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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT  
FIRST SESSION—FIFTH PERIOD

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

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

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

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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 to be filled (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party;
DLP—Democratic Labor Party; LP—Liberal Party of Australia; NATS—The Nationals

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Wayne Swan MP</td>
</tr>
<tr>
<td>Treasurer (Deputy Prime Minister)</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Mark Arbib</td>
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<tr>
<td>Assistant Treasurer (Manager of Government Business in the Senate)</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>The Hon David Bradbury MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Science and Research</td>
<td>Senator the Hon Chris Evans</td>
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<tr>
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<tr>
<td>Minister for Industry and Innovation</td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td>Minister for Manufacturing</td>
<td>The Hon Kim Carr</td>
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<tr>
<td>Minister for Small Business</td>
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<tr>
<td>Minister for the Arts</td>
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<td>Minister for Sport</td>
<td>The Hon Mark Arbib</td>
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<tr>
<td>Minister for Foreign Affairs (Acting)</td>
<td>The Hon Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Trade</td>
<td>The Hon Dr Craig Emerson MP</td>
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<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
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<tr>
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<td>(Vice-President of the Executive Council)</td>
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In addition, the **Hon Philip Ruddock** MP will act as Shadow Cabinet Secretary.
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Thursday, 1 March 2012

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

BILLS

Commonwealth Commissioner for Children and Young People Bill 2010

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator SIEWERT (Western Australia—Australian Greens Whip) (09:31): The Australian Greens consider that the welfare and the best interests of children should be front and centre in government decision making. We know that failure to address issues of disadvantage in the early years has lasting consequences for adulthood and people's entire lifespan. Senator Hanson-Young's Commonwealth Commissioner for Children and Young People Bill 2010 recognises the need for Australia to catch up with other nations around the world and implement a properly resourced commissioner for children and young people within the structure of the Australian Human Rights Commission to oversee the rights of young Australians with the powers to ensure recognition of their needs and views.

It is logical that the commissioner be located alongside the Aboriginal and Torres Strait Islander, age, disability, race and sex commissioners. The childrens commissioner will be able to utilise the pre-existing structures but will also be effectively independent from government. The commissioner would tackle problems such as child abuse, neglect, poor education, poverty, youth homelessness and social disadvantage—all issues we all agree need to be addressed. A commissioner would also provide a voice for young people, means of communication with government and a simple avenue for complaints of ill treatment.

Most importantly, this bill would assist Australia in meeting its international obligations—in particular, its obligations under the United Nation's Convention on the Rights of the Child. Australia has for more than 20 years been party to the United Nations Convention on the Rights of the Child. This document, which Australia signed and ratified, was agreed to by world leaders in 1989 in an attempt to ensure every child and young person has the best opportunities in life regardless of their ethnicity or gender. Despite Australia's agreement to abide by the convention, the UN have made repeated calls—in 2002 and 2003—for us to establish a national children's commissioner. But, to date, no action has been taken.

While all of us here can agree that the welfare of children should be paramount when making decisions affecting their wellbeing, the fact that Australia still has no independent statutory body dedicated to children's rights and development is very concerning, particularly given that this is not a new proposal. The idea of a commonwealth commissioner has been on the agenda at a community and parliamentary level for years because there is a pressing need for an independent commission to ensure that children and young people are not neglected during government decision making. Whether it is children in child care, state care, the education system, the juvenile justice system or homeless shelters in big cities, small towns or outback and remote communities, all young people deserve to have someone who is there to look after their best interests.
While the government's national framework for protecting Australia's children will play an important role in a national conversation about how best to advance the rights and interests of children, it can be no substitute for an independent commissioner appropriately resourced to have regard for these issues at a national level. While this framework will play an important role in a national conversation about how best to address the rights and interests of children, the Greens, along with many key stakeholders—including UNICEF, Save the Children, the Australian Human Rights Commission and the Australian Youth Affairs Coalition—argue that it can be no substitute for an independent commissioner appropriately resourced to have regard for these issues at a national level.

A commonwealth commissioner would perform the following functions: stand up for children and young people at a national level by monitoring the development and application of laws affecting children and young people; coordinate relevant policies, programs and funding; and proactively engage children and young people in decisions which affect them. It would also assist Australia in meeting our obligations under the UN Convention on the Rights of the Child, including: article 2 on nondiscrimination in the applicability of children's rights; article 4 on the primacy of the consideration of a child's best interests; article 6(1) on a child's right to survival and development; and article 12 on a child's right to participation in decision making. I am sure every person in this chamber would agree to all of those things.

Last year UNICEF launched the 2011 child's rights non-governmental organisation report on Australia's progress on implementing the Convention on the Rights of the Child. This report found, among other things, that a national children's commissioner is essential because improving outcomes for children involves actions across many areas of public policy. In particular, the report found that three groups of children in Australia have been routinely disadvantaged by the failure of government to involve them in decision making. These groups will come as no surprise to people. Aboriginal and Torres Strait Islander children have mortality rates three times their non-Aboriginal peers. The number of children in out-of-home care has increased by 51.5 per cent since 2005, yet we collect no data to tell us why these children are being placed in care to begin with. And there are more than 700 children who continue to be held in some form of immigration detention, despite it being a breach of the UN's children's convention. The examples articulated in the report further highlight the unacceptable outcomes for children in Australia.

The amendments circulated today by Senator Hanson-Young enhance her children's commissioner bill in a number of ways. The amendments were developed in consultation with a broad coalition of children's and young people's non-government organisations. They take into account the findings of the 2010 inquiry into this bill. We know there are children in Australia who suffer from disadvantage. We know, for example, as articulated in the report by UNICEF, that Aboriginal and Torres Strait Islander children are the most disadvantaged in this country. Just last week the Senate Standing Committee on Community Affairs heard yet again, when it was in the Northern Territory holding hearings into the stronger futures legislation, the details of the disadvantage that Aboriginal children face. For example, 48 per cent of Aboriginal children in the Northern Territory need some form of special assistance in the classroom and 60 per cent in prescribed communities need some form of assistance in the...
classroom. Those are just two examples of the massive disadvantage Aboriginal and Torres Strait Islander children face.

Let us look at homelessness. Tonight approximately 105,000 people will be homeless across the country, of whom 12 per cent, or 12,133 people, will be children under the age of 12. Among the homeless will be 7,483 families with children. Another 21 per cent, or 21,940 people, will be children and young people aged between 12 and 18. Most of them are homeless as well as estranged from their families. One in every 39 Australian children under five accessed homeless assistance service last year. Nearly 30 per cent of the children accessing homeless assistance services are Aboriginal or Torres Strait Islander children. Every day two out of every three children who request immediate accommodation are turned away from homeless services. Aboriginal peoples generally are significantly more likely to experience homelessness than non-Aboriginal Australians. Aboriginal Australians are also significantly more likely to live in overcrowded housing. We have discussed this issue in this chamber on numerous occasions. Overcrowding is identified as a major factor affecting Aboriginal people's physical and mental health as are the social and schooling disadvantages faced by Aboriginal children, which are of course intimately linked to overcrowding. Their inability to access education can also be directly related to overcrowding.

UNICEF has said that Aboriginal children are overrepresented in nearly every measure relating to the Convention on the Rights of the Child. Aboriginal children account for almost half of all homeless people in Australia under the age of 18. They have much higher rates of youth suicide—just recently we heard of more tragic circumstances of youth suicide. It is a problem that urgently needs to be addressed. Aboriginal and Torres Strait Islander people have comparatively little access to education and are overrepresented in their experience of poor access to health services and overall inadequate standards of living. We already know that Aboriginal and Torres Strait Islander children are far overrepresented in the justice system. The detention rate for Aboriginal juveniles is 397 per 100,000, which is 28 times the rate for non-Aboriginal juveniles of 14 per 100,000.

Aboriginal juveniles are overrepresented in community and detention based supervision. In 2007 Aboriginal juveniles accounted for 59 per cent of the total juvenile detention population. Aboriginal children make up 53 per cent of all juveniles in detention and 39 per cent in community supervision—bear in mind that Aboriginal and Torres Strait Islander people make up three per cent of Australia’s population. Aboriginal juveniles in detention are younger on average than their non-Aboriginal counterparts: 22 per cent of Aboriginal juveniles in detention were aged 14 years or less, compared to 14 per cent of non-Aboriginal juveniles. There is a strong link between the disproportionate rates of juvenile detention and the disproportionate rates of adult imprisonment. Although Aboriginal Australians make up only three per cent of our population, 25 per cent of prisoners in Australia are Aboriginal or Torres Strait Islander. Prison census data shows that between 2000 and 2010 the number of Aboriginal men and women in custody increased sharply: Aboriginal men by 55 per cent and Aboriginal women by 47 per cent. In the Northern Territory 29.5 per cent of Aboriginal children report having completed year 8 or below, 25.8 per cent of year 5 students achieve at or above the national minimum for reading and Aboriginal children are underrepresented in
early childhood education and care services. They comprise 41.4 per cent of the population but represent only 9.8 per cent of children who attend early childhood services.

Children living in poverty also need support from a children's commissioner. The number of people estimated to be living in poverty is over 2.2 million; approximately 12 per cent of children in Australia live in poverty. In 2007-08, it is estimated, there were over half a million low-income households with children aged between zero and 12 years receiving an average equivalent disposable income of $412 a week—that is $278 less per week than middle income households with children of the same age. We know that children with a disability also need support; 12 per cent of people with a disability are children. UNICEF said:

Whilst Australia’s ratification of the Convention of the Rights of Persons with Disabilities, signing of a National Disability Agreement and subsequent National Disability Strategy were commendable, there are concerns over the scarcity of data on children with disabilities. There is also concern over the existing care and support resources available for children with disabilities and their families. Children with a disability miss out on crucial and early intervention services, support to assist with life transitions and support to prevent family or career crisis and breakdown.

We know of the alarming mental health statistics. These are particularly alarming for Aboriginal and Torres Strait Islander children, as I mentioned before, with higher rates of suicide and other poor mental health outcomes.

While we have seen boosts for funding for mental health in Australia and I have been on the record congratulating the government for those boosts, we still are below other Western countries. For children and young people who are seeking help, many do not receive timely access to appropriate services. Particular groups are at higher risk of poor mental health outcomes, including Aboriginal and Torres Strait Islander children; children from refugee and migrant backgrounds; same-sex attached, gender questioning or gender diverse young people; young carers; children with disability; and children in rural, regional and remote areas. Inability to access suicide intervention and prevention programs continues to be a problem for remote communities and the system employed to monitor suicide youths and youths at risk across central and western Australia continues to be inadequate.

Nationally the number of children in out-of-home care has risen each year from 2000 to 2010. There were 35,895 children in out-of-home care on 30 June 2010. That is an awful lot of children. At June 2010 there were 11,468 Aboriginal and Torres Strait Islander children in out-of-home care. The national rate of Aboriginal children in out-of-home care was almost 10 times the rate for other children. Almost one-third of children in out-of-home care were aged between 10 and 14 years, a further 30 per cent were aged five to nine years, 25 per cent were aged less than five years and 15 per cent were aged 15 to 17 years. Most children who were removed from their homes were placed in home-based services, 94 per cent. Of these children in home-based care 49.1 per cent were in foster care, 48.5 per cent were in relative or kinship care and 2.2 per cent were in some other type of home-based care. A small proportion of children, around five per cent, removed from their home were placed in residential care where staff were paid to care for them. The number of children in out-of-home Australia has increased by 51.5 per cent since 2005, with Aboriginal children almost 10 times more likely to be placed in out-of-home care. We have a lot of work to do in this country.
Inadequacies in the care system include inappropriate placements of children; a shortage of care options; poorly supported home-based carers; mental health issues exacerbated by and in fact caused by care; poorer outcomes for young children in care than for the general population in terms of health, education, wellbeing and development; abuse and neglect of children in care; Aboriginal children placed outside their communities; and inadequate preparation for young people leaving care for independent living. These are not issues that happened decades ago, these are statistics from now. These children need our support. They need a national commissioner. It has been recommended and supported across-the-board. It is what our children deserve. I commend Senator Hanson-Young for bringing on this bill and I urge the Senate to support this vitally important measure that will significantly add to helping and supporting the children of our nation.

Senator CROSSIN (Northern Territory) (09:48): I rise to provide a contribution to this debate on the Commonwealth Commissioner for Children and Young People Bill 2010, which, if passed, will establish the Commonwealth Commissioner for Children and Young People. There is no doubt that Senator Siewert has outlined a range of facts and figures before us today that do highlight that in this country we have got some work to do in relation to protecting and guiding and looking after the children under not only our care but the care of the states and territories, whether it is under state and territory legislation or Commonwealth legislation.

This bill was first introduced back in September 2010. In fact, I think it might have been earlier than that, before the 2010 election. It was reintroduced after the 2010 election and at that time the Selection of Bills Committee sent it off to the Senate Legal and Constitutional Committee, which I chair. We held an inquiry into this piece of legislation during 2011. From memory, we got 93 submissions. What I want to do today is take the Senate through the outcome of the inquiry. At the end of the day basically everyone said, 'We certainly do need a children's commissioner in this country.' There was overwhelming support for the concept, the idea and the position. But there was not overwhelming support for some of the measures in this bill, and I will take you through some of those in the moment.

The purpose of this bill is to establish an independent statutory office of the Commonwealth Commissioner for Children and Young People. The purpose of the office will be to recognise and advocate for the rights and needs of children and young people in Australia and to ensure that Australia's domestic and international human rights obligations are upheld. I noticed, reading very quickly a moment ago, that the amendments Senator Hanson-Young has now circulated suggest that it should not be an independent statutory office but should be part of the Australian Human Rights Commission. That is what leads us to the very nature of the problem with this legislation, because there was discussion during the inquiry on whether it should be a commission or a commissioner—should it be an independent statutory office or should it in fact be part of the Human Rights Commission. But I think at the end of the day what everyone felt was that there needed to be much broader discussion about the benefits of all those options. What we have today is a decision by the Greens and by Senator Hanson-Young that the best option is to actually put it inside the Australian Human Rights Commission. I am still unsure whether that is the best way to go. I think it is evident that there is a need for broader consultation around the country about what
the best thing to do is. If we are going to do this—and we need to do this—we certainly need to do it in such a way that it stands for all time. We do not want to be in the position where, after a couple of years, we say: 'Maybe that was not the best way to do it. Maybe we ought to have an independent office.' That signals to me that we should not be rushing through this bill or the proposed amendments and that there needs to be further time to consult with all of the parties in the industry—not just the 93 who made submissions to the inquiry. We need a broader consultation about the best way to go.

There is no doubt at all that the establishment of the Commonwealth Commissioner for Children and Young People would help move our national approach beyond the narrow focus on neglect and abuse that dominates much of the public dialogue. In her speech, Senator Siewert raised the issues of low participation rates in early childhood education and the problems faced by children with disabilities. But I do not think it is just about neglect and abuse; I think it is also about safety and wellbeing—other matters that were raised during the committee's inquiry.

The concept of a national commissioner is not new; it has been canvassed by community organisations and advocacy groups for a number of years. Even in opposition, way back in 2003 when Nicola Roxon was our shadow Attorney-General, we had the establishment of a children's commissioner on our policy books and platform. We even produced draft legislation back then—the A Better Future for our Kids Bill 2003 was tabled by us.

There is now a need to have the states and territories come on board and that is in the process of happening through COAG. The National Framework for Protecting Australia's Children 2009 to 2020—so we are talking about an 11-year plan here, now called 'the national framework'—was endorsed by COAG in April 2010. It was developed by a dedicated working group of the Community and Disability Services Ministers' Advisory Council. They undertook an extensive consultation process involving the states and territories, non-government organisations, academics, child protection practitioners, carers and young people. That is the context in which the federal government is now working.

It should be noted that all states and territories in Australia have either a commissioner or a guardian for children and young people—even the Northern Territory, my home base. But the roles and responsibilities of those commissioners or guardians vary considerably across jurisdictions. In some ways that is beneficial, I think. However, if you are going to lay a federal children's commissioner over the top of that, with associated issues of how that federal commissioner would interact with the states and territories, it could well become problematic.

I draw people's attention to the report of the Senate Legal and Constitutional Affairs Legislation Committee into this bill. It was tabled in May 2011. At the back, it provides a terrific summary of the role of the children's commissioner in each state and territory. If you are interested in a comparison of what each state and territory does in the various areas of responsibility, it is laid out quite well in the back of that report.

National commissioners have been appointed in other countries around the world and these are examples we ought to be looking at. Those countries include Norway, New Zealand, Sweden and the United Kingdom. Not a lot of countries have yet
embarked on this process. We would become, perhaps, only the fifth country in the world to do it. While there is a need to do it, there is not a lot of precedent out there to tell us what is working and what is not working.

I mentioned the national framework that was endorsed by COAG. As part of that, the government is exploring the potential role of a national children's commissioner. The national framework will be implemented through a series of three-year action plans over the 11 years of the framework. The first three-year action plan, going from 2009 to 2012—due to end at the end of this year—identified 12 national priorities, including advocating nationally for children and young people. This national priority—one of the 12 national priorities—is about exploring the potential to establish a position of Commonwealth Commissioner for Children and Young People. Progress on this priority was covered in a 2009-10 report to the Council for Australian Governments, entitled Protecting children is everyone's business: national framework for protecting Australia's children 2009-2020. So there is work being done. The Greens may argue that perhaps the work is not being done quickly enough, but I think we need to do it thoroughly and properly.

During our inquiry into the establishment of a Commonwealth Commissioner for Children and Young People, we identified about seven issues that have not been resolved in this legislation. The amendments we have seen today are, I think, trying to resolve some of those issues. There are complexities involved in establishing this new position, however, and I worry about the wisdom of considering amendments which have just been tabled on the day we are debating the bill without those amendments first going back out into the community for broader discussion.

One of the issues identified was, as I have said, whether there is a need for a Commonwealth Commissioner for Children and Young People and whether the bill addresses such need. Clearly, as I said, our inquiry overwhelmingly concluded, based on all of the submissions presented by the various groups and stakeholders, that, yes, there is a need for such a position. So you tick that box. But there was no agreement about how the commission should be established—whether it should be a commissioner, a commission or a dedicated commissioner under the Human Rights Commission. There were varying views about that. Some witnesses felt that if in fact it was under the Australian Human Rights Commission there would be constraints about what you could do. Some felt that if it were a commission then it would have much wider powers to do a whole range of things like investigate, research and advocate. Others thought there should just be a commissioner as a statutory authority.

One of the other issues is the actual adequacy of the bill that is before the Senate. Despite support for the establishment of a Commonwealth commissioner, a number of the submitters actually questioned whether the framework provided in the bill was appropriate. That went to a whole range of suggestions that the bill ought to be strengthened and enhanced to really articulate the operation, functions and powers of the Commonwealth commissioner. Others suggested that there needed to be further consultation on the bill, and that even consultation with children needed to be undertaken before this legislation was put through. Some submitters thought that the proposed model outlined in this bill should not proceed. Some submitters argued that the role and functions provided in the legislation were limited and were unlikely to provide the commissioner with the required capacity,
independence or scope to enable it to effectively carry out the proposed functions.

Berry Street, in their submission, said:

The breadth of proposed functions and powers ... require independence of government, a requirement to represent and act on behalf of the government of the day ... These distinct roles should not be located with the one position.

The picture I am trying to paint here is that this bill still really needs a lot of work and consultation before we can actually give it the tick.

One of the other major areas of debate that was highlighted during the inquiry was whether the commissioner should have a rights based approach or whether it should be a welfare model approach, or in fact both. There was a lot of discussion, if I remember, about that. Some people suggested that there would be some severe limitations on the role of the commissioner about that. The Australian Human Rights Commission explained that a human rights framework empowers children and young people as rights-holding citizens. So, of course, they believe that that would be a better way to go. Others like PeakCare argued for a family welfare model such as that adopted in Sweden and other European countries, as opposed to the current child protection model. Again, we still have an area of debate that I do not think has been fully explored and resolved.

Let us go to the structure: the establishment of the commission as a statutory authority, whether it should be a standalone office or part of the Australian Human Rights Commission. I do notice that Senator Hanson-Young is suggesting it should now be in the Australian Human Rights Commission. The Law Council of Australia noted further advantages in incorporating the Commonwealth commissioner into the Human Rights Commission. They observed that if the commissioner were created as a member of the Australian Human Rights Commission then the provisions of course of that act would apply, thereby negating some of the concerns held regarding the drafting of the provisions of the bill.

Let us move to another area of contention: the definition of children and young people. Again, it was interesting to note that some people believed that the definition should be extended to include those aged 25 years or younger in certain circumstances, particularly if they were children or young people leaving out-of-home care who were not yet independent. I had not actually thought about that. I had always thought you would define a child and a young person as someone between the ages of zero and 18. The UN definition of a child is a person under the age of 15, believe it or not, and youth are defined as those between the ages of 15 and 24. So, already, we have under the age of 15, under the age of 18, under the age of 24 and up to the age of 25. I do not think this bill clearly specifies the definition—and maybe it does not need to do that; I am not sure. Some people might think 35 is still young these days!

Senator Fifield: Yes.

Senator CROSSIN: I might take that interjection, Senator Fifield. It is not a matter to perhaps be frivolous about, but I do think that these are some issues that have not finally been bedded down in the proposed legislation. Let us ask teenagers what they think about that definition of 15 to 18. Let us ask young people in this country whether it should be 24 or 25. As with most of the submitters, the Law Council noted it supported the definition of children and young people as persons under the age of 18, as provided for in this bill. That is consistent with relevant legislation in the states and
territories. It is inconsistent with the United Nations Convention on the Rights of the Child. It is also consistent with the Youth Justice Act 1992 in Queensland, which defines a child as a person under the age of 17 years.

Again, if you are going to get this commissioner to have a role in overseeing state and territory legislation or just Commonwealth legislation—and we have not got to this point of contention yet—then in Queensland maybe the overseeing stops when a child turns 17. How would this Commissioner interact with the state and territory commissioners and guardians? Would they, as is currently drafted in the bill, empower the Commonwealth commissioner to interfere in matters that are clearly the responsibility of the states?

In contrast, Mission Australia recommended that the bill should specify the Commonwealth commissioner only has an oversight of Commonwealth and state and territory laws which affect children and young people. Others suggested that there needed to be clearer delineation of responsibility between the Commonwealth and the state and territory commissioners and guardians. The Law Council of Australia noted that the role of the Commonwealth commissioner could complement the functions of existing children's commissioners and guardians; however, to avoid duplication of functions the role of the Commonwealth commissioner will need to be focused.

We go to the independence of the office and reporting requirements. Should this office report directly to the United Nations? Should it report to the minister? Should it be answerable to the minister, or should it be a stand-alone statutory office? The appointment of the commissioner is unclear here, and many suggested that the appointment process should remain distinct from government—notice, again, there are some amendments here.

I have been through the reporting requirements but, what I want to do in summing up, is turn people's attention to the report. Because if you are interested in this, all of those anomalies and all of those questions that still need to be discussed and debated are outlined in our report. We do recommend a whole series of suggestions for expanding, clarifying, redefining and adding to the various functions and powers of the Commonwealth commissioner proposed in this bill. There are many dot points here—more than a dozen or so—that we felt are yet unanswered and that need further discussion and exploration. While everyone wants to see a national children's commissioner established, we do not think that this legislation should be rushed without further consultation right across the country.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (10:08): I also rise to speak on the Commonwealth Commissioner for Children and Young People Bill 2010. This bill has a pretty straightforward purpose, which is to create the statutory office of the Commonwealth Commissioner for Children and Young People. Although I understand the Greens have circulated an amendment to see the office of the commissioner located with the Australian Human Rights Commission, rather than as a stand-alone body, I suspect it is unlikely that that amendment will have the opportunity to be ventilated in the committee stage. But I think the fact that these amendments have come forward shows that even the Greens' own thinking on the office of a children's commissioner is evolving. During the Senate inquiry there was a view expressed amongst stakeholders that there was a need for greater consultation on the concept of an office of a
children's commissioner—and I think these amendments show that that probably is needed.

As I mentioned, there was a Senate inquiry; it was a wide-ranging one. Just by way of background I might briefly go through what the situation is currently in the other jurisdictions in relation to the arrangements that they have for commissioners or guardians for children and young people. New South Wales has both a Commissioner for Children and Young People and an Office for Children; Queensland has a Commissioner for Children and Young People, and a Child Guardian; Victoria has a Child Safety Commissioner; Tasmania has a Commissioner for Children; and Western Australia has a Commissioner for Children and Young People. This bill seeks to create a Commonwealth-level organisation with some similar purposes to some of those state-based bodies, and I think there are still questions about what the scope of the Commonwealth body would be, what the interactions would be between the Commonwealth body and the state bodies and what duplications there may be in those functions. I think that is something that still does need further examination.

This is not the first time that there has been a Commonwealth-level proposal for a national Children's Commissioner. I think on two previous occasions there have been pieces of proposed legislation. In 2003 the current Attorney-General introduced as a private member's bill something with a similar objective. That bill did not proceed beyond the first reading. On another occasion a former colleague of ours, the then Senator Bartlett, introduced a private senator's bill in 2008, which lapsed at the end of that parliament. I think Senator Bartlett is now a fellow traveller with the initiators with this piece of legislation. I think it is nice that his interest in public policy continues. I always like to see former members of the parliament continue to make a contribution in public life, so that is nice to see.

The committee did hear from stakeholders who did cite a number of concerns with the bill. There were some concerns expressed about the extent to which the office of the commissioner would take into account the needs of children and young people with disabilities. The committee also noted issues raised by a number of submitters regarding guardianship of unaccompanied non-citizen minors. The bill, as it currently stands, would have the children's commissioner act as the legal guardian of unaccompanied children and young people who arrive in Australia without the appropriate visa or authority to enter Australia. With this there are a number issues about blurring lines of responsibilities as to who is actually responsible for the welfare of people in that situation. We do know that the issue of legal guardianship responsibilities of the minister have been the subject of some public interest, following the High Court ruling on the government's Malaysia proposal. The Greens have circulated amendments that would remove from this bill the proposal to have the commissioner act as the legal guardian for unaccompanied minors—but, as I mentioned, I think it is unlikely that we will get to talk about those further in this place. The coalition are, I think, more focused these days on practical measures to benefit of the welfare of children and young people. We do have a number of policies to do that. One to which am particularly committed is the idea of an education card for students with a disability that would allow students to take an entitlement to the school of their choice so that it would not matter what school the student went to. Whether the school was independent, Catholic or government there would be a similar payment and similar support, which the parents could direct
themselves. I think that that would be a good and practical thing to do. So we have a number of policies that we hope are practical and would make a real difference.

The coalition certainly appreciates the motivation behind this legislation and we certainly appreciate the objective, but I think it is always important not to do things that are purely symbolic, though symbols are important. I think it is necessary to make sure that you are not merely seen to be trying to do something good but that in practice you deliver something that makes a real difference in people's lives. So I think this legislation does need further consideration, particularly, as I mentioned before, in relation to the interaction between the existing state bodies and this new proposed Commonwealth body. We do have concerns about whether the legislation would achieve its stated objectives. In the light of what I have said, then, the coalition is not in a position to support this bill.

Senator PRATT (Western Australia) (10:16): This morning I rise to speak on the Commonwealth Commissioner for Children and Young People Bill 2010. Legislative debates such as this are, as other speakers have highlighted, valuable. I, like the government, welcome discussion about measures that advance and promote the welfare and rights of children in this nation. The rights of children in this nation should be paramount. We want children to grow up nourished and supported in the sorts of loving and caring environments we know too many children in this nation go without. We also know that over recent years the reported levels of child neglect and abuse in Australia have, sadly, increased at an alarming rate. This is an issue of national concern, and statutory child protection systems are struggling under the load.

Protecting children is the responsibility of everyone in this nation. Communities, governments and business all have a role to play. I do not believe that the bill before us today presents a panacean solution to the problems associated with the protection of children. I listened to Senator Siewert's very compelling evidence about the plight of so many children in this nation. That evidence is a good reason to support the establishment of a national children's commissioner once we get the policy settings right, but its establishment would by no means be a panacea for the plight of the children concerned, and I know that Senator Siewert would acknowledge that.

What we need in this nation is a shared agenda for change—national leadership and a common agenda and specific goals—so I am particularly pleased that all Australian governments have endorsed the first National Framework for Protecting Australia's Children. This framework goes through to 2020. It commits to action and is a long-term national approach to protecting Australia's children. Children in this nation confront many profound issues, but I think that those issues alone are not an adequate argument for the establishment of a national children's commissioner in the form specified in this bill. I agree with the finding of Senator Crossin and the Senate Standing Committee on Legal and Constitutional Affairs that there are, sadly, too many questions remaining about this bill; but I do think that the bill makes a valuable contribution to the debate about the need for a national children's commissioner.

Addressing the kinds of issues raised by Senator Siewert require cooperation between state and territory governments and a great deal of reform and policy commitment by a wide variety of agencies, but I am pleased to say that these issues are all on the agenda within the National Framework for Protecting Australia's Children. We can only do the
right thing by the children concerned if we have workable and viable institutions that are all on the same page—institutions that make sense. While this bill has many commendable attributes, it does not in my view adequately address a number of concerns. Some of these concerns were shared by those who made submissions to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the bill. There were many proponents of the bill who, in addition to supporting the bill, put forward suggestions and amendments. Many of them were contradictory; many of them were also worthwhile; but there were many layers to these contributions that needed to be sorted through.

There is indeed a great deal of support for the establishment of a national children's commissioner. I certainly support it, and Western Australia has a children's commissioner, but I do not believe that this bill is yet the right vehicle for the establishment of the position. The bill has merit, but I do not believe that it should proceed at this stage. We need to take the time to work through the very important issues involved with the establishment of a national children's commissioner. The Senate inquiry drew out many of the issues about the establishment of the position. These ranged from support, in particular support to assist Australia in meeting its international obligations, to very specific proposals to amend the functions and powers of this proposed bill.

The government itself is currently deliberating on the role of a national children's commissioner under the National Framework for Protecting Australia's Children. I am awaiting the outcome of those deliberations. It is a long-standing commitment of the Australian Labor Party to appoint a national children's commissioner, so I am pleased that the government is giving it close consideration and looking at the kinds of models that would be appropriate. Indeed, an exploration of the potential for a national children's commissioner was part of the 2009 Framework for Protecting Australia's Children, and, in 2011, the Attorney-General and the minister for foreign affairs announced that Australia's response to the United Nations Human Rights Council's universal periodic review of Australia included our consideration of the appointment of a national children's commissioner. So, in my mind, the things we need to concentrate on are, yes, really sorting through what a national children's commissioner could and should look like, but at the same time as working that through, acknowledging the substantial issues that are within the national framework. The national framework represents an unprecedented level of cooperation between states and territories when it comes to the welfare of children. It is about placing children's interests firmly at the centre of everything we do. It is not an institution out at the side. Reducing child abuse and neglect is not an easy task and it will take time.

The government has asked relevant departments to provide advice on possible models in order to develop a proposal that is acceptable to stakeholders. I would agree in particular that a children's commissioner at a Commonwealth level must not duplicate states' and territories' work. The establishment of a federal children's commissioner should not involve interfering in state responsibilities particularly the work of states and territories children's commissioners and guardians. However, I believe that through the national framework these institutions will have the chance to collaborate and work together, but they do need to have distinct roles. So I think the Senate committee has made a valuable contribution through consultation with
stakeholders in drawing out many of their views. It is important that we are able to work through these issues as a government in order to get the policy settings right.

We know, for example, that children's commissioners and guardians are playing a very important role at state levels. My own home state of WA has a Children's Commissioner and it is notable that, while WA would welcome a Commonwealth commissioner in particular, the role that such a commissioner would play in things like immigration detention or children under the guardianship of the Commonwealth Minister for Immigration needs to be considered carefully. Western Australia does not view that such a commissioner should be there to give oversight to the children in Western Australia. Clearly, there will be issues here that need to be resolved. We cannot just go storming into each other's territory without creating goodwill and workable solutions. Ultimately, any national children's commissioner is going to have to work with the state children's commissioners so they have to have a workable relationship in terms of their powers and responsibilities. We really need to be able to carefully define where that overlap will exist and what kind of oversight a national children's commissioner would have for children at a state and territory level.

It is notable, for example, that the 2007 bill introduced a Children's Commissioner for the Northern Territory. If the Northern Territory has a Children's Commissioner—and I know that the Commonwealth has a special relationship with the Northern Territory because they do not have self-government—perhaps there might be a more extended role with its own roles and responsibilities as well.

Going back to the state of WA, they are of the view that many of the functions outlined in clause 9 are more appropriately carried out by state children's commissioners or similar bodies in respect of state responsibilities. I know that the Commonwealth view is that we do not want to overlap state responsibilities too much. My own personal view is that, clearly, we would need to have some oversight otherwise there might not be much point. But we have not actually worked through what those issues would actually look like. That kind of detailed work needs to go through the system to make sure that we have workable institutions.

The state of Western Australia also noted that the bill does not have a provision with regard to consultation, and I am unclear whether those issues have been picked up in amendments. It has also noted that the commission's functions needed to be limited to matters within Commonwealth jurisdiction unless otherwise invited or agreed by the states and territories. So again, we have a signal saying: how are states and territories going to work between themselves to work out who is going to look into the different issues? I think that within the context of the national framework, which is something that has been signed off by all states and territories, we will actually have the foundation for a good working relationship to sort through these issues, but we must allow those arrangements to work. We cannot just bowl in with an important institutional reform like this without working through the substantial issues.

The state of Western Australia certainly acknowledged that a national commissioner could play an important role advocating for and supporting children in this nation. But they also argued that given the existing mechanisms in place at the state, federal, and territory levels, children's commissioners should not have a role in relation to individual children or in the day-to-day care of children. Work needs to be done to ensure
that the children's commissioner role is established in a way that provides the broadest possible authority to represent and advocate for the issues affecting children. A children's commissioner should not duplicate the advisory, monitoring, reporting and advocacy role performed by existing Commonwealth Human Rights Commissioners. Consideration of the role and model of the children's commissioner will continue and therefore, in my view, this bill in its current form cannot be supported.

The government has committed to significant reforms to protect children and I am confident of the outcome. My home state of WA devotes considerable resources to ensuring children are able to reach their full potential. It is important that we invest in the nation's children so that they can indeed blossom and grow into wonderful human beings and that they are able to access their rights under the Convention on the Rights of the Child across all areas of government including family law, education and early childhood, youth health policies and programs and child protection and welfare. This government, I am pleased to say, is working to improve the wellbeing, rights and safety of Australia's children. It is about a well-integrated national approach to protect Australia's children. It is about a shared agenda for change with national leadership and common goals for the nation's children, because this government knows that recognising the safety and wellbeing of children is the responsibility of all levels of government. It is certainly the responsibility of the Australian government, but it is something that we have sought to put into place and support through the national framework, working closely with the states and territories.

We know that these challenges are being faced across the nation. State and territory governments currently spend in excess of $2 billion annually on child protection alone. That is a massive amount of money and it is increasing at an annual rate of about 12 per cent. State and territory governments are also currently implementing reforms to their statutory child protection systems, all things that are focused on early intervention. But for these reforms to be truly effective they need to be coordinated with the Australian government. Programs, policies and payments are all important things that are part of the early intervention response, all the kinds of changes that will support this nation's children.

This bill sadly is not a panacea to the kinds of issues that our children in this nation face. What we do need is a national framework that delivers a more integrated response but does not change the responsibilities of governments. States and territories retain statutory responsibility for child protection as the Australian government retains responsibility, for example, for providing income support payments. The national framework recognises the significant existing efforts and reforms which are being undertaken by governments across Australia in protecting children and supporting the families of those children.

Part of that national framework action includes a ministerial forum on protecting Australia's children. It will be convened to bring together ministers with responsibilities under the national framework and the forum hosted by the Community and Disability Services Ministers Conference will invite contributions from non-government representatives, including state and territory children's commissioners as well as children and young people. So we have a plan for bringing together children's commissioners in this country and all the kinds of agencies that are responsible for the oversight and protection that I know Senator Hanson-Young is trying to put forward in this bill.
We really need to think about how what Senator Hanson-Young puts forward in her bill joins up with all the other rights and responsibilities that are undertaken by other agencies.

We know that in the last decade all state and territory care and protection systems have undergone significant reviews. In most, but not all cases, reviews have been triggered by revelations of abuse and/or death of children in state care. There are a number of reforms, though, that are common to all systems. These are things like the safety and wellbeing of children as a shared community responsibility; collaborative interagency partnerships and, in some instances, priority services to children and young people in the care and protection system; expanded roles for non-government providers of family support and out-of-home care services; strengthened requirements for the recruitment and training of foster and kinship carers; charters of rights for children and young people in care; empowerment of children and families to participate in decision making; creation of children's commissioners and/or children's guardian positions to advocate for children within systems to monitor the performance of child protection and, in some cases, to monitor the performance of out-of-home care systems. They have included significantly increased investments in services available to vulnerable families and children at risk and specific services for Aboriginal and Torres Strait islander children and clients.

When you look at that you can see that there is a strategic framework. There are always things that are unaddressed when you look at the legacy of the very significant issues confronting Australia's children raised in this debate, but there is a holistic approach to tackling the issues confronting children in this nation and it is important work that needs to continue.

The Care and Protection of Children Act 2007 provides the legal framework for care and protection for children in the Northern Territory, for example. That act established a Northern Territory Children's Commissioner. I think that the work of the Northern Territory Children's Commissioner is particularly important. I, for one, want the Northern Territory to be able to develop and strengthen its institutions so that the issues that we debate in this place about things like the Northern Territory intervention can have more weight by virtue of stronger institutional responses at a territory level. I, for one, in the long term want the Northern Territory to obtain statehood so that we do not have the high level of intervention that the Australian government has in things like child welfare. We have a bit of a de facto debate about child welfare in this nation because of that. I have been through many of my reasons for not supporting this bill, but I do look forward to working with my colleagues to continue to advance the welfare of children in this country.

Senator BERNARDI (South Australia) (10:36): I rise to oppose this bill, the Commonwealth Commissioner for Children and Young People Bill 2010. That is not because I do not support the protection of children—I think I share with many in this place a firm commitment to the protection of children, their welfare and rights, and the obligations that the community, including the parental community, has to them—but, in fact, quite the opposite: I am a steadfast defender of these rights, right from conception through to adulthood. However, I do not support the expansion of government to replicate functions that in effect are already fulfilled by state and territory bodies as well as in part by the federal government. Senator Pratt, Senator Fifield and a number of others have articulated where this bill seeks to duplicate those services. Creating
this body, while well meaning, would do exactly as has been outlined. Further, it would require an annual appropriation which would entail staffing and resources; it would create increasing bureaucracy. These are things that this country can ill afford at the moment, no matter how well meaning this bill may be. I do not support gestures of good intent, which is what I consider this bill to be.

Senator Hanson-Young, in introducing the bill, makes some very good points. I would like to quote from Senator Hanson-Young. She said:

Advocacy for children and young people should be a national priority.

I happen to agree with that.

The rights of children and young people must be taken seriously by their elected representatives … I agree with that also.

For too long the rights children and young people have been swept under the carpet, put in the too hard basket …

I agree with those sentiments as well. But unfortunately I find those words ring very hollow when you compare them with the voting record of the Greens and Senator Hanson-Young on protecting children.

I refer specifically to a bill that I introduced in this place on child sex tourism. It was meant to address the issue of Australians grooming children overseas online and then travelling overseas and behaving in a sexually predatory way to these children. It was my belief that these Australians should be held to account. It was my belief that these extremely vulnerable children, we should be doing all we could to stop Australian citizens from getting involved in this awful, degrading and vile trade.

My bill sought to expand and contemporise the powers available to police to stop and prevent these predatory actions taking place—which, as I mentioned, were grooming online, travelling with intent and actual sexual activity with children overseas. It was a very sensible bill. It was a bill that had the bipartisan support of the Labor Party and the coalition in the government prior to the 2007 election, but it lapsed before it could go completely through the Senate.

When I reintroduced it I was, frankly, appalled that petty politics got into it and that neither the Greens nor the Labor Party supported it. But, with continuing pressure—and I accept the fact that he did—the then minister, who was, I think, Senator Ludwig, pursued it through the Senate and introduced a bill of his own and it was passed, and I think that has gone a great way towards satisfying the international obligations that we have. So the Labor Party did indeed see the light in this respect.

But that is why I find this bill quite amazing: we already have many existing bodies in this country that provide the types of services and the advocacy that Senator Hanson-Young wants and yet Senator Hanson-Young herself refused to support a bill that would stop Australians from taking—

Senator Hanson-Young interjecting—

Senator BERNARDI: Excuse me—are you saying it did not get to the Senate? Senator Hanson-Young, you refused to allow it formality. You voted against it with Senator Fielding.

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator Bernardi, I remind you that you are actually talking to the chair.

Senator BERNARDI: Thank you, Madam Acting Deputy President. I was just reminding Senator Hanson Young—
The ACTING DEPUTY PRESIDENT: Thank you for that.

Senator BERNARDI: that she has clearly forgotten her own voting record; she does not like it being talked about and displayed because, quite frankly, it is appalling. My bill was refused formality with the votes of the Greens and Senator Fielding, and I find that appalling. For someone to come up here and put in a private senator's bill, I applaud; I think that is great. But for that person to put in a bill that is going to duplicate services that already exist, in the name of protecting children, when that same person was prepared to turn a blind eye to the activities of Australians doing disgraceful things overseas, I find appalling.

Senator Hanson-Young interjecting—

Senator BERNARDI: You may swear, Senator Hanson-Young. I do not find your swearing becoming in this chamber. So please do not do that. You can interject if you want to—

The ACTING DEPUTY PRESIDENT: Senator Bernardi, if that is a direct allegation about Senator Hanson-Young swearing in the chamber—

Senator BERNARDI: Well, it is true. I heard her swearing.

The ACTING DEPUTY PRESIDENT: I am sorry, Senator, I did not. But, as you put it on record, I felt I had to draw your attention to it.

Senator BERNARDI: You might like Senator Hanson-Young to withdraw. If you want to swear, Senator Hanson-Young, you can withdraw. I think it is appropriate that you do.

Senator Hanson-Young: Are you speaking through the chair or are you speaking to me?

Senator BERNARDI: I will speak through the chair. I heard Senator Hanson-Young swear, Chair, and if she would like to withdraw, she can.

The ACTING DEPUTY PRESIDENT: I did not hear it. So I will ask you to continue.

Senator BERNARDI: Indeed I will. I agree with the sentiments that many in this chamber have expressed in speaking on this bill. We do need to do all we possibly can to help children. We recognise that they are, after all, the future of our nation: our doctors, nurses, teachers, plumbers, electricians and, indeed, our generational successors in this place. But we should be delivering to those successors a system of government that is lean enough to function efficiently and effectively, one that understands and advocates that the state governments, too, have an important role to play by doing whatever is possible within the separation of powers and undertaking their responsibilities effectively. And we should not be unnecessarily duplicating these services. Unfortunately this bill does not satisfy the criteria and, accordingly, I endorse the decision of the coalition to oppose this bill.

Senator HANSON-YOUNG (South Australia) (10:43): I rise today to speak in favour of the Commonwealth Commissioner for Children and Young People Bill 2010. I just want to give a little bit of history in relation to Australia's commitment to introducing and establishing this type of body. Australia, of course, ratified the UN Convention on the Rights of the Child in 1990—it was under the Hawke government—but committing to enshrining that every child has rights under the convention. One of our obligations in relation to this signing of the convention was to introduce the ability to establish a federal or Commonwealth commissioner position who could advocate for, look after, represent and speak for the best interests of children.
and young people in Australia. That was over 20 years ago and yet here we are today still debating whether this is something we should do. We signed up to it in 1990. Today is 1 March 2012. A lot of water has gone under the bridge and a lot of proposals have been put on the table in this place. We have heard already today that a number of other senators in past years have introduced legislation to do exactly this. We know that the current Attorney-General, Nicola Roxon, introduced legislation in 2003 to establish a national children's commissioner. We know that in 2008 Senator Andrew Bartlett introduced legislation to establish a national children's commissioner. We know that during that time our own Leader of the Australian Greens, Bob Brown, introduced legislation to establish a national children's commissioner.

In 2010 I reintroduced a bill to establish a national children's commissioner. That bill was sent off to a Senate inquiry, which was conducted over the March period in 2011. There was a lot of consultation and a lot of support. In fact, the only bodies that disagreed with the establishment of a national children's commissioner were the government's own departments. Every other organisation that submitted to that inquiry said this was something whose time had come; this was a position that needed to be established. But, of course, we went through the process of inquiring into this legislation, to work out the best way to deliver it. That is why there have been amendments circulated in this chamber today: to deal with the tweaking and changes that were proposed in that consultation period.

Last year, the United Nations human rights commissioner, Navi Pillay, was in Australia. She is the UN's peak spokesperson on human rights in the world. She urged the government directly that it was time that Australia stopped dragging its feet on establishing a commissioner and got on and did it. It was something Australia still had not done and there was really no explanation for it. She directly urged Prime Minister Gillard that the government should get this done.

