deal with this issue. There has been much excitement. It is a 'gotcha' moment for the Greens and some of the people opposing the vessel but, as I have indicated, there are a number of other sources. I think it is appropriate that we do go back to the science to discuss this in order to have a good understanding. The important thing about the Atlantis model—and I am not sure whether Minister Ludwig is aware of it, because he has not said that he is aware of it, or Minister Burke—is that it actually modelled the whole biosystem. So the issue of interactions and impacts on marine mammals and other marine species are actually modelled as part of the CSIRO work. As I indicated, it is rated the best in the world by the Food and Agriculture Organization.

Let us put all that stuff aside. My understanding is that the reworked modelling from the CSIRO has not yet been released. I would be interested to know whether the minister has asked for it. I have, but I have not been able to get hold of it yet. I will be very interested to read it. I would recommend it to Minister Burke, because it might do something about his uncertainty.

I have one other final point on Dr Wadsley. I had a bit of a look at his
qualifications and, as I said in my presentation, he is eminently well qualified in his fields, and I make no comment around that at all. But this is not the first time he has intervened in one of these environmental debates, so he actually has form.

He came out during the pulp mill debate in Tasmania to join an anti-pulp-mill panel, so here we have a second occasion where Dr Wadsley is opposing an investment in my home state of Tasmania and I just wonder whether or not there might be some philosophical perspective behind his comments, particularly given that he did not give the common courtesies that I mentioned before as part of his engagement with this particular issue. It is very disappointing that he did not do that but, as we now know, it is not the first time he has intervened in one of these types of issues. So I think it is important that I address where we were because the Greens seemed to be in a situation where they were really happy that the scientists that had done the research were now seemingly saying that their research was wrong. That is not what they were doing. They ran a number of calculations, they remained confident in the numbers that they put out and they remained confident in the reasons they put out, but there was not only that: their work was verified by other fisheries scientists in Australia and, importantly, it was reinforced by a completely separate model run by the CSIRO. That CSIRO work does not just deal with the biomass in this fishery; it actually deals with broader ecosystem issues and is regarded as the best in the world. It is something that we ought to be proud of, that we have an institution like CSIRO that can produce that sort of work.

Senator WHISH-WILSON (Tasmania) (10:46): I would like to make a statement and get a few things on the record in relation to what Senator Colbeck just discussed. There were no triumphant statements from the Greens about recent additions to the debate between Dr Wadsley and other unnamed people on blog sites. We simply highlighted that a report had been put on the AFMA website, incorrectly put up under the August media releases rather than under the September media releases, which did express a difference of opinion on estimation methods. We said that that, if converted using statistical methods, could show a difference in the total allowable catch for jack mackerel.

This debate between Dr Wadsley and other scientists—well, we suspect they are scientists based on the level of their understanding expressed on blog sites—has been going on for months. I mentioned a few days ago we have never pushed Dr Wadsley out there as a fisheries scientist nor have we highlighted his work in Hansard, in our media releases or at forums, although I did attend a recreational fisheries forum in Campbelltown where Dr Wadsley spoke.

I would like to take the opportunity to defend him here today in terms of his integrity, which I think Senator Colbeck has tried to tear down. I am not aware of his politics. He is a petroleum scientist. He works in the oil and gas industry. He would not be what I would classify as a green, in the sense that that is his career. I have done a fisheries modelling course myself at the University of Tasmania and I am aware of the differences in predictive power between Microsoft Excel and other packages which I have also used, although not as well as some of my colleagues, I must admit, and I actually think it is a very simplistic analysis. Microsoft Excel is used by Dr Wadsley in his risk consulting business for things such as the oil and gas industry.

Senator Colbeck mentioned earlier his participation in the pulp mill debate. He
came out and did an analysis of the level of
dioxin that was going to be put into Bass
Strait and said that the official scientific
reports, based on the work of a number of
scientists, were incorrect. I cannot remember
exactly what it was but it was a factor of
billions, so one to the power of 10. In the
end, after fighting a very similar campaign to
have his analysis taken seriously, it was
proven to be correct and we had a retraction
in a statement about the potential level of
dioxin in Bass Strait and in the fishery. That
was thanks to his dogged determination—
and I would not say it was about his
philosophy on pulp mills but rather the
science in this instance and especially the
statistics. What he has focused on here is
simply statistics. It is about the difference in
estimation methods.

Scientific models are very complex and the
amount of data that they use is enormous,
particularly the ecosystem model. I was very
fortunate to have a chat last night to the
CSIRO scientist who is the champion of the
ecosystem model in Hobart, and I am well
aware of the complexities of models. I have
myself used information from models that
are some of the most complex mathematical
models in the world in terms of trying to
predict the linkages between financial
variables, for example. There are literally
potentially millions of variables involved in
these models, so I know the difference
between risk and uncertainty and how they
function, and everybody does the best they
can.

I want to highlight what this issue is to me
in terms of scrutiny versus attacking the
scientists. The Liberals have run a very
consistent line both in the house and against
me personally that by scrutinising science we
are somehow attacking the scientists. This is
from the editorial today in the Mercury,
obviously one of the key newspapers in the
south of Tasmania where a lot of these
scientists are based. I will quote a small
section of it. It is talking about scrutiny in
terms of the science of the quota setting,
localised depletion and the ombudsman’s
investigation:

This type of scrutiny is rare for an organisation
like AFMA, which generally operates behind a
veil and in its own domain. It is king, judge, jury
and all powerful. Suddenly, its authority is being
questioned and issues have been identified to
suggest its processes and science need review.
This is healthy democracy at work. It does not
necessarily mean the scientists and public
servants at AFMA are bad people or that they
have consciously been deceitful or negligent or
even failed in their duties.

It does, however, mean they must be
accountable, transparent and above board. They
must explain, in laymen's terms, their decisions.
They must accept public scrutiny.

In terms of Dr Wadsley, who my st
statement refers to, I see this as an ongoing debate and
I am very pleased that he has been brought
into the tent and he is talking with AFMA. I
mentioned the other day that I have made
attempts to try and get him to talk directly
with scientists at various
organisations so
that they can sort this out behind closed
doors. I can guarantee to the house today that
that is exactly what Dr Wadsley has wanted.
I am very pleased that it has got to the stage
where his analysis is being taken seriously. I
saw a post on the same blog site that Senator
Colbeck was referring to this morning where
Dr Wadsley is still insistent that his analysis
is correct. It is also worth pointing out that
he did recently put out a research report
which was peer reviewed and has been
submitted for an article publication. So this
is not just typing up rats and mice on a blog
site; he has actually now published his work,
his full statistical analysis of the whole chain
of events that have led to this analysis.

My point I want to get on the record is
that this is still ongoing and it is healthy that
citizens in our community take an interest in
this and that these things are scrutinised. I
say sorry to the fishery scientists if they
believe this has not been conducted the right
way. It is unfortunate, as Senator Colbeck
pointed out, that this was not done
differently in the beginning, but at the end of
the day Dr Wadsley feels very much attacked
as well personally and very much under the
pump. I am looking forward to seeing the
end result of this work because I do believe
that scrutiny is important and that should be
taken into account.

Senator SIEWERT (Western Australia—
Australian Greens Whip) (10:54): The
Greens oppose schedule 1 in the following
terms:

(3) Schedule 1, item 1, page 10 (lines 17 to 22),
Division 4 TO BE OPPOSED.

The TEMPORARY CHAIRMAN
(Senator McKenzie): The question is that
schedule 1 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendments; report
adopted.

Third Reading

Senator LUDWIG (Queensland—
Minister for Agriculture, Fisheries and
Forestry and Minister Assisting on
Queensland Floods Recovery) (10:56): I
move:

That this bill be now read a third time.

The PRESIDENT (11:00): The question
now is that this bill be now read a third time.

The Senate divided. [11:00]
(The President—Senator Hogg)

Ayes..................35
Noes................29
Majority.............6

AYES

Carr, KJ
Conroy, SM
Di Natale, R
Feeley, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Xenophon, N

AYES

Back, CJ
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Smith, D

NOES

Collins, JMA
Crossin, P
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Stuart, R
Sterle, G
Thorp, LE
Waters, LJ
Wright, PL

PAIRS

Back, CJ
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Smith, D

Williams, JR
Heffernan, W
Joyce, B
Birmingham, SJ
Abetz, E
Bernardi, C
That this bill be now read a second time.

Senator CORMANN (Western Australia) (11:03): The Tax Laws Amendment (2012 Measures No. 4) Bill 2012 contains yet another Labor Party grab for cash. There are three measures in this particular bill. It includes changes to the taxation treatment of living away from home allowances, it clarifies the GST rules applying to incapacitated entities and it ensures that the penalty and interest laws apply appropriately in the context of amendments due to the changed consolidation rights to future income law arrangements. The two latter measures can appropriately be described as largely technical tidy-ups. However, the first merger, the changes to the taxation treatment of living away from home allowances, is yet another Labor Party tax increase, this one to the tune of more than $1.8 billion.

To put a bit of context around the bill that is before us, this is a government that has stuffed up our public finances, as Labor in government invariably does. This is a government which has spent too much, which is why it is always casting around for more cash either by jacking up taxes or by driving government debt up even further. This is a government that inherited a very strong budget position. It is a government which inherited a position with no government net debt, with a $22 billion surplus, with more than $70 billion invested in the Future Fund and with more than $70 billion worth of Commonwealth net assets. It is a story that Senator Conroy does not like to hear, because he knows that this government, which was elected on a promise of being economically conservative, has gone on spending spree after spending spree which, of course, has forced it to increase taxes by a very significant amount.

We have already had more than 26 new or increased taxes already and, despite the best terms of trade in 140 years for much of their period in government so far they have consistently been unable to balance the books, which is why we have had one new tax grab after another. We now have the Business Tax Working Group, which was asked to find ways of paying for a cut in the company tax rate by agreeing to increase taxes on other business activity. An agreement or not, according to business sources that are part of the consultations the government are going to introduce $6 billion in new taxes on top of all of the taxes that they have already introduced, with the targets to be, yet again, the resources industry and the superannuation entitlements of people who are doing the right thing and who are working hard to provide for their own self-funded retirement. This is a government that hates success and it is a government that has consistently come up with additional new taxes, targeting again and again those who aspire to help take our economy forward.

As if the $174 billion worth of accumulated deficits over the last four budgets is not enough, as if it is not enough that the government have already had to budget for almost $30 billion to pay for the interest to service the debts that they have so far accumulated in recent weeks, the Labor government have gone on one more spending spree after another. Even Senator Doug Cameron is asking: where is all the money coming from? Even he is now asking: how are you going to fund all of these spending commitments that you are putting out there?

When you get to a position where not even Senator Cameron has the trust in this government and the trust in the capacity of this government to pay for all of the promises that it has been making in recent weeks, you know that we well and truly have a problem.
We do know what the preferred way forward is for somebody like Senator Cameron and most of the people on the Labor Party side: invariably, it is to jack up taxes even further and expose the Commonwealth to more government net debt. And so it is with this measure here before us.

The government says in the budget paper for 2012-2013 that this is a measure to provide savings through the budget, but of course we do know that the use of the word 'savings' by this government, invariably, is code for tax increase. The government's handling of the changes to the living-away-from-home allowance, particularly its failure to consider the ramifications for 457 visa holders or to investigate more appropriate transitioning options is highly concerning. There are many people currently working in Australia on 457 visas who have made deliberate financial and career decisions to work here on the understanding and on the basis that they would be eligible for the living-away-from-home allowance under the existing taxation treatment. To remove this concession without warning will not assist in creating confidence amongst current and future temporary migrants.

The coalition recognises the impact of this bill on employers of local staff. The fact that the concession will be available only for 12 months will have an impact on domestic secondments, such as establishing business operations in a new location. The coalition believes the government should have been upfront and recognised that in many situations this bill will force employers to bear significant costs in order to offer competitive incentives to replace living away from home allowances. The impost on employers is substantial. This measure, according to the budget papers, will raise nearly $1.9 billion over the forward estimates period.

The coalition notes that the bill has been changed since its introduction. The current form of the bill reflects the careful input of coalition members of the review committee in the other chamber, with the result that the living away from home allowances and benefits are to be taxed only in the fringe benefits tax system without exposing employers and employees to potential compliance with the income tax law as well. The bill as originally introduced was further evidence that Labor's instincts are always wrong. They just do not get it when it comes to avoiding red tape. This is a government which is so out of touch with business and community organisations that last night yet again this government rammed a piece of legislation through the other place which will impose massive and significant additional red tape on our not-for-profit and charitable sector. This bill is really part of the same sort of agenda with a government that has already added more than 18,000 new regulations to the books since its election in November 2007.

Remember, Mr Acting Deputy President, that at a time far away and a long time ago we had a Prime Minister by the name of Kevin Rudd and he went to the 2007 election promising that he would cut red tape, that for every new regulation that was coming onto the books he was going to take one regulation off the books. It was the one-in, one-out policy so-called. But what we have had from this government is more than 18,000 new regulations which have been added to the books since its election in 2007.

The transitional rules to 30 June 2014 in this bill for employees with arrangements in place prior to 8 May 2012 have been clarified as a result of representations by coalition members to make certain that only a material change to the employment arrangement will cause employees to lose the benefit of the transition. The ATO's 2011-12
The compliance program identified an increase in the use of remuneration by way of living away from home allowances. The 2012-13 compliance program will focus on assisting the community to understand the changes made in schedule 1 of this bill, which is something we do welcome.

The first of the other two schedules of this bill makes changes in relation to GST supplies by representatives who are creditors. The schedule to the bill amends the A New Tax System (Goods and Services Tax) Act 1999 to ensure that in circumstances where a representative of an incapacitated entity is a creditor of that entity, the correct provision of the GST Act is applied. This measure was announced in the 2011-12 budget and will start from the first quarterly tax period on or after royal assent.

The background to schedule 2 lies in a court decision in 2008. The court held that a company in liquidation and not the liquidator was liable for GST arising from a transaction made during the period of the liquidator's appointment. As a consequence of the court's decision, amendments were made to the GST Act. However, in given circumstances those amendments created more uncertainty in relation to the registration and reporting obligations of a mortgagee or other holder of a security interest. There was an overlap of two different sets of provisions which schedule 2 is intended to remove. Specific provisions will apply where a creditor is the holder of property given a security by the incapacitated entity and where a secured property is sold by the holder of the security in satisfaction of the debt owed by the incapacitated entity the holder will not be required to register for GST purposes in respect of each sale made under their power as mortgagee. Finally, the holder would report any GST payable on the sale of mortgage property in their usual business activity statement.

Schedule 3 relates to consolidation arrangements and amends schedule 3 to the Tax Laws Amendment (2012 Measures No. 1) Act 2012 to ensure that no interest is receivable if an overpayment of income tax arises because of a deduction under the prrules in part 1 of schedule 3 to that act, and also to ensure that no shortfall interest or administrative penalty is payable if additional tax becomes payable because an amendment to an assessment is made to the extent that the amendment is attributable to a deduction under the prrules in part 1 of schedule 3 of that act, until the interim rules in part 2 of schedule 3 of that act, et cetera.

The various dates specified refer to the period in which relevant corporate acquisitions happened. In relation to corporate acquisitions in the period between 12 May 2010 and 30 March 2011, I put the reasonable question on the record as to why these amendments made by schedule 3 were not included in Tax Laws Amendment (2012 Measures No. 2) Bill 2012, which controversially amended the tax consolidation cost-setting rules through retrospective legislation?

Schedule 3 will commence from 20 June this year under this bill, that being the day of Royal Assent of the Tax Laws Amendment (2012 Measures No. 2) Act 2012. In relation to overpaid tax, if an assessment is amended, say, to allow a deduction, the amendments in schedule 3 are aimed at denying the taxpayer any entitlement to interest from the Australian Taxation Office under refund of tax.

In his second reading speech the Assistant Treasurer made this point that also created uncertainty for some taxpayers:

… taxpayers who get deductions as a result of those changes to the consolidation regime do not
receive interest in respect of tax they had previously overpaid. However, where interest has already been received by a taxpayer, the taxpayer will not need to pay back the amount received in most cases.

What does 'in most cases' mean? Perhaps in his short contribution to this debate Senator Conroy might be able to clarify that particular aspect of what the Assistant Treasurer has said? It is the only question I have put on the record here for you, Senator Conroy, so I hope that the officers here are able to assist you with this.

I observe that the hallmark of this government, through its incompetence and unpredictability, is to inflict uncertainty upon business investors and the Australian public. Whilst the coalition would not have undertaken the measures, and particularly the first measure, contained in this bill in the way the government has in the current political and economic environment, and in the current fiscal environment created by this government, the coalition will not oppose these changes.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (11:17): I thank the senator for his contribution. I am just checking if we have any information that we can give you on that matter. It may require me to talk a little longer than we would perhaps have expected while I am seeking that information. I am sure you will be understanding, Senator Cormann. I am sure you do not want me to start talking about the football on Saturday night, but I could not possibly let the opportunity pass to draw to your attention the result of the Collingwood-West Coast Eagles match, and wish you commiserations on an excellent season.

I am advised that if the interest they receive rightly relates to the changes made by the previous bill they will be entitled to keep it; if unrelated, they will not. I hope that rests your concern. Having passed on that information, I commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall) (11:18): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (11:18): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Marriage Amendment Bill (No. 2) 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BILYK (Tasmania) (11:19):

Last night when I began speaking on this bill I only had a minute and some 20 seconds to speak, so I am going to start again from the beginning to give clarity to my speech. Given the significance of this bill, members of the government have been given a conscience vote. That means the vote of individuals from the government is not dictated by focus groups and is not poll
driven or determined by the caucus as a whole. It is a matter of personal conscience. It should also mean that there is some respect shown to people with differing views and that opposing sides can achieve disagreement where both sides of the argument understand the other's arguments and understand why they disagree.

I have heard some gross exaggerations and some very silly comments by people on both sides of the debate. I think that serves to discredit the debate and the argument, whichever way those arguments go. But, unfortunately, many who do not support this bill have had charges of hostility, unreason and bigotry aimed at them. In fact, I have witnessed some and had some aimed at me.

I do not oppose this bill on the basis of religious zealotry, fundamentalism, hatred, bigotry or homophobia—contrary, as I said, to some of the comments made to me and about me. I oppose discrimination on the basis of sexual orientation and I have no issue with the legislation on civil same-sex unions. But what I do believe is that the traditional and current definition of 'marriage' should remain as being between a man and a woman. As I travel around Tasmania I find most people in the community are more interested in everyday aspects, such as health, education and child care or whether they have a job—the day-to-day-living issues—than they are in this issue. Indeed, the issue of GST payments to Tasmania looms larger, certainly at the moment, in general discussions than discussions on same-sex marriage.

The institution of marriage precedes governments, parliaments and written laws. It is an ancient institution and holds special and unique status and, I believe, deservedly so. In our culture and in most others the act of marriage, as we know it, has always been between a man and a woman. This bill aims to profoundly change that traditional meaning and understanding. It disconnects from the issue that male-to-female married relationships are different from other kinds of relationships, sexual or non-sexual, and it disconnects from the issue that marriage deserves its unique legal and cultural status because it is based on real differences between marriage and other relationships.

I do not hold with the argument that it is discriminatory to treat two different things differently. To claim that two different kinds of relationships are the same does an injustice to both. Contrary to what those in support of same-sex marriage tell us, there is no injustice in recognising the obvious claims between a same-sex relationship and a male-female relationship.

Various social goods are denied to all sorts of people for all sorts of reasons. If a driver is too young or inexperienced or had too many accidents, they will not meet the obligations to buy low-cost insurance. Similarly, there should be no obligation to bestow the term of 'marriage' on those who do not meet the requirement—that is, one person must be a man and one a woman. To say that relationships are different is not to demean them and to say that a relationship is not a marriage is not to say that it is not important. I am afraid that argument has been used time and time again to me. People say, 'You don't think that the relationship is important.' To me, that is not the issue. I have never not supported same-sex civil unions.

I have received many phone calls, letters and emails regarding this debate. I have met with representatives, individuals and couples from both sides of the argument. And I had no hesitation in assisting a local lesbian Vietnamese couple who were applying for humanitarian visas after fleeing persecution in their homeland for their sexual orientation.
The couple were seeking ministerial intervention after their appeal had failed in the tribunal. I am pleased that we had a successful outcome for them. They now live happily in the Huon Valley. A large proportion of emails have come from interstate and overseas and many were proforma emails in support of same-sex marriage. I suppose they hope that the squeaky wheel gets the oil and I cannot knock their marketing techniques.

But those on the other side of the debate have been very good at the emotive aspects of the debate but, to me, they fail to get to the crux of the matter and that is that, traditionally, marriage is a fundamental concept that refers to a particular relationship between a male and a female; therefore, changing the definition of 'marriage' fundamentally changes what a marriage is. Abraham Lincoln liked to pose this riddle: How many legs does a dog have if you call the tail a leg?

After receiving the answer 'five,' he would correct it with:

Four. Calling a tail a leg doesn't make it a leg. We could choose to change the definition so that 'leg' becomes 'any appendage capable of independent movement that hangs off a body'. Then a tail is a leg, but what we lose is the specific characteristics of what we understand to be a leg. The same goes if we change the definition of 'marriage' to include same-sex relationships. Why should the permanent, exclusive union of a man and a woman not have unique status?

To clarify where I come from personally, I would like to point out that I have family members and friends who I love, care about and respect who are in loving and caring same-sex relationships. I fully support and am proud to be a member of the government that has amended 85 pieces of legislation to ensure that their partners are not discriminated against in any way in areas including health, taxation, aged care, superannuation, immigration, taxation and family law. What gets forgotten in this debate is that same-sex couples in Australia have the same legal rights that those in opposite-sex de facto relationships have, and each state and territory in Australia has some form of formal recognition of people in same-sex relationships.

The concept of marriage being between a man and a woman is deeply ingrained throughout history. This concept and culture is understood and accepted across most of the world. The United Nations recognises 193 member states, with 13 others yet to be fully recognised, and over 200 countries competed in the recent Olympic Games, but same-sex marriage is performed in only 11 of those countries. Same-sex marriage is not recognised in over 195 countries, which cover about 95 per cent of the world's population. In Australia, 53 per cent of people over the age of 18 are in heterosexual marriages, and the 2011 Australian census showed that only 0.7 per cent of people identified as being in a homosexual relationship. Although those supporting this bill have been very loud, it is not the majority view of Australians. Same-sex relationships should be recognised and valued in their own right, and this government has already put structures in place to support this. Changing the definition of 'marriage' will not add anything more to this. It is not some silver bullet or panacea that is going to fix all ills.

I will end with a quote from family law expert Professor Patrick Parkinson in his submission to the Senate inquiry into the Marriage Equality Amendment Bill 2010:

In Australia, functional equality has already been achieved. I am not aware of any legal rights and obligations that arise from marriage that do not also apply to registered same-sex unions, other
than the right to call the relationship a marriage. Certainly that is so in federal law.

It is my belief that the majority of Australians do not support any change to the law at this time, and I will not be supporting the bill.

Senator SMITH (Western Australia) (11:27): I rise to add my views to the debate on the Marriage Amendment Bill (No. 2) 2012 and its desire to extend the definition of 'marriage' to include couples in same-sex relationships. My views are my own and have been formed after years of discussion, observation and careful consideration. I accept that to some the idea of an openly gay man rejecting a proposition to extend the definition of 'marriage' to same-sex relationships seems unusual or counterintuitive. In response, I say that it speaks to the often overlooked fact that opinion on the issue of extending the definition of 'marriage' is heavily divided, even among gay and lesbian Australians. I do not doubt that there are many gay and lesbian Australians and their families and friends that support the legislation, but there are also others who do not.

It is true that my party has taken a decision to honour the commitment it took to the last federal election to oppose proposals to amend the Marriage Act. This is a noble and commendable position and one that provides a powerful point of contrast between the coalition and the Australian Labor Party. One is a party in government that regularly breaks the bond of trust between it and the electorate and the other is a party that aspires to government, committed to honouring its pledges. I am grateful that on this issue my position aligns with that of my party, for I have long held the firm belief that on matters such as these, so heavily guided by moral, ethical and, for some, religious values, individuals and, most particularly, parliamentarians, should be free to act in accordance with their conscience.

The issue before us is more than a matter of moral, ethical or religious world views. It goes to the heart of our constant debates about the role of the state in the personal and private affairs of its citizens. I will come to this particular point a little later.

The debate on same-sex marriage has been a complex and controversial one. It is complex because, I would hope, as a community we want to continue to encourage the acceptance and contribution of gay and lesbian Australians in our community. It is complex because we want to end the trauma and isolation that is all too often felt by gays and lesbians as they negotiate the heart-wrenching pathway towards authenticity and acceptance of their sexuality, a process of sexual identity and acceptance that can be as painful and traumatic for the families of gay and lesbian Australians as it can be for the people themselves. The matter is also controversial. It is controversial because some in the debate, most notably the Australian Greens, want to suggest they know best the minds of the Australian electorate, better than anyone else in this place, perhaps even better than the members of the electorate themselves. It has been controversial also because many have confused the religious institution of marriage with marriage as a civil institution. It is marriage as a civil institution that should demand the primary concentration and deliberations of parliamentarians. I believe any future deliberation by the parliament on matters regarding the legal treatment of same-sex couples should make as its focus the task of creating a starker distinction between marriage as a civil institution and its role for some as a religious institution.

My primary opposition to this proposal is born from my strong regard and faith in the
cautionary, conservative and traditional approach to these matters. As I have said previously, I distrust sentiments and actions that seek to dismiss, modify or reject as relics our institutions and customs— institutions and customs that have evolved to serve our community well. I believe that cautious and considered change is critical if we are to bring about stability and continuity for our community.

I reject the suggestion of marriage equality. Marriage equality has been a slogan; it has been a campaign. The claim to equality ignores the widely accepted fact that marriage is an institution that has a long and well-accepted definition—a definition that is heavily laden with cultural meaning and values crafted by custom and by law over the years. It is an institution that has a common and well-understood meaning in Australia. I dispute the commentary in this place and others suggesting that the majority of Australians are ready to extend the meaning of marriage to same-sex relationships. I also dispute the view that the inability to utilise the Marriage Act restricts in any fundamental manner the quality of life experiences of gay and lesbian Australians.

The case for equality for gay and lesbian Australians was a battle too-long fought. It must be acknowledged that on the substantive matters of equality in Australia, gay and lesbian Australians can live at law without discrimination. This important achievement was won in 2008 with the passage of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws— Superannuation) Bill 2008 and the related bill, the Same-Sex Relationships (Equal Treatment in Commonwealth Laws— General Law Reform) Bill 2008. Those bills captured an important principle, that nobody should be discriminated against on account of their sexuality. The bills repealed or amended provisions in Commonwealth law which treated homosexual couples less favourably than heterosexual couples. The support of the Liberal Party for these legislative initiatives was described by its spokesman at the time in the following manner:

... support for this legislation reflects our deep commitment to the intrinsic dignity of every human being and our deep commitment to their fundamental right to lead their own lives in their own way. Like gender, race and religion, sexuality is intrinsic to identity. It is simply no business of society's to dictate to its members about matters which are so private that they define a person’s very sense of self. But it is the obligation of society to ensure, as a basic principle of fairness, that its members are protected from unlawful discrimination and enjoy the right to equal treatment.

The passage of the bills provided for equal treatment and responsibilities for same-sex couples in areas such as social security, veterans entitlements, employment, taxation, superannuation, immigration and workers compensation. These proposals passed with the support of all parties, meaning there is now no substantive issue that treats same-sex people in relationships differently than opposite-sex people in a relationship. Let me share with you the view of at least one other gay Australian who has challenged the current marriage equality movement. This comment was recorded in April this year in OUTinPerth, a community newspaper based in Perth, my home town. It said:

The other thing that’s irritating I suppose about it is that it has become this orthodoxy within the community. Dissenting voices are not allowed, it’s just assumed that if you’re gay you’re for it, as it’s clearly a human right – which it’s not.

The article goes on to what I regard as the most important, but all too often forgotten, critical element in the debate when it says:

The right is to have our relationship recognised equally by the State; the right is not to marriage.
I do not believe you empower a gay and lesbian relationship simply by giving it the same definition of marriage. I believe that the only matter which this parliament should concern itself with is the matter of treating relationships equally before the law. This desire for equality before the law is a genuine and legitimate request. It is one that deserves to be heard and should be heeded. While not agreeing to extending the definition of marriage to same-sex relationships, I do believe Australians are ready to agree to a proposal for civil unions to acknowledge the union of same-sex couples. I would add to this that every Australian couple should have an opportunity to have their union acknowledged at law under the same arrangement—a mechanism that would provide for a civil union instrument to sit side by side with the Marriage Act.

In the same way that I accept the positive regard people have for the values, customs and traditions attached to the term 'marriage', I also accept that others in our community may not share the same sentiment or affiliation. On this basis, every Australian couple, heterosexual and homosexual, would have the opportunity to have their unions acknowledged at law without the heavy custom and meaning attached to the term 'marriage'. I appreciate that this is a view not likely to find satisfaction with either side of the current debate at the moment, but it is my considered view and it is genuinely held.

I am pleased that in the lead up to the 2010 federal election, the Leader of the Opposition, the member for Warringah, was reported in both the Australian and the Age as being open to exploring the merits of civil unions. The Australian reported on 23 March 2010 that on the question of civil unions for gays, he was:

… open to these possibilities, but at the same time I'm also keen to defend traditional marriage.

The Age reported on 26 March 2010 that he favoured formal recognition of same-sex relationships and that he was 'very happy to look at civil unions. He said:

I'm in favour of stable, enduring relationships. I'm in favour of people keeping their commitments to people. I would be very sympathetic to some institutional arrangement which encouraged that across the board, rather than in just what might be described as the more common or traditional contexts.

I am confident that such a proposal—the coexistence of civil unions and marriage—would blunt the suggestions of some that acceptance of civil unions for same-sex relationships in Australia would be a Trojan Horse for same-sex 'marriage'.

It has often been remarked that we should be following the lead of political luminaries such as the President of the United States, Mr Obama, and the Prime Minister of the United Kingdom, Mr Cameron. Mr Cameron's judgement has been found to be wanting and not in sync with the attitudes of the British electorate, and reference to the attitudes of prominent Americans is mischievous and ignores the very real differences of jurisdictional authority on these matters between different layers of government in the United States of America.

I simply add that what some people believe to be good for them is not necessarily necessary for us. Even though I hold a strong, private commitment to a faith, religious considerations have been absent from my deliberation on this issue. Of all the arguments I have heard for opposing this initiative, I view the religious defence as the weakest. I doubt anyone in this place can confidently interpret God's law nor know the true will of God. As a distinguished person from this place once said, 'I cannot imagine it to have been a function of God's law to commit people who are built differently in some way from ourselves to live a twilight
life of guilt and fear.' Many years ago, I chose to use as my guide the comment: 'Men judgeth men by their actions; God judgeth men by their hearts.'

In 1990, at a formative time in my life, I discovered a powerful story of one man's coming to terms with his sexuality. It was captured in the book *Coming Out Conservative*. The book and the story of Mr Marvin Liebman was a liberation for me. Marvin Liebman was the founder of America's modern conservative political fabric. In the autobiography he talks of his close friendship to Ronald Reagan and William F Buckley Jr, the former editor of the *National Review*. These names will be familiar to those who have studied conservative ideas in America.

After years and years building and fighting for the modern American conservative movement, Marvin Liebman came out to his friends, Reagan and Buckley. As a young man, about to come out, I admired his contribution to the conservative movement, but was saddened he had to begin his life as an openly gay man late in life. It was a life that had been richly lived, but one that had also been hidden. In coming out to his lifelong peers Reagan and Buckley, Liebman wrote a letter which contained significant motivation for my subsequent political activity. He wrote:

A personal note is in order. I am both gay and conservative and don't find a contradiction. There shouldn't be any 'shame' in being gay. Moreover, the conservative view, based as it is on the inherent rights of the individual over the state, is the logical political home of gay men and women. The conservative movement must reject the bigots and the hypocrites and provide a base for gays as well as others. The politics of inclusion is the model by which what we have achieved with Ronald Reagan can continue and flourish without the anti-Communist and the anti-tax movements of sustaining elements. Conservatives need to remind themselves that gay men and women, almost always residing in the closet, were among those who helped in the founding, nurturing, and maintaining of the movement. They should be welcomed based on common beliefs, and without regard to our response to different sexual stimuli. One's sexuality should not be factored into acceptance in a cause that is based on beliefs, no more than colour, or ethnic origin: because sexuality isn't a belief, it's a factor of birth.

For the most part this debate has been carried out with mutual respect and maturity. I would, however, urge some leaders of faiths and others to act with care and constraint in some of their remarks. While comments and attitudes may be sincerely held they can easily be misconstrued as cruel and lacking in empathy for our humanity. An eloquent argument can just as easily be the carriage of cruelty and homophobia as an uneducated one.

I want to acknowledge those who come to this debate in a similar context to me, but who have arrived at a different conclusion. I have listened to their contribution, admired the strength of their convictions and I applaud their courage. By not agreeing to same-sex marriage, I am not choosing to endorse discrimination against my fellow gay and lesbians Australians or to be disrespectful to their domestic relationships, or to lessen the value of their commitments, companionship, love and unions. Instead, for me, it is an honest acknowledgement, of the special and unique characteristics of the union described as 'marriage'.

**Senator Waters** (Queensland) (11:42): I rise to speak in support of the Marriage Amendment Bill (No. 2) 2012—now one of four bills on this issue. I am really proud that the chamber is giving this issue some time and of course that the Greens have been driving this debate. I want to pay tribute to my colleague Senator Sarah Hanson-Young for her leadership in this regard. But I think it is incredibly disappointing and, in fact, a
very cynical move by the government that they are bringing on this legislation in the full knowledge that it will go down, and it will not get the support that the community wants. I think that is a great shame.

I am pleased that the government has changed its party platform and are allowing its members to have a conscience vote. But we urgently need better leadership on this issue from the Prime Minister. I would think that after last week's ridiculous comments from the Australian Christian Lobby there can no longer be any reason for the Prime Minister to seek to placate them and to remain silent, and to oppose same-sex marriage. By the same token, it seems to run completely counter to the notions of liberalism that we have Tony Abbott not allowing his members a conscience vote. How completely ridiculous is that? We have seen recent polls that show 52 per cent of coalition voters support equal marriage rights—and I would have thought that Tony Abbott would listen to polls, if nothing else; likewise, we have 64 per cent of Australians who support marriage equality. Frankly, it is a great relief that we have moved on from the notion that a wife is a chattel, the property, of her husband. That is just one illustration of how the nature of marriage has changed over the years. Of course, interracial marriage used to be frowned on and interreligious marriage was a no-no. This illustrates that the institution is not static, and when community values change then so should its institutions.

I also want to address some of the contentions that came from the coalition last night. One contention was the only purpose of marriage is procreation. I do not think so. Look at all of the married and childless couples out there, either childless by choice or childless through biology. Does that mean that their marriages are somehow less equal than others? I am afraid that simply does not hold.

Moving on to the continued momentum, we have more and more countries debating this issue and moving towards marriage equality. New Zealand has a marriage equality bill that is supported by its conservative Prime Minister. Britain's Conservative PM supports marriage equality. The momentum for marriage equality has not abated in Britain despite the introduction of civil unions. Scotland, France and Brazil are about to follow suit. Will Australia's politicians acknowledge that global
momentum and embrace the celebration of diversity, or are we in this place to turn our backs on that inevitable progress?

This momentum for LGBTIQ law reform is not just happening overseas but it is also happening here in Australian states as well. Same-sex couples in Tasmania, Victoria, New South Wales and recently WA can have their relationships recognised with a civil union. A few weeks ago the ACT Legislative Assembly passed a bill for civil unions with the support of ACT Labor and of course the ACT Greens. That bill allows for legally binding ceremonies and recognises similar relationships from other jurisdictions. I am really pleased that after having their original civil unions bill vetoed at the Prime Minister's behest in 2006, Territorians now have that greater self-determination, thanks to the territory rights bill that former Senator Brown drove through this parliament. I am particularly excited by recent developments in Tasmania. As a lawyer, it is an exciting interpretation of section 109 of our Constitution. Tasmania is building on its civil union laws and now legislating for full marriage equality. I wish Tasmania all the best. As we know, Tasmania was the last Australian state to decriminalise homosexuality—only in 1997. So I congratulate the campaigners in Tassie, both past and present, including my colleague Senator Milne, who have been working on LGBTIQ equality for so many years and who have been able to turn around this situation so quickly.

But while it is fantastic and encouraging to see states progressing LGBTIQ law reform, it is time to get the ball rolling federally. The Queensland experience demonstrates that without decisive federal action those rights can be short lived and they can be rolled back. In my home state, with six months left on the clock of a state Labor government after many years in power, the government finally acted on same-sex recognition and introduced the Civil Partnerships Bill. One could make a comment that in the context of an election and a seat with a high Greens vote this was a political move, but I will not pass that judgement. I will make the point that had this bill been introduced earlier it may have become more entrenched and harder to roll back. That said, rolled back it was within the first few days of the newly elected LNP government. After a campaign supposedly about getting Queensland back on track, Campbell Newman, who of course did not mention this during the campaign, rolled back rights for same-sex couples by downgrading those civil partnerships to registered relationships, making the already less-than-equal treatment of same-sex relationships in Queensland a little bit less equal. The change to that legislation included the removal of the ability for couples to have a state sanctioned ceremony—that is, while same-sex couples were still able to register their relationships with the government, the LNP has made it illegal to share that moment with their loved ones.

Today as a representative of Queensland, and the only representative of Queensland from a political party which has always supported marriage equality in the Senate, I want to take this chance to share some stories from my constituents and their experience of marriage inequality and having rights taken away from them. Queenslanders wrote to me in droves about getting married in a different jurisdiction. One chap, David, told me how much it meant to him to get married—a marriage that is not recognised in his own home country. He said:

I must tell you that I was indifferent about the ceremony in the lead-up to it, after all, what difference could a piece of paper make after 19 years together?! I dissolved into tears during our vows, and it hit home to me how special it was to
be able to finally be recognised as legally married. What a wonderful affirmation of love in front of friends! We got married in front of a small group of friends, by a magistrate who travelled 400km to marry us, in a game park in South Africa—in full view of elephant, hippo, and even a visit by a family of meerkats and a warthog on the day right into our lodge. It almost resembled a scene out of the Lion King!

I really share their delight, but as a parent of a three-year-old I can say that I have seen the *Lion King* far more times than I care to acknowledge—each to their own. But that is the very problem. Each to their own does not apply to the right to marry the person you love and want to spend your life with. This debate constantly reminds me of that famous line from Orwell’s *Animal Farm*—we are all equal, but some are more equal than others. That, for me, is what it really comes down to—freedom of choice.

I am actually proudly unmarried. For me, with a non-religious background and with divorced parents, the institution has never held any appeal. But I have the ability to choose to marry if I want to. I have that choice. Why do gays and lesbians not have that choice? How dare we, as parliamentarians, make that most personal choice on other people’s behalf? What possible harm would it do to extend that choice to everyone?

