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SITTING DAYS—2014

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—SECOND PERIOD

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

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

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

Printed by authority of the Senate
## Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tr>
<td>Abetz, Hon. Eric</td>
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<td>30.6.2017</td>
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<td>Bishop, Thomas Mark</td>
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<td>Boyce, Suzanne Kay</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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

PARTY ABBREVIATIONS

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

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<td>The Hon Tony Abbott MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
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<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Andrew Robb AO MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td>Minister for Employment (Leader of the Government in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td>Attorney-General</td>
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<tr>
<td>Minister for the Arts (Vice-President of the Executive Council)</td>
<td>The Hon George Brandis QC</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon George Brandis QC</td>
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<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td>Treasurer</td>
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<td>Minister for Small Business</td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon Bruce Billson MP</td>
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<td>Senator the Hon Arthur Sinodinos AO</td>
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<td>Minister for Agriculture</td>
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<tr>
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<td>The Hon Bob Baldwin MP</td>
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<td>Minister for Social Services</td>
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<tr>
<td>Assistant Minister for Social Services (Manager of Government Business in the Senate)</td>
<td>The Hon Kevin Andrews MP</td>
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<td><strong>Minister for Defence</strong></td>
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<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for the Environment</td>
<td>Senator the Hon Simon Birmingham</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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Thursday, 13 February 2014

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

BILLS

Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

Second Reading

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

Senator FARRELL (South Australia) (09:31): I seek to speak on a private member's bill in respect of defence—the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013. I suppose it is with some regret that I am in this chamber today to speak to the bill I had to move. The history of the bill is that there was a very exhaustive report called the Hawke report, which dealt with the issue of how to combine, in respect of the state of South Australia, the importance of the defence industry with other activities—in particular, mining activities.

As you would be aware, Acting Deputy President Whish-Wilson, the Woomera area in South Australia is approximately 120 square kilometres; that makes it almost twice the size of your own state of Tasmania. So we are talking about a massive geographical area and, because of the importance of the defence industry, this has been a protected area. The Hawke review looked at ways of freeing up some of this land for activities other than defence work. As a result of that review's report, a piece of legislation was drafted last year, was presented to the other place and passed with the support of the opposition, and then came to the Senate. I appreciate that that legislation came to the Senate reasonably late in the session, in June last year, but we were expecting that—because of its importance not only to Australia but, in particular, to South Australia—the legislation would be passed before the parliament was prorogued last year. Unfortunately what happened was that the then opposition, now the government, referred this matter off to a committee, and the opportunity for passing this legislation before the proroguing of the parliament did not occur.

As the now minister, then shadow minister, will know, I had some discussions, because of the importance of this issue to South Australia, with the minister about why it was that they were not proceeding with this legislation and why they were not proceeding with it post-haste. The indications that I was given, by the minister and other senators from South Australia who had an interest in this area, were: that although they were delaying it for that period of time it was not their intention to delay it, that it would be a priority issue in the new parliament if they were to win the election, and that not only would we see a piece of legislation pretty much identical with what I have put before the Senate presented to the parliament as an issue of priority but that legislation would in fact be passed by Christmas of last year.

When we came back, after the election, the opposition had won the election and were now in government, and the shadow minister with whom I had had the discussions was now the Minister for Defence and responsible for this area. What became very clear by the end of last
year was that the government did not have a piece of legislation to proceed with; they were not going to proceed with the legislation and pass it, as I had been led to believe before Christmas. This legislation is of such importance to South Australia that I then said, 'We must proceed with it,' and we drafted a piece of legislation, I think it is fair to say, in almost exactly the same terms, other than where it was necessary to change the particular dates. So we drafted a piece of legislation. This piece of legislation that we are dealing with today builds on and reflects the Hawke report.

I do not think you can underestimate the significance of this piece of legislation to my home state of South Australia. We have had some bad news in recent times in terms of jobs being lost. The closure of Holden is obviously a very dramatic development for the north of South Australia and South Australia in general. Of course, earlier this week, we saw Toyota close down. Toyota operates in Victoria, but the impact on South Australia is quite significant because many of the component suppliers provide components for both Holden and Toyota. So we have had a hit with Holden, and the Toyota closure affects us as well.