We have heard today from senators on both sides of the chamber—the government side and the opposition side—that, despite 10 years of debate on this issue, they still want more. The issue of the rights of children, the rights of our young Australians, is still being put in the too-hard basket. It is all very nice for members in this place to stand up and talk about how much they would like to recognise the rights of children and how nice it would be for Australia to catch up with other countries around the rest of the world that have done this, but not one of the people who stood in this place today suggested a way forward. Not one of these people who spoke about how wonderful it would be to have a national children's commissioner will, when I complete my speech, vote to allow the Senate to move to the committee stage so we can deal with the concerns that both sides have.

I want to bring to the chamber's attention that, following the Senate inquiry and following the call by Navi Pillay from the UN human rights commission last year, a coalition of over 40 of the country's leading children's rights and young people's advocacy groups got together and said, 'We need to get this done. We support a children's commissioner and here are the things we would like the parliament to consider in amending and adopting this legislation.' There has been a lot of talk today about the fact that there needs to be consultation. That is exactly why the entire NGO sector in relation to children's rights and young people's advocacy in this country have put together what they want this parliament to do. They are asking this parliament to vote
on this legislation, debate the amendments that they have outlined and get on with the job we said over 20 years ago that we would do.

I will go through the list of those organisations because they are very important to this idea of consulting with our community and ensuring that this is a national priority for us. They are: the Association of Children's Welfare Agencies, the Australian Council of Social Services, the Australian Research Alliance for Children and Youth, the Australian Youth Affairs Coalition, Children with Disability Australia, Create Foundation, Families Australia, the Foundation for Young Australians, the Human Rights Law Centre, the Multicultural Youth Advocacy Network, the National Children's and Youth Law Centre, the New South Wales Centre for Advancement of Adolescent Health, Oxfam Australia, People with Disability Australia, Playgroup Australia, the Public Interest Advocacy Centre, the Refugee Council of Australia, the Salvation Army, Save the Children, the Secretariat of National Aboriginal and Islander Child Care, St Vincent de Paul's national council, UNICEF Australia, the United Nations Youth Association, Uniting Care Children, Young People and Families New South Wales, Uniting Care Australia, World Vision Australia, the YMCA and the list goes on.

The recommendations from these organisations are in this bill and the circulated amendments. I am very sorry to hear that the government and the opposition have made it clear that they will be voting down this legislation because they do not want to take up the recommendations of these groups or have this debate in this chamber today.

I remind people why it is important not just that we signed up to this 20 years ago but that in today's context we still need to strive for the establishment of a Commonwealth commissioner for children and young people. Let us look at some of the harsh realities of the Australian community facing our young people. Australia is ranked 20th out of 27 OECD countries for infant mortality, and that jumps significantly once you talk about the health of young Indigenous children and Indigenous mortality rates. Who would the largest group of homeless people in Australia be? They are the 12- to 18-year olds. The largest group of homeless people in our country are our young people, our children. We need to tackle this. We need somebody to advocate. We need a body that we as parliamentarians agree can be empowered to take on these issues and reflect on our legislation, our laws and our policies and on the directions and the priorities of government and our parliament.

The 2008-09 report stated that there were 32,641 children who had confirmed cases of abuse or neglect. Only five per cent of young Australians are Indigenous, yet they make up half of those in juvenile detention and almost 60 per cent of detainees who have not been sentenced. In the 2008 UNICEF report *The Child Care Transition* Australia was ranked 22nd out of 24 developed countries for child care and early learning. We need to do better this.

We are the Lucky Country. We have vast resources and vast wealth and we are an intelligent country. It is time that we started putting the rights of our youngest citizens—the rights of our children and the future of this country—a little higher in our national priorities. That means stopping with this delaying and saying it is all too hard for us to think about what advocating and being realistic about our commitments to the rights of children as outlined under the UN Convention on the Rights of the Child would
mean. We have to do that through the establishment of a children's commissioner.

There are four guiding principles in relation to upholding children's rights as enshrined in the Convention on the Rights of the Child: non-discrimination in the application of children's rights, the primacy of the consideration of the child's best interests, the child's right to survival and development and the child's right to participation in decision making. These are all things that we have to start taking seriously. These are four principles that should form the basis of our approach to protecting the best interests of our children and our young people.

In August 2011, Navi Pillay was visiting and she questioned why it was still taking Australia so long to move on this crucial issue, which should not be something that is particularly political in this place. I know we debate a lot of issues and get very hot under the collar about various things, but let us get real. This is about children's rights. This is about protecting our youngest citizens. This is about saying that, with our vast wealth and resources in this country, we know we can do better. We can promote the protections, rights and best interests of those who will take this country forward for generations to come.

In 2005, the UN Committee on the Rights of the Child gave another nudge to Australia and said: 'You know what? You really need to get on with establishing this children's commissioner.' In October last year, the UN committee gave us another nudge and said: 'Come on, guys. Where is the commitment to fulfilling your obligations under this convention? Where is the process and the pathway for establishing a Commonwealth commissioner as required under the UN convention?' Today is 1 March, the deadline that we as Australia have been given by the UN Committee on the Rights of the Child to give an explanation of what we are doing to establish a children's commissioner to look after the interests of children and young people. I hate to say it, but I wonder what the report is going to say. On the day that we are meant to be reporting to the UN committee on our pathway, is the report going to say: 'I know we've been debating it for 20 years. We've had these various different bills. But, by the way, we voted down the legislation in the Senate today. It's going back to the backburner. It is back in the too-hard basket.' I do not think it is a very good reflection at all of where we have been able to bring this issue to debate, considering we have had so much collaboration and consultation and we have so much support from the rest of the country and from those who know—youth organisations, young people speaking about this issue themselves.

Young people come visit us in this place, which is always a little daunting for anyone. The young people take time from their studies or their school holidays, taking a day off school because they think it is an important thing to come speak to their elected representatives. A number of young people have come to visit me and, I am sure, other people in this chamber, saying, 'Please; when are we going to have a voice in a national sphere advocating for our rights?'

I have of course circulated amendments in relation to the recommendations from the various consultations that have happened, and everybody has a copy of them. I seek leave to table the explanatory notes relating to the amendments so that everybody is very clear about them.

Leave granted.

Senator HANSON-YOUNG: This is an important issue for us in this place. We debate so many pieces of legislation that relate to all sectors of our Australian
community, and there is rarely a piece of legislation that passes this place that does not have some direct impact on young people—some direct impact on children who have been born into this country who, perhaps because they are not age 18 yet, have not formally got a voice to participate in the democratic process. We pass pieces of legislation in this place on a daily basis that directly affect them now or will affect them into the future. It is time that we acknowledge that if we are to build or continue to build the Lucky Country then we need to do much better in advocating for the rights of children and providing a voice for those who are particularly disadvantaged and at risk.

My colleague Senator Siewert went through a number of the statistics relating to Indigenous children, and it is appalling. We all know that. We all talk very often in this place about how young Indigenous children are not getting the best deal they should from the Lucky Country. We know that we need to do much better when it comes to their health and education, but we also know we have to do much better in giving them a real voice advocating for their rights. When you look at those four principles—non-discrimination, the consideration of the child's best interest, the rights to survival and development and the rights to participation in decision-making—these are all things that we know, even just in relation to Indigenous children, that we have to do better on.

Then we look at all of the children associated with disability issues. We know that we have to be doing much better in giving them a voice and in advocating for their rights. We know that there are 500 or more children still locked in immigration detention centres in this country. Surely somebody needs to give voice to them as well? And it is not just about giving them a voice; it is about ensuring that there is someone there to tap the government on the shoulder every now and again and say: 'Hang on a minute—you've forgotten about the kids. You've forgotten how this will affect your youngest citizens. You have a responsibility to uphold their rights and do things in their best interest.'

We know that there is much, much more that needs to be done regarding the issues of homelessness, access to disability services, levels of education, the needs in relation to in-home and out-of-home care and Indigenous mortality rates.

I commend this bill to the Senate. A lot of work has been put into this, and not just by me and my colleagues. As I said, this has been 20 years in the making—being able to bring forward these issues. It is time that we actually stopped putting it off. It is time that we allowed for proper debate on these things so that we can actually start to move the issue forward.

I understand the concerns around amending things that need to be amended, so let us go into the committee stage and do it. That is not what is going to happen, because we know that the government and the opposition will vote against this legislation as soon as I sit down. I think that is shameful. I think that on the day we are meant to be reporting to the United Nations Committee on the Rights of the Child about what steps we have taken to establish this body, that this is a pretty sad report.

**The ACTING DEPUTY PRESIDENT (Senator Crossin):** The question is that this bill, the Commonwealth Commissioner for Children and Young People Bill 2010, be read a second time.

Question put.

The Senate divided. [11:02]

(The Deputy President—Senator Trish Crossin)
Question negatived.

Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RHIANNON (New South Wales) (11:09): I rise to speak on the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010 and to support the call for a national container deposit scheme. The time for this scheme has well and truly come. It is a common-sense proposal that should have been acted on long ago at a national level. Coming from New South Wales, I can certainly share with my colleagues here the passion that so many people in my state feel for this issue. An enormous amount of work has been undertaken to achieve container deposit legislation. I will detail the work of one of my former colleagues in the New South Wales parliament, Ian Cohen, who put enormous effort into this issue. I raise this at the start of my speech because the argument that was given to us time and time again by the New South Wales Labor government was that they could not support what the Greens were doing at a state level because it had to be a national measure. Here we again see a Labor government, this time at the federal level, dragging its feet.

This is really a good idea whose time has come, and it is time that we acted on it. Before going into some detail of the great work being done at a local government level, I want to mention briefly the fine work in South Australia, which has inspired the Northern Territory. This work, however, does not negate the need for national consistency. What is often overlooked is the work that is being done at the local government level and that there is a real role for it in promoting and supporting a national container deposit scheme. As the Australian Greens spokesperson on local government, I am keenly aware that this tier of government has a huge responsibility for waste management—keeping the streets clean and keeping litter out of our waterways and bushlands is the job of councils and shires around the country.

As I said at the start, many people in my home state feel very passionate about the issue. There is a range of reasons people want to do something about litter. Some find it plain ugly; they see it ruins the landscape. There are the issues of pollution and the protection of wildlife. Another big concern is the wasted energy from allowing so many containers to end up in landfill rather than recycling them. These are all good reasons for getting on and dealing with this. They are the reasons that motivate many of our local...
councillors and local government associations at the state and national levels.

Since at least 1990, the Local Government and Shires Associations has been advocating for container deposit legislation in New South Wales. That is a pretty impressive record and represents a couple of decades of a lot of hard work. There is a great deal of mythology peddled by the beverage industry and a diminishing number of players in the packaging industry—that is, that if we keep concentrating on kerbside collection then the collection rates will magically increase. This simply misses the point. I did want to share with colleagues here today some of the information the Local Government and Shires Associations have on their website. They state:

Generally, councils' response was that increasing tonnages through kerbside would involve considerable cost, and kerbside may be operating at or near capacity (albeit low). In the case of away-from-home, councils generally felt that contamination and apathy issues made this a largely futile pursuit. This leads one inexorably to the conclusion that a deposit/refund system would ensure high return rates from home and away-from-home containers, at a minimal cost compared to the huge cost of trying to achieve these return rates through kerbside and coloured public place bins.

That sets out very clearly how local governments understand and are ready to act on an issue that the federal government is failing to move on. So many of our councils have come out very clearly for this legislation. In New South Wales, some of the councils are: Byron, Jerilderie, Blayney, Hornsby, Gosford, Wentworth, Woollahra, Willoughby, Newcastle, Penrith and Lismore. They are doing their bit to advocate for container deposit legislation.

Some councils have been concerned about the CDL scheme would work in tandem with kerbside collections. I do acknowledge that.

Although the quote I just read was from the shires' association, I acknowledge that some councils are concerned about it. But the fact is that kerbside and CDL have coexisted in South Australia for many years. That is why my colleague Ian Cohen regularly used the South Australian example to put pressure on the Labor government in New South Wales to get on board and pass the necessary legislation. Kerbside covers a greater range of materials than will come under the container deposit scheme. It is not a problem. This is a furphy that is thrown up by the packaging industry to try to retain the status quo. The focus of kerbside could move towards materials that have higher value. Importantly this scheme keeps unnecessary drink containers out of landfill—and we have a real problem with landfill in NSW.

There will be so many spin-offs, so many benefits, once we get this legislation in place—which will certainly come, sooner or later. But right now we have legislation before this chamber that could move this forward so that we achieve what we have been waiting decades for. Providing incentives for community groups, charities and councils to benefit financially from gathering and returning containers, giving a monetary value to picking up rubbish, and getting young people especially into the habit of not littering, has so many flow-on benefits.

When I have supported the various campaigns in New South Wales on this subject, I have found that it means so much to people. You have old people relaying to you stories of how much it meant to them when they were young and collecting containers and getting some money back. It was often how they were able to get some pocket money to do all sorts of things when times were tough. I find young people are very excited by it because it is a way that they also are able to pick up some money,
but they also very much want to clean up their environment. This is an issue that moves people. It is an issue that they want to be involved with. We need to provide those incentives.

As I said, this is really just common sense, but I fear that this government has abandoned common sense here in favour of the technically complex and somewhat dubious approach of a regulatory impact statement which in some instances just turns common sense on its head. Going back to the wide support for it, the polls show that 80 per cent to 90 per cent of the public support a container deposit scheme. That is huge. Again, why don't our governments get behind it? The answer, unfortunately, is in the power of the packaging industry. They give massive donations to political parties—Labor and the coalition. It is not a healthy system that we have here when there is so much public support and the government does not move on it.

I would like to now speak in detail about the work that my former colleague in the New South Wales upper house, Ian Cohen, did on this issue. He worked for many years advocating container deposit legislation, through a private member's bill in the New South Wales upper house and through working with various community groups. In April 2008 he brought the legislation into the upper house. It was called the Waste Avoidance and Resource Recovery (Container Recovery) Bill—which would have set up a $33 million income stream from the recycling market for the government—and the Beverage Container Tax Bill 2008.

The legislation entered the New South Wales parliament in the same week that figures were released on the National Packaging Covenant, which showed that the self-regulatory regime has been an unequivocal, abject failure. As so often happens when we come to talk about these issues, there is so much evidence out there that the time has come. The Greens New South Wales CDL bill was very timely and it would have provided a comprehensive approach to recycling to help reduce pollution and littering. Mr Cohen spoke about this many times, and I will again come to some more details about this. As many of you know, he is a keen surfer, and one of his big concerns was the littering that is occurring along our coast and our waterways because of the failure of government to deal with litter and, particularly, to introduce container deposit legislation.

So what happened with our legislation? It was voted down on a combined vote of Labor and the coalition. The New South Wales Labor government remained complacent and were willing to rely on the packaging business to continue its failed self-regulation scheme. They opposed the bill and their argument for not voting with the Greens to support what was a very sensible bill—that economics were all there to show the benefits—was that it was up to federal Labor to move so that we had nationally consistent legislation.

Meanwhile, the campaign goes on. I am keen to inform the Senate that there are so many community groups who are just getting on and doing this. I have spoken about the extensive work being undertaken by many local government councils. We are also seeing communities just getting on and doing it. In Marrickville in 2008 the Greens went out and developed their own container deposit refund centre. They set it up in Newtown. They letterboxed and distributed thousands and thousands of leaflets. They offered the public 10c for every recyclable drink container returned. They had huge returns. We had mountains of thousands of bottles and cans, and that 10c for each
container was handed out to local residents in the streets of Marrickville and Newtown. Certainly the streets were cleaner while we were able to keep that very creative scheme going.

One of the big reasons that motivated people, Greens members and supporters, to get this scheme going in Marrickville was the issue of the massive energy waste because we do not recycle containers. This is very relevant to aluminium cans. Recycling an aluminium can uses far less energy than mining for bauxite and smelting it to create a new can from scratch. This was something that came up regularly when they were planning the campaign in Marrickville and when people would bring in their containers. People get this. They really understand that it is madness that we are throwing into landfill containers that are in reality packages of energy at the same time as we are recognising that we need to reduce our wasteful habits.

Our aluminium production is incredibly energy intensive. The Australia Institute has done a very important study which again gives great weight to why CDL is needed. Aluminium production uses 15 per cent of the electricity consumed in Australia, and much of that energy comes from burning dirty coal. Every way you look at it, the wasteful setup we have currently of throwing these containers into landfill commits crimes in so many ways. The energy aspect of it is of great concern to people. I congratulate the Greens in Marrickville for the work that they have done on it.

The people of Bundanoon also deserve a mention when discussing container deposit legislation. Through their frustration they got on with their own scheme. In 2009 they banned the sale of bottled water. They recognised that this was not going to have a huge impact on the half-billion-dollar a year bottled water industry. That was obvious, but they were deeply motivated by and very concerned with the huge waste they saw around them. They recognised that by taking this stand, which went around the world—locals were taking phone calls from media outlets in many countries—it could have an impact on consumers' shopping habits. They recognised that was the way they could make a real contribution. The people of Bundanoon will have a place in the history of how we eventually obtain container deposit legislation.

Another aspect of some of the work that has been undertaken in New South Wales and that is relevant here is the work of the Institute for Sustainable Futures. They produced a report for the government which sealed the necessity of container deposit legislation. They set out the economic benefit very clearly. They found that a deposit and refund scheme could save New South Wales alone up to $100 million. The paper was commissioned by the New South Wales government which further underlines how outrageous it is that the government received this clear advice, not just advice on environmental grounds but advice on the economic benefits of such a scheme, and chose to ignore it. The report found that the environmental management principle of extended producer responsibility was the correct strategy to follow in New South Wales. It would deliver good environmental and economic outcomes. The container deposit legislation would be effective and have the majority support of people and local governments who would be responsible for it in New South Wales. We have a report from a reputable institute that brings together all the reasons, and all the reasons for having container deposit legislation are positive, yet the government still does not move on this.

I spoke earlier about how one of the big motivations of many people involved in
advocating for container deposit legislation is in regard to cleaning up our coastal areas. This is a message that comes to me loud and strong when I am in areas around the Hunter and Wollongong. They have beautiful beaches and wonderful rivers flowing into those beaches and along the coastal areas, and people are finding the pollution deeply distressing. So many of these containers are washed into the ocean where they break up and, as we know, many species ingest this waste.

Some very alarming studies of this have been done. I came across one that, because I am a keen birdwatcher, interested me. I could not find one of the Southern Hemisphere, but in the North Sea 98 per cent of fulmars, a beautiful seabird, have plastic in their stomachs, which can lead to a loss of physical condition and result in less breeding success for that species. A similar impact is found across so many marine species. Our oceans support an estimated 10 million species. Scientists believe that we have only identified about three per cent of those species. With the pollution that is spreading across our wonderful ocean system, so many of these species are at risk. This is having a huge detrimental effect on the biodiversity of our marine life. This is another reason for container deposit legislation being introduced. Our coastal areas are being polluted which, in some areas, turns people off coming as tourists. There are also impacts on our wildlife, on the quality of water for marine industries such as oyster farmers, and the on fishing industry.

For economic and environmental reasons, container deposit legislation should be a top priority of this government. I congratulate Senator Scott Ludlam from the extensive work he has done in this area. We will achieve container deposit legislation, and it should happen through the bill we have before the Senate.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:28): I rise to speak on the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010 and to indicate that the government's position is not to support the legislation. It is not that I am not convinced that Senator Ludlam is very passionate about this issue, because I know he is and I have had a number of discussions with him about the topic. I know he is genuinely concerned with the issue of waste from containers and ways to deal with it. I will come more specifically to his bill and why the government, at this stage, is not indicating support for it.

First, I go back to a comment Senator Rhiannon made on this topic. She referred to the South Australian container deposit legislation. As a senator from South Australia, I am very familiar with that system and how it works. The current system, which the senator is using for comparative purposes, started in 1977. As a very young boy in South Australia I used to go to the football at Unley Oval with my father, who was a supporter of the SANFL Sturt Football Club. Back then—and I am talking now about the 1960s, Senator Rhiannon—we had a system in South Australia of collection and deposit. My father always chastised me because, rather than watching the football and following his team, I would wander around the oval and collect the bottles. I am pretty certain that back then they were Woodruff's bottles, and there was a 5c deposit even back then. Interestingly enough, I ultimately did not follow my father's team. My mother was a West Adelaide supporter, not a Sturt supporter, and she seemed to have greater influence on me, so I was not particularly interested when Sturt were playing.
The point of that little history lesson is that there is a significant difference between the bill from Senator Ludlam and how the system operates in South Australia. The system in South Australia is an industry-run scheme and what is being proposed by Senator Ludlam in this piece of legislation is a government-run scheme. There is quite a fundamental difference, and the Northern Territory legislation, which we have talked about, follows the South Australian pattern.

It is important to say at the outset that the reason we are opposing this legislation is not that we are not concerned about the issue of waste as a government, because we are. It is not because we do not have a plan to progress this issue, because, in fact, we do. As Senator Ludlam well knows, there is a process in place as we speak. It is not as if we have sat on our hands and done nothing about the issue. We have, in fact, progressed the issue and are continuing to progress the issue in what I think is a sensible sort of way.

As Senator Ludlam will know, last year we set up a national Product Stewardship Act for the first time. It was one of those pieces of legislation which ultimately got through this parliament with the support of all parties. The Greens were very helpful, particularly Senator Ludlam, but Senator Birmingham was also very actively involved in the legislation, particularly as it was going through the Senate. We were able to set up a national scheme for product stewardship, and some of the early benefits of that scheme are about to roll out very shortly for the collection of e-waste. I had the good fortune of being up in Bathurst a few weeks ago, and I saw some of what might end up being the way in which the e-waste is rolled out through the council in that town, which I understand is close to being underwater.

So it is not as if the government does not have any runs on the board for this issue, because we do. We have taken the issue of waste very seriously. We have taken it seriously by introducing that product stewardship legislation and, more particularly, we are in the process of rolling out a whole set of schemes which will ensure that we actively deal with this issue of waste. However, there are other processes that we need to go through. I know Senator Ludlam is young and keen and wants to progress this issue—

Senator Ludlam: Before I am old.

Senator FARRELL: I can assure you that before you are old this legislation and this issue will be progressed, but sometimes it is better to hasten slowly to make sure that things work well. Again, going back to the South Australian example, I am not sure when companies in South Australia first put a deposit on bottles but it was certainly prior to the 1960s, so there has been a long history of experience in South Australia on this issue.

The reality is that South Australia leads the way in so many ways in this country. Lots of things that come out of South Australia end up being national—

Senator Back: The Sturt Football Club, to name one I can think of.

Senator FARRELL: Yes, but I am not sure they have moved nationally. If you had mentioned Port Adelaide, Senator—

The DEPUTY PRESIDENT: Through the chair, Senator Farrell.

Senator FARRELL: Yes, I am sorry. If you could please stop these interjections—

The DEPUTY PRESIDENT: Do not encourage them, Senator Farrell.

Senator Back interjecting—

Senator FARRELL: I did not hear that one, but I will not ask for it to be repeated. I did have a solution to Tasmania's problem of
not having a football team, but that is another issue.

We are serious about this issue, and the way in which we have progressed it as a government is the way it needs to be progressed. If the Greens or the opposition, or any other group, such as local councils, are interested in solving the problem at a national level, short of making the South Australian scheme a national one, then we have to work through the proper processes. There is a bit of history to where we are at the moment. I am not sure if Senator Rhiannon was in the New South Wales parliament when this issue was subject to examination in 2003. The New South Wales parliament investigated the issue of container deposit legislation and came to the conclusion, I think it would be fair to say, that it was generally a positive thing to do. But we are now nine years on, of course, and what we know is that New South Wales have not progressed the issue and there has been nothing done at that state government level. The issue continued to be discussed. Victoria and the ACT, using similar methodology to New South Wales, came to the conclusion that introducing container deposit legislation would actually have a negative impact on kerbside collections. This was an issue Senator Rhiannon referred to, but the evidence of those studies in the ACT and Victoria raised question marks about whether or not this might be counterproductive to the way in which other states had dealt with the issue of kerbside collection. There was a further study in the ACT and it found that kerbside recycling is more cost efficient than container deposit legislation and that the introduction of container deposit legislation could actually increase costs. So, as we can see, the states have done a variety of things.

Given that as a government we have introduced the landmark product stewardship legislation we want to move forward in a consistent way, so COAG has been dealing with the issue. The COAG Standing Council on Environment and Water has been investigating the national options for addressing this issue since 2008 and in 2010 the environment ministers across all jurisdictions introduced a regulatory impact statement. Senator Rhiannon was a little bit dismissive of this process, but we work through all of the proper processes and the way in which this issue is appropriately progressed is through what we call the RIS—regulatory impact statement—process. That is what has been occurring.

There was a Senate inquiry into the bill when it was introduced in the first instance in 2009. Senator Ludlam has been an active advocate for this bill, as have other senators in this place who are now no longer with us—one was Senator Fielding, who was also very keen to progress this particular legislation. But that Senate inquiry found that there was insufficient information to assess whether a national deposit scheme would increase recycling and decrease litter at least cost to the community. The RIS process that we are now going through is designed to provide us with that information.

COAG decided in 1995, as part of an agreement to implement the national competition policy and related reforms, that all national regulatory activity should be subject to the RIS process. That is the requirement under the COAG scheme and that process is now underway. It is a little bit frustrating from the point of view of the government and of the person in the government responsible for this issue to find, when we are asking groups to tell us what they think of the RIS and we are in the consultation process, that we have this bill before the parliament. I would have thought the far more sensible thing to do—and I am not one for giving the Greens advice—would have been to wait until we at least had—
Senator Ludlam: And wait and wait and wait!

Senator FARRELL: Patience is a virtue, Senator Ludlam.

Senator Ludlam: Especially in this portfolio!

Senator FARRELL: We are getting there, Senator. We are making progress in lots of areas, as you will see, and we are going to progress the issue of waste collection. As I said, the RIS process is underway; it is out there. All of the interest groups—Senator Rhiannon talked about the councils—have an opportunity to participate in the process and are quite significantly doing so and coming forward with their responses to what has been provided. From a personal and a government point of view, I think it was disappointing that the Boomerang Alliance, one of whose proposals was the subject of examination under the RIS, decided—I think a little peremptorily—to resign and withdraw from the process. I think they would have better served the people they wish to represent by continuing to participate.

In the remaining minutes I have in this debate I would like to talk about the options that the COAG process has considered under the RIS process. Four key options were assessed for their costs and benefits for packaging waste and litter. The two key stakeholders, the Boomerang Alliance and the beverage industry, proposed specific options for the RIS to assess. Option No. 1 does not involve any new regulation. It is a strategy that would coordinate the actions of the jurisdictions and improve the use of the current infrastructure through increased knowledge, education and information sharing between the various interested parties. It seeks to increase recycling and reduce litter with minimal additional resources. The second option involves action under the coregulatory provisions of the Product Stewardship Act 2011. I referred earlier to the fact that we have already started the process of setting up national waste collection schemes under that act and will very shortly be rolling out some new proposals there. The RIS looked at three suboptions under the act, each one building on the other and involving the specification of higher levels of recycling and litter reduction. Like regulations made to establish the National Television and Computer Recycling Scheme, regulations under the Product Stewardship Act would have the effects of: identifying liable parties, in this case companies in the packaging supply chain; requiring local parties to join an approved arrangement; and setting outcomes for an approved arrangement relating for example to packaging design, recovery, recycling and litter reduction.

Under the first suboption, option 2A, the current Australian Packaging Covenant would come under the Product Stewardship Act as a co-regulatory arrangement. As you may recall, Mr Deputy President, if you followed closely the debate about the product stewardship legislation, there are three systems under that legislation. I can see from your response there that you are fully on top of the legislation, and you would therefore know that there are three mechanisms under it: voluntary, coregulatory and mandatory. The option I mentioned, option 2A, slots into the co-regulatory arrangement. The regulations would set outcomes at the level already identified for the Australian Packaging Covenant.

The second suboption, option 2B, is an industry-proposed packaging stewardship scheme. Under this option, in addition to the actions and outcomes from option 2A there would be a focus on key problem areas—in particular, beverage containers—and
additional outcomes would be set out in regulation.

The third suboption, option 2C, is called the extended packaging stewardship scheme. This suboption involves a significant increase in the industry commitment relative to options 2A and 2B and would be set in the regulations. This third suboption involves the mandatory advanced disposal fee, whereby the government would place a fee on packaging materials which could be used for a range of actions to encourage the packaging of recycling and the reduction of litter. Importantly, the advanced disposal fee would have an impact on packaging at its source. It would influence both manufacturers’ choices of packaging and the choices of those who specify certain packaging for their products.

The fourth suboption again involves suboptions—in this case, two separate container deposit options. Both involve a 10c-per-container refund; however, they differ in the design and the configurations of the collection infrastructure. Option 4A is the option proposed under the umbrella of the environment group the Boomerang Alliance and is perhaps the option that most closely mirrors what Senator Ludlam is proposing in his bill. Under this option, there would be a diverse range of collection points, such as supercollectors, hubs, collection centres and reverse-vending machines, at which people could redeem their deposits. Option 4B is a hybrid container deposit scheme—(Time expired)

Senator WATERS (Queensland) (11:48): I rise to make some remarks about the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010, which is a bill proposed by my colleague Senator Ludlam. It proposes a solution to the disposal of the 12 billion beverage containers that Australians use each year. It seeks to practically address the fact that only about half of those beverage containers are recycled and that most of the remainder wind up as either litter or landfill.

Clearly we have a serious problem with landfill and waste in Australia, and drink containers are just one aspect of it. Four billion plastic bags are given out at supermarkets, and barely any of them are recycled. As a Queenslander, I know that many of them end up in our precious marine areas and that lovely little critters such as turtles think that the plastic bags are food and end up dying of starvation because the plastic impedes their digestive tract. So land-source marine debris is another huge problem which we need to deal with.

Four million tonnes of packaging are used and discarded every year. One of my pet hates is when I open a packet of something which has about 10 other packets inside, each wrapped individually in plastic. I think it is a disgusting waste. Australians accumulate 18 million used tyres every year. Four million of them are sent to landfill despite the fact that each tyre contains many recyclable quantities—1½ kilos of steel, half a kilogram of textile and seven kilos of rubber can be reused. But the tyres are not dealt with responsibly; instead, about 60 per cent of them—that is, 11 million of them—are exported to Vietnam and China, where they are recycled, if you can call it that, under appalling labour conditions and with very harmful environmental and public health impacts.

Mobile phones are another nightmare, for more reasons than just wastage. There are 24 million mobile phones in circulation in Australia, and, as of June 2010, about 70 per cent of Australians have one. A lot of them get replaced, obviously, and the turnover time ranges from 18 months to two years. There are about 16 million old handsets in
cupboards and drawers in Australian homes, and I confess that I am guilty of having one of them myself. Each of these old handsets contains substances that we could contemplate reusing.

The DEPUTY PRESIDENT: Order! The time for this debate has expired.

NOTICES

Presentation

Senator Carol Brown to move:
That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012.

Senator Rhiannon to move:
That the Senate—
(a) notes:
(i) footage of animal cruelty at the Temur Petir and Cakung abattoirs in Jakarta that was aired on the Australian Broadcasting Corporation television program Lateline on 28 February 2012 shows serious and systematic breaches of the Government's new Export Supply Chain Assurance System,
(ii) the Royal Society for the Prevention of Cruelty to Animals [RSPCA] Chief Scientist has identified 61 observed incidents of non-compliance with the Government's own supply chain assurance elements at the Temur Petir and Cakung abattoirs,
(iii) the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) has refused to publicly reveal whether Australian cattle are being exported to the Temur Petir and Cakung abattoirs,
(iv) that making this information public would not compromise any departmental investigation, and without it the public can have no confidence that the Government's new system to protect animal welfare is being monitored and enforced,
(v) a Perth-based cattle exporter, International Livestock Exports, announced on 29 February that it had suspended shipments to one of the Indonesian abattoirs in question, placing the industry response ahead of the Government's response to the situation, and
(vi) that animal rights activists such as Animals Australia and the Indonesian activists who filmed the Jakarta abattoirs are to be congratulated for exposing the continuing cruelty in the live export industry and the failure of Australia's new regulatory regime; and
(b) calls on the Government to:
(i) confirm whether Australian cattle are being exported to the Temur Petir and Cakung abattoirs,
(ii) publicly disclose the names of any companies involved in exporting live cattle to the Temur Petir and Cakung abattoirs in Jakarta,
(iii) immediately suspend the export licences of those companies involved in exporting live cattle to the Temur Petir and Cakung abattoirs in Jakarta until an investigation has been conducted,
(iv) urgently put more resources into monitoring and enforcement of the supply chain assurance system to ensure that animal welfare is prioritised in the Government's new regulatory regime, and
(v) move to introduce a ban on live animal exports.

Senator Fierravanti-Wells to move:
That the following bills as passed by the House of Representatives on 15 February 2012 be referred to the Economics Legislation Committee for inquiry and report by 19 June 2012:
Fairer Private Health Insurance Incentives Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012

BUSINESS

Rearrangement

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:51): I move:
That government business be interrupted at 1 pm to allow consideration of the following government business orders of the day till not later than 2 pm today:

No. 3—Tax Laws Amendment (2011 Measures No. 9) Bill 2011
No. 4—National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Bill 2012
No. 5—Australian Research Council Amendment Bill 2011.

Question agreed to.

Rearrangement

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (11:52):

I move:

That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 641 standing in the name of Senator Fifield relating to the mismanagement of economic and fiscal policy and

(b) orders of the day relating to government documents.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 13 March 2012.

General business notice of motion no. 673 standing in the name of Senator Ludlam for today, relating to Mr Julian Assange, postponed till 13 March 2012.

BILLS

Low Aromatic Fuel Bill 2012

First Reading

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:53): I move:

That the following bill be introduced:

A Bill for an Act to promote the supply of low aromatic fuel and control the supply of other fuels in certain areas, and for related purposes.

Question agreed to.

Senator SIEWERT: I present the bill and 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 SIEWERT (Western Australia—Australian Greens Whip) (11:54): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill.

Leave granted.

Senator SIEWERT: I table the explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard and to continue my remarks later.

The speech read as follows—

LOW AROMATIC FUEL BILL 2012

The problem of petrol sniffing is nothing new.

Over the past 20 years it has been the subject of reports, Senate inquiries, coronial inquiries, and research projects. The impact of petrol sniffing on Aboriginal and Torres Strait Islander individuals and communities is well known.

Some excellent work has been done to address petrol sniffing but sniffing still occurs in communities in the Northern Territory; South Australia and Western Australia.

Up to now we have relied on voluntary compliance of suppliers to introduce low aromatic fuels but unfortunately this approach is failing in some areas. Where petrol suppliers have refused to collaborate, the problem of petrol sniffing and all its associated horrors is more likely to occur.

It is now apparent that the problem cannot be overcome without legislation allowing the
Government to regulate the supply of fuel in certain affected areas.

The idea of a legislative response is not new. In 2009 the Senate Standing Committee on Community Affairs recommended that the Government draft legislation to mandate the use of Opal fuel. Since that time, nothing has been done and the problem continues.

It is not for lack of information, research or even solutions. What we need is political will.

This is terribly tragic as the horrendous damage wrought by petrol sniffing can tear communities apart. Communities already facing multiple levels of disadvantage.

Legislation is urgently needed and, after years of delay by the Government, we have decided to introduce a Bill.

Petrol sniffing affects the lives of petrol sniffers, their families, communities and broader society. The negative impacts from sniffing are manifold and can include: social disruption; violence; family conflict; sexual abuse; child neglect; vandalism; social alienation of sniffers; incarceration; lowered morale in communities and numerous severe health problems. There are also serious community and financial impacts that come along with treating the physical and psychological harm caused by sniffing, as well as the impact on the criminal justice system from sniffing related crime.

Petrol sniffing causes long-lasting physical harm to sniffers. Chronic sniffers can suffer cerebellar ataxia, grand mal epilepsy, encephalopathy, persistent psychosis and chronic disability including mental impairment.

Research from the Menzies School of Health Research has found that neurological damage from petrol sniffing can be present at the very early stages of sniffing. This can include effects on memory, attention, learning, executive function and behavioural inhibition.

The research connected these changes to social disruption, low school attendance and illegal activity.

As the Senate Standing Committee on Community Affairs wrote in their 2006 Report on Petrol Sniffing:

Petrol sniffing diminishes further an already disadvantaged existence. It robs young Indigenous people of their future. It brings violence and even death. It undermines the social fabric of communities and plunges them into crisis

It must be clearly acknowledged that progress has been made. There is strong evidence to indicate that the Government's Petrol Sniffing Strategy has lead to a decline in petrol sniffing in Central Australia.

The rollout of low-aromatic or 'Opal' fuel is widely regarded as one of the most important contributors to this decline. Low-aromatic fuel (LAF) has very low levels of aromatic hydrocarbons, which create the high sought by petrol sniffers. As such, although it is still potentially highly damaging if sniffed, it does not produce the high that sniffers get from sniffing aromatic petrol, and is thus much less likely to be inhaled.

According to the Central Australian Youth Link-Up Service:

The rollout of low-aromatic Opal Fuel has been an unprecedented Indigenous health success. Across all sites the use of the fuel has been associated with an average 70% reduction in prevalence of sniffing and in Central Australia where the roll out has been more comprehensive this reduction is thought to be 94%.

This success has been recognised by the Senate Standing Committee on Community Affairs, numerous NGOs, academics and the Government.

The Community Affairs Committee writes in their 2009 assessment of the Government's Petrol Sniffing Strategy:

The supply of Opal fuel has been a resounding success in helping to reduce petrol sniffing. Whilst visiting communities the committee heard about the difference that Opal fuel is making. Community members in Papunya described Opal fuel as a 'helping hand' that was said to have brought 'smiling back in the community'. In Mutitjulu Opal fuel was described as having completely changed the face of communities.

In 2008 an "Evaluation of the Impact of Opal Fuel", commissioned by DOHA, found that in 17
of the 20 communities studied, petrol sniffing had declined, with an overall decrease of 70% across all communities studied. Furthermore, it found that there is a statistically significant relationship between the distance from each community to the nearest ULP outlet, and the size of the decrease in the prevalence of sniffing at each community. This shows that the use of Opal fuel has had a significant role in decreasing the pervasiveness of sniffing. Qualitative feedback also indicated that most residents who have experienced a decline in sniffing attribute that decline, at least in part, to the introduction of Opal.

One submission from the 2009 Community Affairs Report sums it up very well:

Finally with Opal in the community the issue was addressed and something concrete was being done about petrol sniffing in Balgo. We stopped wasting endless time asking why, what can we do. Opal was something that was preventing sniffing. It is a good strategy. We have to be separate from petrol here.

It is abundantly clear—low-aromatic or 'Opal' fuel makes a difference. Overall it contributed to a 70% difference. That's 70% less lives ruined, 70% less communities torn apart, and 70% less cost of treating the inevitable physical deterioration from sniffing.

Sadly, this potential of LAF—its immense capacity to make a difference—is being undermined by certain retailers who refuse to stock LAF.

The voluntary roll out of LAF has been extensive—credit needs to be given to those communities, governments and businesses who work tirelessly to supply LAF. But, efforts to extend its coverage and to cut off availability of standard unleaded fuel are being compromised by some intransigent retailers.

The reasons given by suppliers for not stocking LAF do not stand up to scrutiny, particularly given the cost to nearby communities of their decision.

This was confirmed throughout the 2009 Community Affairs inquiry. Submissions and evidence both indicated that supplies of unleaded petrol were continuing to enter some communities as a result of several strategically located retailers who refuse to stock LAF. Submissions from communities expressed disappointment that the Government had not been more proactive in driving the rollout of LAF and stated unequivocally that communities would benefit from a petrol free quarantined region.

It was evident during the inquiry, that despite attempts to engage with these intransigent suppliers, they remain unwilling to stop supplying RULP and bring in LAF.

As the Committee outlined:

...numerous submissions and witnesses raised concerns that the recalcitrant roadhouses are unlikely to ever voluntarily introduce Opal fuel and noted the lack of progress following years of consultations. The committee also notes that one of the roadhouse owners has publicly voiced their personal opposition to supplying Opal fuel. These remaining sources of regular unleaded petrol within the Petrol Sniffing Strategy Zone are a concern to the committee and agree with the NPY Women's Council that: "It is absolutely vital that the widest possible coverage of Opal is achieved in the Central region so as to close off opportunities for sniffing.

Evidence from recent Senate Estimates shows that this problem still continues.

It is deeply concerning that the attitudes of a few could frustrate the efforts of entire communities.

This must be addressed immediately.

We propose legislation that gives the Federal Government the power, when necessary, to regulate the supply of certain fuels.

It may be said that this is a serious step—a measure of last resort. Well, it should be serious, and this is our last resort. Negotiation has not worked. The evidence is clear—we cannot eradicate petrol sniffing without dealing with supply.

This was echoed time and time again in submissions to the 2009 inquiry.

The Committee recommended that the Government investigate legislation to mandate the supply of Opal in the Petrol Sniffing Strategy Zone and that unless all relevant stations agreed
to adopt Opal within six Months, the Government should draft legislation.

That six months is well and truly passed.

It must be said that LAF is not a panacea. It is a vital element of a broader strategy – a comprehensive response which addresses the underlying causes of petrol sniffing, including a combination of supply, demand and harm reduction measures. Such a response must include community management plans; youth services; effective and culturally sensitive policing; treatment and rehab services and information services.

Many of these components already exist and are quite successful – but the missing piece of the puzzle is the power to regulate fuel.

It is most regrettable that the Government, almost 3 years after the Community Affairs Committee's report on Opal and 6 years after their first investigation into this issue, have not moved to fix this problem.

Despite the hugely damaging impact of petrol sniffing on Aboriginal and Torres Strait Islander people and communities; despite the unreasonable intransigence of a few suppliers; and despite the fact it is well within the power of the Government to quickly address this issue.

That is why the Australian Greens are introducing this Bill. The time to enact legislation which supports the roll out of LAF is now, and we urge the Government and the Opposition to stand along side us and support this Bill.

Our Low Aromatic Fuel Bill tackles petrol sniffing by giving the Minister the power to designate certain LAF and Fuel Control Areas. In LAF areas, suppliers would be prohibited from selling regular unleaded petrol (RULP); they may be subject to certain requirements in relation to LAF, such as promotion, provision of information and record keeping in relation to LAF; and a scheme of controls could be implemented to regulate the storage and supply of other fuels, such as Premium Unleaded Petrol (PULP). In Fuel Control Areas, unleaded petrol is not prohibited but suppliers can still be subject to certain requirements relating to LAF and a scheme of controls to regulate volatile substances. Allowing for two separate types of designated areas with different levels of regulation recognises that to be effective there may be areas where the banning of regular unleaded petrol is unnecessary but that still require a degree of control over fuels.

The Bill includes consultation requirements when designating LAF Areas and when setting up the schemes of control. Designating a LAF area or a fuel control area, setting up a scheme of controls and determining requirements for LAF are done via legislative instrument. Legislative instruments were specifically chosen to allow enough flexibility to tailor solutions to each LAF or Fuel Control Area.

Vital to this approach, is the ongoing financial support of LAF through the Government's Opal Fuel subsidies. We would expect that the Government will ensure that LAF and Fuel Control Areas have access to subsidised LAF.

This method, drawn from the model outlined by the South Australian Centre on Economic Studies, aims to reduce petrol sniffing by removing RULP, making PULP harder to access and promoting and subsidising LAF.

We ask for your support in passing this Bill which is a major missing element in our efforts to eradicate petrol sniffing and which will finally allow us to put a stop to the unfathomable reluctance of a few obstinate suppliers holding the rights of communities to ransom.

Leave granted; debate adjourned.

Assisting Victims of Overseas Terrorism Bill 2012

First Reading

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (11:55): I move:

That the following bill be introduced:


Question agreed to.
Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (11:55): I present the bill and 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 BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (11:55): I move:
That this bill be now read a second time.
I seek leave to table an explanatory memorandum relating to the bill.
Leave granted.
Senator BRANDIS: I table the explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard and to continue my remarks later.

The speech read as follows—
ASSISTING VICTIMS OF OVERSEAS TERRORISM BILL 2012

This is a very important bill, because it is about trying to assist Australians who are casualties of overseas terrorism.

We have seen on several major occasions now how the Islamist terrorism of the past decade has touched ordinary Australian citizens.

In the World Trade Centre on September 11 2001 there were Australian victims; tragically, in Bali in 2002 and again in 2005 there were Australian victims; and in London, and twice in Jakarta, there were Australian victims.

All up, over the past decade more than 300 Australians have been killed or seriously injured as a result of terrorism.

In some cases, Australians became casualties because they were Australians.

If we take the second Bali bombing: the bombers went to that beachside restaurant in Bali precisely because they knew there would be Australians there.

In other instances, of course, it was because they were citizens of the West generally or in Western cities.

Through the bill we are debating I am proposing a national scheme, analogous to the state victims of crime schemes, to facilitate financial assistance for persons who suffer injury as a consequence of terrorist acts overseas or for the next of kin of those who are killed by terrorist acts overseas.

I am not proposing a massively costly scheme.

Using the average of 30 victims per year we have seen over the past decade, it would cost the Commonwealth government about $2.25 million per annum.

If there is any responsibility of the federal government, it is surely to protect and look after Australians who get into trouble abroad.

That should include those Australians who are victims of terrorism.

I commend the Bill to the Senate.

Leave granted: debate adjourned.