I salute all couples who have said that they will not marry until their gay friends have that option too. The Marriage Act as it stands actively prevents same-sex couples from experiencing this joy and from sharing it with their family and friends. Queenslanders have written to me of their excitement about the passage of the Civil Partnerships Bill by the former state government and their disappointment about Campbell Newman’s heartless rollback to demote those to registered relationships. Steve from Bundamba told me:

In February, when the act became law, my beautiful, loving and supportive partner of almost 12 years, Paul, and I rushed to make our relationship official. The only thing that would have made the process of doing so more joyous would have been if my lovely mum had lived long enough to share in our joy, because the homophobia that I experienced throughout my life had a profound impact on her, too. But she passed away suddenly and unexpectedly just weeks before the Civil Partnerships Act became law. My colleagues at work put together a morning tea to help me celebrate my official union with Paul. Now I must face them daily knowing that they know my relationship has been erased by Campbell Newman.

Suzey and Sarah from Far North Queensland, who are expecting their first grandchild this year—and a huge congratulations to them on that joyful event—said of the passing of the Civil Partnerships Bill in Queensland:

For a small moment in time, we truly believed that headway was being made, and respect for our relationship by our Govt was actually happening. What a momentous breakthrough this could have been, in the fight against discrimination—and the encouragement of respect for diverse families. As it turns out, so long as we continue to pay our taxes and be quiet, the Government doesn’t care in the least about us, our relationship, our very lives.

Of the rolling back of civil partnerships, they said:

This very much encourages division, derision, inequality, and an ‘acceptance’ … of unequal treatment of the non-heterosexual community.

If senators are truly committed to reducing the level of discrimination that our LGBTIQ constituents endure, we have to show political leadership. When we condone legislative inequality for LGBTIQ people we implicitly condone their unequal treatment in the community. As advocacy organisation Rainbow Families Queensland said in their Senate submission:
Exclusion of LGBTIQ people from marriage also sends the message that discrimination on the grounds of sexual orientation or gender identity is acceptable.

A chap called Simon wrote to me about his civil partnership with Timo:

Timo and I were elated to be able to celebrate the love we have for each other when we applied for our civil union shortly after it was introduced to Queensland in February 2012. It was a major milestone for us and a moment that we'll always treasure. It's hard to put into words how hurt, how victimised and how vulnerable we feel as gay men living in Queensland under Campbell Newman. Our civil union has been spat upon, our relationship has been thrown to the dogs as a registration and day by day we watch as social justice for gay people is trampled underfoot. Has there ever been a time in Australian history where the clock was deliberately and callously set backwards like this?

Clearly, without action and leadership at the federal level, state based civil partnerships will always be at risk from rollback. These stories also point to the fear and vulnerability felt by LGBTIQ Queenslanders after having their rights taken away so abruptly by the Newman government. By passing Senator Hanson-Young's legislation or, indeed, this bill before us we could provide a framework of equal legal recognition for LGBTIQ people and send a message loud and clear that their right to love who they love is protected.

Marriage discrimination sends young LGBTIQ people the message that their relationships are less valuable and that they are less valuable. Research has shown, as my colleagues Senator Di Natale and Senator Wright went through in their contributions yesterday, that this message contributes to a higher-than-average rate of suicide among LGBTIQ youth. By legislating for marriage equality we can send a positive message to young LGBTIQ Australians: your community accepts you; your relationships are equally valued; you are equally valuable as a citizen.

Arthur, who wrote to the Senate inquiry on the marriage equality bill, wrote of his gay son:

I love both my children equally and I want them to be treated equally. This is a matter of basic human dignity. A person's fundamental rights, including their right to marry, should not be affected by their sexual orientation. How can I tell my son that he has less rights than my daughter has? Could you tell your own child this? I cannot justify this. Society is stronger when couples make vows to each other and support each other. I want this for my gay son.

I also share a contribution from Briannon and Julie from Brisbane, who said in their Senate submission:

We have both struggled immensely as young people coming to terms with our sexuality. As teenagers, we had very few role models. Our school friends could aspire to going to university, having a career, meeting a handsome man, marrying him and having beautiful children. Our future in comparison seemed bleak and something to fear—negative labels and stereotypes, being bullied or ostracised by friends, being disowned by parents … We believe that if we had lesbian and gay role models, committing to a life together in marriage, it would have made a difference to the challenges we experienced as young people.

Briannon and Julie also said of their civil partnership:

In March 2012, we entered into a Civil Partnership in Queensland. We did this because we wanted our son to know when he is old enough to understand, that we did everything we could to gain legal protection and recognition for him and our relationship. When we informed friends, family and colleagues that we had entered into a Civil Partnership, we had some people congratulate us, others asked us what it meant, and some said 'why can't you get married?' Not a single person gave us a card, a hug, a gift, or a congratulatory phone call.

It has been our lived experience that Civil Unions do not have the status, symbolism or recognition
of a marriage. We still feel like second-rate citizens with a token second-rate legal recognition of our partnership.

I remind senators that the civil partnerships like Briannon and Julie's are now no longer even available in Queensland. They are now just a watered-down version of a registered relationship.

As the stories that I have been really pleased to share today demonstrate, marriage discrimination does not just affect the LGBTIQ community. It affects parents who cannot see their children say 'I do'. It affects friends who cannot give a toast at their best mate's wedding because their best mate's perfect match is the same gender. I am so pleased that I have been able to share just a sample of the stories of Queenslanders who have contacted my office. I thank them for taking the time to share their stories with me. These are stories about love, joy, sadness, family and frustration.

This debate about marriage is not about theory; it is about LGBTIQ people—Queenslanders that I am incredibly proud to represent, and I am proud to share their stories in this place and to stand alongside them in their fight for equality. Because we here in this place can make a meaningful difference in people's lives, because we can erase discrimination from a piece of law, and because equality is a value shared by Australians, I urge the Senate to search their conscience and vote to pass this bill or the bill of my colleague.

Senator WONG (South Australia—Minister for Finance and Deregulation) (12:00): This is an important debate for Australia. It is an important debate for this parliament, because the issue at the heart of this debate is fundamental to who we are and what we believe. This is a debate about the principle of equality. The aspiration of and struggle for equality has been a constant in our history. Australia has not always been an equal society, but ultimately we always move in the direction of greater equality, and we should not forget that it is a progression that is greater than any one vote.

The Marriage Amendment Bill (No. 2) 2012 is a step along the path of progress, and that fact is demonstrated by what we have seen while this vote has been on the horizon. Our numbers have grown, as the numbers of those who oppose marriage equality have got smaller. The momentum has been one way. Many of my colleagues who have previously opposed marriage equality now support it. I acknowledge them and I thank them because, like me, they know that the principle of equality is inherent in who we are and it is central to the world we want for our children.

Equality is more enduring than any single generation. It is a principle that will continue to inspire, and it is a fundamental right. If you look at the span of history, of social change, the calls for equality have been persistent and they have been successful. We have seen changes to ensure individuals are not discriminated against because of their gender, their race or their religion—reforms that see all Australians treated equally in the community and in their workplaces: the quintessential idea of a fair go for all.

Much has been said in this debate about relationships, about families, about parenting and even about the so-called threats to the nature of Australian society. But let us be clear what we are debating here: we are being asked to consider whether the state, through law, should continue to discriminate against some Australians solely on the basis of their sexuality. We are being asked to consider whether in today's Australia we should continue to ban two consenting adults from marrying because and only because they are of the same sex.

If you subscribe to the principle of equality, as I am sure most in this chamber
would, then substitute same-sex for race in this debate and see if it changes your view. Just imagine if we told Australians today they could not get married because the person they love is of a different coloured skin. Imagine if we told Australians today they could not get married because the person they love is of a different religion. Such notions are rightly seen as anachronistic. And, in 2012, it is truly sad that some still feel the need to constrain the freedom of others to make a commitment to the person they love through marriage.

I do believe marriage is unique. I believe that marriage is special and that it is a bedrock institution of society. I believe that marriage should be valued. But marriage does not need to be walled off from some Australians in order to preserve its worth. The heart of marriage is the love of and commitment to another. This promise, the vow of marriage, does not discriminate and nor should our laws. But the Marriage Act as it is currently worded is discriminatory. It involves different treatment and lesser rights to certain individuals on the basis of their sexuality. The discrimination could not be more real.

There are many arguments that have been put in this place and in the debate more broadly by those seeking to continue marriage inequality. People have argued that same-sex marriage would undermine the institution of marriage—that marriage as a concept is immutable and therefore unable to accommodate gay and lesbian Australians. Then there is perhaps the most hurtful of arguments: the view that marriage is an institution of procreation and therefore same-sex couples are not welcome. I believe it is worth discussing these arguments each in turn because, when held up to scrutiny, they are clearly without foundation.

As I have said, some have tried to claim that allowing same-sex couples to marry will somehow destabilise the very foundation of marriage, that it will undermine what marriage is. But this not a zero-sum game. My getting married does not preclude a heterosexual couple from getting married. Indeed, the argument that allowing me to marry the person I love will somehow make their love less says more about their relationship than mine. So I say to those who oppose this bill: ‘You do not need to legitimise your relationship by undermining mine. You do not need to tell me and the thousands of other same-sex couples that our relationships are less worthy, less valid or less important. We know the worth of our relationships. We will not allow them to be diminished in this debate and we do not accept them being diminished by this law.’

As I said, I agree marriage is both unique and important. Same-sex couples believe marriage is an important institution. That is why we want the choice to enter it. For those opposite who may think this view is only held by some on the progressive side of politics, look at the statements of British Prime Minister David Cameron, who last year said:

I don't support gay marriage despite being a Conservative; I support gay marriage because I'm a Conservative.

He is a Conservative Prime Minister who makes a very important point: that institutions are not weakened by inclusion.

Inclusion and tolerance have always been the guiding lights of social progress. They have always shone brightly on discrimination and, time and time again, have shown us that our similarities will always be greater than our differences. Our society is strongest when we are accepting, when we enable equality to overcome exclusion and when, with open eyes, open minds and open hearts, we cherish diversity and value inclusion.
Exclusion so often unearths the worst in us, because it reflects the least worthy aspects of society. So often it is driven by ignorance or, worse, by prejudice. That is why the argument that the institution of marriage is strengthened by exclusion is as spurious as it is hurtful. It is discrimination, plain and simple.

There are those who argue that the institution of marriage is immutable; that it has not changed since time immemorial. Such statements ignore how much the understanding of marriage has varied. Marriage has changed from being a concept of ownership to being one of genuine partnership.

Marriage was previously banned for interracial couples and it took a Supreme Court decision in the United States to overturn this. Australian history provides further examples. In 1901, JC Watson, later to become the first Labor Prime Minister, asked during a debate on the Immigration Restriction Bill:

The question is whether we would desire that our sisters or our brothers should be married into any of these races to which we object.

These views were once normal. These views of marriage were once predominant—but no longer. In my own family, I have seen this change. My parents married during the last years of the White Australia policy; what was seen as an interracial marriage, remarked on in its time, would in today's Australia be unremarkable. Indeed, marriage as an institution has proven to be flexible in reflecting the social norms of the day—far from being set in stone, it has responded to social change. If passed, the bill before the chamber would see marriage again reflect the values of our society.

I want to turn now to the place of religious belief in this debate. I believe in freedom of religion and in the right of Australians of faith to express and practise their faiths and traditions. I support the provisions in the bill which protect the church from having to marry same-sex couples if their faith does not permit it. The real question here is the line between religious teaching and secular laws—whether those who hold a particular belief should impose that view on all. The majority of Australians now marry in civil, not religious, ceremonies. Should the views of some who hold particular beliefs determine the legitimacy and eligibility of those who choose to marry outside of religious services and beyond their church? I think not.

Some also argue that marriage is about children, and that same-sex couples cannot or should not have children. This is an argument that brings with it a fair amount of logical confusion. To suggest that you can or should only have children if you are married is inconsistent with the reality of today's Australia. To suggest that marriage should only be defined by reference to children would mean that marriages in which someone is infertile would not be allowed, that marriages where the couple did not want to have a family would not be allowed and that marriages where the couple were too old to have children would not be allowed. Clearly, this is not the case.

But underlying this position—and perhaps the most hurtful argument of all—is the view that some Australians are not worthy of being parents simply because of their personal attributes. That is, because of our sexuality, our worth as a mother or father is lessened. The fact is same-sex couples already have children. Denying marriage equality will not change this. Bringing an argument about the worth of our families and about the value of our parenting into this debate is dishonest and it is objectionable. The quality of parenting, whether by a straight person or a gay person, will never be
determined by a political argument. The love that a parent—straight or gay—has for their child is seen in the days and nights and years of love and nurture and hope and so much more.

The arguments of those that oppose this bill do not stack up. But perhaps what is worse is the vein of prejudice that runs through some of the contributions in the debate over marriage equality. As this debate has occurred over the past weeks, homophobia has increasingly come to the fore. It is an undeniably ugly vein that runs deep in some of the arguments against marriage equality, and it is regrettable, hateful and hurtful.

There are those who say homosexuality is a greater hazard than smoking. There are those who suggest that gay and lesbian Australians are promiscuous yet in the same breath criticise us for wanting to have our relationships recognised through marriage. There are those who lump homosexuality into the same category as bigamy and those who talk about the normalisation of homosexuality. Well, we are normal and we are here.

Gay and lesbian Australians are no different to all other Australians. We come from all walks of Australian life, from all regions and from all income brackets. We are your daughters and your sons, your brothers and your sisters, your mums and your dads, your coworkers and your friends, and we have the same aspirations, the same ambitions and the same hopes. We are not so different. It is time to recognise this.

I stand here today as a proud member of the Australian Labor Party: a party that in government has done more to progress the interests of gay and lesbian Australians than any other; a party that changed its platform last year to support same-sex marriage and to allow a conscience vote on this issue; a party big enough and brave enough to accept differences of views, and to support three of our senators, and the member for Throsby in the other place, introducing this bill—a braveness not matched in the leadership of those opposite. When the Liberal Party denied its parliamentarians the right to vote with their conscience on marriage equality, they ensured its defeat in the 43rd Parliament. The maths is as simple as it is devastating.

We often talk about the negativity of politics today, but this is different. It is not some tired, three-word slogan; it is worse. The party which preaches individual freedom refuses to allow a free vote on this most personal of issues. I welcome the comments of Senators Birmingham and Boyce, Mr Turnbull and Dr Washer, who have put on the record their desire for a conscience vote on this matter. On another day, at another time, I hope that they, along with members of the Labor Party, the Australian Greens and others, will have the opportunity to sit side by side in support of marriage equality.

There will be some who will see this week's result as a vindication of their opposition to same-sex marriage—and they will be wrong. There will be many who will look at the members of this chamber and think that the parliament has failed them—and they will be right. We have failed to uphold the principle of equality in the law. The parliament as an institution should reflect the best of Australia. It should inspire tolerance and acceptance. It should encourage respect. On this issue, our parliament is lagging behind our community.

The result of this vote will be disappointing to many thousands of Australians. To all the friends, to the mums and dads, to the sisters and brothers, to the mates and to the colleagues of gay and lesbian Australians: I encourage you to keep
the fight for equality going. We are on the right side of this debate and on the right side of history. We are on the side of equality. This parliament may miss its opportunity to right a wrong, but it will only be through your perseverance that we can guarantee that the next time this comes to a vote there will be no choice but to support equality. Remember, many steps towards equality in this country were not won the first time nor even the second. Many were achieved only after years of action and of activism. But the aspiration for equality is persistent, and it cannot be denied forever.

To the Australian LGPTI community who feel disappointed, I encourage resolve and, particularly, to young gay and lesbian Australians, to those who may not have come out yet or are finding their way, I want you to know that the prejudice you have heard in this debate does not reflect the direction in which this country is going. Those who oppose this bill speak to the past. I and my colleagues are talking to a better future because, whatever happens in the parliament this week, our relationships are not inferior, our relationships are not less equal and our love is no less real. We will get there—perhaps not in this parliament, but one day. One day we will be recognised as equal.

For us, this is the most personal of debates. It is about the people we love most in the world, the people who give meaning and hope to our lives. It is about our families. And, ultimately, it is not only about what we want for ourselves; it is about what we want for our children. We all hope for our children an easier path, that the challenges life presents will be surmountable. I do not regret that our daughter has Sophie and I as her parents. I do regret that she lives in a world where some will tell her that her family is not normal. I regret that, even in this chamber, elected representatives denigrate the worth of her family. These are not challenges she deserves. None of our children deserves such challenges. So I will not rest in the face of such prejudice. I want for her, for all of us, an Australia which is inclusive and respectful. This is why this campaign will not end here: because we who argue for equality are not only standing for principle, we are also standing for the people we love—and there is nothing more powerful than this.

I say to those opposing this bill: you have nothing to fear from equality. Let us judge relationships by the markers which matter—love, respect, commitment. Let our laws reflect these most cherished values and give voice to the equality that is due.

Senator FIERRAVANTI-WELLS (New South Wales) (12:17): I rise today to speak on the Marriage Amendment Bill (No. 2) 2012. Marriage is defined as 'the union of a man and a woman to the exclusion of all others, voluntarily entered into for life'. This was the definition 22 years ago when I married my husband, John, and has been the definition of marriage throughout the history of humanity over the ages. I reject the assertion that those who argue for the retention of the definition of marriage are somehow homophobic, bigoted or are opposing equal rights. It is about maintaining a tradition—a tradition that has been the bedrock of our communities, our society and the world as we know it.

On 14 August, we celebrated National Marriage Day. I am indebted to the organisers for the red and gold rosettes for us to wear on the day, but I also received a bookmark with the following Chinese proverb: 'When there is love in a marriage, there is harmony in the home; when there is harmony in the home, there is contentment in the community; when there is contentment in
the community, there is prosperity in the nation; when there is prosperity in the nation, there is peace in the world.’

Retention of the definition of marriage as between a man and a woman is also about protecting the rights of the silent majority and that of the institutions that have made this great nation the wonderful land in which to live. It is widely accepted in the Australian community that there are certain customs and practices in any society that are unique to certain relationships. To acknowledge this does not amount to discrimination. The silent majority in this country does not support this change. Indeed, there are many people who are in a gay relationships who themselves do not support gay marriage. Their views have also been drowned out by the vocal gay marriage minority.

Marriage is not only a civil union but has also always been traditionally a religious ceremony; whether in the Christian, Jewish, Islamic, Hindu or any other faith. It is a religious act that glorifies the significant union between a man and a woman. An important part of the marriage journey is the public vows that a man and a woman make to each other before their God which commits them to each other for the rest of their natural lives.

In other parts of the world, we clearly see how amending the definition of marriage has opened the backdoor to attacks on religious freedoms by challenging the churches and other religious institutions such that they would be unable to act with neither their conscience nor their religious teachings and trouncing thousand-year-old beliefs. For example, just recently in Denmark, where same-sex marriage was legalised only earlier this year, the Church of Denmark was forced to make its churches and priests available to perform same-sex weddings. Marriage celebrants, pastors and even service providers such as photographers have suffered legal actions and fines for not approving same-sex marriage. This is not about equality; it is about the tearing down of our social fabric.

I doubt that most people who are pushing these amendments are overly religious or even intend on staying in a monogamous relationship, which begs the question: why do they want to get 'married'? The chattering classes do not want to concede that, by amending the Marriage Act, they are in fact denying the rights of the silent majority who want to uphold the sanctity and true meaning of marriage and who want to keep some tradition going in a world that seems to be forever throwing out the old and bringing in the new.

In terms of equal rights there is no law under the Commonwealth that discriminates against homosexuals. It was the Howard government that substantially removed the discriminatory treatment in federal laws as it applied to all interdependent relationships. The previous government took the attitude of looking at interdependent relationships and discrimination across different areas. The previous government was committed to the elimination of discrimination against same-sex couples, and it became part of a program of the elimination of discrimination in areas such as superannuation, migration and Defence Force entitlements. This was followed up by further legislation in 2008, which the coalition supported.

These wide-ranging changes now put those in a heterosexual relationship and those in a homosexual relationship on an equal platform. This is real equality before the law. There is no discrimination when it comes to voting rights or salary. It is worth noting that both the UN Human Rights Committee and the European Court of Human Rights have
rejected that same-sex marriage is a human right.

This is also a question of trust with the Australian people. Like the carbon tax, this government has no mandate to change the Marriage Act to include same-sex couples. Before the last federal election, both the ALP and the coalition promised that they would not make changes to the definition of marriage in the Marriage Act. In fact, the coalition has long been opposed to changes to Commonwealth law that could diminish the institution of marriage. This position was represented to the Australian electorate at the 2010, 2007 and 2004 federal elections. Therefore, it was a firm government election promise to keep marriage in its traditional form. In fact, Prime Minister Julia Gillard, on at least eight occasions before the last federal election, declared ALP support for the current definition of marriage. Julia Gillard also said that the ALP would not change its position during the life of the current parliament. I have received thousands of letters and emails from constituents who do not want me to support these changes or any other changes to the Marriage Act. These far outweigh those who have written to me supporting the changes.

Same-sex marriage is a 10th order issue. It galls many in the Illawarra, where I was born and where my electorate office is located, to see their local member for Throsby, Stephen Jones, championing this cause above more pressing issues for his constituents. Throsby is one of my patron seats and, just one year since the announcement of the carbon tax, more than 1,000 workers from BlueScope Steel will lose their jobs in one of our major employment sectors—manufacturing. BlueScope is located in Throsby, as are many of the workers who are losing their jobs. More than 1,400 people in the region have lost their jobs since September 2011 and home repossessions had gone up by 60 per cent.

With all this happening, all the member for Throsby can think about is same-sex marriage. This is not an issue of concern to the people of Throsby or the Illawarra in general. This is an area which is doing it tough and it galls many in the area to see their local member focussing on this 10th order issue. I ask you, Stephen Jones: how will introducing same-sex marriage give people jobs, save them from losing their homes or lower the cost of living? How will same-sex marriage put the budget back into surplus? It will do none of these things. At the present time, Australia is not in a position to be discussing an emotive, and I believe destructive, subject such as this one, when there are much more pressing issues that need to be addressed urgently.

One must ask: where will this all end? You do not have to look very far to find the answer. There are already legal challenges in Canada and Utah that have been brought forward by polygamists who claim they have a right to polygamous marriage, and polyamorous activists are relentlessly campaigning for legal recognition of their relationships. These relationships have already been given legal status in the Netherlands. Former High Court Justice Michael Kirby has said, 'We do not know what the future decades may hold in terms of relationships', and he has commented that polyamorous relationships are 'matters for the future'. This is the thin edge of the wedge. Even the Greens ACT convenor, Simon Copland, has criticised Sarah Hanson-Young's stance that marriage should be limited to only two people.

Most Australians would find these concepts repugnant, abhorrent and destructive to our social fabric. But this is where we are heading. I therefore support the
sanctity and uniqueness of marriage in its current form, and I acknowledge the very important role that it plays in Australia. Marriage is a very important institution not only for the traditional Anglo-Saxon culture in this country but also for so many others in our culturally diverse community. I know that the chattering classes do not share that view and constantly denigrate those who do. As I have said, the silent majority in this country agree about the sanctity of marriage and the sanctity of what is the traditional family.

I will conclude with a time-old African proverb that simply and profoundly states: 'Don't tear down a fence until you know why it was put up.' Marriage is a unique institution in our society and it is one that we as senators and members of the Australian parliament should do everything in our power to protect and to ensure that it is supported, encouraged and backed up in every way, shape and form. I will be voting against this bill.

Senator RHIANNON (New South Wales) (12:27): I am very pleased to rise to join my colleagues and many people in this parliament in support of this important legislation. It is legislation which will bring much happiness to many people. Most importantly, as people who have responsibility for bringing forward laws that work for this country, it addresses one of the last areas of discrimination for same-sex couples. I understand that the House of Representatives is voting on this important piece of legislation at the moment.

There are many reasons why we are debating this legislation today, but I think that right at the top of the list is that so many people have worked so hard across the community, particularly within the sexually diverse communities but also within the wider public. As the years have rolled by there has been an increasing understanding of the importance of supporting this legislation.

I particularly want to congratulate my colleague Senator Sarah Hanson-Young. She first introduced a private senator's bill on this issue into the Senate in 2008. I understand it was voted on in 2009. It was her first private senator's bill, so understandably she is very proud of that work.

Around the country there has been an enormous amount of work undertaken. I think that Tasmania deserves a very special mention. Greens MP Nick McKim has done a lot of work on this issue, and it is most impressive that earlier this year he and the Premier, Lara Giddings, co-sponsored the same-sex marriage bill. Mr McKim said at the time, 'I truly believe in cooperative politics and that the Tasmanian people want to see more of it and not less.' It was a most interesting debate. Behind that piece of legislation, again, was so much community activity—activity involving some really hard-working people who have done some fantastic work. I am referring to Rodney Croome, who would be well known to many people for his consistent work in advocating for the removal of all areas of discrimination within the gay and lesbian community. He took one example of discrimination to the United Nations, and I congratulate him for that.

I want to pay tribute to the Australian Greens leader, Senator Christine Milne. In 1997—again, following years of campaigning—Senator Milne, who was then the leader of the Greens in the Tasmanian parliament, introduced legislation that resulted in Tasmania decriminalising homosexuality. Again, that was in 1997—a good 12 years back—and shows just how long this work has taken.
It is always very enjoyable to look back at this history and at the contributions that have been made. There are the legal interpretations and discussions about people's rights, which is obviously so important, and you will always read about the hopes and desire of people to be able to live a normal life like others in terms of the rights that they can expect and they should not have to even think about. They should be there, as Senator Wong so beautifully described when she talked about her own daughter: they are rights that should be afforded to everybody, and levels of discrimination should be completely removed.

Mr McKim in 2005 moved legislation for marriage equality in the Tasmanian parliament, so it is an issue that he has been working on for a very long time. When he introduced that legislation, I remember him phoning me—I was in the New South Wales state parliament at the time. That action was taken because there were many in the community who were becoming very frustrated with Labor and the coalition at a federal level, realising that they were not advancing the cause to remove this very discriminatory aspect of the law. He had received legal advice that there could be state laws as well. I remember taking that phone call and then discussing it with my colleagues in the New South Wales parliament: 'Let's do it in New South Wales.' With Mr McKim's assistance, that is precisely what we did. Mr McKim came to Sydney when we launched the Greens same-sex marriage bill—it was in May 2005. We needed two bills: one to cover dissolution and annulment; and the other carried celebrant and registration issues. They were called the same-sex bills and they covered those two issues.

Unfortunately, because of the way the New South Wales parliament was at the time in getting things up for debate, we never got to debate them but I was very proud that we were able to get that onto the Notice Paper for a period of time. My colleague in the state parliament—who I am very hopeful will be able to join us as a senator after the next election—Cate Faehrmann has continued this work in many ways, within both the community and the parliament. In November she gave notice of a motion about supporting marriage equality. What was very heartening was that that was passed by the New South Wales upper house. This morning there was excellent news coming from New South Wales that members of the New South Wales parliament in both the upper and lower houses—Liberals, Greens, Labor, Nationals and Clover Moore—have come together to work on state legislation to ensure marriage equality becomes legal.

In mentioning Clover Moore, I want to pay special tribute to her. Tomorrow I understand that Ms Moore will be resigning from the New South Wales parliament, not because her constituents want her to, not because she wants to but because the coalition government in New South Wales has passed legislation to force her out. This piece of legislation has become widely known as the 'get Clover bill'. The Liberal Party, in particular, wanted to force her out. They have great hope that they can grab that seat. The way in which they have gone about it is undemocratic.

The aspect that is relevant to this debate today is that Clover Moore, as a member of the New South Wales parliament and as a councillor on Sydney City Council, has been a long-time advocate and hard-working community member for same-sex marriage and marriage equality. I very much congratulate her for her work and want to acknowledge the work that she did in the New South Wales parliament as that work is about to come to an end.
I also want to acknowledge South Australian Greens MLC Tammy Franks who co-sponsored a bill with Ian Hunter. They introduced a marriage equality bill last year into the South Australian Legislative Council. This work within our parliaments has been rolling around the country, particularly responding to the strong community support for a change to the law. What I find really touches people very deeply is when they think about young people and their futures with all the hope and joy of the opportunities that one has when one is young.

What is so troubling is that so many young people, particularly young people of diverse sexuality, suffer high rates of depression and high rates of suicide. This is very relevant for what we are discussing here today. When young people are denied rights—in the case of the gay and lesbian community, they are denied the right to marriage—it sends a message that there is some problem, there is something different. We cannot always be fully sure of how they might interpret it, but they clearly can interpret it in a way which they think reflects on them and so can add to any self-doubt that they might have.

While society is moving closer to removing all forms of discrimination against the gay and lesbian community, we are still seeing in our society a lot of discriminatory practices by individuals. There is intolerance. There can be disrespect. So young people already have to handle that, particularly in regional and rural areas where it can be really tough. But when the law also discriminates against them, as the marriage law does, it can add to a burden that is deeply wrong. This is very relevant to the issue of bullying, which is just so serious.

Research commissioned by beyondblue suggests that approximately 30 per cent of lesbian, gay, bisexual, transgender or intersex people suffer anxiety or depression. This is twice the rate of the rest of the community. I think it really underlines the point that I was making about how worrying this issue is. We have a real responsibility to ask: are there discriminatory laws that further add to the burden that these young people suffer? Even more worrying is that the suicide rate for young lesbian, gay, bisexual, transgender or intersex people is three or four times higher than it is for their heterosexual peers.

People are losing their lives, people are taking their lives, because of their stress, their depression, their extreme worry. For a lot of people this is hard to imagine, but we do know it is real. The research has been done and, again, it is very relevant to what we are dealing with here. Discrimination faced by young people plays a very significant role in their ongoing mental health. So, while I have given emphasis to young people and their issues of depression and how they handle their stresses and worries and the associated suicide rates, I certainly acknowledge that it is not just limited to them but a further reminder of why we need to address this issue.

I spoke earlier about the long history of community activity to bring about changes to the law—and this is not just about changes to the Marriage Act. Generally, it has been community action that has delivered changes to the law to remove the discrimination that the gay and lesbian community have suffered. From my own experience as a senator for New South Wales, I did want to reflect on some of that history because, again, I think it is informative. Also, at these times, it is important to put this history on the record because debates like the one that we are having today do not just come about because a member of parliament or a political party decided to introduce
legislation. There is a history of community activism that has alerted the members of this parliament that we must catch up with the changes in political attitudes.

A lot of the pressure, a lot of the community activism, really started to roll on in the 1970s. At that time, a movement was starting to grab the headlines—the gay liberation movement. Many of those people put on the public agenda that the discrimination could not continue, that the silence about how the law in many cases was wrong needed to change and that people's attitudes needed to be fair, tolerant and respectful. This movement did have a big impact. I pay tribute here to the Labor government under former Premier Neville Wran. We got our New South Wales Anti-Discrimination Act in 1977. It was a huge achievement and something that the activists at the time can be very proud of. While the New South Wales Labor government played a key role in bringing in this legislation and finalising its detail, it was really off the back of the women's movement, the disability rights movement and gay liberation—the time was very strong. From the work that was undertaken, we saw the anti-discrimination law pass. It meant that, for the first time, legal protection would be provided for those communities who suffered discrimination. It really did reflect a heightened awareness within our community that how we had been working up until then was not good enough. This was a huge breakthrough at the time.

Over the three-plus decades since then, there have been enormous changes in our legislation. From the advice that I have been given, the Marriage Act is the last piece of legislation that needs to change in terms of discrimination against the gay and lesbian community. There are certainly a lot of other things that need to change in the wider community in terms of attitudes, but for this piece of legislation—its time has come.

So I very strongly support the legislation. I am delighted that I am a senator at a time when we are debating it. I understand that we may not have the numbers at the moment but the ball is rolling. Clearly, the time is not too far away when we will have marriage equality and everybody, no matter who they are, will be able to look forward to going to a wedding where they can celebrate with their same-sex friends or their heterosexual friends the joy of being able to celebrate their love and reflect on how they can be happy. Whoever they are, they can have the joy of getting married and do it in a way that is respected in the law, as well as in the wider community.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Goods and Services Tax

Senator BILYK (Tasmania) (12:45): I rise today to speak on the matter of public interest and wish to make a contribution about the distribution of GST revenues to the states and territories. The Australian government raises the lion's share of revenue in our federation and a great deal of what is spent by the states and territories to meet their responsibilities is allocated from Commonwealth revenue. At the moment this is the proceeds of the goods and services tax but, long before the GST was introduced, decisions about the distribution of revenues to the states and territories had been made at arms-length by a body called the Commonwealth Grants Commission. The CGC was established in 1933 and still operates to this day. The decisions about how much funding to allocate to each state
and territory are based on the principle known as horizontal fiscal equalisation, or HFE.

I will quote the website of the Commonwealth Grants Commission to explain what the term 'horizontal fiscal equalisation' means. It says:

Fiscal equalisation involves the transfer of payments or grants across jurisdictions with the aim of offsetting differences between a jurisdiction's revenue raising capacity and expenditure needs. It can address both vertical fiscal imbalance and horizontal fiscal imbalance.

… … …

**Horizontal fiscal imbalance** refers to the situation where the States have differing abilities to provide comparable levels of services through the imposition of comparable tax burdens, because of demographic and economic disparities between them.

Tasmania is at a distinct disadvantage when it comes to raising its own revenue. We have a relatively low share of mining activity in comparison with other states and, as stated in the CGC report for 2012, we have a high proportion of small businesses, lower wages and lower property values. This limits Tasmania's ability to raise payroll tax, land tax, stamp duty, mining revenue and insurance tax.

Tasmania is also disadvantaged when it comes to delivering services. Not only are we Australia's only island state but we have the most dispersed population as the only state or territory in Australia where most people live outside the capital city. Our population is relatively older and has greater health and welfare needs because of socioeconomic disadvantage. So the principle of HFE is of vital importance to Tasmania when it comes to delivering services to our population equivalent to those of other states and territories. However, coalition premiers in the larger states of New South Wales, Victoria, Queensland and Western Australia have been arguing strongly for a per capita distribution of GST revenue.

Colin Barnett, Premier of Western Australia, kick-started the argument. In December 2012, he said: 'This sort of convoluted process of trying to assess needs and revenue capacities between states, I think that time has gone by. I would prefer a simple sharing of the GST on a per capita basis, with maybe some margin, maybe 10 per cent, which the Commonwealth can distribute to support lower-growth states.' In their submission to the GST review, Victorian Premier, Ted Baillieu, and Treasurer, Kim Wells, agreed, arguing: 'The GST should be distributed on an equal per capita basis, with particular policy challenges dealt with separately through targeted and accountable means.' Victoria and Western Australia were supported in their arguments at the July meeting of COAG by Queensland Premier, Campbell Newman, and New South Wales Premier, Barry O'Farrell. But this is what the Premier of South Australia, Jay Weatherill, had to say in response to the coalition premiers' attack on HFE:

… this is one nation. It was established as a commonwealth, and those words mean something … the wealth of the nation should be shared equitably, not according to some notion of the rich states taking the resources and keeping them for themselves.

Federally, the commitment to HFE has been a bipartisan position, at least until recently. It was a bipartisan position until the federal Leader of the Opposition, Mr Abbott, joined in this attack on 1 May this year. On his visit to Western Australia, Mr Abbott said to the media:

What ought to be very seriously considered by the Government right now is the proposal that all the Liberal states have put up, that the GST revenue
should be distributed on what is closer to a per capita arrangement...

Of course, when Mr Abbott visited Tasmania the following day, he was justifiably asked to clarify his position. Speaking to the media in Tasmania, Mr Abbott said:

... the Coalition will always support a fair deal, a square deal for Tasmania.

However, when offered the opportunity to rule out a per capita distribution of GST, Mr Abbott said:

Let’s see what the Greiner group comes up with and then the Coalition will have more to say.

The 'Greiner group' that Mr Abbott referred to was the panel overseeing the review of distribution of GST to the states and territories. In Mr Abbott's comments, there was no clarification of what a 'fair deal' or a 'square deal' for Tasmania meant. So was Mr Abbott saying one thing in Western Australia and another in Tasmania? After all, Mr Abbott makes a regular habit of saying different things to different audiences. I am not sure that matters.

What matters, what is important, is that Mr Abbott has not made the coalition's policy on GST distribution clear and to this day he has not ruled out a per capita distribution of GST to the states and territories. He said that a per capita distribution should be seriously considered and he has not retracted that statement. The prospect that a per capita distribution of GST revenue could become coalition policy—and at the moment we do not know what coalition policy is—should send a shudder through the spines of millions of Australians who rely on HFE to ensure that they have the same opportunity to health care, the same opportunity to education and the same access to transport and emergency services.

The states and territories which would lose out under this arrangement are South Australia, Tasmania, the ACT and the Northern Territory. In fact the Northern Territory would be hit especially hard as they receive over five times as much GST revenue as they would under a per capita distribution. As I explained before, this situation exists because the needs of the Northern Territory are far greater than that of any other state or territory. The cost of delivering services is greater and their capacity to raise revenue to deliver those services themselves is much smaller.

In the 2011-12 financial year, the Northern Territory needed $5.35 in revenue from the Commonwealth Grants Commission for every dollar in GST revenue collected to deliver equivalent services to their population as Western Australia or New South Wales deliver to theirs. In Tasmania, this amount was $1.60. In fact, if Mr Abbott's suggestion were implemented, Tasmania's budget revenue would fall by $700 million a year. This equates to a $5,000 cut to services for every Tasmanian.

Tasmania's Premier, Lara Giddings, put this in context across the state when she pointed out that a per capita distribution of GST would cost Tasmania 800 doctors, 3,000 nurses, 500 allied health professionals and over 100 child protection staff every year. My Tasmanian Labor colleague, the member for Franklin and minister, Julie Collins, has been very vocal on this issue. Unlike Mr Abbott and the coalition she has been genuinely standing up for the people of Tasmania and arguing for a fair deal. She has the support of the Tasmanian Labor caucus in doing so. Ms Collins has launched a petition calling on Mr Abbott to commit to a genuine fair deal and all the federal Tasmanian Labor members and senators support her. At the Tasmanian Labor state conference, the Deputy Prime Minister and Treasurer, Wayne Swan, backed up Ms Collins' comments about the damage that Mr...
Abbott's proposal would cause to services in Tasmania.

Mr Abbott says he will argue for a fair deal but he has not clarified what that means. He has not retracted or repudiated his comments about per capita GST distribution and has not unequivocally committed to HFE. So what are Mr Abbott's Tasmanian Liberal colleagues doing about this attack on Tasmania's GST revenue? After Mr Abbott's comments in Tasmania back in May the Tasmanian Leader of the Opposition, Will Hodgman, said that Mr Abbott had left him in no doubt that a coalition government would not short-change Tasmania. Did Mr Abbott give Mr Hodgman a private commitment to HFE or is Mr Hodgman just not strong enough to stand up to him? Either way, he should. Like the Tasmanian Premier, Lara Giddings, he should be calling on Mr Abbott to give an unequivocal public comment on HFE, not just making vague, meaningless statements about a fair deal. It really makes you wonder where Mr Hodgman's loyalties lie. Is he really representing the interests of Tasmanians or is he just kowtowing to his federal leader?