MOTIONS

World Plumbing Day
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (11:56): At the request of Senator Boyce, I move:
That the Senate—
(a) recognises:
(i) the importance of World Plumbing Day on 11 March and its aim of highlighting the role that the plumbing industry plays in relation to health through the provision of safe water and sanitation, and
(ii) the environmental role of the industry in water conservation and energy efficiency and the increasing use of renewable sources of energy;
(b) notes that it is estimated that 3.1 million children die each year as a result of water related diseases; and
(c) congratulates the World Plumbing Council on its role in promoting the importance of the plumbing industry, both in developed...
countries and in developing countries where good plumbing could save lives.

Question agreed to.

**Nadarkhani, Pastor Youcef**

**Senator BERNARDI** (South Australia) (11:56): I ask that general business notice of motion No. 669 standing in my name and the name of Senator Stephens for today relating to Pastor Youcef Nadarkhani be taken as a formal motion. I also indicate that I will be adding the name of Senator Fawcett to the motion.

Leave granted.

**Senator BERNARDI:** I, and also on behalf of Senator Stephens and Senator Fawcett, move:

That the Senate

(a) supports freedom of religion as a universal human right;

(b) does not support the imprisonment or persecution of individuals on the basis of their religious belief;

(c) calls on the Iranian authorities to release Pastor Youcef Nadarkhani who has been sentenced to death for the sole reason of his refusal to recant his Christian faith;

(d) recognises that this action is a breach of Iran’s international obligations, its own constitution and stated religious values; and

(e) stands in solidarity with Pastor Nadarkhani, his family and all those who seek to practise their religion without fear of persecution.

Question agreed to.

**COMMITTEES**

**Rural and Regional Affairs and Transport References Committee Reporting Date**

**Senator KROGER** (Victoria—Chief Opposition Whip in the Senate) (11:57): I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the Foreign Investment Review Board national interest test be extended to 27 June 2012.

Question agreed to.

**MOTIONS**

**Human Rights**

**Senator HANSON-YOUNG** (South Australia) (11:58): I move:

That the Senate—

(a) notes the deteriorating human rights situation in China and Tibet over recent months, including the following developments:

(i) the imposition of a media blackout by Chinese authorities in Sichuan, Qinghai and the region of Tibet since 24 January 2012, including shutting down the presence of international and non government media organisations and coverage of pro-Tibetan activities, which has been documented by global press freedom organisation Reporters Without Borders,

(ii) the continuation of Tibetan people self-immolating as a form of protest that now amounts to 23 self-immolations and 15 deaths since February 2009,

(iii) the increased Chinese military presence since early 2012 on the streets of Lhasa, Serthar and parts of eastern Tibet which has been described by the exiled Tibetan Prime Minister Lobsang Sangay as a state of ‘undeclared martial law’, and

(iv) a reported increase in arbitrary arrests of hundreds of Tibetans by Chinese authorities since 6 February 2012 upon the Tibetans’ return from the annual Buddhist Kalachakra ceremony in Bodhgaya, India, which has been condemned by international organisation Human Rights Watch; and

(b) calls on the Australian Government to:

(i) urge the Chinese Government to restore press freedom and release any Tibetan people who have been arbitrarily arrested on account of their political or religious views, and

(ii) support the call by exiled Tibetan Prime Minister Lobsang Sangay on 21 February 2012 for a United Nations special investigator to undertake a fact finding mission in Tibet to better
inform the international community of the situation.

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

The Senate divided. [12:02]

(The President—Senator Hogg)

Ayes.....................10
Noes.....................37
Majority.............27

AYES
Brown, RJ
Hanson-Young, SC
Madigan, JJ
Siewert, R (teller)
Wright, PL

NOES
Abetz, E
Back, CJ
Bilyk, CL
Brown, CL
Carr, KJ
Colbeck, R
Crossin, P
Fawcett, DJ
Fifield, MP
Gallacher, AM
Kroger, H
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
Polley, H
Ryan, SM
Thistlethwaite, M
Williams, JR

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 28 June 2012:

The Murray Darling draft Basin Plan, and in undertaking the inquiry the committee must consider:

(a) the science and modelling relevant to the development of the draft Basin Plan;

(b) the outcomes of various scenarios of water recovery, including, but not limited to, the 2750GL featured in the draft Basin Plan, and the implications of groundwater extraction;

(c) the operation of the review mechanisms contained in the draft Basin Plan;

(d) system constraints that have an impact on the draft Basin Plan, and the information and research available to the Murray Darling Basin Authority (MDBA) relating to redesigned river management options;

(e) the interaction of the draft Basin Plan with relevant legal requirements;

(f) the MDBA’s engagement with basin communities, including original Indigenous owners; and

(g) any other matters.

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

The Senate divided. [12:07]

(The President—Senator Hogg)

Ayes .....................10
Noes .....................37
Majority.............27

AYES
Brown, RJ
Hanson-Young, SC
Madigan, JJ
Siewert, R (teller)
Wright, PL

NOES
Arbib, MV
Bernardi, C
Boyce, SK
Cameron, DN
Cash, MC
Cormann, M
Edwards, S
Feeney, D
Furner, ML
Hogg, JJ
Ludwig, JW
Macdonald, ID
McEwen, A (teller)
McLucas, J
Parry, S
Pratt, LC
Singh, LM
Urqhuart, AE

Question negatived.

COMMITTEES

Environment and Communications

References Committee

Reference
Senator HANSON-YOUNG (South Australia) (12:05): I move:
Thursday, 1 March 2012

SENATE

NOES

Bushby, DC
Carr, KJ
Colbeck, R
Crossin, P
Fawcett, DJ
Fifield, MP
Gallacher, AM
Kroger, H
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
Polley, H
Ryan, SM
Thistlethwaite, M
Williams, JR

Cameron, DN
Cash, MC
Cormann, M
Edwards, S
Feneley, D
Furner, ML
Hogg, JJ
Ludwig, JW
Macdonald, ID
McEwen, A (teller)
McLucas, J
Parry, S
Pratt, LC
Singh, LM
Urquhart, AE

(ii) release information about the extent to which the scheme’s forecast expenditure will exceed actual spending in the 2011-12 and 2012-13 financial years.

Question agreed to.

COMMITTEES
Publications Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:10): On behalf of Senator Carol Brown I present the 14th report of the Publications Committee.

Ordered that the report be adopted.

BUDGET
Consideration by Estimates Committees

Senator McEWEN (South Australia—Government Whip in the Senate) (12:10): I present the following additional information received by committees relating to estimates:

Economics Legislation Committee—1 volume
Finance and Public Administration Legislation Committee—2 volumes
Legal and Constitutional Affairs Legislation Committee—2 volumes

COMMITTEES
Finance and Public Administration References Committee

Report

Senator RYAN (Victoria) (12:10): I present the report of the Finance and Public Administration References Committee on the operation of the Lobbying Code of Conduct and the Lobbyist Register, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator RYAN: I move:

That the Senate take note of the report.

MOTIONS

Renewable Energy

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:09): At the request of Senator Milne, I move:

That the Senate—

(a) notes that:

(i) solar hot water is among the most cost-effective way to reduce householders’ power bills and cut greenhouse gas emissions,

(ii) the Australian solar water heating industry employs more than 1 000 people in manufacturing and many more in installation around the country, and is beginning to develop as an export industry, and

(iii) the Australian solar water heating industry is already under pressure from the high Australian dollar, low renewable energy certificate prices and imports of instantaneous gas hot water systems; and

(b) calls on the Government to:

(i) immediately reinstate and extend the Renewable Energy Bonus Scheme which has helped a quarter of a million Australians to reduce their power bills and which has supported the development of a clean manufacturing and installation industry, and
This is an important inquiry following up on an earlier report of the committee into the establishment of the code in 2008. I was part of that inquiry, having become a member of this place halfway through the conduct of that inquiry. The government subsequently made changes to the operation of the code, mainly around the nomination of former government representatives by lobbyists who are covered by the code and by moving reporting into a twice-yearly time frame.

Importantly, this inquiry was an opportunity to dispel some of the myths propagated by some regarding lobbying and government relations as an industry and a sector, for I think it is in the political interests of some to cry foul regarding legitimate contact between citizens, business and government and political representatives. No evidence was presented to the committee regarding corrupt practices in Australia, and I think that is particularly important to note.

There are some, however, who seem to have a vested interest in increasing the regulation of contact between business organisations and their political representatives; yet it appears that these are based on experiences in other jurisdictions, notably the United States, partly in some of our own states, and also in places like Canada. No evidence was provided that this is actually required in Australia today at the Commonwealth level. Indeed, one of the justifications of some who propose additional regulation is simply that other nations are doing it.

I put to the Senate that regulatory creep without need or justification in other jurisdictions is not a justification for it happening here. For example, in the United States, an example oft quoted by the advocates of further regulation, congressmen and senators have an appropriations power that members of the House of Representatives and senators lack under our Constitution. This is a profound difference in political arrangements and it provides for a much greater opportunity for favours to be granted or for unsavoury practices to develop.

Similarly, another justification is that states in Australia are introducing such regimes. These reflect practices in the states, legal regimes they have established and, indeed, political cultures in these jurisdictions. Again, here, regulatory burdens imposed in one place do not necessarily fit the needs of another. Simply because one or another of our states is acting in a certain fashion does not require that to be undertaken at the Commonwealth level.

As for the cry that we need national uniformity in this regard, I can only refer to Menzies' famous phrase about the curse of uniformity. There is absolutely no reason why states cannot impose their own rules as they see fit. Indeed, in a federation that is something we should aspire to. National uniformity in this case—and this is very important—would not reduce the regulatory cost on this sector. National uniformity is being proposed to increase the regulatory burden without justification.

While most submitters who proposed increased regulation of this space are undoubtedly motivated by good causes, as with all higher causes this sometimes leads to extreme outcomes. A couple of examples did concern me. I was particularly concerned by proposals to require meetings with all members of parliament to be disclosed when they were meeting with someone who was determined to be lobbying on a particular activity. This proposal included details of disclosure of the conversations. There must remain an element of privacy for members of parliament and senators to consult with constituents including businesses and
organisations. To do otherwise would simply allow motives to be assigned to meetings that took place and to the actions of members and, indeed, would empower the vilification of organisations, members of this place and people who simply wish to meet with their MPs to discuss their concerns. Furthermore, the issue of what is a constituent issue versus what is lobbying, which was discussed in the committee hearing, will remain a sore point because no clear criteria were provided. When does dealing with an issue become lobbying? As politicians we are judged by our actions—by how we vote in this place and by what we say to the public at election time and in between elections. This proposal strikes me as nothing less than an attempt to make a window into men's souls, to allow others to try to assign motives to our actions regardless of what we may think they are. We should be judged on our actions in this place, not be asked to breach what are in some cases profoundly private discussions and allow others to assign motives as they see fit.

This report outlines the committee's view that it is satisfied with the operation of the code at the moment. We did ask some questions and we have asked the department to consider whether there could be a provision on the code website for announcement of breaches of the code, and that is under consideration. The code meets its objectives, and those objectives are to allow public knowledge about whom the third-party lobbyists are actively working on behalf of and to ensure those people in government who meet with people lobbying on behalf of someone else know what that person is meeting them about. I have been a lobbyist in a past life, to use the pejorative phrase. It was always clear whom I was representing because it was on my business card and was provided to the person I made the appointment with. The aim of this code was actually to allow third-party lobbyists guarantees and some transparency about whom they were representing. The code does that.

There are some other comments in this report from other parties that reflect some of the concerns that I raised which the committee has disagreed with. The idea that we would propose to regulate everyone who contacts government, whether they be a charitable organisation, a religious organisation or an individual business, I find quite abhorrent. The idea that there would be disclosure of the content of meetings between members of parliament and constituents against the wishes of both I find profoundly concerning. There needs to be a degree of privacy.

The proposal of the Australian Greens would require all bodies corporate, unincorporated associations, religious organisations and charitable trusts, as well as companies that meet with government to lobby, whatever that term may mean, to register. The department advised us that that would lead to over 5,000 people having to register. That would bring with it a substantial cost. At no time was there any case established that this is required in Australia. At no time were there examples of corrupt practices at the Commonwealth level. Pejorative phrases were thrown around about the influence of particular companies, but for those who, for example, might support a carbon tax or a mining tax—as opposed to people who, like me, oppose both—my position has been made clear in this place and outside. Why should other people be able to try to assign motives to that simply because of whom I met with?

Furthermore, this would introduce a huge level of complexity about what constitutes lobbying, and there are no criteria for this in other regimes. Dr David Solomon, whose
motives I do not impugn whatsoever—he is quite a fine former journalist and author; I own a few of his books—put the view that it would just have to be a judgment. If a business comes to see you about a tax issue, and the second half of the meeting might be about consideration of changing a particular tax regime, when does the meeting move from a constituent issue to lobbying? No criteria are provided around that. Yet again we have a regulatory urge in search of a purpose and in search of a need.

The committee report wholly outlines why this code is operating as it was intended and why there does not need to be any further regulation as to this. Australia is a clean country by world standards. It has stayed that way. We have the institutions to protect it and there is no need for further regulation.

Senator RHIANNON (New South Wales) (12:18): The Finance and Public Administration References Committee report before us, about lobbying, is inadequate. Lobbying is an important part of the democratic process. It is something that clearly is developing more and more and plays an integral part in the lives of most of the people who work in this place as MPs, including senators. Clearly we need a code so the public can have greater confidence in how decisions are made. That is the essence of what we are dealing with here. However, when we come to actually discuss it we see a reluctance from Labor and the coalition parties to deal with this in a substantial way. The reason that it has been raised in the first place is that periodically there are scandals and the government of the day has felt obliged to do something, but it has never been enough.

It is worth remembering that, when the Greens moved the motion to establish this inquiry—an inquiry that the committee had previously identified was needed but was never established—Labor voted against it while the coalition did vote for it. However, we then saw the reluctance of the coalition to really explore the issue thoroughly when the inquiry process began. The inquiry lasted only about 3½ hours and involved only three witnesses. We did not hear evidence from any witnesses from non-government organisations or from academics who specialise in this area. So, while I certainly appreciate the time that the three witnesses who did attend gave to the inquiry, it was not enough to do a thorough job.

Senator Ryan put up various arguments that we have heard many times from him and his colleagues. His whole argument falls over, however, when you look at Canada, where they have had a very thorough system involving a lobbyist code of conduct and a very transparent process that has worked. It has worked for the public so that the public then feel more confident in how the democratic process operates, how decisions are made, who is attempting to influence decision makers and how they are handling that. It is not about assigning motives, as suggested by the emotive language that Senator Ryan used. It is about enhancing the democratic process. That is what we should be coming together here to discuss. I imagine all senators, if they are honest, know that there is a lot of cynicism amongst the general public about how this place operates and the power and influence lobbyists have.

So we are disappointed in the report that was produced. On behalf of the Australian Greens, I submitted a dissenting report. We have called for the establishment of an office of the commission of lobbying. We believe that the oversight of lobbying should rest with such an independent body, which would report directly to the federal parliament, have auditing and investigative powers and a mandate to enforce a new lobbying act and a lobbyist code of conduct. This is about a set
of standards so that lobbying can operate in a much healthier way. Such an office is badly needed and also, clearly, we need the legislative framework, as I have just set out.

We certainly need to expand on who is subject to lobbying. When people have asked me in recent times about what I have been doing and I have mentioned about the lobbyist inquiry, what has then come up is about who is regarded as a lobbyist. I find people are very shocked that the current system does not cover in-house lobbyists. People are always amazed that BHP lobbyists, who are in-house, are not covered. We have no knowledge about who they meet with or anything at all about how they operate. Therefore, that definition does need to change.

We also need to strengthen the disclosure requirements. When we come to this point I often find that people start talking about the enormous burden and difficulty of collating such information, but that does not stand up. In this day and age with so much information collated electronically it is not the burden that it is made out to be. What is more, we have a responsibility to be transparent about lobbying activities. The Australian Greens believe that the scheme should require the disclosure, in a timely manner, of when lobbying occurred, who stood to benefit, who was lobbied, the subject matter of the lobbying and the meeting outcome. That is not onerous. It replicates a system in Canada that is highly successful. Although I have not been fortunate enough to go to Canada, I imagine that it gives greater confidence in how decisions are made in their parliaments.

A further recommendation that we put forward is to enhance compliance and review. The proposed commissioner for lobbying receives and investigates complaints, then there should be a strengthening of the meaningful sanctions applying to members of parliament, public servants and lobbyists, and proper appeal rights. That is where we need to have a mechanism to ensure that the system put in place is complied with. That, certainly, should be developed.

There is also the challenging issue, which I acknowledge, that many people in this place may well be lobbyists when they leave. Senator Ryan mentioned that he was a lobbyist before he came here. So, we need to look at the post-separation employment provisions. The Australian Greens believe there should be a five-year ban on ex-ministers working as lobbyists. In some jurisdictions they already have one- or two-year separation provisions. Clearly, something is needed.

A big one, which we would argue should have been picked up by this inquiry, is success fees. We need a ban on success fees. We support such a ban and, at the moment, it is something that is having a corrupting influence on how the democratic process works because some lobbyists are paid success fees. There have been a number of scandals in recent times in the United Kingdom, and those parliaments are, I think, worse for wear for that information that has come out. Part of that has been around success fees, and it underlines why we need to change.

I want to expand on the issue of who is defined as a lobbyist. The revised scheme, as I said, should go beyond third party professional lobbyists. We can look at the New South Wales Independent Commission Against Corruption's proposed definition of a lobbying entity. They defined it as:

A body corporate, unincorporated association, partnership, trust, firm or religious or charitable organisation that engages in a Lobbying Activity on its own behalf.
That definition is from ICAC, a well-respected body within New South Wales, which has also been grappling with this issue. I wanted to read out that definition because, again, it undermines the comments made by Senator Ryan, who tried to belittle some of the attempts to reform the current system we have for lobbying in this parliament, as though the Greens had just come up with some loose definitions. That is certainly not the case, our work is well researched and we need that change. I also want to make reference to Dr David Solomon. He points out that the definition: ... echoes Canada’s definition of in house lobbyists (organisations) and in house lobbyists (corporations).

Dr Solomon has done a great deal of work in this area and is one of the authorities on it. I wanted to mention that because of the link with the Canadian experience, which certainly has become a model for many groups around the world who are attempting to have their own parliaments move on this issue.

In being frank, I am obviously disappointed with the way the inquiry went. At least we did get the inquiry up. It is an issue that needs further attention because what the committee has come forward with certainly does not advance the democratic process, does not give us more transparency on the operations of lobbyists and, clearly, highlights that there is more work to be done here.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Law Enforcement Committee**

**Report**

Senator IAN MACDONALD (Queensland) (12:28): I present the report of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity on the examination of the annual report for 2010-11 of the Integrity Commissioner, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**Senator IAN MACDONALD:** I move:

That the Senate take note of the report.

I have rushed down to the chamber to present this report from a little party we have been having upstairs. The party has been a celebration of the fifth anniversary of the establishment of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity. Back on 30 December 2006, ACLEI—the acronym for the Australian Commission for Law Enforcement Integrity—was established. And, indeed, 26 February 2012 was the fifth anniversary of the establishment of the joint parliamentary committee.

Before speaking to the report, I congratulate the commissioner, Commissioner Philip Moss, on the work that he and his staff have done since the establishment of the commission five years ago. Mr Moss was at the party I have just been to, with his executive director, Mr Stephen Hayward, a strategic support officer, Mr Nicholas Sellars, and Ms Sarah Baker-Goldsmith, the principal lawyer for the integrity commission. It was good to have them there and I congratulate the chair of our committee, Ms Melissa Parke, for initiating this little celebration of the fifth anniversary of the establishment of the commission and of the oversight committee.

It would be remiss of me if I did not also mention that, apart from the commissioner, Mr Moss, our own Senator Stephen Parry was there at day 1 of the establishment of the joint committee, and has made a very significant contribution to the work of the joint committee since that time. Senator
Parry, as colleagues will know, had a role in that sort of area of occupation prior to his entering parliament, and his advice has been invaluable. This is a committee that works in a bipartisan way, and I congratulate the chair and, indeed, all of my fellow committee members for the way in which they have discharged their duties in overseeing the integrity commissioner.

The Law Enforcement Integrity Commissioner Act 2006 requires the committee to examine each annual report and each special report prepared by the commissioner, and to report to the parliament. There have been no special reports prepared by the integrity commissioner during 2010-11, and so the committee has focused its examination on ACLEI's fifth annual report on ACLEI's achievements against the performance reporting framework, the direction of the commission and certain issues arising from the commission's reported performance in 2010-11.

ACLEI achieved the set performance targets in 2010-11, although the committee observed that the balance between ACLEI's load and resourcing will need to be monitored continually into the future. The most significant development in the past year has been the inclusion of the Australian Customs and Border Protection Service within ACLEI's jurisdiction. The committee recommended that this occur in its interim report for the inquiry into the operation of the Law Enforcement Integrity Commissioner Act 2006.

In 2010-11, the Attorney-General's Department engaged Mr Peter Hamburger to review ACLEI's capabilities, operating arrangements and resources. Mr Hamburger made three recommendations directed at establishing reporting arrangements on the timeliness of ACLEI's assessment processes and its coordination with law enforcement agencies; developing a memorandum of understanding between ACLEI and the three law enforcement agencies within its jurisdiction, under which ACLEI would be assured of an acceptable amount of physical surveillance capacity; and securing an agreement by which the law enforcement agencies would each transfer a small amount of funds to ACLEI to strengthen its capabilities in areas other than investigation, especially in relation to prevention activities.

The committee supports these three recommendations and will monitor their implementation. It is the committee's view that the most serious finding of the review was that ACLEI required greater access to high-end investigative capabilities, especially physical and technical surveillance, for which it had statutory authority but insufficient capability.

The committee congratulates ACLEI on another successful year of operation, and notes the significant challenges that remain. These include the ongoing integration of the customs and border protection work within the commission's body of work, improving the timeliness of assessments and investigations in the face of limited resources and further development of corruption prevention and education programs.

Again, I know that the committee wants to thank the commission management and staff for their cooperation and engagement during the year. I also just mention that on 13 December 2011, the then Minister for Home Affairs and Justice, the Hon. Brendan O'Connor, announced that the government will provide further funding to strengthen detection and investigative capabilities within the commission. The committee looks forward to further detail in upcoming budgets and annual reports.
The annual report also notes the establishment of the Community of Practice for Corruption Prevention to bring together practitioners from agencies under the commission’s jurisdiction, and the formation of the Australian Anti-Corruption Commissions Forum, comprising integrity agencies from around Australia. The committee is now focusing its attention on its inquiry into the integrity of overseas law enforcement operations. A key goal of this inquiry is to understand the increased or different corruption risks arising from overseas law enforcement operations, from operating in different cultures with different views on corruption to operating jointly with other nations who have different rules and measures for addressing corruption. The committee will look at the nature and effectiveness of the integrity measures, models and legislation adopted by Australia and foreign jurisdictions, including for international operations. The committee is not raising concerns about existing corruption in Australian law enforcement agencies but instead is looking to ensure that strong, preventative measures are in place. Law enforcement agencies take their governance and accountability very seriously. The committee will consider the corruption risks facing law enforcement officers overseas and the extent to which Commonwealth law enforcement agencies are able to prevent and investigate corruption in their international operations.

In concluding, I again note the great work done for the committee by the secretariat, led by Dr Jon Bell; Mr Bill Bannear, the senior research officer; and Ms Rosalind McMahon, the administrative officer. They have been a great team. The committee is disappointed to hear that Dr Bell is moving on but, as the chairman said in the course of our little celebration earlier today, we as a committee wish Dr Bell and his family all the very best for the future. With that, I commend the report to the parliament.

Senator SINGH (Tasmania) (12:38): I concur with the remarks of the Deputy Chair of the Joint Parliamentary Committee on the Australian Commission for Law Enforcement Integrity, Senator Macdonald, regarding the work of both the secretariat and ACLEI. Since becoming a member of this committee in July last year, at the same time as Senator Wright, I have enjoyed my time on the committee. I have a great interest in the area of law enforcement integrity and especially the work we have been doing on the committee in the area of integrity testing. As Senator Macdonald noted, the Law Enforcement Integrity Commissioner Act 2006 requires the committee to examine each annual report and each special report prepared by the Integrity Commissioner. In this case it is the annual report for 2010-11.

The most significant part of that report is the increase in jurisdiction for ACLEI with the addition of the Australian Customs and Border Protection Service, announced by the Prime Minister, Julia Gillard, in July 2010. Since ACLEI's inception, its workload and resources have needed to expand and the federal government has responded with increased funding to ACLEI. When ACLEI started out, its jurisdiction was the Australian Crime Commission and the Australian Federal Police. It has grown since 2007, with now four annual reports.

Today we did note the work ACLEI has conducted over those five years by celebrating with the Integrity Commissioner and his team. I add my sincere appreciation for the approach that the Integrity Commissioner applies to all his work. I also note the significant challenges that remain for ACLEI. They include the addition of the Customs and Border Protection Service to ACLEI's body of work, the timeliness of its
investigations, the balancing of resources, developments in the prevention of corruption and educational programs.

ACLEI's fifth anniversary is a significant achievement. It is worth noting the commissioner's comments in the latest annual report that the best approach for an anticorruption agency such as ACLEI lies in bringing about and sustaining a culture that recognises, opposes and resists corrupt conduct. It is quite pertinent that the Integrity Commissioner refers to corruption as the 'invisible crime': it succeeds only so long as it remains undetected. That is a good example of the difficulty that any anticorruption agency faces in trying to identify that invisible crime. ACLEI's use of a multidimensional framework of detect, disrupt, deter is an efficient way in which to tackle these difficulties in those agencies that come under ACLEI's jurisdiction.

Finally, I thank very much the secretariat for its work. The staff has been incredibly supportive of me and other members by ensuring the committee runs effectively, efficiently and has all the information it needs to hand. My sentiments go to Dr Jon Bell, who is moving on from the committee to take up a new position. Thank you, Dr Bell, for all of your work in ensuring the committee's work has been done to the best of its ability, which could not have been achieved without your support. I concur with Senator Macdonald on ACLEI's good work and its latest annual report. I seek to continue my remarks later.

Leave granted; debate adjourned.

Corporations and Financial Services Committee Report

Senator BOYCE (Queensland) (12:44): On behalf of the Parliamentary Joint Committee on Corporations and Financial Services, I present the report of the committee on the Corporations Amendment (Future of Financial Advice) Bill 2011 and a related bill, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator BOYCE: I move:

That the Senate take note of the report.

This report was tabled by the chairman of our joint committee, Mr Bernie Ripoll, in the House of Representatives yesterday—and I am told by the secretariat this morning that it has already achieved bestseller status. Given that it is now available online to people in the industry to read, it is very surprising that more than 120 hard copies of this report have been asked for. The reason, of course, is that the legislation proposed by the government has the likelihood of harming the industry. Unsurprisingly, the coalition has tabled a dissenting report which contains 16 recommendations which we believe would fix this area.

The original report actually came out of an inquiry that was held into the problems faced by investors in organisations like Storm Financial and other groups. Their collapse harmed a lot of investors. The report from that inquiry was supported by all sides. I was involved in that inquiry. It was an excellent inquiry that produced some good recommendations. If those recommendations had been taken up by the government in this legislation, I believe that we could very well have come to a unanimous report on the legislation—but, of course, they were not.

This morning when looking for media coverage of our report and the accompanying dissenting report, I was interested to come across an article called 'It boils down to business snubs,' in the Australian Financial Review, written by Jennifer Hewett. I thought, 'Oh, well, that will be another one
on the future of financial advice,' but in fact it was not. It starts with the comment:

With few ministerial exceptions, the Gillard government still has no concept of how to manage its relations and its reputation with the business community.

Those comments are around the government's latest subsidy and rebate debacle on the solar hot water issues, but it applies just as well to their behaviour towards the financial planning industry.

The Corporations Amendment (Future of Financial Advice) Bill 2011 would drive up costs and drive down employment in the industry, for no real benefit. The government have set up a situation where they want every financial planning body in the country to re-adapt their systems in time to meet an artificially created time line of July this year—and then, when my super legislation presumably is passed, redo all those systems in time for the 1 July 2013 deadline. This is just yet another example of their inability to understand the needs of business and their inability to implement.

I am hoping to leave time for our shadow spokesperson to speak on this report, so I will cut short my remarks now.

Senator CORMANN (Western Australia) (12:49): I thank our deputy chair, Senator Boyce, for allowing me to make a contribution to this debate. The financial services industry across Australia provides a very important service. It helps people with their financial health and wellbeing. It helps Australians to better manage their financial risks and to maximise their financial opportunities. But, of course, in doing so, the financial services and financial industry does deal with other people's money. So it is important for us to have an appropriately robust regulatory framework in place.

From time to time, as happened with the collapse of Storm Financial and various other incidents of that nature, things go wrong, and it is appropriate for us as policymakers to take a step back, to have a proper, strategic and comprehensive look at the regulatory framework and the policy framework, and to consider whether there are things that we can do better to make sure that these sorts of events which end up hurting Australians and impacting on the retirement savings of Australians can be prevented in the future. Having said that, let me make the broad observation that being stress-tested in the context of the global financial crisis, overwhelmingly, the Australian financial services sector performed rather well. But, of course, there were these instances where clearly things had gone wrong.

The Parliamentary Joint Committee on Corporations and Financial Services, which was then colloquially referred to as the Ripoll inquiry, did do a very comprehensive inquiry into Australian financial products and services. That committee reported back in November 2009. It made a whole series of widely supported and very sensible recommendations which would lead to important improvements in the regulatory framework for the financial services industry that would improve consumer protection while still providing that appropriate balance between effective consumer protection and making sure that access to high-quality advice remained available and affordable for all Australians.

But, of course, rather than take the recommendations of an inquiry chaired by a member of the government, Mr Ripoll—rather than take those 11 recommendations which were broadly supported by the industry and which had broad bipartisan support in this parliament—this Labor government did what they always do: they overreached. They went for the regulatory overreach. They allowed the agenda to be hijacked by vested interests. They allowed
the agenda to be hijacked by one segment in the financial services market that they are particularly close to—union dominated industry super funds. They attached a whole series of other proposals to the FOFA changes which has meant that the whole process has been derailed, delayed and essentially not progressed for the last two years.

The inquiry that the Parliamentary Joint Committee on Corporations and Financial Services did over the last couple of weeks assessed the two pieces of legislation that we now have before us. The conclusion of coalition members on this committee’s second inquiry are that if the future of financial advice bills were to be passed by the parliament in their current form they would unnecessarily increase red tape and increase costs for both businesses and consumers by reducing choice for consumers and reducing competition and diversity across the financial services industry. We in the coalition are always constructive on these issues. We think they are important changes and reforms that need to be made. But they have to be made in a balanced way, in a way that appropriately balances the need for more effective consumer protection with the need to ensure that access to financial advice remains available, accessible and affordable.

Minister Shorten, while he talks about wanting to remove conflicts from the financial services industry, is very conflicted himself. He is too close to one segment of the financial services industry to be able to come up with a balanced regulatory reform proposal. That is why we are having these contentious debates, in the context of something that started off with a bipartisan set of recommendations on how the financial services industry’s regulatory framework could be sensibly improved.

Constructively the coalition has made a series of recommendations, 16 of them, in our dissenting report on how FOFA can be progressed from here so that these important reforms that are part of the FOFA package can finally be implemented. I urge Minister Shorten to very seriously consider the recommendations that we have made to improve the future of financial advice package of legislation. He should seriously and carefully consider our recommendations and he should act on them. Specifically, he should remove the contentious parts of FOFA and proceed swiftly with the important and rightly supported FOFA reform proposals. He must conduct a proper regulatory impact assessment before doing anything else.

The important point here is the government themselves have a process which they call the best practice regulation process. It is tested and scrutinised by the government's own Office of Best Practice Regulation. The government's own Office of Best Practice Regulation found that Minister Shorten's FOFA proposals were not compliant with the government's own best practice regulation requirements. The government's own Office of Best Practice Regulation has said that the FOFA proposals failed to meet the government's own standards when it comes to best practice regulation. Why? Because Minister Shorten failed to properly assess the costs and the benefits that come from the proposals before us. The costs are significant. Evidence before our committee from industry was that the costs to industry would be about $700 million to implement and about $350 million per annum for ongoing compliance. These are all costs that are going to be passed on to consumers, which means that access to financial advice will become less affordable for many.
By way of recommendations, we urge the government to remove the opt-in proposal, which just adds unnecessary red tape for questionable additional consumer protection. If there is appropriate transparency around fees and if there is a best-interest duty in place which we support then the consumers have all of the tools in order to make a judgment as to whether they want to continue in a particular financial advice contractual relationship or they want to discontinue it. They do not need the government to impose additional red tape and additional costs in a nanny-state way to try to protect people from themselves.

Minister Shorten should remove the opt-in proposal and the retrospective application of the additional annual fee disclosure requirement, which came out of nowhere at the last minute. He should improve the drafting of the best-interest duty. He should further finetune the band of commissions on risk insurance inside superannuation. And he should delay the implementation of FOFA to 1 July 2013 to align it with the MySuper changes. Senator Boyce made a very important point on this: the government has two very significant reform proposals on the table. Both of them have significant implications for IT systems changes which are very costly to execute and implement. Again, all of these costs will have to be passed on to consumers.

If you are going to pursue major changes like this, surely you would want to let business make all of these changes in one go, rather than forcing them to make them once in the lead-up to 1 July 2012 and then do the whole thing again in the lead-up to 1 July 2013 in relation to the same IT systems areas. This government seems to not really appreciate some of the practical realities that come with running major businesses. The reasons are there for all to see: clearly none of the people on the Labor side of parliament have adequate business experience to make these sorts of judgments.

If the government refuses to take on board our recommendations, it will be up to the parliament to pass judgment on that. Labor is in a minority government situation, as we all know. It does not have a majority in its own right in either house of parliament. The coalition calls on crossbench members of parliament, both in the House of Representatives and in the Senate, to carefully consider the recommendations that we have made on how FOFA can be improved to a point where we could support it in a bipartisan way.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! Senator Cormann, your time has expired.

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

Leave granted; debate adjourned.

BILLS

Family Assistance and Other Legislation Amendment Bill 2012

First Reading

Bill received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:59): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (12:59): 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—

FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL 2012

This bill implements the government's changes to family payments announced in the Mid-Year Economic and Fiscal Outlook, as well as improved support for carers outlined in the government's National Carer Strategy.

These changes to family payments strengthen incentives for childhood immunisation, and help ensure that family payments are sustainable for the long term.

This Labor government is a strong supporter of the family payments system. We have delivered Australia's first national paid parental leave scheme, increased the child care rebate from 30 to 50 per cent, and increased family payments for teenagers in secondary school or training.

We also support a targeted family payments system – that will be sustainable for generations to come.

The first measure in this bill delivers stronger incentives for parents to have their children immunised, by linking the family tax benefit Part A end-of-year supplement with immunisation.

Immunisation is fundamental to a child's lifelong health, and the health of other children. The government wants to make sure that children have the best start in life and are immunised at the right time.

From 1 July 2012, the end-of-year supplement, currently worth $726 per child each year, will only be paid once a child is fully immunised for the financial year a child turns one, two and five years of age.

These new requirements for the family tax benefit part A supplement will be implemented at a new immunisation check point at one year of age, along with the existing check points at two and five years of age.

This means that, over the three immunisation check points of one, two and five years old, families will now have an incentive of more than $2,100 to ensure their children are fully immunised.

The new arrangements for the family tax benefit part A supplement will replace the maternity immunisation allowance, which will cease from 1 July 2012.

Families are already required to have their child fully immunised to receive child care benefit and child care rebate. Existing exemptions will continue to be available.

These reforms aim to improve immunisation coverage rates over time, giving greater protection to Australian children.

They build on the government's previous reforms to use family payments to help drive better outcomes for families and children, including:

- new requirements for families on income support to make sure children get a pre-school health check;
- new 'earn or learn' requirements; and
- increasing family payments for teenagers if they stay in school or training.

The second measure in this bill will help make sure that the baby bonus is sustainable for the long term.

From 1 July 2012, the indexation of the baby bonus will be paused for three years. The payment rate will also be reset to $5,000 per child from 1 September 2012.

The baby bonus has increased by 67 per cent since it was introduced in 2004, and this measure will provide a saving to the budget of $358 million over four years.

To improve the targeting of family tax benefit and reduce the risk of debts, a further measure in the bill will end fortnightly payments of family tax benefit instalments to recipients who claim family tax benefit but are found to have no actual entitlement for two consecutive years following the end-of-year reconciliation with their income tax return.

This change will make sure that families do not receive benefits they are not entitled to, and do not subsequently have debts raised against them.

Families no longer receiving family tax benefit part A or part B instalments would still be able to make a lump sum claim at the end of the financial
year, and exceptions will apply to ensure that families are not put at risk of hardship.

This bill also includes two amendments to support the Australian government's National Carer Strategy, announced on 3 August 2011. Under this strategy, the government is committed to improving carers' opportunity to take part in all aspects of society, including the chance to participate in work, community and family life.

One amendment acknowledges that carers sometimes combine paid employment with their caring responsibilities.

Currently, a carer cannot receive the annual carer supplement of $600 for each person they care for if, due to the income test, their or their partner's income has reduced their rate of payment to nil during that period.

This situation may disadvantage carers or their partners who may participate in casual or irregular work in addition to their caring commitments, and who are offered extra employment in the period that includes 1 July. These carers may be faced with the difficult decision of accepting the offer of extra employment, knowing that they may then lose their annual carer supplement because the employment income they receive in that period may, solely or partly, cause their instalment of carer payment, wife pension, carer service pension or partner service pension to be reduced to nil.

These amendments remedy this situation by making sure that, if a carer is qualified for carer payment, wife pension, carer service pension or partner service pension, for the period that includes 1 July, they will receive the supplement, even if their payment rate is set to nil due to employment income.

The other amendment will make sure that a low-income carer, receiving an income support payment as well as carer allowance for care of an adult, will be paid a bereavement payment on the death of the person they care for. Carer payment recipients and carer allowance recipients for care of a child already have access to bereavement payments, and this amendment provides equitable support for those carers caring for an adult.

Lastly, the bill makes several minor amendments to clarify provisions in the family assistance law in line with existing policy.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

COMMITTEES

Environment and Communications Legislation Committee

Report

Senator BILYK (Tasmania) (13:00): On behalf of the Chair of the Environment and Communications Legislation Committee, Senator Cameron, I present the report on the Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS

Tax Laws Amendment (2011 Measures No. 9) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CORMANN (Western Australia) (13:01): The coalition does not oppose the Tax Laws Amendment (2011 Measure No. 9) Bill 2011. The bill makes the following changes to taxation law. It allows certain superannuation fund members to electronically request consolidation of their super funds through the Australian Taxation Office. It allows entities in the restructure to use share or interests of a sale of facilities without filing a requirement of certain capital gains tax rollovers. It provides capital gains tax demerger relief. It provides for expanded capital gains tax rollovers to
entities changing their incorporation. It implements aspects of the Treasury's review of the GST financial supply provisions, clarifies the GST treatment of new residential premises, adds the Rhodes Trust to the deductibility gift recipient list and makes various other minor technical changes.

These changes are all supported by the coalition, and with these few words I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:03): I thank Senator Cormann for his contribution and I commend the bill to the Senate. I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (13:03): The bill contains the continued dispensing initiative and the medication chart initiative, as included in the Fifth Community Pharmacy Agreement between the Commonwealth and the Pharmacy Guild. It also makes amendments to conditions for authority required medications. The most recent pharmacy agreement, signed in 2010, will provide $15.4 billion over a five-year period for community pharmacy.

The coalition provided policy certainty and stability for community pharmacy when it was in government, and the coalition supports, in principle, the fifth agreement, but will consider all legislative changes presented to parliament.

The continued dispensing provision will allow pharmacists to supply pharmaceuticals without a prescription. The eligible pharmaceutical items and the conditions of supply are not specified in the bill, and will be determined by legislative instrument. It was stated in the department's consultation paper and the previous health minister's second reading speech that the measure will apply to oral hormonal contraceptives and lipid modifying agents—cholesterol-lowering drugs. These groups were chosen because they are claimed to be well-tolerated and have a good safety profile.

The consultation paper provides conditions and parameters for the operation of continued dispensing including: continued dispensing will apply where a patient has run out, or is about to run out, of an essential continuous therapy medicine and does not have a valid prescription available; or where the patient must be able to demonstrate that they have been prescribed the medicine for at least six months, and that they have been taking the medicine immediately prior; or supply of increased maximum quantities based on an authority approval will not be permitted where supply cannot be utilised for consecutive occasions and there can be no switching of medicines within the same class. The department has clarified that patients must not have received the medicine by continued dispensing within the last 12 months. The department also states that the pharmacist must provide, within 24 hours, written communication to the most recent prescriber advising of the supply of the medicine to the consumer.

The targeting of this provision to two well-tolerated medications, in combination
with clear conditions and protocols, should assist in addressing any issues regarding patient safety. The coalition is concerned, however, that this detail is not in the legislation. While it would be preferable to have a copy of the draft legislative instruments, the office of the Minister for Health has confirmed that details of the consultation paper, including the pharmaceutical groups affected, will be specified in the instruments to be tabled. Any future changes to eligible pharmaceuticals and conditions would have to be done by legislative instrument and would therefore be subject to parliamentary scrutiny and disallowance. The coalition will carefully consider any future changes in close consultation with all stakeholders, including the medical profession.

The proposed continued dispensing initiative is intended to complement existing emergency supply provisions. Former health minister Nicola Roxon gave an undertaking that a review would be conducted after two years. PBS statistics that are published annually should also contain information on the continued dispensing provisions. This is not reflected in the legislation. This is a government that does not have a good history on keeping to its word; hence, the coalition proposed amendments in the House, which I am pleased to say have been supported, to ensure the government meets its commitments. The coalition's amendments are consistent with the government's stated intent and will be facilitated by recording requirements contained in the guidelines for pharmacists for continued dispensing.

More broadly, the Rudd-Gillard Labor government's actions on pharmaceutical policy have seriously jeopardised timely access to subsidised medicines for Australian patients. Until last year, a health minister could list medicines costing less than $10 million in a given year on the Pharmaceutical Benefits Scheme. Cabinet considered medicines over $10 million. Almost without exception, previous governments listed according to the advice of the independent Pharmaceutical Benefits Advisory Committee.

In February 2011 the government indefinitely deferred the listing of seven new medicines and a vaccine recommended by the PBAC due to the Commonwealth's 'fiscal circumstances'. This occurred just months after Minister Roxon had signed a memorandum of understanding with Medicines Australia to provide policy stability in return for $1.9 billion in savings to the PBS. Minister Roxon promised that the MOU would provide 'policy predictability to the industry for the next four years, cut red tape and speed up the addition of new medicines to the PBS'. The government eventually agreed in September last year to list medicines deferred in February. However, the government's announcement did not provide any greater certainty for the PBS listing process and in the process caused a lot of angst for a lot of patients. That was very clear from the Senate inquiry into those deferrals. We received some very telling and poignant evidence in Melbourne to that effect.

The Gillard government on 30 September last year announced that there would be further 'deferrals into the future' for new medicines subsidised through the PBS. It is still not clear which patients will be denied access to their medicines and on what grounds. The uncertainty means companies may reconsider attempting the process to list new medicines in Australia, let alone having the impact on patients that I referred to earlier.

The second initiative in the bill will allow for the supply and claiming of
pharmaceuticals based on a standardised medical chart in residential aged-care facilities. This measure has broad support, with the claim it will reduce the administrative burden in aged-care facilities and improve patient safety. The Australian Commission on Safety and Quality in Health Care has commenced development of a standardised chart, and further consultation is due to occur during 2012.

The coalition does not oppose this bill, but our amendments will ensure the government's commitments will be honoured. The coalition's amendments ensure that a review is conducted of continued dispensing and is publicly available after two years. They will also ensure annual statistics are published on pharmaceutical items supplied under this initiative. The coalition will examine in detail future legislative instruments, particularly in relation to continued dispensing, to ensure there is genuine parliamentary scrutiny of this measure. Given that the government agreed to the coalition's amendments in the House, the coalition will not be opposing this bill.

Senator EGGLESTON (Western Australia) (13:11): I am interested in this legislation, having been a medical general practitioner for a long time. The National Health Amendment (Fifth Community Pharmacy Agreement) Bill 2012 contains the continued dispensing initiative, as Senator Connie Fierravanti-Wells has just said, and the medication chart initiative, as included in the Fifth Community Pharmacy Agreement between the Commonwealth and the Pharmacy Guild of Australia. As has also been said, the bill makes amendments to conditions for authority required, or S4, medications. These tend to be very expensive medications for which the government sets specific preconditions for their provision under the Pharmaceutical Benefits Scheme at a lower price than their real price. I think it is probably a good thing that there are these amendments to authority for S4 medications.

The coalition in the past have provided policy certainty and stability for community pharmacies and we support in principle the fifth agreement, but there are some issues which arise from this bill. One of the more controversial ones is the continued dispensing provision, which will allow pharmacists to provide pharmaceuticals without a prescription at all. It has not been specified what the eligible pharmaceutical items are and what conditions apply to the facility allowing pharmacists to provide pharmaceutical items without prescription. However, the government has indicated that the provisions will apply to two well-tolerated medications: oral contraceptives and cholesterol-lowering drugs. I suppose it is very important at times for people to be able to obtain a resupply of their oral contraceptives without a prescription, and cholesterol-lowering drugs are now very commonly used, as many people in our society have problems with cholesterol and it is important for them to be able to continue their treatment if they have high cholesterol. This provision will certainly assist this to occur, but we believe there is a need for clear conditions and protocols for the provision of medications without prescription because, as always, issues of patient safety have to be considered. The department's consultation paper does provide conditions and protocols for the operation of this practice, which is known as continued dispensing. Among the conditions and protocols are the following. Firstly, continued dispensing will apply where a patient has run out or is about to run out of an essential continuous therapy medicine and does not have a valid prescription available. Secondly, the patient must be able to demonstrate that they have been prescribed the medicine for at least a six-month period and that they have been...
taking the medicine prior to their seeking a further supply without prescription. I suppose that this implies that the patient is going back to the same pharmacy from which they have received their medication in the past and that the chemist can verify from their own records that the patient is on this medication and then supply an ongoing amount of the medication or, if the person happens to be in a location away from their home town or suburb, ring the chemist which usually supplies the medications. I think that that is a very good provision because it means that, if people travel and have not brought a repeat prescription with them but do need ongoing medication, they will be able to get it. That is a very practical measure.

There are certain categories of drugs which are supplied on authority only, and these are often very expensive or very powerful drugs. Supply of increased maximum quantities of an authority drug will not be permitted. I think that that is a very serious sensible provision also. It means that the supply will be limited to what is on the prescription for a six-month period, which is usually the period for a prescription, and that patients will not overdose on authority approval medications because they will have to go back through a doctor to get a new authority prescription in order to have access to authority drugs. These drugs are often very expensive to the government to provide even though they are supplied to the patients at the price of a usual prescription. The provision also means that people will not be able to come back repeatedly and seek to have medications supplied without prescription but will have to go back to their medical practitioner in the interim and obtain a new prescription. It is a very sensible provision also because it means that people will be reassessed by their doctors, which reduces the possibility of patients overdosing on medications through being able to access drugs without having a medical practitioner reassess them.

The AMA, I believe, has some reservations about these proposals, but I understand that the department has advised that the dispensing pharmacist must provide written communication to the most recent prescriber advising that he or she has supplied the medicines to the consumer within 24 hours of having done so. That provides some protection of the patient by the responsible professionals in that the patient's GP, consultant physician or surgeon will know that they have received additional quantities of these medications and, if the doctor concerned thinks that that is not appropriate, they can call the patient and say, 'I think you'd better come in and have a talk about this, and we'll work out what you need,' and can counsel the patient about not obtaining drugs without prescriptions lest they develop side effects and do themselves harm.

The second initiative in the bill allows for the supplying and claiming of pharmaceuticals on the basis of a standard medical chart in residential aged-care facilities. I think that that is a very good idea, and it is widely supported because it is expected to reduce the administrative burden in aged-care facilities and to improve patient safety. It means that patients in aged-care facilities will be able to have an ongoing supply of their medication according to what their standard medical chart says they are eligible for and should be receiving. The Australian Commission on Safety and Quality in Health Care has commenced the development of these standardised charts, and I understand that they will be consulting further on it during the coming year.

I have been informed that the coalition supports the bill but is proposing some
amendments to ensure that the government meets its stated commitments, that the objectives of the bill are realised and that patient care is maintained within ethical boundaries. We have heard that the legislation will be reviewed after two years, when PBS statistics are available. This will provide a lot of insight into how the continued dispensing provisions are working, although this fact is not referred to in the legislation. I think that these provisions mean in general that people who need medications will be able to obtain them when they are in situations where they have run out of their medications, that their treatment will continue and that they will not be disadvantaged by having travelled to distant places and found that they do not have the medication which they need. For example, the legislation could be applicable to the circumstances of people with quite serious conditions such as high blood pressure—the half-life of the medication for which in the person's body is fairly short—where once the medication has been metabolised its effect is no longer there and the person's blood pressure goes up again, a fact which might have undesirable consequences.

Overall, I think that this legislation contains a sensible set of provisions; but I hope that it is carefully monitored, especially during its early years.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Marshall) (13:22): As no amendments to the bill have been circulated, I shall call the minister to move the third reading, unless any senator requires that the bill be considered in committee of the whole.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:22): I would like to thank senators who spoke on this bill, particularly Senators Fierravanti-Wells and Eggleston. I commend the bill to the Senate and move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Australian Research Council Amendment Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MASON (Queensland) (13:23): This is a routine bill to apply indexation to existing appropriations and adds the last year of the forward budget estimates. The proposed amendments only impact on administered special appropriations; they do not alter the substance of the act or indeed increase departmental funds. This bill will alter three existing financial year funding figures by adding indexation at approximately 3.4 per cent and will extend the forward estimate period to include the financial year starting on 1 July 2014. The additional financial year will be funded at $795.392 million, a reduction of four per cent from the previous financial year, and the cost of indexation is $88.949 million over three years. By adding an extra outyear to the forward estimates and updating indexation, the bill will increase spending by approximately $885.335 million over four financial years.

Australia has a long and indeed proud history in research, science and innovation. Our national quest to add to the sum-total of human knowledge and to improve lives through scientific and technological progress belies the image of many around the world of Australia as a land of somewhat languid beachgoers and jackaroos, satisfied with the
status quo of 'she'll be right' rather than seeking to improve on it.

In many ways, however, our climate and geography have contributed to a decidedly practical bent in our drive for innovation. It will not surprise anyone to know that, in addition to many agricultural and transport related inventions, Australians have been pioneers of refrigeration and that miracle hangover cure the Aspro tablet.

But in the past, it has been this very same geography in the form of relative isolation from the rest of the developed world—the tyranny of distance—which has also hindered the work of our very best minds. Contrary to the stereotype of the lone and mad genius labouring in a backyard laboratory, research, science and innovation thrive on networks and collaboration, the constant interplay and interaction between numerous individuals putting pieces of the puzzle together. No wonder that for a large part of our history we had to send our best and brightest overseas, most often to Britain, in order for them to flourish and indeed to fully reach their potential.

Sir Howard Florey developed penicillin at Oxford, and Sir Mark Oliphant worked at the University of Birmingham to develop radar and then in the United States to build the atomic bomb. Then the communication revolution and cheaper air travel progressively abolished the tyranny of distance and Australians could far more readily participate in the global scientific and global research community. Our scientists and researchers of course still travel the world and teach and often work overseas, but they no longer need to do so in order to feel that that is the only way they could put their talents to best use. Most of the major recent innovations and inventions—many of them in the medical field where our country has always seemed to punch well above its weight—have been made in Australia, from the bionic ear, microsurgery, to new stomach ulcer treatments, and recently of course cervical cancer vaccines. For a relatively small population occupying a large continent at the end of the world, we have much to be proud of and much to build upon for our future.

Research of course is one of the twin pillars of universities—the other one being teaching. The benefits of teaching are not so difficult to quantify. Some of them of course are intangible, that is true. After all, you cannot put a price on the new habits of mind, the rounding influence of liberal education or the preservation of the shared values and culture that connect us with the past and unite us here in the present. But in practical terms we know very well that university graduates have substantially higher lifelong earnings than those with secondary education only and no-one questions the value of a better educated workforce for our economy.

But the value of research is just as important as the value of teaching and education, even though it is often much harder to measure. It is clear that new medical treatment provides benefits to mankind and it is equally clear that a major new innovation, like the wireless internet developed right here by the CSIRO, has huge economic and social impact. Most research, however does not result in a few startling breakthroughs that make history, but in thousands of small incremental improvements. Various studies suggest that the average return for every taxpayer dollar spent on research gets a return of about 20 per cent, and some argue even more, making research investment the best return on government spending.

The Australian Research Council, or the ARC, has been the central core of government architecture in the area of
research funding. The ARC provides advice to government on research matters and manages the National Competitive Grants Program, the major source of public funding to support research work and research training at our universities. The National Competitive Grants Program comprises two major funding streams—linkage and discovery. The ARC's linkage funding aims to promote national and international research partnerships between researchers and business, industry, community organisations and other publicly funded research agencies. It does so by requiring the winners of its grants to have secured matching funding from these other sources. In turn, this process of collaboration encourages the transfer of skills, knowledge and ideas, which can assist—in commercialising research. The ARC's other flagship, the discovery schemes, aim to build a strong capability in fundamental research—sometimes called discovery, basic or blue sky research; in other words, the very front line of research.

Parliamentarians are busy people with plenty of calls on their time and attention. Both the House and the Senate pass hundreds of bills every year, many of them highly technical and, indeed, often arcane. Unless one is a minister or a shadow minister responsible for a particular area of public policy, or one has a particular interest, most of us will never acquire an in-depth knowledge and appreciation of all the bills we are called to vote upon on every sitting day. But behind every bill, no matter how unlikely, there is a story, and often a fascinating story.

This bill, the Australian Research Council Amendment Bill 2011, might be a short, administrative, non-controversial piece of legislation, but it is part of a much larger story. It is a story of ingenuity and imagination, of long hard work as well as instant flashes of inspiration. Who knows—maybe one of the recipients of an ARC grant next year will discover the secret of the universe or will build the proverbial better mousetrap. Maybe he or she will stand on the shoulders of the great Aspro giants and develop the next generation of hangover cures. Whatever happens, Australia and the rest of the world will be eternally grateful.

Senator IAN MACDONALD (Queensland) (13:32): It is indeed a pleasure to follow such an uplifting, thoughtful and inspirational speech by my colleague Senator Mason on the Australian Research Council Amendment Bill. I can but agree with him on the great work that Australia's scientists do. Most of them do struggle from hand to mouth at times, but thanks to the research grants programs of successive governments we are able to contribute in some way to some of the fabulous things Australia's scientists have done.

I add a more sober note perhaps to the debate. That concerns one element of research and research grants that I am concerned about. Unlike my colleague who has just spoken, I am not greatly imbued with knowledge about university life and how universities actually work, but I have always understood them to be places of open research and open understanding where ideas and the contest of ideas are encouraged. However, I have to say with some regret that it has been reported to me that there is not quite openness and fairness in the devolution of all research grants. Before I go into this, I make the point that I am not naming names, I am not mentioning particular universities, and it is sad that in Australia this should be the case.

I am told by some people in universities and some scientists that, if they do not have an approach to a particular area of science that is approved by the current government,
there is absolutely no chance they will get a grant for their research work. I have been told of instances around Australia where learned professors and lecturers have said to their students, 'This is as I understand the thing, this is what I want to teach you, but if you are going to become a scientist please do not adopt this line because you will never get research funding, and without research funding you will not be able to approach your chosen field of science in a particular area.'

I make no aspersions against the individuals who currently constitute the Australian Research Council. But I point out that, back on 12 May 2009, I sought on notice from the Minister for Innovation, Industry, Science and Research details over the previous five years of what Australian Research Council grants had gone to scientists and researchers associated with work related to climate change. I asked for details of the grants, the recipients, what amount was involved and short titles of the research. I got very many pages back in answer to my inquiry. Someone on my staff added up that over $200 million in research funds went to people researching climate change. It is said to me by people within the research, scientific and university areas that none of those grants have gone to anyone who had a view contrary to that of the current government. The people who have told me that are people who I believe, and they are, to me, very highly qualified, highly learned, highly experienced, very intelligent people in the science and industry area. They are the sorts of scientists that Senator Wong, as climate change minister and now as representing the climate change minister since she was sacked from that job, dismisses in comments like, 'Oh, they're flatearthers.' The people she refers to as flatearthers are qualified, world-recognised scientists in their own field but, unless they agree with Senator Wong's or Professor Flannery's view on life, then these people—qualified though they are, and recognised right around the world—are simply dismissed as not being good scientists.

They cannot get their work peer reviewed. When you ask why that is, Senator Wong says, 'They can't get it peer reviewed because they're no good at all; they're not real scientists.' Well, I am sorry—these are scientists who are very well qualified and learned but who have a different view from Senator Wong and the Gillard government—well, that is, they have a different view now. You will remember just before the last election of course that Ms Gillard promised that there would be no carbon tax under a government she led, therefore accepting that it was not the greatest moral challenge of our time that her predecessor, Mr Rudd, had said climate change was.

But I divert from the point I am making, and that is that, to be good science and good research, funding must go to all those who want to conduct research into a particular phase of learning, and if those people happen to have a different view from those who, at the current time, have the ear of the government, that should not mean they do not get research funding. It should not mean that research funding only goes to those who share the same view as the government. I think Senator Mason referred to scientists in days gone by who, when they were developing their theories, were shunned as being just not with it, not on the same page; their theories were said to be ridiculous or to be contrary to the rules as they were known then.

As I always say in relation to climate change, I do not know whether man is causing climate change. I always acknowledge that the climate is changing—it has been for millions of years. I continue to
mention that once upon a time this planet was under ice; it is no longer under ice. Once upon a time there were rainforests in the centre of Australia and dinosaurs roamed throughout there, but the climate changed over millions of years and we do not have rainforests in the centre of Australian now. We do have islands where once there were none and we have no islands where there were islands once upon a time. So of course the climate is changing. Everybody knows that. But is it man’s emissions that are causing the climate to change?

There have been so many outrageous allegations about this. You will remember we were being told a few years ago that the south of the continent was getting drier and drier, and yet here we are sitting in Canberra this week with the most unseasonal wet weather, the most rain, that I think this city has seen for a long time; it is akin to the sort of monsoonal rain we get up in North Queensland, where I come from, at this time of year. But a few years ago Senator Wong and her cohorts were telling us that the south of the continent was getting drier and drier. Well, tell that to the people who were flooded in Victoria last year. Tell it to the people in Cooma and Goulburn today who are, I understand, being sandbagged because of unseasonal floodwaters. So who knows? But we were being told these things. We were being told by Professor Flannery, you might recall, that the tides were increasing and that people ought to be careful where they built their houses. It did not stop Professor Flannery, of course, from buying a property on the banks of the Hawkesbury River, building his house there and then having fights with his neighbours over allegations of talk on the Ray Hadley radio show—but I will not go through that; we canvassed that a little at the estimates hearings just gone.

But this is why I say I do not know. I personally do not know. I am not a scientist. I am not very clever. And I do not know whether emissions are causing climate change. What I do know is that there are a number of scientists who say that it is. That is their view and they will give you their papers; they give them to me, though they do not mean much to me. But I do know that there are also a number of other, equally reputable and learned scientists who have a different view.

I only need to pause briefly to mention that, according to Senator Wong and others, including Professor Flannery, our coral reefs in Australia were doomed because the water was getting warmer and the Great Barrier Reef would be killed because of climate change. Well, we had some very good research from the Australian Institute of Marine Science on coral reefs in Western Australia. I did try to read it through and, as I understood it, it said that they had actually worked out that the warmer waters were increasing calcification which, when I looked it up in the dictionary to find out what it meant, actually meant that the coral was expanding. I see Senator di Natale shaking his head. I understand he has some scientific background; perhaps he can correct me. But the paper is there and it quite clearly shows that, in those southern coral reefs of Western Australia, warming waters actually extended the coral—made it better; made it increase. That paper has recently come out. It is there for everyone to see. I raised that at estimates as well. So I cannot say for sure, but what I am saying is that, just because some scientists have a different view from what is claimed to be the view of the majority of other scientists in that field, that does not mean that those scientists should not be given research funds and supported to pursue their theories. I mentioned that some scientists could not get some of their papers
peer reviewed. Again, I am not an insider in how the research area works, but one would think that the scientific journals would publish these papers and allow other people to read the work of what I believe to be quite distinguished scientists and then form a view. But a lot of the scientific magazines will not even publish their work. If it is bad as Senator Wong and others would tell us, why wouldn't they publish the work and those scientists can open themselves up to criticism from the rest of the scientific world? But they cannot even get them published.

I do not have the names in front of me now, but on two occasions at estimates—it is all on the record—I have given lists of names to Senator Wong of distinguished scientists who have a different view and Senator Wong has dismissed those very learned and eminent scientists with the comment, 'We don't deal with flat-earthers.' This is a politician accusing some of the world's leading scientific brains of being flat-earthers. That shows the sort of respect the Gillard government has for anyone who happens to disagree with its view on life. I think this is appalling.

I indicate to Senator Conroy that, when the bill is read a second time and the Senate has the option to go into the committee stage, I am going to ask for this chamber to go into committee because I want to ask Senator Conroy a couple of questions about research grants.

Senator Conroy: I've been personally doing them—you're right.

Senator IAN MACDONALD: I beg your pardon?

Senator Conroy: I've been personally deciding them. You're right; you've got me.

Senator IAN MACDONALD: I am giving you some warning, Senator Conroy. You have advisers who might be able to help you. You do not know much about the NBN, but you are in charge of that, so I assume you have some advisers that might assist you there and that you have advisers on this bill that might be able to assist you. I just want to ask a couple of questions—I will not keep the Senate long—about research grants. The figures that I have are for the five years ending 2009 and I would be interested in what they have been since that time. I would also be interested in knowing how much research money has gone to scientists who have a different view on the cause of the changing climate of the world.

So, not wanting to keep the chamber too long with this contribution, I again endorse my colleagues' words about how uplifting and how great our Australian scientists are and how Australia, to use the vernacular, punches well above its weight when it comes to scientific research and the things that clever Australians—clever us—have invented, contributed to and helped with over many years. I will not individualise the fields of work that our scientists have contributed to because it is too wide, but we have been very good and the research grants program is essential so they can be provided those funds. So we support this amendment bill. But I do mention again, in relation to grants for climate change research, that they should be evenly spread for those who make application—not even evenly spread, but there should be some money for those who have a different view and want to research it. The only way, as any scientist will know, that you can really research things is with a bit of financial support to help with your research and with your living expenses while you are doing that research.

I am sure a lot of this $200 million odd that has gone to scientists who share the government's view on climate change and the causes thereof has been very good research. I am sure it has. But I would like
someone to go through and identify in the information I have and the information I will be seeking just how many of those grants have gone to people who do not believe that human emissions are the cause of the changing climate that we are all experiencing in this world. It was scientists who told us it was going to get drier in the south. Some people were talking about one-metre increases in the sea level in the foreseeable future and there were outrageous claims promoted by Senator Brown in the Greens political party.

Science and research needs to be given without fear or favour. People need to be encouraged to challenge existing contemporary views that are held by a lot of people. The only way we improve in this world—the only way we improve in our lives and the things we can do—is by challenging existing theories, proposals and presentations and to encourage argument to understand just what happens. By denying some scientists support to do that, I do not think we do ourselves a favour and we certainly do not do our learning and research areas any favours.

Senator FAWCETT (South Australia) (13:52): I rise to address the Australian Research Council Amendment Bill 2011. I support the comments made by colleagues about the importance of research in the Australian community, but there are a couple of areas that I particularly want to touch on around the implementation and the outcomes of funding on research and development. The Australian Research Council is a statutory authority within the Australian government's Industry, Innovation, Science, Research and Tertiary Education portfolio. I make that point because it does reside within one specific portfolio. One of the challenges that governments of all political make-ups and all levels have is to make sure that money spent and initiatives supported within one portfolio coordinate with outcomes and decisions made with other portfolios. That is the only way that implementation will be effective and that inputs, which we as legislators in this place approve, will have the maximum benefit in the community. I will touch on a couple of areas to highlight that.

Firstly, we should confirm the need for investment in R&D. The OECD has done quite a bit of research specifically on Australia that indicates there is a strong link between research and development and productivity. It found that a one per cent increase in business R&D led to a long-run increase in productivity of 0.11 per cent. The comparable result is 0.28 per cent for public research. In net terms there is actually a very strong and significant link to research. It is good to see that over the years—and I give credit—both sides of government have increased funding on R&D. The gross resources devoted to research and experimental development—this comes from both public and private investigation—have increased from around $10 billion in the late nineties. They rose fairly steadily up to about $24 billion by 2004-05 and then there was a significant change in that gradient up to just under $28 billion by 2008-09, which is good because the need is there. But the question is: are we actually getting the maximum result for that investment in research?

The National Farmers Federation today released their Farm Facts for 2012, which indicates that the farming sector continues to be an important contributor to our economy and to our way of life. They produce some 93 per cent of Australia's domestic food supply. In 2010-11 the farm exports earned Australia $32.5 billion which is up $400 million in two years. Significantly, when you look at food production, the United Nations has identified that there is a real challenge in that we need increasing productivity to meet the growing global food demand. The UN estimates that production will need to
increase by some 70 per cent by 2050 in order to meet the world population need. That is why we need continued investment, but investment that is effective. That 'effective' means we need a whole-of-government approach.

One of the simple things that we need to do is, firstly, make sure that funding continues in critical areas. I notice, in looking at agriculture at the Cooperative Research Centres, that there was $33 million removed from the budget last year. That affects certain things. For example, there was a lot of concern last year around the spread of rabbits. The Invasive Animals Cooperative Research Centre, which were doing work on a replacement for calicivirus, were quite concerned about the fact that they were not going to be re-funded. In the end they were, but what are the consequences of not funding what appears to be a fairly small area? Some $400 million a year is the kind of productivity loss that we see in agriculture if something like rabbits are not controlled. The CSIRO has some quite accurate figures about the value to Australian agricultural produce of investing in things like viruses such as the calicivirus to control rabbits. Not only agricultural production but also the environment would be under considerable threat, and a number of plant species would be under threat if it were not addressed. So, maintaining the budget is the first step.

The second part around the whole-of-government approach that I want to highlight is that it cannot stay within that one portfolio. If we are to make those taxpayer dollars count, if we are to encourage business to make the business investments in R&D, then we need a whole-of-government approach. Looking at business R&D investment in 2008, Australia ranked 14th in the world in the amount of business investment, which was significantly above some our regional neighbours such as China. However, when we look at where business is choosing to set up their manufacturing plants, it is instructive to look at the pharmaceutical industry. In speaking yesterday to people from the pharmaceutical industry, they indicated that they would be very willing to establish manufacturing plants in Australia, but we are significantly disadvantaged compared to regional neighbours who are providing better regulatory environments, particularly around tax provisions. That means that it is far more cost effective for the companies to invest elsewhere. If we are to actually capitalise and leverage off the combination of taxpayer and private R&D, we need to have complementary policies in other portfolio areas that will enable the commercialisation and, ideally, the production of the things that are developed by our scientists and researchers in Australia. Only by having that whole-of-government approach will we realise the value of research and development in this country.

Lastly, I want to look at the area of Defence. The Defence Science and Technology Organisation, in August last year, announced US$13.7 million in R&D funding for projects. Five projects were selected out of 119 submissions under round 15 of the Defence Capability and Technology Demonstrator Program. Interestingly, if you look back over the years since 1997 when that program was established, only 11 projects have transitioned into an acquisition project or into a project that has continued the value of that research—only 11 in more than a decade. The feedback we get from small business, who are working in the defence industry sector, is that the reluctance of the Australian government and the Defence Materiel Organisation to purchase Australian products, particularly where there are new or innovative ideas, is harming the long-term
prospects for research and development in Australia. Rather than just paying out with one hand to encourage companies to invest in research and development, we need to have a coordinated approach such that we reward them by giving them a market for the products that flow from their research.

I support the bill, but I call on the government to have a whole-of-government approach.

**The PRESIDENT:** It being 2 pm the debate is interrupted.

**QUESTIONS WITHOUT NOTICE**

**Gillard Government**

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister. Will the minister explain why the Prime Minister branded the story in yesterday's *Australian* about Mr Bob Carr being offered the Senate vacancy and the position of Minister for Foreign Affairs as 'completely untrue'? Does the government still maintain that the story was completely untrue?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:00): Clearly these questions are best directed to the Prime Minister. I have no personal engagement with them other than in a general sense. I am happy to say that the Prime Minister has dealt with these issues. I am pleased to say that the Labor Party, in seeking to replace Senator Arbib in this chamber and fill his very big shoes, has gone out and tried to engage with its membership to attract the best possible candidates. I am pleased to say that the discussion so far has been focused on a range of very high-quality candidates who would make a real contribution to the Senate and to the government if they were to come forward as the replacement senator. But that is a question that will be determined by the New South Wales Labor Party in the normal course of events. Formally, it will be a decision of the New South Wales parliament, as I understand it.

Mr Carr would obviously be an outstanding candidate, but he has ruled himself out. There are other candidates such as Mr Mundine and others who are putting forward their names. As I said, I am encouraged by the quality of candidates. The Labor Party is in the process of selecting a quality candidate. Once that decision has been made, they will replace Senator Arbib in the Senate, provided normal constitutional conventions are observed by the New South Wales government. I assume they will be. I know we will get a quality representative to replace Senator Arbib and that they will make a contribution to the government and to the Senate.

**Senator ABETZ** (Tasmania—Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. Can the minister confirm Labor governs by letting unelected, faceless men like Sam Dastyari hawk around some of the highest offices in the land—Foreign Affairs, Defence—

**Honourable senators interjecting—**

**The PRESIDENT:** Order! Just resume your seat, Senator Abetz. I cannot hear you. When there is silence on both sides we will proceed.

**Senator ABETZ:** Can I start again?

**The PRESIDENT:** Yes, you can.

**Senator ABETZ:** I understand the wounds are still raw but can the minister confirm Labor governs by letting unelected, faceless men like Sam Dastyari hawk around some of the highest offices in the land—the
Foreign Affairs, Defence and Trade portfolios—like some kind of speed-dating service?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:03): I make the obvious point that the Liberal Party have no interest in policy debate. They have nothing to contribute to public policy debate in this country. It is the role of the state secretary in New South Wales, Mr Dastyari—

Senator Brandis: How do you pronounce that?

Senator CHRIS EVANS: I am not sure, actually! That is why I will refer to him as the New South Wales state secretary in future. He is not faceless because I can recognise him. He has the job of coordinating the selection process in the New South Wales branch, just as the Liberal Party officials do. I run into the national director of the Liberal Party every Tuesday when the party room meetings are on. I do not know why he is always in the building. I always bump into him on the way to our caucus meeting. The Prime Minister will decide the ministry and the New South Wales party will nominate a replacement, and I am sure it will be a quality replacement for Senator Arbib.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Given the Prime Minister's denials in 2010 that she was after Kevin Rudd's job, her promise that 'there will be no carbon tax under the government I lead', her betrayal of Mr Wilkie over poker machines and her office's role in the Australia Day riot, wasn't Mr Rudd right when he said of the Prime Minister that she has lost the trust of the Australian people?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:05): Question time is the opportunity for the opposition and the Independents in particular to question ministers about their portfolio responsibilities, to examine issues of interest to the Australian people, allegedly to pressure the government—

Senator Brandis: Mr President, I rise on a point of order. As you well know, all of the answer must be directly relevant to the question. Comments by the minister about the role of question time have no bearing, directly or indirectly, on the question that was asked.

Senator Conroy: Mr President, I rise on a point of order. The question can only be relevant to a minister's portfolio if it does not start off by containing a list of slanderous allegations. I think that turns it into a very broad question, and Senator Evans is well within the broad remit of that completely irrelevant question.

The PRESIDENT: The minister has only been going for 15 seconds. The minister has 45 seconds remaining to address the question. There is no point of order at this stage.

Senator CHRIS EVANS: Mr President, I am just making the point that the opposition has the choice of making unsubstantiated allegations to try to smear various people or of actually focusing on the issues that are important to Australian families. They could ask us about jobs, they could ask us about the economy, they could ask us about health or they could ask us about education, but, no, they make a series of smears, a series of political smart-alec tactics. They have no interest in big policy debates. I suggest that the Australian people will judge the opposition very harshly.
Senator Abetz: Mr President, I rise on a point of order: under sessional orders the leader of the government is required to be directly relevant. In relation to all that to which we have had to listen, it is a fact that the Prime Minister promised that there would be no carbon tax. That is not a smear; that is a fact, as were all the other elements.

The President: This is now debating it.

Senator Abetz: I would invite you, Mr President, to require the leader to be directly relevant as required by the sessional orders.

Senator Conroy: A point of order, Mr President: I would invite Senator Abetz to read his own question, to see the pejorative and slanderous commentary that he included in his question. Let us be clear, this question is a very broad question, and Senator Evans is entitled to answer such a broad, ridiculous question as broadly and, frankly, ridiculously as he likes.

The President: I am listening closely to the minister's answer. I did ask the minister before, when he had 45 seconds remaining, to address the question. I am asking the minister to continue. You have eight seconds remaining, Minister.

Senator CHRIS EVANS: Mr President, the government is focused on meeting the needs of Australian families, growing our economy and delivering good government to them. That will continue to be our priority. (Time expired)

Broadband

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:09): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister inform the Senate if he is aware of any plans to emulate and replicate the telecommunications sector of communist countries such as Cuba and North America—North Korea, sorry?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:09): I thank Senator Polley for her question and assure her that I am not aware of any plans around North America, but, in relation to North Korea and Cuba, the Gillard government is committed to replacing Telstra's ageing copper network with fibre for 93 per cent of homes and businesses, to help future proof our broadband infrastructure for generations to come.

In responding to this announcement, Senator Polley—you heard it absolutely right, I know you did not believe it—the opposition spokesman, Mr Turnbull, has revealed a new and bizarre twist in the coalition's broadband plan. It turns out that, rather than invest in a new network for the future, the coalition plans to take back Telstra's ageing copper network, an asset the coalition sold barely 6 years ago. They are going to buy it back. How Mr Turnbull plans to do that we do not actually know, because as always he completely refuses to give any details whatsoever. Mr Turnbull has now adopted the North Korean and Cuban telecommunications manifesto on how to operate a state owned fixed line copper network. You have actually told them to go and buy it. He did go on to ask, I have to say, how much it would cost. What did Mr Turnbull have to say? He will not detail it; in fact, he goes on to suggest that it will not cost anything. What we do know is that Telstra has in the past valued its copper network at between $20 billion and $33 billion—truly staggering. (Time expired)
Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:12): Mr President, I ask a supplementary question. Can the minister inform the Senate if he is aware of any research into the communication needs of regional Australia? How does the National Broadband Network compare to that research?

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) (14:12): I thank the senator for her question. I am indeed aware of some research in this area. In 2005 a report entitled Future-Proofing Telecommunications in Non-metropolitan Australia was published by an organisation called the Page Research Centre. The authors of the report made a number of interesting observations including: 'the copper network is fast becoming redundant'. That is right—redundant.

The authors of the report clearly need to speak to the opposition spokesperson. They must be shocked that he wants to buy back the copper when those in the Nationals' corner have told him it is becoming redundant. That is not all, the report goes on to say:

The government contracts a supplier to lay fibre optic cable to a majority of consumers in non-metropolitan Australia …

Clearly the authors understand that fibre is the technology for the future. (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (14:13): Mr President, I ask a further supplementary question. In relation to the report the minister has cited, can the minister provide further information about the report?

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) (14:13): The Page Research Centre paper was authorised by its telecommunications advisory group, an action group consisting of three people who, as I just finished saying, clearly understood regional Australia's need to be future proofed. They understood what was needed. The advisory group included Mr Troy Whitford, a current director, and was chaired by none other than the National Party's then senator-elect Fiona Nash, who was no doubt ably supported by Senator Barnaby Joyce. I can only come to the conclusion that, once again, the National Party has rolled over to Mr Turnbull. Its own report, authored by two senators in this place, said fibre is what we need; copper is redundant. Yet there they are rolling over to give up and betray the very people they claim to represent and taking us back to the future and reintroducing North Korean-Cuban policies. (Time expired)

Prime Minister

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:14): My question is to the Minister representing the Prime Minister, Senator Evans. I refer the minister to the fact that the Prime Minister has not visited Queensland in more than four months, notwithstanding the occurrence of severe natural disasters including major flooding in south-west Queensland and the small matter of an upcoming state election. Can the minister confirm when the Prime Minister next plans to visit Queensland? Will she be attending the Labor Party state campaign launch in coming days, or has she been asked by the Premier, Ms Bligh, to stay away for the damage that her presence may do to Labor's already toxic reputation?
Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:15): I am informed by Senator McLucas that the Prime Minister was in St George with Barnaby Joyce about a week and a half ago.

Senator Brandis interjecting—

Senator CHRIS EVANS: That's not correct? Is that right? I will correct the record if that is not correct, but I am advised by Senator McLucas and I seem to remember seeing a photo in the paper—

Senator Abetz: Yes, Senator Joyce avoided her!

Senator CHRIS EVANS: Senator Abetz, you are confirming, are you, that she was there?

The PRESIDENT: Comments to the chair, please.

Senator CHRIS EVANS: All I can say is that it is clearly a stupid question. I am advised that the Prime Minister was in the company of Senator Barnaby Joyce, the Nationals leader, within the last couple of weeks discussing the flood situation at a meeting in St George. I certainly remember seeing some coverage of that. If I am wrong, I will correct the record. But it seems to me, Senator Brandis, that your question is misplaced and perhaps you ought to take the opportunity to ask Senator Joyce whether or not that is correct. And if you have misled the Senate in your question, obviously you will be correcting the record as well.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:17): Mr President, I ask a supplementary question. I refer the minister to comments made by the Labor Premier of Queensland, Ms Bligh, who said on Monday that 'as Prime Minister Kevin Rudd delivered to this state'. Apart from the government's mining tax, which will cost thousands of Queensland jobs, and the government's carbon tax, which would drive up the cost of living of every Queensland family, what has Ms Gillard delivered to Queensland?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:17): The first thing I want to do in responding is to inform Senator Brandis that in fact I understand it was on 11 February that the Prime Minister was in Queensland with Senator Joyce, so I do expect him to apologise to the chamber if he is wrong.

Senator Heffernan: Mr President, I raise a point of order. Given some slights made today such as where is Barnaby Joyce, Barnaby Joyce today is at Fiona Nash's mother's funeral.

The PRESIDENT: That is not a point of order.

Senator Cameron: This is a big Brandis blunder.

The PRESIDENT: Order, Senator Cameron!

Honourable senators interjecting—

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

Senator CHRIS EVANS: The Courier Mail reports:

The federal government has forwarded the latest instalment of its $5.6 billion funding package to Queensland, as flood recovery efforts continue …

Speaking in the Queensland town of St George, Prime Minister Julia Gillard said the government had been making sure that money was continuously available to flood-hit areas of Queensland.

That was a report of 11 February. So the slur contained in the primary question, it seems, is wrong, and I remind those opposite that
they refused to support the funding package designed to give relief to Queensland residents following the floods last year. That is how concerned they were.

_Honourable senators interjecting—_

The PRESIDENT: Order! On both sides.

_Government senators interjecting—_

The PRESIDENT: Order! On my right. Senator Brandis.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:20): Mr President, I ask a further supplementary question. I also refer the minister to comments made by Premier Bligh that 'Kevin Rudd is a friend of mine'. Is the Prime Minister also a friend of Ms Bligh? Is she doing her friend a favour by staying away from the Queensland Labor campaign launch, or does she plan to do her friend a favour by keeping her profile at the Labor campaign launch as low as possible and leaving as quickly as possible?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:20): The Liberal opposition had the option today of asking an accurate question focused on the concerns of those affected by the floods, or they had the option of trying to smear the Prime Minister and take no interest in those people who have been affected by the floods. They chose the second path. It is embarrassing to see the lack of interest in the people of Queensland, the lack of interest in the impact of the floods on those people and the attempt to try and slur the Prime Minister inaccurately, when she was in Queensland with Senator Barnaby Joyce focused on the needs of those people. I would remind those opposite that when it came to helping the Queensland people, when it came to passing the levy to support investment in Queensland to rebuild, they opposed it. That is how interested they were. Their answer was, 'Add it to the $70 billion black hole we have already got.' We refuse that. We are interested in the people of Queensland. _Time expired_

**Great Barrier Reef**

Senator WATERS (Queensland) (14:22): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy, regarding the dumping of dredge spoil in the Great Barrier Reef. The public found out last weekend, on the front page of the _Australian_, that the government is proposing to impose a fee for dumping dredge spoil—spoil which has been ripped off the sea floor in the first place—right back onto the reef. Only selected closed consultation was undertaken by the Great Barrier Reef Marine Park Authority on this incredible proposal, so the Australian people know very little about it. My question is: what on earth was the government thinking with this proposal to force the authority charged with protecting the reef to raise money from polluting it and when did the government plan to tell the Australian public about its plans to turn the reef into a marine rubbish tip?

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) (14:23): I think Senator Waters for her question, but I would caution her—and I am sure all of our colleagues sitting around the chamber would join me in this—not to take anything on the front page of the _Australian_ as a given fact. I am sure I do not need to explain that to your colleagues.
The Great Barrier Reef is, as you know, one of the world's great treasures and the Australian government is committed to responsible management of this region to protect it for future generations. Disposing of dredge material in the Great Barrier Reef Marine Park is absolutely a last option and all proposals are subject to a rigorous environmental impact assessment process before a permit is granted. The Australian government has asked the Great Barrier Reef Marine Park Authority to consult on a proposed environmental management charge for the disposal of dredge material in the Great Barrier Reef Marine Park.

The authority is perfectly capable of making decisions to protect the reef regardless of how revenue is raised. You only have to look at Mr Burke's response to the Hummock Hill Island proposal, which would have increased revenue through the tourism management charge, to see this. It is absurd that tourism operators have to pay a charge to operate in the reef but that dredgers do not. The Great Barrier Reef Marine Park is widely recognised as one of the best managed marine protected areas in the world. It is a multiple use marine park which supports a range of activities, industries, communities and businesses. The Australian government has asked that consultation occur in relation to the possible introduction of an EMC for dredge material disposal in the marine park. The consultation period closed on 23 February 2012 and comments are now being collated. (Time expired)

Senator WATERS (Queensland) (14:25): Mr President, I ask a supplementary question. If the proposed dumping fee had been imposed on the 22 million cubic metres of dredge spoil already approved to be dumped in the reef World Heritage area, it would have raised more than GBRMPA's current annual budget. Can the minister advise how this dirty money for dirty deeds is anything other than an incentive for GBRMPA to approve more dumping?

Opposition senators interjecting—

Senator Bob Brown: On a point of order, Mr President: the senator from South Australia to my right is making very clear allegations about a matter before the Privileges Committee. I ask you to have him withdraw.

Senator Ian Macdonald: On the point of order, Mr President: you did not hear that and I assure the Senate and everybody else that Senator Bernardi did not say what Senator Brown alleges—and this is another occasion where Senator Brown simply verbals anyone he does not agree with.

Honourable senators interjecting—

The PRESIDENT: Order! I did not hear anything at all, Senator Brown; I can assure you of that. If there was a comment, it was certainly not heard up here. I am attempting to get silence so Senator Waters can have her question heard properly. Senator Waters, please repeat the last part of your question—which I did not hear because of the disorderly exchanges across the chamber.

Senator WATERS: Can the minister advise how this dirty money for dirty deeds is anything other than an incentive for GBRMPA to approve more dumping? Are there any safeguards proposed to ensure that this does not just incentivise the regulator to approve more dumping?

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) (14:27): Consultation occurred with all current holders of a Great Barrier Reef Marine Park Authority permit which allows the disposal of dredge material in the marine park; those who have applied for...
such a permit; ports corporations; some industry groups, including those covering marine tourism and fishing; and technical and community advisory groups. Comments on the proposal have also been received from members of the public as a result of information regarding the consultation being made available on the Great Barrier Reef Marine Park Authority public website. The government will take into account all comments before deciding if any charge should be introduced.

Consistent with Australia's National assessment guidelines for dredging 2009, the government's preference is that the disposal of dredge material at sea is considered only when all other disposal alternatives have been exhausted. However, it is recognised that, in some circumstances, the disposal of dredge material in the marine park is the only feasible option. (Time expired)

Senator WATERS (Queensland) (14:29): Mr President, I have a further supplementary question but, before I ask it, I note that the website referred to by the minister was password protected and was not available to the public. My question is: with UNESCO already expressing extreme concern about the coal seam gas export facilities wiping out Gladstone Harbour's World Heritage values, with the proposed more than trebling of shipping through reef ports and with the unprecedented dredging—to facilitate fossil fuel exports—in the World Heritage area, has the government told UNESCO about these pay-to-pollute dumping plans? What is the government doing to stop Australia joining Yemen, Afghanistan and the Democratic Republic of Congo on the UNESCO List of World Heritage in Danger? (Time expired)

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) (14:29): It should be noted that dredge spoil has been disposed of in the marine park over many years in accordance with strict permit conditions. The proposal to introduce an EMC for dredge material will provide for additional measures to protect the Great Barrier Reef. It is anticipated that by having a charge fewer applications will actually be received to dispose of dredge material in the marine park. If there is any further information that I can add or that the minister would like to add to that, I will take any further parts of your question on notice.

Renewable Energy

Senator IAN MACDONALD (Queensland) (14:30): My question is to the Minister representing the Prime Minister. The minister would be aware that Queensland Premier Anna Bligh has said that she would welcome Prime Minister Gillard joining her on the Queensland election campaign trail. As an aside, as a Queenslander supporting Campbell Newman, I would also welcome Ms Gillard to Queensland! Rather than campaigning, will the Prime Minister come to Queensland to apologise to those hundreds of small businesses and countless working families who will lose their jobs and businesses as a result of the Gillard government's decision to scrap the $1,000 solar hot water rebate prematurely and without consultation or warning?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:31): When the Prime Minister next visits Queensland, as she did earlier on 11 February, she will be there supporting those people affected by the floods and seeing how the Commonwealth expenditure has been
spent in supporting those people and rebuilding their lives and dealing with the more recent flooding. That effort provided by the Commonwealth government in support of the Queensland Bligh government's efforts was designed to rebuild communities, rebuild roads and protect people's jobs, and she will—

Senator Ian Macdonald: I asked about the solar rebate.

Senator CHRIS EVANS: No, Senator, you asked me what she will be doing when she is in Queensland. She will be reminding people that the Commonwealth's commitment in Queensland was funded despite the opposition of the Liberal and National parties; that when it came to the crunch the Liberal and National parties refused to support the relief effort in Queensland.

Senator Ian Macdonald: Mr President, my point of order goes to relevance. Clearly, the minister did not even listen to the question. I asked whether Ms Gillard would apologise to those who lose their jobs as a result of the premature scrapping of the $1,000 solar rebate. I did not say anything about the floods. I did not say anything about rebuilding Queensland. I want to know if she will apologise for the premature closure of the $1,000 solar rebate.

The PRESIDENT: The question was broader than that, Senator Macdonald.

Senator Ian Macdonald: It was not!

The PRESIDENT: Excuse me, Senator Macdonald, I am telling you that the question was broader than that and that that was part of the question.

Senator Ian Macdonald: I invite you to check the Hansard as to what the question was.

The PRESIDENT: Senator Macdonald, thank you very much. I do not need advice. The minister has one minute and one second remaining to answer the question.

Senator CHRIS EVANS: As you and the Senate are well aware, the question raved on about Mr Newman and what the Prime Minister will be doing in Queensland. Very clearly, she will be supporting Queenslanders. She is very focused at the moment on the flood relief and the rebuilding. In terms of employment, one of the things we did as part of that response, and what we continue to do, is to support apprentices who might be thrown out of their trade as a result of businesses losing their capacity to work as a result of the floods. We have provided a lot of support to apprentices and to job creation to ensure that Queensland is allowed to rebuild. There are a range of policies that the Prime Minister will be supporting when visiting Queensland which show this government's commitment to supporting Queenslanders, supporting jobs and supporting recovery from the most terrible natural disasters that Queensland has been subject to in the last few years.

Senator IAN MACDONALD (Queensland) (14:34): Mr President, I would direct the minister again specifically to my question, which is on the premature cancellation of the $1,000 solar rebate.

Government senators interjecting—

The PRESIDENT: Order, on my right! Senator Macdonald is entitled to be heard in silence.

Opposition senators interjecting—

The PRESIDENT: Order, on my left!

Senator IAN MACDONALD: My supplementary question is: can the minister confirm if the Prime Minister considered how many small businesses in Queensland will go to the wall as a result of the premature axing of the solar rebate and, if she did, can the minister tell us how many
jobs and businesses are likely to go to the wall?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:35): The supplementary question is based on a false premise. The then Minister for the Environment and Water Resources, the member for Wentworth, announced in 2007 that this scheme would close in 2012. As the relevant minister at the time, the member for Wentworth indicated that the scheme would close in 2012. Further, he is on the public record as saying that once you have a carbon price you do not need specific policies to support solar hot water. So we have support from the member for Wentworth both in terms of the fact that it was well known that this was not designed to be an ongoing program and in terms of the fact that the introduction of the carbon price would require a recalibration of policies supporting some of these solar related schemes. It is also true that we still provide ongoing incentives for installing solar hot water systems. We believe demand will continue among the Australian public for these systems.

Senator IAN MACDONALD (Queensland) (14:36): Mr President, the minister clearly does not understand that the program was going through until 30 June and it was terminated this week without any warning or consultation. My further supplementary question is: will the Prime Minister advise whether there were any requests from the Queensland Premier for compensation for the stock that will be left over as a result of her government’s early termination of this program?

The PRESIDENT: The minister has been going for 15 seconds. He has 45 seconds remaining. I draw the minister’s attention to the question.