As for Mr Abbott's Tasmanian Liberal colleagues in this place, why are they not calling on their leader to clarify his stance? You heard Senator Abetz say in this place on 23 August that the coalition supports HFE. But how can we believe him if his party's leader says that a per capita distribution should be seriously considered? How can we believe him when we do not hear it from Mr Abbott's mouth? If Senator Abetz and his colleagues—Senator Colbeck, Senator Bushby and Senator Parry—are truly committed to HFE, why do they not call on their leader to commit to it as well? Are they too afraid to stand up to him? Given the outrage I have heard from Tasmanians right across the state on this issue, I am astounded at the absolutely deafening silence coming from that side of the Senate when it comes to Mr Abbott's stance. All Mr Abbott has to do to stop this anger and remove any doubt is to say five simple words: 'I support horizontal fiscal equalisation.' Until he does this, Tasmanians will be trembling in fear of the devastation a coalition government will cause to basic services in Tasmania.

Tony Abbott's $700 million razor would slash through the jobs of thousands of Tasmanians—teachers, doctors, nurses, police, firefighters and paramedics—and Mr Abbott's $700 million hit would only be the start of the damage he would do to Tasmania if elected. We know he would scrap the minerals resource rent tax and a price on carbon. Without the MRRT there is no mechanism to fund the Schoolkids Bonus; the increase in the superannuation guarantee to 12 per cent—something that is badly needed by Tasmanian workers in a state that has a large population of retirees—or business tax concessions. Mr Abbott is also putting 800 Tasmanian jobs and a whole range of social and economic benefits at risk through his instructions to Malcolm Turnbull to demolish the National Broadband Network. Then there are the savage cuts to the public service that Mr Abbott needs to make to plug his $70 billion black hole.

But of all the damage the coalition proposes to inflict on my home state of Tasmania—the home state also of Senator Urquhart, who I notice is now in the chamber—the distribution of GST on a per capita basis is by far the most damaging. For any Tasmanians who are listening to this broadcast, watching from the gallery or reading *Hansard*, let me remind you again what Mr Abbott said on 1 May:

I think what ought to be very seriously considered by the government right now is the proposal that … the GST revenue should be distributed on what is closer to a per capita arrangement.
If Mr Abbott is not seriously considering this proposal—if he is not seriously considering a $700 million a year hit to Tasmania's budget—then why, after a whole 4½ months, has he not retracted this statement? I urge Mr Abbott's Tasmanian colleagues to grow a backbone, stand up to your leader and call on him to guarantee a fair share of GST revenue for Tasmania.

**World Wildlife Fund**

Senator BOSWELL (Queensland) (12:57): I rise today to outline what I consider to be the latest example of the extortion schemes that are ruining Australian industry. Hardworking primary producers in a growing range of industries are being duped into believing that by working with the environmental groups their long-term future is assured. The reality is very different.

Last May in Rockhampton, at Beef Australia 2012, Queensland cattle farmers had a very rude awakening. They were meeting the members of the Australian Roundtable for Sustainable Beef, the ARSB, to discuss plans to improve the industry's sustainability practices. The ARSB members included JBS, Cargill, McDonald's, the Cattle Council of Australia, Meat & Livestock Australia and AgForce. But there was one organisation present that stunned many in the crowd—the World Wildlife Fund, or WWF, and its ARSB representative Rob Cairns.

The World Wildlife Fund is the same group that waged a campaign against the land and regrowth clearing practices of Queensland farmers. The resulting vegetation management laws crippled the cattle industry yet the WWF called the laws disappointing and campaigned for even tighter restrictions. If any grazier familiar with the WWF's role in that campaign thinks it is now acting in the best interest of the cattle industry then they believe in the tooth fairy.

What must be understood is that the ARSB is part of the worldwide coordinated campaign by the World Wildlife Fund and others to squeeze primary industry dry under the pretence of sustainability. In Australia, these green groups have gone from the timber sector, to the seafood sector, to the sugar sector, dragging farmers into expensive, time-consuming certification schemes. These schemes have made the NGOs a tidy profit but have done almost nothing for industry or the environment. Make no mistake, this is a backdoor method used by clever extreme greens to cripple primary industry. Sustainability here is a cover word for suicide by any business silly enough to fall for the siren song of these radicals. The WWF has set its sights on the beef industry. On one hand, the President of AgForce, Brent Finlay, agrees with me that graziers should run a hundred miles from the ARSB. But then there is the Executive Director of the Cattle Council of Australia, David Inall, who has said:

If you're not at the table, you're on the menu.

Inall thinks that if beef industry stakeholders keep an eye on the WWF at the ARSB meetings, they can be spared the mandatory regulations the WWF has inflicted on other primary sectors. I say that if you think associating with the WWF will leave the cattle industry better off then you are totally wrong. Consider Ian McConnel, a beef producer and CCA's 2011 Rising Champion. He was seemingly the perfect person for the WWF to appoint as its sustainable beef project coordinator. Graziers would more likely trust his claim that the WWF is on their side and that the ARSB is good for them. They might take his word, but in a recent interview with Queensland Country Life, he said: There has been some press saying we are going to bring in certain
standards, but we are still at the stage of incorporating the round table and getting everyone together. We are not at the stage of having a definition of sustainability.

Well, the question has got to be asked now: at what stage will you have a definition of sustainability, and will it be mandatory?

McConnel's very job description by WWF states his key responsibilities are 'helping to define sustainable beef production practices' and 'ensuring the development and widespread adoption of sustainable industry practices.'

At an early ARSB meeting, the WWF's Rob Cairns was delegated the role of developing a definition of 'sustainable beef.' This definition will be crucial in shaping the final sustainable beef plan and the resulting fallout in the cattle industry. McConnel, David Inall and the rest say WWF is not the policeman of the ARSB process. But WWF has dominated the Australian sustainable beef process since as far back as November 2010, when it co-hosted the ARSB's forebear, the Global Conference on Sustainable Beef in Denver, Colorado. Then the Chairman of the ARSB, Guy Fitzhardinge—he is a governor of WWF-Australia—enlisted a push to their green agenda in Australia.

The WWF admits in this process it has needlessly hurt the cattle industry with its militant activities of the past, based more on emotion than science. It is now asking for a second chance through this fully consultative ARSB process. However, there is documented proof WWF is working behind the scenes against the industry. Just last month, WWF-Australia made two submissions to Queensland parliamentary committee inquiries savagely denigrating the cattle industry's sustainability record and unfairly accusing it of polluting the Great Barrier Reef. So the WWF is publicly saying producers can trust them and that it is fully accountable to its ARSB industry partners, yet it has submitted two documents to parliament, with no industry consultation, saying compulsory standards must be implemented or beef producers will continue to pollute the reef with impunity. The deception is staggering.

They have said any certification process will be voluntary. This is more deceit. Once producers enter into these WWF-controlled schemes, they will be forced to make ongoing payments to obtain and keep certification while being subject to increasingly strict regulations. The certification rules will drive up their operating costs while reducing the purchasing power of their customers. If a producer attempts to back out of the scheme, the WWF and other NGOs will lobby the public against them. These actions are secondary boycotts, where a legitimate supplier of product is attacked by ranting protesters who are concerned about somebody else involved in the supply chain. Worse, this will all be for nothing. Beef production methods have been sustainable for many years, but the WWF will persist until it has left the cattle industry in the same place as our seafood industry.

Our fisheries have been assessed by experts as some of the best managed and most sustainable in the world. Any claims otherwise can be traced back to scare campaigns waged by green groups, who continue to push the Marine Stewardship Council ecolabel on fisheries and retailers. The Marine Stewardship Council is an organisation that was founded by the WWF. They won a big victory last year when Coles announced it would not stock any seafood without taking sustainability advice from the WWF, and on the same day Woolworths announced it would source seafood products through the MSC. Both Coles and Woolworths said they would provide

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financial incentives to fisheries that sign up to the MSC pre-assessment process. It appears the schemes are voluntary, but given Coles' and Woolworths' overwhelming market share, many fishery owners have no choice but to sign up in order to sell their product.

An example of the huge costs involved in these certification schemes is Australia's Northern Prawn Fishery—the NPF. The NPF moves most of its banana prawns through Woolworths. The Northern Prawn Fishery signed up for MSC pre-assessment in mid-2011 to please its biggest customer. The cost of the pre-assessment process for the NPF is around $100,000. The Northern Prawn Fishery is now in the final stages of a full MSC assessment. This has lasted over a year. Fisheries undergoing MSC assessment must hire additional staff and spend an endless amount of time and resources to provide information to the MSC certifiers. Even then they are not guaranteed certification. The costs do not stop there. If a fishery obtains certification, it must cover the costs of annual audits and any additional audits a certifier can choose to conduct at any time. Companies further up the chain who are urged to use the MSC ecolabel will have to pay a licence fee to use it and for chain of custody certification which links their products back to the certified fishery. Even then they are not guaranteed certification. The costs do not stop there. If a fishery obtains certification, it must cover the costs of annual audits and any additional audits a certifier can choose to conduct at any time. Companies further up the chain who are urged to use the MSC ecolabel will have to pay a licence fee to use it and for chain of custody certification which links their products back to the certified fishery. After that, retailers, restaurants and fish and chip shops wishing to sell MSC labelled products to consumers must pay an annual fee and royalties at 0.5 per cent of the value of the seafood sold.

Another costly and complex certification scheme favoured by WWF is the international sugar certification scheme Bonsucro. Some sugar growers have turned to Bonsucro to counteract unjustified attacks by green groups. Bonsucro requires supply chain members to comply either with production standards or standards for chain of custody certification. This is the same as the Marine Stewardship Council model. WWF is treating our primary industries as nothing more than a cash cow.

Then there is the Forest Stewardship Council, the FSC model, to extort forestry companies into that particular certification method. After years of proper assessment, FSC will change the goal posts again. One extraordinary element of FSC is the banning of exports from any forests planted since 1994 in Tasmania, which accounts for more than half of the total available for sustainable logging right now. The forestry industry has come under attack via secondary boycotts that have been waged by green groups. I point to Harvey Norman, an Australian company which has committed no crime except to sell furniture made from wood legally logged from Australian forests, set aside for exactly that purpose after lengthy and proper consultation. Yet this company's stores have been bombarded by activists calling for customers to walk out, purely because those customers might want to buy a product that these greens do not like.

There are many examples of this sort of behaviour going on right now. The union movement cannot legally engage in these sorts of unfair secondary boycotts, and I believe it is time we looked at preventing others from doing the same. The coordinated campaign of WWF and other NGOs to coerce Australian industries into certification schemes is so commonplace it has spawned the term 'greenmail'. Tim Wilson from the Institute of Public Affairs put out an eye-opening report last year, *Naked extortion? Environmental NGOs imposing involuntary regulations on consumers and business*—which I encourage everyone to read. That outlines the greenmail tactics of WWF and other green groups. He goes into great detail about how these groups use good cop, bad cop tactics to pressure producers and...
companies into costly and complex certification schemes.

I urge all industry members of the beef roundtable and any other roundtables presided over by the WWF to pull out. Every time you show up to a meeting, you are adding to the public credibility of green extremists. You are giving them the power to tell consumers and retailers which of your products they should and should not buy. This will only lead to an ongoing income stream for WWF year after year, paid for out of your own pockets. WWF will not stop until it has inflicted sustainability standards upon every last one of our agricultural sectors. By engaging with them, you are only hoisting yourself with your own petard.

**James Price Point Gas Hub Precinct**

**National Science Week**

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:11): I raise the issue of James Price Point in the Kimberley and its relationship to the conversation we have been having in this place over the last week about science. It is National Science Week this week and we have a lot of scientists in the building talking to us about their various areas of expertise, and also raising issues about investment in science and the importance of science. Unfortunately, I could not meet with the group of scientists who were to brief me yesterday because I was in this chamber talking about the supertrawler and in fact science. My office very gladly met with them and have shared some of their information with me. I would like to officially apologise for not being able to meet with them.

My contribution yesterday in the debate on the supertrawler was an example of talking about the importance of science but having some uncertainty about the science in regard to some of the decisions we have to make. It was a good example of simply not knowing enough to support some of the decision making on that particular issue, as was clearly demonstrated during the debate.

I want to relate this process to the current situation with James Price Point in the Kimberley because the science in this debate is also very important. Firstly, I want to go to work around the environmental impact assessment done by the company. They have said that their assessment process must be good because they spent $80 million on it. But I also point to some of the work done by the Cetacean Research Unit at the Centre for Fish, Fisheries and Aquatic Ecosystems Research, School of Biological Sciences and Biotechnology, Murdoch University in Western Australia. They looked at the marine side of the environmental impact assessment undertaken by Woodside and point to the failures in the science in that report. They talk about relatively simple things like the poor survey work that was done and how the latest approach was not used; that the number of humpback whales in that area have been significantly undercounted; and that the report makes simplistic responses that are not backed up by research or science. For example, they make the point that the report states, 'This project will not impact on dolphins, bottlenose or spinner dolphins, because these species are widespread, highly mobile and unlikely to exhibit behavioural and avoidance responses such as fast-flight responses, faster dive times and high-speed swimming.' It goes on in that vein. The point that the research paper from Murdoch University scientists makes is: 'The first statement above, for example, implies that development will result in the flight of bottlenose and spinner dolphins. Being able to exhibit avoidance responses does not equate to a species not being impacted at a population level.'
The paper also makes the point that the company's research does not point out which species they are talking about and that there is an assumption they are talking about one species. In fact, there are more species there. In particular, all their work did not identify at all the facts that there are miniature spinner dolphins there. The paper talks about inappropriate surveys in approach and methodology of dugongs. It also talks extensively about impacts on dolphins. The point is that it is clear that the work has not been done adequately. The research unit has also expressed concerns about the lack of independence of environmental impact assessment and peer review.

I now turn to the issue of the dinosaur footprints. Dr Salisbury has done extensive work on the dinosaur footprints, some of which has been recently released and I understand there is more to come. His work points out how important this area was for dinosaurs. The area has been underdocumented and has not been properly assessed. Again, scientific work there has not been done properly. Dr Salisbury points out there has been no dedicated funding to complete the survey of the footprints.

Another area of failure at James Price Point is the lack of adequate documentation of the existence of bilbies. It took a community science project to find these bilbies. This brings me to one of the exciting things in the Kimberley region, particularly for the James Price Point development but also for broader Australia. There is a growing willingness of communities to take on community science work and community science is happening all around Australia, in particular in the Kimberley. Community science is when members of the community volunteer their time to work with scientists to do proper monitoring, so that results of this monitoring can be appropriately taken into databases and used as evidence on particular points. These projects are carrying out very important research science.

In the Kimberley, for example, the community has been doing the monitoring of bilbies. The community there has been doing daily monitoring of whale movements off the coast of the Kimberley and at James Price Point. In fact, as I said in this place not long ago, in the first four weeks of the community survey being undertaken this season, community scientists have clearly demonstrated the failure of Woodside to accurately document the number of humpback whales migrating along the coast and the fact that that area of the Kimberley coast is so important as a humpback nursery. The EIA, as I mentioned, downplayed the numbers of whales using that area and completely failed to highlight the importance of that area for humpback whales as a humpback nursery. The community scientists are clearly documenting those numbers and updating a website very regularly. They are using a scientifically rigorous method for this. Other areas that community scientists are working on in the Kimberley are in documenting turtle movements and the use of beaches by turtles. In particular they are documenting turtles nesting on that coast. They are also monitoring things like seagrass. I am trying to demonstrate that they are a dedicated group of very passionate and professional people who are giving up their time and resources to help demonstrate the gaps in the science that has been commissioned by Woodside for the company's strategic assessment.

I believe a very important issue needs to be highlighted here—that is, the failure of Woodside and its strategic assessment to give an accurate picture of this area. The company has failed to carry out adequate studies. It has conveniently left out the importance of this area. The limited studies that have been carried out have not been
adequately peer reviewed. One issue is that this research comes from the developer rather than being independent. Of course, wherever a developer is presenting such information it will present the information in the best possible light.

How do we get a more rigorous environmental impact assessment process that adequately looks at the issues, can be peer reviewed and is worthy of presenting the facts about a particular development? This process would pertain not just to the James Price Point development but to fishing, mining and agriculture. There is a lot of concern in the scientific community about the independence of the environmental impact assessment process. Those comments have been made over a number of years—in fact, for the whole time I have been involved in advocacy for the protection of the environment these have been ongoing concerns. The Woodside development at James Price Point clearly highlights the fact that there need to be independent sources of funding for science, and that funding needs to be put into an independent fund so that independent decisions are made about the science and research being undertaken.

If that had happened at James Price Point, if there had been a process of independently commissioned science carried out on that proposed development, we would have had much more rigorous science and a much better and deeper understanding of the importance of the marine environment, as was highlighted by the Murdoch University's Centre for Fish, Fisheries and Aquatic Ecosystem Research, such as in the centre's paper that comments specifically on the marine impact of the proposed James Price Point development. We also would have had a much better understanding of the importance of the area in terms of the dinosaur footprints, the interaction of the dinosaurs on that landscape and the emerging evidence showing that dinosaurs helped form that landscape. It is one of the only places, if not the only place, in the world where dinosaurs have so significantly impacted and developed a landscape.

Of course, the other important connection there is the relationship between the dinosaur footprints and those footprints being woven into Aboriginal culture. There is also the importance those trackways play in the interaction with songways. Again, this is one of the only places in the world—if not the only place in the world—where that interaction occurs. That has not been adequately documented. There are some issues there that specifically cannot be related because it is cultural business, but the community has shared with me some of the stories that they are able to share, and they show the richness of the culture, the custodianship of that area and the interaction between the culture and the dinosaur footprints. As I said, this place has not been adequately documented, and we are only now getting an understanding of the extent of the trackways—no thanks to Woodside.

I come back to the importance of making sure that we value and fund good science in this country. There will always be questions—there is never absolute certainty over something—but the more we get a scientific understanding of these issues the better. The more we get an evaluation of particular areas the better. The more monitoring we undertake to inform our decision making the better. Federal funding to scientific research and innovation is almost $9 billion in 2012-13, and federal funding to health and medical research was $760.5 million in the last budget. Unfortunately, we are now hearing stories of deferrals, freezing and pausing of grants that have not been categorically ruled out in certain areas from the ARC, the NHMRC
and others because of the surplus to the budget. My argument is that unless we are investing as a nation in research and innovation and valuing science we lose out as a nation. Our productivity, for example, will not continue to grow. Nor will our understanding of our ecosystems, and what we need to understand about them to ensure their protection, nor our understanding of sustainability in agriculture. With the impact of climate change agriculture is having to adapt very quickly. Australian farmers are very good at adapting, but they have come to the extent of their ability to adapt without a better understanding and without more scientific research being done around how to sustainably manage our landscapes in a changing climate. That is going to be dependent on science.

The arguments at James Price Point are, we believe, very strong in that this development should not be located in this area. It has poor economic, environmental and social outcomes for that area. We need to looking at alternative sites and we need to be valuing the role of science in this decision making, because it has been lacking. There has been no scientific peer review of the approach that Woodside is taking. We need to be looking into that more strongly. We need to be independently funding this type of research so that we have an independent understanding of the impacts of these developments.

Multiculturalism

Senator URQUHART (Tasmania) (13:26): I rise in this matter of public interest debate to talk about my hope for our multicultural society going forward. The events of Saturday in Sydney were deplorable. We have all seen the coverage. Just like Cronulla seven years ago this riot shocked the nation. Some people say that the events in Sydney on the weekend and in Cronulla years ago demonstrate the fragile nature of multiculturalism. I believe the response from many members of the wider community over the past days shows that we have quite a healthy multicultural society. While there may always be issues and flare-ups, the reactions we have seen, particularly yesterday from Muslim community leaders in Melbourne and Sydney, as well as the immediate comments from Muslim community leaders across the country, show that there is a strong well for multicultural Australia, an Australia were we celebrate that we are a nation of peoples from right across the world.

We can learn so much from each other through respect, through tolerance and by reaching out and trying to continue to increase dialogue, cultural festivals, awareness raising and support services to migrants, while continuing to strive to better understand where our friends and neighbours are from, where we have come from and how we can all take our Australia forward.

I am from regional Tasmania, and to be frank it is not a very multicultural place. That is really unfortunate. First-generation migrants bring so much life and enthusiasm into Tasmania, while second and third generations continue their family traditions. They continue to teach the proper way to make pasta and lamb kofta, and they continue their connection back to wherever their fathers and mothers came from while getting on with living life in regional Australia.

While there are seats in Western Sydney with over 50,000 and 60,000 people with non-Anglo-Saxon heritage, my seat of Braddon has fewer than 2,000. This lack of multiculturalism in north-west Tasmania has, for some, produced a culture of isolation. Because of not needing to engage with other
cultures, apart from enjoying their food, there is not a great need to demonstrate tolerance and acceptance of people of non-Anglo-Saxon heritage. Then, when events like the riots on the weekend occur, some people turn to social media pages that promote hate and spread misinformation. The monoculture of such pages, where you must ‘like’ to be included, perpetuates fear and misunderstanding.

Today I place on record my support for the actions of Muslim leaders from Sydney and Melbourne yesterday. These leaders came together to call for calm and for all Australians to respect each other. They condemned the behaviour on Saturday and said that it was unacceptable in Australia, warning those who may want to participate in a second protest this weekend that they will have the support of their community only if they protest peacefully, silently and within the law. They claimed that violent actions from Saturday are not actions put forward by Islam, and they strongly urge people not to rally over this film, because it is not worth it. Importantly, they have resolved to work together to create a unifying group for all Australian Muslims to support each other, to provide guidance and to assist with engaging in Australian society.

It is disappointing to read that some Australians are quick to lay blame on people. Of course, I do not condone the actions of the protesters. However, language such as the following from columnist Gerard Henderson in yesterday's Sydney Morning Herald does not help:

> Australia is a viable democracy in which virtually all groups have prospered, including the vast majority of Muslims. If last Saturday's demonstrators don't appreciate this, tough. It is not our fault.

I feel that this is a totally wrong attitude. Muslim community leaders condemned the riot, and they have resolved to work together to move their community—our community—forward. It is our community that witnessed the riot. It is our community that must reach out to people.

One way we can achieve that is to acknowledge past instances of hurt, to commemorate the anniversaries of significant events for a group of people, to share the stories of why this anger may have developed and to be compassionate to our fellow citizens of the world. Having said this, I move to commemorate a tragic massacre. Thirty years ago this week, militia stormed the Sabra and Shatila Palestinian refugee camps in Lebanon. It was 16 September 1982 and, in a deliberate, planned and overseen attack that lasted two days, the lives of between 800 and 3,000 refugees were taken. This was a massacre so awful that those who know about it can never forget. There are photos across the internet and in libraries across the world. These serve as real, gruesome reminders of the tragedy of conflict: photos of charred, decapitated and violated corpses. For the victims and the handful of survivors, it was two days without mercy. It was deliberate, calculated and watched over, but to this day the killers go unpunished.

Before the massacres of Sabra and Shatila, the Israeli army had only recently invaded Southern Lebanon. Lebanon was the temporary home to the PLO and many thousands of Palestinian refugees. The massacre was in retaliation for an attempted assassination, an attempt that was actually carried out by a rival militant group and not the PLO. On 1 September, a ceasefire was mediated by the United States. Arafat and his men surrendered their weapons and were evacuated from Beirut. They were guaranteed by the United States that the refugees left behind in the camps of Sabra and Shatila would be protected by a multinational peacekeeping force. That
guarantee was not kept. The security vacuum created then paved the way for the atrocities.

Using the assassination of the newly elected Prime Minister of Lebanon by a pro-Syrian terrorist as cover, the then Israeli defence minister, Ariel Sharon, moved to occupy the refugee camps of Sabra and Shatila. The massacre of Sabra and Shatila began. The refugee camps were surrounded with tanks and soldiers. Sharon ordered the shelling of the camps. What followed was an afternoon and night of bombardment. By the dawn of 16 September, the Israeli artillery had completed their work. The Israelis then stood by, guarding the gates. They allowed Lebanese Christian militia, a gang called the Phalangists, to enter the camps and massacre unarmed civilians. This militia were supposedly hunting for the terrorists that had killed their leader days before.

Seeing an opportunity to have another group 'finish the job', the Israelis organised for the Phalangists to enter Sabra and Shatila. The Israelis knew that the assassination was carried out by the pro-Syrian terrorists and not the Palestinians, but, to rid South Lebanon of the Palestinians, they allowed this religious army to terrorise thousands of Palestinian refugees. The Israeli army supervised the entire massacre. They ensured that there was no escape from the camps. Most chillingly, they cast flares into the night sky to ensure there was no lull in the killings. The flares meant there was nowhere to hide for the thousands of innocent refugees. With the terror of constant daylight, the Israelis maintained a tight cordon around the camps to make sure that no-one could escape.

Thirty years on, the camp at Sabra is no longer there. It was wiped off the map during the carnage. The camp at Shatila serves as a chilling reminder of man's inhumanity—man's inhumanity to men, women and children. There have been a number of documentaries about the massacre. An account from British journalist Robert Fisk is particularly shocking. It demonstrates the extraordinary scale of the massacre. Robert was in the refugee camps during the massacre. He returned years later to visit and share his story of the massacre for a television documentary. He recalled, 'It was quite a while before we realised that the Christian gunmen who the Israelis had sent in were still in the camp. We heard shooting. We all got very frightened. At one point, my two colleagues were somewhere nearby. I could hear them talking but did not know where. I shouted, 'Carston! Lauren!' and I still could not hear them. But I could hear the shooting. There was an earth embankment. I tried to climb over it. I got on top. Then it became all sort of spongy. It moved up and down. It wasn't an earth embankment. It was a pile of bodies with a thin layer of earth over the top. When I looked down I saw a face, an elbow; they were all bodies. I held my breath and jumped off and ran as fast as I could towards the voices. I was so frightened at the time.' This is an incredible account, and I encourage everyone to head to YouTube to view the full documentary and other documentaries by Robert Fisk on this massacre.

Israel's commission of inquiry into the massacre did not find that the State of Israel was directly responsible for the slaughter. And, while it did find that Ariel Sharon bore personal responsibility for not ordering appropriate measures for preventing or reducing the danger of massacre, it took an international commission of inquiry, headed by Irishman Sean MacBride, to find that Israel was directly responsible because the camps were under its jurisdiction as an occupying power. In highlighting and commemorating this tragic event, I do not wish to attack the Jewish community. I do
not wish to attack Mr Sharon, the Phalangist militia, the Israeli government or the Israeli soldiers. What has happened is one of a long list of tragedies in human history. What I seek to do here today is to highlight this tragic massacre, because we must increase our understanding of these events. We must learn, we must show compassion, and we must commemorate. We must remember Sabra and Shatila, 30 years on.

The massacre has been acknowledged in this place on a small number of occasions. The first instance of recognition of the massacre in this parliament was just days after that massacre. On 22 September 1982, Mr Lewis Kent, the Labor member for Hotham, gave notice that on the next day of sitting he would move a strongly worded motion commemorating the massacre and calling for the violators to be brought to justice. As far as I can ascertain, the motion did not make it back into the House for a vote during that Parliament, and lapsed. However, his strongly worded motion provides people today with the basic information about the event. The motion would have encouraged Australians then, as its place in the Hansard encourages people now, to find out more about the massacre at Sabra and Shatila. We must acknowledge and learn from the atrocities that were inflicted on innocent refugees in these camps.

We must also resolve to learn about tragedies from across past centuries. For if we do this and resolve to be better educated, we can grow into a more tolerant and accepting society. We can do this by telling these stories, including stories from the massacres of millions of Jewish people across Europe during the holocaust, stories from the massacres in Srebrenica and the Balkan wars, stories of the countless Soviet atrocities, stories of the crimes of the Khmer Rouge in Vietnam, and stories from the horrid civil war in Sudan. By working through these stories, it is my hope that we can appreciate the struggles we face in striving for a multicultural Australia. By conveying stories of past wrongs and by learning from and acknowledging these events, I hope we can all move forward.

On the weekend, such a small and vocal group so tragically marched through Sydney. From the comments of Muslim community leaders, and from our own dealings with Muslim Australians, we know that these people misrepresented Islam. While the action of a few is sad, what is even sadder is that such a small and vocal group of media personalities and politicians have kept the traditions of Hansonism alive and well. The majority of Australians are getting on with the job.

Every day we welcome new Australians, every day we have more unity and every day we are better for it. Migrants from across the world continue to be welcomed into Australia by many—migrants who are fleeing persecution and who are seeking to make a better life for their families. We are lucky for the tremendous work of the staff at our migrant resource centres who tirelessly help new Australians adjust to life here.

We have a rich, multicultural community in Australia. The actions of a few on the weekend have rightly been deplored. But if we take the time to learn about the situations, practices and world views of all Australians we will be better off for it. Let us not shut the door, let us not tell them they are not welcome; let us work together in welcoming those who long for a better life. By creating and fostering acceptance, events like Saturday will never be a norm, and we will counter the culture of ‘Go back to where you came from’ with a ‘Welcome to Australia, mate!’
United Arab Emirates

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (13:40): In January 2009, a highly respected Victorian businessman working in Dubai, Mr Matthew Joyce, attended a meeting with Dubai police. He was not allowed to leave this meeting and was incarcerated in solitary confinement by Dubai state security for seven weeks. He did not see the light of day once in this period. The room was two by three metres, with no windows or bathroom, and with a grass mat in the corner for a bed. When he was finally allowed to see his wife a month later, he was white, clammy and weeping, with sores from the cold floor and malnutrition.

Six months after his incarceration, Mr Joyce, Mr Marcus Lee and others were finally charged with bribery offences in relation to a Dubai property transaction involving Sunland Group Limited in 2007. David Brown, a senior Sunland executive then based in the United Arab Emirates, is the chief witness for the prosecution in Dubai.

The Victorian Supreme Court considered the same matter in December 2011, in the matter of Sunland Waterfront (BVI) Ltd v Prudentia Investments Pty Ltd and Others (No. 2). In a judgement delivered in June this year, the Australian court has unequivocally found that Mr Joyce and his co-accused are victims of a false complaint to Dubai authorities by senior executives of Sunland. Justice Croft found aspects of Brown's oral evidence concerning the D17 property transaction:
... contradicted statements and sworn testimony which he had given to the Dubai authorities in the course of an investigation into the acquisition of Plot D17 in December 2008 and through to 2009.

His Honour also found that Brown's witness statement filed in the Victorian Supreme Court was:
... also inconsistent with the agreed transcript of his interview, conducted under oath, with the Dubai prosecutors on 16 February 2009...

His Honour observed:
... it is clear that, at various times, Brown's personal interests (including the fear of remaining the subject of investigation for bribery by the Dubai authorities), together with his and Sunland's commercial interests, coloured his statements and communications...

Further, Justice Croft found that at least one document provided by Brown to the Dubai authorities was 'a fabrication' and that Brown's failure to provide other documents was 'deliberate', adding:
This is particularly so having regard to the pressure Brown was then under personally in explaining the Plot D17 transaction to the Dubai authorities in a way that convinced them that it was lawful, together with the commercial consequences for Sunland were they to find otherwise.

The criminal trial in Dubai took almost three years. The trial continued for almost three years on non-consecutive days four to six weeks apart. Each hearing lasted from between 10 minutes to 1½ hours. The trial was adjourned on several occasions because
prosecution witnesses did not appear. Joyce and Lee were not provided with all the evidence against them. When that trial finally reached its conclusion, there were no adverse findings. Amazingly, Mr Joyce and Mr Lee now face a second trial in Dubai, after the matter was referred back to the Dubai prosecutor.

In a further Australian judgement on this matter, given last Friday, 14 September 2012, Justice Croft found that 'Sunland commenced and continued the present proceedings in wilful disregard of known facts and law and also for an ulterior purpose'. He also made findings in respect of 'Sunland's willingness to implicate Joyce unjustifiably'. They are direct quotes from Justice Croft.

Of course, Sunland are no strangers to controversy in their dealings with government. Soheil Abedian, David Brown and Sunland were all named in a 2006 Queensland Crime and Misconduct Commission report entitled Independence, influence and integrity in local government: a CMC inquiry into the 2004 Gold Coast City Council election. In that report, there were findings that Sunland improperly made a hidden donation directly to Quadrant Advertising disguised as 'general marketing advice', when in reality it was a backhanded attempt to curry political favour for their Gold Coast property developments. The improper behaviour of companies like Sunland threatens the interests of all Australian companies doing business in the United Arab Emirates. The proposed Qantas-Emirates deal already has enough to contend with the ongoing imprisonment of innocent Australians like Matt Joyce that is based on false testimony.

Aside from the ongoing imprisonment of Matt Joyce and Marcus Lee, there have been a number of arbitrary arrests in Dubai Airport itself. British charity Detained in Dubai has reported on a number of instances, and I will refer to the case of 32-year-old Australian Sun McKay from Adelaide, who travelled to Dubai from Australia. While transiting through the airport, Sun was roughly grabbed and yelled at in Arabic by a person in plain clothes. Sun was surprised at this harassment and responded with what I could only describe as a typically Australian, 'What the ****?' I will leave it to your imagination what the final word was. Later, the man who assailed Sun identified himself as being an undercover officer, at which point Sun apologised—but this was not enough. Sun was interrogated, his passport confiscated and he was detained for a number of months.

In September 2009 two Canadian tourists, Rocky Sharma and Stephen MacLeod, discovered that, even though Celebrex—which we know is an arthritis medicine—is not banned in the UAE, possession of it resulted in incarceration in a Dubai jail for a month after Dubai airport officials discovered it in one of their bags when they arrived. The lengthy stay was apparently attributed to the Dubai authorities taking that long to ascertain the nature of the drug. In March 2005, Briton Tracy Wilkinson was arrested at Dubai Airport after her urine tested positive for codeine. She was detained in prison until May 2005.

It is because of these random events that I stand here today and express concern about possible dangers for Qantas passengers transiting through Dubai—and, unfortunately, these possible dangers do not stop at the airport. Australian Alicia Gall, 29, had her drink spiked and was raped by four co-workers at the luxury Le Meridien Al Aqah Beach Resort in the United Arab Emirates in June 2008. After she reported the assault to authorities, she was jailed for eight months for having sex outside marriage in
the UAE, which we know is illegal. She was finally pardoned and released in March 2009. This does beg the question: what precautions and warnings will Qantas provide unmarried passengers who are single or in de facto relationships? I also refer to article 177 of the Penal Code of Dubai, which imposes imprisonment of up to 10 years on consensual sodomy. Will there be warnings to gay Australians transiting through Dubai?

There are also potential issues for Australians of Jewish decent and for Australian Christians who have made pilgrimage to Israel. As the UAE is a participant in the Arab League boycott of Israel, concerns exist for any Australians that may have the stamp of Israel in their passport. The same concern applies to dual Australia-Israel citizens who carry an Israeli passport.

I have to put on the table that I was delighted to read in the paper of a possible Qantas-Emirates partnership for a connection through the UAE. The increasingly competitive nature of the airline industry means that our premiere carrier must explore all commercial opportunities to remain a commercially successful and viable business. In short, this is good for all Australians. It means more opportunities, more jobs and it is great for the Australian economy. But, as a senator in this place, I cannot put the commercial interests of our premier carrier before the human rights and safekeeping of Australian citizens—which are still under threat today. It is still happening in Dubai as we speak.

My views on the illegitimate detainment of Matthew Joyce and Marcus Lee are well known to senators in this place, and I have reflected on them in estimates and have asked direct questions to the ministers concerned. But, with the impending partnership between Qantas and Emirates, I ask this government to seek the immediate release of Matthew Joyce and Marcus Lee, which will serve to allay concerns that may continue to exist over possible commercial endeavours in the UAE.

**Goods and Services Tax**

**Senator BUSHBY** (Tasmania—Deputy Opposition Whip in the Senate) (13:53): I rise on a subject similar to that which Senator Bilyk talked about—that is, the issue of GST funding its distribution across the country. Senator Bilyk and others are misleading the Australian community by suggesting that there is a threat to the distribution of GST revenue in Tasmania. In misquoting Tony Abbott and trying to put a spin on comments he has made that suggest there will be a $700 million cut to funding in Tasmania, Senator Bilyk is ignoring one fundamental fact, and that is that it was the Gillard Labor government—of which Senator Bilyk is a member—which commissioned the current review examining the distribution of revenue from the goods and services tax to the states and territories.

In pondering that for the purpose of better understanding this issue, on 31 March 2011 the *Sydney Morning Herald* reported the creation of this review, noting that the Prime Minister, Julia Gillard, had ordered a review of the formula used to distribute the tens of billions of dollars raised by the GST. The article quotes Prime Minister Gillard as saying that she wanted the formula overhauled so that the states that expanded their economies were not penalised and so that those that allowed theirs to stagnate were not rewarded:

'Instead of states facing penalties for economic growth and rewards for economic underperformance, the GST distribution process should encourage economic reform and better delivery of services, and provide states with certainty,’ she said.
This seems to me to be code for taking money off those states that are not doing so well—like Tasmania, South Australia and the Northern Territory, which all receive subsidies under the GST distribution process—and giving it back to those states that are doing well, such as WA and Queensland. The article goes on:

Ms Gillard made the announcement in Perth, where Labor is deeply unpopular and where the Premier, Colin Barnett, has complained about losing GST revenue because of the mining boom. The *Australian Financial Review* reported a day earlier on this particular review, and that article said:

The review will lead to a simpler, fairer, more predictable and more efficient distribution of the GST to states and territories …

That was a quote from the government. The Prime Minister was quoted as saying that premiers had been calling for reform for some time. Those who raise this issue in this place like to raise the fact that the Liberal premiers are getting together and calling for a review of the GST distribution formula, but, as noted in the *Australian Financial Review* on 30 March, former Queensland Premier Anna Bligh had been complaining that her state was being penalised for its economic success. So it is not just the Liberal premiers who have been calling for this. Labor premiers in those states that are subsidising the other states through the GST distribution process have also been complaining about this. I quote the Prime Minister, who said:

'Here in WA Premier (Colin) Barnett has posed the question what have we done wrong besides being successful?'

The point I am making is that it is not the Leader of the Opposition who has put at risk the funds received in Tasmania, South Australia and the Northern Territory. It is in fact the Prime Minister and the government that have put all of that at risk with the Prime Minister's knee-jerk reaction to criticism and pressure that she received while in Perth in March this year, which led her to go and put in place a review specifically designed to look at how you can limit the amount of money that comes off those states that are successful and take some away from those that are not doing so well. It is the Prime Minister who has put us in that position—not Tony Abbott, the Leader of the Opposition. The Prime Minister, by commissioning this review, which she announced while she was in Perth, under pressure from the Premier of Western Australia, put GST distribution at risk right across the country. It is not the Leader of the Opposition and it is disingenuous on the part of those Labor senators and members who are going around saying that it is Tony Abbott who has put the smaller states at risk, when in fact it is the Prime Minister.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (13:59): I inform the Senate that Senator Bob Carr, the Minister for Foreign Affairs, will be absent from the Senate today and tomorrow. As a result we have sought to allocate his responsibilities at question time. Senator Conroy will represent him in his Foreign Affairs portfolio and in his representative portfolio of trade and competitiveness with distinction; and I will represent him in his role representing the Minister for Defence; Defence Materiel; Veterans Affairs; and Defence, Science and Personnel.

SHADOW MINISTERIAL ARRANGEMENTS

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (13:59): by leave—I seek leave to table a revised shadow ministry list.
Leave granted.