Senator CHRIS EVANS: As I was saying, the government is still providing ongoing incentives for installing solar hot water systems. Households installing the typical solar hot water system will still receive between $800 and $1,000 in renewable energy certificates. That will still provide support for the industry. The installation of solar hot water heaters is also eligible for support under the low carbon communities program worth over $330 million.

So there are ongoing programs that will provide support for the expansion of the solar hot water industry. The scheme was due to end this year. It is ending but we expect to see continued strong growth in demand for solar hot water systems.

Agriculture

Senator STERLE (Western Australia) (14:38): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator...
Ludwig. Given that Australian agriculture is a critical sector within the nation's economy can the minister please inform the Senate of his outlook for Australian agriculture.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:39): Thank you very much, Senator Sterle, and thank you very much, Mr President, for giving me the call in a portfolio which the opposition tend not to ask questions about. This year Australia is celebrating the Year of the Farmer.

Honourable senators interjecting—

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

Senator LUDWIG: The Year of the Farmer comes at a time in agriculture, as National Farmers Federation President Jock Laurie has said, with ‘improved seasonal conditions across most of Australia, favourable commodity prices, a weakening Australian dollar and a forecast that the value of farm exports is expected to rise some six per cent’ and there has never been a better time to be an Australian farmer. I could not agree more.

There are, of course, challenges in the rural area but Australian agriculture has a bright outlook for 2012. In the face of international economic uncertainty our agriculture sector is demonstrating that this government is running a strong economy that is delivering for working people in rural communities. You only have to look at the numbers to see that Australian farmers and food producers are set for a positive year ahead. The ABARES report from the latest year contained good news for farmers, stating that for this financial year, our crop, fisheries and forestry exports are all due to increase. I am positive about the year ahead for Australian agriculture.

As a government we have a big reform agenda ahead of us, designed to prepare our farming sector for the future. Australian farmers are innovative. They are productive. They produce high-quality food and fibre. Our job as government is to deliver an environment and system that work for the benefit of farmers and to allow them to continue to produce and grow. This government stands for increasing skills, capacity and opportunity for Australians. (Time expired)

Senator STERLE (Western Australia) (14:41): Mr President, I ask a supplementary question. As the minister has noted, 2012 is the Year of the Farmer. Can the minister inform the Senate what reforms the Gillard Labor government is delivering for our farm sector?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:41): I thank Senator Sterle for his continuing interest in agriculture and his supplementary question. The Gillard Labor government is determined to see the nation prepared for the future. We are making tough decisions to get the settings right to prepare for the new economy. The government is building a clean energy future which will militate against the risks of climate change and increasing climate variability.

For farmers the Clean Energy Package is a win-win. The Carbon Farming Initiative and the $1.7 billion Land Sector Package delivers additional revenue streams for farms, opens the door for new research and technologies, and lowers the nation's carbon emissions. That is why the NFF remains supportive of this innovation.

The government is also developing the first ever national food plan. On 23 June 2011, I released an issues paper to inform the
development of Australia's first national food plan and during the 10-week— *(Time expired)*

**Senator STERLE** (Western Australia) (14:42): I thank the minister for his answer. Mr President, I ask a further supplementary question. Given that the government is clearly preparing our agriculture sector for the challenges of the new economy, can the minister outline any risk to the new economy and the government's preparation of the economy for the future?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:43): I thank Senator Sterle for his continuing interest in agriculture. We hear from those opposite the challenges that they might raise around farming. But they do not want to get on board. What they want to do is run away.

They want to say no to innovation. They want to say no to the ability of the farming community to engage in the Carbon Farming Initiative. They want to say no to a food plan. They want to say no to us bringing forward logging legislation.

*Honourable senators interjecting—*

**The PRESIDENT:** When there is silence we will proceed. It is very simple.

**Senator LUDWIG:** Of course, the biggest risk for Australian agriculture being ready for the new economy is the National Party and their bedfellows the Liberal Party. The Nationals and the Liberals have put agriculture at risk with their half-baked ideas, lack of vision and their $70 billion cut. Where is that going to come from? It is going to come from rural and remote Australia. It is going to come from rural services. That is what the National Party and the Liberals will do. *(Time expired)*

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**Cape York: Heritage Listing**

**Senator BOSWELL** (Queensland) (14:44): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Given that the Wilderness Society has sought emergency National Heritage listing over the South of Embley bauxite project, what consultation has the department or the minister had with the Wik people in relation to this application, and will the minister seek the consent of the Wik people before proceeding with any National Heritage listing in this area?

**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) (14:45): I thank Senator Boswell for his question. The Minister for Sustainability, Environment, Water, Population and Communities has received two requests for emergency National Heritage listing of Cape York Peninsula, and the minister has asked the Department of Sustainability, Environment, Water, Population and Communities to examine these applications.

The minister has not yet received advice from the department on these applications. I am advised that before the minister can include a place in the National Heritage list under the emergency listing provisions under the EPBC Act, he must believe that:

(a) a place has or may have one or more National Heritage values; and

(b) any of those values is under threat of a significant adverse impact; and

(c) that threat is both likely and imminent;

I am also advised that emergency heritage listing of a place is rare in Australia. The minister has made it clear that traditional
owner consent is critical for any Heritage listing of Cape York.

Senator BOSWELL (Queensland) (14:46): Mr President, I ask a supplementary question. What Commonwealth funding has been provided to Indigenous and non-Indigenous groups, organisations or councils, either directly or through the state government, in relation to World Heritage and National Heritage listing of Cape York, and to which groups, organisations or councils has this funding be provided?

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) (14:46): The government has committed $3 million under the Caring for Our Country initiative to support Indigenous engagement and consultation on a World Heritage nomination. This process is ongoing.

The Department of Sustainability, Environment, Water, Population and Communities has not provided funding to any environmental NGO or conservation group through the consultation process on the proposed World Heritage listing of Cape York Peninsula.

Senator BOSWELL (Queensland) (14:47): Mr President, I ask a further supplementary question. What consultation has the Commonwealth undertaken, or intends to undertake, with the Cape York people in relation to World Heritage listing or National Heritage listing?

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) (14:47): The minister has repeatedly said that a World Heritage nomination would not proceed without the prior consent of traditional owners. A World Heritage nomination will only be submitted for Cape York once a comprehensive assessment of values has been completed and the community has been consulted, and it is subject to traditional owner consent.

The government is committed to hearing the full range of views. I am advised that Queensland government officials have been consulting through their community and scientific advisory committees, which are guiding the engagement and assessment process. The Queensland government are also undertaking a process of country based planning with Indigenous communities in the Cape York Peninsula to engage directly on identifying heritage values. I am advised that the department expects to take part in this on-ground consultation with Indigenous communities by developing a World Heritage nomination in the coming months. (Time expired)

Solar Hot Water Industry

Senator MADIGAN (Victoria) (14:48): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. As the Renewable Energy Bonus Scheme has worked as an industry development scheme supporting the Australian manufacturing industry and jobs, as well as subsidising greenhouse gas abatement, what replacement industry assistance measures does the federal government intend to introduce to Australia's hot water manufacturing industry to soften the impact of closing the bonus scheme, to support a successful Australian manufacturing industry sector and to protect Australian jobs? Or, if there is no intention, why not?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:49): The government is committed to a
clean energy future and to supporting clean energy jobs here in Australia. The most significant long-term support for the solar hot water industry will come from a carbon price.

I would also note to the senator, through you Mr President, that when this program was first announced in 2007 by the member for Wentworth, it was stated that it would close in 2012. Accordingly, the government's decision announced this week should be seen as consistent with the program announcement made by the coalition.

The government has supported some 250,000 installations. This is some 25,000 more installations than were promised by the coalition government. We increased the budget for this rebate by $194 million, and we are still providing ongoing incentives for the installation of solar hot water systems. This support comes through the renewable energy target and the delivery of renewable energy certificates. I am advised that households installing a typical solar hot water system will still receive between $800 and $1,000 in renewable energy certificates.

The senator might be aware that the government introduced the changes to the Renewable Energy Target Scheme in 2009 to deliver on the government's commitment to achieve 20 per cent of Australia's electricity supply coming from renewable sources by 2020, expanding on the previous mandatory renewable energy target.

The government is continuing its support for the solar hot water industry. I am advised that the department has been in contact with solar hot water manufacturers, and I am also advised that the installation of solar hot water heaters, in addition to the renewable energy target certificate support, will be eligible for support under the Low Carbon Communities program, which is worth over $330 million. (Time expired)

Senator MADIGAN (Victoria) (14:51): Mr President, I ask a supplementary question. Why is the federal government oversubsidising photovoltaic technology from countries such as Germany and China when, per tonne of emissions abated, solar hot water heaters are more cost-effective in dollar and environmental terms, and the Australian solar hot water industry delivers good jobs, other economic benefits to Australia and cost-effective greenhouse gas abatement?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:51): I would make the point again that the government's view, and it was Mr Turnbull's view, is that the best long-term support for clean energy technologies is a carbon price. The government no longer provides—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Madigan is entitled to hear the answer.

Senator WONG: For the information of Senator Madigan the government no longer provides rebates for solar PV installations for households. They receive the same type of support as solar hot water heaters do—that is, renewable energy certificates under the Renewable Energy Target. In terms of different technologies it is the case that solar PV unit prices have come down significantly. I think that has been the subject of some discussion in this chamber and in various committees, and the government has acted twice in the last 18 months to reflect that price reduction and has reduced the support provided to solar PV under the Renewable Energy Target on two occasions. (Time expired)

Senator MADIGAN (Victoria) (14:53): In light of the fact that the abrupt closure of the Renewable Energy Bonus Scheme is contrary to industry advice and is the latest
in a growing list of poor energy policy decisions made by the federal government, is the federal government willing to rethink its formulation and delivery of energy policy, including the introduction of an energy hierarchy model to guide all its energy policy program and subsidy decision-making.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:53): It is true that when considering energy policy across government you need to consider how different programs interact. That is one of the reasons the government believes in market mechanisms—that is, a carbon price—and why some of the subsidy programs would not be regarded as complementary to a carbon price. We do have additional programs that we think are appropriate, such as the Renewable Energy Target and the various aspects of the clean energy package, which the senator would be aware of, and that are designed to support jobs and competitiveness in Australia. I am also advised that the government has released a draft energy white paper, which is intended to bring together on a strategic basis the government's approach to energy policy, particularly in light of the commencement of a carbon price.

Carbon Pricing

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:54): Tempting as it is, my question is not to Senator Arbib. My question is in fact to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to various assumptions made by the government in deciding to pursue a carbon tax and the similar assumptions in modelling the impact of a carbon tax in relation to the extent of complementary action elsewhere in the world. Are the government's expectations on the extent of international pricing of greenhouse gas emissions, whether through carbon taxes or trading schemes, currently being met?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:55): I have been asked many questions in this place and in Senate estimates about the modelling on numerous occasions and I would again make this point: the initial modelling in relation to the CPRS was, from my recollection, the largest modelling exercise ever undertaken by the federal government.

Senator Abetz: It does not make it right.

Senator WONG: I will take the interjection from Senator Abetz. He says, 'It does not make it right.' It is interesting, because the opposition seem to want to disregard what Treasury tells them over and over again. We have had this constantly in the context of the carbon price and it is unsurprising that they therefore support a policy—'they' being the coalition—that no economist supports. Find us an economist who thinks that a taxpayer funded, bureaucratically driven, inefficient program is the best way and lowest cost way to support emissions.

In terms of international action, the government rejects any proposition that the opposition continue to make that other countries are not acting. I would make the point that some 90 countries, accounting for over 80 per cent of global emissions and 90 per cent of the global economy, have pledged to limit their carbon pollution by 2020. I would also make this point: without a cut price on carbon the risk for Australia would have been that we would be left behind as the world moves increasingly to place a premium on low carbon goods and services.

We on this side are Labor people, we support jobs. We also recognise that you
have to look to future jobs and you have to look at how you position in the future. I think very few people would look around the world and believe you can be a first-rate economy and not also by a clean energy economy.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:57): Mr President, I ask a supplementary question. I refer the minister to yet another delay in the consideration of cap-and-trade legislation in South Korea this week and the reported statements of Japanese officials today that there is no chance of Japan adopting a similar scheme. Contrary to the minister's assertions, is it not the case that the imposition of carbon taxes in other major economies is becoming less and less likely each day as Australia moves closer to the imposition of the world's biggest carbon tax.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:57): I am very happy to have a discussion about one of the nations to which the senator referred in his question—that is, Japan—because I would make clear that over the past few months, the Japanese Prime Minister has emphasised on numerous occasions that Japan remains serious about tackling climate change. The Japanese Prime Minister has said:

... Japan made it clear that it remains committed to tackle climate change, despite immense challenges caused by the Great East Japan Earthquake.

Japan has already implemented a number of measures to reduce emissions. They have had a voluntary emissions trading scheme in place for seven years now. Tokyo and its adjacent province have mandatory cap-and-trade systems in place with absolute caps which will continue. Tokyo's scheme covers the industrial and commercial sectors responsible for around 40 per cent of Tokyo's emissions. Japan already has a fossil fuel consumption tax in place. (Time expired)

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:59): Mr President, I ask a further supplementary question. I refer the minister to assumptions in Treasury modelling that international linking would be widespread with extensive trading of offsetting permits between countries. Given the United States is moving further away from carbon taxes or trading schemes, Japan is ruling them out, Korea keeps delaying them, the price in the European scheme has crashed and examples given by the ministers of China and India bear no resemblance to the Australian scheme, is it not time for the government to admit that they have got it wrong and to axe the tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:59): That was an interesting attempt by Senator Fifield to muscle up, wasn't it? It is a pity he did not actually listen to my answer before reading his supplementary, because I did not refer to China and India. That is the problem with coming in and just slavishly reading out what some staffer has written for you instead of doing the work yourself.

Apart from that, what I would say is that we do believe in international linking. We believe it is important. What I find amazing is that those opposite, the economic Luddites over there, who come in here and say they do not want international linking are now telling us that we should have more of it. You are the people who say you do not want international linking. They say, We do not like trading with other countries when it comes to carbon.'

Honourable senators interjecting—

Senator WONG: The coalition's policy is to not allow international linking. That is your policy. That is what Mr Abbott wants.
And you now come in here and say, 'Really, we want it.' Have a look in your own backyard.

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

BUSINESS
Leave of Absence
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:01): by leave—I move:
That leave of absence be granted to Senators Joyce and Payne for today, being 1 March 2012, for personal reasons.
Question agreed to.

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Fairer Private Health Insurance Incentives Bill
Dental Health
Indigenous Suicide
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:01): I seek leave to table the following three documents and have them incorporated into Hansard. They relate to: figures I gave on 27 February 2012 in the second reading speech on the Fairer Private Health Insurance Incentives Bill and related bills; a response to Senator Di Natale to questions asked on 28 February 2012 about dental services recommended by the National Advisory Council on Dental Health; and a response to Senator Wright on 28 February 2012 about the Indigenous Youth Suicide Prevention Strategy. These update the figures that I gave and provide the correct numbers.
Leave granted.

The documents read as follows—

Fairer Private Health Insurance Incentives Bill 2011

I seek leave to have a table incorporated into Hansard.

This table updates figures provided on 27 February 2012 in the second reading speech to the Fairer Private Health Insurance Incentives Bill 2012, the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012 and the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge — Fringe Benefits) Bill 2012.

The table provides the updated income thresholds, by tier, for the Private Health Insurance Rebate and Medicare Levy Surcharge:

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These thresholds are indexed annually to Average Weekly Ordinary Time Earnings, and the actual figures for 2012-13 will be finalised once the December 2011 figures for Average Weekly Ordinary Time Earnings are released. For families with children, the thresholds are increased by $1,500 for each child after the first.

In addition, the starting date for the Bill, if passed, has been updated to 1 July 2012.

Senator Di Natale — Dental Health
Question without notice
Tuesday 28 February 2012

I seek leave to have the following incorporated into Hansard in response to Senator Di Natale's questions on the National Advisory Council on Health.
The Government does not comment on budget matters prior to the announcement of the budget.

Senator Wright — Indigenous Suicide Prevention Strategy
Question without notice
Tuesday 28 February 2012
I seek leave to have the following incorporated into Hansard in response to Senator Wright's questions on the Indigenous Suicide Prevention Strategy.

On 10 September 2011, Ministers Butler, Macklin and Snowdon announced the establishment of the Aboriginal and Torres Strait Islander Suicide Prevention Advisory Group to provide guidance on the development of Australia's first national Aboriginal and Torres Strait Islander Suicide Prevention Strategy (the Strategy).

The Advisory Group has provided advice on the development of the Strategy, including a Request For Tender for the engagement of a consultant to assist in the development of the Strategy, which was released on 12 January 2012 and closed on 8 February 2012.

It is anticipated that the consultant will commence in early April 2012 and that the project will be completed by the end of October 2012.

The development of the Strategy is being funded under the Government's $22 billion Mental Health Reform package announced in the 2011-12 Budget.

In addition, the department is currently finalising a Request for Quotation process to undertake the development and implementation of an Evaluation Framework for suicide prevention activities.

This will include a comprehensive program evaluation of existing activity funded under the National Suicide Prevention Program (NSPP) and new activities funded under the 2010 Taking Action to Tackle Suicide package. Activities targeting Aboriginal and Torres Strait Islander peoples and communities under each program will be incorporated into this overall evaluation. The scope of the assessment component of the project will incorporate suicide prevention activities funded by the Australian Government from 2006 to 2013.

The objective of the evaluation is to inform the evidence base for future policy direction and implementation of suicide prevention activity and to create and put in place a comprehensive evaluation framework for ongoing use.

The National Suicide Prevention Program has Aboriginal and Torres Strait Islander peoples as a priority target group for funding and has committed funding to 13 projects during 2011/12 -2012/13. A full list of these projects is at Attachment A. Through their work at the grass roots level, the projects provide information to the department which may help to identify an emerging suicide cluster within a community or region. The department works closely with local service providers and State government to provide an appropriate and coordinated response.

STATEMENTS
Questions Without Notice

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:02): I seek leave to make a short statement.

Leave granted.

Senator BRANDIS: In my question earlier to Senator Evans I said that the Prime Minister had not visited Queensland for more than four months. What I should have said is that the Prime Minister has not visited Brisbane for more than four months.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (15:03): I seek leave to make a short statement.

Leave granted.

Senator McLUCAS: I wonder if Senator Brandis knows that Queensland is the second most decentralised state in the country, second only to Tasmania, and in our view—and I hope it is a shared view, Senator Brandis, Tasmania does not count.
QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:03): I move:

That the Senate take note of answers given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) and the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Opposition senators today.

We want to go to the issue of trust and the credibility of this Prime Minister and this government. In the Adelaide Advertiser today there was the headline 'Faceless men overrule Julia'—of course, referring to Ms Gillard, our Prime Minister. The last paragraph of the article says:

On Monday, Labor MPs somehow thought this devious and incompetent woman could still win the public's trust. Two days it took for that fantasy to be destroyed.

The article also talks about the situation around the planning to bring former Premier of New South Wales, Mr Carr, into this place, so that he could be the foreign minister—but the denials are there. We talk about credibility in this place. We have those famous words: 'There will be no carbon tax under a government I lead.'

It was a very interesting answer from Minister Wong today talking about the 'voluntary emissions trading scheme in Japan'. I wonder how many contribute to it. I wonder what it is achieving. Why have we not heard details of it? Senator Boswell interjected—a very clever interjection—'Why don't you give Australia a voluntary emissions trading scheme?' No, it has to be the compulsory one—the broken word.

But it goes on. There was the commitment to Independent for Tasmania, Andrew Wilkie—oh, the poker machine reform. You can imagine them sitting around the room after the August 2010 election: 'Mr Windsor, what would you like?' 'I would like to see the multiparty climate change committee formed and of course money for regional Australia'—and that includes $500 million to go to the Perth airport road that was classified as regional Australia. 'Mr Wilkie, what would you like?' 'I would like poker machine reform'—stamped; guaranteed. And what did he get? The reneging.

That is why the former Speaker of the House of Representatives was moved from the Speaker's chair and put onto the floor—to sure up the numbers for the vote in the House of Representatives. It was no surprise when Mr Slipper took on the Speaker's job. It was something that I had predicted for six months—that Mr Jenkins would be forced out of the Speaker's chair for an extra vote. Of course, what brought it on was the betrayal of the Prime Minister's guarantee to Mr Andrew Wilkie. And here we talk about credibility. This is the very issue: the credibility of this government. That is why the polls are like they are. People have lost faith. They do not trust this government and they do not believe the things that they promise—the things that they never actually deliver to the people.

A classic example is the solar hot water rebate. I go back to when they had the $8,000 subsidy for installation of photovoltaics—introduced by the Howard government. Of course, it just went out of control. There was something like $56 million budgeted and it blew out to something like $300 million or even more. People were putting in a 1kPA—or whatever the measurement is—solar hot water system for free. It cost about $8½ thousand to install one in a house for those smaller 1kW systems. They got an $8,000 subsidy, and away went the budget. It was totally out of control. Mr Garrett was the minister
responsible, and he just pulled the curtain down on that. I am a great fan of solar hot-water systems, because they represent good value. Over time they will pay for themselves. Where I live we get a lot of sunlight, sadly too much sunlight at times during the dry season. But the return on investment is far more effective than it is for photovoltaics. It is a good system. A lot of people work in this industry. It is now very effective as it has been designed and improved over decades. Yet the plug has been pulled on that: another broken promise.

I turn to trusting the government on its expenditure. What is the greatest expense of all? The greatest expense is the NBN, the deal that Senator Conroy did with former Prime Minister Mr Rudd, the defeated challenger, on an aeroplane. Where was the cost-benefit analysis? There was none whatsoever. It was pursued in this place and in the House of Representatives, but no cost-benefit analysis will be carried out for the biggest expenditure ever in the nation's history—up to $50 billion. Who knows where it is going to end? We do not know what the benefit is going to be, because this government is hiding behind that very analysis. The Independents who would not vote for it want to hide it as well. This is where the credibility of the government has been blown apart. The people of Australia have turned away from the government and hence they cannot wait for an election.

Senator FURNER (Queensland) (15:08):
I was extremely perplexed in question time today by some comments, particularly in the questions from Senator Brandis about the issue associated with the PM's recent visit to St George. Senator Brandis tried to qualify his remarks after question time by claiming that the PM had not visited Brisbane for the last four months. Most Queenslanders know that to get to St George from interstate you fly through Brisbane. I am sure those opposite who are Queenslanders would recognise that.

Here we go once again—another deceitful untruth being manipulated by those opposite. Let us not forget as well that approximately a year ago we were debating in this chamber a Queensland flood levy. Who opposed that? Those opposite opposed a flood levy for those who were in urgent need of assistance. Ninety per cent of the state was ravaged by floods and Cyclone Yasi, yet those opposite were not even prepared to assist the Queenslanders in desperate need at the time. When it comes to a need, the Prime Minister was out there just recently, on 11 February, with Senator Joyce. I happen to have a photograph of Senator Joyce with the Prime Minister on that occasion. Try and deny that and claim that some other person is in the photograph.

I want to refresh our memory on what was provided in 2011 when those disasters hit Queensland. There was $1,000 for each eligible adult and $400 for each eligible child. There were 399,536 payments to Queenslanders totalling $465.7 million. In total to date we have committed $5.6 billion to Queenslanders in desperate need. That is why the Prime Minister on 11 February was visiting those areas of St George, Mitchell and Roma that were hit by severe flooding. It was not the case that the Prime Minister has not visited those areas for the last four months or has not flown into Brisbane in the last four months. That is a complete untruth.

If you want to subscribe to those sorts of untruths, let us reflect on what the Leader of the Opposition has to say when it comes to telling untruths. I referred to this in the chamber the other day, but I will do so again. The headline of the Sydney Morning Herald article on Mr Abbott is: 'Read my lying lips: Abbott admits you can't believe everything he says'. This article is dated 18 May 2010.
In it Mr Abbott admitted to lying to the Australian public. He was asked to reconcile the promise that there would be no new or increased taxes under a coalition government. We know that is not the case. We know that if they ever form government again they will lift taxes by implementing a 'Rolls-Royce paid parental leave scheme', as Senator Boyce described it, costing big businesses extreme amounts of new taxes. Senator Boyce has refuted that was the correct policy. She said rather than use a Rolls-Royce scheme they should be looking at a 'Holden scheme'. I think that was her description.

I have a lot of respect for Senator Boyce. She was on the same committee as I was at the time we introduced paid parental leave. That is something I am proud of and I am certain that she is proud of it as well. That is why she has said to her leader: don't use this Rolls-Royce scheme. Don't introduce a new tax for paid parental leave costing $2.7 billion. Use a Holden model, the model that this government has implemented which is serving women in this country quite well.

(Time expired)

Senator BOYCE (Queensland) (15:13): The fact remains, irrespective of attempts by the other side to fudge the issue, that the Prime Minister, Ms Gillard, has not been in Queensland in the last four months campaigning in the state election. The reason that has happened is that there is scarcely room for her to be involved in the state campaign in Queensland, because Ms Bligh and her very good friend Kevin Rudd are insisting on taking centre stage at every opportunity. If Ms Gillard turned up to campaign in Queensland she would have trouble finding a photo opportunity that did not have Mr Rudd in the same photo, along with his close friend Anna Bligh.

To suggest that somehow the opposition is not sympathetic to and is not active in assisting flood victims and cyclone victims in Queensland is blatantly untrue. We did not oppose assistance for flood victims. In fact, we pushed and pushed. It was this government that was slow to provide assistance to business, and it was even slower to provide assistance to not-for-profit organisations, but because this government has gotten itself into such a definite situation it had to introduce a levy. Some of the people the Prime Minister visited when she went to St George were probably people who had to pay the levy. There were businesses affected by the floods that were obliged to pay the flood levy. That is how competent this lot is. Of course, if Ms Gillard ever did get herself to Queensland, perhaps she could talk to Ms Bligh. I am not sure it would be very helpful for Ms Gillard to tell Ms Bligh how to go about getting the support of business because, if you look at every example, business is currently terrified of, in fear of and confounded by the poor policy making and the poor implementation of this government.

I am indebted to a correspondent to the Courier Mail, Mr Paul Anderson from The Gap, for making the point that this government has learnt from experience in one area. In June 2009 it scrapped the solar panel installation rebates with seven hours notice, putting hundreds of businesses into very difficult financial situations. In February 2010 it scrapped the home insulation scheme and reduced solar hot water rebates with five hours notice. The government has learned its lesson, because it announced the scrapping of the revised solar hot water rebate after close of business on Tuesday, with no hours of notice at all. Perhaps that is something that Ms Gillard could help Ms Bligh to perfect: the technique of how you leave businesses completely out
in the cold. To suggest that this lot has any way of understanding business is outside reality. This government does not understand how businesses run; why would we expect it to? Like the Queensland government, it is composed almost entirely of union officials and staffers.

There is one area where Ms Gillard could seek some advice from Ms Bligh. I refer to the case of Mr Gordon Nuttall, who was a former minister in the Beattie government in Queensland. Mr Nuttall was first known as one of the faceless men who attempted to unseat then Premier Beattie and replace him with Anna Bligh. He went on to become health minister in the Beattie government. To use a phrase used in here recently by Senator Furner, he was one of a conga line of health ministers that the Queensland government has had because of the appalling maladministration in that department. In 2009 he was charged with and found guilty of corruptly receiving secret commissions during his time in office, and he was jailed for seven years. In 2010 he was found guilty of another five charges of official corruption and five charges of perjury, for which he received another seven years. He is the longest serving criminal Commonwealth politician. \(\text{Time expired}\)

**Senator THISTLETHWAITE (New South Wales)** (15:19): The matters that those opposite are seeking to take note of here today highlight the complete lack of any critical analysis or comprehension of policy in this place by those opposite. When it comes to the issues that really matter to the Australian public, when it comes to the main game in this place—the issue of policy development—those opposite come up woefully inadequate every time. We have seen it on display once again here today in question time and in the context of this debate.

The performance of those opposite in question time today again demonstrated a complete ignorance of the facts when it comes to policy and policy development. Not only did they not know that the Leader of the Nationals in the Senate, Senator Joyce, was in Queensland and had visited St George with the Prime Minister during the past month, but Senator Williams, Senator Macdonald and Senator Boyce also do not have any understanding of the way in which the solar bonus scheme was originally implemented and announced. I have before me a media release from the Hon. Malcolm Turnbull MP, then Minister for the Environment and Water Resources, from 17 July 2007. It is very illuminating because it is the media release in which Malcolm Turnbull announced the introduction of the solar bonus scheme here in Australia. Malcolm Turnbull said:

> Funding of $252.2 million over five years will also be provided for up to 225,000 solar hot water rebates of $1,000 for households …

We have gone beyond that. We have ensured that 250,000 households throughout this country have benefited from this program. In accordance the media release that was issued by Malcolm Turnbull at the time, in accordance with the original instructions for the setting up of this program, it has run its five-year course. And in accordance with sound fiscal policy and sound obligations by this government to balance the budget and ensure there is not a budget overrun on this particular program, it is being ended. The media release is also quite illuminating because it states at the top, in Malcolm Turnbull's words:

> The Australian Government will commence work on a world-leading greenhouse gas emissions trading scheme …

Well, we all remember that, don't we? Those were the days when all those opposite believed in the benefits of emissions trading.
They were loyal disciples of their Prime Minister, John Howard, and loyal disciples of their environment minister, Malcolm Turnbull, and they were all out there spruiking the benefits of moving to a market based mechanism to reduce carbon emissions in our economy. Once again, it has come to Labor to deliver a world-class emissions trading scheme to reduce emissions in our economy.

But not only do those opposite lead with their chins when it comes the issues highlighted in question time and in this take-note debate; they do not understand the way the scheme works. If they did, they would understand that there is a four-month application period for the rebate. So those who have ordered or purchased a solar hot-water system can still apply for the rebate for the next four months. Up to which point? Four months time is the end of June, which is when the scheme will end. Once again, there has been a complete lack of comprehension of how policy should work. That is why they find themselves with a $70 billion black hole in their costings. That is why they found themselves at the last election $11 billion short in their costings. They have no idea when it comes to the details of running policy. That is why they are incompetent and have an inability to run government. (Time expired)

Senator FISHER (South Australia) (15:24): 'There will be no carbon tax under the government I lead'—so said the now Prime Minister on Channel 10 some five days before the last election. What has that been shown to be? A promise broken. It is almost as if this government thinks that being in government is a long audition for the TV show MythBusters, where they make a promise and every second or third one can get put through their filter: 'Here's a promise. Show it to be a myth. Busted! A cannonball of frozen chicken at that one!' Here are more promises. The Prime Minister, prior to 2007 election, said:

We want to make sure that no one is engaged in improper conduct in the building industry, whether employer, union or employee.

The last sitting period of the House of Representatives has shown that that promise is going to be broken. It is nothing more than a myth and it is busted. How? The bill coming up from the House of Reps to the Senate has in it a provision for when Fair Work Australia or another court inquiring into alleged misconduct and illegal action in the building industry must cease that action. The bill says—I am quoting but abbreviating—that where Fair Work Australia is exercising any powers related to a building matter it must cease exercising those powers 'if the issue has been settled or resolved by the building industry participants involved'. Oh, please!

It goes on to say that where there is a proceeding before a court for a civil remedy related to a building matter the court must cease dealing with the proceeding if the issue has been settled or resolved by the building industry participants involved in it. Oh, please! How is that making sure that 'no-one is engaged in improper conduct in the building industry'? Of course, it is not. What a myth—and it's busted!

All that this bill is going to do is encourage illegal behaviour, encourage improper conduct and sanction it. But that is not enough for Ms Gillard. The second reading speech introducing the bill says 'anyone who breaks the law' in the building industry 'will feel the full force of the law'. No, they will not—not if they break the law and then settle with other building industry participants involved. So says the soon-to-be legislation. Ms Gillard goes on yet more: 'I'm disappointed that there are still pockets of the industry where people think they are above the law.' Really? You have to be kidding,
Prime Minister, when you are about to legislate to make it so those pockets will self-create. The legislation will not only sanction but encourage those pockets of the building industry to be above the law with their dirty deals. Once again, not enough for our good Prime Minister.

In case there is any doubt at all, in summing-up the bill she says: ‘There should be absolutely vigorous, hard-edged compliance and no tolerance at all for unlawfulness.’ Well, what a myth—and it’s busted! No tolerance at all for unlawfulness? Make a deal, settle with building industry participants involved and there will be every tolerance. It’s a myth—and it’s busted! But there is more. In the speech she says, ‘Each and every breach of the law is wrong.’ Well, no, it is not—not if you breach it and then settle or resolve it with the building industry participants involved. It’s a myth—and it’s busted!

But there is more: ‘Each and every breach of the law should be acted upon.’ Well, no, it will not be, because the Prime Minister is going to legislate so that it cannot be. This government governing the country is not a show of MythBusters. It is not a case where you make a promise, let it be a myth and have it busted. If you cannot keep your promises the Australian people will not—(Time expired)

Question agreed to.

Great Barrier Reef

Senator WATERS (Queensland) (15:29):
I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Waters today relating to the Great Barrier Reef Marine Park and dumped dredge spoil.

I first asked the minister what the government was thinking in charging the Great Barrier Reef Marine Park Authority with supposedly protecting the reef by asking them to raise money by, in fact, polluting it. It makes no sense to me, so I put that question to the minister. I also asked him when the government planned on telling the Australian public about this plan. There has been only some targeted, selective, limited consultation and something put on a website which was password protected, and clearly that was no help to the interested public. Unfortunately, the minister was not able to tell me whether there are any plans to further consult with the public. I wonder why it is all so secretive. It is probably because the public would be horrified that these plans to dump 22 million cubic metres of offshore dredge spoil have already been approved for the Great Barrier Reef World Heritage area—so much for looking after our World Heritage!

I next asked the minister how he could guarantee the proposed safeguards to stop this money acting as an incentive for the Great Barrier Reef Marine Park Authority to approve yet more dumping. I pointed out the fact that, if the fee had been imposed on the dumping which had already been approved, it would have given the GBRMPA more money than they have in their current budget. If that is not an incentive, I do not know what is. Once again, the minister was not able to talk me through the safeguards to prevent that from happening, so one can only draw the conclusion that the money will in fact be an incentive and that more offshore dumping of dredge spoil in our internationally significant World Heritage area is likely to happen.

My final question to the minister was whether anyone has bothered to tell UNESCO about all this. UNESCO are so concerned about what is happening in our reef that they are coming all the way out here next week to look at it. They are looking at the disaster in Gladstone harbour and will no
doubt be cognisant of the plans to treble, if not more than treble, shipping through the reef and to remove an unprecedented amount of dredge spoil—65 Melbourne cricket grounds worth—from the reef. Given the fact that the reef is already facing these huge pressures from shipping and dredging, why on earth would the government pick now as the time to impose a fee which will end up encouraging more dumping of dredge spoil, which is seabed from the reef itself dumped right back on the reef? Frankly, it is madness, and I fear that Australia will join the ranks of Yemen, the Congo and Afghanistan in having our World Heritage on the List of World Heritage in Danger. What a dubious honour that would be, and what a crying shame it is that the government is not doing all it can to avert that eventualty.

It unfortunately remains to the Greens to be the ones standing up for our reef and asking for our World Heritage to be properly protected. We will certainly continue to do that, and I think that the vast majority of the community would be genuinely horrified if they knew what the government has in store for our reef. Within the space of about three days last year 75,000 people signed a petition calling for the minister to stop approving dredging in the reef. I am hoping that the minister is paying close attention to the wishes of the community on the matter.

We will be talking with UNESCO when they come next week to try to tighten up the government's proposed strategic assessment. The great flaw in the government's plan for its strategic assessment of the reef is that the assessment is not even going to look at anything which is currently on the books. What is the point of that? There is to be 112 million cubic metres of dredging and 22 million cubic metres of offshore dumping, and none of that is going to be included in this so-called comprehensive strategic assessment. I am afraid that the assessment does not therefore sound very comprehensive to me, and I am hoping that UNESCO will give more than just the very solid rap on the knuckles that they have already given Australia and that they will drag the government kicking and screaming to better protect our reef.

So watch this space. Let us hope for some better outcomes for our reef, let us hope that the community will be listened to and let us hope that our $6 billion economy around reef tourism, with a little bit more for fishing, and the 60,000 people who rely on this reef for their livelihoods are not thrown on the scrap heap—the same rubbish heap that we are now proposing to turn the reef into.

Question agreed to.

COMMITTEES
Selection of Bills Committee
Report
Senator McEWEN (South Australia—Government Whip in the Senate) (15:34): By leave—I present the second report of 2012 of the Selection of Bills Committee. Ordered that the report be adopted.

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

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 2 OF 2012

1. The committee met in private session on Thursday, 1 March 2012 at 11.19 am.

2. The committee resolved to recommend—

That—

(a) the provisions of the Aviation Transport Security Amendment (Screening) Bill 2012 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 9 May 2012 (see appendix 1 for a statement of reasons for referral);
(b) the provisions of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 March 2012 (see appendix 2 for a statement of reasons for referral); and

e) the provisions of the Equal Opportunity for Women in the Workplace Amendment Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 8 May 2012 (see appendix 3 for a statement of reasons for referral).

3. The committee resolved to recommend—
That the following bills not be referred to committees:

- Assisting Victims of Overseas Terrorism Bill 2012
- Corporations Amendment (Phoenixing and Other Measures) Bill 2012
- Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012
- Family Assistance and Other Legislation Amendment Bill 2012
- Financial Framework Legislation Amendment Bill (No. 1) 2012
- Higher Education Support Amendment Bill (No. 1) 2012
- Native Title Amendment (Reform) Bill (No. 1) 2012
- Social Security and Other Legislation Amendment (Disability Support Pension Participation Reforms) Bill 2012
- Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012.

The committee recommends accordingly.

- Corporations Legislation Amendment (Audit Enhancement) Bill 2012
- Indirect Tax Laws Amendment (Assessment) Bill 2012
- Low Aromatic Fuel Bill 2012
- Public Service Amendment Bill 2012
- Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012

(Anne McEwen)
Chair
1 March 2012

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:
Aviation Transport Security Amendment (Screening) Bill 2012

Reasons for referral/principal issues for consideration:

The privacy and health issues at stake with this technology require input from experts.

Security and counter-terrorism experts should also be surveyed as to whether these invasive scans actually enhance security.

The Information Commissioner's office has been conducting consultations for the Office of Transport Security and given that no material has been released for public discussion, a Senate Inquiry would help to provide more detail about the consultation process.

Possible submissions or evidence from:

- Medical professionals expert in millimetre wave body scanners
- Civil liberties organisations
- Law Council
- Information Commissioner
- Privacy Commissioner
Committee to which bill is to be referred:
Rural Affairs and Transport Committee

Possible hearing date(s):
April

Possible reporting date:
9 May 2012
(signed)
Senator Siewert
Whip/Selection of Bills Committee member

APPENDIX 2

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee

Name of bill:
Classification (Publications, Films and Computer Games) Amendment (R18+ Computer Games) Bill 2012

Reasons for referral/principal issues for consideration:
Extent of material currently Refused Classification that would be permissible under the new regime
Likely guidelines to qualify for R18+ and MA15+

Possible submissions or evidence from:
Attorney-General's Department
Classification Board
The Australian Council on Children and the Media Representatives of gaming production companies

Committee to which bill is to be referred:
Legal and Constitutional Affairs

APPENDIX 3

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee

Name of bill:
Equal Opportunity for Women in the Workplace Amendment Bill

Reasons for referral/principal issues for consideration:
ensure that it delivers the workplace productivity measures for women that it is allegedly designed to do so;
consider the impact, if any, of the legislation of the EOWW Act and EOWA within the framework of existing workplace-related legislation; and
consider the effects of the proposed legislation on social inclusion, the economy, the labour market and business competitiveness.

Possible submissions or evidence from:
Australian Centre for Leadership for Women
Australian Council of Trade Unions
Australian Federation of Employers and Industries
Australian Federation of University Women
Australian Industry Group
Australian Women's Coalition
Community Employers WA
Department of Education, Employment and Workplace Relations
Disability Services Australia
Diversity Council of Australia
EOWA
Relevant State & Territory Governments
Relevant employer and industry groups
Submitters to the 2009 review of the Act

Committee to which bill is to be referred:
Education, Employment and Workplace Relations

Possible hearing date(s):
To be determined by the Committee
Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (15:35): Mr President, I seek leave to make a statement about my imminent retirement.

Leave granted.

Senator ARBIB: So far this final speech is going much better than my first speech. Just seconds before I rose to give my inaugural speech, my speaking notes disappeared miraculously, leaving me with a heart rate of about 180 beats per minute. Thankfully, my good friends and TWU colleagues Senator Sterle and Senator Hutchins took pity on me and returned my notes with seconds to go! I thank Senator Sterle for showing restraint today, although I know that if Senator Hutchins were here with him they would be egging each other on to try to embarrass me!

Today of course I rise to give my final speech to the Senate and to the Australian people. I do this with great pride and in the knowledge that I have set a world record for being the shortest-ever serving Manager of Government Business in the Senate, a total of seven days. As anyone who has served in this job would know—particularly now-smiling Senator Ludwig, and Senator Fifield—it is a record I am very happy to hold, given the extreme work demands around the position.

Unfortunately, due to the work commitments of my wife, and because my kids are at school, they are unable to attend today. That is good news for Senate security, because I remember in my first speech my six-month-old daughter was making such a racket that they tried to turf her out of the building, and my wife suggested to the security officer—and it probably was not appropriate at the time—that he jump off the balcony! So security officers can relax today that my wife and child are not here.

There has been a great deal of speculation about my future and everyone is looking for the bombshells. Can I say, the reasons for my resignation are in my statement and I can assure everyone that I am not leaving this chamber to go Summer Bay for Channel 7.

Senator Fierravanti-Wells: It was a nice suggestion.

Senator ARBIB: Thank you, Senator Fierravanti-Wells. When I decided to leave this wonderful chamber, I picked up my first speech and re-read it. I looked at what I had said and what I had committed to and the principles and ideals that I believed in. I believe, as all senators and all parliamentarians believe, that I have lived up to those ideals and to those commitments, and that is something I am very proud of.

In February this year, it was 20 years exactly since I joined the Labor Party. I was 20 when I joined and I am proud to have represented the party as an official and a senator for 16 years. My love for the party has not diminished one bit. It is a party that I love and believe in. It is a party I am eternally grateful to. I have been lucky and proud to serve in a Labor government led, first, by former Prime Minister Kevin Rudd, and now Prime Minister Julia Gillard. This government has been an embodiment of Labor ideals and the Labor reformist tradition.

What we have been able to achieve for the Australian people in such a short period of
time is extraordinary. We have only reached one-third the period of the Howard government and already we have introduced the country’s first-ever Paid Parental Leave Scheme, a policy that I have long advocated for. We delivered the historic apology to the stolen generations, we ratified Kyoto, we delivered a massive investment in education reform and mental health reform. We doubled the road-funding budget and invested an extra $20 billion in housing and homelessness programs. We rolled out the most significant piece of infrastructure for national productivity, the national broadband network, and secured the separation of Telstra. And we have delivered major reforms to our tax system to share the great wealth of the mining boom by taxing mining companies fairly and using the proceeds to help fund new infrastructure, increase superannuation, and introduce tax breaks for small business.

But when it comes to delivering tough reforms, I am immensely proud of our government for delivering a price on carbon in the face of hysterical and ill-informed scare campaigns from the conservatives. As I have always said, including in my first speech to this place, the Labor way is to show courage, leadership and the political will to get the job done. The Labor Party has shown that courage and it will be to our eternal credit.

I want to take this time not just to praise her as a Prime Minister but also to praise her as an education minister. I was lucky enough to serve with her when she was the education minister. I saw her vision for education, I saw her vision for schools, and it is something I truly believe in. I hope that both sides of parliament in future continue the reforms in education, empowering school principals so that they can make the decisions they need to make to get the best education for their children; ensuring the best and most talented teachers are rewarded financially; and looking at ideas such as charter schools in areas such as remote Indigenous communities and also in those very, very difficult-to-teach-in lower socioeconomic schools. Charter schools have worked overseas and they can work here, but only in the areas of extreme need.

I want to take this opportunity to put on record my support also for the Prime Minister in the way she has dealt with the global financial crisis, and also for the former Prime Minister Kevin Rudd. The work that has been done saved the country from recession and kept 200,000 people in jobs. To the Treasurer, my friend Wayne Swan, I have only had three months to work with him as Assistant Treasurer, but I worked closely with him during the GFC. When the history books are written, his name will go down as one of the very best Treasurers Australia has ever had. If the only criticism commentators can come up with about the Treasurer is that he lacks sparkle, then Wayne Swan should wear that as a badge of honour. I want a Treasurer that can get the country through a crisis, a Treasurer that delivers high employment levels, strong economic growth, a solid investment pipeline, and low debt. That is Wayne Swan, and I pay tribute to him.

Minister Wong, the finance minister, who works with him and is a critical part of the
economic team, has also done an outstanding job in this area, and I congratulate her for the work she has done. She is one of the most impressive ministers I have ever worked with. She upholds all the characteristics of past finance ministers, something that I and many of my ministerial colleagues have learnt when we have entered ERC and asked for program money. I pass on my best wishes to her for the future and also to her family.