The document read as follows—

**COALITION SHADOW MINISTRY**

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Leader of the Opposition</td>
<td>The Hon Tony Abbott MP</td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Arthur Sinodinos</td>
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<tr>
<td>Shadow Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
<td>Senator the Hon David Johnston</td>
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<tr>
<td>Shadow Minister for Trade</td>
<td>The Hon Teresa Gambaro MP</td>
<td>Senator Barnaby Joyce</td>
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<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
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<tr>
<td>Shadow Minister for Infrastructure and Transport</td>
<td>The Hon Warren Truss MP</td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of The Nationals)</td>
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<td>The Hon Sussan Ley MP</td>
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<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
<td>Senator the Hon George Brandis SC</td>
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<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Senator the Hon Sussan Ley MP</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
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<td>Shadow Attorney-General</td>
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<td>Shadow Minister for the Arts</td>
<td>Senator the Hon George Brandis SC</td>
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<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
<td>Senator the Hon George Brandis SC</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
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<td>Shadow Treasurer</td>
<td>The Hon Joe Hockey MP</td>
<td>Senator the Hon Brett Mason</td>
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<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>The Hon Tony Smith MP</td>
<td>Senator Fiona Nash</td>
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<td>(Deputy Chairman, Coalition Policy Development Committee)</td>
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<td>Shadow Minister for Education, Apprenticeships and Training</td>
<td>The Hon Christopher Pyne MP</td>
<td>Senator the Hon Brett Mason</td>
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<td>(Manager of Opposition Business in the House)</td>
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<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
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<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
<td>The Hon Christopher Pyne MP</td>
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<td>Shadow Minister for Youth and Sport</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
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<td>Shadow Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
<td>The Hon Kevin Andrews MP</td>
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<td>(Deputy Leader of the Nationals)</td>
<td>Shadow Minister for Indigenous Development</td>
<td>Senator Mari Payne</td>
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<td>Shadow Minister for Regional Development, Local Government and Water</td>
<td>Senator Barnaby Joyce</td>
<td>The Hon Ian Macfarlane MP</td>
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<td>(Leader of the Nationals in the Senate)</td>
<td>Shadow Minister for Regional Development</td>
<td>Senator the Hon Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Northern and Remote Australia Government</td>
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<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
<td>The Hon Ian Macfarlane MP</td>
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<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
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<td>Shadow Minister for Finance, Deregulation, and Debt Reduction</td>
<td>The Hon Andrew Robb AO MP</td>
<td>Senator Mathias Cormann</td>
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<td>(Chairman, Coalition Policy Development Committee)</td>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
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<td>Shadow Minister for COAG</td>
<td>Senator Mari Payne</td>
<td>Senator the Hon Andrew Robb AO MP</td>
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<td>(Chairman, Scrutiny of Government Waste Committee) (Mr Jamie Briggs M P)</td>
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<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
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<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
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<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
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<td>Shadow Minister for Defence Science, Technology and Personnel</td>
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<td>Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator the Hon Michael Ronaldson</td>
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<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
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<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator the Hon Ian Macdonald</td>
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<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
<td>Senator Simon Birmingham</td>
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<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<td>The Hon Bronwyn Bishop MP</td>
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<td>Senator Marise Payne</td>
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<td>Treasurer Michaelia Cash</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
<td>Senator the Hon Eric Abetz</td>
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<td>Senator Simon Birmingham</td>
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<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
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<td>The Hon Teresa Gambaro MP</td>
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<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
<td>The Hon Bruce Billson MP</td>
<td>Senator Scott Ryan</td>
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<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
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Shadow Cabinet Ministers are shown in bold type.
In addition, the Hon Philip Ruddock MP will act as Shadow Cabinet Secretary.
I thank the Senate and, in doing so, I thank Senator Bernardi for his services and congratulate Senators Sinodinos, Humphries and Cash on their new roles.

QUESTIONS WITHOUT NOTICE

Taxation

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Treasurer and the Minister for Finance and Deregulation, Senator Wong. Will the minister rule out increasing taxes to pay for the new spending promises the government has made since the May budget as advocated by none other than Senator Doug Cameron?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:00): As the senator should know, if he read the budget papers, the highest taxing government in Australia's history was in fact the government in which he was a minister, the Howard government. The tax to GDP—

Senator Brandis: That's not the truth!

Senator WONG: I will take that interjection: I am told I am not telling the truth. The tax to GDP—

The PRESIDENT: Order! Senator Wong, ignore the interjections. There is a primary question that has been asked by Senator Abetz. Address the primary question; ignore the other questions that might come from an aside.

Senator WONG: The tax to GDP ratio, tax as a share of the economy, the sensible way to consider levels of taxation, peaked at 24—

Opposition senators interjecting—

Senator WONG: They don't like the truth; it hurts—peaked under which government? The Howard government—24.2 per cent—and was in fact still high at 23.7 per cent in 2007-08 when they left office. In fact, if the government was receiving the same level of taxation in terms of tax to GDP ratio that we inherited from those opposite, revenue in this financial year would be $24 billion higher than is projected in the budget figures. The reality is: we on this side have committed to keeping the tax to GDP ratio at or below the level we inherited and that is what we have been doing. The 2012-13 figure for tax to GDP in the budget papers is 22.1 per cent.

The only party at the moment that is actually advocating for a tax increase is of course the one opposite—1.5 per cent increase to the company tax rate to pay for Mr Abbott's millionaire's paid parental leave scheme; an increase in company tax brought to you by the Liberal Party. Of course what it also wants to do is take back the tax cuts for working Australians this government has put in place.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): I think most Australians understand the debt is simply deferred taxation. Mr President, I ask a supplementary question. Does the minister agree with the Prime Minister's statement that 'every time we announce something we properly account for it and properly fund it'? Can the minister confirm to the Senate that the Prime Minister's announcements about the National Disability Insurance Scheme, the Gonski review and the new dental scheme have all been properly accounted for and properly funded? Can the minister give the Senate details of the accounting and the funding?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:03): This government has implemented a range of social reforms over five years. They include health care, pension reform, paid equity and paid parental leave, and all of these have been fully funded and properly
accounted for—unlike those opposite who have never complied with Peter Costello's Charter of Budget Honesty, who used accountants who were found to have breached professional conduct rules when they did their so-called audit of Liberal Party election promises and whose immigration costings are based on the advice of a catering company.

I can say through you, Mr President, to Senator Abetz: in relation to those policies, this government will comply with the Charter of Budget Honesty that Peter Costello put in place, and I invite him to make the same commitment on behalf of the coalition.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:04): Mr President, I ask a further supplementary question: will the minister actually answer the previous supplementary question by providing the Senate with details of how the new spending promises the government has made since the May budget will be funded?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): We will release our MYEFO. When will you release your policies? We will release our MYEFO, our budget update, and I also refer those opposite to the comments of the Prime Minister when she made the Press Club speech dealing with the Gonski reforms, the education reforms, to lift the educational standards of Australians because that is so important to the future productivity and prosperity of the country. Really, to be lectured by Senator Abetz about costings of policies when this economic team opposite us has never once delivered a policy that complied with the provisions of the Charter of Budget Honesty and they have never revealed the $70 billion of cuts that they want to take?

Education

Senator CROSSIN (Northern Territory) (14:06): My question is to the Minister representing the Minister for School Education: in light of the OECD report Education at a glance 2012, which states that socioeconomic status is still strongly linked to educational attainment in Australia, what action needs to be taken to break that link in this generation?

Senator KIM CARR (Victoria—Minister for Human Services) (14:06): I thank Senator Crossin for this question and her for longstanding interest in education. The latest OECD report confirms the clear advantage enjoyed by the well-heeled in this country. It is people from wealthy backgrounds who get the best out of education, which gives them, as a group, a privileged start in life. The OECD report makes it clear that much more needs to be done to assist the disadvantaged.

The solution is very, very clear: it is new investment. What the NAPLAN results confirm is that Labor's funding increases have improved literacy, have improved numeracy and have improved attendance for the disadvantaged. We want to work with schools to offer every child the very best educational experience. This is the first priority of the Labor government. It is the last consideration of the Liberals. What we have seen, and it can be confirmed now in state budgets right across the country, is that the Liberals have taken their savings from the pockets of the most disadvantaged.

Let us have a look at New South Wales, where even Stuart Ayres, the member for Penrith, concedes that there be will cuts to front-line education. In New South Wales, we have funding cuts to 272 special needs schools. New South Wales are losing some 1,300 staff from the school system. New South Wales were promised 200 new literacy and numeracy teachers and they will get a
mere 50. This is the Tory vision of education. This is the Tory vision of class politics. They will stop at nothing in terms of their attacks on the disadvantaged.

Senator CROSSIN (Northern Territory) (14:08): Mr President, my supplementary question then, based on that answer, is: what impact does the government expect the cuts in those states will have on students who are disadvantaged and will have on students who particularly come from the regions?

Senator KIM CARR (Victoria—Minister for Human Services) (14:09): I know that my colleagues from the National Party have been asserting that they have some interest in this matter. I could remind them of their new policy platform, and that is, 'The Nationals believe that from preschool to university the higher standards and equality of access to education is fundamental to all Australians, regardless of where they live.' So how can they defend their Tory mates and the attacks that they have launched upon disadvantaged students, particularly in the regions?

If you take my home state of Victoria, student bus subsidies have been slashed by the Baillieu government in that state. This is money that has helped to pay for buses that service the regions every day. Some 7,500 students in rural and regional areas have been left stranded in Victoria. This is on top of the scrapping of the School Start Bonus and the gutting of the Education Maintenance Allowance. So we know that it is parents from particularly disadvantage backgrounds—(Time expired)

Senator CROSSIN (Northern Territory) (14:10): Mr President, through you to Senator Carr, as a former teacher—and as I am a former teacher—I am interested to know: what do these cuts mean for class sizes, for school fees, for resources in schools and for student support?

Senator KIM CARR (Victoria—Minister for Human Services) (14:10): It is quite clear: fees will rise, class sizes will rise, student support will fall, and the education authorities have made that very, very clear. Let us look at Queensland. There is 0.3 per cent registered for indexation in that state. That is less than 10 per cent of the national figure. Of course, it does not even begin to cover the costs that are growing in education across the country. I have argued in the past that those on the other side are still raging against the enlightenment. Well, if ever you need an example of that you only have to look at these cuts. These cuts to education mean that you are the peddlers of ignorance. You have been pursuing a policy aimed at undermining the opportunities for the poorest members of this community, for the most disadvantaged members of this community, and that is why you will be condemned. You will be condemned across this country for your hostility to providing opportunities that all Australians have a right to expect. (Time expired).

DISTINGUISHED VISITORS

The PRESIDENT (14:12): Order! I draw to the attention of honourable senators the presence in the chamber of a parliamentary delegation from Myanmar led by the Speaker, the Honourable Thura U Shwe Mann MP. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I would ask the Speaker to take a seat on the floor of the Senate.

Honourable senators: Hear, hear!

Mr Thura U Shwe Mann was then seated accordingly.
QUESTIONS WITHOUT NOTICE

Budget

Senator CORMANN (Western Australia) (14:12): My question is to the Minister for Finance and Deregulation, Senator Wong. I refer the minister to her comments in a media release earlier this year about funding commitments when she said:

You’d hope that before they made billions of dollars worth of promises, they’d be able to explain how they were going to fund it.

Given the latest Labor Party spending spree, why has the Gillard Labor government ignored that clear advice from the minister for finance and steadfastly refused to explain how it is going to fund $120 billion worth of promises before making them?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:13): I think that is actually the same question that Senator Abetz asked me. There are also some factual assertions in the question with which I do not agree, but I will leave those for the moment. The core issue here is how political parties, parties of government, make sure they disclose to the Australian people in budget updates but most importantly before an election how they will cost their policies. Those of us on this side of the chamber have ensured that we have done that. We have ensured that our budget updates have complied with budget practice and we have ensured that election policy commitments comply with the Charter of Budget Honesty introduced by former Liberal Treasurer Peter Costello. Those opposite have manifestly failed to do so.

We know what play book those opposite are playing out of, and that is the play book that Premier Newman demonstrated to Queenslanders. Before the election you do not tell anybody anything. You set up a commission of audit and then all of sudden you say, ‘I know I said to the public servants they have nothing to fear, but I’m now going to sack 14,000 of them and cut into front-line services for Queenslanders.’ That is the play book that Tony Abbott and Joe Hockey and Senator Cormann want to engage in, which is why they do not want to come in here and tell any Australians what their plans really are.

Senator Cormann does not want to come in here and say how he will find $70 billion. He does not want to come in here and say which services he will cut. He does not want to come in here and say how many people he will sack. And he does not want to ensure that he actually releases policies which have been costed in accordance with the Charter of Budget Honesty.

We have a track record as a government of making structural saves, many of which you have opposed, like the private health insurance rebate. Do not come in here and lecture me about the structural integrity of the budget. You voted against the private health insurance rebate and everybody knew that was an important structural save for the future. (Time expired)

Senator CORMANN (Western Australia) (14:15): Mr President, I ask a supplementary question. I refer the minister to another of her recent media releases where she said:

$70 billion in cuts would be the equivalent of stopping Family Tax Benefit payments for three years or cutting the age pension for two years. Are these the types of programs Labor plans to cut to fund its $120 billion budget black hole? Or will Labor just do what it always does and that is lazily jack up taxes and drive up Labor government debt even further?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:15): I think it is important in the context of that question to again remind the senator that we did not come up with the figure of $70 billion. Joe Hockey and Andrew Robb
did. In fact, Mr Robb on national television—

The PRESIDENT: Order! You need to refer to people in the other place by their correct title.

Senator WONG: Sorry—Mr Hockey and Mr Robb did. If you do not like it, maybe you should rock up to Shadow ERC and say, ‘Oh, this $70 billion is a bit of a problem,’ because it is your figure, but you refuse to tell Australians what you will do in order to find those cuts. You refuse to tell Australians what you want to do. You refuse to comply with any principles of sensible budget transparency or the Peter Costello Charter of Budget Honesty. You simply refuse to do that.

I am also asked about the pension. Which was the government that delivered a historic increase to the age pension? Was it the Howard government over 11 years? Or was it this government, a Labor government, that delivered the historic increase to the pension? Those are Labor priorities, Senator.

Senator CORMANN (Western Australia) (14:17): Mr President, I ask a further supplementary question. Given the Australian people could not trust the Prime Minister's promise before the last election that there would be no carbon tax under a government she leads, why should people trust that this government would ever deliver on its $120 billion worth of unfunded promises? How can people across Australia trust this government when not even Senator Doug Cameron does?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:17): I am sure that the economic hardheads in the Liberal Party would be most pleased by Senator Cormann suggesting that Senator Cameron is the benchmark for Liberal Party fiscal transparency. Senator Cameron might not regard that as a promotion; he might regard that as a substantial demotion—I do not know. But it is interesting that he has suddenly become the benchmark that Senator Cormann refers to.

Senator Cormann interjecting—

Senator WONG: The reality is that the benchmark has been previously set in the Charter of Budget Honesty. The people who are refusing to comply with that are those opposite.

Senator Cormann interjecting—

Senator WONG: No amount of bluster, self-righteousness and continuous interjecting—which is what Senator Cormann continuous to do; we always know when we are getting to you, Senator Cormann, because you just do not stop—no amount of that kind of behaviour will detract attention from the fact that your economic figures simply have never stacked up.

Afghanistan

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:18): My question is to the Minister representing the Prime Minister, Senator Evans, and relates to Afghanistan. Was Australia told or even consulted before the decision was made by NATO to dramatically change the way the US-led coalition is fighting the war in Afghanistan—namely, the change with regard to the restriction of joint operations? If so, when were we told, either at an operational level or at a political level? If we were not told, have Australia expressed our disapproval at such unilateral action? Have we now sought clarification as to how the changes will apply in Uruzgan?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:19): I will provide as much information as I can to
the senator in response to her question. I understand the Minister for Defence has made some public comments today on the matter, but at this stage I have not seen those. It is the case that this was an operational decision taken by ISAF commanders. As I understand it, those commanders continually conduct threat assessments to seek to adapt to the current operating environment. I am advised that recent events outside of and inside Afghanistan related to the *Innocence of Muslims* video, plus the conduct of recent insider attacks, has given cause for ISAF troops to exercise increased vigilance and carefully review all activities and interactions with the local population. The Commander of ISAF, General Allen, has directed all operational commanders to review force protection and tactical activities in the light of those circumstances.

As ISAF has said, these are prudent but temporary measures to reduce their profile and vulnerability to civil disturbance or insider attacks. It means that, in some local incidences, operational tempo has been reduced or force protection has been increased. As I said, the tension in the community, they think, has risen and they have taken prudent measures, as they have at other times when they thought there was higher tension in the local community. I am advised that ISAF will remain focused on the continued conduct of effective combined operations with our Afghan partners to achieve the mission. They will always be conducted in a manner that seeks to mitigate the risks.

As to any other information Minister Smith can provide, I am happy to take that on notice for the senator.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:21): Mr President, I ask a supplementary question. Given that the British did not know, can we have a clarification from the minister as to whether Australia new before this was announced? Secondly, isn't the partnership between the international Afghan forces the core of the mission? If that is the case, doesn't this decision to abandon the core of the mission by keeping Afghan and coalition forces at arms-length mean that there is no longer any rationale for keeping our troops in Afghanistan? Should we not now be bringing our troops home as safely and quickly as possible?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:22): The answer to that is clearly no. I have explained to the Senate that, as a result of *The Innocence of Muslims* video plus the recent insider attacks, ISAF—the commanders in the field, the operational leadership—have made a decision about how they will handle the situation and they have sought to review force protection and tactical activities. There is still close cooperation with Afghan forces. The level at which that cooperation takes place has risen, as I understand it, and they are now focusing on the kandak commanders and their staff, while the Afghan company level units within the kandak conduct operations such as patrolling and managing checkpoints and outposts. But I do make the point that this is a temporary operational decision being applied and it does not undermine the essential mission.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:23): Mr President, I ask a further supplementary question. I note the minister says it is a temporary response. David Cameron has responded in the UK to the NATO disarray by telling cabinet that he plans a full-scale, cabinet-level review of British policy in Afghanistan as a result of this disarray. Can the Australian people expect the same here—
a full-scale, cabinet-level review of Australia's policy in Afghanistan?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:23): I am not sure what Prime Minister Cameron in Great Britain said to his cabinet; I suspect that neither is the senator. Can I just reiterate: this is an operational decision taken as a result of heightened risk. It is a decision taken by the military leadership—the ISAF leadership in the field. The minister will no doubt be making public comments about this and I will seek to make sure the Senate is kept abreast of those. The minister has at all times sought to keep the parliament up-to-date with developments in Afghanistan. I am not sure that there is anything in the events of the last few days that would cause us to review our fundamental commitment to Afghanistan or our plans for transitioning to local Afghan command of operations in Afghanistan. (Time expired)

Economic Competitiveness

Senator SINODINOS (New South Wales) (14:24): My question is to the Minister for Finance and Deregulation. I refer the minister to the fact that many economies—

Government senators interjecting—

The PRESIDENT: Order on my right! Senator Sinodinos, you are entitled to be heard.

Government senators: Come on down! Give him a seat at the front!

Senator SINODINOS: Great depth in our frontbench! I refer the minister to the fact that many economies in Asia are enjoying lower rates of unemployment than Australia's current rate of 5.1 per cent including Taiwan and Japan at 4.3; China at 4.1; Hong Kong at 3.2; South Korea at 3.1; Vietnam at 2.3; and Singapore at two per cent. Why does the government persist in comparing Australia's economic performance to economies in Europe and North America as an illustration of the Australian economy's strength—as per the minister's Lateline interview on 28 August—but will not compare our performance to the rapidly growing economies in our own region?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:25): I thank Senator Sinodinos for his question and congratulate him on his recent—very recent—appointment as shadow parliamentary secretary assisting the Leader of the Opposition. I trust that he will bring his expertise on matters fiscal to that role.

In terms of the question about comparisons of unemployment rates, the answer is we are an advanced economy. We are not a developing economy or a newly emerging economy so, in terms of where we are in the stages of economic development of nations around the world, a more accurate comparison is to similar types of economies. Having said that, I would acknowledge this point: we do have a low unemployment rate by comparison at the moment—5.1 per cent, which is substantially less than that in the United States and, obviously, in Europe. Of course it is the case that you cannot simply look at the jobs created to date. You have to look at what are the circumstances that enable job creation and prosperity into the future. That is why the government is so focused on making the investments that Australians believe are important for Australia to succeed in the decades ahead; in particular, the investment needed to lift the educational standards here in this country. I know Senator Sinodinos is one of the few on that side who actually has an international mindset; I think that was the phrase he used in his first speech. I agree with that, and I
think he would understand that we do have to ensure that, beyond the resources boom in the decades ahead, we are capable as a nation of making sure we can tap into the emerging and very fast-growing markets for services and other exports in our region. *(Time expired)*

**Senator SINODINOS** (New South Wales) (14:28): Mr President, I ask a supplementary question. I also refer the minister to the World Bank's ease of doing business rankings in which Australia is ranked 15th in the world while Singapore is ranked first. Why does the government continue to pursue economic policy settings more reflective of Europe rather than the pro-market, pro-growth economic policies of countries such as Singapore and Hong Kong which have resulted in superior economic growth, greater employment and higher living standards?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:28): In terms of pro-growth policies, I would remind the Senate that the Australian economy in the last national accounts grew 3.7 per cent for the year. I would remind the Senate that since this government came to power the Australian economy has grown close to 11 per cent. Compare it to some other advanced economies: for example, the UK has contracted in the same period and rates of growth even in countries like Germany—which is regarded as one of the strongest economies, certainly in Europe—are slightly less than three per cent—but I will check that figure. So I think to suggest this government is not pursuing pro-growth policies really flies in the face of the evidence. I would also remind the senator that S&P has recently reaffirmed the AAA credit rating of this nation and that is a testament to the strong public finances that the government has ensured.

**Senator SINODINOS** (New South Wales) (14:29): Mr President, I ask a further supplementary question. Given that Asian centres such as Singapore are increasingly being selected by entrepreneurs and companies as a base to establish their headquarters in the Asia-Pacific region, rather than Sydney and Melbourne, hasn't the government's fiscal and regulatory approach of more taxes and red tape contributed to a decline in the competitiveness of our cities in the region?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:30): If the senator is concerned about taxes and competitiveness, I look forward to him denouncing the royalty increase from Premier Newman, which, as has been outlined very clearly by the Queensland Resources Council and other mining companies, will cost jobs. So I look forward to him denouncing that. I suspect his position will be, certainly in public, complete silence when it comes to that issue. I also look forward to him backing the NBN because I am reliably advised from my left—that is geographically speaking, of course—by Senator Conroy that Singapore has a fibre-to-the-home network and I look forward, therefore, to Senator Sinodinos and others who understand the importance of broadband to the productivity of the economy supporting much more forcefully the National Broadband Network.

**Broadband**

**Senator FURNER** (Queensland) (14:31): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advise the Senate on recent developments with the National Broadband Network and how they benefit regional Australia?

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the
Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:31): I thank Senator Furner for his question and for his interest in regional Australia, unlike those opposite. Today on the Gold Coast the NBN Co. has opened its new NBN National Contact Centre. Senators know that the NBN Co. is on track to meet its target of having work commenced or completed for 758,000 homes and businesses across Australia by the end of this year. As the NBN ramps up across Australia, the contact centre at Varsity Lakes will play a critical role in responding to inquiries from the general public, property developers and businesses. The 130 new jobs at the NBN National Contact Centre are in addition to the 16,000 to 18,000 construction jobs expected to be created at the peak of the NBN rollout. This is just another example of the Gillard government's investment in the NBN, creating local jobs and boosting local economies. The NBN is rolling out to homes and businesses across the Gold Coast—in Surfers Paradise, Broadbeach, Ashmore and Southport—with the construction of 21½ thousand to be commenced or completed by June 2015. People in Queensland have all too recently seen the stark contrast between the commitment of Labor to invest in Queensland and the approach of the LNP and those opposite, with Campbell Newman's cuts of 14,000 jobs. The Gillard government is creating jobs in Queensland with the National Broadband Network.

Senator FURNER (Queensland) (14:33): Mr President, I ask a supplementary question. Can the minister advise the Senate on other recent developments in the development of the NBN?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:35): I was very pleased recently to be in regional Western Australia to launch the first NBN fixed wireless services in Geraldton. This means cheaper prices for better broadband. The Wyatt family were the first customers in Western Australia to be connected to the fixed wireless service in NBN using an iiNet service. This is what Mrs Wyatt said of her new NBN service: 'We are paying a lot less to get a faster and better service. It's just wonderful.'
From Cairns to Coolangatta, from the Gold Coast to Geraldton, people will pay the same for NBN services as those living in the cities. Only one party in this chamber is guaranteeing equal services and equal prices for broadband for people living in regional Australia. (Time expired)

Lewis, Major General Duncan: Resignation

Senator JOHNSTON (Western Australia) (14:36): My question is to the Minister representing the Minister for Defence, Senator Evans. I refer the minister to the resignation of the Secretary for Defence, former Major General Duncan Lewis, a very respected and esteemed defence secretary. Does not his premature resignation after only 12 months of a five-year term represent a vote of no confidence in the Gillard government's defence policy, including its $25 billion worth of Defence cuts?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:37): I know Senator Johnston has been away in Perth the last couple of days attending the funerals of two of the soldiers killed in Afghanistan. I am sure it has been a trying time for him and I know a difficult time for all involved. But I think it is important to note that while Mr Lewis is a highly regarded—

Senator Abetz: Major General.

Senator CHRIS EVANS: Mr Lewis, in his current role; he has also been a very senior officer in defence. The fact is he has accepted an ambassadorial position with the government and is succeeding Dr Nelson, the former Liberal leader, in the role of representing us at the EU, NATO and Belgium. It is a very important appointment. It is one that he took up at the request, as I understand it, of the Prime Minister. The senator is right to indicate his long and proud record of working for governments of both persuasions, as National Security Adviser and his senior roles with the Australian Army. To characterise Mr Lewis's move to that ambassadorial role in the way that the senator did is quite incorrect. A number of changes have been made to both diplomatic appointments and appointments to senior positions as secretaries to the departments of foreign affairs and defence. The government think this will better effect the capacity to deliver on its objectives. Mr Lewis is very well regarded by the government and we think he will do an excellent job in his new role.

Senator JOHNSTON (Western Australia) (14:39): Mr President, I ask a supplementary question. I draw the minister's attention to the fact that this year the share of GDP for defence spending will fall to 1.56 per cent, the lowest figure in 74 years. Next year, defence spending will fall to 1.49 per cent, the lowest share since 1937. Just why is the government engaging in such budgetary vandalism with defence funding and as a consequence compromising our national security?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:39): As the senator is aware, any budget decisions taken in relation to defence have been made with the clear policy intent that there will be no impact on operational activity or front-line defence operations—no impact at all. As part of the government's budget priorities, the fact is that we have asked Defence to take some responsibility for that, as we have with many other departments. It is the fact that Defence continues to have an allocation that is at record levels—I think, more than $100 billion across the forward estimates.
That remains a very, very serious commitment to the defence of this nation and the capacity of our defence forces to continue to provide first-class defence for Australia. (Time expired)

Senator JOHNSTON (Western Australia) (14:40): Mr President, I ask a further supplementary question. With the alarm bells ringing right across defence, will the government stop trashing the defence budget just to fill its $120 billion budget black hole? A simple yes or no will suffice.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:41): I absolutely reject the assertion in the supplementary question that the defence budget has been trashed; it has not. We have budgeted for over $100 billion for defence across the forward estimates. It is the case that compared to like countries such as the US, the UK, France, Canada, Italy, Germany and Japan, Australia continues to rank second on a military expenditure per capita basis, with only the United States spending more. We have a very significant investment in defence. We expect that the investment we are making will still see Australia listed as No. 13 in world defence expenditure and continue to be highly ranked in terms of per capita expenditure. It is just not right to make the assertions that the senator does in asking his question.

Biosecurity

Senator MADIGAN (Victoria) (14:42): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. In the only visible alteration made by the Department of Agriculture, Fisheries and Forestry to its 2009 import risk analysis, the department updated the scientific name of the bacteria causing zebra chip disease using an article entitled 'Tuber transmission of Candidatus Liberibacter solanacearum and its association with zebra chip on potato in New Zealand', which was published in the 2011 peer-reviewed European Journal of Plant Pathology. Can the minister explain why the department did not also mention that, in contradiction to advice given by DAFF, the entire basis of this article was that potato tubers can transmit the zebra chip disease between potatoes without the aid of tomato-potato psyllid?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:43): I thank Senator Madigan for his ongoing interest in potatoes. I am advised that the draft review has taken into account the publication referred to by Senator Madigan. It is not correct to say that the issues raised are not referenced. The Gillard government takes biosecurity seriously and has invested heavily in the development and implementation of import policies that are risk based, informed by the best available science. DAFF did release a draft report for the review of import conditions for fresh potatoes for processing from New Zealand on 3 July. The draft report was released for a 60-day public consultation period. Twenty-seven submissions were received and a Senate inquiry has been initiated on the issue, and is due to report on 21 November. If there is any credible scientific evidence that the report has not properly canvassed or that would support tougher conditions of import than are proposed in the draft report, it does need to be brought to the attention of the Australian government Director of Quarantine.

I am advised, though, in respect of the article that you mentioned, that it has been referenced in some of the 27 submissions provided to the department in response to the public comment period. All evidence
submitted will be considered by the scientific review team. The department does have an obligation to properly consider any credible evidence supporting stronger conditions of importation. It is an area where I know there is considerable contention. (Time expired)

Senator MADIGAN (Victoria) (14:45): Mr President, I have a supplementary question. Minister, can you advise whether DAFF believe that they have conducted a comprehensive analysis of the research, when industry continues to cite new contradictory research demonstrating that the vector required for the transmission of zebra chip disease is not limited to the tomato-potato psyllid?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:47): I thank Senator Madigan for his second supplementary question. I am advised that the draft condition for the import would require potatoes to be in bags and/or covered on arrival, as the department officials advised at the members and senators briefing. Draft conditions of import would also ensure that all potatoes and all potato waste would be under quarantine management until leaving a factory cooked and frozen in a plastic bag. That quarantine management covers transport from the port to processing facility under a quarantine seal, delivery to a quarantine approved premises and then waste disposal in a quarantine approved manner. Notwithstanding these strict conditions of import, no decision will be made to import potatoes from New Zealand under any circumstance before the contestable science based policy review is finalised. It is important to note that Australia has imported 13,000 tonnes of tomatoes.

Asylum Seekers

Senator CASH (Western Australia) (14:48): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. I refer the minister to her response in question time yesterday to a question asked by me, where she stated:

The combination of an increased refugee intake from offshore and no advantage for those who
arrive by boat removes the attractiveness of attempting the expensive and dangerous boat journey to Australia.

Given that in the month following the government's embarrassing backflip on offshore processing 42 boats have now arrived carrying 2,543 people, how does the minister justify that Labor's partial solution has any effect at all on reducing the numbers of asylum seekers attempting the risky boat journey to Australia?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:49): It does not matter how many times the coalition asks this question, the answer will be the same. The answer is that we have adopted the 22 recommendations of an expert working panel and we are in the process of establishing the facilities on Nauru in which to house those people. This is how responsible governments develop policy, and in this case we have seen for many years a difficult situation emerge. By calling upon an expert working panel—

Opposition senators interjecting—

The PRESIDENT: Order! When there is silence we will proceed. If you wish to debate it, the time to debate is after question time.

Senator LUNDY: The recommendations from the expert panel, as the opposition well knows, included regional processing in Nauru and PNG as soon as practicable. We believe the measures we are putting in place will be effective and over time that will be proven to be the case. The combination of an increased refugee intake from offshore to 20,000 and no advantage for those who arrive by boat, as I said yesterday, removes the attractiveness—and I will keep saying it because it will.

As far as implementing Nauru and PNG, work is well underway. Each day there are reports of progress in that regard. We have confirmed the second transfer of asylum seekers to Nauru has taken place. Again, no force was used to get asylum seekers on or off the plane. All clients were fully compliant at every stage of the transfer. For too long now people smugglers have peddled lies and false promises that have led to too many tragic deaths. This is an enormous step towards breaking this evil trade. The message is clear: if you come to Australia by boat you are subject to being transferred to Nauru or PNG. There is no advantage to coming to Australia by people smuggler boats.

Senator CASH (Western Australia) (14:51): Mr President, I have a supplementary question. I again refer the minister to her comments in question time yesterday that:

The combination of an increased refugee intake from offshore and no advantage for those who arrive by boat removes the attractiveness of attempting the expensive and dangerous boat journey to Australia.

Given that under the Labor government the boats are continuing to arrive, will the minister admit that the only way to remove the incentive for people to get onto leaky boats is for the government to follow through with its hollow threats to send all of those who seek to come to Australia on illegal boats after 13 August to Nauru, to restore temporary protection visas and to turn the boats around where it is safe to do so?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:52): I think Senator Cash is either a very slow learner or a poor listener, because yesterday I stated—and I am happy to say it again—that the expert panel report does not recommend
temporary protection visas, a measure that in the past saw 68 of those refugees permanently remain in Australia. The report also makes it very clear that towbacks create a risk to the lives of Australian Defence Force personnel and would only ever work in agreement with other countries, something Indonesia has said will not happen. If they continue to ask these questions I can only interpret that the coalition does not care if Australian Defence Force personnel put their lives at risk—

Senator Brandis: Mr President, I rise on a point of order—on relevance. The question was about the government's policy and specifically about the government's policy failure. It was not about the opposition's policy. Would you please ask the minister to be directly relevant to the question.

The President: The minister is answering the question and now has 14 seconds remaining to answer it.

Senator Lundy: The other point I am making here is that we know towbacks will not occur because they require agreement with Indonesia. That has been ruled out by Indonesia. The opposition is living in fantasy land in continuing to put these positions to the government.

Senator Cash (Western Australia) (14:53): Mr President, I ask a second supplementary question. Can the minister explain how Labor's no-advantage principle will work in practice, given that the number of arrivals post the government's embarrassing backflip on offshore processing now exceeds the capacity of both Nauru and Manus Island?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:55): I thank Senator Sterle for his continued interest in standing up for agriculture in his home state of Western Australia. ABARES yesterday released the September quarterly update of Australian commodities. The report shows that farm export earnings remain around 24 per cent higher than the five years to 2011. Export income from crops remains steady at around $21 billion. Those of us on this side have taken steps to improve Australia's performance in rural Australia. We are rolling out the NBN, we
have opened a market for carbon farming and we are delivering a hospital reform for regional areas.

What is troubling for those on this side is the risk that those opposite represent for the future of Australian agriculture. The opposition is hopelessly divided on key agricultural policies. Let us take wheat exports. The deregulation of the wheat industry was necessary and vital to ensure the continued competition in industry. Let us not forget the AWB oil-for-food scandal. It is well understood by Labor and by Liberals who are unified to stop this rort and continue to deregulate wheat. The opposition leader at the time, Brendan Nelson, said of the reforms that growers now need to be able to have the choice as to how they grow and how they will market their grain.

Fast-forward a couple of years to September 2012, and what do we see now? Today we see in the Western Australian an article claiming Ms Bishop has abandoned the position of deregulating the wheat industry. For the sake of unity, mind you, the Liberals have collapsed and given in to the doormats of the Liberal Party. You need to elevate yourselves a bit now because the Pastoralists and Graziers Association say the WA Liberals have sold out the state and the industry. (Time expired)

Senator STERLE (Western Australia) (14:57): Mr President, I have a supplementary question for the minister. Can the minister inform the Senate of the potential impact of this Liberal-Nationals Party policy on Western Australia and whether there is any evidence that rural industry in my home state of Western Australia—

Opposition senators interjecting—

Senator STERLE: I cannot hear myself, Mr President.

Opposition senators interjecting—

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:59): Thank you. I can answer that part which, I gather from the Western Australian inference, was about wheat. When it comes to opposition—

Senator Cormann: Mr President, I rise on a point of order. I know that there has been some flexibility when it comes to the requirement to be directly relevant, but when there has not even been a question asked, how can the minister possibly be directly relevant to the question?

The PRESIDENT: There is no point of order.

Senator Ian Macdonald: Mr President, I rise on a point of order. Could you at least get Senator Ludwig to tell us what the question is, so that we can understand his answer?

The PRESIDENT: There is no point of order.

Senator LUDWIG: I have no doubt you will get the gist of it.

Senator Brandis: Mr President, I rise on a point of order. I suspect you did not quite
hear what Senator Cormann was saying. No question was asked. There was not a supplementary question asked by Senator Sterle at all and, if you look at the standing orders, answers have to be to questions. If there is no question asked, there cannot be an answer given.

The PRESIDENT: There is no point of order. I have ruled on that. Senator Ludwig.

Senator LUDWIG: Thank you, Mr President. I know that they are sensitive about this when the—

Senator Abetz: Mr President, I rise on a point of order. If no question has been asked, how on earth, Mr President, are you going to rule whether or not the minister is being directly relevant, as is required under sessional orders? If you do not know what the question is, you will never be able to make a determination, and as a result Senator Ludwig will be able to talk about whatever he likes. He will do that anyway, I know, but, in fairness, Mr President, you should be indicating that, if no question has been asked, there clearly can be no answer to it.

Senator Chris Evans: Mr President, on the point of order, it is the case that Senator Sterle was unable to complete his question as a result of the interjections which you had to call to order and which intervened in his ability to ask the question. But, Mr President, he started his question, and I think there was enough of it for Senator Ludwig to respond to that part of the question that was asked. I am sure he will do a good job in doing so. There is no point of order.

The PRESIDENT: Order! I have already ordered that there is no point of order. I have asked Senator Ludwig to address the matter and the question that has been raised.

Senator Brandis: Mr President, I am sorry—

The PRESIDENT: Senator Brandis, I will go further. I have allowed these questions before when—

Honourable senators interjecting—

The PRESIDENT: Order! I am making a statement. I have allowed these questions to stand before when others have asked questions, whether they be the primary question or the supplementary question.

Opposition senators interjecting—

The PRESIDENT: Well, I invite you to go and read the Hansard record.

Senator Ian Macdonald: Mr President, I seek leave to move a motion to give Senator Sterle extra time to actually ask the question. Leave not granted.

Senator LUDWIG: When it comes to opposition policy, it does feel like history is repeating itself. The government is progressing the deregulation of the wheat industry, to continue to foster investment and drive exports. While Senator Joyce has already taken his leave, and Mr John Cobb is out there demanding the reinstatement of the single desk, the Liberals remain asleep at the wheel. The opposition do not know whether they are coming or going.

Senator Ian Macdonald: Mr President, I rise on a point of order on the question of direct relevance. Senator Ludwig is clearly not answering the question that Senator Sterle asked him, and I ask you to ask Senator Ludwig to be directly relevant to the question asked.

The PRESIDENT: Order! There is no point of order.

Senator LUDWIG: They might laugh but they cannot hide the fact that— (Time expired)

Senator STERLE (Western Australia) (15:05): Mr President, I have another very important supplementary question to the
Given that the Liberal-Nationals are so divided over the policy their parties stand for, what does this mean for the opportunities for farmers under an Abbott government?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:06): I thank Senator Sterle for his continued interest in WA. The National Party and some Liberals are effectively running an anti-investment campaign. They are opposed to investment and opposed to jobs. The Gillard government takes trade very seriously, unlike your position on wheat, unlike your position on foreign investment. It is not a plaything that you should abuse. It is actually something that is relevant and important to your electorates. But, everywhere I look, the opposition is split on policy—except on one.

There is one policy you are not split on, and that is the one policy the state Liberal-National parties are already rolling out across Australia. That is cuts: cuts to services to rural and regional Australia, cuts to education in New South Wales and cuts to hospitals and health services in Queensland. No other policy has so much support from the Liberals and Nationals as cuts. So there are some things you can unite on, which is very surprising. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Budget

Senator Fifield (Victoria—Manager of Opposition Business in the Senate) (15:07): Mr Deputy President, I rise to move:

That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senators Cormann and Sinodinos today relating to the Budget.

Although it was sorely tempting to take note of answers given by Senator Ludwig to non-questions asked by Senator Sterle, I did have to resist temptation!

Senator Wong's answers do deserve to be taken very careful note of, in particular answers given by her to questions in relation to Labor's $120 billion budget black hole. When that proposition—the $120 billion black hole—was put to Senator Wong, she cited a laundry list of previous Labor policy commitments that have been implemented and that have been in the budget. Her justification for not providing an answer to funding for the $120 billion worth of unfunded commitments was: 'Well, look at our previous commitments.' She said that they have all been funded and they have all been accounted for.

Now, she is technically correct. There are appropriated dollars for all of those previous Labor commitments. The question is, how were they funded? The senator gave the impression that, if these have been funded and have been provided for in the budget, it must be as a result of savings measures. That is the impression she sought to leave—but it is not the case. The bulk of the previous Labor commitments which she cited have been funded by borrowing. They have been funded by debt and have led directly to successive Labor deficit budgets. And that is the point that we are making here: you can fund anything—you can fund any commitment. It is not a problem for a government to provide in a budget for every single commitment that it makes—that is easy. The Commonwealth has the power of taxation. That is not what we are questioning.
What we are questioning is where that money will come from—and we know where the money for the $120 billion will come from, should Labor get re-elected, and should they implement those commitments. Every dollar of it, just about, would come from borrowing. Every dollar would come from borrowing that is additional to the $100 billion-plus of net borrowings that this government currently has. That is our point, Mr Deputy President. Any government can make provision, but it is how you make provision. Senator Wong has often made reference to the savings that this government has identified, but the bulk of those savings have been tax increases.

There are two great untruths at the heart of Labor's fiscal story. The first is that the budget has been in deficit, year after year, because of bad luck. And how does bad luck manifest itself? It manifests itself in declining revenues. Yes, there have been declining revenues and, yes, this government has had a lot of bad luck, most of it of its own making. The fact is that the reason why the budget is in deficit under this government, year after year, is policy decisions—that means decisions by government to spend. That is why the budget is in deficit. You cannot blame revenue write-downs, you cannot blame the global economy; it is because of spending decisions by this government. That is why the budget has been in deficit, year after year.

The other great fallacy of Labor's fiscal story is the contention that they have made savings, and that they have funded their commitments from savings. As I said before, that is not the case—these senators opposite count tax increases as savings. So you will understand, Mr Deputy President, why we are more than a little cynical about the $120 billion of unfunded commitments.

If Labor were successful at the next election, we know that the way those commitments would be funded would be through more borrowing and more debt, and we would see further deficit budgets. The government needs to live within its means. It needs to cut its cloth according to the circumstances. This government has never done that, not for one budget. It has never delivered a budget surplus.

I predict that, for so long as the Australian Labor Party is in government, they will never, ever deliver a single budget surplus because they cannot. They lack the will and they lack the strength of character to make the decisions to prioritise what is important above what is merely desirable.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:13): I rise to take note of answers as referred to by Senator Fifield. Senator Fifield speaks of untruths sustaining a fiscal story. On that, no-one can doubt the credentials of the coalition. In fact, Senator Fifield raises the spectre: what happens if Labor is re-elected? I can tell you that one of the first things we will do, Senator Fifield, is thank you, because it is the political strategy crafted by you and your colleagues which I am sure will be a critical enabler to that glorious day, should it ever come.

The coalition come to this conversation, and come to this political debate, sitting on top of a policy edifice which could not possibly look weaker and which could not possibly look more ramshackle. A $70 billion black hole underpins the political proposition of those opposite—a $70 billion black hole which those opposite are determined to avoid and refuse to accept acknowledgement for—and now they have the temerity to attack the policy and the fiscal position of this government.
As Senator Wong made clear in her answer, the government that holds the record for having the highest level of spending as a percentage of GDP is the Howard government, at 24.2 per cent of GDP. While that number had fallen to 23.7 per cent by 2007, that is still far greater than it is today. In fact, the difference is some $24 billion per annum. So, in fact, rather than the Labor government, those opposite have the record of pulling more money out of this economy through taxation regulation. But, of course, you would never know that if you were to listen to the opposition—and there are a lot of other things you would not know as well.

You would not know that those opposite propose to axe the carbon tax at a cost of $27 billion to the budget and that $3.2 billion of that is required to fund chairman Abbott's action plan.

Senator Abetz: The Leader of the Opposition.

The DEPUTY PRESIDENT: Senator Feeney—

Senator FEENEY: The Leader of the Opposition and his action plan—the action man with the action plan. While those opposite might rail against a carbon tax, that $3.2 billion action plan is in effect the coalition's very own carbon tax. The $24 billion is required to refund big polluters for carbon permits. While those opposite like to spruik about sovereign risk, we find them roaming the highways and byways of this great country of ours telling business not to buy permits and not to participate in this scheme.

There are $11.1 billion of unfunded promises from those opposite, because they have resolved to hand back moneys raised through the minerals resource rent tax. And, to make this position of theirs even more farcical, they are determined to keep the benefits that flow from that taxation but have resolved to give up the revenue. They have resolved to give up the revenue so that they can hand it back to the likes of Gina Rinehart and Clive Palmer—although one must speculate that those opposite must be regretting the idea of handing Clive a cheque this week at least. To add insult to injury, while those opposite are determined to hand back $11.1 billion to the mining industry by disposing of this tax, we see in Western Australia and Queensland state coalition governments raising royalties on those very same commodities—thus making an absolute mockery of the coalition's claim to be the friend and defender of these industries.

We also see $8 billion in pledged tax cuts from those opposite. And, not content with a $70 billion black hole, we see those opposite peddling false hope in defence spending. Today we saw Senator Johnston have the temerity to ask a question about defence cuts compromising our national security—an outrageous assertion he could not make out. But where are the coalition's promises on defence spending? Where are the coalition's commitments to restoring defence spending to the level they say is appropriate? Of course, there is no such commitment; we just have weasel words from an opposition that cannot put before the Australian people a proposition that adds up or makes sense.

Instead we see a coalition that are determined to walk both sides of the street, to peddle fear and to peddle false hope to various constituencies.

This week we heard that the Deputy Leader of the Opposition begged and beseeched Senator Joyce to stop helping. One might invite her to make the same request of all of those in her Senate team because, right here and right now, those opposite do not have a proposition before the Australian people that makes political sense or economic sense—and your political future will be destroyed as a consequence.
Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (15:18): I rise also to take note of answers given by Senator Wong to questions asked by Senators Abetz, Cormann and Sinodinos. I note Senator Feeney was referring to allegations that the Howard government was the highest spending government as a percentage of taxation over GDP—something which Senator Wong also referred to in her answers to questions. But this of course is not the best way of actually determining whether a government is a wastefully spending government. What you really need to look at is a combination of both tax and borrowings, because borrowings is of course deferred taxation. If you only look at the taxation as a percentage of GDP you are not getting the full picture, you are not getting the full understanding of how much money a government of the day is actually spending as a percentage of the overall economy. The truth requires that you look at both tax and borrowings and then look at that percentage. A better indicator would be spending as a percentage of GDP rather than taxation.

Senator Wong: On the 24 per cent—first time since the 1980s; 40 years. I'll take that.

Senator BUSHBY: Senator Wong was interjecting there, but the reality is that spending gives you a much better idea, particularly if you take into account those things that are off budget, like the NBN—another spending which this government is incurring which formed part of its $120 billion budget black hole.

So let us have a look at the $120 billion budget black hole that this government is facing. It is now presenting Australians with this black hole, and it is growing by the day. A lot of the spending that is being added to this black hole is occurring because the government is desperate. It is looking to make promises—to solve problems all over the place—but there is no money to back it up. The government thinks that it can promise the world and it will worry about how it will pay for it later. The budget bottom line has already been hit by Labor's multibillion dollar blowout on border protection, as an example. Labor's budget will be further hit by massive unfunded commitments in disability services, defence, education, dental and maybe even now childcare payments to private sector employees.

Australians are entitled to ask where the money is coming from. We asked Minister Wong that question today, but the minister's answers were certainly deficient and the only option she had when asked those questions was the classic Labor Party tactic of divert and attack and to try to turn it all around and attack the opposition, using the spurious lines that it uses against us. Labor does not know where the money is going to come from. It has no idea. It is just going out and making promises, with no ability to actually back up those spending commitments with real dollars. In doing so, it is raising the hopes of Australians that a lot of these very serious issues—things that actually do need consideration—are going to be dealt with by this government, when the reality is that the money just is not there to be able to do that. The government continues to make heroic promises and there is no detail of where the money is coming from.

Let us look at what that $120 billion budget black hole is comprised of. It is important to remember that this $120 billion budget black hole is not actually included in the budget. This is all over and above the money that the government has indicated that it is going to spend in the budget. So what have we got? We have got the National Disability Insurance Scheme, which represents about $10½ billion a year once
fully operational from 2018-19 and the many billions that are needed to be spent to get the thing up and running between now and 2018-19. In aged care, the government has promised a further $3.7 billion in new money over the next five years. For low-paid workers, there is an extra $1 billion government contribution to Fair Work Australia for the pay rise for social and community sector workers—taking the total commitment to $3 billion to 2021.

For offshore processing, there is $2.1 billion for reopening Nauru and Manus Island, on top of the cost blow-out that has already occurred as a result of the huge increase in numbers of people arriving by boat. The increase in the refugee intake to 20,000 is estimated to cost an extra $1.4 billion over the forward estimates. In defence, there is $36 billion for submarines and $16 billion for joint strike fighters—all unaccounted for. The Greens dental care scheme that they have been pushed into—a $4 billion package which was announced on 29 August 2012—is unfunded. There is $6.5 billion a year for implementation of the Gonski education reforms. But the Prime Minister has tried to hide the true cost by placing it outside the forward estimates.

Then there are Labor’s off-budget commitments of $50 billion for the NBN and the $10 billion for the Clean Energy Finance Corporation. I could go further but, with $120 billion unfunded, where is the money coming from?

Senator THISTLETHWAITE (New South Wales) (15:23): Senator Fifield pontificated that the position of the Australian economy at the moment is a direct result of decisions made by this government. By George, I agree with him! The position of the Australian economy at the moment is in fact directly related to decisions made by this government. Let us look at the position of the Australian economy. Unemployment, at 5.1 per cent, is almost half that of Europe and the United States. Interest rates in this country, at 3.5 per cent, are lower than they ever were under the Howard government, and inflation is under three per cent. Since this government came to office in 2007, 800,000 jobs have been created. More people are in work in Australia than ever before. Our debt levels are eight per cent of GDP, which is lower than most averages throughout Europe and, of course, the United States. How many businesses in this country have a level of debt less than 10 per cent? How many households have a level of debt less than 10 per cent? Not too many. This government gets a big tick when it comes to management of the debt situation.

Spending as a proportion of GDP is lower than it ever was under the Howard government. We managed to be one of the very few economies to avoid recession during the global financial crisis. So when Senator Fifield talks about the decisions of this government and their bearing on the economy, we are proud to stand on our record of economic management. But do not take it from me; take it from the independent experts. Today, yet again, Standard & Poors have reaffirmed this nation’s AAA credit rating—a rolled-gold tick of approval for this government’s management of our economy, the strength of our economy, the low levels of debt, the strong budgetary position and the Gillard government’s strong management of our economy.

I find it highly hypocritical for those opposite to come into this chamber today and criticise the government for its budgetary position, particularly given that they refused to announce many of their election promises and have them costed. They refused to take part in the independent process of verification of election costings that was set up under the former Howard government by
Treasurer Costello and is now overseen by the independent Parliamentary Budget Office. So they are completely hypocritical in coming into this chamber and criticising this government for its fiscal position and management of our nation's budget.

There is also the issue of who the government manages the economy for, and we see this in many of the government's decisions, such as introducing a minerals resource rent tax to ensure that the benefits of the mining boom are spread evenly amongst our economy and workers. The private health insurance rebate has been made much fairer under Labor. We are working towards the provision of a national disability insurance scheme and we are delivering increases in funding to education. These measures are completely opposed by the coalition.

We can see, in the management of the states, how the coalition would approach budgets should they come to government federally. The Newman government in Queensland cut 14,000 jobs from the public service. And these are not back-of-house jobs but important front-line jobs: nurses, teachers, doctors, palliative care workers and firefighters have all been cut because of the Newman government's decisions relating to their budget.

In New South Wales they have cut $1.7 billion from education, with every student in every school to be affected; and they have cut $3 billion from health. In Victoria, they have taken an axe to the TAFE system and vocational education and training. And they come into this chamber and lecture this government, which has just had its management of the economy and our nation's budgetary position reaffirmed with a AAA credit rating. They criticise this government's fiscal management and fiscal rectitude—and this is from the mob whose accountants at the last election ended up being fined, who get a catering company to do their costings and who will not commit to the Charter of Budget Honesty.

Senator BOYCE (Queensland) (15:28): I also take note of answers by Senator Wong to questions asked by Senators Abetz, Cormann and Sinodinos. The Labor government currently have two choices. They are going to have to increase taxes or they are going to have to fold at the next election. From the way they are currently conducting their business, it seems pretty clear that they are promising to spend up big while they think they still have the opportunity to make promises, but they have no way whatsoever of knowing how those promises are going to be funded when—if—they ever return to government.

It is pretty clear that there is a real move within this Labor government to increase taxes. Of course, that is the sort of thing you expect from a Labor government: get yourself into extreme debt and then try to wiggle your way out of it by increasing taxes. The major newspaper in my own state, the Courier-Mail, quotes Senator Doug Cameron as saying:

'When you see what is happening in Queensland and New South Wales … of course we can't criticise these other governments if we are doing the same thing ourselves. If the tax base doesn't increase, my concern is we will end up losing jobs and import-ant programs.

That is going to be the outcome. They are going to have to cut jobs, increase taxes or simply fold up their tent and let the party that is the party of good economic management clean up their mess yet again.

It has been interesting to watch Treasurer Swan and Prime Minister Gillard attempt to somehow suggest that the issues in Queensland and New South Wales have been curtain-raisers for the way an Abbott government would behave. An Abbott
government will not behave like that, but the one thing an Abbott government will have in common with the Queensland and New South Wales governments is the fact that we are left to clean up the mess created in budgetary terms by a Labor government—typical yet again. They can spend and spend and never feel that they have to be accountable for that, because they go off on their little ideological trips and forget about what needs to happen.

It is extraordinary when we look at the extent of the unfunded proposals put up by this government. The National Disability Insurance Scheme is something very dear to my heart, but it is something that will break the hearts of thousands and thousands of people with disabilities and their families if it does not come to fruition. But there is nothing that this government has done to suggest that it will have the money needed in the next budget and the other budgets up until 2015 to progress the National Disability Insurance Scheme unless it increases taxes and cut jobs. There is nothing to show that they will have the funds to undertake their airy-fairy election-winning—hopefully, I think, for them—promises with regard to the Gonski education reforms.

Then of course we have the cruelest joke of all, which is the unfunded dental scheme which would be extended from children between 12 and 18 to children between two and 18. This would completely replace what has been a very successful chronic disease dental scheme that was developed under the then health minister, Tony Abbott. What Labor forgets to mention is that for the 19 months between when they closed down the Chronic Disease Dental Scheme and start their own scheme, there will be no funding of any sort from the Commonwealth government for dental. I continue to be bemused by the fact that the Greens could have gone along with this unfunded scheme that is on the never-never like so many of the other bubbles of pretend policy that come out of this government.

Question agreed to.

**Afghanistan**

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (15:33): I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Milne today relating to Afghanistan.

I find it extraordinary that so little is being said in Australia about the fact that NATO ordered a cutback in operations with Afghan forces in response to a surge of green-on-blue attacks—that is, Afghan soldiers and/or police and security personnel who have turned on the coalition forces.

Overseas people have gone into shock somewhat, and in the House of Commons there has been a rigorous debate about what occurred. It is as a result of that debate that we know, for example, that the British were taken by surprise—and of course Australia was also taken by surprise, although Minister Evans refused to acknowledge that today and say when Australia was told about the change of circumstance in Afghanistan and strategies. We know that Australian senior officials were scrambling to find out and seek urgent clarification on how the change would be applied in Uruzgan province. What we know is that in the House of Commons there is serious embarrassment. In fact the Minister of Defence was trying to cover his embarrassment, because he had briefed British MPs the day before that there had been no change in patrolling strategy and then had to come out and defend what had occurred and admit that he was only informed after the revision of the strategy had already occurred.
It led many Conservatives and opposition Labour MPs to stand up and openly make very clear their questioning of the strategy in Afghanistan, because we all know the order throws into question the main mission of the international deployment—that is, to work with and train Afghan troops and police. The Prime Minister has argued we are going to stay the course to train Afghan soldiers, troops and police and now we are saying that NATO has just changed the whole strategy—the Americans changed the whole strategy—because of the number of deaths. The strategy undermines this whole business of suggesting that we are there to train the Afghan troops. As a research fellow at the Royal United Services Institute says:

This is a symbol of a much deeper problem of Afghan-American distrust. In a way, there was a bigger change last month when special forces stopped training Afghan local Police.

This is a signal that the US does not trust its counterparts. It is a statement of mounting cynicism and resignation.

… … …

… Hamid Karzai, had pledged to vet all new recruits but Nato officials on Tuesday said the plan had never been properly implemented.

He went on to say:

Vetting is virtually impossible in a place like Afghanistan … In such conditions the suspension of joint patrols made 'eminent sense' …

He then goes on to talk about how long it would last. Now the government here has said that it is only temporary. Surely, the whole core of the mission has now been completely restricted, changed, because of this. It is time that the Prime Minister explained to Australians why we are still in Afghanistan. If the core mission was to work in smaller numbers with groups of Afghan security personnel so that they can take over security and the Australians can leave in 2014 and that has now been overturned, why are we still there?

We are putting at risk the lives of young Australian men and women. We have just witnessed a terrible tragedy in Afghanistan. We lost more people in one day in Afghanistan than we have since the Vietnam War. We have just seen the suffering of their families around Australia. And nobody can answer the question here, in this parliament, as to why our troops are still there under increasingly dangerous circumstances. We should be bringing our troops home as safely and quickly as possible.

The United Kingdom has now said that there is going to be a cabinet review of its policy in Afghanistan. For goodness sake, we must have the same kind of cabinet and parliamentary review and not this silence about what is going on in Afghanistan and saying that we are going to stay the course. Stay the course to what? To the loss of more young lives? And for what? 2014 is an arbitrary date. It is not going to change anything in Afghanistan. If the Americans treat us with such contempt that they do not even consult us, the question is: why are we still there? (Time expired)

Question agreed to.

NOTICES

Presentation

Senator Moore to move:

That the Community Affairs Legislation Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 9 October 2012; and

(b) on Tuesday, 30 October 2012.

Senator Siewert to move:

That the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 9 October 2012; and
(b) on Tuesday, 30 October 2012.

**Senators Madigan and Xenophon** to move:

That the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 be referred to the Environment and Communications References Committee for inquiry and report by 29 November 2012.

**Senator Wright** to move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 27 March 2013:

The role played by the former Australian Government in Mr David Hicks' trial, treatment and detention, with particular reference to:

(a) his transfer from the custody of Afghanistan's Northern Alliance to the United States (US) military and subsequent transfer into detention at the US Naval base at Guantanamo Bay, Cuba;
(b) his detention, interrogation and treatment in US custody;
(c) his 2004 charges and initial prosecution by the first US Military Commission;
(d) his subsequent 2007 charges and plea agreement under the Military Commission Act 2006 (US);
(e) his subsequent transfer to and incarceration in Australia;
(f) the control order placed upon him at the time of release from prison in Australia;
(g) whether Australia acted consistently with its obligations under international law in its dealings with the US in respect of the above matters; and
(h) any other related matters.

**Senator Fifield** to move:

That the Senate notes the Labor Government's abject failure to support Australia's agriculture, fisheries and forestry industries.

**Senator Di Natale** to move:

That the Senate—

(a) notes the contribution to Australia's vibrant multicultural society by citizens of all cultures and religions;
(b) condemns anyone who vilifies any cultural or religious group;
(c) notes:
   (i) the application by Dutch politician Mr Geert Wilders to visit Australia to speak against multiculturalism and Muslim immigration, and
   (ii) with alarm, his public statements describing Muslim culture as retarded and barbaric and comparing the Koran to Mein Kampf; and
(d) calls on all members of the Australian Parliament to reject the hateful anti-Muslim views of Mr Wilders and his Australian sponsors.

**Senator Madigan** to move:

That the Senate—

(a) notes that:
   (i) the Bald Hills wind farm in South Gippsland was approved by the Commonwealth in 2006 and has not yet been built,
   (ii) the Commonwealth has allowed the project proponent to increase the height of the proposed 52 turbines from 110 metres to 135 metres without any assessment of the environmental impact of this increase,
   (iii) the Commonwealth's 2006 conditions of approval failed to specify the height of the turbines permitted in the project,
   (iv) the conditions of approval permit the proposed wind farm to cut directly across a migratory shorebirds flyway connecting three sites of international significance for six migratory shorebird species,
   (v) the species are listed under the Commonwealth's 2009 Significant impact guidelines for 36 migratory shorebird species,
   (vi) the three sites of international significance flanking the Bald Hills area are identified in the Migratory Shorebirds of the East Asian – Australasian flyway: population estimates and internationally important sites report which underpins the Commonwealth's Significant impact guidelines for 36 migratory shorebird species, and
   (vii) the Bald Hills Wetland Conservation Reserve and the Kings Flat Flora and Fauna Reserve that directly abut the proposed wind farm...
site are an important habitat for a seventh species listed in the Commonwealth's Significant impact guidelines for 36 migratory shorebird species; and

(b) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to remove the Commonwealth's approval for the construction of the Bald Hills wind farm and to refer the project proposal for review as per the terms of the Significant impact guidelines for 36 migratory shorebird species, and in line with Australia's obligations under the Japan-Australia Migratory Bird Agreement, the China-Australia Migratory Bird Agreement, the Republic of Korea-Australia Migratory Bird Agreement and the Environment Protection and Biodiversity Conservation Act 1999.

Senator Siewert to move:
That the Senate—

(a) notes that:

(i) today, due to the differences in the types of indexation, pensions will go up by $17.10 while allowances will only increase by $2.90, and

(ii) indexation against the consumer price index alone keeps Newstart so low it cannot adequately meet the true increases in the cost of living; and

(b) urges the Government to take immediate steps to appropriately index Newstart at the same rate as the pension to prevent an ever-widening gap.

Senator Waters to move:
That the Senate—

(a) notes:

(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013; and

(ii) that Australians expect our nationally threatened species and wilderness places to be protected by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities, including the Australian Capital Territory's nationally heritage listed Namadgi National Park, which makes up almost 45 per cent of the territory; and

(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

Senator Siewert to move:
That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 28 September 2012, the following:

(a) the Wave 3 and Wave 4 Parent 1 Mark Up Questionnaire from the 'Footprints in Time – The Longitudinal Study of Indigenous Children';

(b) the Wave 3 and Wave 4 Parent 2 Mark Up Questionnaire from the 'Footprints in Time – The Longitudinal Study of Indigenous Children'; and

(c) documents which include an analysis of income management data in the 'Footprints in Time – The Longitudinal Study of Indigenous Children'.

COMMITTEES
Rural and Regional Affairs and Transport References Committee
Reference
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:40): by leave—At the request of Senator Boswell, I move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 29 November 2012:

The effect on Australian ginger growers of importing fresh ginger from Fiji, including:
(a) the scientific basis on which the provisional final import risk analysis report regarding the importation of fresh ginger has been developed;
(b) the adequacy of the pest risk assessments contained in the provisional final import risk analysis report for fresh ginger from Fiji;
(c) the risk and consequences of the importation resulting possibly in the introduction of pest species or diseases and soil-borne diseases;
(d) the adequacy of the quarantine conditions recommended by the Department of Agriculture, Fisheries and Forestry; and
(e) any other related matter.

Question agreed to.

COMMITTEES
Economics Legislation Committee
Foreign Affairs, Defence and Trade Joint Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (15:41): At the request of Senator Bishop, I move:

That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 20 September 2012, from 3.30 pm.

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 5.30 pm, to take evidence for the committee's inquiry into the care of Australian Defence Force personnel wounded and injured on operations.

Question agreed to.

MOTIONS
Dementia Awareness Week
Senator McEWEN (South Australia—Government Whip in the Senate) (15:41): At the request of Senator Polley and Senator Brown, I move:

That the Senate—
(a) notes that:
(i) dementia is the greatest cause of disability in older Australians aged 65 and over,
(ii) there are almost 280 000 Australians living with dementia and 1.2 million who provide support and care, and
(iii) every week an estimated 1 600 new cases of dementia occur, with the number expected to grow to 7 400 new cases per week by 2050, resulting in 1 million Australians living with dementia by 2050;
(b) recognises the significance of Dementia Awareness Week, from 21 September to 28 September 2012, in promoting and advocating for
the needs of those living with dementia, their families and carers;
(c) welcomes the designation of dementia by the Minister for Health (Ms Plibersek) as the ninth National Health Priority Area; and
(d) acknowledges the ongoing contributions of Alzheimer's Australia and its state and territory associations in supporting and advocating for those affected and leading the charge in the fight against dementia.

Question agreed to.

Domestic Violence

Senator McEWEN (South Australia—Government Whip in the Senate) (15:42): At the request of Senator Pratt and Senator Moore, I move:

That the Senate—
(a) notes that two-thirds of Australian women who have experienced domestic violence with their current partner are in paid employment;
(b) recognises the:
   (i) significant impact that domestic violence can have on the employment of women who are subjected to it, including:
      (A) lost productivity as a result of anxiety and distraction in the workplace,
      (B) absenteeism due to sustaining physical and psychological injuries,
      (C) disrupted work histories as victims often frequently change jobs,
      (D) lower personal incomes and reduced hours of work, and
      (E) risks to personal safety in the workplace as well as to co-workers, and
   (ii) positive impact of the inclusion of domestic violence clauses in contracts of employment to ensure protections for victims, including:
      (A) additional paid leave to enable employees subjected to domestic violence to, for example, attend court hearings and medical appointments without exhausting other forms of personal leave,
      (B) access to flexible working arrangements where possible, and
   (C) assurance that employee details will be treated confidentially and disclosure will not lead to discriminatory treatment;
(c) acknowledges the introduction of domestic violence clauses for public sector employees in both Queensland and New South Wales and congratulates organisations in the private sector that have also moved to incorporate these clauses in contracts of employment; and
(d) urges all private companies and public sectors to include domestic violence clauses in their enterprise agreements to provide victims with important protections such as access to leave in addition to existing entitlements.

Question agreed to.

National Family Business Day

Senator BOYCE (Queensland) (15:42): I move:

That the Senate—
(a) acknowledges:
   (i) that 19 September 2012 is National Family Business Day, and
   (ii) the role that family businesses have played in shaping the social, economic and cultural fabric of Australia; and
(b) notes:
   (i) data from Family Business Australia advising that about 70 per cent of Australian businesses are family businesses and employ 50 per cent of the Australian workforce,
   (ii) that family businesses can be small, medium or large enterprises and that one of the largest family businesses employs more than 27,000 people, and
   (iii) the resilience and adaptability of family business even in difficult economic conditions.

Question agreed to.

DOCUMENTS

Indigenous Children

Order for the Production of Documents

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:42): I move:
That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 28 September 2012, the following:

(a) the confidentialised Wave 3 and Wave 4 Parent 1 and Parent 2 data sets from the 'Footprints in Time – The Longitudinal Study of Indigenous Children';

(b) the Wave 3 and Wave 4 Parent 1 Mark Up Questionnaire from the 'Footprints in Time – The Longitudinal Study of Indigenous Children';

(c) the Wave 3 and Wave 4 Parent 2 Mark Up Questionnaire from the 'Footprints in Time – The Longitudinal Study of Indigenous Children'; and

(d) documents which include an analysis of income management data in the 'Footprints in Time – The Longitudinal Study of Indigenous Children'.

Question negatived.

MOTIONS

Migratory Birds

Senator MADIGAN (Victoria) (15:43): I move:

That the Senate—

(a) notes that:

(i) Australia has been a signatory to the Japan-Australia Migratory Bird Agreement since 1974,

(ii) Australia has been a signatory to the China-Australia Migratory Bird Agreement since 1986,

(iii) Australia has been a signatory to the Republic of Korea-Australia Migratory Bird Agreement since 2006,

(iv) each of these agreements obliges Australia to protect the flight paths and habitats of those migratory birds listed in the agreements, and

(v) the Environment Protection and Biodiversity Conservation Act 1999 (the Act) requires that 'an action will require approval if the action has, or is likely to have, a significant impact on a listed migratory species'; and

(b) calls on the Government to ensure it complies with its obligations to the protect the flight paths and habitats of all migratory birds listed under these agreements and the Act, and to refer any project that has, or may have, a significant impact on a listed migratory species for assessment under the Act.

Question agreed to.

Senator WATERS (Queensland) (15:43): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WATERS: I want to speak briefly to this motion. Of course the Greens support strong environmental laws and their application to all development projects, including wind farms—which I believe is Senator Madigan's chief concern—and habitat clearing from coalmines, which also affect migratory birds. I want to put on the record our concern that there were some small technical factual inaccuracies in the motion. Firstly, there was the contention that governments could refer projects. They cannot. That is what proponents do. Secondly, there was the contention that the EPBC Act obliged flight path protection. It does not. With those caveats, the Greens are happy to support the motion.

Wind Turbines

Order for the Production of Documents

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (15:45): I move:

That there be laid on the table by the Minister representing the Minister for Health, by 5 pm on Thursday, 11 October 2012, the contents of the following National Health and Medical Research Council files which relate to wind turbines:

(a) Public Health and Medical Research – Advice – Health Effects of Wind Farms;

(b) Public Health and Medical Research – Research – Wind Turbines and Health – Evidence Review and Public Statement 2010/012940;

(c) Public Health and Medical Research – Enquiries – Wind Turbines and Health – Evidence Review 2010/041323;
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(d) Information Management – Appeals (decisions) – Freedom of Information 2010/00883;  
(e) Wind Turbines and Health – Acciona Energy Oceania Pty Ltd 2010/066543;  
(f) Public Health and Medical Research – Latest Scientific Evidence on Wind Turbines and Health 2011/014789;  
(g) Public Health and Medical Research – Research – Wind Turbines and Health Literature 2011/024222;  
(h) Public Health and Medical Research – Liaison – Wind Turbines Externally Submitted References 2011/028268;  
(i) Public Health and Medical Research – Liaison – Wind Turbines Externally Submitted References Part Two 2011/039890;  
(j) Public Health and Medical Research – Reviews (Decisions) – Wind Turbines and Health Senate Inquiry 2011/039945;  
(k) Public Health and Medical Research – Liaison – Reference Group and Literature Review 2011/054388;  
(l) Public Health and Medical Research – Research – Wind Turbines and Health Literature 2011/054391; and  
(m) Public Health and Medical Research – Committees – Wind Turbines and Health Literature Review Reference Group Membership and Finance 2011/054391.

Question negatived.

**Environmental Conservation**  
**Senator WATERS (Queensland) (15:46):**  
I move:  
That the Senate—

(a) notes:  
(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities, including South Australia’s Glossy Black Cockatoo, and the internationally listed Coorong and Lakes Alexandrina and Albert Ramsar Wetlands; and  
(ii) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

The **DEPUTY PRESIDENT:** The question is that notice of motion No. 950, moved by Senator Waters, be agreed to.

The Senate divided. [15:50]

(The Deputy President—Senator Parry)  
Ayes ...................... 11  
Noes ...................... 32  
Majority................ 21

AYES  
Di Natale, R  
Hanson-Young, SC  
Ludlam, S  
Madigan, JJ  
Milne, C  
Rhiannon, L  
Siewert, R (teller)  
Waters, LJ  
Whish-Wilson, PS  
Wright, PL  
Xenophon, N

NOES  
Back, CJ  
Bilyk, CL  
Bishop, TM  
Boswell, RLD  
Boyce, SK  
Brown, CL  
Cash, MC  
Collins, JMA  
Crossin, P  
Edwards, S  
Faulkner, J  
Fawcett, DJ  
Field, MP  
Gallacher, AM  
Johnston, D  
Kroger, H  
Ludwig, JW  
Lundy, KA  
McEwen, A (teller)  
McKenzie, B  
McLaren, J  
Moore, CM  
Parry, S  
Pratt, LC  
Ruston, A  
Smith, D  
Stephens, U  
Sterle, G  
Thistlethwaite, M  
Thorpe, LE  
Urquhart, AE  
Williams, JR

Question negatived.
MATTERS OF PUBLIC IMPORTANCE

Defence

The DEPUTY PRESIDENT (15:52): A letter has been received from Senator Fifield:

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

The Gillard Government's undermining of the defence budget affecting the capability of the Australian Defence Force.

Is the proposal supported?

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

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

Senator JOHNSTON (Western Australia) (15:53): I want to deal with a very important issue in terms of Australia's national security that has evolved—particularly over the last three years but more broadly over the last four—since Labor was elected to government in 2007.

Labor has cut $25 billion from the Defence budget since the Defence white paper of May 2009. In the latest budget cut they cut spending by 10.5 per cent, reducing the share of GDP spent on defence to 1.56 per cent. That is the lowest level in 74 years. Next year, 2013-14, will see that share of the vote for defence go to 1.49 per cent. That is the lowest share of the national budget since 1937. This government is taking us back more than 70 years in defence funding. In 2009 the Labor Party boldly put forward a plan of three per cent real growth, indexed at 2.5 per cent out to 2017-18 and at 2.2 per cent thereafter to 2030. They also put forward a strategic reform program and a very bold defence capability plan. Not for one second has this government funded that plan. They put on the table a very significant plan for Australia's national security and defence funding—a plan which the opposition supported. Then we see, four days prior to this year's May budget, the Minister for Defence announcing a $5.5 billion cut from the Defence budget into the forward estimates. Coupled with these cuts, deferrals and delays, there has been a total of $25 billion taken out of Defence since the release of the 2009 white paper. The minister seeks to insult our intelligence by telling us that this will have no effect on front-line capability. We have young men and women in forward operating bases in Tarin Kot, Al Minhad, Kandahar and Kabul who are fighting the war against terrorism for all of us. It is an insult to our intelligence to think that budget cuts of these magnitudes will not affect their training and their equipment—and their training with new combat equipment. This is delusional.

I want to draw the Senate's attention to the words of Dr Mark Thomson, a very esteemed and respected commentator from the Australian Strategic Policy Institute. In the latest budget analysis he said:

The plans set out in 2009 are in disarray; investment is badly stalled, and the defence budget is an unsustainable mess. That is what the defence minister has delivered to Australia: an unsustainable mess in defence funding. So inept are this minister and this government that they actually returned to general revenue $1.5 billion they were unable to spend last year. This is a scandal.

This week we have seen a further incident. A very highly respected, esteemed and experienced man was transferred from his post as Secretary of the Department of Defence—a man laden with corporate
knowledge, former Major General Duncan Lewis, the former Special Operations Commander and Australia's National Security Adviser. This very esteemed, knowledgeable secretary had a five-year contract. One year into that contract he was taken from Defence and moved sideways. This is a significant negative event for Defence on top of these budget cuts. Why did this happen? What is it all about? Looking back through what has gone before in recent weeks, I see that former Major General Lewis told an ASPI dinner recently: As things stand I don't think we are structured or postured appropriately to meet our likely strategic circumstances in future.

He then went on to say:

We have come a long way since Mr Tange harangued the services in 1973, but if we don't go much further—we run the risk of becoming irrelevant.

These are not words this minister could possibly wish to hear.

Can I say that one of the reasons why the opposition is so concerned about Defence funding is that this government's budget plans for a surplus—a notional surplus; a mythical, Walt Disney surplus—are in complete and utter disarray? They are founded upon a carbon tax that this government has decided not to go forward with in the technical sense that it was designed. This budget surplus is founded upon a mining tax that has had the guts cut out of it by the states increasing their royalties and by declining coal and iron ore prices. This has left the government with nowhere to go and a massive black hole in financing.

What really worries me is that the next round—the midyear financial economic statements—is going to take further money from the Defence portfolio. This minister and this government treat Defence as nothing more or less than an ATM. When they ring up the numbers on their calculator and they do not come in as they would like, they reach into Defence and pull out billions of dollars. This must have—logically and with common sense—a very significant impact and effect.

Can I very briefly talk about Navy? We have recently had two very damning and significant reports. The Rizzo report says that in terms of engineering all of our Navy ships are in a very poor state of repair. Then we have Mr Coles telling us about submarines. Both reports detail gross technical and cultural failures. I pause to say that Mr Coles's second instalment is due as of now. I have it on reasonable authority that his second report is so damning and so condemning of the administration of this government and this minister that it will be restricted. The report will not be released for public consumption.

The minister himself has been critical of Defence when he found he had no amphibious capability in the face of Cyclone Yasi in Queensland in 2011. We have seen vessels that have fallen into complete disrepair and which have had to be cashiered long before they were expected to be: Manoora and Kanimbla, two of our most significant amphibious assault ships. They are tied up in Sydney and are to be put down, if you like. The Choules was purchased at great expense—$100 million. The first time we took it out of the Heads in Sydney we burned out a transformer and it is out of action for six months.

Can I tell you that Success is in urgent need of being replaced? We have spent approximately $100 million on Success and it will not go sailing ever again. It has instability problems and the whole of the second skinning of it has been a failure. It is everything that you look at in terms of Navy's management: I think we really only
have three surface capital ships that do not have some form of major engineering or mechanical fault. And what is the minister doing about all of this? While there is massive investment in the maritime on the North-West shelf of Western Australia, we are a trading nation. What is this government doing? What is this minister doing? Nothing more or less than cutting the Defence budget.

We have had 25,000 people coming to our shores in unauthorised fashion this year, and this government cuts Defence— (Time expired)

Senator CROSSIN (Northern Territory) (16:03): Just at the start of my contribution to this matter of public importance, I rise to say to the coalition opposite me that this afternoon's debate really is a facade. It is on because there are members of the Defence Force in this building as part of the Parliamentary Defence Program.

In fact, if the opposition were really serious about having a debate about Defence they would not have struggled to get their five members on their feet to support this. If I go to section 75 of the standing orders, it says:

... in order to proceed the proposal must be supported by 4 senators, not including the proposer, rising in their places.

Senator Brandis: Mr Deputy President, I rise on a point of order. Your indication to the Senator is now being openly defied.