Mr President, I leave the Australian parliament deeply proud of what Labor has been able to achieve in government particularly under very exceptional circumstances—first the global economic crisis, now a European sovereign debt crisis, and of course the difficulties of managing a minority government. As a Labor government we proved how strong our economic credentials are. As I said, we avoided the recession. We kept the economy strong as countries around us collapsed. Other countries believe we are the envy of the world. They cannot understand how we have been able to avoid some of the downturns and the social problems that they have experienced since the start of the crisis.

Former Prime Minister Kevin Rudd was an extraordinary leader. He won the 2007 election and he brought us into government. I honour his legacy, particularly in two areas of policy I am incredibly passionate about that he put squarely on the political agenda: homelessness and affordable housing, and Closing the Gap and the apology to the stolen generation. The plight of the homeless is often one of those confronting social issues that all too many of us prefer to ignore or pretend is unfixable. People might say the problems are too complex to fix, but when I was the Minister for Social Housing and Homelessness I saw time and time again people's lives being turned around and turned around permanently.

I am extremely proud of what the government is doing in this area and also our record $2.2 billion investment in mental health. We know that there is a high coincidence between chronic mental illness and homelessness. Sadly, it is a very disastrous by-product of deinstitutionalisation. Deinstitutionalisation was a good thing, but when you say, 'Let's not lock people up in mental institutions, let's use community based care services,' you have to make sure that the services are there.

Again, I am proud to have been part of a Labor government that has given the greatest ever boost to homelessness funding in federal history, $5 billion, and to have set strong ambitious targets to reduce homelessness—a strategy and a plan that is working. We are getting results. I saw this firsthand as the minister. We are making progress and I urge all parliamentarians in this chamber and in the other place to continue the work on homelessness. Make it a bipartisan issue. We can break the cycle.

When we talk about the issue, though, it is not just about more money. I know a lot of people say to just put more money into it. It is not about more money. We need to change the way we approach housing in this country. We have major problems around affordable housing. During the GFC we introduced some extremely good programs, some great programs—the government's National Rental Affordability Scheme and the Social Housing Initiative. I know the Labor government will continue to support those schemes, but we need to do more. We need real reform of the social housing, affordable housing sector. I hope that the next round of funding to the states under the NAHA, the National Affordable Housing Agreement, is dramatically different. We need strong targets to measure actual progress in outcomes and growth in the housing stock.
but also to measure what we can do to factor in new homes for people who are homeless.

We need to move away from a monopoly over social housing by inefficient state bureaucracies. We need to encourage more community housing and we need a regulatory system for housing providers, including state governments. Putting up roadblocks in the way of a better social and affordable housing system makes me incredibly angry, because it is poorer Australians that suffer as a result. I know that the advisory council that I set up headed by former FaHCSIA secretary Jeff Harmer has the talent, the vision and the knowhow and will work with the government to reform social and affordable housing.

There are lots of models; there are lots of ways. One of the ones that I think we should seriously consider is the Defence Housing Association model. It has achieved great success for that sector in increasing housing stock but also has been a credible investment vehicle for mums and dads. I think there are major possibilities for that scheme to be moved across to affordable housing to assist with aged housing and also social housing. It needs to be looked at. I know that this is something that the government will continue and I hope all senators sign up to it.

When I entered the parliament I said in my first speech that the only way to achieve real results for Indigenous Australians was to empower them through education and training and to break the cycle of welfare dependency. I was lucky enough to serve as minister responsible for Indigenous employment for 2½ years, first as Minister for Employment Participation and then as the Minister for Indigenous Employment and Economic Development in the newly created portfolio. During that time I worked closely with Indigenous people and organisations and the private sector to do exactly what I set out to do: empowering Indigenous Australians through education and training and breaking the cycle. We have come a long way in a short period of time.

Together with Indigenous business leaders, I set up the Australian Indigenous Minority Supply Council, or AIMSC, which connects Indigenous suppliers or businesses with government and corporate purchasers. In its first two years of operation, AIMSC facilitated $21.7 million in contracts between small businesses and suppliers. That is $21.7 million in revenue for Indigenous small business, which is phenomenal. It is going to help a lot of businesses.

I also worked closely with Penny Wong and then Minister for Finance and Deregulation Lindsay Tanner to implement the Indigenous business opportunities policy as well as exemptions to mandatory procurement procedures for Indigenous small and medium enterprises. It is the growth of Indigenous businesses that will break the cycle of welfare dependency and mean long-term economic development for Indigenous Australians, because not only do they create wealth for individuals but also it means more Indigenous jobs and we are seeing it every day.

When I travelled out to remote Indigenous communities throughout the country I was struck by the unique unemployment challenges those communities face because of their remoteness, because of the lack of markets. I began to see that the government's unemployment service, Job Services Australia, was not working as it should in remote Australia. We needed to do better; we needed to change the model. That is why I began the process of reform to establish a new remote employment services system—a system that is tailored to the circumstances of individual communities and their job seekers, a system that is flexible and
responsive, a system that will deliver better results for Indigenous job seekers. I look forward to being outside the Senate to see this new system put in place over the coming years and to see the positive changes it will bring in those communities, helping not just job seekers but Indigenous leaders and Indigenous communities to help themselves. That is what they want to do. They want to break the welfare cycle more than anybody. We need to give them the tools to do that, but governments cannot do it alone and, when governments are leading it, often we fail. We need Indigenous communities to lead the way and this system is set up so that they can do just that.

But the work I am most proud of in the Indigenous employment portfolio is around schools. The best way, the only way, to make the shifts we need to in Indigenous employment is through the school system. We are investing huge resources to do just that. One of my favourite programs is the Learn Earn Legend! program. It is about keeping kids at school to year 12. We know that if a child stays on and gets an education it is going to give them the best chance of getting a job, getting employment. If they get a job, they become a role model, a legend for their own community, and that is what we need: role models. If the parents have not worked or been to school, what is the incentive for anyone in a family to go to school? That is what Learn Earn Legend! is about. This is a program that is working. This is not training for training's sake. This program is achieving results in the schools in working with business. We bring business into the school gate, we bring sporting groups into the school gate, we set up partnerships for training—real-life work experience during the week—and we are getting conversion rates.

The Titan program has 85 per cent conversion from school to employment or further education. It is working—it is working now—and in 10 years time we will wake up and see Indigenous lawyers, doctors, politicians, teachers, police officers and welfare workers, and we will wonder where this most talented generation came from. The work is being done right now, and that is something that I will never forget. I thank all the workers in FaHCSIA and in DEEWR, and of course Jenny Macklin—who without doubt is the best ever minister for Indigenous affairs in the country's history—for the work she has done.

Without doubt, one of the best jobs in the country is that of Minister for Sport.

Senator Brandis: Hear, hear.

Senator ARBIB: I will take that interjection. I was incredibly lucky to serve in that role for 18 months. I do not think I need to explain to anyone in this chamber, anyone in the audience or anyone who is listening how important sport is to us as Australians and to our culture. But I do not think Australians really understand the power of sport. We love watching it but we do not understand the power of it. Sport has the power to transform lives and, right across the country, in small towns and big cities, I have seen sport inspire young people, old people, people with a disability and people from every imaginable background and circumstance to do things they thought were never possible. I just need to look at my own life to understand the power of sport. If you do not believe me—if you think I am gilding the lily—speak to someone like Kurt Fearnley, one of Australia's best and greatest athletes, about the power of sport to help young kids with a disability. Sport changes lives. So much of the values you learn through sport, like resilience, friendship and self-confidence, are lifelong values we need to teach all our kids.
A fundamental goal that has underpinned everything I have tried to do as minister for sport is the desire to get more kids enjoying the benefits of sport—getting kids off the couch, away from their PlayStation and onto the playing fields. The best way—the only way—to do this, is to make sure that sport is part of our national curriculum. We must introduce sport into the national curriculum for students. We must give them the opportunity to play sport. Dropouts in participation always start because young kids do not pick up the core fundamental sports skills when they are in primary school or when they are in the early years of high school. Since I have been the minister I have been advocating for sport in schools, and I will continue to do that outside of this parliament.

I have also been an unapologetic supporter of elite sports. Elite sport creates great role models and provides inspiration to Australians young and old. There is no doubt in my mind of the inseparable connection between Australians being on the podium and young Australians participating in sport. I think we have laid the foundation for Australia to continue our incredible achievements at the high performance level. Through the Green and Gold project, the joint initiative between the Australian Institute of Sport, the Australian Olympic Committee and the Australian Paralympic Committee, with the cooperation of the government, sports funding has never been greater. I believe we are now well placed going into London, and I would say to all of our athletes who are heading over there to compete generally: 'Best of luck; every Australian is immensely proud of you and I honestly believe we will have a great games—sorry I could not join you.'

I have also made preserving the integrity of sport a priority during my time as minister. In particular, I believe the next great challenge we face in sport is match fixing. Match fixing and any type of cheating in sport erodes people's confidence in sport. It strikes at the heart of sport. It is one issue where we simply cannot afford to take our eye off the ball. However, just as Australia helped lead the way in the fight against doping in the eighties and nineties, we are again leading the way when it comes to combating match fixing. The Commonwealth has reached agreement with all states and territories to develop nationally consistent criminal laws to ensure that anyone who engages in match fixing is punished. This is a great achievement. It took a great deal of work. I thank all my state sports minister colleagues and all their departments for the effort they have put in place.

But we need to go much further. Sport is international, gambling is international and corruption is international. While it is important that governments, sporting organisations and betting agencies take a stand domestically, at the same time there is an imperative that there is a framework for cooperation internationally. We need an international body similar to WADA, the World Anti-Doping Agency, that can deal with match fixing, and I will be doing everything possible to urge the government and sporting bodies to achieve that goal.

Finally, I would encourage every senator in this place and all sides of politics not to relegate sport to the backbench. When a sports minister in the future goes to the ERC and sees Penny Wong—or Senator Bernardi on the other side, when eventually he is the sports minister, probably two decades from now—please understand the power of sport and the social benefits that come from it. I have many thankyous, but I start by thanking a group which is extremely important to me, and that is the rank-and-file members of the great Labor Party of New South Wales and
the great Labor Party of Australia. These are the people who really go out of their way to help a party they love do so well at every election. They are always out at the polling booths, even when they know in some seats there is no chance of winning. Their dedication is stunning. But it is not just about the machinery of politics—the pamphlets, the posterings; it is also about policy. When I was an organiser and party secretary one of my favourite party members was a man named Brian Driscoll. Brian recently passed away. He was from Lockhart, and the Lockhart branch and was an amazing stalwart for the party in Tiger territory, but the one thing I remember most about Brian is that, in the lead-up to the Sydney Olympic Games, there was a change in the way pub licences were issued in New South Wales. Country pubs were losing their licences to the city to make sure the Olympics had enough pubs and drinking places for people. Brian Driscoll took the issue to the party conference. He took the issue to parliament. He took a stand on the issue. He convinced Country Labor members to change the policy, and that is where community pub licences came from. One man, one party member in his late 60s, changed the policy that affected millions of New South Welshman and allowed them to go to their local pub. That is the power of the ALP rank and file. I pay tribute to Brian. I pay tribute to all those party members.

There is never a perfect time to leave politics. All of us have an inner political clock and our political lives do come to an end, often earlier than we anticipate. It is incredibly hard leaving behind a young family to travel so often as a minister and a senator. I have to say that the real test for me was leaving home every Sunday night. I did not want to leave the house; I did not want to get into the car; it was a big test. I think many Australians think that politicians do very little other than go to Canberra to abuse each other. While it is one of the most satisfying careers, all of us in here know the toll it takes on our families and, as a consequence, our personal happiness. My first speech in here reflected a degree of intuitive foresight, I think. I said in my first speech almost four years ago:

The birth of my children has been the most profound and defining moment of my life. I am proud in the knowledge that my greatest achievement now and in the future will always be the development and care of my daughters.

…… …

…… what is required is a new definition of success, one that champions the balance of home and work life, because there is no benefit in forging a stellar career if it is at the expense of your children.

When I was promoted to Assistant Treasurer in December, my six-year-old daughter cried. She understood it was going to mean more time away from home. For me, that was a very, very important moment. When I announced my resignation as a minister and a senator I received a huge amount of personal support from friends and colleagues in this chamber but also in the other place. Family is everything, and I think everyone in this chamber understands that. Everyone in this chamber makes sacrifices every day and I hope all Australians understand the sacrifices made by senators and members of the House of Representatives.

I have so many thankyous. I am eternally grateful to the people of New South Wales, who elected me, and I believe I have kept true to my commitments to them and worked for their benefit. I will miss so many people in this place on all sides of the chamber. Today I might start with the Liberals and Nationals. Amazingly, I have a great number of friends on the other side of the chamber. Sometimes I felt I had more friends on that side that on this side. It was probably true! I pay tribute to Senator Williams. Senator, we
have worked closely together on a number of different issues in your area. You are an absolutely outstanding senator for the people of north-west New South Wales and I pay tribute to the work you have done. I enjoyed meeting you and I enjoyed your friendship. Thank you. You have a friend in me for life.

I say to Senator Fifield: we started out together on Sky News many years ago. I actually returned to that studio the other morning. It brought back some good memories. I say to you: thank you for your friendship and good luck in the future. Senator Mason, Senator Payne, Senator Cormann, Senator Cash and Senator Kroger and I started the Parliamentarians Against Child Abuse and Neglect group, and I know your commitment to that cause. It is something that I am totally committed to as well, so thank you for your friendship and support too. Thank you to all the Liberal Party and National Party senators for all the work you do. We disagree on many things and on policy we really disagree, but I understand your commitment. I know you are doing what you believe is in the best interests of the country.

It has been a pleasure working with some of my friends in the Independents. I say to Senator Xenophon in particular: I have really enjoyed working with you. I cannot believe that anyone would have the work rate that you have, especially in a Senate where you held the balance of power. I pay tribute to you and your staff for the work that you have done and I know your heart is in the right place as well. Senator Fielding is not here, but I would say that, similarly, Senator Fielding is also a friend of mine. He was a great football player. His heart was in the right place and he worked very hard for the people of Victoria, so I pay tribute to him as well.

I also have a great deal of respect and time for Senator Bob Brown. While I, again, disagree with many of the policies of the Greens—we come from different parts of progressive politics—I have a great deal of time for the dedication of Senator Brown and a great deal of time for the dedication of all Greens senators. I know how much work you put in and I know the effort you make, particularly Senator Siewert, whom I have worked with closely on Indigenous issues and in the community affairs committee.

I say to my staff, who are in the chamber now: I am so lucky to have had such a wonderful stuff. The hardest thing about leaving and the thing that made me most emotional was having to tell my staff that I was leaving. I say to them that I know they will all go on to bigger and better things because they are one of the most talented groups of people I have worked with. Thank you for the work you have put in. Thank you for the time you have put in and the countless hours. I think staff are sometimes undervalued. That is something I never did and I hope no senator will ever take their staff for granted. I thank my chief of staff Alison Hill, my former chief of staff Bridget Whelan, Sharon Carney, Leo Damis, Katie Ford, David Latham, Audrey Maag, Josh McIntosh, Anda Mednis, Clare Nairn, Sean Sammon, David Sykes, Bryce Wilson, Peter Bentley, Andrew Downes, Glenn McCrea, Julie Sibraa, Elena Forato, Kerrie Hall and Frank Lowah. I also thank all the departments I have worked with. People forget the great work of all the departments and the Public Service and their dedication. I have already put on record those names, but I really do appreciate the support I have received from the Australian Public Service. Their dedication should never be undervalued or underestimated in this place.

I have worked with some amazing stakeholders: Andrew Forrest; John Coates,
who is my good friend, and the team of the AOC; Greg Hartung from the Australian Paralympic Committee; Malcolm Speed; and all the other CEOs and sporting administrators. To the AIS and the Australian Sports Commission: there is no better sporting group or body in the world than the AIS and ASC, and we are world renowned for those organisations.

To my friends and stakeholders—in the homelessness area, Tony Nicholson and Narelle Clay; in the Indigenous area, Andrew Penfold and Natalie Walker; the team at AIMSC, Michael McLeod and Smiley Johnstone; Leah Armstrong from Reconciliation Australia; Danny Lester and Dick Estens from the AES; and Jack Manning Bancroft—thank you all for your honest advice and for working with me on policies that help Australians. A special thankyou to my very good friend, Warwick Smith, for being the chair of the Australian Sports Commission. He has been an outstanding chair of that commission and has done a huge amount in governance and turning that institution around. When we get a very, very good result in London, a lot of the credit can go to Warwick.

While I have been the Manager of Government Business in the Senate for a short time, I am eternally grateful for the skilful assistance of the Clerk Rosemary Laing and the staff of the Senate, Maureen, Angie and Josh, in particular. They are an invaluable resource for the chamber. I also thank, of course, all the staff of the Senate and all the staff of the parliament, particularly my friends from Security who I regularly catch up with and talk to.

My thanks also go to the Senate PLO, John Paraskevopoulos. His assistance in getting government legislation through the chamber has been appreciated. I thank my colleague Senator Evans for all his great advice and wisdom. I thank the whip Senator McEwen and her staff for keeping the government on track in this place. To my own parliamentary colleagues, thank you for your friendship and for working with me first as a senator and then as a minister. I have many friends on this side and you will always be my friends, in particular to Senator Sterle, my alter ego Senator Conroy and of course Senator Kate Lundy; thank you for your deep friendship. Of course, Senator Thistlethwaite I have worked with in the past.

Finally, and most importantly, my thanks goes to my family—to my wife, Kelli, to my daughters, Alexandra and Charlotte—for their love, for their support, for their patience when I am away from home, and for their patience when I am at home. I said in my first speech:

If you asked me what would be the guiding principles for my time in this chamber, the answer is simple. As a senator, my children and the welfare of all our children would be my compass.

I can say today with confidence that I have fulfilled that commitment. Thank you.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (16:11): by leave—I congratulate Senator Arbib for a great speech and it does great justice to his time in the Senate and to his passions. I have worked with Mark since he came into the Senate. While I am terribly regretful that he is leaving, I understand very much his reasons. He has made an enormous contribution to the parliament and to the government in his various portfolios. I think his speech today highlighted the issues that have motivated him.

What we should take from today’s contribution from Mark is that it actually
challenges the public persona that many in the media try to create about Mark Arbib. The speech today reinforced the fact—and all his colleagues understand—of his great passion for issues, his great passion for Indigenous people, for those with disability and for the homeless. His commitment to those issues and those people has been profound, and he has worked away at trying to make the conditions for those people, for whom he has had some responsibility, better. He has done that in a very dedicated and passionate way. That is a side of him that is not broadly understood and, unfortunately, not represented well in some of the public commentary. His commitment to programs like KickStart, which saw many apprentices helped during the global financial crisis and his commitment, which he talked about, to the Learn Earn Legend! program for Indigenous young people have been exemplary, and he has made a huge contribution to the Labor Party.

I also note his long service as assistant general secretary and general secretary of the New South Wales Labor Party. There is much commentary in the press that somehow seeks to denigrate the role of party officials. Party officials from all parties play an important role in our democracy these days. Parties are a central part of the way our democracy operates and the officials are important to that process. I know Mark was an outstanding general secretary of the New South Wales branch and made a huge contribution in his period there as well to the success of our party and the New South Wales branch in particular.

I would also like to acknowledge the fact that he has provided strong leadership on social issues inside the Labor Party. Despite his association with a rather conservative wing of the Labor Party, he has shown really strong leadership in a way that has often surprised people on issues such as gay marriage. In a whole range of ways his talk about work and family balance has been a key defining element of his engagement in politics. I pay great respect to him for the constancy of that contribution. I think Mark has suffered from the fact that the public portrayal of him—the public characterisation of him—actually bears no resemblance to the real man. As I said, his speech today told you a lot more about Mark Arbib than much of what you will read in the papers. His thoughtfulness and his measured and persistent pursuit of Labor policy—of good public policy—has been a real mark of him and a real mark of his time here.

As he referred to, I know that there has been some commentary about why he resigned. All I can say is that the comments Mark made on his retirement reflect conversations I have had with him over the last two or three years. They reflect the fact that he was feeling the stress of balancing work and family. His commitment to his family was paramount in his mind, and he was under the same pressures that we all suffer about balancing those two commitments. I have also always known him to put the interests of the Labor Party first in the way that he engages inside the party. I think that his decision to resign reflects those two priorities: those of his family and what he sees as the best interests of the party.

While I did not agree with his decision, that is partly motivated by self-interest: Mark was an important member of our team and someone I did not want to lose. We had plans for him to play a leading role for the Labor Party in the Senate for many years to come. But I understand the reasons for his decision, and accept them.

Can I just say, though, that this is not an obituary! Mark is actually a young man, and probably the time to leave the Senate is when you are young enough to have another
career—some of us run out of options as we age! Mark has many options because he has many abilities and many interests, and I am sure that he will succeed in whatever he does following his time in the Senate, although I am not sure that I can approve of running marathons as being one of his priorities. I just do not get that, I am afraid. No-one has accused me of showing any interest in running marathons! But I wish him well in that endeavour as well.

Finally, as Senator Fierravanti-Wells and others have pointed out, the suggestion that Mark Arbib is a faceless man is, of course, a nonsense. But he does have an alias: his close friends call him Freddie because, of course, he was a star of Home and Away, and his character was Freddie. Someone showed me the footage today, it is on YouTube—

Senator Fierravanti-Wells: Here it is!

Senator CHRIS EVANS: Yes! I actually watched the whole scene; the hand movements—the guy was a natural! And I just do not understand why he did not get a call from Hollywood! Why did it not develop for him? Method acting was clearly his calling. But when that career did not take off I am happy to say that he chose a career in politics.

I know that others want to speak, and that we are short of time, so I say to Mark: thank you very much for your contribution. If I had known that it was going to have this impact I would not have supported you becoming Manager of Government Business. I thought that it was a good decision at the time, but the fact that it drove you over the edge is a regret of mine. But best of luck for the future from all your colleagues. We have appreciated your contribution, and we look forward to watching whatever you do in the future with great admiration. All the best.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:18): by leave—As a marathon runner, Senator Arbib has returned a most impressive result with his sprint in the Senate: from backbencher to parliamentary secretary to minister to Manager of Government Business and the finish line, all in less than four years. It took me well over double that time, but I would argue that there was more talent in my way. But, along the way, Senator Arbib became instantly recognisable as Labor's most faceless man. By engineering the timing of his own exit from the Senate he has pulled off the ultimate feat for a faceless man.

From the coalition's perspective, Senator Arbib's arrival in the Senate in 2008 was marginally welcome as it was at the expense of a Greens senator. But given the Green-Labor alliance after the 2010 election, it really makes little difference. Shortly after the senator's arrival, I recall receiving from an attendant in the chamber a folder headed 'Coalition quotes'. I worked my way through the quotes during another boring question time, but as I started reading I realised that they were quotes that could be classified as not necessarily helpful to the cause of the coalition. Finally, the penny dropped: chances were it was a folder meant for Senator Arbib not Senator Abetz. I wonder how many documents destined for me ended up with Senator Arbib? Alas, any hope that my dining room bills might have ended up with Senator Arbib were forlorn.

We all come into this place with varied backgrounds. Senator Arbib brought with him a skill which will come as a surprise to many, not only on this side but also on his side. I am sure Mr Rudd and his backers will be bemused to learn that one of the senator's skills is that of lifesaver. Possibly his lifesaving skills were swamped in June 2010 by his other skill set, that of a very capable political operative.
Another skill the senator has is as a cook. Rumour has it that books are not his speciality: for the record, he was with the liquor trades and transport workers, not the HSU—although, he has a fearsome reputation, rightly or wrongly, as a successful fundraiser.

A would-be replacement of Senator Arbib's is on record as saying that he is 'one of the best campaigners in the business.' Just in case you do not know, that was said by Bob Carr. On that basis alone, we will not miss him. He was a very good campaigner.

One's first speech is often an insight. Senator Arbib's was no different. Family and Indigenous welfare both were given generous time and sensitive treatment. His love of family spoke for itself. On Indigenous welfare he said:

However, to achieve real results Indigenous welfare must be reconsidered. The Indigenous welfare model of the past has failed by inadvertently creating a cycle of dependence and despondency resulting in disincentives to Indigenous job seekers. If we are serious about breaking the cycle we must provide real incentives to break through these structural barriers. It is a big task, but with the community united and working to a common goal it is possible. Bridging the gap on Indigenous inequality is something I feel deeply about, and today and in the future I commit myself to playing a role in meeting this goal.

We on this side also note his position as an ambassador of the Australian Indigenous Education Foundation. His short but genuine input in matters Indigenous deserves recognition and saluting, and we do so.

His reputation as a numbers man took a bit of a hit with the World Cup but was handsomely restored just last Monday. Whilst on matters sport, can I also recognise the minister's attempts with me to resolve matters Taekwondo. My interactions with his office were always professional and courteous.

This is Labor's day to farewell one of their faithful servants and so I will not delay. Suffice to say, on behalf of all the coalition, we wish Senator Arbib and his family all the best for the future.

Senator XENOPHON (South Australia) (16:23): by leave—I too join in to unambiguously wish Senator Arbib all the very best. We were in Senate school together just 3½ years ago. I know he came to this place with a fearsome reputation, but I found him a bit of a pussycat really to deal with. He was always incredibly decent to deal with. He kept his word with me. He worked with me very constructively on a whole range of issues. It says something about the man that during a debate a year or two ago I was berating the government for not doing enough for asbestos victims and not understanding the suffering of asbestos victims. Senator Arbib was the minister with carriage of the bill and he got up and said, 'I do know a little bit about asbestos, because my father died of an asbestos related disease.' He said it quietly and with enormous dignity. He could have made a real point to dress me down, but he did not. That says something about his dignity.

I pay tribute to his work on homelessness, Indigenous employment and education. There is no question about his genuineness in the work he has done. These will be his lasting legacies. I am sure that what he has put in place will build momentum. On an issue dear to my heart, the impact of gambling on match-fixing and corruption in sport, I think the best testament, the best credit, comes from sports administrators who say that in the last few months Senator Arbib has gone a long way in dealing with issues of match-fixing. They have been extremely impressed with Senator Arbib as Minister for
Sport in dealing with this pernicious issue of match-fixing. I pay tribute to him on that and I hope that his successor will deal with those reforms.

I finish by repeating something I said in the media a year ago. It may cause some rancour amongst some of my colleagues, but I meant it when I said it a year ago and I mean it now. I said I had heard about how Senator Arbib was a hard political operator, and I suppose he is one of the hard men of politics, but he is also like a one-man Greek chorus. He is a person who has had to tell the hard, unpalatable truths and I think he has been unfairly maligned because of this. I wondered aloud back then and I wonder now: if the Liberal Party had a Mark Arbib, who knows this may have been the second term of a Costello government. I wish Mark Arbib all the very best.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:26): by leave—Let me add a few words while Senator Arbib is in the chamber. My colleague Senator Hanson-Young will follow. We have not had a great deal of intercommunication in political life, but after Senator Arbib came to this chamber I have to return the compliment. It has been nothing but a pleasant working relationship, and it has been friendly and constructive on all occasions. I recollect in particular speaking to Senator Arbib about the potential for a great healing outcome in the Tasmanian forests issue, which would be a win-win for the forest industry, the forests, environmentalists and the Tasmanian community. There is quite a way to go there, but what I can say is that he was very constructive in helping me to speak to other ministers about this potential. This was well nigh on two years ago now. He had no reason to be involved and he had no reason to take up a Tasmanian issue, but he did because he could see the merits in it.

I also note Senator Arbib's reason for wanting to spend more time with his family. I am totally on side with that. Let me say, as an observer of many people in this chamber and elsewhere in politics, that it is very, very tough on families. That particular connection with kids gets bulldozed by the demands of politics, media, community—everything that is involved with it. There is all sorts of advice about how to overcome that, but the only way ultimately of overcoming it is by not being here. I can sympathise a great deal with Senator Arbib on that. I congratulate him for his contribution to this chamber and to government in the federal arena. Through you, Mr President, I wish Senator Arbib a great, long and productive life and many happy returns for this decision.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:28): I seek leave for statements to be continued after 4:30 and that leave be granted for those wanting to make statements.

Leave granted.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (16:29): I want to add a few remarks of my own of good wishes to Senator Arbib. It is a sad occasion when a very talented man, at the young age of only 40, brings down the curtain on a political career which has already been a very substantial career both in organisational affairs and as a senator and minister—and, had he chosen to stay, would no doubt one day have been a member of a Labor cabinet in the, I would hope, very distant future.

Senator Arbib came to this place less than four years ago with a ferocious—even demonic—reputation. When one encounters for the first time someone whose reputation precedes him like that, one feels almost cheated to discover that he actually turned
out to be a very nice fellow. One wishes one's political opponents were as wicked as their reputation suggests—but I hasten to add that I am sure that was a reputation conferred upon you by some in the Labor Party, Senator Arbib—but, in my dealings with Senator Mark Arbib, I have always found him an extremely agreeable and pleasant person.

We have not had a lot to do with one another, although we are the two people in the Senate who share the joy of having held the best job in Australia. I did get to know him a little better when, earlier this year, we travelled to Israel. As is the nature of parliamentary visits overseas, the party barricades come down and one gets to talking, and we found ourselves in enthusiastic agreement about many things. We found ourselves in enthusiastic agreement about Israel. We found ourselves in enthusiastic agreement about the US alliance—although I suspect Senator Arbib was rather closer to the Americans than I was. But, in particular, we found ourselves in more than enthusiastic agreement about the Australian Greens.

When Senator Arbib made his astonishing announcement on Monday afternoon that he was going to resign shortly from the Senate and from the ministry, I could barely believe it. I could in particular barely believe that a minister for sport would choose to resign less than four months from the Olympic Games. Senator Arbib, you have made a very great sacrifice indeed for your family, which we all respect.

Inevitably, because of the disobliging names which some in the Labor Party have conferred upon him, Senator Arbib became almost emblematic of the 'faceless man'. But it had this benefit for you Senator Arbib: some political cartoonists took to drawing you without face. Indeed, at least the implication was that the person depicted in the political cartoon was you. But that had the benefit that, unlike the rest of us, the political cartoonists did not have the opportunity, through the self-denying ordinance, to dwell on the less than classical features which all of us in politics share.

Your role in the famous events of 23 and 24 June 2010 has become the stuff of legend and will no doubt be written about for as long as Australian political history is written about. The internal affairs of the Australian Labor Party are none of my business, but of you I am sure it can be said that you have always acted by your best lights and in the best interests, as you saw them, of the Australian Labor Party. When you were involved in those events I was reminded of a remark by Winston Churchill about leadership. It is a reasonably well-known remark but let me remind you of it. He said of a leader:

If he trips he must be sustained. If he make mistakes, they must be covered. If he sleeps, he must not be wantonly disturbed. If he is no good, he must be pole-axed.

That is the judgment that you came to about the former Prime Minister. I have no doubt that you did so because in good faith you had reached that sorry conclusion and that you acted as you did in what you saw—and those who collaborated with you acted as they did in what they saw—to be in the best interests of the Australian Labor Party.

Let me conclude on this note, Senator Arbib: you have been a fierce partisan, and I admire that. I am always deeply suspicious of those who, in a weasel-like way, implore us to be bipartisan, because what that is code for is that we pretend that legitimate differences do not exist. Our democratic process depends upon there being the free and robust expression of contending points of view. And when I see in a political opponent a fierce and committed partisan I
admire that because our system depends upon people being partisans for the causes in which they believe. As a person who has served your cause, your party, in the effective and sincere way you have, you have contributed to that process in an important way, and for that I will always admire you. I have enjoyed our brief association and I wish you all the best for the future.

Senator HANSON-YOUNG (South Australia) (16:35): I rise briefly to add my congratulations to Senator Arbib for getting out of the mad house. Senator Arbib and I, just like Senator Xenophon, were part of the class of 08. When we came in here together, Senator Arbib, I did not think that you would be leaving before the rest of us. I actually thought that you would be one of these blokes who stuck around forever. Thankfully you are a bit wiser than that—that you have other things to take on and other challenges that await you.

I have always had a lot of respect for Senator Arbib's commitment to family life and to his children, his daughters. I have a young daughter and we have often shared laughs about what our kids have been up to lately and the next cheeky adventures that they are into. In this place, I think that is such an important element of the lives that we live. When we do leave our families a lot of the time, it is important to know that the rest of us are all thinking about what we would be doing if we were not here. My daughter has upset the security guards in this place, too, but it happened that we got a bit more coverage than perhaps you did on that night—and I am sure you are probably thankful for that. I particularly want to pay credit to Senator Arbib for his commitment to equal marriage. He was one of the first on the other side of the chamber to raise his voice on this publicly. I think that went a long way to pushing this issue onto the political stage, bringing the Labor Party along with him. It was very important. I am sad that Senator Arbib is not going to be able to vote on that legislation; obviously, it was important to you. Commitment to paid parental leave is another issue that Senator Arbib has spoken about.

As Senator Bob Brown said, all of my colleagues in the Greens have always had very positive dealings with Senator Arbib. We have said how pleasant it was to be able to work with him in whatever capacity. I wish Senator Arbib good luck. I am not sure you are going to make ironman of the year, but I wish you good luck in your endeavours and into the future.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (16:38): It is a pleasure to add my comments to those that have been made already in recognition of Senator Arbib's contribution to the federal parliament. I remember his first speech. I sat here listening and was impressed, but a couple of things made me turn around and look. One of them was his quoting of Moore's Law. Another was his statements recognising that information technology and new technologies are the platform for future growth and the kind of investment we need in this country to help our economy develop and diversify in the 21st century. The other thing—and no-one will be surprised at this—was his reference right at the end of his speech to sport. He evoked the characterisation of the Australian hero as being the mums and dads who sustain our sporting clubs through their commitment to their children and their volunteer effort, and he likened them to our Olympic heroes.

These sentiments struck a chord with me. When you look at the issues that Senator
Arbib committed to in his first speech in this place, you can see that, systematically, he has made a substantial contribution to each and every one of them. There was some mention of those efforts and those contributions, and I would like to mention a couple as well. First is the Apprenticeship Kickstart program, which gave so many young people an opportunity for employment where there could have been none. It was an extraordinary period in the global financial crisis, and federal Labor was doing everything to save jobs to keep our economy on the rails. We did this with enormous success, now recognised around the world, with our Treasurer having been cited as the world's best finance minister for his leadership and guidance through that difficult period.

It is programs like Apprenticeship Kickstart that made surviving the GFC very real this country. I believe that the younger people that have benefited from that program have a chance at a life that they would otherwise not have had. Coming to this as a young person who left school at the age of 16 and was given my chance in the building industry—although not quite lucky enough to land an apprenticeship, I did work as a labourer for some years—I know that gave me my whole life. It gave me the opportunities I subsequently experienced, and I understand the importance of Apprenticeship Kickstart in difficult economic times. I would like to take this opportunity to thank and acknowledge Senator Arbib for his vision, foresight and effort in putting that into place.

I would also like to acknowledge his work in the sports portfolio. I am also very passionate about sport, and there is nothing more gratifying than being part of a government with a sports minister who is doing a fantastic job and, most importantly—and I heard these words again today—understands that sport is far more than the sum of its parts. It is an area of social policy and is often the glue in communities where none other exists. It is often the link between generations of families and across extended families. It is one thing that can bind us. If you have a look at how people choose to spend their personal time and associate themselves with their given team, it is more often than not what gives them a sense of identity, again perhaps when nothing else does.

I also acknowledge the role that sport plays in my portfolio of multicultural affairs by providing a platform for people newly arrived in Australia, be they migrants, humanitarian entrants or refugees. Sport is often the place where they make their first friend. They make friends for life, and sport becomes the platform for developing a sense of self and a sense of belonging in their new home of Australia. All of these things are important. Senator Arbib is right in that they are worthy of recognition beyond that which people traditionally associate with the sports portfolio. Again, I take this opportunity to commend Senator Arbib for his devotion to the good public policy of sports and recreation in Australia.

I would like to say a few personal things as well. Senator Arbib plays a mean game of chess. Three hours and eight minutes is an extraordinary time for running a marathon, and I wish you all the best with your upcoming ironman commitment. It demonstrates that Senator Arbib is a man of many talents, and no small physical talent as well. When he turns his mind to something, he is an exceptional performer. We got to know each other a bit playing soccer, although he has way more talent than I will ever have. It shows the wonderful character and spirit of the federal parliament that sport in itself has become a platform where friendships are made and time is spent...
together. I think this is a wonderful opportunity for so many colleagues to get together through the parliamentary organisation and informal sports.

Finally, I thank Senator Arbib for his friendship. I have had a wonderful time seeing your contribution. While I knew your reputation before you came here, I only met you on your first day here, when you gave your first speech, which had such an impact on me. Thank you for your friendship. You will be sorely missed. We all have a duty to honour the legacy you have left with the policy achievements you made as a minister across a range of portfolios. I, for one, undertake to do that.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (16:44): I first came to awareness of Senator Arbib before he entered the Senate. Like most people on this side of the chamber, that awareness came through newspaper references to the then general secretary of the New South Wales ALP as a powerbroker. Those of us who have been in politics for a while know that those described as powerbrokers are seldom as omnipotent as their reputations, desired or not, would have one believe. So-called powerbrokers are often fitted up for deeds not of their doing, and credited with influence and success beyond the reality. So often the truth lies between those two points, and I suspect that Senator Arbib may well have had this experience over his time in the public eye.

As Senator Arbib mentioned, he and I first crossed swords during the 2007 election campaign. We spent most Saturday afternoons in Sky TV studios in different cities. I suspect the only people watching us were those at the respective campaign headquarters, but we had a good time anyway. Subsequently, we spent every Monday morning together on Sky TV for the best part of a year, sparring. Mark was promoted rapidly, and once he became a minister he abandoned me. I felt a little bereft at the time, but I was very pleased that we were reunited when Senator Arbib was appointed manager of government business, brief though that stint has been. I will quote Yes, Minister, and please do not take this the wrong way. In the words of Jim Hacker, in the role of manager of government business, Senator Arbib has been 'a pleasure to deal with'. Do not take that the wrong way, and I hope it continues in the future.

Whether you agree or disagree with the nature and the substance of Senator Arbib's contribution to public life, it cannot be argued that he is and has been anything other than an integral and important figure in this government. For the sake of history, he has a share in both the successes and the failures of this government, but there is no doubt that he has made a significant, a serious and a worthy contribution in sport, in Indigenous affairs and on the issue of homelessness. There is one very positive point for Senator Arbib leaving now, as he does, and that is that he will never serve a day in opposition. There are many positive things about leaving this place, and his timing, and that is certainly one of them.

In this place and in the wider community in general there is often denigration of those who hear the political calling early in their professional lives. I, for one, am someone who does not share that view, possibly for the reason that I have spent 24 years working in full-time professional politics. A political calling early in one's professional life is a noble thing. I might argue that perhaps there are a few too many people on the other side who have heard that calling too early, but it is indeed a noble calling and I acknowledge that. Senator Arbib has pursued what he has thought to be good politics, good policy and good government. We may disagree as to
what constitutes good politics, good policy and good government, but I have no doubt that Senator Arbib has always pursued what he thought that to be.

I am someone who firmly believes that those who have served in public life are entitled to make a contribution and earn a living in their post-political lives. We are in a partisan environment and we fight hard. We play hard and we play to win, but once someone leaves this place they are entitled to pursue their own endeavours. I guess the level of attention that they receive beyond these walls is partly a function of whether they continue to engage in the partisan fray. I wish Senator Arbib and his family well. He has served his state, he has served his party and he has served the nation, and that should be recognised.

**Senator CORMANN** (Western Australia) (16:49): It is my great pleasure to rise and wish Senator Arbib and his family very well for his and their future. I will resist the temptation to provide commentary on Senator Arbib's analysis of the government's performance on matters of economic and fiscal policy—today is not the occasion for that—except to observe that, listening to his speech to us this afternoon, in which with great passion he advocated across a whole range of policy issues, it is really very hard to understand why it is that he is leaving. I have always found Senator Arbib to be someone who argued strongly, passionately and with a great sense of humour for the things that he believed in. He has given us two reasons as to why he is leaving and, as somebody who also operates in the broader context of organisational politics, I have to say that if Senator Arbib has to leave to help healing within the Labor Party because of a decision he made which he felt was right at the time for the Labor Party and for the country then that is a very high price to pay. All of us know, though, that the price that our families pay and the price paid by the people we leave behind when we come to this place is a very high price indeed. Given the extent to which he articulated his care for his family as the reason he found it too hard to stay, we all have a great amount of sympathy for that. Like Senator Arbib I find it very hard, and I am sure that all of us find it very hard on Sunday afternoons to leave our loved ones behind and come here to do what we think is the right thing for our country.

Senator Arbib and I found ourselves on opposite sides in two portfolio areas over the past three years, first in employment participation in the lead-up to the last election and now, for a somewhat shorter period, in the Assistant Treasurer portfolio. While we had some spirited debates on policy matters, particularly in the employment participation portfolio, our interactions were always very courteous, very professional and very friendly. It is true; he is truly a nice guy. When you look at the smiling face of this faceless man it is very hard to imagine that this is the hard man of Labor Party politics. It is very hard to imagine that he rose to be the tough, hard-nosed, most senior factional operator in the toughest Labor faction of them all, the New South Wales Labor Right, but there it is. As Senator Brandis said before, Senator Arbib has had a very distinguished and very senior career both in organisational politics and in our national parliament. It is hard to understand why somebody so young and with so much promise would leave so early, but having made the decision we wish him all the very best for his future. We wish him and his family all the best.

**Senator BERNARDI** (South Australia) (16:52): Given the fearsome reputation that Senator Arbib has developed in public, I put my name down on the list to speak because I
did not think there would be that many people actually speaking in praise of him. Clearly I was wrong. I wanted to speak because my engagement with Senator Arbib has found him vastly different from what has been represented to the public or in the media. My engagement with him has been with a gentleman. It has been with a man who has had genuine concern for his portfolio and a very clear and deep love for his family. Quite frankly, I have dealt with a man I consider of great integrity, at least from my personal dealings. Your colleagues on the other side may indeed have different views on that, Senator Arbib.

We have a number of things in common, and Mark knows some of them. I am going to share a couple that perhaps he does know about. The first is that what our enemies say about us cannot be relied on to be factual and correct. I know you agree with that. At least, Senator Arbib, I can say that in my case that is exactly the truth.

Going back to that fearsome reputation, I remember when Senator Arbib first started here in the Senate he was in what is now known as my corridor, and it has never been busier. I have never seen quite the procession of ALP luminaries that were left waiting in the corridor for an audience with 'the great man' who could shape their destinies. It was a very peaceful place after you left, Mark, which we were all grateful for.

Senator Cormann touched on the fact that Senator Arbib has been characterised as a faceless man. I know he tried to label me with that tag yesterday.

**Senator Arbib:** I withdrew!

**Senator BERNARDI:** I know you withdrew. It would have only enhanced my reputation had you not withdrawn, Senator Arbib. Despite your very brief television acting career, which is something that we do have in common—and I will tell you about that privately afterwards—I would merely say that we probably both have a face for radio, and leave it at that.

Mark, your time here has been all too brief, and I say that genuinely because you are one of the people who has made an impact in this place. You have been very effective within your party in shaping how your party has developed, for good and for bad. You have also been very effective in your portfolios and you have taken them really seriously. In our conversations we have talked about a number of things, but we both have a passion for sport and I know the sporting bodies right around the country, both elite and grassroots sport, really appreciated you being their sports minister because they told me so. They said, 'Mark Arbib's not a bad fellow.' That is what I said, actually—that was as good as it got! No, they said you are a good sports minister. You have been a good sports minister, and sport appreciated it, so if you follow that path later on I know you will do a great job.

I will miss the engagement in question time—not that I interject in question time, of course, Mr President! It was always an effort to try and find a chink in that armour to get under your skin, Mark. Maybe once or twice I managed to do it, but you shrugged it off with good grace. You always laughed and you always had a smile. That was the best thing about it: you took your business here really seriously but you never took yourself too seriously, from our perspective. I admire that and I really appreciate it.

I wish you all the best, whatever you do. I hope you get to spend a lot more time with your family. I hope they are happy to have you home. Maybe you will want to make a comeback here—after four years or so they might want you to make a comeback, Mark, you never know! Honestly, I wish you every success. I thank you for your contribution to
the parliament. We have had lots of arguments over many things but we share many things in common as well, and a commitment to the betterment of Australia. Good luck!

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (16:56): It is with pleasure I rise to say a few words about Senator Arbib. We come from the class of 2008. I remember the first time that Mark came up to speak to me and he said, ‘Johnno Johnson sends his regards.’ Johnno Johnson is one of those old Labor stalwarts and a very decent man.

There are just a few things I would like to say about Mark. When I got onto a Senate inquiry on a health issue I was amazed to find that the average lifespan of a man at Wilcannia was just 33 years. I thought: where else in the world would you find men with an average life span of 33 years? Would it be worse in Ethiopia? I do not think you could find a country in the world where it would be worse. I spoke to Senator Arbib and said, ‘Can we do something about this?’ He did not hesitate to hop in a plane and go out to Wilcannia and try to address the issues there. Wilcannia has picked up and is very proud that last year it was second in the Tidy Towns awards for small towns. That says pride is returning there. There is a lot of work still to do, but Mark did not hesitate.