The DEPUTY PRESIDENT: I know that we can link Senator Crossin's comments back to the debate because she is referencing the debate in relation to the standing orders that govern the debate. But, Senator Crossin, in the spirit of the debate I would ask that you address the matter concerning the debate.

Senator CROSSIN: That is right, and we are talking about an MPI that relates to Defence and the budget.

Finally, when you in the chair, Mr Deputy President, suggest that perhaps the matter was supported, Senator Boyce jumps to her feet because she realises that she needs to be the fifth person.

The point I am getting at here is that if the opposition were really serious about what is happening in Defence and the state of the defence budget they would be all lined up, sitting in their places and ready to jump up
like a jack-in-the-box to prove they are serious about a debate on defence. They would not be scratching around like a crow looking for a worm, trying to find at least five of their members who could support this MPI. It was not the case that they were all lined up; they had to scratch around to find five. Occasionally when you look you think it is supported because there are a whole lot of people standing up, but in fact they were not in their right places. They do not know what to do and they do not have a strategy.

Senator Brandis: Mr Deputy President, on a point of order, seriously: the senator is now a quarter of the way through her time and has not addressed the topic at all. Her colleague Senator Mark Bishop, who does know something about defence, has come into the chamber and is visibly embarrassed by Senator Crossin. I ask you to insist that Senator Crossin address the topic of the MPI.

Senator Jacinta Collins: Mr Deputy President: the senator is addressing the topic. In reflecting on the level of support in this chamber from Senator Johnston's colleagues she is directly relevant to the topic. Senator Brandis is making much of nothing, for the third time.

The DEPUTY PRESIDENT: Senator Crossin, I indicated earlier that you are technically correct by referring to the standing orders that govern the debate, but the spirit of this particular aspect has been that we discuss the matters and the subject topic before the chamber. I would ask that senators undertake that spirit of the discussion in relation to this matter of public importance. Also, Senator Crossin, you need to be careful not to reflect on the chair. I called that in order as the matter was proposed. You have the call.

Senator CROSSIN: Thank you, Mr Deputy President, and you are right, you did call it in order after a few minutes of grappling around trying to find five people who were going to support it. And Senator Brandis, if I have significantly got up your nose and upset you, I am really pleased about that. Perhaps what I could do again is highlight to the people who might be listening on broadcast that there is not sufficient support across the other side of this chamber for a decent debate on defence.

If we are going to put a discussion about the defence budget in perspective, in 2009-10 the Labor government, for the first time, budgeted over $100 billion for defence across the forward estimates. That was the first time that had been done, and it took a Labor government to do that. In this 2012-13 budget the government has budgeted $103.3 billion for defence across the four-year forward estimates period. This level of funding will maintain Australia's status in the top 15 nations in terms of world defence expenditure, along with Canada either 13th or 14th on that list.

The global fiscal environment has affected the funding that many governments are devoting to defence. Countries such as the United States, Canada and the United Kingdom have all recently announced reductions to their defence spending. On a per capita basis, Australia continues to be second on the list of military expenditure in the G7 countries. Senator Brandis, put that figure your head as you walk out: we are second on the list of military expenditure by G7 countries. In real dollar terms, we spend a far greater amount than any of our regional neighbours.

As part of the 2012-13 budget, there has also been a significant reprioritisation of $2.9 billion to ensure that funding is directed to high-priority areas including a range of new—that is new—cost pressures across the portfolio, including the following priority areas for investment. So let us have a look at
exactly what they are: $700 million additional investment in Collins class submarine sustainment; $550 million for information technology remediation activities across Defence; $400 million for improved housing for Australian Defence Force personnel; $330 million for relocation of defence units from Moorebank to Holsworthy to allow development of the intermodal transport hub; $270 million in additional funding for Navy fleet sustainment; $220 million for investment in maintenance and upgrade of the defence estate; $160 million for fringe benefits tax liabilities; $150 million for enhanced garrison support services; and, finally, $70 million for further investment in international engagement under the Defence Cooperation Program. These are some of the areas that we have had to resource. We have had to look at the defence budget recommendations to work out how we meet these and to ensure we have minimum impact on the delivery of core defence capabilities. We are doing this.

But what does the budget review actually mean for our troops? As a senator for the Northern Territory and living in Darwin, I know that we have had thousands of members of the defence forces who have been on operations for our country in recent years. The 1st Brigade is once again preparing some of these troops for operations in Afghanistan, and I want to use this opportunity put on the record my strong and unwavering commitment to our troops in Afghanistan. The protection of our forces over there is, and has always been, our highest priority. Our government has committed to force protection initiatives worth $1.6 billion following the Force Protection Review initiated by former defence minister Senator Faulkner. The improvements delivered so far include new lighter body armour, upgraded combat helmets, longer range machine guns and upgraded Bushmaster vehicles.

As many of you would know, the insurgents in Uruzgan province use IEDs, improvised explosive devices, to hit our troops and our troops were suffering from some of the heavy injuries they sustained, including loss of limbs and in some cases loss of life. So, on 12 December last year, the Minister for Defence, Minister Smith, and the Minister for Defence Materiel, Minister Clare, announced the purchase of four route clearance systems that will be used by Australian Army engineers to detect and clear explosive hazards, creating a safer pathway for troops as they patrol Uruzgan province.

At that time our ministers also announced that we will upgrade around 200 Bushmaster vehicles to provide troops with an even higher level of protection against IEDs. The upgrades are occurring and include energy-absorbing seats and stronger welding to reduce further the probability of lower limb and spinal injury occurring from an explosion.

Bushmasters have saved Australian lives in Afghanistan. The vehicles have proven to be very effective, providing Australian troops with mobility and protection, particularly against these damaging IEDs. I recently represented my colleague Minister Warren Snowdon at the Australian Industry and Defence Network-Northern Territory gala awards dinner in Darwin and I had the privilege of having a look at the static display of the Bushmaster and other hardened vehicles that were there with, of course, their professional and knowledgeable crews from the Australian Defence Force on hand to guide us through this new upgrade. I had a look in a Bushmaster. It was quite impressive as to the reinforcements, the length and now the capability of this vehicle.
On 12 July this year, Minister Smith and Minister Clare announced the proposed acquisition of a further 214 Bushmaster Protected Mobility Vehicles for the ADF. This announcement is in addition to the purchase of 101 Bushmasters announced by the government in May last year. So we are listening. We have reversed recommended budget measures in relation to airfares for single people. We have a defence community that deserves the best support, a defence community that will, as we know, ensure that our country is posturing efficiently, effectively and intelligently into the future. This government recognises this by the way in which we fund our Defence Force, by the way in which we support our groups on the ground out in the field in Afghanistan. As I said at the beginning of my speech, this is a government that has, for the first time in many years, provided an increase in this budget over the forward estimates. (Time expired)

Senator LUDLAM (Western Australia) (16:16): I am glad that the coalition have brought forward this MPI motion this afternoon. I think that much too often this hour is a total waste of oxygen and I tend to avoid it, but this particular subject does deserve further scrutiny. I listened carefully to Senator Johnston's remarks and I found myself in agreement with some of them, particularly where he refers to the direction taken by the 2009 Defence white paper but then the decisions taken subsequently to avoid grappling with some of the priorities that it set out. I think in essence what we have done is set the Australian Defence Force and the Defence Materiel Organisation an impossible task. I was hoping for a contribution from Senator Crossin that would maybe take us back to first principles. Maybe Senator Bishop or Senator Feeney, who do know a fair bit about this area, can help answer some of the questions that I am going to put this afternoon about why we write white papers in the first place and even go back to first principles as to why we maintain the degree of defence spending that we do. Minister Smith put forward, at an Australian Strategic Policy Institute event, fairly recently the standard, which I think would be acceptable and understood by most Australians as to their expectation, that the purpose and the reason why we do this is for 'the defence of Australia against a direct armed attack'. However, the 2009 white paper significantly confuses this. The traditional and most clearly understood explanation of the reason that we maintain the defence forces that we do is for 'the defence of Australia against a direct armed attack'. Actually it is not the direct experience of the deployments in the post-war era, which are obviously a very significant marker and a way to define the period. That is not at all what the Australian Defence Force has been doing. I want to quote an article by Hugh White in the September issue of The Monthly. He is somebody who does an enormous amount of thinking about these issues. He says:

… few people in government or Defence think that Australia faces any credible risk of major military attack, and fewer still believe we could defend ourselves if we did … Of course, apart from defending our shores, the ADF has always had something to do—peacekeeping in the Middle East,—

I suspect he uses that term euphemistically, if the invasion of two countries on the other side of the world could be described as peacekeeping, but we will let that go—nation-building in East Timor, tsunami relief in Indonesia or fighting bushfires in Victoria—but these aren't reasons enough to have a defence force.

It is an extremely thought-provoking article. To my mind, it goes to an enormous degree to how the 2009 Defence white paper set an
impossible range of strategic goals. Since then, as Senator Johnston quite ably demonstrated, the Australian government has failed to provide the resources needed. In effect, that might be a good thing because I think in fact some of the positions taken in the Defence white paper of 2009 are significantly flawed. The procurement decisions that go back several decades and the force structure that prevails at the moment are significantly confused and do not pay regard to the idea that this is about 'the defence of Australia against a direct armed attack'. In fact, what we are kitting ourselves out for is providing force elements to expeditionary invasions by the United States government on the far side of the world or the more prosaic, but to my mind far more important, interventions in our regions where in many instances the ADF were welcomed or, for that matter, those domestic interventions, such as after the floods in Queensland or the Victorian bushfires, where in many instances the first boots on the ground are those of the Australian Defence Force. But the white paper sets us on a path of building 12 gigantic submarines and sets us on a path of procuring joint strike fighters at the cost of billions and billions of dollars. We have kitted out main battle tanks apparently for fighting battles of World War II. There are the air warfare destroyers that appear to be aimed at giving us significant offensive capabilities in the region. But, to my mind, that goes directly against defence minister Smith's observations at the ASPI event. I think there is substantial confusion at the very headwaters, if you like, that then leads to all the ongoing procurement decisions and debacles that we have seen in recent years as to what kinds of security challenges and genuine security threats, of the century that we are now in the second decade of, look like and therefore how we should kit ourselves out particularly, in a more narrow sense, for the role that we want the ADF to play.

There is one issue that I would like to raise and I suppose senators will understand why I raise it. I am going to quote the Lowy Institute, who pointed out as long ago as in 2006: Climate change is fast emerging as the security issue of the 21st century, overshadowing terrorism and even the spread of weapons of mass destruction as the threat most likely to cause mega-death and contribute to state failure, forced population movements, food and water scarcity and the spread of infectious diseases …

I was reading from a document so I could not tell whether there was eye-rolling around the chamber over the fact that a Greens senator would seek to link climate change as a genuine security threat, because in fact the 2009 white paper reduces that issue to a footnote and suggests that we do not need to worry about climate change as impact on national security until the 2030s, which I think is absolutely delusional and quite dangerous. If you look at the literature you see that a large number of situations around the world at the moment in various trouble spots and regions of great political and military instability already have the fingerprints of climate change on them. This is not something abstract about parts per million of CO2 in the atmosphere; it is about water resources disappearing. It is about changes in the ability of given regions to produce food, which can then have direct impacts on political stability.

I understand this from a book which I would thoroughly recommend—I would table 76 copies of it if I had them with me—called Tropic of Chaos, which goes through trouble spots around the world and identifies the fingerprints of climate change. It does not matter whether or not you believe it is human induced. I will come to that in a
moment. The ADF apparently developed a classified report in 2007 identifying the threat of climate security, but the white paper, for reasons I cannot fathom, said that it should be dealt with in 2030. The attorney for US Army Environmental Command states:

For the military, whether the warming is caused by man, is naturally occurring, or is some combination of the two is immaterial. The military cannot wait for the science to be perfected to begin planning for the potential effects of global climate change. We know that budgets are tight and resources are not endless, but I am extremely concerned that we are nonetheless posturing our defence forces for the wrong kinds of conflict. Of course we have to be prepared for direct armed attack, but I believe we have to be prepared for the kind of low-intensity conflicts that are already arising around the world as a result of instability brought on in fragile states by climate change. It is something that I do not believe can be ignored any further.

I do not believe the traditional state-to-state war scenario should be the sole focus of defence spending, particularly in the context of the kind of situations that we are already sending the ADF into, in which some of the gigantic procurement decisions made by this government will be utterly useless. While we are spending money on things like a gigantic fleet of submarines to put us into the South China Sea, air warfare destroyers or Joint Strike Fighters, the enormous opportunity costs of those spending decisions mean that we cannot do certain things. I think that, in fact, directly undermines our defence capabilities. The lack of a consistent, coherent, honest and independent national security strategy is seriously a threat to us at the moment. Defence spending without that national security strategy really undermines our security.

With greatest respect to Senator Johnston, simply quoting defence spending as a ratio of GDP is utterly valueless. Who cares? Are we getting value for money? Are we getting the kind of capabilities that we are going to need to confront the security challenges of this century? Those are the things that I want to know. The financial metrics that Senator Johnston is putting before the chamber I dismiss as completely irrelevant. What matters, I think, is whether we are going to be properly positioned to face up to the genuine security threats, what our strategy is for meeting and responding to those threats, mitigating those that we can, adapting to those that we cannot mitigate and only then coming to the decision of what role we want the ADF to play. The opposition have declared themselves not competent, because the senior leadership team is infested with climate change deniers. Can you imagine if you took into national security debates denial of the most significant security threat of the 21st century and simply pretended that it was not happening?

Opposition senators interjecting—

Senator LUDLAM: I notice some of the senators are acting up, and this will be hard to hear. You are pretending that the most significant security threat facing the world's nations in this century does not exist. How lovely for you! How nice that must be! I look forward to the development of the next white paper. I hope it is not a wasted or missed opportunity. But one thing I want to underline is that we cannot wait until the 2030s to confront these questions. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (16:26): Another wacky, off-the-wall, largely irrelevant contribution from the Greens. I do not quite know what Senator Ludlam was saying in all of that but I do know that the Greens have fairly
consistently said that they do not support a well-resourced Defence Force. They would cut Defence very sharply, so as far as this debate is concerned they fall very much on the side of the government even though they have taken a little trouble today to pretend that they have a difference of view with them.

What we have today is a government with, effectively, no policy on defence. The government came to office talking the talk about wanting to have a strong Defence Force. The then Prime Minister, Mr Rudd, brought forward in 2009 an ambitious scheme for resourcing and building a strong Defence Force with a very impressive shopping list of kit for the Defence Force over the next 20 years, leading to a new, refreshed, re-equipped Defence Force in 2030. We can argue about whether or not it was a good vision, but it was at least a vision.

The problem with this vision was that, almost from the first day it hit the deck, it began to crumble. It began to disappear. Bits and pieces were pulled out here and there until, eventually, in this year's budget the government took the 2009 white paper quietly out the back and shot it. It is not around anymore. It is gone. It is dead in the water. This white paper was hard to believe to begin with and became positively incredible by the time it was put to sleep.

So we have now a situation where the government has systematically withdrawn the resources from the Defence Force—and particularly Defence acquisition—which would have been necessary to build either the 2009 white paper that Mr Rudd postulated or, indeed, any other kind of credible Australian Defence Force for the challenges of the 21st century. It is impossible to imagine that what this government is doing is anything other than treating the Defence budget as a gigantic cash cow to raid at will as it finds itself running seriously short of cash and needing to find some way of supporting the increasingly improbable, razor-thin budget surplus of 2012-13. And it is not just me who has said that; it is every expert in this area. Every person who is a serious commentator on the defence scene in this country and beyond who has bothered to comment on this has made very much the same kind of conclusion. There is nothing to support this government's plan.

Senator Crossin's rather thinly disguised ignorance in this area demonstrated how bad the government is at engaging with this question. She talked about how the government has notched up $100 billion in spending on defence, but that is over four years. It is an easy claim to make over four years. The reality is that the defence spending in the budget is not going up. It is going down, and amalgamating the figures over four years does not alter that fact.

Senator Crossin talked about the extra spending in the portfolio and she talked about $700 million being spent on the Collins replacement project. There is not a person in Australia who has even the slightest interest in Collins and our submarine capability who does not know that that $700 million is about papering over the reality that the government does not have a plan to build a new submarine. It needed to have made the decision two or three years ago on the new submarine. It cannot make that decision. It is stymied. It is paralysed by fear. It is a rabbit caught in the headlights on the question of the submarine and, as a result, is commissioning more interim studies to bide the time until somebody else takes the reins, preferably a party of a different persuasion, and makes the big decision for them. Nothing is happening with this, and pretending that there is somehow a
commitment to spending in the defence sector is just laughable.

I have said that this is an absolutely deplorable situation but what do other people think about this? Professor Alan Dupont, from the University of New South Wales, has made devastating comments about the way in which the defence budget has been handled and about the decline in defence spending. Peter Cosgrove, a former Defence chief, said:

I do worry that we are developing some gaps in our defence structure that will be very tough to claw back later on. I may not be as pessimistic as (others), but I would applaud the day when we can restore a high level of funding for defence.

Peter Cosgrove is a very credible figure in this landscape. Peter Leahy, a former Chief of Army and now professor at the University of Canberra, said:

The 2009 white paper is dead on the floor, butchered by the withdrawal of funds. There's no way they can deliver it. On current funding levels, there will need to be dramatic changes.

Mark Thomson, from the Australian Strategic Policy Institute, said:

… in the last budget there were savings methods across the decade of $2.9bn in increased efficiencies, and efficiency dividend of $400 million, and that brings us to $12bn.

He is referring to the so-called savings there. He said further:

You have to look back to the draw-down from Korea in 1953 to see anything like this.

Hugh White, who has already been quoted in this debate, said:

WE SHOULD thank Julia Gillard and Wayne Swan. Their budget cuts have destroyed the defence policy of the 2009 white paper, and that is a good thing because it was a bad policy.

He went on to say:

We pretend to be a middle power and we say we're a middle power but we have the defence capability of a small power.

That is a very disturbing comment for him to make, because it reflects what most people think, that under this government we have seen a draw-down capability.

Senator Feeney: So is Hugh White's strategic vision one you are signing up to?

Senator HUMPHRIES: You will get your turn in a minute, Senator Feeney. For the Minister for Foreign Affairs to say in the Senate last week that 'there will be no adverse impact on operations—they are all fully funded' is ridiculous. It is like saying: 'We're sending the Australian Olympic team to London. When they're there they'll have all the resources that they need but when they get back to Australia there will be no money for training. There will be no money for recruiting and there will be no money for the things that drive our level of excellence in sport.' It is preposterous to suggest that we can make the kinds of cuts, $25 billion worth of cuts, in the defence budget that this government is making and pretend that they do not affect frontline operations of the Australian Defence Force. Of course they do and only, with respect, fools would maintain that somehow these cuts are not affecting the frontline of Australia's defence, particularly in operations like Afghanistan. We have the midyear economic statement to come in which we can expect more of the same. You need more money, you have to make big cuts to get your mythical surplus back into some kind of pretend reality and there will be more cuts to come in this budget. It is an absolutely deplorable situation. The men and women in uniform know that as well. Senator Bishop, I challenge you to cite a single authority that has endorsed your approach to the defence cuts in this budget.

Senator MARK BISHOP (Western Australia) (16:34): In some respects, the motion really is most unfortunate. It represents—
Senator Humphries: It’s not a motion.

Senator MARK BISHOP: The motion before the chair.

Senator Humphries: It’s not a motion; it’s a matter of public importance.

Senator MARK BISHOP: The motion before the chair is in some respects most unfortunate. It misrepresents the factual situation in a very deliberate and partisan way. It is as though the opposition believes or seeks to assert that two years of the Gillard government is totally responsible for the aggregation of problems that bedevil Defence and challenge government ministers of either persuasion. Let me acknowledge two matters at the outset: first, I readily concede that there are significant ongoing structural problems facing Defence, the defence community and what is commonly known as the defence family; second, I assert that the only way to permanently and properly address those matters is primarily through a bipartisan approach of the major parties likely to hold the Defence portfolio in government. So at the outset I do criticise the opposition for bringing in an overtly partisan motion on defence to the Senate yet I proffer a solution in my remarks that is, at its heart, structurally non-partisan.

Let me say also that our government brings good form to this debate, a considered approach and a set of significant achievements over its four years in government. Let me outline our form in one respect only to put it on the public record. The then opposition in the period from 2000 to 2007 spent an inordinate amount of time getting on top of important issues in defence, with inquiries, parliamentary committees, committees of review, relationship building with Department of Defence officials and, critically at the time, strong support to Howard government proposals for acquisition or reform. That work resulted in the white paper 2007-08. That critically resulted in the development of a strategic reform plan, worked out in conjunction with the service chiefs. It was agreed we needed to find $20 billion in savings over a 10-year period. That agreed level of savings was done by negotiation with the service chiefs and through engagement with industry. The key decision was to plough all of those savings back into Defence budgets.

The first two years of the strategic reform plan worked well. Savings targets were achieved. Moneys were ploughed back into Defence budgets. Capability acquisitions were fully funded—in fact, so overfunded that some funds were returned to government. The net of that two or three years work is that the strategic reform plan instituted and implemented by this government has been working well. But I do not say for one minute that it is enough. It is only a start and can only be a start.

Why do I then say we need to have a revised, renewed and reinvigorated bipartisan approach to Defence matters? I say that because in the last two weeks the Senate Foreign Affairs, Defence and Trade References Committee has tabled a major report into Defence procurement, which is at the heart of the defence budget—the subject matter of the MPI before the chair today. That references committee, as we all know, is chaired by an opposition senator. There are three or four opposition members, only two government senators and one Greens or Independent senator. It spent 18 months on its inquiry and delivered a unanimous report with a unanimous set of findings and a unanimous set of recommendations. Major budget and account issues were discussed between the members and agreed between the members and they offered a considered way forward to a promised land of achievement and satisfaction in Defence.
Everyone in the Defence community knows the principal problems in Defence procurement are cost blow-outs, schedule and time delays, and flawed risk analysis. In any project that has gone overboard in the last 20 years, any one or all three of these problems were the cause. Why does that continue to occur year in year out under successive governments, successive ministers, successive chiefs of defence, successive service chiefs and successive departmental secretaries? Only this week we saw the appointment of a new departmental secretary—roughly the 4,000th in the last 16 years. It is really just not good enough when soldiers are dying at the other end of the world.

Let me put on the public record a potential solution which, if faithfully implemented, might overcome this recurring, useless, tired set of problems which seem apparently intractable but which are not. I suggest we adopt four principles for Defence budgeting, Defence accounting and Defence management: accountability, transparency, responsibility and empowerment. Apply these four principles across the board to the military arms, the civilian workforce and the DMO within the wider Defence community. In practice, it means organisational change and significant streamlining. Firstly, empower each service chief, not a committee, with full responsibility for all facets of project delivery post second-pass decision by government. Secondly, restructure the DMO so it becomes a specialist acquisition agency, independent of CDF and reporting to the minister, that is properly a centre of excellence in a critical world. Thirdly, provide for a targeted, yet limited, strategic role for the Capability Development Group. Fourthly, eliminate the competition between sectors of the Defence community for technical and engineering capability.

What we have at the moment between each of the services, the DMO and the Capability Development Group is the most useless, senseless, worthless and expensive form of competition for recruitment of highly skilled labour in engineering and technical capacities. You could not manufacture a greater waste of time than the Navy, DMO and the Capability Development Group competing to attract and retain the same group of highly skilled technical and engineering people. The net result has been that the DMO has hundreds and hundreds of vacant positions on the engineering side of its organisation. The Capability Development Group needs to take advice from Navy. But guess what? The Rizzo review and the other report that came down revealed in considerable detail that Navy has just about zero engineering capability. It has been run down and run down over the last 15 or 20 years—really since the 1988-89 period. It is inconceivable when you think about trying to run the most technically advanced warships in the world, which at their heart are nothing other than floating electronic factories, that the Navy has vacancies in the hundreds and hundreds for engineers and like classifications.

The fifth thing that should occur is that we should inject real contestability into decision making and guarantee that whichever government—our government or the coalition's government—is provided with independent advice from key agencies. That is sound, thought-out, thorough and independent advice from the DMO, the DSTO and technical experts, because all the floating set of committees we currently endure do is sieve out and reduce to very senseless and basic propositions very complex issues that do not get the attention of government. That is one of the root causes of why projects go bad, remain bad and continue to get worse for five, seven or nine
years until all of a sudden some minister gets a file on his desk 10 years after the project commenced and has to do a presser and cancel $1.6 billion—just write it off—because the platform will not fly or sail or anything it was designed to do. With any problem or set of problems there is always a solution, and the solution is at hand. *(Time expired)*

**Senator RONALDSON** (Victoria) (16:44): Senator Bishop started by indicating that the Labor government had form in relation to defence.

**Senator Mark Bishop:** Good form!

**Senator RONALDSON:** Good form? Well, that just makes it even worse if you said 'good form'—form most certainly yes; good form most certainly no. In relation to that matter, it is a real pity that Senator Bishop was not making these sorts of comments and suggestions when his preferred prime ministerial candidate was actually running the show. I think if you listen to what Senator Bishop said, implicit in that was his view that in the last two years, under the present Prime Minister, we have seen slippage in relation to the defence budget. I will just go through what the form is, so that there is no doubt in anyone's mind about what the form is. Dennis Richardson is the fourth Secretary of Defence in the last four years under this government. That is form number one. Twenty-five billion dollars has been slashed from the defence budget since the Australian Labor Party came into power. That is form number two. Good form, Senator Bishop calls it; bad form, I call it. Spending in GDP terms is at 1937 levels—1.49 per cent next year. Good form? I do not think so. Bad form—most definitely!

I now want to refer to some of the comments made by other commentators in this area in relation to this crisis facing the Department of Defence—a crisis in a funding sense and the ensuing crisis of confidence amongst those who are serving this nation. I think it was Senator Humphries, and maybe Senator Johnston as well, who referred to Lieutenant General Peter Leahy, a former Chief of Army, who said that the current round of cuts, these cumulative cuts, will undoubtedly lead to personnel reductions and a crisis of confidence in the defence forces. I want to read a comment from Dr Mark Thomson in his 2012 ASPI defence budget analysis. He said:

> The plans set out in 2009 are in disarray; investment is badly stalled, and the Defence budget is an unsustainable mess.

We all know that the former defence secretary, Duncan Lewis, who was an ex-special forces commander and National Security Adviser, has had a frosty relationship with Minister Smith for some time. Lewis recently stated at an ASPI dinner:

> As things stand I don’t think we are structured or postured appropriately to meet our likely strategic circumstances in future.

So that is five bits of bad form, not good form, as Senator Bishop said at the start of his contribution. That is five bits of really bad form.

What is the outcome of this bad form? The outcome, as we know from media reports today, is that the cadets are now the next ones in the gun. They are the next ones whose funding will undoubtedly be cut. I could stand here for two hours and talk about the benefits of the Australian Defence Force Cadets. I will not do so and I would be bitterly disappointed if there was anyone in this place who does not support cadets.

The other outcome, just one that I can think of straight off the top of my head, in relation to these five points of bad form was the stripping in the federal budget of
recreation leave travel entitlement for single ADF members aged 21 and over. It has been changed. The fact that it was even contemplated is an absolute reflection on this government, a complete and utter reflection on this government. It was only changed because the ex-services community and others said this was completely and utterly untenable.

Why are we in this position? We are in this position because this current Prime Minister, in a desperate attempt to get herself through to November of this year, when Kevin Rudd can no longer contest the prime ministership because we will be in an election year next year, is spending like a drunken sailor to maintain her position in the polls and within her party, all of which is unsustainable. We are now confronted with a $120 billion black hole. We are seeing a government lurch from financial crisis to financial crisis. Treasurer Swan at question time today refused to rule out any raid on the Future Fund—the last bit that the Australian Labor Party has not been able to get its grubby mitts on has been the Future Fund. This is a Prime Minister who is spending purely to keep her job. She has no concern for the job of anyone else in this country and she certainly has no concern for the Australian Defence Force and the personnel who are serving this country so well.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (16:51): We are a government committed to delivering a surplus on time and as promised. The 2012-13 budget delivered by Treasurer Wayne Swan ensures that we will achieve this before any other major economy. In contemplating the importance of that, I am reminded of a quote from a former chairman of the Joint Chiefs of Staff of the United States military forces who said, 'The greatest single strategic threat faced by the United States is its national debt.'

A surplus is part of our strategy to ensure the strength of our economy and the future economic security of our nation. A strong economy is good for all Australians. However, the fiscal reality of the global situation means that there are very clear implications for Defence, as there have been for all government departments and agencies. But what the opposition has failed to appreciate and sought to politicise in its own flamboyant and hysterical terms is that Australian Defence Force operations will not be adversely affected by budgetary restraint. There will be no adverse impacts on operations in Afghanistan, East Timor or the Solomon Islands. There will be no reduction in the number of military personnel in any of our three services—Navy, Army or Air Force. There will be no implications for the equipment of forces about to be deployed or their deployment. There will be no reduction in conditions or entitlements for service personnel other than those being considered as part of the ongoing strategic reform program.

There will be a minimum impact on the delivery of core defence capabilities, and from a strategic perspective there has been no fundamental change to our defence budget. There has been no fundamental change because when one sets aside the hysteria and hyperbole from those opposite, we can come to the cold, hard facts—and cold, hard facts which generally escape those opposite. We saw the claim being made that the defence budget had been cut by $25 billion—what errant nonsense; what dangerous and destructive nonsense. When well conducted, a defence debate should be bipartisan. Instead, it is now in the hands of the hysterics and crisis mongers opposite and not receiving the cold analysis that defence matters require.

In fact, the reality is that defence spending has been cut across the forward estimates...
from $109 billion to around $104 billion. For people who are passionate about defence, and I am one, those savings measures have been difficult and they involve difficult choices. But please do not let the people of Australia or any of those in the defence family who are listening to this debate imagine for a moment that the defence department is facing the kind of wholesale crisis those opposite dearly wish was the case. When one considers the level of defence spending in this country, let us just bring a little fact and reason to the debate, however uncomfortable the opposition are with those that. For the first time ever in this nation's history, this government has budgeted over $100 billion for this nation's defence across the forward estimates. That is to say, notwithstanding these cuts, we are still spending more on the defence of this nation today than those opposite ever did.

Further, let us take a moment and look at the various miscellany of quotes those opposite have flung at us. They have flung quotes at us from various characters inside the defence debate who are at odds, some of whom do not agree with one another let alone the opposition. Dr Mark Thomson from ASPI is a classic case in point—a highly credentialled gentleman, a person whose utterances in the defence debate are always taken very seriously, a man who believes the defence budget as it presently exists is open to further cuts and that a smaller force would be justified. I am sure that if those opposite had a clue about what it is that they are discussing, they might have neglected to quote him in the terms that they did.

We see when we look at the opposition and their conduct in these matters that while they are always keen to add hysteria and crisis to the debate, they do not come to this conversation with a commitment. They do not come to this conversation with anything like an undertaking to the defence family. In fact, their undertaking is as follows: The Coalition will commit to restoring the funding of Defence to 3% real growth out to 2017/18 as soon as we can afford it.

'As soon as we can afford it'—that means never. That means that, God forbid, if those opposite should ever form a government, we will see on day one various Liberal characters roll out to the front and say: 'Oh my goodness, we cannot afford it. There's no money for defence. It's someone else's fault.' We know the game that is being played but, most critically, so do the men and women of our defence forces, and so do the loyal people who staff and work so assiduously in the Department of Defence.

The Liberal Party is not coming over the hill to save the defence department from Labor Party cuts; rather this is a $70 billion black hole operation that is going to try to roll into government and then blame every failed commitment—(Time expired)

COMMITTEES

Scrutiny of Bills Committee

Report


Ordered that the report be printed.

Human Rights Committee

Report

Senator STEPHENS (New South Wales) (16:57): On behalf of the Chair of the Parliamentary Joint Committee on Human Rights, I present the third report of 2012 of the Parliamentary Joint Committee on

CHAMBER
Human Rights on the examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011.

Ordered that the report be printed.

Senator STEPHENS: I move:

That the Senate take note of the report.

This third report of the Parliamentary Joint Committee on Human Rights reflects the committee's consideration of 12 bills and 113 legislative instruments introduced during the period 10 September to 14 September 2012. The committee has decided that eight of the bills considered do not require further scrutiny as they do not appear to give rise to any human rights concerns and has decided to seek further information in relation to three bills before forming a view with regard to their compatibility with human rights.

The committee notes that one bill appears to have been introduced without a statement of compatibility. The committee considers that this bill does not appear to raise any human rights concerns. However, the committee will draw the minister's attention to the requirement in the Human Rights (Parliamentary Scrutiny) Act 2011 that each bill and legislative instrument introduced into the parliament must be accompanied by a statement of compatibility. Statements of compatibility must be provided for all bills and all legislative instruments regardless of whether the proposed legislation is considered to raise human rights issues or not.

The majority of instruments considered by the committee in this report do not appear to raise any human rights concerns and are accompanied by statements of compatibility that are adequate. The committee will seek further information in relation to one legislative instrument and will send advisory letters in relation to the adequacy of a number of the statements of compatibility. The committee observes that there is a tendency to provide similar or generic statements of compatibility for instruments that are very similar in purpose.

The committee has no concerns with the use of generic statements of compatibility per se, but notes that some largely generic statements, such as those accompanying the set of vocational education and training provider notices of approval considered by the committee in this report, appeared to adequately meet the committee's requirements.

On behalf of the committee I stress the importance of the statement providing information that is specific to the instrument in question. The statement should clearly state the purpose of the instrument and, where rights are engaged, the analysis of the engagement should relate to the effect of that instrument. The committee has observed that some statements have discussed the engagement of rights in terms of the overarching policy or program without reference to the impact of the instrument itself. In such circumstances the committee will continue to write to the relevant ministers in an advisory capacity to offer guidance with regard to the preparation of future statements.

Similarly, the committee has no concerns with brief statements of compatibility in circumstances where no rights are engaged. The committee notes that a significant number of the instruments considered by the committee to date make technical or machinery changes which do not engage rights. Many of these, such as the Currency (Royal Australian Mint) determinations considered in this report, have been accompanied by very brief statements that still managed to address the committee's requirements. However, the committee has considered that a number of brief statements of compatibility have fallen short of its...
To place on the record our thanks to the secretariat: Jeanette Radcliffe, the secretary; Ms Renuka Thilagaratnam, the principal research officer; and Lauren McDougall, the executive assistant. It is a very small secretariat, but they have assisted the committee in making sure that we are progressing in a way that reflects the intention of the legislation, which is the pursuit of an understanding of human rights as it applies to the Australian circumstances. Frankly, without the help of the secretariat the committee could not have been as successful as it has been so far. I thank the Senate and seek leave to continue my remarks.

Leave granted; debate adjourned.

**MINISTERIAL STATEMENTS**

**Workplace Relations**

Senator **CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:03): I present a ministerial statement relating to the future of workers' penalty rates and public holidays.

**Nuclear Medicine**

Senator **CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:04): I also present a ministerial statement on the investment in nuclear medicine and treatment, and move:

That the Senate take note of the document.

Today's announcement is very good news for the 550,000 people who require a nuclear medicine procedure in Australia each year. It is also good for the 45 million people across the world who need a nuclear medicine procedure each year. It centres on the manufacture of molybdenum-99 or Mo-99. The investment of $168.8 million in the
manufacture of nuclear medicine will secure Australian supplies of Mo-99 into the future.

It is a reality that the complexities of the science mean many of us do not have a full understanding of the drugs that can keep us healthy. This truism is probably best encapsulated by Mo-99—a drug most Australians have never heard of, but which many of us may need or have used at some point during our lives. Mo-99 is the main starter-material in 80 per cent of nuclear medicines used for the diagnosis of heart disease and a wide range of cancers. Its applications include everything from bone oncology to neurology to diagnosing kidney, heart and gastrointestinal problems. It is administered to patients by a nuclear medical community of some 1,500 professionals across some 200 hospitals and radiopharmacies in Australia and New Zealand.

The Open Pool Australian Lightwater or OPAL multipurpose nuclear reactor operated by ANSTO at Lucas Heights is one of only six reactors in the world capable of producing significant amounts of Mo-99. OPAL is one of the safest, most reliable nuclear reactors in the world. While it is a technically difficult process to produce Mo-99, scientists working with OPAL have been able to consistently irradiate the targets needed for Mo-99 production. However, our Mo-99 production plant will reach the end of its useful life in 2017. That is why the government has announced an investment into: a new nuclear medicine manufacturing plant, with capacity to supply Mo-99 to people across Australia and across the world; and a collocated Synroc waste treatment plant, to safely treat the necessary by-products of nuclear medicine manufacture.

The new Synroc facility will be able to convert waste from nuclear medicine production into a form suitable for long-term storage consistent with international best practice. This is a responsible approach to nuclear medicine manufacture with an end-to-end solution for waste treatment. It is another example of how the Australian government is investing in Australian innovation, and it is an excellent example of the great work which is being undertaken by the staff at ANSTO.

Synroc technology is Australian-owned and -developed intellectual property that takes waste and reduces its volume to one per cent of the volume of other waste-management solutions. This means that for every 100 storage containers we might once have needed for waste we will now need only one. Let me be clear that the Synroc facility will not treat foreign waste but that it will function as a demonstration plant to sell Australian innovation overseas. I can also announce that ANSTO will enter into an agreement with like-minded international partners to manufacture Mo-99. This will ensure that there are no gaps in its supply. The agreement will guarantee the timely supply of Mo-99 internationally to cover periods when either reactor is down for servicing. This initiative significantly strengthens our position as an important contributor to global nuclear security and nonproliferation. It should be viewed in the context of Australia's longstanding record of activism and achievements on nuclear disarmament and nonproliferation, and it reflects Australian support to the commitments made at the 2010 Nuclear Security Summit in Washington.

Let me explain. At the moment most of the Mo-99 in the world is produced by highly enriched uranium reactors. Highly enriched uranium is associated with the production of nuclear weapons. Australia is at the forefront of the global anti-proliferation movement and Australia's OPAL reactor runs on low-enriched
uranium. This new investment will mean that Mo-99 will expand Australia’s ability to manufacture nuclear medicine using low-enriched uranium. Greater international use of this technology can only contribute to a safer world, better global nuclear security and nonproliferation.

Today’s announcement is a win for all. It will place Australia at the forefront of nuclear medical research and the global fight against cancer and heart disease. This initiative will secure our supplies of Molybdenum-99 now and in the future. It should be welcomed by Australian patients, their families and friends because it secures necessary supplies for diagnosis of serious, often life-threatening diseases. It will be welcomed internationally, providing medicine in the face of increasing demand.

I commend this statement to senators and congratulate all those involved with ANSTO’s development work in bringing this exciting project to this stage.

Senator LUDLAM (Western Australia) (17:10): In order to keep the debate alive, I seek leave to continue my remarks and come back to this later.

Leave granted; debate adjourned.

Workplace Relations

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:10): by leave—I rise to speak to the ministerial statement by the Hon. Bill Shorten entitled 'Future of workers penalty rates and public holidays', and I move:

That the Senate take note of the document.

That ministerial statement was an abuse of the facility afforded by the parliament for ministerial statements. Over 15 pages the minister desperately sought to make his bid for the leadership of the ALP, pretending empathy for low-paid workers. It is just a pity he did not show such empathy for the low-paid workers and members of his mate’s, the member for Dobell Mr Craig Thomson’s, trade union, the Health Services Union.