Can I wish your staff well. I hope they are retained for employment, and those that are not I hope get employed soon. Bryce Wilson has been very good to me—except on one day. We went to the cricket practice nets on a Saturday and he bowled like a champion. Next day we were playing against the press and he shot them all over the place like a machine-gun and I was wicket keeping. I couldn't walk for three days after that! I thought: you're a good man, Bryce, but you're a bit inconsistent; if you'd joined the National Party down at Wagga Wagga you could have been more consistent. Senator Arbib, your staff are very good and you can be very proud of them.

I note, Senator Arbib, you just joined the riders on the hill. You got all the equipment handed over to you and now you are doing a bolt! My chief of staff, Greg, just brought that to my attention. I was shocked when I heard of your resignation on Monday. I thought: this can't be right. Senator Fierravanti-Wells was making a speech in the chamber and Senator Brandis walked in with a bit of paper and said, 'Senator Arbib has resigned from the Senate.' I thought: why—he's younger than us old ones here? But when people say to me, 'What's it like being a senator?' I say, 'I'm very glad my children have grown up, because if you have young children you rarely see them.' So I understand. But, Mark, what can I say? You are going too quick. You should have hung around for a while. I think you are taking one for the team. We wish you well. To Kelli, Alexandra and Charlotte: all the best.

**Senator FIERRAVANTI-WELLS** (New South Wales) (16:59): I made my valedictory contribution yesterday—I got in early, Senator Arbib. I note your indication, Minister, that you are not going back to Summer Bay, but as a memento I am going to give you a copy of this photograph of you in *Home and Away*. I am really pleased that you will forevermore be remembered as Freddie Hudson!

On a more serious note, I recognise that at times, Senator, our exchanges have been tense. But, as someone who understands factional politics, I have always respected your role as a factional warrior of the New South Wales Right. Delivering hard messages does not always win you friends—I understand that well. When all else fails and you have to deliver the difficult
messages, you always lose some political skin. You have certainly done that over the years, Mark.

In your press conference the other evening you made some comments about factions. I agree with you that factions are an effective management tool: they keep order and make organisational matters easier. They are a fact of life in so many areas—in community life, on boards, and in all sorts of other areas. Regrettably, when they are referred to in political life, they take on a different dimension, but for your opinion about factions I cannot fault your reasoning; I agree with you.

Coming as I do from New South Wales, I understand that you have sought to do what you have done professionally, believing that what you were doing was in the best interests of your tribe, the New South Wales Right. As your mentor Richo said, 'The real enemy is the Left, and every so often we take time to fight the conservatives.' I am sure that you and I can share in the sentiment behind that remark.

I wish you well. No doubt we shall see you in the next phase of your life, whatever it may be.

Senator CASH (Western Australia) (17:02): I too rise to pay tribute to Senator Arbib. Senator Arbib, I will be a little bit cheeky and say to you: you always remember your first. The reason I say that is I, like you, am one of the class of 2008, and tonight is a significant night for our class: you are the first of our class to depart the Australian Senate. Based on the statements that you have made, however, you are departing on your own terms and in your own time. I think we all know as senators that that is the greatest gift that a politician can give himself or herself, and for that I congratulate you.

Mark, throughout your time in the Senate you have worked diligently and with great distinction. I listened carefully tonight to your valedictory speech, in the course of which you referred to your maiden speech and to the issues that you raised then. There is no doubt about the fact that, in the 3½ years in which you have been in this place, you have pursued the issues which you yourself put on the agenda when you first stood in this place and you have pursued them with passion. For that I give you great credit.

I echo the statements of Senator Brandis and so many on this side that you were a tough opponent; you were not afraid to play hard or to put some blood on the floor. Quite frankly I would expect nothing less from a good opponent in politics. You were without a doubt a worthy opponent. Your reputation—and you do have this reputation—is as a hard man of politics, and I think that deep down we all envy you for that reputation. You were however in all of my dealings with you an absolute gentleman.

Above all what I like about you is that you understand numbers. You understand the currency of politics, and for that you have my utmost respect. Whilst your retirement will be a gain to your wife and to your children, it will be a loss to both sides in this place and in particular to the Labor Party, because you would have made a very, very good cabinet minister. As the first of 2008 to leave this place, please go with my very best wishes.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:04): I associate myself with all those positive comments, in particular those on two issues of great importance: homelessness and sport. It is not about how long you are in this place; it is about whether you leave your footprint, and Mark has done that.
I now ask leave to incorporate a speech on behalf of Senator Feeney.

Leave granted.

The speech read as follows—

Like all Senators on this side of the Chamber, I was surprised and saddened to learn of Senator Mark Arbib's decision to resign as a minister and to leave the Senate. Many people here to talk about putting their families first, but when the crunch comes they actually put their careers and their ambition first. Senator Arbib has decided that being a husband and father is more important than being a politician, and he deserves our respect for that choice.

Senator Arbib and I came into the Senate together in July 2008. It's hard to believe that was less than four years ago. In that time he has had a meteoric career: a parliamentary secretary in February 2009, a minister in June 2009, Assistant Treasurer last December. He is obviously a man of great ability, great energy, great commitment and great passion.

In a very short period of time, Senator Arbib has made a powerful impact on Australian politics, particularly in the policy areas he feels strongly about, such as employment, social inclusion, youth affairs and Indigenous affairs. As Minister for Indigenous Employment and Economic Development and as Minister for Social Housing and Homelessness, he showed himself to be a politician who really cares about the people who send us—and by us I mean Senators on this side of the chamber—to Parliament: the working families of Australia.

But although Senator Arbib was only 37 when he was elected to the Senate, he had already had a substantial political career, and it's that career that I want to say something about. He was President of NSW Young Labor in 1995, when he was 24. He became a State Organiser in 1996, Assistant General Secretary in 1999 and General Secretary of the NSW ALP in 2004. He was also a member of the ALP National Executive from 2004.

In those days he was what is generally known as a "machine man". This is a species to which I myself, as a former state secretary and campaign director, also belong, and I'm proud to do so. No political party can win elections without capable organisers, state secretaries or campaign directors. That's as true for the parties opposite as it is for my party. Our former colleague Senator Nick Minchin, for example, is a highly respected former state and federal director of the Liberal Party, is a political professional to his fingertips, and so is Senator Arbib.

We've seen and heard a lot of commentary about the faceless men in recent weeks, and Senator Arbib and I have figured prominently in this coverage. In relation to Senator Arbib, at any rate, much of this commentary has been singularly ill-informed. Far from being faceless, he has been one of the most prominent people in Australian politics since 2007. He has always understood that the point of party organisation is to win elections, and the point of winning elections is to put in place good Labor policy. It was thanks to the work of Senator Arbib and many others like him that Labor won government in 2007 and retained it in 2010. That's why it was so fitting that Senator Arbib as a minister was able to put in place some of the policy goals he cares so strongly about.

I greatly regret that Senator Arbib has decided to leave politics. He's been a good friend and a good colleague, and a great contributor to the work of this government. His departure is a loss to the Labor Party, to the government and to the Senate. But I don't believe for a minute that Senator Arbib's talents will be lost to Australian public life for long. At 40, he has many years of active life ahead of him to make further contributions to his country. Whatever field he chooses to devote his great abilities to, I'm sure he will excel. I wish him and Kelli and their family all the best for the future.

The PRESIDENT (17:05): It befalls me to wrap up this series of speeches. I think it has been very impressive indeed. I do not intend to canvass all the issues, Mark; you and I have known each other for a long time. I am very proud of what you have done in putting your family first. It is such a difficult decision to take, and it is not really understood how your children and your wife miss your company and your input to their lives. I admire you for what you have done, I
admire what you have done in politics, I associate myself with all the other comments and I wish you all the best in the future.

Senator ARBIB (New South Wales—Assistant Treasurer, Minister for Small Business, Minister for Sport and Manager of Government Business in the Senate) (17:06):

Thanks, everybody. I appreciate it.

**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**

Legal and Constitutional Affairs Legislation Committee

Rural and Regional Affairs and Transport Legislation Committee

Membership

The PRESIDENT (17:06): Order! I have received letters from a party leader requesting changes in the membership of various committees.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (17:06): by leave—I move:

That senators be discharged from and appointed to committees in accordance with the documents circulated in the chamber:

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Wright for the committee’s inquiry into the provisions of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012

Participating member: Senator Wright

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Siewert for the committee’s inquiry into the provisions of the Aviation Transport Security Amendment (Screening) Bill 2012

Participating member: Senator Siewert.

Question agreed to.

**MOTIONS**

Gillard Government

Senator CORMANN (Western Australia) (17:07): by leave—At the request of Senator Fifield, I move:

That the Senate notes the mismanagement of economic and fiscal policy by the current Government.

The Labor Party in government this time round has done as they always do, and that is to completely mismanage our budget. Labor’s mismanagement of the budget does have implications for our economy. Their approach, which is part of their DNA—higher taxes, higher spending, big debt, big deficits—does have serious implications for our economic opportunities into the future.

Let us just remind ourselves of the position the government inherited about 4½ years ago. The government inherited a strongly growing economy, a strong budget position, a budget that had a $20 billion surplus, a budget position where the Commonwealth government had $70 billion of net assets. The economy was growing strongly and the budget was in a good position despite all the challenges that we faced in our period in government. We had the Asian economic crisis, the 100-year-record drought, tsunamis in the region, the floods and the cyclones. We had all the things that of course Labor is now using as
an excuse for their severe fiscal mismanagement.

So what has happened to our budget position in four short years? I just pause here. Senator Wong, our Minister for Finance and Deregulation, likes to talk about the supposed $70 billion budget black hole that the coalition has. There is no $70 billion budget black hole that the coalition has. The government quite disingenuously is focusing on a figure that is made up $70 billion of revenue that comes from new Labor Party taxes and then assumes that all of the related expenditure, all of the related spending, all the promises that Labor has attached to the massive new taxes they want to impose on the Australian people, is going to continue as if nothing happened. Of course, nothing could be further from the truth.

The only budget black hole that we have got is a $133 billion black hole that is being accumulated by this government. To put this into perspective, when John Howard became Prime Minister in 1996 and when John Howard and Peter Costello took over responsibility for our fiscal policy in Australia, they inherited a $96 million debt position. It took them 10 years to pay that off. It took them 10 years to get Australia into a position where there was no government net debt. Of course, after they had paid all of Labor's debt, they were able to put money away for the future by investing significant amounts of money into the Future Fund.

People across Australia instinctively know that whenever Labor gets into government, whenever Labor gets hold of the Treasury bench, they are bad at managing the budget. They are bad at managing money. They do not know how to live within their means. They spend too much, which means that they have got to tax too much, and they get into a vicious cycle which ultimately is not good for our economic prosperity into the future.

Very specifically, to reflect on Minister Wong's performance as Minister for Finance and Deregulation, she is here in this chamber day in and day out wanting to lecture the coalition about fiscal policy, when she is the finance minister who in her first year in office as finance minister has presided over a $25 billion blowout in the budget deficit this year—a $25 billion blowout in the deficit under Senator Wong as the Minister for Finance and Deregulation. In December 2010, you would remember that the government's expectation in terms of our fiscal position for 2011-12 was that we would have a $12.3 billion deficit, which of course has now blown out to a $37.1 billion deficit. I say to Senator Wong: do not lecture us. Start doing your job. Start looking at your own black holes, at the $133 billion black hole that you are heading for and your $167 billion accumulated deficits over your first four years in government.

It is true that, comparatively speaking, both from a budget position and from an economic point of view, Australia is in reasonable shape. If you look at the global comparators and what is happening in Europe and the US, yes, we are in very good shape—and long may it last. But the reason we are in good shape is that, firstly, we had a much stronger starting position back in 2007-08 when things started to turn internationally. We had a zero net debt position and a strong surplus position. Secondly, we have got the good fortune to have significant natural resources and are placed in a region that is growing strongly. The fact that we are in a better economic position than other countries in other parts of the world has nothing to do with the performance of either the Rudd or the Gillard government: it has all to do with the fact that we had a very strong position going into this
global economic downturn and it is because of the geography and the natural resources endowment that we are so lucky to have.

The other day I asked some questions in question time about the economic impact of the carbon tax, and of course, as so often happens, I was sneered at by Senator Wong and by Senator Evans. At some point I tried to interject and suggest that what we are trying to do on the coalition side is ‘grow the cake’. Senator Evans actually took the interjection. He said I tried to make fun of this concept that a coalition government want to grow the cake rather than cut a shrinking cake into ever smaller pieces. That is the contrast between the coalition’s approach to economic and fiscal policy and the Labor Party’s approach. The Labor Party take the cake they have and they try to spend it all, then they look for new ways to come up with ever new taxes, which ultimately will put lead into our saddlebags as we try to maximise our opportunity as a national economy.

The reality is, even in terms of economic reforms, the Rudd and Gillard governments have taken us in the wrong direction. Where has the reform zeal of the Hawke, Keating and Howard governments gone? The Hawke, Keating and Howard governments focused on how we could make Australia more competitive internationally, how we could improve our productivity, whereas all of the major initiatives of the Rudd and Gillard governments are designed to make us less competitive internationally at the worst possible time in economic development across the globe. Our productivity growth has slowed down to barely a crawl. As measured by GDP per hour worked, work productivity has risen by just two per cent over nearly four years of available data under Labor, compared with an increase of 24 per cent over the life of the previous coalition government. Under Labor, GDP per capita has risen by just 1¼ per cent on the latest data, compared with a rise of over 30 per cent under the Howard-Costello government. Of course, that is how you grow the cake—by encouraging increased productivity, by encouraging economic growth, by driving reforms that make us more competitive internationally and ensure that Australian businesses have the best opportunity to be successful in their endeavours.

The government talks a lot about the so-called two-speed economy. Really, what is implied in this is that we have the mining sector in the fast lane and we have everybody else in the slow lane: It is terrible for the mining sector to be so good. Let us slow them down; let us bring them back to the fold. Instead of focusing on how we can make sure that in the Australian economy everybody has the opportunity to reach their full potential, to maximise opportunities, to grow—for all small companies to have the best possible chance to become the big companies of tomorrow—this government focuses on how we can penalise success, how we can bring the successful people back into the slow lane, and that is of course not ultimately in our national interest.

What I put to the Senate and what I put to the Australian people is that having a diversified economy is a good thing. So, when the government talks about a two-speed economy, I say we have a multispeed economy. Thank God we have a multispeed economy because, at different times of the economic cycle, different parts of the economy perform at different speeds, and right now it is true that the mining sector is doing very well. It has not always been the case and it is unlikely that it will always be the case in the future. The demand for our resources could change. The global supply of various resources that we are currently selling to China, Japan and to other places could increase and our terms of trade will not...
be as attractive as they are now. It is quite possible that will happen in the future, yet the government is pursuing a mining tax to target the most successful part of our economy, to slow the most successful part of our economy down.

The government are also targeting, incidentally, the part of the economy that is currently struggling, given the international economic conditions—our manufacturing sector. They are targeting the manufacturing sector with the carbon tax. Not only are they pursuing a mining tax and a carbon tax, both of which will make us less competitive internationally and put more lead into our saddlebag, but also they are pursuing a mining tax and a carbon tax package that will leave the federal budget worse off.

How can any government design two multibillion dollar new taxes which have serious implications for the international competitiveness of some of our most important industry sectors and still have the budget in a worse position than when we started? The problem again is Labor's DNA, because Labor are spending faster than they can bring the new money in. They come up with new taxes, which we are told will raise about $11 billion over the forward estimates in the case of the mining tax or about $25 billion in the case of the carbon tax, but both of those taxes will raise less than all of the spending that Labor has already committed to. It is no wonder that we had $167 billion worth of accumulated deficits over the first four years of this Labor administration.

The carbon tax will have a bad impact on our economy as well as on our budget. The reason for that is this: the carbon tax will make it more expensive to manufacture goods in Australia than in other parts of the world. Other parts of the world that do not face the same price on carbon and the same cost as businesses in Australia will become more competitive than Australian business. Even the most environmentally efficient business in Australia, having to pay the world's largest carbon tax, will be less competitive than the highest emitting equivalent business in another part of the world. As that happens, those higher emitting competitors of ours overseas will take market share away from the more environmentally efficient businesses here in Australia. How is that good for the economy? As we shift market share to other parts of the world, they will become more competitive as they compete with us on imports or they will become more competitive as they compete with us in the export market. The globe is not going to be any better off, workers are not going to be any better off, the economy is not going to be any better off and the federal budget is not going to be any better off. Who wins here? This is just an ideological pursuit combined with a tax-and-spend approach that is inherent in whatever Labor does when it comes to economic and fiscal policy.

I do not have to go any further than the government's own Treasury modelling of the carbon tax, which points out very clearly that the government expects that, between now and 2050, GDP will be $1 trillion lower in today's dollars than it would be without a carbon tax. So the cost to our GDP between now and 2050 is $1 trillion—our economy will be $1 trillion smaller on a year-by-year basis than it otherwise would have been. That is nearly the whole GDP for the whole of Australia for a whole year, which means that the whole of Australia will be expected to work for a whole year, effectively, between now and 2050 to pay for the cost of the carbon tax. This is how Labor goes about economic policy; they are shrinking the cake compared with what the cake could have been like.
We want to grow the cake. Growing the cake is good for families because they have better opportunities to prosper. It is good for the economy as a whole and it is good for the budget bottom line—the larger the cake, the larger the government's revenue take. Not only do Labor spend too much, not live within their means and then have to pay catch-up by forever coming up with new ad hoc tax grabs, but every ad hoc tax grab that they have come up with in recent years has left the budget worse off. The cake ends up being smaller than it should have been and the federal budget is in a worse position than it should have been. I do not expect Labor senators to grasp this sort of reality—and no doubt that is why, when I talked about growing the cake, all Senator Evans was able to do was sneer at me.

There is a better way. People across Australia instinctively know that the coalition know how to manage their finances. People across Australia instinctively know that the coalition are good economic managers and no amount of Labor Party spin about alleged black holes in the coalition's budgets will convince people otherwise. People across Australia know that the coalition know how to live within their means. We have done it before. People know that we have a track record, that we have the experience and that we have the commitment and determination to do it again. When it comes to economic policy we know it is important to back our strengths. We know that it is important to pursue economic reforms that make Australian businesses across all sectors of the economy as competitive internationally as they possibly can be. We want businesses across Australia to flourish and prosper so they can employ people, so they can contribute to our quality of life across the nation. We do not want to hit businesses and people across Australia with taxes that will make it harder for them to succeed and will ultimately be counterproductive when it comes to raising the necessary revenues for the Commonwealth to invest in the important services that it provides. But it is a matter of balance. It is a matter of stopping the waste. It is a matter of targeting public expenditure efficiently into the areas that we should be involved in.

I will finish where I started. The Labor party in government has done what it has always done: it has spent too much, which has meant that it had to tax to much, which has meant that it had to borrow too much. This has got to stop. We have to return to a circumstance where the federal government lives within its means and where we do not have to go for one new ad hoc tax grab after another. I say to the people of Australia: the coalition stands ready to deliver good economic and fiscal management.

Senator McEWEN (South Australia—Government Whip in the Senate) (17:27): I am very pleased to be able to contribute to the debate this afternoon about the Gillard Labor government's economic policies. Unlike Mr Abbott, Labor members of parliament do not find economics boring, and no-one has a better economics story to tell than the Labor government.

The opposition's economic story is one of contradicting and arguing with each other about the detail but, collectively, they are committed to condemning Australia to a $70 billion black hole of debt. When it comes to economic and fiscal management, the Labor government are about hard work, not about headlines. We are about actively working to transform our economy, not talking it down as Senator Cormann has been doing for the last 20 minutes.

I am very proud of the Labor government's economic achievements and our fiscal strategies that are going to set the
nation up for the future. I am also proud that we do things in the Labor way. We believe in fairness, we believe in looking after those who need it most and we believe in giving people opportunities. We are not afraid of making the hard decisions to ensure that those Labor goals are met.

I do not need to remind people, but I will, about the action that the Labor government took during the global financial crisis. One of the greatest achievements of the Labor government was to act quickly and decisively to save the country from global recession. In a time when advanced economies around the world suffered the largest global recession in 70 years, the Australian economy performed remarkably well, and that was not luck or coincidence. The strong performance can be put down to the early and strong action taken by Labor. We injected short-term cash stimulus as well as medium- and long-term infrastructure investment and spending to keep the Australian economy in strong shape. Every time I go to a Building the Education Revolution program opening in schools around my state, I get positive responses from the school communities—the parents, teachers and children; and the builders, designers and tradies who worked on those buildings. They come up and thank us for the $16.2 billion investment that Labor made into our nation's schools. Those 24,000 projects in 9,000 schools have set us up for the future. I defy anyone in the opposition to go to a school like Parafield Primary School in South Australia, which received an investment of $3.2 million, and say to them: 'We don't think you should have had that money. We wouldn't have given it to you. We voted against it.' They will not do that because they are gutless, but we make sure that the communities know that they got it from the Labor government.

Many countries across the world felt the full effect of the global financial crisis and today are still recovering from it. Here in Australia, the government ensured that Australians were protected from the global financial crisis. As I said, the opposition opposed the second economic stimulus package. They quite happily would have let small businesses collapse and stood by as Australians lost their jobs and houses, as happened in the United States and elsewhere. But we on this side of the chamber had the foresight and the competence to act quickly and decisively. We unequivocally guided Australia through the worst impact of the GFC.

So the government has a great track record of economic management. We also have sound policies in place to ensure that that record continues. Our policies are based on Labor principles. We start from the basis of fairness and ensuring that all Australians are able to seize the opportunities that a strong economy provides. For example, the Gillard government has committed to spread the benefits of the mining boom across the nation through the introduction of the minerals resource rent tax, which will return a fairer share of the nation's wealth back to ordinary working Australians. We on this side understand that small businesses and households are doing it tough. It is unfair when you have a mining resources boom in Australia that just a small handful of companies are profiting from the nation's resources. We are committed to ensuring that Australian people receive a better return on the profits made from extracting our resources and to ensuring that the resource sector remains sustainable into the future. As has often been said in this chamber, these resources can only be extracted once—and it is important that the Australian community as a whole gets a fair return for them and that
we responsibly put that money towards building a better nation for everybody.

The government has been working with the resources industry to deliver a profits based tax that works better for the industry and delivers improved returns for the community. We want to make sure all Australians get the benefit of that, not just the Gina Rineharts, the Andrew Forrests and the Clive Palmers of the world. We will deliver the benefits of the minerals resource rent tax to everyday Australians, to all Australians, through increases in superannuation for working Australians and tax breaks for small businesses. We will cut the tax rate for all businesses and we will invest nationally in infrastructure, including in the mining states. We will boost the superannuation savings of 8.4 million of our lowest paid workers, meaning that our overall superannuation reforms will see a 30-year-old worker today on average earnings retire with an extra $100,000 of savings. By increasing the superannuation guarantee, we will build up the pool of national savings and further strengthen the economy. We know that there are plenty of senators on the other side who do not agree with that initiative—who do not want Australians to have improved superannuation savings and do not want Australians to share in the benefits of the mining boom.

Another benefit of the MRRT for the economy and for Australians is the tax cuts that will apply to the 2.7 million small businesses across the nation. We know small businesses are looking forward to that, just as they looked forward to the tax breaks that were provided as part of the economic stimulus plan. We will introduce instant asset write-offs, where small businesses can immediately write off each and every asset worth up to $6½ thousand, and a tax rate cut for all companies to 29 per cent on 1 July 2013.

I should point out that the opposition have already said that they will repeal the MRRT if they win government. That means they must either repeal those tax cuts for small businesses and companies and repeal the superannuation increases or find the money from somewhere else. Of course, that creates a big problem for them: where would they find that money? We have asked time and time again: which government services, which government programs, which pensions and which benefits are they going to cut to be able to repeal the MRRT? So far, all we get is infighting within the Liberal Party. The only thing they agree on is that they have dug themselves a very deep economic black hole—a crater, I think it would be fair to say.

There will be a business tax cut for all Australian businesses, including those that are not in the mining boom fast lane. The impact of that will be to ensure that we keep our unemployment rate low. One of the things that we are very proud of in the Labor government is that we have a low unemployment rate in Australia, when other comparable nations do not. In the term of this government the unemployment rate has been five per cent on average and I understand it is currently 5.2 per cent. That is a spectacularly good effort in a difficult global financial circumstance and we are very proud of that. We will work very hard to ensure the low unemployment rate continues because we know the best way to ensure that all Australians benefit from the fortune we have in this country is by getting them into employment. That is the best way to eliminate disadvantage and to ensure people are set up for the future. The government have taken a range of initiatives to ensure that the wealth is distributed more evenly throughout our country so that we can create opportunities for everybody. As well, the government believe strongly in altering the private health insurance rebate so that it
is means tested to make it fair for all Australians. It is not fair that Australians on low and middle incomes are subsidising private health insurance for people who, like me, are on high incomes. It is not fair that taxpayers on a very low income, who may not be able to afford private health insurance, should be subsidising the private health insurance of wealthier Australians. Our plan is to retain the rebate in full for low- and middle-income families—nine out of 10 Australians will not be affected at all—and we will means test the top 10 per cent of income earners, people like us in here.

This initiative will see unprecedented levels of savings—estimated to be $2.4 billion over three years and $100 billion over the next 40 years. Where will that money go? It will go to funding hospitals, schools and pensions. The community will benefit enormously from the appropriation of those tax dollars back into services that Australians need. Of course, the opposition oppose this very beneficial initiative. They are going to repeal it as well, if they get into government. Where will they make up the money from that loss? Where will they find that $2.4 billion over the next three years?

The federal Labor government are also working very hard to ensure that we retain jobs across a broad section of the Australian economy. One of the things we are very proud of—and I, being a South Australian, am particularly proud of—is our support for the automotive industry. The opposition want to kill the automotive industry in Australia with their proposed cuts of $1.5 billion to 2015 in future industry support. Thereafter, they would rescind all funding to the automotive industry. You would have to say that there seems to be very little appetite in the ranks of the opposition for supporting the manufacturing sector at all. Labor want to support it and help it adapt and survive. That is what we want to do for workers in manufacturing and particularly in the automotive industry. We want to retain that vital innovative industry in Australia because we know it has fantastic offshoots through other companies that provide research and technology to help us deliver the best possible automotive investment.

The Labor Party are about looking after jobs in manufacturing whereas, of course, the opposition are not interested in looking after jobs. They are more interested in bringing back Work Choices. They cannot help themselves. Their solution to everything to do with jobs is to bring back Work Choices. People should be very afraid should that ever happen. The opposition want to pull the plug on 46,000 Australian jobs directly involved in the automotive industry and on another 200,000 jobs nationwide which rely on that industry. Of course, that will not just get rid of those jobs; it will put an end to the research and development companies and other infrastructure that goes to support the automotive industry and other manufacturing industries.

The government are also ensuring that we are setting up the nation for a bright and strong economic future by investing very heavily in skills and education. We want to ensure we have the skilled workers our country needs into the future. Since coming to government we have created some 750,000 new jobs, including in mining, retail, health and skilled trades. Importantly, we now have more than 460,000 Australians involved in traineeships or apprenticeships, and they are getting real training for great jobs in the future—that could be in construction, automotive, furnishing or tourism trades in particular. Over one-quarter of a million of those jobs were added in 2010 and we know that another half a million jobs will be added over the next two years. We are always doing what is needed to keep
people in jobs rather than having people out of work and putting families under pressure.

The Labor government are also ensuring much bigger investment in higher education. Today Senator Evans announced that our decision to uncap the number of university places and increase funding to universities means there will be an estimated 545,000 student places this year, an increase of five per cent on last year's record number. We are also very proud to get more of our young people into tertiary education, which of course sets them up for great jobs in the future.

We are about creating new incentives and opportunities for work, and we about supporting people when they are in work. Of course, we are very proud as well of our Paid Parental Leave scheme, which will help more Australians in the workforce. Eighty thousand Australian families have already received payments under our scheme. We can be absolutely certain that not one Australian will ever receive anything from the opposition's paid parental leave scheme because it will never happen. The Leader of the Opposition does not really support it. He has commented that it would be 'over his dead body'. Regardless of his position, we know the opposition are internally riven about the tax that would have to be levied on all companies to bring into being their paid parental leave scheme. This 'Rolls Royce scheme', as it was called by the Leader of the Opposition, used to grab a few headlines but, of course, it will never actually be implemented. Labor's Paid Parental Leave scheme is in place, is being used, is welcome by families, is funded and is supportable.

Other Labor initiatives that we are proud of, which are assisting us to set up the economy for the future, include the National Broadband Network, which will give us the infrastructure for the future. This is a welcome initiative about which people talk to me whenever I am out and about. Rural and regional areas in particular cannot wait for it to be rolled out. Of course, the opposition will unravel the NBN. That is their plan: unravel it and make sure that Australians are stuck with the substandard and costly internet services that they currently have. Again, the opposition is riven about what to do about the National Broadband Network.

Just to ensure that we are getting the message about the coalition's position on things that are important to Australians, I think it is worth reiterating their position on some of the key economic policies that Labor has implemented or intends to implement. It is pretty easy to go through the list and to preface everything with 'no' because that is pretty much all that the Liberals say about initiatives that will set Australia up for the future: 'no'.

So, they say no to the mining tax, no to 12 per cent superannuation for workers, no to tackling global warming by pricing carbon, no to investing in the NBN, no to health reform, no to a fairer industrial relations system, no to the global financial crisis stimulus that saved 200,000 jobs and put money into every school in Australia, no to banning the exit fees on home mortgages by banks and no to the flood packages that are rebuilding Queensland and Victoria.

I have attempted to outline Labor's plans for the economy, what we have done and what we are going to do. I think that the plans the Liberals have for the economy consist pretty much of saying no. Thank you.

Senator SINODINOS (New South Wales) (17:46): All I can say is that on this side of the chamber we have a Rolls-Royce of an opposition leader, who hopefully will be the future Prime Minister, and look at the
competition between Holden and Ford on the other side.

In more than four years in office, Labor has failed to convince the Australian people that they are better economic managers than the coalition. If they had managed to do that they would be in a far better electoral position than they are now. Something is wrong, and it began in opposition. Labor failed to make an economic case against the former government when in opposition. Most of you who recall that period will recall that shadow Treasurer Swan, as he was then, really struggled to make an impact on Treasurer Costello. He really struggled because he failed to make an economic case, and by the time of the 2007 election all that Treasurer Wayne Swan was able to do was, essentially, to say that he would carry on the economic policies of the previous government.

What we have seen in the period since then if we look at any set of economic indicators—whether they are the Commonwealth budget balance; net government debt; net debt as a proportion of GDP; net government interest payments; government expenses as a proportion of GDP; the unemployment rate; the increase in employment; long-term unemployed; average annual personal bankruptcies; annual GDP growth; average annual GDP growth; inflation; new private business investment; retail turnover; productivity growth, in particular, labour productivity growth; mortgage rates; and monthly repayments—is that on all the indicators the Howard government scrubs up very well against its successor.

There was no economic narrative, and they have now come to rue that in government. One of the things that they did in opposition was to push cost of living as a very important issue. They promised us Fuelwatch and GroceryWatch, and we got them when they were in government. And what did we get? Both were closed down very quickly because both were gimmicks. And yet today, if there is anything on which Labor is hoisted on its own petard, it is the cost of living. That is the thing that has come back to bite the government big time: the cost of living through the impact of the carbon tax on the cost of living.

Leaving aside the general question of policy confidence and the capacity of the Prime Minister and the Treasurer to make their economic case, it is blowout in debt to accommodate the spending associated with the global financial crisis that has haunted Labor ever since. No-one on this side quibbled with the idea of an initial stimulus. It is a furphy to say that the opposition was against any form of stimulus, but it was the fact that programs were instituted that could not easily be turned off and that, on any reasonable cost-benefit analysis, were too expensive for the benefits being obtained.

Remember how quickly funding for pink batts and Building the Education Revolution went out the door, and the waste which followed? Remember how the former Prime Minister signed off on the biggest infrastructure program in our history on a RAAF VIP flight to suit his hectic travel schedule, and without the benefit of a proper cost-benefit analysis? Under pressure over this massive commitment, Senator Conroy belatedly produced an estimated rate of return akin to the long-term bond rate—about six per cent. He argued that there were many benefits that could not yet be quantified. But the government’s own handbook on best practice in regulation requires the use of a higher rate of return to capture the opportunity cost of funds. Both the minister and the then Prime Minister had no idea that the long-term bond rate does not constitute such a return, particularly for
major projects of this size and risk—again, a reference to their own lack of commercial experience and qualifications. Is it any wonder that Labor have not yet produced a surplus?

Senator Williams: They don't know what it means!

Senator SINODINOS: Exactly! The Treasurer is under great pressure to do so in 2012–13, and they have started already. We saw in the Mid-Year Economic and Fiscal Outlook the re-profiling of spending to accommodate that objective. For example, over $1 billion of infrastructure spending was brought forward to 2011–12. How quickly or responsibly can that money be spent? Is it lying in some state government account earning them interest?

Now, the solar hot water rebate scheme has been terminated prematurely to avoid a budget blowout and to assist in achieving the surplus target for next year. But why was that scheme not being managed to stay on budget? Instead, we get an announcement, literally at close of business and with no advance notice.

The government's stop-start subsidies are disrupting small business, robbing workers of a fair go at a job and giving industry policy a bad name. No doubt more renewable energy schemes are also on the chopping block, and this is something that the Greens will have to keep a very close eye on. I have no doubt that the government has its eye on these as budget savings. If the government is serious it should immediately review its plans for the $10 billion Clean Energy Finance Corporation. I know we are still debating as to whether it is going to be on or off budget. We have written to the chief statistician, I think it is, seeking clarification, given the conflict of objectives of this organisation, which make it appear noncommercial, notwithstanding the stated objectives. If we are now to have the highest carbon tax in the world, why does the government cling onto these various schemes? There seems to be some genuine debate going on in the government about this. Don't they believe that the price signal will work? After all the posturing on markets versus direct action, it seems the government still wants to have a bob each way. So much for the courage of their convictions. This government is firmly in survival mode. Do not expect too many big ideas or reforms going forward.

The Gonski report into school funding, the most comprehensive review in decades, was dead on arrival. The price tag was too high, so off it goes into the bowels of reference groups and Commonwealth-state consultations. Did the government not see that coming when it commissioned the review? Once again, expectations were raised in the community only to be swiftly dashed. Other important budgetary matters are piling up for decision. There is the National Disability Insurance Scheme, the response to the Productivity Commission's report on aged care. The Greens are pushing for a massive new dental health plan. The government was forced to make a down payment on this plan to get its cuts to the private health insurance rebate through the parliament.

Achieving a surplus will also require that nothing goes wrong with the government's economic forecasts. The risks are all on the downside in the current global environment. Below-trend growth will reduce tax revenue and raise welfare spending, putting the budget bottom line closer to the red. Mining tax revenue is also being called into question because of the deal done with the three big miners and the increase in state royalties. Beyond next year the carbon tax revenues are also likely to fall below projections, when we enter the floating price phase. The
carbon price is likely to fall in line with global trends towards a floor price of $15 a tonne. The Minister for Finance and Deregulation effectively conceded this scenario in her haste to lay the boot into former Prime Minister Rudd during the leadership stoush we have just been through. The budget outcome will be adversely affected because most carbon tax related spending cannot be adjusted downwards.

There is one upside risk with the budget and that is higher than projected inflation, because the cascading carbon tax will also threaten higher inflation than currently projected or estimated. Prices are already going up in aviation and the biggest electricity generator in the country has warned that electricity price increases will exceed those estimated by the government.

What this leaves is a situation where, whether the election is in 12 months or 18 months, a new government will face a large fiscal challenge. A number of fiscal time bombs are being left behind by this government. But as important as it is to deal with the fiscal matters before the government, we need a new way of doing things—a new process, a more consultative process—so that if we are serious about making reforms stick and if we are serious about making budgetary changes stick then we need proper consultation with the community. When it comes to industry matters, proper consultation with the affected businesses and employees is needed. We need a new approach and new governance around many of these arrangements.

In the case of massive infrastructure projects, Tony Abbott has signalled a 15-year rolling infrastructure plan with transparent, publicly-available, cost-benefit assessments of major projects. This will be important to put more honesty into the process. It will keep the proponents of projects honest, it will keep the government honest and it will provide information to the community to be fully informed about these important infrastructure decisions. That is one place we can start.

There are other elements of government reform that we also need to focus on going forward. We need to be careful in structuring our subsidies to make sure that those subsidies encourage adjustment and encourage change and that we are not just subsidising activities that must ultimately go out of existence. I noted earlier the solar hot water bonus scheme and the impact that had had in artificially inflating that particular sector. Now we are about to see over 6,000 jobs potentially taken away in that sector. That is not the way to grow new industries in Australia. We need to do better than that.

In closing may I say that as a result of Monday's leadership stoush nothing has changed. Expect the mistakes and the short-term fixes to continue. It is a pity that Bob Carr did not get to Canberra. He would have had a ringside seat at the circus and he could have been foreign minister if only for a short time—perhaps up to 18 months—but no doubt it would have been a great ride for him.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:57): Here we go again. Once again there is no policy, no plan, no anything. Why do the coalition continue to embarrass themselves? In fairness—and I always try to be fair—the coalition does have a plan and their plan is to say 'no' to everything, unless, of course, it reeks of looking after their rich mates. That is what they do, such as with the mining companies who are booming along but whose profits need to be bigger. Why would those opposite worry about the country's future when it is more important to worry about their mates, like the big polluters in
Australia, or provide paid parental leave for the rich end of town.

Let us look at what we are doing. The Howard government sat on their hands year after year and were only concerned about pork barrelling and about storing up a war chest that they took to each election to wedge the country and to buy their way back into government. I have always had the notion that a government governs for all Australians. The last thing Australia needs is an Abbott-led federal government. He would take us back to the Stone Age. We, the Gillard Labor government, are making the hard decisions now, giving working people a fair share of the resources boom and getting our nation ready for the future by building the new Australian economy. We are managing the economy for working people, fighting for their jobs as we did during the global financial crisis and now in the manufacturing and auto industries. Labor's response to the global financial crisis saved jobs and avoided recessions.

We know what those people on the other side wanted us to do. They wanted us to sit back and sit on our hands. They wanted us to put our heads in the sand and just wait and see. How many times in this chamber did those opposite come in and say: 'Look, you're rushing in. Don't do anything.' We know, as the Australian people know, that the investments that were made to keep the economy strong, to stimulate jobs, to build education have paid off. The Australian people know that. It does not matter how many times those opposite come in and try to rewrite history. We can talk about aged care or health and the $1 billion that Tony Abbott as health minister ripped out of health. We on this side of the chamber know what they did for 11 long years, we know they avoided the very tough decisions. But we are going to help the older community to make that transition into retirement.

I seek leave to continue my remarks.

The ACTING DEPUTY PRESIDENT (Senator Ludlam): Order! The time allotted for this debate has expired.

DOCUMENTS
Australian Meat and Live-Stock Industry Act 1997: Livestock Mortalities During Exports by Sea

Debate resumed on the motion:

That the Senate take note of the document.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (18:00): In taking note of the Australian Meat and Live-stock Industry Act 1997 report, I will say that livestock mortality is a particularly important issue for the Queensland community. I also raise a similarly important issue for the community of Queensland. During question time today, Senator Brandis indicated that the Prime Minister had not been to Queensland for some four months. That was incorrect. We were able to advise him that Prime Minister Gillard did go to St George to talk with the people there after dealing with a second significant flood. The Prime Minister also attended the unveiling of the 'pillar of courage' in the Alf Harris Park in Goodna on 11 January this year and also attended a flood anniversary lunch with SES volunteers in Ipswich. I thought it was important for the record in taking note of this document that we have the opportunity—

Senator Ian Macdonald: Madam Acting Deputy President, I rise on a point of order. I know we allow a very wide latitude, but this document is the Australian Meat and Live-stock Industry Act 1997: Livestock mortalities during exports by sea report for the period 1 January to 30 June 2011. What that has to do with the Prime Minister attending functions in Queensland I just simply cannot understand. Whilst we do
allow a lot of latitude, really. Senator McLucas having a little chat about what happened in question time cannot under any circumstances be said to be anything to do with livestock mortalities during exports by sea.

The ACTING DEPUTY PRESIDENT (Senator Pratt): Senator Macdonald, that is probably the closest thing to a valid point of order I have heard you make in a long time. I am sure Senator McLucas can begin to draw her remarks to the relevant report.

Senator McLucas: Absolutely. I was concluding my remarks. This report is extremely important to Queenslanders and it is also extremely important that we note that the Prime Minister has been to Queensland three times in the last two months.

Senator IAN MACDONALD (Queensland) (18:03): Anyone listening to this on the radio—and I know there are a lot of people who do—will be absolutely gobsmacked about this response to livestock mortalities during exports by sea. Perhaps Senator McLucas trying to defend both her leader and the leader of the Labor Party in Queensland by talking about something that might have happened in question time might be interesting, but it has nothing to do with the matter before the chamber.

These mortalities during exports by sea highlight the great importance of the live cattle trade particularly in Northern Australia. If Senator McLucas wants to talk about Queensland, then certainly it is a very important activity in Queensland. It makes me wonder why Senator McLucas was so reticent in coming out to try to help her North Queensland cattle men at the time that Senator Ludwig, on behalf of the Gillard government, shut down the live cattle trade to Indonesia and in so doing caused losses of jobs and ultimately losses of businesses and investment in Senator McLucas's state of Queensland and across the top of Australia where a lot of the live cattle exports originate. It is a very important industry to Queensland, and I just hope that I can rely on Senator McLucas to join with me in supporting this industry.

At Innisfail up in North Queensland where I come from there was an old abattoir at the old Teyes Bros meatworks. It was recently purchased by a group of cattle men out to the west of Cairns with the intention of taking the abattoir to the Solomon Islands, setting up a feedlot there with a local family and setting up the abattoir, and then exporting live cattle from Northern Queensland through the Port of Mourilyan and over to the Solomons. That will be great for the cattle industry in Northern Australia. It will be very relevant to the safety of animals during exports by sea, which this report refers to. It will also provide jobs and fresh food for the people of the Solomon Islands. It is a great initiative by a group of people not seeking any assistance from government but seeking to establish a new industry to provide a destination for some of the two million cattle that are operated in a line drawn from Karumba in the gulf through to Innisfail on the east coast of Queensland. It is a very exciting venture and one that still has a long way to go; there are a lot of commercial and other hurdles to address. But from what I am told, if this venture does eventuate, livestock mortalities from North Queensland to the Solomons will be very small. They are looking at the latest ways of transporting cattle safely. In fact, it will be much safer and better for the animals to be transported the relatively short distance from where they graze to the Mourilyan harbour and then from the Mourilyan harbour on a short sea voyage to the Solomons. So it is an exciting venture—the sort of thing that is envisaged in this document relating to
livelock exports by sea. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Australia Post**

**Senator IAN MACDONALD** (Queensland) (18:08): I move:

That the Senate take note of the document.

This report shows the operations of Australia Post in the last financial year. It is quite an interesting document. Australia Post clearly says that its letter service does not return a profit—it is not the big part of its activities these days. It makes its money, and it does fairly well as I understand it, out of parcel post deliveries.

In looking through this report, I am reminded of the estimates hearing when we inquired of Senator Conroy about a new appointment to Australia Post. We found that the new appointment to Australia Post's board was a relative of Mr Ahmed Fahour, who is the managing director. But that is okay. What we found to be more interesting was that both Mr Fahour and Senator Conroy are very involved in volleyball in Victoria. Lo and behold, who should the new appointee to the board be but another member of the volleyball club in Victoria. It seems that if you want to get on the Australia Post board you have to be in a sporting organisation in Victoria with Senator Conroy. And good on Senator Conroy for promoting women's sport. But that is just a little bit interesting.

I also noticed, in looking at the board and executive, that one of the board members is Mr Peter Carne. Those of us with any association with the law in Queensland would remember a very famous legal firm in Queensland named Goss Downey Carne. Goss, you might recall, is the surname of a former Labor Premier of Queensland, Wayne Goss. In fact, Mr Wayne Goss was a partner in the firm of Goss Downey Carne. Mr Carne is a self-confessed advocate for the Labor Party. One might also say he is 'one of the mates'. He has been, I concede, President of the Law Society. It is interesting to watch Senator Conroy's method of appointing people to the board of Australia Post. It reminds me of his method of appointing people to the NBN Co.

**Senator Williams:** Mr Squiggly!

**Senator IAN MACDONALD:** Not Mr Squiggly—that was sort of legitimate—but Mr Mike Kaiser, who for many years was an apparatchik in Queensland. I think he was in the Queensland parliament for a little while—until he was forced to resign through unsavoury allegations against him. Lo and behold, he turns up as a very well remunerated—above $400,000 per annum—government relations man in NBN Co. How did he get there? We found out at estimates that Senator Conroy just suggested to Mr Quigley that, if he happened to be looking for a communications expert, Mike Kaiser might be a good person to appoint. Lo and behold, Mr Quigley appointed Mike Kaiser. There were no advertisements, no calling for applications, no competitive process for getting the job—but Mr Kaiser ended up there.

I have diverted myself from the Australia Post report. I really wanted to talk about a couple of things of importance to me—one of those things is the enormous loss of packages that happens within the city of Townsville, where my office is, in North Queensland. A bloke who runs a mail-order operation has an enormous loss of packages that are sent from one suburb in Townsville to another. He has recorded a litany of delays of over two weeks to get from one side of Townsville to the other. I know Townsville is growing—it is a great city—but it should not take two
weeks to get from one side of town to the other.

I also want to mention the disgraceful situation in Rockhampton, where Australia Post is causing untold difficulties to residents in Elphinstone Street because of the manner of its operation. I repeat that, if Australia Post were not a government business enterprise, the council would have shut down that facility long ago. I call on Minister Conroy to do something about that. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Australian Customs and Border Protection Service

Debate resumed on the motion:

That the Senate take note of the document.

Senator CASH (Western Australia) (18:18): In commencing my remarks on this document, the Australian Customs and Border Protection Service 2010-11 annual report, may I say that, consistent with remarks that have been made by the shadow minister for customs and border protection, Michael Keenan, the coalition commends the bravery of the men and women of Customs and Border Protection command, Defence personnel, the Australian Federal Police and the many Christmas Island community members who rushed to assist during the SIEV 221 tragedy.

As a member of the Joint Select Committee on the Christmas Island Tragedy, I personally witnessed the treacherous location where the tragedy took place, and I have nothing but the utmost respect and admiration for those people who risked their own lives to save others as the events unfolded. The coalition has already stated on the record that it believes Customs and the AFP did the best job they could with the resources they had available to them on the day. The reality is, however, and it remains the case, that, whilst people smugglers continue to bring people to Australia illegally, a tragedy of this nature and of this scale could reoccur. Stopping people-smuggling is the only thing that will eliminate going forward the possibility of such a tragedy occurring again. However, unless there is a significant change in the current policies of the Labor government, as is noted in this annual report, in the years ahead 'enduring problems such as maritime people smuggling will remain'.

These problems will remain because, instead of taking decisive action to stop the boats, what we have seen under the former Rudd government and the current Gillard Labor government is that in the first two months of 2012 alone there have been 14 boats arrive—that is in just eight weeks—carrying 1,195 people. The tragedy is that, in relation to the current policies, those figures are actually despite the current heavy weather patterns that would normally deter people from travelling by boat in these conditions to Australia at this time of the year.

There is only one way to break the people smuggler models, and that is to introduce tough measures and send a message to the people smugglers that Australia will, just like under the former Howard government, no longer tolerate them exploiting vulnerable people in this way. Australians know what these tougher measures are. The sooner the Labor Party adopt the proven measures of the coalition—and those are the former policies of the Howard government—the sooner we can stop this evil trade, stop the exploitation of these vulnerable people and stop tragedies such as those that occurred with SIEV 221 and the Christmas Island disaster.

Unfortunately, the sad reality is that, because the Labor Party only ever had a
political strategy when it came to allegedly protecting Australian borders, Australians are well and truly paying for Labor’s failures. We know this because there has been—and this was revealed just the other day—a further budget blow-out in asylum seeker costs of $866 million. That is more than 25 per cent of last May’s full-year expenditure forecast for this portfolio. We are only into February of 2012 and the government has already had to go cap in hand to the parliament and ask for additional money.

There is no doubt that Minister Bowen has vacated this policy space. Under these circumstances, I can only wish the good men and women of the border protection unit the very best in trying to protect Australia’s borders with the limited resources they have. I seek leave to continue my remarks later.

Leave granted.

Commonwealth Grants Commission

Debate resumed on the motion:
That the Senate take note of the document

Senator BACK (Western Australia) (18:24): I rise to express concern that the whole Federation relationship is, I believe, at risk if we continue to see inequality in the allocation of funds to the states and territories. I had the pleasure last year of being a member of the Senate Select Committee on Reform of the Australian Federation, under the chairmanship of then Senator Trood. This question came up very clearly in the inquiry. In fact, a recommendation was made which I would like to refer to because I think it goes to the fundamental fault in the GST distribution as it occurs at the moment.

It is not so much that different states and territories have different capacities to earn revenue; it is about whether or not the different states and territories are actually trying to maximise and capitalise on their capacity to earn revenue. I liken it to a family in which all of those capable of earning should be earning and contributing. If there are those within the family who do not have the capacity, for whatever reason, to contribute as much, they ought to be supported. But in that analogy, if one of them decides they are going to live on the Gold Coast and surf and contribute nothing to the wellbeing or the wealth of that family, they have no right to expect equitable distribution.

I fear that is what we are seeing. Western Australia is now looking at receiving about 50c in the dollar back for the GST it contributes—and this could even go down, we think, to less than 30c in the dollar. That is totally unacceptable in a federation. It is unacceptable when there are states and territories which are not trying to maximise or optimise their revenue earning capacity. And why would they? We have a scheme at the moment which says that, because of equalisation, there should be an expectation across Australia that all the citizens should have an equivalence of services and products—and we agree with that. But that should be contingent upon each of the states and territories actually contributing their maximum. For example, Queensland this year will get somewhere close to 99c in the dollar, when it may have been 92c or 93c in the past. We can understand that. Despite all the nonsense we heard in question time this afternoon, everyone around Australia would say it is reasonable that, as a result of the natural disasters which have befallen Queensland, we should see a distribution increase in their direction.

Queensland is one state which does put its shoulder to the wheel. I dare say, however, that there are others which do not—despite having the capacity to do so. Premier Barnett, from Western Australia, made the observation recently that the federal
government is now becoming a quite minor contributor to the economy and management of the state of Western Australia. Western Australia is orienting itself much more towards Asia, while the eastern states of Australia are still oriented towards the Pacific region and to the east. We do not want that circumstance.

To use the same veterinary analogy I used in my first speech in this place: if you stop putting food into the cash cow at one end, what you value coming out of the cash cow at the other end will inevitably dry up. We are starting to see that now in Western Australia. Yes, at the moment we are a state which has the capacity to contribute, and which is contributing, significantly beyond what we have in the past and what other states are capable of contributing. And we are proud of that. If, however, you do not feed the cash cow, if you do not put the funds into infrastructure development, you will inevitably see the cash cow start to dry up.

When I make this point, economists and others from Victoria and New South Wales often remind me, 'You were recipients for so many years.' Yes, we were. But I make two points. The first is that we were always trying as a state to maximise our revenue capacity—I think back to the days when iron ore exports out of the state were held back for so long. There is a second point I make, one which the economists from Victoria and New South Wales never seem to want to engage with me on. I ask them, 'What about all the tariff protection for manufacturing which went on in those states in those years they were supposedly supporting our state?' The economists do not ever seem to want to engage with me on that. I say that we need far more equity, we need far more fairness and we need far more rationality in the whole question of the GST distribution. If not, Western Australia will not secede; the rest of Australia will secede us. I do not want to see that happen.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:29): I also wish to speak on the motion to take note of the Commonwealth Grants Commission report and I seek leave to continue my remarks later.

Leave granted; debate adjourned

Australian Landcare Council

Debate resumed on the motion:

That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (18:29): Landcare has been a great institution in Australia over many years, although I have to say that, as I go around the country, I see the enthusiasm with which Landcare was addressed in the early days seems to have waned. That is no reflection on those people involved. There are still a number of committed people out there, but unfortunately the funding, the processes, the regulation and the red tape seems to have stifled a lot of good work that would happen in natural resource management.

I give an example of that. In Queensland there was a concern with run-off from farming lands along the Queensland coast into the Barrier Reef. As a result of that, prior to the 2007 election, both the then government, which was the Liberal-National coalition, and the then opposition, the Australian Labor Party, made a promise for a reef rescue package in the hundreds of millions of dollars.

History shows that the Labor Party won the 2007 election under Kevin 07, that very successful leader for the Labor Party. Consequently, there was quite an amount of money put into helping farmers to better organise their properties so that run-off, sediment, nutrients and chemicals were
minimised. That was a very good project; I congratulate the government on that. I would say that they stole a policy of the then Liberal-National government, but good on them, because it was a good thing.

Unfortunately, that program was a voluntary one. It involved carrots rather than sticks; it was working. But then over the top of it came the Queensland state government of Ms Anna Bligh, and, instead of joining in with the Commonwealth in encouraging landowners to do the right thing and assisting them with financial grants to do it, the Queensland government came in over the top and started threatening to jail people if they were operating their farm in a way that Ms Bligh and her government did not think was appropriate.

That immediately got the backs up of most of the people who, until that time, were happily going along with the Commonwealth program of helping with the Great Barrier Reef and of trying to improve their properties at the same time. This was another typical example of Labor Party over-the-top regulation and sticks where carrots would have been better. It is typical of how the administration of Ms Bligh, and before her Mr Beattie, operates in the state of Queensland. They have no real interest in encouraging volunteers to give their best. It was all about regulation, threats, red tape, red tape and red tape. It just ruined the whole purpose of the reef rescue package.

The Commonwealth reef rescue package still continues. It is doing good work. But it is being impeded by the overregulation of the Queensland state government led by Ms Bligh. When will these Labor state governments understand that you cannot regulate all the time? You cannot threaten people and threaten their livelihoods on things that are being done and better done by getting people working together. I lament that so often throughout Queensland. You have these governments that continue to impose regulation for regulation's sake. They are governments who think they know better than individuals on what those individuals should do to protect their land, their property and themselves.

It is typical of what has been happening in Queensland over the last 20 years, bar a couple of years, with Labor governments thinking they know better and wanting to overregulate—costing money, costing jobs on the way through and thinking that by making decisions at the top in Brisbane they can properly govern the state. I certainly hope that Queenslanders are about to say, 'Enough is enough. Let's have another opportunity in Queensland. Let's go for a better government.'

Question agreed to.

Consideration

The following orders of the day relating to government documents were considered:

Wet Tropics Management Authority—Report for 2010-11, including report on the State of the Wet Tropics. Motion of Senator McLucas to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Department of Resources, Energy and Tourism—Report for 2010-11, including report of Geoscience Australia. Motion of Senator Ronaldson to take note of document agreed to.

Australian Institute of Marine Science (AIMS)—Report for 2010-11. Motion of Senator McLucas to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Department of Innovation, Industry, Science and Research—Report for 2010-11, including report of IP Australia. Motion of Senator Colbeck to take note of document agreed to.

Bureau of Meteorology—Report for 2010-11. Motion of Senator Bushby to take note of document agreed to.
NBN Co Limited—Report for 2010-11. Motion of Senator Bushby to take note of document agreed to.


Torres Strait Regional Authority—Report for 2010-11. Motion of Senator Bushby to take note of document called on. On the motion of Senator McLucas the debate was adjourned till Thursday at general business.

Australian Fisheries Management Authority—Report for 2010-11. Motion of Senator Bushby to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Great Barrier Reef Marine Park Authority—Report for 2010-11. Motion of Senator Bushby to take note of document called on. On the motion of Senator McLucas the debate was adjourned till Thursday at general business.


COMMITTEES

Scrutiny of New Taxes Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (18:37): I rise to speak on the motion that the Senate take note of the Senate Select Committee on Scrutiny of New Taxes interim report, which is very appropriately titled The carbon tax: economic pain for no environmental gain. In speaking to this, I might say, excellent report, I again emphasise the title of that report, which really, as far as the carbon tax goes, says it all. We recognise in Australia that the tax will bring no economic benefit and certainly no environmental benefit but will cause considerable pain to all Australians. At the last election, nearly every politician standing for election had that same view: no environmental gain but a lot of economic pain if you bring it in. That is why 90 per cent of the candidates standing at the last election promised that there would be no carbon tax. Indeed, it was a commitment made by Mr Tony Abbott, the leader of the Liberal-National Party. He committed that there would be no carbon tax, but so also did Ms Gillard, the leader of the Labor Party, who, with hand on heart, told Australians, 'There will be no carbon tax under the government I lead.' Here we are, a year or so after that solemn promise was made, and we find that there has passed through this parliament, at the initiation of Ms Gillard, just that carbon tax which she promised not to introduce under her government. It makes me and the people of my state of Queensland wonder: can you trust anything that a Labor Party politician tells you?

This report that we are discussing today sets out clearly the difficulties that all Australians, but particularly Australians living in a state like Queensland, will suffer. It is the sort of tax that I would have hoped that my government in Queensland would have been strongly opposed to. As this report mentions, there is an enormous upswelling of opposition to a carbon tax right throughout Australia. Indeed, in my state of Queensland Mr Campbell Newman, the leader of the Liberal National Party in that state, has promised to do what he can to ensure that this tax burden is not imposed on Queenslanders should he be successful in the Queensland election on 24 March. What Mr Campbell Newman—if I may give him his better known title, 'Can Do' Campbell Newman—is saying to the people of Queensland is, 'I am going to stand up for your rights. I know you don't want a carbon
tax. I know that you think it will impact upon mining and manufacturing in my state of Queensland. I know, Queenslanders, that you understand what the carbon tax is going to do to the tourism industry in Queensland. For anyone like Senator McLucas or me who lives a long way from the capital city, any goods we get come on big transports, and the extra cost of fuel and electricity is just going to add and add and add to the costs of living of all Queenslanders, but particularly those living outside the capital city.

Senator McLucas: Including those in Bowen? Is Bowen north of Townsville or south of Townsville?

Senator IAN MACDONALD: I do not quite understand the interjection, Senator McLucas, but—

Senator McLucas: ‘Can Do’ doesn't know. He doesn't know where Bowen is.

Senator IAN MACDONALD: Senator McLucas says I do not know where Bowen is. I happen to live 100 kilometres north of Bowen, and in my lifetime I have been to Bowen many, many times. But I know Mr Newman has been in Bowen with Mrs Rosemary Menkens, the Liberal National Party member for Burdekin in the state parliament, whose electorate includes Bowen. He has been there a number of times, and he sees the opportunity for the people of Bowen and for the people of the Bowen Basin coalfield in expansion of our mining activities in a sustainable way.

But what does Ms Gillard want to do? It is pointed out very clearly in this select committee report that we are discussing tonight that these taxes will severely impact on the jobs, livelihoods and futures of many Queenslanders in the coalmining industry—and, in fact, in all the industries that spawn off the mining industry in Queensland. So I am delighted that there is a leader in Queensland like ‘Can Do’ Campbell Newman who is committed to doing what he can to stop Queenslanders being burdened with this insidious tax, which will just add to our costs of living. I would have hoped that our Premier, Ms Bligh—well, our Premier at the moment—might have done something to help Queenslanders. I would have hoped that she might have understood the importance of the mining industry, the transport industry and the tourism industry to our state of Queensland. But, alas, no: Ms Bligh did not seem to care when it came to people's jobs and the livelihood of all of those small businesses who rely on the mining industry and the mining support industries.

This report that we are discussing clearly shows the economic pain that we will suffer in Queensland, and it is a good report. I recommend it to anyone who has an interest. We Queenslanders are fairly responsible people. If we thought that this new tax that is going to cost all of us more was going to make one iota of difference to the environment of the world or the changing climate of the world then perhaps we would not be so violently opposed to it. But we know that, even on the federal government's own figures, it is not going to make one iota of difference. Australia emits less than 1.4 per cent of carbon emissions in the world. If we do as Ms Gillard seems to want to do—even her own figures show that she will not cut emissions by five per cent by 2020—what will five per cent of 1.4 per cent do when China, India, the United States and Russia are effectively doing nothing about reducing emissions? That is why the title of the report that we are discussing is so good. It encompasses in one line what it is all about: all economic pain; no environmental gain.

I would have expected that my Premier would have done something about it. But, no, perhaps it was because she was at the time the Federal President of the Labor
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Party. I do not know what the reason was, but certainly, if she had an ear to what her constituents in Queensland were saying, she would have fought tooth and nail against this insidious tax. I hope Queenslanders will understand on 24 March that, whilst the Queensland government cannot set aside this tax—because it is a Commonwealth tax—the Queensland government could certainly join other state governments in doing what they can to minimise and militate against it and perhaps by some means that they might have at their disposal make sure that this tax does not come to impose an economic burden on my state, on the businesses and industry in my state and, most importantly, on the people who live in our state.

We are burdened with taxes. When Ms Bligh came to power after promising that she would not in any way amend the 8c a litre subsidy all Queenslanders were getting on the petrol, the minute she got into power last time—a bit like Ms Gillard—her word meant nothing and the subsidy was taken off and the cost of petrol for Queenslanders went up by 8c. I hope on 24 March Queenslanders will say to Ms Bligh 'enough is enough'.

Question agreed to.

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Education, Employment and Workplace Relations References Committee—Report—The administration and purchasing of disability employment services in Australia—Government response. Motion to take note of document moved by Senator Bushby. Debate adjourned till the next day of sitting, Senator Bushby in continuation.

Community Affairs References Committee—Report—Former forced adoption policies and practices. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Carol Brown in continuation.


Economics References Committee—Report—Investing for good: The development of a capital market for the not-for-profit sector in Australia. Motion of Senator Stephens to take note of report agreed to.


Rural Affairs and Transport References Committee—Report—Animal welfare standards in Australia's live export markets, Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and Live Animal Export Restriction and Prohibition Bill 2011 [No. 2]. Motion of the chair of the committee (Senator Heffernan) to take note of report agreed to.

Rural and Regional Affairs and Transport—Standing Committee—Report—Climate change and the Australian agricultural sector—Government response. Motion of Senator Kroger to take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Community Affairs References Committee—Final report—Inquiry into Commonwealth funding and administration of mental health services. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Fierravanti-Wells in continuation.

National Broadband Network—Joint Standing Committee—First report—Review of the rollout of the National Broadband Network. Motion of Senator Macdonald to take note of report agreed to.

AUDITOR-GENERAL’S REPORTS
Consideration

The following orders of the day relating to reports of the Auditor-General were considered:


Auditor-General—Audit report no. 26 of 2011-12—Performance audit—Capacity development for Indigenous service delivery—Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations; Department of Health and Ageing. Motion to take note of document moved by Senator Bushby. Debate adjourned till the next day of sitting, Senator Bushby in continuation.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Pratt) (18:49): Order! I propose the question:

That the Senate do now adjourn.

Denison Electorate

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (18:49): Tonight I rise as part of the adjournment debate to talk about a number of government funded initiatives that are improving the lives of people in the electorate of Denison and southern Tasmania.

As members of the chamber will be aware, mental illness has a significant impact on our community. One in six Australians experience mental health issues in any year and one in three will experience mental illness at some time throughout their lives. The statistics for our youth are even worse. Alarmingly, mental illness affects one in four young people in Australia. I am well aware of the significance of this issue, as my home state of Tasmania has the highest suicide rate amongst young women and the second highest amongst young men.

The government is committed to addressing mental health in Australia. Prevention and effective early intervention are essential in diagnosing and addressing mental illness. This is especially important as most mental health issues become apparent by early adulthood. It is also essential that young people are able to access services that are designed for them. Organisations such as Headspace are playing a vital role in tackling mental health issues in our young people. Headspace is a youth mental health service that provides a range of support in the areas of general health, mental health and counselling, education, employment and alcohol and drug services. As part of the government’s $2.2 billion Delivering Mental Health Reform package, $197.3 million was given over five years to increase Headspace sites to 90. This will see 90 sustainable Headspace centres established across Australia by 2014 to 2015.

In Hobart, the Link Youth Health Service has received $300,000 as well as ongoing funding to set up a Headspace service. This new Headspace location builds on the fantastic work of the existing Headspace site in Launceston. The Hobart Headspace site is now operational and supporting young people between 12 and 25, and I was delighted to be able to attend the official opening, along with Senator Singh, last Friday. The Headspace service was opened by the Minister for Health and Ageing, Mark
Butler, and Minister for Community Services, Julie Collins. Young people and their families now have a helping hand in Hobart and southern Tasmania when they are dealing with difficult issues, including access to specialist health workers. Most importantly, Headspace provides a welcoming environment where young people can discuss their problems.

Earlier on that same day, Minister Butler and I were able to officially open a $5.3 million social housing development in Glenorchy. This fantastic new development has 18 two-bedroom apartments for seniors. We were invited to go into one of the apartments—which is beautifully styled, I might add—by the tenant who graciously allowed us to see her home. We could see that the apartments are very well designed. They incorporate six-star energy ratings and are class C adaptable, which means they are easily modified for older tenants and people with disabilities.

They are fully funded by the federal government through the social housing initiative, as we have committed to helping to give all Australians a roof over their heads and a stable place to live. We know that finding an affordable and safe place to live is very important for older Australians. It gives them peace of mind and a feeling of safety. These apartments also mean that they can be connected to and be part of a great community like Glenorchy. I am delighted that in Tasmania the federal government is spending $134.8 million under the social housing initiative to deliver 530 new homes. We have already delivered 480 of these and are on track to deliver the rest. This is the greatest supply of social housing in Tasmania for decades and it really is changing lives. Of course, this investment is happening alongside our investment in repairing existing housing stock.

The Gillard government has also given Glenorchy residents fantastic places to enjoy themselves with the recently announced $8.7 million redevelopment of King George V Park. I was able to join the Minister for Regional Australia, Regional Development and Local Government, Simon Crean, in making this exciting announcement. The minister joined the Mayor of Glenorchy, Alderman Stuart Slade, to announce the funding investment. Senators Catryna Bilyk and Lisa Singh were able to attend as well. This will be a major boost for the area. I know that the people involved, particularly the Glenorchy Football Club, are excited about the funding that has been made available to make the KGV precinct a reality.

The redevelopment will include new facilities for the Glenorchy Football Club; a health and welfare centre, including a hydrotherapy pool; a new synthetic soccer pitch; function rooms, including a bar and bistro; change rooms; and refurbished cricket nets. To add to these, the redevelopment will enable the Migrant Research Centre to combine their offices in one of the locations to continue their important work. As you can see, there really will be something there for everyone.

We know strong communities are ones where people have a high level of connection to each other. This is why centres like this are so important. People will be able to get together with friends and get involved in sporting and cultural activities to participate in a healthy, vibrant community life. As a strong supporter of the Glenorchy Magpies, I am really looking forward to seeing a game of footy at the redeveloped ground. Not only are we committed to giving people in Glenorchy places to live and for recreation, but we want to ensure that they are fit and healthy.
Glenorchy on the Go is a program which aims to improve the health and wellbeing of the people of Glenorchy through increased participation in physical activity and by promoting healthy eating. The Glenorchy City Council received $700,000 for the Glenorchy on the Go program from the federal government's $72 million healthy communities initiative. The healthy communities initiative partners with local councils around Australia to implement projects to help reduce obesity in the community. The Glenorchy on the Go project will help reduce the prevalence of overweight and obesity, and promote healthier lifestyles in Hobart's northern suburbs by encouraging participants to be physically active and maintain a healthy lifestyle. The program works with a wide range of people, including the unemployed, people at risk of weight-related chronic disease, older people, people with a disability, migrants, Aboriginal and Torres Strait Islander people and those who are isolated or socially disengaged from the community. Through this project the Glenorchy City Council will offer a range of national and local programs at different levels to address the multiple interests, needs and capacities of the local community.

I have had a longstanding interest in the Glenorchy on the Go project, providing support at the initial stages, and in May 2011, on behalf of the federal government, I was able to announce the funding with the former mayor of Glenorchy City Council to run the Glenorchy on the Go project. The initiative not only helps promote healthy lifestyles and reduce obesity but is a mechanism from which we can build a stronger community. It gave me great pleasure to join the Mayor of the Glenorchy City Council, Alderman Stuart Slade, recently for the official launch of the Glenorchy on the Go project. I also acknowledge the officers of the Glenorchy City Council, Len Yeats and Elisa Ryan, who do a magnificent job of running the Glenorchy on the Go project.

Senator Bilyk: Hear, hear!

Senator CAROL BROWN: I acknowledge Senator Bilyk's interjection. I will take a moment to read from the local newspaper, the Glenorchy Gazette:

Glenorchy on the Go was developed in 2009 through the Council's Sport and Recreation Advisory Committee, a special committee of Council supported by the Sport and Recreation Development Officer Len Yeats. "Up until now, due to resources, Council has only been able to offer limited activities for a small number of older adults in Glenorchy," Mr Yeats said.

Elisa Ryan was appointed Healthy Communities Coordinator to work with Council's Sport and Recreation Officer Len Yeats to coordinate the Healthy Communities initiative.

The funding boost will enable the Council to build upon the current programs Growing Old and Living Dangerously, Heart Foundation Walking Groups and Heartmoves.

Both those officers have done a wonderful job, and Glenorchy on the Go is supported quite significantly by the mayor. As you can see, this is another example of federal and local governments partnering together to deliver vital community projects which have real benefits for local people. I look forward to watching this successful program grow in the future.

Higher Education

Senator McKENZIE (Victoria) (18:59): This week started for all parliamentarians with a flurry of excitement, with keen anticipation for some and trepidation for others. Tonight I rise to congratulate another group of Australians who were experiencing similar emotions at the start of this week—that is, the tens of thousands of Australians who began their university degrees this week.
O-Week—and I am paraphrasing now from Wikipedia, so take that with a grain of salt—is the time at the beginning of the academic year at every university or tertiary institution during which a variety of events are held to orientate and welcome new students. During this period, students participate in a wide range of social activities and are entertained by live music and performances, information, markets, sports challenges and night-time events. It is designed to help new students to feel comfortable in the learning environment, acclimatise to student life, introduce themselves to other new students and organise their classes. I am not sure how much of that last one happens during O-Week. Although usually described as a week, the length varies widely from university to university. I think that sanitised view of what happens during O-Weeks across the nation is something that we need to celebrate with our new university students this week. I certainly remember my O-Week, many years ago.

Last week it was my privilege to enjoy O-Week 2012 not at Melbourne or Monash universities, but at La Trobe University in Bendigo. Led by the Young Nationals Andrew Brown and Ruby Cameron our team visited four regional universities and five campuses throughout regional Victoria. We were the only political representation across all those campuses and the only politicians to engage with students on campus.

The Nationals went to the University of Ballarat and La Trobe University in Bendigo, where I was joined by the state member for Rodney, Victorian MP Paul Weller. I was also part of the civic reception to welcome students to La Trobe University, attended by the Mayor of Bendigo and other luminaries, including the student president. Having been a student president in the past I say all power to them. At La Trobe University in Mildura the Nationals were represented by the federal member for Mallee, John Forrest, and the Victorian member for Mildura, Peter Crisp. At Charles Sturt University in Albury-Wodonga the Nationals were represented alongside the Young Nationals. Down in Gippsland, at my old stomping ground of Monash University, the Young Nationals Vice President, Andrew Brown, joined the local state member as well as the federal member for Gippsland, Darren Chester.

For the Nationals involved, O-Week was a fun and informative way to spend time with smart young people in regional Australia as they prepared for university life. At each of the universities and colleges the clubs and societies were on show and students were investigating what was on offer. They were signing up to political, musical, cultural and food related clubs and societies. It was a real privilege, and was quite inspiring to be around enthusiastic young people as they embarked on what is going to be a significant adventure over the next few years of their lives. They were excited and motivated, enjoying barbecues, sporting demonstrations and social events. At each location, the Nationals team participated widely on campus and spoke to students who, last week, were commenting on a lot things that we were discussing earlier this week, such as the recent Labor leadership matters.

Our O-Week visits were about providing effective representation to all regional Victorians and providing students with the opportunity to engage with their regional politicians in a low-key and informal setting. We were able to offer support and discuss opportunities, and to promote the services available from members of parliament in the regions, of which young people are sometimes unaware. We are committed, as is everyone in the coalition, to ensuring that regional and rural young people continue to
reach their potential. The Nationals are working hard to guarantee that higher education and training opportunities are available to all students, wherever they live.

Each student who started uni this week has many years of hard work ahead of them, and good results require that hard work. There was an old saying when I was at uni, 'Ps equal degrees', but if you aspire to the great things in life then HDs are the way to go, and that takes a lot of hard work. This is not to mention new students having to learn to negotiate a new environment and find new friends. They are often many hours from home and the social environments they are used to. The hard work in a tertiary education environment not only produces benefits for the individual in the form of personal development, economic opportunity and intellectual stimulation, but also produces rich satisfactions and rewards for society in the form of political, economic and cultural advances.

However, the gap in higher education participation rates between regional and metropolitan Australia remains, and it is a complex issue. It is about the aspirations of the communities and individuals involved, not to mention access and equity issues. The opportunity for regional students to get access to tertiary education should be the same for all students. In Victoria, less than one-third of the population lives outside of Melbourne, and it is indefensible to be limiting or denying a large part of the population access to university.

The regions are not on the government's radar. This was recently confirmed again during Senate estimates when the subject of higher education was given low priority and such limited time for investigation, and Senator Mason has prosecuted that case adequately. When higher education represents more than $10 billion per year of government expenditure and is one of our largest export industries, yet its implementation cannot be adequately prosecuted during Senate estimates, something is wrong.

We have a shortage of agriculture graduates and skilled workers, and I know Senator Back is passionate about this area, as is Senator Nash. Research by the Australian Council of Deans of Agriculture has revealed that there are more than 4,000 positions a year that need to be filled within the agricultural sector, and not nearly enough graduating students to fill the gap. The government continues to overlook the agricultural sector, despite its significance to the national economy and jobs. Similarly, the Labor government has failed to give a good reason why there is a parental income test for regional students applying for independent youth allowance.

Higher education is one of many educational influences on the development of an individual but it is extraordinarily difficult to attribute its effects on the progress of society. However, when city students move to the regions for education and when country students move to the city for education, all Australians benefit. Learning is the chief stock in trade of higher education. Higher education provides three main functions: education, research and public service. So research is a key aspect, and when we have university campuses and research centres located in regional areas they are more likely to be focused on local issues and hence contribute to a developing body of knowledge around the issues and concerns of regional Australians. Knowing and interpreting the known, discovering the new and bringing about desired changes in thinking and behaviours—these are the characteristics of human beings as a result of education.
This may be intangible, and therefore not easily identified or measured, but I firmly believe that students from city areas are likely to stay in regional Australia and apply for positions of management, run our businesses, get married, raise families and play football or netball there because of positive experiences they have had at our regional campuses. Our rural students who head off to metropolitan areas for their higher education need the opportunity to study in the city, become part of larger Australia and have wider experiences than those available in their local communities. In turn, they too will add value and provide a 'country perspective'—there is such a thing—to metropolitan lifestyles. It is my job as a Nats senator to do all I can to ensure that every young person in regional Victoria who would like to attend university has the same opportunity to get a great secondary and tertiary education as the students in our cities who can live at home and catch the tram.

In conclusion, congratulations to all those who this year are beginning a great adventure. All the best. In particular, thank you to all those young and mature age students who have chosen to begin and complete their tertiary education in regional Australia. You will love it.

**Firefighters**

Senator BILYK (Tasmania) (19:09): Last year the Senate passed the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011. This bill sought to right a great injustice that existed in Australian society. It sought to give firefighters who develop a range of cancers due to their occupation a fair process to gain the compensation they deserve. Last night I had the great pleasure of meeting a number of firefighters, including delegates from Tasmania, and I was overwhelmed by their thanks to the government for ensuring this bill was passed. I would like to mention Peter Marshall, National Secretary of the United Firefighters Union, and other members of the United Firefighters Union and their families, who all helped inform the debate on this bill. I thank them for their input.

On 5 July 2011 the Senate referred the provisions of the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill to the Senate Education, Employment and Workplace Relations Legislation Committee, of which I am a member, for inquiry and report. Some of the submissions to the inquiry gave heartbreaking accounts of the suffering and struggles that firefighters with cancer go through. It must be remembered that this suffering also extends to their families and loved ones.

The United Firefighters Union lobbied hard for their members to ensure that a fundamental injustice for firefighters was corrected. Prior to the passage of this government's bill, it was almost impossible for a firefighter to gain compensation for a range of cancers that are most likely the result of their occupation. With the passing of this legislation for firefighters covered under Commonwealth law, a great wrong has been righted. As a former union official and delegate, I understand that a fundamental principle of Australian society is that if a worker gains an injury or disease due to their work they are entitled to be compensated by their employer for their sickness or injury. That is fair and just. The Australian people expect nothing less.

The hard work of the United Firefighters Union in campaigning on this issue shows just how important unions are in the fight to protect the health and safety of Australian workers in their work environment. Over the last few months I have met with firefighters...
and had the opportunity to discuss with them their working conditions and the risks and challenges the position holds.

Firefighters are a fundamental part of our society. Firefighters work hard for the communities they serve. They act bravely and selflessly, putting their own lives in danger, in order to save the lives and property of others. They attend not only structural and non-structural fires but also road accidents, chemical spills and threats from biohazardous materials. They are also on hand at Australian airports to protect the Australian flying public in case of an emergency.

One of the main incidents firefighters deal with is structural fires at houses and businesses. Structures burn extremely quickly. Scientific research shows that a fire must be suppressed within five to 10 minutes of ignition to prevent the complete destruction of a building. Consequently, fire services mandate a quick response by applying standards for their firefighters to respond to emergencies. Firefighters react to the fire that is in front of them. They face disorientating smoke, and hellish heat of up to 1,000 degrees Celsius. While the protective clothing they wear when fighting fires protects them from flames, it leaves them exposed to toxins entering the body through inhalation or absorption through eyes, skin or wounds.

Firefighters are routinely exposed to harmful substances such as lead, cadmium, uranium, chemicals, harmful minerals and various gases that may have acute toxic effects. It is estimated that there are tens of thousands of toxins and chemicals in the average household fire. Fabrics, furniture and construction materials give off a range of toxic gases when burning. These toxins include acetic acid, phenol, formaldehyde, PAHs, benzene, styrene, ammonia, carbon monoxide and cyanide.

The hazards at a fire scene are both pervasive and insidious, and exposure to toxins does not necessarily have to occur at the site of a fire or other fire response emergency. It might be that the firefighter is also exposed to hazards when cleaning fire equipment or cleaning out the truck back at the station, if chemicals have got onto the clothing, skin or apparatus of a firefighter or onto the truck. These toxic chemicals can accumulate in a firefighter's system and build up over the years. Firefighters do the job that needs doing, and they do so without complaint. It is no wonder they are held in high esteem by Australian society.

Firefighters begin their careers fit and healthy. Firefighters who are killed or injured attending a fire incident are quite rightly given compensation for their injuries, and now firefighters employed under the Commonwealth act who have developed certain occupationally caused cancers and worked for the required qualifying periods can gain compensation also. These cancers include multiple myeloma, primary site lung cancer in non-smokers, primary site prostate, urethral, colorectal and oesophageal cancers, brain cancer, bladder cancer, kidney cancer, non-Hodgkin's lymphoma, leukaemia, breast cancer, and testicular cancer.

Firefighters no longer have to undertake adversarial, costly and often protracted legal proceedings to establish the link between firefighting and cancer and a causal relationship between a specific fire incident and their illness. Previously, it was almost always impossible for firefighters to prove that a cancer was caused through their occupation as a firefighter. They were unable to pinpoint a specific firefighting incident that was the cause of their cancer, as carcinogens build up in their system over a
number of years. Tragically, due to the emotional and financial costs of litigation involved, not many firefighters who had developed cancer had sought access to any entitlement or compensation; neither were the families of firefighters who are no longer with us able to access compensation.

As a member of the committee, I had the opportunity to meet with firefighters both in Canberra and in Tasmania to discuss this important issue with them. I heard their stories and I heard their suffering. I also had the opportunity to read the submissions to the inquiry. Some of the scientific evidence contained in the submissions to the inquiry is quite astounding. Scientific studies have shown that firefighters are at significantly increased risk of developing certain types of cancer. A report into occupational cancers among New York City firefighters which was prepared by Mount Sinai Hospital and presented to the committee concluded that:

Leukaemia, lymphoma, multiple myeloma, cancer of the genitourinary tract, prostate cancer, gastrointestinal cancer, brain cancer and malignant melanoma are among the cancers that have been observed consistently with increased frequency in epidemiologic studies of firefighters.

The report continued:

The available data are sufficient to conclude that excess risk of cancer is a distinct hazard of firefighting.

The committee was told that firefighting is the most studied occupation in the world when it comes to cancer and that there are dozens of major studies from around the world, spanning over 20 years, which have made a definitive connection between firefighting and elevated cancer risk. Given the quantity and quality of evidence presented, the committee was convinced that a link between firefighting and an increased incidence of certain cancers has been demonstrated beyond doubt.

Submissions to this inquiry discussed the protection available to firefighters through the world-class safety gear and clothing Australian firefighters use. The committee heard that this protective gear, although it is consistent with all national and international safety regulations, cannot and does not form an impenetrable barrier between firefighters and the toxins they work amongst. Firefighters are by the nature of their work exposed to a large range of chemical carcinogens. Although most chemicals have not been tested for their toxic effects, there are a number of chemicals produced by burning materials that have been shown to be carcinogenic. Studies have been conducted across a number of countries and have, in recent years, been bolstered by comprehensive meta-analyses which provide strong evidence that firefighters are at increased risk of certain types of cancer through accumulated exposure to carcinogens.

This legislation does not affect a large number of people, but, for those it does affect, it makes the process of claiming compensation for occupational cancers considerably easier. It reduces the stress and emotional suffering felt by firefighters at the time in their life when they are most vulnerable. It rights a fundamental injustice, and it is the least our hardworking, life-saving, putting-their-own life-at-risk firefighters deserve.

Food Security

Senator BACK (Western Australia) (19:19): A billion people today—

Senator Bilyk: A billion and one.

Senator BACK: will go to their beds hungry. I thank Senator Bilyk, because on this day when I am celebrating the birth of my first grandchild—a grandson—I should reflect on the fact that, of those one billion people, two-thirds are in our own region. It is
little wonder that the first of the millennium aspirational development goals was to halve hunger by 50 per cent by the year 2015. Regrettably, we are falling way short of that target. I will refer again later in my speech to the fact that a hungry man is an angry man, and, when an angry man sees his family devastated by hunger, he wants to take that anger one stage further.

How do we define the need for food security? It involves universal and sustained physical and economic access to sufficient, safe, nutritious food and water to meet dietary needs and food preferences for an active and healthy lifestyle. A very wide range of issues are involved in food security, some of which I will canvass this evening. For example, there is: sustainability; the environment; poverty, which is often brought about by illiteracy, by poor access to education or by the extremely limited non-agricultural income opportunities available in so many developing countries; social support; labour conditions in rural communities; diminishing agricultural research and extension capacity, which we see in this country as so many agencies depart the scene; transport infrastructure; international and communal security; access to capital; and confidence in international trade.

Not only are there one billion people going hungry tonight; the expectation is that 1.9 billion more people in our region alone by 2050 will go hungry. Australia of course has an obligation as well as an opportunity, in my view, to assist in solving the problem of hunger in our region. Naturally, the problem is not only in the increasing populations of so many areas of Asia but also in the fact that in parts of that continent—China, for example—there is a movement now from rural communities to urban communities and that these populations, as their socioeconomic status improves, move from staple foods to higher-quality protein and other foods. The challenges for us and for governments like ours, for food producers, and consumers for that matter, are complex. You have heard me say before that in this country, as in others, there is a decreased availability of arable land for food production, in competition with urban sprawl, erosion, salinity and so on. We know that across the world there is reduced access to the supply of water. The Chinese themselves have 25 per cent less water available for agricultural production now than they did 25 years ago.

We see changes to the climate. We see less fuel being available to operate machinery required for agricultural practices. We see decreased access now to fertilisers, to pesticides, to herbicides, which may impact adversely on the environment. We see increased competition for finance in this country, where the banks are saying, 'Agricultural investment is risky and we must be allocating in areas of lower risk.' And the added functionality in this country is an ageing population of farmers. We now have the average age of farmers in this country at 61 years. I was in Japan recently with Senator Bilyk, Ms Janelle Saffin and Mr John Forrest, where we learnt that the average age of farmers and their spouses in Japan now is actually 67 years, so there is an ageing population.

There are two issues here: agricultural yields over time have increased. We in Australia quite proudly saw our agricultural productivity increase about 2.8 per cent per annum from the mid-70s through the middle of the last decade. It was probably leading the world. We are now down to one per cent increase in productivity per annum and that is a dangerous position to find ourselves in.

But what are we talking about here? Are we talking about availability of food or are
we talking about accessibility to food? In fact the point is made quite often that there is food available to feed those we have now and those who will come ahead of us into the future. So what governs availability? We are talking often about issues on the farm itself—soil factors including the physical properties of soil, the texture et cetera. We are talking about plant factors including species, genetic improvements and variability, and of course biosecurity issues. There are climatic factors including moisture supply, temperature, solar radiation, the sorts of issues that are going to impact on both plant growth and soil quality. And then there are the socioeconomic factors associated with agricultural inputs and products—farm incomes are, in the main, deteriorating not only in this country but also in developing countries—and the infrastructure required.

What I would like to do for a moment though, is to focus not on availability of food as much as accessibility to food. Of course this is the ability to access adequate food supplies on a sustained basis. The basic cause of chronic malnourishment in the developing world is not the lack of availability of food but the fact that it cannot get to the people who need it at a cost that they can afford. Only today in fact, in terms of access to food, the Secretary of State Hillary Clinton, announced that the US are now willing to supply 250 million tons of food to North Korea in return for issues associated with their nuclear proliferation. There is an absolute example on this very day of the question I speak of: accessibility to food. Security of course is an issue.

Economics is another issue. If the food is there but people cannot afford to buy it or cannot afford to source it, then of course we have an issue. That takes us—though time does not permit—into the whole question of the growth of food stuffs for use in biofuel production when in fact those same products may be able to be used in the food chain. Whilst that is a very complex issue, it is one that we must address.

The question of logistics is yet another issue. I spent much of the last decade in India only to learn that wastage of up to 25 or even 30 per cent occurred in the transport logistics of foodstuffs between the time they arrived at Indian ports to the time they actually got to the end-consumers. Part of that was due to theft; part of it was corruption; part of it was vermin; part of it was spoilage, and on the list goes. The area in which I was involved, in fact, was corruption of bulk fuel, where people would steal parts of the fuel and adulterate it with water so that by the time it got to the end-consumer obviously it was not the product that they thought they were buying.

I was only then to learn that our technology would have application in the milk transport logistics chain. Milk leaving in bulk carriers from the north of India was adulterated with water by the time it got to the markets in the middle and the south of India. It was actually stolen and replaced with water on the way. These are the sorts of issues that I speak of.

So the question then of availability does not necessarily address the problems of food security. I made mention of North Korea today in terms of security. We speak of the Arab spring, but it is little understood that most of the catalyst for the Arab spring that we have seen over the last 12 months and in Syria today is due to the lack of available food. So these are the circumstances we see occurring. Can we imagine what is going on in those cities like Homs and the others with all that deprivation? How are people being fed? You can see why a hungry person becomes an angry person and the profound effect that has on security.
Time does not permit me to go into what Australia is doing and has done and will do into the future, except to say that we have a very enviable reputation when it comes to our involvement in developing countries in our region. All I can do is recommend to the chamber, and to those who might be listening, the excellent text by Julian Cribb, an Australian scientist. The title is The Coming Famine: the global food crisis and what we can do to avoid it. It is printed by the University of California Press and I believe it is compulsory reading for those of us in this chamber.

**Senate adjourned at 19:29**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

- [Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

**Australian Meat and Live-stock Industry Act**—

**Australian National University Act**—

**Banking Act**—Banking (Foreign Exchange) Regulations—Revocations of variations of exemptions and directions relating to foreign currency transactions, dated 22 February 2012—
- Burma [F2012L00430].
- Iran [F2012L00431].
- Libya [F2012L00433].

**Defence Act**—Determinations under section 58B—Defence Determinations—
- 2012/10—Summer schools and approved clubs for overseas members—amendment.
- 2012/11—Hardship post conditions of service—amendment.
- 2012/12—Employment with the UN—amendment.

**Export Control Act**—Export Control (Orders) Regulations—Export Control (Animals) Amendment Order 2012 (No. 1) [F2012L00439].

**Fisheries Management Act**—Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 2 2012 [F2012L00429].

**Health Insurance Act**—Health Insurance (Review of GP Mental Health Treatment Plan) Revocation Determination 2012 [F2012L00436].

**National Health Act**—Instruments Nos PB—
- 8 of 2012—National Health (Growth Hormone Program) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L00437].

**Veterans’ Entitlements Act**—Statements of Principles concerning—
- Chloracne No. 17 of 2012 [F2012L00447].
- Chloracne No. 18 of 2012 [F2012L00448].
- Dengue Fever No. 13 of 2012 [F2012L00443].
- Dengue Fever No. 14 of 2012 [F2012L00444].
- Haemochromatosis No. 21 of 2012 [F2012L00450].
- Inflammatory Bowel Disease No. 19 of 2012 [F2012L00449].
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- North Korea [F2012L00428].
- Syria [F2012L00432].
- The former Federal Republic of Yugoslavia [F2012L00434].
- Zimbabwe [F2012L00435].
Non-Aneurysmal Aortic Atherosclerotic Disease No. 15 of 2012 [F2012L00445].
Non-Aneurysmal Aortic Atherosclerotic Disease No. 16 of 2012 [F2012L00446].

Indexed Lists of Files
The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2011—Statement of compliance—Industry, Innovation, Science, Research and Tertiary Education portfolio.

Departmental and Agency Contracts
The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2011—Letters of advice—Climate Change and Energy Efficiency portfolio.
Families, Housing, Community Services and Indigenous Affairs portfolio.
Health and Ageing portfolio.
Immigration and Citizenship portfolio.
Regional Australia, Local Government, Arts and Sports portfolio.
Veterans' Affairs portfolio.