Here we have a minister who says he cannot survive and live off his $300,000-plus salary and package, and who uses his spare time to abuse pie shop workers and trying to give the opposition a lecture on the plight of the low paid. If ever there was an example of Tartuffery it is Minister Shorten. The minister’s immature attempt at stereotyping the opposition in his highly charged political statement shows he still has not made the transition from union boss to minister of the Crown, where higher standards are expected. In a confused, clumsy, cobbled together diatribe the ministerial statement told us absolutely nothing other than that he has written to state and territory governments. That is not worthy of a ministerial statement of half a page, let alone 15 pages. Can we expect a ministerial statement each time the minister stops from whingeing about how hard it is to live on his $300,000-plus package and signs eight letters? This ministerial statement was just a ruse to make a highly charged political speech in which he demeaned Fair Work Australia and its role as the so-called independent umpire.

Currently, and to put this into context, Fair Work Australia is undertaking a review of modern awards. Part of that review is considering submissions in relation to penalty rates. The minister has indicated that the government would not countenance any reduction in penalty rates. Therefore, if Fair Work Australia rules, as the minister has signalled, it will be perceived that Fair Work Australia has been monstered by the minister.

Why this bizarre outburst by the minister asserting that the coalition needs to make its position clear on penalty rates? In case there is any doubt, our position is clear and has
been stated in the number of occasions, and I will state it again: the umpire, Fair Work Australia, after hearing all submissions should make the decision balancing all considerations. After all, that is their task. After all, that is why Labor established Fair Work Australia. After all, that is why they have filled Fair Work Australia with ex-trade union official after ex-trade union official, appointing a 'tribe'—to use Kevin Rudd's term—of ex-trade union officials. This is something we were promised by Mr Rudd would not happen but which, of course, has occurred.

We should not be surprised. Just as their carbon tax promise was thrown out the window, so that promise has been thrown out the window as well.

Our position is absolutely clear, so it begs the question: why does the minister go down this track to politically attack the opposition? I wonder who said the following about penalty rates in the tourism industry. It might just give us a clue as to the minister's regrettable intervention:

I hope the bench of Fair Work Australia has given proper regard to the input of the tourism industry in this context—the context being penalty rates—because I understand that is the key issue to industry at this point in time.

I will give you a clue, Madam Acting President and other senators. No, it was not a coalition spokesman. No, it was not an industry spokesman. Guess what? It was a former ACTU president and cabinet colleague of Mr Shorten. It was none other than Minister Ferguson, who, might I add, actually knows how to behave as a minister of the Crown and not just as a trumped-up ex-union official as Mr Shorten does.

What is clearly at play here is a battle between that which Minister Ferguson has said on the public record and that which Mr Shorten is trying to achieve. Clearly, Mr Shorten is trying to get the backing of trade union bosses for another position that he hopes to achieve. But one cabinet minister is saying to Fair Work Australia, 'Please take into account the key issue of the tourism industry', whilst the other minister, Mr Shorten, is saying to Fair Work Australia, 'Don't you dare change anything.' If ever you have seen a shambolic government, this is it. It is a government where cabinet ministers cannot even get their submissions correct. You have one minister saying one thing and another minister saying the exact opposite.

This is a minister for workplace relations who has time to play politics but fails to answers questions on time. I have had answers to my questions outstanding not for 30 days, as allowed by the rules of the Senate, not 40 days, not 50 days, not 60 days, not 70 days or even 80 days, but 90 days—three times the time allocated by the rules of this Senate. Signing eight letters becomes worthy of a ministerial statement, but he cannot answer questions. When I say 'questions', I should correct myself. It was one question, and it was simple: can a list be provided detailing all payments and grants made to unions or employee organisations since 1 January 2008? I wonder why the minister might be hesitant and reticent about answering such a question and why should it take more than three months to be able to collate all that information?

It is clear that this minister has his priorities wrong. He is playing all sorts of other agendas and he is not sticking to the core business of his ministerial duties of—namely, ensuring that questions are answered and that the independent umpire can go about its job without the sort of clumsy interference in which he engaged in. I would encourage the minister to devote himself to his genuine duties and desist from these very clumsy attempts at playing politics and
distracting attention from the clear internal ALP ructions.

Let us be absolutely clear on this issue of penalty rates. The coalition have always believed in a fair day's pay for a fair day's work. We believe in reward for effort. Like the former Labor Treasurer Mr Frank Crean noted, most Australians believe—and the coalition is included—that one man's pay rise can be another man's job is something that should be taken into account. Therefore, balance is needed in these decisions. Minister Shorten says, 'No worker should be worse off.' The coalition agree. But, if a person loses their job because wages are too high, Mr Frank Crean's injunction should be heeded. Whether job losses are likely is for Fair Work Australia to determine, as stated by the Minister for Tourism, Mr Ferguson.

In concluding my remarks, can I simply say that the coalition's position on penalty rates is perfectly clear. It is the ALP that is unclear, with one minister urging Fair Work Australia to go down one path and Minister Shorten advocating a completely different approach. Therefore, instead of Mr Shorten asking the coalition to clarify its position, can I remind him that our position is clear. Is it the Shorten view or the Ferguson view that is actually ALP policy?

Question agreed to.

**AUDITOR-GENERAL'S REPORTS**

**Report No. 3 of 2012-13**

**Senator CROSSIN** (Northern Territory) (17:21): In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 3 of 2012-13: Performance audit: The design and conduct of the first application round for the Regional Development Australia fund: Department of Regional Australia, Local Government, Arts and Sport.

**Senator BUSHBY** (Tasmania—Deputy Opposition Whip in the Senate) (17:21): I move:

That the Senate take note of the document.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

**DOCUMENTS**

**Minerals Resource Rent Tax**

**Order for the Production of Documents**


**DOCUMENTS**

**Tabling**

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the *Journals of the Senate* and on the *Dynamic Red*.

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

**COMMITTEES**

**Community Affairs Legislation Committee**

**Electricity Prices Committee**

**Membership**

The ACTING DEPUTY PRESIDENT (Senator Crossin) (17:22): The President has received letters from party members requesting changes to the membership of committees.

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:22): by leave—I move:
That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee**—

Appointed—Substitute members:

Senator Thorp to replace Senator Brown for the consideration of the 2012-13 supplementary Budget estimates on Wednesday, 17 October 2012

Senator Pratt to replace Senator Brown for the consideration of the 2012-13 supplementary Budget estimates on Thursday, 18 October 2012

Senator Urquhart to replace Senator Brown for the consideration of the 2012-13 supplementary Budget estimates on Friday, 19 October 2012

**Electricity Prices—Select Committee**—

Appointed—Participating member: Senator Waters.

Question agreed to.

**BILLS**

**Industrial Chemicals (Notification and Assessment) Amendment Bill 2012**

**First Reading**

Bill received from the House of Representatives.

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:23): I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:23): I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

**INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT BILL 2012**

I am pleased to introduce the Industrial Chemicals (Notification and Assessment) Amendment Bill 2012 which amends the Industrial Chemicals (Notification and Assessment) Act 1989 (also known as the ICNA Act).

In summary the act establishes a system of notification and assessment of industrial chemicals to protect human health and the environment. The Department of Health and Ageing, through the National Industrial Chemicals Notification and Assessment Scheme (NICNAS), administers the Act. The activities of NICNAS underpin essential services across government agencies which collectively make up Australia’s regulatory system for industrial chemicals.

NICNAS activities are cost recovered through a combination of fees and charges levied on those persons or companies that introduce industrial chemicals into Australia through import or manufacture. For example, service fees apply to the assessment of new industrial chemicals introduced into Australia, an annual registration fee applies to all importers and manufacturers of relevant industrial chemicals, and an annual registration charge applies to all persons who introduce relevant industrial chemicals above a certain threshold value – these persons are known as “chargeable persons”. The annual registration charge funds the majority of NICNAS’s activities, including assessment of chemicals on the national inventory, compliance activities and stakeholder education and outreach.

NICNAS has reviewed its cost recovery arrangements in accordance with the Australian Government guidelines, utilising a highly consultative process. Industry, community and government stakeholders were consulted through a range of mechanisms including public meetings.
an online survey and two rounds of written submissions.

The resulting Cost Recovery Impact Statement (CRIS) was agreed by Government. This bill amends the Act to give effect to several outcomes from the NICNAS CRIS.

The first set of amendments relates to annual registration charges.

As foreshadowed in the NICNAS CRIS, the bill changes the threshold and tier structure for annual registration charges in order to provide a more equitable charging structure for business by better aligning the charge payable with the value of relevant industrial chemicals introduced.

The number of registration tiers will be increased from three to four, and the threshold above which registrants pay a registration charge will be reduced from $500,000 to $100,000. This change will enable more than 2,500 low value introducers to pay a lower registration amount from 2013-14. Only a small number of higher value introducers (less than 400) will pay a higher registration amount.

This amendment supports the very important work being done to assess the large number of unassessed chemicals that can legally be on the Australian market.

Currently there are approximately 38,000 chemicals in the market which have not been assessed for health or environmental impacts. This is why in our 2011 Platform we made a commitment to the efficient and timely assessment of all chemicals in order to provide the highest level of protection to the community.

Recently I welcomed the launch of a framework which will provide a faster, more flexible and transparent approach to assess these chemicals.

This framework will be applied in a staged manner to determine the impact of these unassessed chemicals. Stage One began on 1 July this year which sees the assessment of 3000 chemicals over the next four years. A review to be undertaken in the fourth year is expected to make recommendations on the most efficient and effective approach to the assessment of the remainder of the unassessed chemicals on the national inventory.

The second set of amendments introduces a new fee to recover the cost of processing applications for authorisation to import or export certain hazardous chemicals listed under the Rotterdam Convention (to which Australia is a signatory). This new fee for service arrangement will ensure that costs are recovered directly from those using the service, rather than being levied across all chargeable persons, as is currently the case. The proposed fee is small and the number of companies accessing this service is low, therefore the impact on business is expected to be low.

The last CRIS-related measure in the bill amends the Act to remove a redundant fee for certain applications relating to the listing of chemicals on the Australian Inventory of Chemical Substances made under transitional arrangements in 1997 only. This service is no longer operational.

The bill also makes a minor amendment to the Act to improve clarity and consistency with other regulations. This is a consequential technical amendment arising from the new model work health and safety laws which commenced in the Commonwealth and some Australian states and territories on 1 January this year. Under those model laws, ‘Material Safety Data Sheets’ are now termed ‘Safety Data Sheets’. The amendment does not change the substance of the definition of what is a “Material Safety Data Sheet”. For consistency, the bill also makes a corresponding amendment to the Agricultural and Veterinary Chemicals Code Act 1994, which currently cross-references the ICNA Act. These minor technical amendments do not place any additional requirements on the industrial chemicals industry. They simply improve regulatory consistency.

I am very pleased to report that these amendments have been developed in close consultation with industry, government and the community. The proposed amendments enable NICNAS to provide more equitable cost recovery arrangements for business. The bill does this while maintaining existing levels of worker safety, public health and environmental standards.

These amendments therefore represent an important step in ensuring equity in regulatory charges and consistency across regulatory sectors.
They reflect the Government’s commitment to ensure the most efficient regulatory system is in place for industrial chemicals.

Debate adjourned.

**BUSINESS**

**Days and Hours of Meeting**


Leave not granted.

**Senator JACINTA COLLINS:** Pursuant to contingent notice of motion in the name of the Leader of the Government in the Senate, Senator Evans, I move:

That so much of the standing orders be suspended as would prevent Senator Evans moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for Thursday, 20 September 2012.

I will speak briefly to the motion. This afternoon, I am seeking to move a motion that facilitates debate on the Marriage Amendment Bill (No. 2) tomorrow. As will be demonstrated when the chamber votes on this suspension motion, and on the actual motion to organise business tomorrow, the majority of senators want the debate on this bill to continue tomorrow. Debating the bill tomorrow will allow the Senate to express its position on the same bill that was voted on and defeated in the other place earlier today. The motion should be supported without further debate.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (17:25): The Greens do not think that this is a matter of sufficient urgency to suspend standing orders in order to bring on what is effectively a shutdown of the debate on marriage equality, to change the sitting hours tomorrow and to provide for us sitting until very late tomorrow night, presumably—that is, to change the whole sitting arrangements in the Senate in order to bring to a vote the issue of marriage equality.

We have already seen this in a most unprecedented manner in the House of Representatives, where the House procedures were completely changed and disrupted—in an unprecedented manner in there too, I might add—and the reason given by Mr Albanese at the time was that it would allow the Prime Minister and the Leader of the Opposition to make statements on this issue. That is why all the procedures had to be changed in the House of Representatives—to facilitate the Prime Minister making a statement and the Leader of the Opposition making a statement on their positions on marriage equality, and it did not happen. Extraordinary— isn't it?—that you would change the whole of the procedures in the House of Representatives to facilitate statements being made and the statements never happened! What an extraordinary thing that neither the Prime Minister nor the Leader of the Opposition actually spoke on the issue which was so important to bring on for a vote and which required them to actually change those standing orders and procedures in order that that occur.

We are not going to agree to the same thing here; there is no rush for this to be brought on and put to a vote tomorrow. There is certainly no rush and no reason to change the way we do business on Thursdays and keep us all here on the basis of getting a vote on this bill. This whole strategy is very clearly a strategy to coordinate the vote in the House of Representatives and in the Senate so that an attempt to shut down the debate can be made by both the government and the coalition, who have got together to agree to change the way we do business on
Thursdays to facilitate this occurring. The Greens do not intend to facilitate that happening. We recognise that a deal has been done between the government and the coalition to change the business of tomorrow so that the consideration of general business and the private senators' time will be altered such that after the marriage equality bill we will then have to sit here for the time it takes to get through whatever the coalition wants to debate up until whatever time they choose to debate it.

You would argue that that you would only do something like that if it was a genuine matter of urgency to bring this matter to a debate and to a vote. There is no genuine matter of urgency on this particular piece of legislation for it getting to a vote tomorrow, Thursday. On a Thursday we normally do not have votes and divisions after 4.30 pm. We would not normally do this, so why? What is the urgency? I think it is up to the government and the coalition to explain why we have to stay here tomorrow night, why we have to have votes and divisions after 4.30, why we have to change our procedures and why the coalition is giving up its private members' time in the morning to facilitate debate after that time in the evening. It is simply to allow the Prime Minister and the Leader of the Opposition, who have failed to get to their feet and make statements in relation to marriage equality at all—which I think is really offensive to the people around Australia who have been campaigning so long and hard for marriage equality, people who thought they might get a statement from the Prime Minister or from the Leader of the Opposition, on the record and in the parliament, of what their actual views are.

As I said before, Mr Albanese put forward in the House of Representatives the view that the reason for the change was to allow those statements to be made, and they were not made. All of the families around Australia who are listening and following this debate will be horrified to know that there has been this attempt to change the way the parliament works in order to bring to a vote something for which there is no urgency at all. We should be able to debate this in the normal hours of the parliament sitting, and that is what the Greens believe ought to occur.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:30): I will just speak briefly to this motion, because I think Senator Milne's contribution is just not right. The parliament debated Senator Hanson-Young's bill on 23 August, I think. So the Greens brought this matter on for debate in the parliament. The Senate first debated the question of marriage equality legislation at the initiative of the Greens some three weeks ago. We indicated that we thought the most appropriate way to deal with this bill was to allow a proper debate in the parliament and to allow all senators to contribute.

Senator Hanson-Young: So that is why it was rushed through today?

Senator CHRIS EVANS: Senator, if you want to speak, join the debate, and you can be as aggressive as you like then. But it will not change the facts: you brought on the debate on this bill. The government recognised the desire by the parliament and the community for us to have a debate on the question of marriage equality. We facilitated that debate by giving up government business time to allow the parliament and the Senate to debate the bill. We made that time available and we have been proceeding through that.

Contrary to the impression given by Senator Milne in her contribution, we have allowed all senators who wanted to speak the
opportunity to speak. As I understand it, all bar one of the Greens has already spoken and the other is on the list and will have the opportunity to speak. All senators who put their names on the list have been afforded the opportunity to make a contribution. That is another point that I wanted to make very clearly.

The question of the arrangement of the business is designed to facilitate us concluding that debate—that is absolutely right. We thought it best to allow a proper debate, as we have on other matters of conscience before this parliament—and the Greens have cooperated on such matters. When we debated issues such as euthanasia, RU486 and other matters, we facilitated everyone making a contribution, we facilitated a debate which allowed those views to be aired and then we brought it to a vote. We are following the same process.

The Liberal and National parties are not allowing their senators a conscience vote—that is a decision for them—but the Labor Party is and we facilitated the debate in the same way we have other debates. We allocated extra sitting time last night to facilitate the debate. We sought the agreement of the Senate to do that because we wanted to allow that debate to occur and we wanted to allow all senators the opportunity to contribute. We made it very clear that we were bringing this bill on this week to get it debated. We think it best that it is done in its totality in the one sitting week, and we are looking to bring it to a conclusion. That is what the community has been asking of us, that is what parliamentarians have been asking of us, and we have sought to facilitate that in the parliament.

This sudden interest and concern about whether or not the procedure on Thursday is altered, quite frankly, does not wash. That is fine, but be honest about it. Be honest and say that, for whatever reasons, you do not want it to come to a vote and that, despite all the people who are supporting wanting it to come to a vote, the Greens have decided that they have a political strategy. That is fine, but just be honest about that. Do not pretend it is about procedures—because it is not. You do not want the vote, and you are entitled to that view, but we are looking to conclude the debate.

Senator HANSON-YOUNG (South Australia) (17:35): I just want to correct one thing for the record, and that is that today is the first we have heard that all of a sudden this is such an urgent matter that we need to change the hours and start changing what was previously allocated as coalition time. This was not raised in the whips and leaders
meeting earlier this week. As far as we knew until this morning, this was coalition time that we are talking about being used tomorrow. The coalition have given their time over to the Labor Party to allow the Labor Party to tick and flick their marriage equality bill so that the party do not have to worry about it anymore.

Senator Evans's argument may have been stronger and may have had an ounce more truth in it if indeed we did not see what occurred in the House today occur, where procedures were totally changed and where the Prime Minister could not even get to her feet to explain to the Australian people or the rest of her parliamentary colleagues why it is that she was voting no to marriage equality. Despite the fact that she is the Prime Minister, we are hearing the government say, 'This is such an important issue—urgency, urgency—we need to rush it through,' and yet the Prime Minister did not even have the guts to stand up in the parliament today and explain to the Australian people why she believes discrimination should continue.

The Prime Minister and the Leader of the Opposition are as one on this. They believe that same-sex couples and their families deserve to have their relationships kept out of sight, out of mind, and that they do not deserve equality. The Prime Minister voted for that today and so did the Leader of the Opposition.

We in this place know that there is more support for this bill in this chamber than there is in the other. Of course we know that. But we also know that when this bill comes to a vote tomorrow—as is being forced by the government—it is not going to pass. That is exactly what the Prime Minister wants. It is exactly what the Labor factions want. It is exactly what the ACL want. The Australian Christian Lobby have put out a press release congratulating the Prime Minister and the Leader of the Opposition because they voted down marriage equality today. So I guess they are looking for a second press release to be issued late in the night tomorrow, in which Jim Wallace is going to say: 'You get a gold star, because you did it twice in one week! You killed off the issue twice in one week!' The ACL want this issue killed; the Prime Minister has agreed, and the Leader of the Opposition has facilitated it. What we see in this motion is the opposition in this place handing their own private members' time to the government to vote down marriage equality, despite the fact—let's not forget—that it actually is part of the Labor Party platform.

Government senators interjecting—

Senator HANSON-YOUNG: I cannot believe that, despite all the fanfare, the big urgency to rush this through, the Prime Minister could not even get to her feet today and explain to people why it was such an important issue to her that she voted no. Julia Gillard is on the wrong side of history on this—

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator Hanson-Young—

Senator HANSON-YOUNG: The Prime Minister. Thank you, Madam Acting Deputy President. The Prime Minister, Julia Gillard, is on the wrong side of history. She is lining up with Tony Abbott and they are stuck in the 1950s, just like Senator Boswell. Rather than actually having a properly facilitated discussion, in this place or the other, the Labor Party wants to rush this bill through, just like they did today in the House, to get it off the agenda, because it is inconvenient for them.

It is staggering to see the coalition in this place handing over their time tomorrow to allow the Labor Party to dump this issue, to
The ACTING DEPUTY PRESIDENT: Mr Abbott—

Senator HANSON-YOUNG: Mr Abbott—lined up with the Prime Minister and both being congratulated by the Australian Christian Lobby. Well done.

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:40): I want to contribute to this debate and point out a few things. I pick up on the point about the ALP taking the opposition's private members' time. I hear some of the interjections from the government saying, 'It was our time'. At no point during our whips meetings did the government indicate that they wanted this particular private members' time, and there was a motion passed that said it was in fact the coalition's time and the coalition wanted to debate their bill on how to kill off marine protected areas. At this point, the coalition, by agreeing to this motion, is saying, 'We want to kill off marriage equality more than we want to kill off marine parks.' Good on you, folks!

The other issue is that Minister Evans made out as if we were talking about the Greens bill. He pointed out that Senator Hanson-Young has brought in a Greens bill for marriage equality. Quite correct, and we debated that in general business time and private members' time last session. We did not want to rush that. We did not seek to take over any other time or to move motions to take over any other time. But the government senators have brought in their own bill to discuss, and that is what we are discussing now. So let us be very clear on that. Our bill is still on the Notice Paper.

The Greens have never denied that we did not want to vote on this, because we see the tactics that are being carried out here by the government and the opposition, and that is to try—because they will not actually succeed—to kill the debate on marriage equality. The community is not going to let that happen, because the community, as I articulated yesterday—64 per cent—are in favour of marriage equality. So the community is not going to let this happen, in terms of it going off the agenda, and we do not want it to go off the agenda. We were really clear on that. We saw all along what the government and the coalition were up to: they were trying to stop this debate in the run-up to the election, because they think that the community will then stop this discussion. Well, they will not. We will be keeping our bill here—it is still on the Notice Paper—and we will still be discussing that.

But this is what this issue is about. It is about rushing it through so that there will be a vote at, what, two or three o'clock tomorrow morning, when they think it is not going to get any media attention. That is what this is about. It is not about allowing everybody to have their say; it is allowing everybody to have their say at midnight tomorrow night. Great.

Honourable senators interjecting—No, it's not!

Senator SIEWERT: It is so. This is about trying to get it off the agenda and saying, 'Been there, done that, voted no, close of debate.' It should not be and it will not be the close of that debate. But that is what this is about. There was never any discussion about them taking over private members' time tomorrow or general business time tomorrow night. It was clear when this was first brought up that there would be discussion on Monday, then there would be discussion on Tuesday and extended hours on Tuesday night. There was not any discussion that there would be take-over of Thursday night, or Thursday morning.
You are telling me that the government thought that they could get it through in that short time. Of course they could not because people were going to go on and talk about it. Why rush it? It is not an emergency decision that has to be made. The only reason to rush this is to get it off the agenda, which is a flawed approach. It will not go off the agenda. They want to bow to the Christian Lobby and to the hysterics who think this is going to undermine the institution of marriage but they do not get it. If we do not have marriage equality, that in itself undermines the institution of marriage.

Make no mistake: for those listening out there, this is the government and the coalition's attempt to try and get this issue off the agenda because they are not in tune with what the community wants. The community wants to see marriage equality. They do not want to see this buried at midnight on a Thursday night when they think no-one is watching.

**Senator DI NATALE** (Victoria) (17:45): We have just got to call this what it is. We have both the coalition and the Labor Party running away from a debate that they do not like. That is what this is: trying to kill off a debate, running scared—running scared because we have already seen the bile from Senator Bernardi who has now lost his job over the hate that came forward from him last night. But he was not on his own.

I had the pleasure of listening to some of the other coalition speakers: Senator Joyce, whose views belong more to the 1950s than modern Australia, insulted anyone without children by indicating that the only reason someone would get married is to pass on their genetic material. That means that should you adopt or be unfortunate enough not to be able to have kids, then your marriage does not count, is not important, does not mean anything.

We had Senator Boswell whose view of the world is that a woman's place is in the kitchen making sure dinner is ready for hubby when he gets home. Good old Senator Boswell wants to return to a time when Aboriginal people could not vote and when we could not talk about the issue of equality and how we should be able to live in a society where all people are treated equally. The coalition are running away from this debate, because they have already lost Senator Bernardi over his spiteful, hateful and divisive comments. If it goes on for a bit longer, who knows what might happen? The genie would be out of the bottle. We would hear all of these folks with their prejudiced views not being able to help themselves. People at the moment are just holding back because they think: 'Give this a bit of time and it'll be off the political agenda.' It is not going anywhere.

If this debate is killed tomorrow, it will be back because we will make sure it comes back. We know the Australian community wants it to come back. There is overwhelming popular support for this. Imagine a time when the party of liberalism, the party of the individual, does not allow their individual members a conscience vote on this issue. It is denying each and every one of these members of the party of individualism, the party of small government, a conscience vote. Who would have thought it?

The government deserves criticism as well. We know that there are many members within the government who support our position on this who wanted a debate, and yet we have people like Joe de Bruyn making it very, very clear that this is a debate that must be killed—not because it does not have popular support but precisely because it does. We have to kill it because it has got popular support. That is the logic of Joe de Bruyn's speech to the Australian
Christian Lobby. We cannot win this argument on its merits because people want this change. No, we have got to frighten you into submission. What a terrific piece of logic that was. Good on you, Joe.

Coalition and conservative prime ministers right across the globe are getting behind marriage equality: New Zealand, eight other countries and states across the US—Barack Obama has changed his position but not Julia: 'No, no, no. We cannot change our position, because it has got popular support.'

The ACTING DEPUTY PRESIDENT: Senator, I would remind you when you are referring to—

Senator DI NATALE: The Prime Minister; I am sorry—Prime Minister Gillard. We cannot have a debate on this because guess what? We will lose it, because the Australian public want it. This is what it has come to: cowards on one side and cowards on the other who want to kill the debate. Who would have thought it? It does not matter: this is round 1. We know—it might not be tomorrow, next week or next month—this debate is going to come back and we are going to win it.

Senator Bushby: What if you're wrong?

Senator DI NATALE: No, we are not because the Australian public is not wrong, Senator Bushby. The Australian public want this reform. This is a reform whose time has come. It is only a matter of time. Rather than being running scared and worrying about one of the loose cannons in the coalition, why not stand up, take a stand and show the leadership that the Australian community so desperately wants this parliament to show?

Senator XENOPHON (South Australia) (17:50): I indicate that I will be supporting the motion that is being proposed by the government and supported by the opposition. I do take issue with my colleagues in the Australian Greens. I think this motion should be put into perspective. It does not actually kill off the debate. What this motion will do is allow every member in this place who wants to speak on it to actually give a speech in relation to this very important bill. That is the first thing it will do.

I agree with Senator Di Natale that this debate will not be killed off whether the vote is tomorrow or some other time, because the Australian Greens have got their bill. There is a considerable degree of community concern and support for this bill as well, so this issue will not go away. To characterise this motion as killing off the debate is, I think, with respect to those who think otherwise, not really a fair characterisation of what this motion is trying to do. There are other pieces of legislation that are also important and that need to be dealt with. I have wanted to speak on the issue of anti-dumping and the cost of manufacturing jobs. It is an issue that I am very concerned about, and it is a bill that also needs to be dealt with, as well as other pieces of legislation.

So I think what is being proposed is fair. It is not perfect. It never is in circumstances such as this. As long as the Australian Greens can bring on their bill for further debate next year, I am sure that it will be an issue, if this bill does not pass, which seems likely, that will continue to be a very significant issue of community concern and debate, as it should be. I look forward to further debates in relation to the same issue next year in the lead-up to the election campaign, and I think that is a fair approach.

Senator RHIANNON (New South Wales) (17:52): Senator Xenophon is really wide of the mark. My colleagues have set out clearly why this motion is designed to kill off the debate. We know how this will be taken out to the public. The left of Labor can get out there and say: 'We fought the good
We tried to deliver on this but, look, we went down.' And the right can say that they have also had a victory: they stopped it. In terms of the debate continuing in this place, for the moment it has been killed off.

Yes, this issue will come back but the way that it has been played out over these last few days has really been quite shameful. As Senator Sarah Hanson-Young pointed out, the failure of the opposition leader and the Prime Minister to come into the House of Representatives and provide an explanation is quite extraordinary when there has been so much build-up about this issue. We know that the majority of Australians are behind it. The least that they could have done was to afford it the dignity of the parliamentary process itself, as well as respecting the public and giving them their viewpoint. The failure to do that does reflect on them enormously.

This motion is apparently designed to allow everybody to speak—and, yes, obviously we support that—but at the end of the day the intent here is to have the vote, and then it is all over. It is exactly what happened in the House of Representatives. It is a repeat performance of the disgraceful way in which it was played out last night. It is also worth putting on the record: when have we ever seen the same piece of legislation introduced into the House of Representatives and into the Senate at the same time? Again, that was orchestrated effectively to be on the same day in order to minimise the whole thing, to shut it down and then both sides could say: 'Yes, we went in there. We fought the good fight on this issue, but no result.'

The Greens are in this for the long term. We will be working with the community. This issue will be back here before too long, and then we can all enjoy the same-sex marriages of our colleagues.
precedence over all other business today till determined.

The PRESIDENT: The question is that the motion by Senator Collins be agreed to.

The Senate divided. [18:03]

(The President—Senator Hogg)

Ayes.......................30  
Noes.......................9  
Majority..................21

AYES

Bilyk, CL  
Cash, MC  
Collins, JMA  
Edwards, S  
Evans, C  
Furner, ML  
Hogg, JJ  
Ludwig, JW  
Marshall, GM  
McKenzie, B  
Moore, CM  
Polley, H (teller)  
Smith, D  
Sterle, G  
Urquhart, AE

Bishop, TM  
Colbeck, R  
Crossin, P  
Eggleston, A  
Fifield, MP  
Gallacher, AM  
Kroger, H  
Madigan, JJ  
McEwen, A  
McLucas, J  
Parry, S  
Pratt, LC  
Thistlethwaite, M  
Xenophon, N

NOES

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

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

Question agreed to.

Senator JACINTA COLLINS  
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:05): I move:

That, on Thursday, 20 September 2012:

(a) the hours of meeting shall be 9.30 am to adjournment;
(b) consideration of general business private senators’ bills under temporary order 57(1)(d)(ia) shall not be proceeded with;
(c) any proposal pursuant to standing order 75 shall not be proceeded with;
(d) subject to paragraph (g), consideration of general business under standing order 57(1)(d)(x) shall not be proceeded with;
(e) the government business order of the day relating to the Marriage Amendment Bill (No. 2) 2012 shall have precedence over all other business, as follows:

(i) from 9.30 am for 2 hour and 20 minutes,
(ii) after consideration of non-controversial government business till not later than 2 pm, and
(iii) from not later than 4 pm;

(f) divisions may take place after 4.30 pm;

(g) the routine of business after completion of the consideration of the Marriage Amendment Bill (No. 2) 2012 shall be:

(i) tabling of documents,
(ii) consideration of the general business notice of motion relating to Australia’s agriculture, fisheries and forestry industries, for up to one and half hours, and

(iii) consideration of government documents under standing order 57(1)(d)(xi) and the consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1), for up to one hour; and

(h) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister.

This motion reorganises Senate business tomorrow to facilitate debate on the Marriage Amendment Bill (No. 2) 2012. With the cooperation of the opposition, the government is effectively using its one allocated time spot to debate a private senator's bill to allow the Senate to continue and finalise debate on the marriage amendment bill. This will mean that the Senate can express its position on the same bill that was voted on and defeated in the other place earlier today.

I should indicate at this stage not only the point in relation to time being utilised by the Senate but also the point in relation to the
estimate of time taken by senators, given some of the comments made previously by Senator Milne and Senator Siewert. At the extreme, if all senators who have indicated a desire to speak in this debate were to take their full 20 minutes, there is an estimated nine hours involved. This will take us nowhere near midnight or 3 am, as some of my colleagues have raised with me as they have listened to the debate. Many of the senators on the list have indicated that they seek to make a contribution but not in the order of a full 20 minutes. We foresee that the debate should be managed in an appropriate way and within reasonable time. This motion on timing should be supported without further debate.

Senator MILNE (Tasmania—Leader of the Australian Greens) (18:07): As I have indicated, the Greens will not be supporting this alteration to the hours of meeting and routine of business. The issue, apart from anything else, is that normally you would not change the hours on a Thursday, given members of parliament will have made decisions about where else they might be intending to be on Friday, without giving notice of that or indicating why it is urgent. It is absolutely applicable that there should be a request to change the hours of meeting and routine of business if a matter has come before the parliament which requires urgent consideration. If it is urgent then it is reasonable that the parliament be asked to change its normal way of business—which is, of course, that on Thursday we would rise at the end of a sitting week.

Now the government, with the coalition, has changed that and have done so by arguing that there is some urgency. But we have not heard a single argument from anyone as to what is urgent about bringing this matter to a decision and vote tomorrow; nor have we had any explanation for this extraordinarily unprecedented business of bringing a bill on in both houses at the same time, in the same week, to get it off the agenda. That is clearly a political strategy. Without any notice that this was going to occur, we are told today that the sitting hours have changed and we will sit here as long as it takes tomorrow night; there will be divisions and votes until whatever time it takes. There is not the courtesy from the government or the coalition to tell us why it is so urgent, other than that it is urgent to satisfy the political agenda of both the government and the coalition. They will try to get this vote in both houses of parliament in the same week so as to get it off the political agenda, as I indicated before.

It is rude to the parliament and the people campaigning on this issue around the country that there has been no explanation as to why this is in the Prime Minister's interests—other than that, as we have heard, it is in the interests of the Australian Christian Lobby and Jim Wallace in particular to have this matter dealt with and voted on. As I indicated when I spoke on this matter, it was in fact that particular individual who invited Joe de Bruyn from the executive of the ALP to speak to him last year in order to outline a strategy to derail the majority opinion in the Labor Party. It is an extraordinary thing that someone who is on the executive of the Labor Party would work with someone outside the Labor Party to derail 80 per cent of the people in the Labor Party—which is the estimate that was made at the time—by using the Prime Minister in the way that he outlined seven weeks before the national ALP conference. That is exactly what has occurred.

Interestingly, on the vote in the lower house: you have, for example, Kevin Rudd, who was going out of his way to woo the Rainbow Labor group before the 2007 election—he went out of his way to woo them with support of marriage equality—but
who now turns around and votes against it in the House of Representatives. We have had a similar outcome from Malcolm Turnbull, the member for Wentworth, who at least had the courage to come out and say that he supports marriage equality but will vote against it because he is not allowed a conscience vote. The decision of the Leader of the Opposition not to permit a conscience vote goes to the heart of cowardice as well because essentially it means that he wants to give members of his party political cover behind a suggestion that they not change the position they went to the last election with and will not be allowed to say what they think. So we have those four contenders for the leadership—Prime Minister Gillard and Kevin Rudd, Tony Abbott, the Leader of the Opposition, and Malcolm Turnbull—all voting against marriage equality when two, if not three, of those people support marriage equality. Is it any wonder that the community is so cynical about the political process when members of parliament tell the electorate they believe in one thing and then vote in another way because they want to get political outcomes?

Senator Pratt: You are making this a partisan debate, Senator Milne!

Senator MILNE: Regarding an interjection which suggests I should not make this a partisan issue, the decision by backbenchers in the Labor Party to work with the government to bring their own bills to a vote in both houses is as cynical and party-political as it can possibly get. There was an opportunity here to work with the bills that were in both houses of parliament already—to continue to support the campaign for marriage equality and not work to undermine it. The decision by those backbenchers of both houses of this parliament was a decision to facilitate the stalling of the debate nationally, because what it meant was bringing it to a vote to stall the momentum of the campaign. People might not like to have that pointed out to them but that is the reality of what has gone on in this particular debate. That is what is so appalling about it. As many members of the Senate understand, there are families, and young gay and lesbian people, around Australia today who had hoped this parliament's members would speak with the courage of their convictions. In relation to this issue, one half of the parliament is not allowed to speak with the courage of their convictions for a political outcome to satisfy the Leader of the Opposition. The other half is not speaking on their convictions, even with a conscience vote, because they do not want to embarrass the Prime Minister, in a strategy that was worked out by one member of the executive of the federal ALP with the Australian Christian Lobby to use the Prime Minister's view to forestall people actually voting as their conscience would have dictated in other circumstances. What an appalling outcome.

But as my colleagues have indicated, we in the Greens will not allow this to be anything other than a hiccup in the debate for marriage equality in Australia. We will continue to work with the campaigners around the country on this because the majority of the Australian people are with us. The majority of the Australian people would be absolutely disgusted by remarks being made not only by Senator Bernardi but also by Senator Boswell. I found it particularly offensive that he should stand up and say that it is bad enough that we have normalised being gay over the last couple of decades, let alone suggest that we might go to marriage equality. Well, I have got news for Senator Boswell, and that is that gay and lesbian people are perfectly normal thank you, Senator Boswell. Your offensive remarks are in the same category as those of some of the rest of your colleagues in relation to this.
For families, for people in Australia who want to end discrimination of all kinds, who have managed to get this parliament to recognise an end to discrimination on the basis of race, we are doing everything we can to end discrimination on the basis of gender, and now we are trying to end discrimination on the basis of sexuality.

We are seeing a whole lot of political games being played here in order to change the normal sitting practices in both houses of parliament. There can be no explanation for that change other than to try to secure an outcome in a vote in both houses in the same week for a political purpose. There is no other explanation. If Senator Pratt has another explanation as to why Mr Albanese stood up and said that the reason that all the procedures in the House of Representatives had to be changed was to facilitate the Prime Minister and the Leader of the Opposition making statements, which they failed to do, then perhaps she could explain to the Senate why all those changes in the House of Representatives took place. Further, she might explain why it is necessary to change the hours of meeting and the routine of business in the Senate to bring this matter to a vote when there is no urgency for it to be brought for a vote. There is none. We know full well what the outcome is going to be. What is happening here is the backbench of the Labor Party are facilitating the Labor Party bringing it to a vote when there is no urgency for it to do so and when we all know it is going to be defeated. If that is not an attempt to burst the bubble of the momentum that has been building around this issue then I do not know what is. It might feel bad to actually recognise that that is the way the pawns in this game are being played, but that is precisely what has gone on and that is why the Greens are not going to facilitate that occurring.

We understand that the coalition has agreed with the government to change the hours of meeting and the routine of business to facilitate this because it suits Mr Abbott that it be so. It suits the coalition that they do not have a conscience vote. As my colleague Senator di Natale said, the party of the individual is very happy not to have a conscience vote on this issue so they can hide behind Tony Abbott, the Leader of the Opposition, on this matter. But, of course, the campaign will go on, and in their electorates they will be asked very much so for their views on this matter. Then, when it does come back into the Senate again—as it will continue to come back, right through to the next election—they too will be put in exactly the same position that Mr Rudd has been put into today, and Mr Turnbull as well: standing up and voting against what they truly believe in in order to facilitate political outcomes. That is why the Australian people get so cynical about the political process.

For the member for Wentworth, it is particularly cynical when he makes a speech on honesty in politics, saying we need a much more honest process whereby people can say what they really think. Well, he can say what he really thinks, but he is not voting according to what he really thinks because, as he says, the leadership team in the coalition requires him to toe the party line. If he did not, he would be required to leave the leadership team in the coalition and he clearly puts being in that leadership team ahead of actually voting according to his conscience on this particular issue. So be it. That is exactly where the situation has ended up.

I think it is a shocking thing for Australians to not actually know why the Prime Minister in particular opposes marriage equality. We know from Mr Abbott where he is getting his advice on this and where he has always got his advice on this.
He has a particular point of view that he has always maintained. However, it interests me that the Prime Minister has never really articulated to the Australian people what is the basis for her opposition to marriage equality, when she has always said that we should end discrimination. Yet she is moving here to facilitate ongoing discrimination against gay and lesbian people in Australia. It is a fact that that is the case and that she has not stood up to say so. That is why I make it very clear that I believe it has got a lot more to do with the backroom numbers in the Labor Party, with the Labor Party executive and with the role of Joe de Bruyn, the union he represents and the numbers that they can deliver in the leadership of the Labor Party, that the position is being taken to oppose marriage equality, not only from the Prime Minister but from Mr Rudd as well. For all the talk about getting beyond the back rooms, getting beyond the factions and getting beyond the backroom deals, what we have seen here is a backroom deal which is actually going against the future of the nation, going against what we all know is right—an end to discrimination in Australia. I cannot for the life of me understand, as Prime Minister of this country, why you would not want to lead the nation into an era that ends discrimination rather than do the numbers and work out that in fact you will abandon a leadership position on an issue of discrimination, about the sort of country we want to live in, in favour of maintaining the power bases across the various factions in the Labor Party and what they can deliver. However, having said that, so be it. That is exactly what we are dealing with and that is why we are not going to facilitate a change in the hours of meeting and routine of business.

There is no urgency to bring this to a vote. Not only is there no urgency; it is incredibly offensive and generating a good deal of hurt across the gay and lesbian community in Australia that this is being forced to a vote in this way. I have spoken to parents of gay and lesbian people and of course with young gay and lesbian people and this is just another affront to them. This is another assault to their wellbeing, to their dignity and to their self-esteem. Once again, the Australian parliament has failed them. The Australian parliament has been able to work up the courage to get over and get beyond discrimination on the basis of race and get beyond discrimination on the basis of gender but the Australian parliament cannot get beyond discrimination on the basis of sexuality.

It seems that even conservative parliaments like that led by Mr Key in New Zealand can do it. Conservative parliaments led by Mr Cameron in the United Kingdom can do it. Even President Obama, in the face of the religious Right campaign in the US, has been prepared to come out and say his position has evolved. Even the Attorney-General, Nicola Roxon, who stood up before the 2004 election and got a standing ovation for opposing marriage equality and became the pin-up at that time of those opposing marriage equality has now changed her view, and is prepared to say, 'This discrimination in Australia must end.'

We had hoped we would see the same from the Prime Minister and we have not. I think we had an expectation, I think the Australian community had an expectation, Mr Albanese had an expectation and everyone who agreed to the changed procedures in the House of Representatives had an expectation that we would have had on the record in parliament from the Prime Minister the statement that the changed hours of business and procedures was meant to facilitate, and it did not happen.
Exactly the same can be said of the Leader of the Opposition. I do not think there is another issue, a matter of conscience, that has ever come before this parliament where you have had neither the Prime Minister nor the Leader of the Opposition having the courage to put on the record in the parliament their view. I think that is an appalling state of affairs that shows that there has been a lack of leadership on both sides when it comes to standing and fronting the parliament and the Australian people on the positions that are held.

I think the Leader of the Opposition needed to tell the parliament why he refused his members a conscience vote on the matter. The Prime Minister owes the Australian people and the parliament an explanation as to why she wants to maintain discrimination in Australia and why she wants to put gay and lesbian people through more years of agony and discrimination, and fails to explain where the justification for that comes from. The Greens are not going to facilitate it.

We will continue to campaign to end discrimination in Australia on the basis of sexuality. We will campaign to say that people who love each other should be able to marry in this country and that we celebrate the love that they share and want to see the community recognition of that love that marriage equality would bring about. We will continue to argue that. This will not be put off the parliamentary agenda as far as the Greens are concerned. We will work with the community groups and the majority of the Australian people and we will encourage the Australian people to continue to invite the Prime Minister and the Leader of the Opposition to have the courage to stand up in the parliament and put on the record in detail the views that they hold.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:27): I move:

That the question be now put.

The ACTING DEPUTY PRESIDENT
(Senator Moore): The question before the chair is that the question be put.

The Senate divided. [18:31]

(The Acting Deputy President—Senator Moore)

Ayes ......................33
Noes ......................9
Majority..................24

AYES

Back, CJ
Bishop, TM
Colbeck, R
Crossin, P
Eggleston, A
Fawcett, DJ
Fifield, MP
Gallacher, AM
Ludwig, JW
Madigan, JJ
McKenzie, B
Moore, CM
Payne, MA
Pratt, LC
Stephens, U
Thistlethwaite, M
Xenophon, N

NOES

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

Question agreed to.

The ACTING DEPUTY PRESIDENT
(Senator Moore): The question now is that the hours motion moved by Senator Collins be agreed to.
Wednesday, 19 September 2012

The Senate divided. [18:35]
(The Acting Deputy President—Senator Moore)

Ayes.................33
Noes.................9
Majority.............24

AYES

Back, CJ
Bishop, TM
Colbeck, R
Crossin, P
Eggleston, A
Fawcett, DJ
Fifield, MP
Gallacher, AM
Ludwig, JW
Madigan, JJ
McKenzie, B
Payne, MA
Pratt, LC
Stephens, U
Thistlethwaite, M
Xenophon, N

NOES

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

Question agreed to.

BILLs

Marriage Amendment Bill (No. 2) 2012
Second Reading

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

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:36): I intend to make very limited remarks in this debate on the Marriage Amendment Bill (No. 2) 2012. I hope to avoid the misrepresentation of my remarks that has occurred in a previous debate about marriage.

I remain unconvinced that it is unjust discrimination to foster stable, biological parenting as a social norm. That said, gender diversity and other forms of parenting should be acknowledged and respected. Like Mr Turnbull in the other place, I regret that in this debate as it stands today common ground—that is, common ground to progress broader relationship recognition—has been foregone. Like Mr Turnbull I also note that in Europe instances where recognising what we would call gay marriage have not been a problem in the main because they have a tradition of distinguishing between the role of the state and the role of the church in recognising the union, whereas those functions have in large measure been fused in our tradition. That said, my comments about gender diversity also acknowledge that the tradition we share here in Australia should be respected, too.

Senator XENOPHON (South Australia) (18:38): The Marriage Amendment Bill (No. 2) 2012, which intends to legalise same-sex marriage, is not an easy issue for me to speak on. Unlike a number of my colleagues, who have held longstanding, definite if not definitive views on whether or not same-sex marriage should be legal in Australia, I have not been deeply involved in this debate. I have been working on a whole range of other issues. This does not mean, however, as one member of the House of Representatives suggested, that this is an eleventh-hour issue.

I know that many in the community have passionate, strongly held views as to whether same-sex marriage should be legalised. Insofar as those views are considered and respectful, I believe it is important in a great democracy such as Australia's to carefully...
take those views into account before making a decision on this bill. It is my job—indeed, my duty—to do my best to understand both those who support and those who oppose this change to the Marriage Act, and to do so in a way that is not judgemental but both fair-minded and mindful of those who will support and of those who will reject the position I take.

Unlike other members of parliament whose party had a policy at the last election to not support such changes to the Marriage Act, as an Independent I am not constrained by any party room decision. So, like every other vote I exercise in this place, this is a conscience vote for me, one that is especially significant because of the competing arguments and principles at stake. This bill raises fundamental issues of whether same-sex couples should be afforded the same rights as heterosexual couples. It of necessity raises questions about the way homosexuals are treated in our society, and we have seen the changes to our laws at state and federal levels since the early 1970s.

In 1976, I was a first year law student at the University of Adelaide. To this day, I remember well how a number of my lecturers were still grieving and campaigning for justice over the death of their fellow lecturer, Dr George Duncan, who died on 10 May 1972. Dr Duncan was a brilliant academic, respected by his peers and students alike. He was walking along the banks of the River Torrens near the university when he was set upon and viciously assaulted by at least three men, and thrown into the river. This occurred late at night. He drowned. Dr Duncan was homosexual at a time when being a homosexual could carry a jail term.

After a subsequent inquiry, it was found that the area where Dr Duncan was set upon was a so-called 'gay beat', where other homosexual men would illicitly meet, and the assault was part of the victimisation by those who derided, if not hated, those men by virtue of their sexuality. In the days, weeks and months following Dr Duncan's death, and after a grossly compromised and botched police investigation, nothing happened to the perpetrators. It was not until many years later that three men were charged with manslaughter, but they were acquitted in 1988. No-one has ever been held accountable for his death. Dr Duncan's death was a tragic, criminal consequence of discrimination.

As a result of the public outrage and media attention, the Hon. Murray Hill, a Liberal member of the Legislative Council of South Australia, introduced a bill into the South Australian parliament on 26 July 1972. The bill sought to amend the criminal law in South Australia that made homosexuality illegal. That bill, in an amended form, was assented to on 9 November 1972. It was the beginning of legislative moves across the nation to remove discrimination against homosexuals. The most recent significant reforms at a Commonwealth level occurred only a few years ago as a result of the Human Rights and Equal Opportunity Commission's recommendations that equality of treatment should be extended to same-sex couples.

Those pieces of legislation, which form the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008, effectively recognise same-sex couples in respect of many rights and obligations, including superannuation. In essence, the rights and obligations that heterosexual couples have now also apply to same-sex couples. That significant, landmark legislation was passed with bipartisan support. However, the proponents of same-sex marriage consider the 2008 bills as unfinished business, and for
the opponents that was the end of the road for reform.

At its heart, this issue, this debate, revolves around whether the definition of marriage should be confined to heterosexual couples. Those who oppose changing the law say that to legalise same-sex marriage would undermine the traditional definition of marriage, and that it would also affect children. Let us deal fairly with those two arguments.

I find myself substantially in agreement with the considered speech that the member for Wentworth, the Hon. Malcolm Turnbull, recently gave at the Southern Cross University on the Gold Coast in honour of former High Court Justice Michael Kirby. Like Mr Turnbull, I cannot see how allowing a same-sex couple to marry would somehow affect the sanctity and strength of a marriage between a heterosexual couple. As for children, as Mr Turnbull pointed out, unfortunately, some biological parents are neither loving nor wise. What is important is that a child is brought up in a safe and loving environment. The reality is that this bill does not change the right of same-sex couples to raise children. That was in part dealt with at a federal level several years ago, with bipartisan support. Nor does this bill change state laws about adoption or IVF. But, this bill would give recognition to the inherent commitment that marriage brings with it.

It was my preference, until I considered the issues in this debate, to legislate immediately for civil unions for same-sex couples as, in a sense, a transitional measure before legislating for same-sex marriage. But I can see the argument that, while that measure would be a further reform to reduce discrimination, it would not remove it. In the event this bill does not pass, I would urge the senators and members who oppose same-sex marriage to consider supporting a new bill that would at least allow civil unions.

To date, 11 other countries have legalised same-sex marriage: Argentina, Belgium, Canada, Denmark, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden. This is proof that our traditions are continuing to evolve. A thousand, a hundred, even 30 years ago, marriage did not mean what it does today. This evolution is important. Our traditions are valued because they are still relevant, because they still mean something to us today. But this bill will not in fact change the tradition of marriage within our churches. Ministers of religion will be free to continue to abide by their beliefs on their definition of marriage.

This debate has seen an intense degree of lobbying by various churches—as they are entitled to do in our democracy. I regard the right of a person to hold their religious beliefs as fundamental in a free society. But beyond religion and religious beliefs, I also believe in the law. And I believe our laws should apply equally to all. Aristotle said: 'The law is reason, free from passion.' This is a debate that raises passions more than almost every other issue. But if we remove the passion from this debate, we are looking at a simple fact: this bill rectifies discrimination in our law. As elected representatives and law makers, we have a duty to make the best laws we possibly can. And as to a law that excludes people from such a significant cultural institution just because of who they are—well, it is time that changed.

Much of this debate has focused on apparent so-called conservative values, such as marriage and the family unit, although I think it is unfair to suggest those values only belong to conservatives in some political or partisan sense. I am a strong supporter of these principles, but I believe they are
reasons for, not against, marriage equality. British Conservative Prime Minister David Cameron said, on this very issue:

Yes, it's about equality, but it's also about something else: commitment. Conservatives believe in the ties that bind us; that society is stronger when we make vows to each other and support each other.

So I don't support gay marriage despite being a Conservative. I support gay marriage because I'm a Conservative.

There are so many problems facing our society today. Anything that encourages people to commit to each other ultimately can only be a good thing. That is why I support this bill.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (18:47): The purpose of the Marriage Amendment Bill (No. 2) 2012 is to amend the Marriage Act 1961 by replacing the current definition of marriage with these words: 'Marriage means the union of two people, to the exclusion of all others, voluntarily entered into for life'. Further, it makes it clear that a minister of religion or a marriage celebrant is not under any obligation to marry people who are of the same sex.

As we have heard, there have been strongly held views here in the Senate and also in the community about removing discrimination against gay and lesbian people in the Marriage Act. But it is true to say that, more and more, community opinion is moving our way. I will be supporting this bill, because marriage should be about love and family, about shared values and futures, about goals and about dreams. It should not be about gender, and our laws should reflect this. It is about human rights, it is about equality, inclusion and respect—values that we all should hold dear.

I do not want to make light of this, but in reality it is pretty straightforward to me. I am sad that this bill will not be carried in this chamber. It is unfortunate that those in the opposition very loudly proclaim, and have done for years, that they are not bound in their vote, unlike we in the Labor Party. They proudly talk of the number of times they cross the floor—except in this bill. The hypocrisy is evident to me and to many others. I am confident, though, that in the future we will again attain equality in marriage, and I believe that it will be at the next time we have this debate. I am confident, and I say to those who have argued and pushed for so many years that this is a step forward. This is a way forward, and they should take confidence from the progress that we have made both in the chambers and in the community.

Debate interrupted.

DOCUMENTS

African Development Fund
African Development Bank

Senator FAULKNER (New South Wales) (18:51): I move:

That the Senate take note of the document.

I note the national interest analysis and the appended agreements relating to Australia's bid for membership of the African Development Bank and African Development Fund. I also note that Australia is the only developed nation in the G20 not to be a member of the AfDB. Africa has the lowest life expectancy rates in the world. Infant mortality rates in Africa are 10 times those of Europe and North America, and 47.5 per cent of sub-Saharan Africans live on less than US$1.25 per day. I believe Australia, as a developed nation, has a responsibility to do all we can to help pull African nations and their peoples out of
poverty and put them on the path to prosperity.

Article 2 of the agreement to establish the African Development Fund states:

The purpose of the Fund shall be to assist the Bank in making an increasing effective contribution to the economic and social development of the Bank’s members and to the promotion of co-operation (including regional and subregional co-operation) and increased international trade, particularly among such members. It shall provide finance on concessional terms for the purposes which are of primary importance for such development.

The African Development Fund and the African Development Bank promote sustainable economic growth and reduce poverty in their regional member countries. They do so by providing finance on concessional terms to member states so that states can stimulate their economies and build infrastructure projects, such as the Bujagali Dam in Uganda or the Dakar-Diamniadio Toll Highway in Senegal. The bank and the fund also provide technical assistance to members for the establishment of legal and social structures.

As I said in the adjournment debate last night, accountability in development projects is critical to maintaining donor trust—and this is absolutely essential when the donor is a nation state thousands of kilometres away.

I note the 2011 Australian Multilateral Aid Review stated in relation to the African Development Bank:

AfDB programs deliver strong tangible results at country-level and in support of regional integration.

… … …

AfDB’s level of experience and on-the-ground presence in African countries makes it a valuable partner for Australia given Australia’s limited presence in Africa.

In 2004, the AfDB adopted an independent review mechanism which allows claims to be made where there are concerns the bank has failed to comply with its own policies. For example, the bank’s resettlement policy provides:

… that when people must be displaced they are treated equitably, and that they share in the benefits of the project that involves their resettlement.

This means that when the building of a new road, dam, bridge or other bank-financed project displaces people the bank must treat equitably anyone that is displaced. This mechanism ensures that these displaced people have a voice, and it is a good example of a critically important and necessary accountability mechanism.

I fully support Australia bolstering its efforts to reduce poverty and stimulate economic and social growth in Africa. I support Australia’s involvement in the AfDB.

Debate adjourned.

DOCUMENTS
Consideration

The following orders of the day relating to government documents were considered:


Treaties—List of multilateral treaties under negotiation, consideration or review by the Australian Government as at August 2012. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.
Indigenous Affairs: Education

Senator CROSSIN (Northern Territory) (18:57): I rise tonight to talk about a range of Indigenous education matters. It is a subject that I am pretty passionate about and have a strong personal commitment to. In the last week, three reports have been handed down that should not go unnoticed or without comment.

I welcome the release this week by FaHCSIA of the Footprints in time: Longitudinal study of Indigenous children. The Footprints in time study provides a picture of the early lives of children through the lenses of health, education, parenting, and social and demographic circumstances across remote, regional and urban Australia. Under the guidance of Professor Mick Dodson, FaHCSIA's research aims to improve the understanding of and the policy response to these diverse circumstances faced by Aboriginal and Torres Strait Islander children, their families and their communities. The data that is available is rich and valuable.

Footprints in time has confirmed just how important education is in helping to give children a strong start in life. The findings detail improvements in outcomes for Indigenous children, reflecting the government's unprecedented investment in early childhood education. For example, nearly 90 per cent of children find going to school enjoyable and this means that these children are attending school—and we all know that school attendance is vital for any long-term success. The Footprints in time study also shows that children who participate in preschool programs or formal education programs, say through their childcare centre, have more developed reading and writing skills and are better prepared for learning in the classroom.

The mothers and the carers who were surveyed see education as an essential ingredient for getting the best possible start in life. They said in the survey that they want their children to finish high school and to go into further education and training or employment.

The release of this report is certainly important. It is an indicator and confirms for us the importance of retention funding and giving support to families, particularly with children of very young years. In the early lives of children, it can have an amazing impact on the journey for them for the rest of their lives. I congratulate FaHCSIA on this research and I welcome the continued longitudinal study and the outcomes that we will see in years to come.

The second report that I want to talk about tonight is the report handed down by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. The report is entitled Our land our languages. It was tabled on Monday in the House of Representatives. I think it contributes significantly to building a complete picture of what constitutes Indigenous languages in this country, what makes Indigenous education highly accessible and what makes Indigenous education successful by delivering the best possible outcomes for students.

I have had a chance to read through the report and I think it encapsulates where Indigenous languages are in this country. It covers the fact that many years ago we had so many, that they are now diminishing in number and that not enough is being done across a wide range of particularly government programs to maintain and keep
those languages. The report provides a very good snapshot of what is happening and what ought to happen in our country.

As I read through the report I see many names that I recognise, particularly those people in the Northern Territory who provided submissions and evidence to that inquiry. They are people I have worked with, people I know and people I respect—the Michael Christies of the world and the Brian Devlins of the world and Indigenous people right throughout the Territory who would have passionately given evidence to the inquiry about the importance of language and the maintenance of their language.

I am disappointed, though, that the member for Solomon, Natasha Griggs, was a member of that inquiry and attended only one public hearing in Darwin. I notice that there are no dissenting comments in the report, so I hope that, in supporting all of the recommendations of that report—including the recommendation to support, resource and encourage bilingual education—she takes that commitment to the current and newly elected Northern Territory Country Liberal government and puts that view very strongly.

The committee found that language is inseparable from culture, kinship, land and family and that language is the foundation upon which the capacity to learn, interact and to shape identity is built. The report heard that there was devastation in communities when their language was lost and that the key to developing competency in standard Australian English is for the child to be taught bilingually, with the child's first language to be used as the basis for learning in their earliest years.

I have stood in this place and championed the benefits of a curriculum that supports bilingual education and I have spoken of the cognitive development that is necessary for a child to learn how to read and write in their first language, and I was very encouraged to find that the outcome and the recommendations of that House of Representatives report endorsed my views and sentiments about the benefits of bilingual education.

The report went further to say that what we ought to do is totally relook at the NAPLAN tests in this country and either create a test for year 5 and year 7 children in their own language or in fact exempt children in years 3 and 5 from the NAPLAN test. I would urge Minister Garrett and DEEWR to look very closely at the reasons and rationale in that report for those recommendations. What are we really testing in years 3 and 5 with NAPLAN? We are not really testing the child's knowledge of English; we are testing whether or not they have the cognitive skills to read and comprehend what they are reading. I have always believed that bilingual schools should be exempt from those tests until year 7 or that those tests should in some way be translated into a context that truly reflects what we are trying to test and mark as we put those children through the NAPLAN process.

I commend that report for people who are champions of Indigenous language and particularly champions of bilingual education.

Finally, the third most significant report that was released this week goes to the other end of the spectrum—that is, Indigenous access to higher education. This report was commissioned by my colleague Senator Evans and was of course spearheaded by the work of Professor Larissa Behrendt. The review focused on barriers that are preventing Indigenous people from achieving their full potential in higher education. It recommends actions that will result in parity. Some of the barriers
identified are not limited to Indigenous students only, and I think Professor Behrendt makes that very clear in an article that is in today's Australian. Only 1.4 per cent of enrolments in universities around this country are from people who identify as Aboriginal and Torres Strait Islander and only one per cent of full-time equivalent staff in universities are Indigenous. I notice that Dr Steve Larkin, from the Charles Darwin University and a fine member of the Indigenous Higher Education Advisory Council, played a pivotal role in this report.

The report says a number of things that I think are worthwhile for people to have a clear and concise look at. It says that we should be building a new generation of Aboriginal and Torres Strait Islander professionals through our university system—and I think people should reflect on that. The fact that we are getting more and more people through with a degree is great, but we need to actually build that community of professionals. Universities are the ones that have to make this difference. Universities have to embrace the outcomes and recommendations of this report and make the change. Governments can back them and support them all the way, but universities have to sign up to making a difference, to making access to higher education easier for Indigenous people, to supporting them on their journey and to then offering them a place as a professional and a staff person in their universities for years to come.

Health: Hepatitis C

Senator EGGLESTON (Western Australia) (19:07): Tonight I would like to speak about an important new drug that has become available in Australia for the treatment of hepatitis C. But, before I do so, I would like to make some background comments on this government's approach to health. This government's record of health reform has been somewhat dubious, to say the least. Last year the parliament debated the National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011. The bill was concerned with establishing yet another bureaucracy under Labor's health reform program—the third bureaucracy, as if there are not enough bureaucrats already within the health system. Then, on 1 November this year, the government introduced changes to the Medicare Benefits Schedule and to the provision of allied mental health services under what was known as the Better Access program. These changes saw the slashing of some $580 million from a scheme that had delivered 11 million mental health services to two million needy Australians with various degrees of mental health problems, the cutting of rebates to psychologists, and the removal of general practitioner psychiatric services from the schedule. That is very regrettable, because most people who have a mental illness do not suffer from a serious degree of mental illness. They do not suffer from psychotic illnesses like schizophrenia or manic depressive disorders, but they do have depression and other minor illnesses which are well treated by general practitioners. So the slashing of the GP rebates and the GP psychiatric services program is very much to be regretted, because it certainly reduced the efficacy of non-specialist health services available around this country.

More importantly, last year the government broke with longstanding convention on the listing of PBS medicines. It rejected the recommendation of the independent arbiter, the Pharmaceutical Benefits Advisory Committee, by refusing to list several important new medicines on the PBS. It was a decision which undoubtedly caused many Australians to suffer, because
treatments were not available at the subsidised rates which people pay when they go to the chemist shop. Very often the real cost of drugs which are available on the PBS is very high, but everybody pays a standard fee across the counter in the pharmacy and the government picks up the rest of the cost when the chemist submits a claim. By not recommending these new drugs, undoubtedly it has meant that the standard of Australian medicine has been somewhat reduced by decisions of this government.

What I would like to talk about tonight on the subject of PBS medicines is the work of a major pharmaceutical company, Merck Sharp & Dohme, in the field of hepatitis, in particular with reference to hepatitis C, which is one of the three common forms of hepatitis. Hepatitis A is the common form of hepatitis which people pick up in the community, and hepatitis B and C are both transmitted by exchange of secretions and by needle use when drug addicts share needles.

It has taken a little while for the different kinds of hepatitis to be identified, and hepatitis C is a more recent form of hepatitis to be identified. It is a slightly different virus and it is disease for which there was no real treatment. But now Merck Sharp & Dohme have developed a new drug called Victrelis, and that is the only effective treatment for hepatitis C that I have heard about.

According to the national advocacy group for hepatitis sufferers, Hepatitis Australia, 83 per cent of hepatitis C infections have resulted from unsafe use of needles by drug users and also from unsterile needles used in tattooing or body piercing, needle-stick injuries and exposure to blood in the home. It is estimated that there are some 212,000 people in Australia with chronic hepatitis C and that 7.5 per cent of these people are of Aboriginal or Torres Strait Islander descent.

Some 10,000 new infections occur in Australia every year.

There is obviously a lot of hepatitis C in this country, and it is a very serious disease not only because it leads to cirrhosis and liver failure but also, more importantly, because it leads to the development of liver cancer and has a very high death rate. In Australia there are more than 200,000 chronic sufferers of hepatitis C but only about 3,500 are treated each year. The means of treatment include surgery and liver transplants, which are very expensive, but obviously this new drug offers a quicker and easier basis of treatment. Hepatitis C can be cured with this drug, which is an interferon-based treatment, and there is a very high recovery rate with the use of this drug.

Victrelis has been approved by the Therapeutic Goods Administration and we are waiting to see whether or not the government accepts that recommendation and places this drug on the pharmaceutical benefits schedule. It has been shown that, for every 1,000 patients treated with Victrelis, there are 107 fewer cases of liver cancer, seven fewer transplants and 245 fewer liver related deaths.

This drug has a great deal of efficacy. It has been proved to be a drug that works, and I hope that the government accepts the recommendation of the committee who look at these drugs instead of, as has been happening over the last year or so, rejecting the listing of the drug on the basis of cost and that some consideration is given to the needs of the many hepatitis C sufferers in this country. I hope that the government will see its way clear to recognising the usefulness of this drug in the community and placing it on the pharmaceutical benefits list so that people can have a prescription for this medication, Victrelis, written by a consultant.
physician or in a hospital and have it administered to them.

This drug has been used with great effect in both Canada and the United Kingdom. I hope that rather than being worried about the cost of the drug to the budget the government will advise the department that they want this medication placed on the Pharmaceutical Benefits Scheme. As I say, it will be of great benefit to many people and reduce the mortality and morbidity rate for people with hepatitis C.

**Australian Defence Force Parliamentary Program**

Senator GALLACHER (South Australia) (19:17): I rise to speak about the Australian Defence Force Parliamentary Program. This week as we speak 15 Australian Defence Force personnel will be deployed in Parliament House for the annual exchange activity as part of the Australian Defence Force Parliamentary Program. My intern, Captain Simon Petie, is in the observer's box as we speak.

I will give a little history of the program. In late 2000, there was a growing awareness that the number of parliamentarians who had direct experience with the Australian Defence Force had diminished markedly. Defence took the position that it needed to increase parliamentarians' exposure to the ADF and provide them with an opportunity to gain an insight into the ADF and its capabilities. In turn this was expected to assist parliamentarians in the facilitation of a more fulsome Defence debate on issues of national security, budgetary expenditure and issues which have attracted increased attention—perhaps no more than this week where we have had a lot of attention in the parliamentary debate on exactly those issues.

The Australian Defence Force Parliamentary Program was derived from a British armed forces parliamentary scheme which has been operating successfully since 1986. The stated aim of the Australian Defence Force Parliamentary Program was and remains to provide senators and members of parliament with practical experiences of the ADF so that they can play a more informed and constructive part in the Defence debate.

In the very short time that I have been in this place, there have been quite a few of invitations to participate in internships whether they are Indigenous, from the Australian National University or the Australian Defence Force. It is sometimes a little hard to get your head around what exactly is going on, but very fortunately for me I elected to participate in this program almost immediately after I entered parliament. It has been a resounding success in terms of what the Defence Force sought to achieve if they sought to inform me more about Defence issues.

Some of my involvement with other committees has led me to have dealings with the Australian Defence Force. It is a matter of great success to report. Interestingly, I talk, as we all do, with other senators and members of the House of Reps and not all of them are aware of this program. I was quite surprised at that, but then again I suppose people tend to specialise in areas of particular interest. I can say that this program is immeasurably valuable in terms of the aims that it seeks to promote.

I was fortunate enough to elect to take one of the 19 options which are on offer. It is worthwhile going through those options for the people who may be listening to this debate or any politician who seeks to inform themselves more fully and participate. The Middle East Gulf Region and Afghanistan operational options are at the forefront of the program. The other options are naval patrols on the ANZAC frigates, a P3C Orion aircraft
surveillance mission in the Gulf region, and engaging in activities with service personnel on deployment at Tarin Kot and Kandahar in Afghanistan. Other areas of operation include the Solomon Islands and East Timor. Options within the three services in Australia include attachment options to Navy's Fleet Base West with a focus on the Collins class submarine; the major Exercise Hamel at Shoalwater Bay to experience Army's training to fight and operate in a modern, complex battle space; and Air Force's largest base at Amberley with its FA18 Hornets, C-17 Globemasters and the new KC-30A Multi-Role Tanker Transport. There is a suite of options of which we can avail ourselves.

The option that I picked from the brochure, without any due regard to the fact that it would take place over Easter—something that my wife was not entirely happy about, but we managed to trade off our positions there—was from 3 April to 12 April. This was time that we were away for our trip to Afghanistan. Basically, we went to Sydney and got on aircraft, which was filled with military personnel. We got off at Al Minhad, which is a base outside of Dubai, and stepped straight into an induction. We stepped straight into an IED training simulation, where we were asked to see if we could spot it and what it looked like. And then we were treated to a blast of what it sounded like. We were inducted in a very rudimentary and quick way, as we were on a limited schedule. We were basically shown what an army or service personnel deployed to Afghanistan would go through, down to being allocated a tourniquet. This was worn on the front of your body armour in the event that there was a blast where you lost a leg or an arm. You had to get that on and do your best before someone could come and assist you. So, as I said, it was a very rudimentary and very rude awakening to the reality of being deployed up country or in theatre. It was quite exhilarating in that sense. I was like a Boys Own sort of character looking forward to this exciting event.

We got onto a C130. We had our body armour. We had our helmets. We had things to carry. We got onto that aircraft and spent the next couple of hours flying to Afghanistan. When we landed I thought we had landed on the moon—the place was that barren. The rocks were just visible. It was an extremely illuminating experience. We were quickly chaperoned through all of the procedures. There were continual briefings about the state of readiness. We were instructed to drop to the ground at the appropriate time if there was indirect fire, which is a fairly common event there. Fortunately, we did not experience it, but it seemed that every time we vacated a place they did have indirect fire. Tarin Kot was extremely illuminating.

We were four politicians to a container—top and bottom bunks, two Labor, a Green and a Liberal. So we were learning very quickly to get on very well together. In the amount of space that we had, there was no room for any discussion about niceties. It was get on or move out. We had an absolutely great bonding session, if you like.

Senator Colbeck: That's too much information!

Senator GALLACHER: If you are going to fly anywhere with a Greens senator, it is in a Black Hawk next to the machine gunner! Those sorts of experiences will live with me until the day I die. It was an extremely great experience. We were given full and frank briefings by senior officers across all facets of the operation in Uruzgan province. We were afforded, as I said, the same accommodation and mess facilities as every soldier serving in Afghanistan. I spoke to soldiers from all units of our contingent
and was impressed by the pride and commitment that our young men and women have in serving our country. We had a mock drill with a regimental sergeant major who said, 'Over here, sir! Into this gear.' Within minutes I was in the bomb disposal kit, which is extremely onerous to wear. I was in a very temperate situation that day. It was not 50 degrees, but I found walking with 40 or 50 kilos of gear towards an IED an extremely confronting experience.

The real lesson that I learned is that our soldiers are well trained, well equipped and facing a ferocious enemy, yet daily they exhibited courage that we at home take for granted. Probably the biggest thing that I learned in my short time in Afghanistan was the absolute commitment of our people, the courage of our people, their wanting to do their job well, to serve their country well, to look after each other each and every day and to get home at the end of each day in one piece, with all their crew intact. My heart goes out to those soldiers who are now serving under the most difficult of circumstances, where the people they are trying to help are not exactly returning the favour. So more power to their arm, and I am greatly appreciative of the opportunity.

Senate adjourned at 19:27

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Aboriginal and Torres Strait Islander Act—Select Legislative Instrument 2012 No. 219—Aboriginal and Torres Strait Islander Commission Repeal Regulation 2012 [F2012L01877].

Aged Care Act—

Aged Care (Residential Care Subsidy—Amount of Accommodation Supplement) Determination 2012 (No. 2) [F2012L01882].

Aged Care (Residential Care Subsidy—Amount of Concessional Resident Supplement) Determination 2012 (No. 2) [F2012L01886].

Aged Care (Residential Care Subsidy—Amount of Pensioner Supplement) Determination 2012 (No. 2) [F2012L01884].

Aged Care (Residential Care Subsidy—Amount of Respite Supplement) Determination 2012 (No. 2) [F2012L01880].

Aged Care (Residential Care Subsidy—Amount of Transitional Accommodation Supplement) Determination 2012 (No. 2) [F2012L01885].

Aged Care (Residential Care Subsidy—Amount of Transitional Supplement) Determination 2012 (No. 2) [F2012L01879].

User Rights Amendment Principles 2012 (No. 3) [F2012L01881].

Christmas Island Act—List of applied Western Australian Acts for the period 25 January to 6 September 2012.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 25 January to 6 September 2012.


Patents Act—Select Legislative Instrument 2012 No. 221—Patents Amendment Regulation 2012 (No. 1) [F2012L01878].

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 5) [F2012L01887].

Private Health Insurance (Complying Product) Amendment Rules 2012 (No. 7) [F2012L01888].

The following government documents were tabled:

Migration Act 1958—

Reports for the period 1 March to 30 June 2012—

Section 91Y—Protection visa processing taking more than 90 days.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.

Section 486O—Assessment of detention arrangements—Personal identifiers 757/12, 767/12, 774/12, 804/12, 807/12, 814/12, 824/12, 847/12, 853/12, 862/12, 869/12, 872 to 873/12, 879 to 899/12, 901 to 928/12, 930 to 943/12, 945 to 946/12, 950 to 959/12, 970 to 971/12 and 982/12—

Commonwealth Ombudsman’s reports.

Government response to Ombudsman’s reports, dated 11 September 2012.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Broadband, Communications and the Digital Economy**

(Question No. 1973)

**Senator Birmingham** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 31 July 2012:

In regard to the Australian Broadcasting Corporation and the Special Broadcasting Service, can details be provided, for each individual organisation, of advertising/promotion spending in the 2011-12 financial year for all programs, including a breakdown by program being promoted and also by News Limited publications, Fairfax Media Limited publications and any other publications.

**Senator Conroy:** The answer to the honourable senator’s question is as follows:

**Australian Broadcasting Corporation**

The total cost of advertising and promotions across the ABC for the 2011-12 financial year was $5.8 million. This consisted of $2.2 million in advertising and $3.6 million in promotions.

The ABC does not hold a single set of data for advertising placement for ABC Television for the full 2011-12 financial year. Between July 2011 and the end of March 2012, the ABC operated centralised buying arrangements with a single supplier.

Between April 2012 and the end of July 2012, ABC Television used a number of buying agencies. Television ad placement data for these two periods are reported below as separate amounts.

ABC Television ad placement expenditure for July 2011 – end-March 2012
- ABC Television ad placement expenditure was $1.59 million.
- Of this, $234,350 was placed with Fairfax and $122,064 was placed with News Ltd.

ABC Television ad placement expenditure for April – July 2012
- ABC Television ad placement expenditure was $223,150.
- Of this, $61,300 was placed with Fairfax, nil with News Ltd.

ABC Radio ad placement expenditure for full financial year 2011-12
- ABC Radio ad placement expenditure was $14,452. This data cannot be split between News Limited and Fairfax.

Information regarding the promotion and advertising spend for individual programs is commercial in confidence.

**Special Broadcasting Service**

SBS’s advertising/promotion spend in 2011-12 was $2.3 million (excl. GST).


Information regarding advertising and promotion spend by program being promoted is commercial in confidence.

**Australia Post**

(Question No. 1992)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 6 August 2012:
(1) Does Australia Post verify each Licensed Post Office’s (LPOs) claim for payment for street carded articles; if so, how.

(2) What is the rate of remuneration for the street carded articles for LPOs as opposed to the corporate offices.

(3) Does Australia Post make approaches to large volume customers of mail/express post and parcel services and offer discounts or incentives to deal direct with Australia Post; if so, how does this impact on LPOs.

Senator Conroy: The answer to the honourable senator’s question is as follows:

(1) Licensees receive payment to handle street carded articles as part of the Mail Management Fee (MMF), which is a fixed amount per delivery point, a fixed annual fee, or, subject to very many or very few articles, a negotiated fee. Australia Post verifies payment claims from licensees for the MMF and the negotiated fee. For payments under the MMF, Australia Post audits delivery point records maintained by licensees. In relation to the negotiated fee, Australia Post verifies the number of articles through a count of the “Article Awaiting Collection” notifications which are retained from customers when carded articles are delivered.

(2) The rate that licensees receive depends upon whether they are paid through the MMF (which includes other activities such as customer queries), the fixed fee which is currently $381.82 per annum or the negotiated fee which is site specific. Corporate post offices operate under a different business model to licensed post offices and, therefore, comparisons are not practical.

(3) The pricing structure for a range of products and services offered by Australia Post provides discounts and incentives to customers based on factors such as purchase/lodgement volumes and the level of pre-sortation undertaken. These discounts and incentives form part of Australia Post’s overall offer to its customers. Subject to operational considerations, these discounts and incentives are available to customers transacting business with Australia Post through both our corporate and licensed outlets.

Australian Quarantine and Inspection Service

(Question No. 2022)

Senator Ludlam asked the Minister representing the Minister for Home Affairs, upon notice, on 16 August 2012:

Can the Minister confirm whether the Australian Quarantine and Inspection Service or the Australian Customs and Border Protection Service: (a) have previously used; (b) currently use; or (c) are considering using, the TrapWire surveillance system.

Senator Ludwig: The Minister for Home Affairs has provided the following answer to the honourable senator’s question:

The Australian Customs and Border Protection Service has not in the past, do not currently and are not considering using the TrapWire surveillance system.

The answer to the honourable member’s question in regard to Department of Agriculture, Fisheries and Forestry employees is as follows:

(a) No
(b) No
(c) No
Any further questions regarding the Australian Quarantine and Inspection Service should be directed to the Minister for Agriculture, Fisheries and Forestry.