So here is an opportunity for something to be done to create some jobs to replace those jobs that are going to be lost in manufacturing. I do not think you can underestimate the potential value and job creation potential of this bill to South Australia. One of the things that the opposition did was refer this matter to a committee before Christmas. One of the responses to that committee was from Geoscience Australia. I have a lot of time for Geoscience Australia. I was, for a very brief period of time, the science minister and I know the terrific job they do in providing valuable scientific information to the mining industry. They responded to the information that had been referred to the committee. I read from their response:

GA provided technical advice to the Review on the known and potential (undiscovered) mineral and energy resources in the WPA. The WPA has a diversity of mineral deposits and energy resources. The WPA contains four operating mines: Challenger, a mid-sized gold mine in the west; Cairn Hill, a small iron ore (magnetite)-copper-gold mine; Prominent Hill copper-gold mine in the south east; and the iron ore mine at Peculiar Knob (Southern Iron). There are some 150 known occurrences of minerals dominated by gold, iron ore, copper and opal but including uranium, silver, zinc, lead, diamonds, and heavy mineral sands. The potential for undiscovered deposits of the different mineral and energy commodities varies across the WPA and reflects the range of geological environments.

The WPA is one of the more prospective areas for mineral and energy resources in Australia and will continue to attract exploration activity. The proposed legislation provides a framework within which such exploration can occur.

So here our premier geological science body is pointing out just how geologically significant this particular area is. I think you can infer from its comments just how important it is for the exploration to continue.

I introduced this bill late last year. Even then, when the bill came before the committee, the indication that I was getting from the now government, and particularly the senators from South Australia, was that they did consider this a matter of some urgency and would bring forward their own bill. I do not know why they could not deal with the bill in the form I have proposed it, but they said, 'Look, this is a matter of urgency; we understand what you are saying and we are going to bring forward our own bill.' We are now almost halfway through February and we still have no bill from the government.

We see these future job losses in South Australia in the manufacturing area and we want something to replace them. We have our premier science organisation saying, 'Look, there is a
heap of potential here; there is lots of potential for discoveries.' We can replace the jobs that have potentially been lost because of this government sitting on its hands when Holden and Toyota closed and when all of these other companies that supply those companies potentially close. Here we have a potential job replacement. You might have thought that on that basis the government would have taken this as a matter of some urgency, especially given their original indications and their indications late last year about how they viewed this issue. But, no, we have still not seen a piece of legislation.

Not only have we not seen a piece of legislation but we now discover—what I discovered this morning—that the government has undertaken a RIS, a regulatory impact statement. It is true that we did not do that because there was an urgency about this matter. We needed to get on with the job. This government claimed when they came into office that they were going to tear up red tape and make it easier for businesses and start-ups to get going and operate in this country, and all that sort of thing. What have they done? They have referred it off to have a regulatory impact statement done.

Maybe I am getting suspicious in my old age, but I am starting to think that the government are not fair dinkum about proceeding with this legislation. They did not do what they said they were going to do before Christmas. After Christmas, they have not done what they said they were going to do, which was to bring legislation before the parliament, and now they are talking about some other date in March, I think. What are they going to do then? They are going to have another inquiry into this legislation.

We have had the Hawke report. We have had the legislation go through the House of Representatives. We have had an inquiry referred by them last year. We have had another inquiry into this piece of legislation. When we eventually see this legislation, if we ever do, they are going to refer that off to another committee. Is the government serious about trying to do some job creation in South Australia? Because if they were, the minister would stand up in a couple of moments and say: 'Look, you're right, Senator: this is a matter of urgency. It is a matter of urgency for South Australia. We have got to create some jobs to replace those jobs that are leaving manufacturing. We are going to get behind your piece of legislation.' But, no, we have not seen the legislation that they are proposing to replace my legislation with. It may appear.

I said at the hearing that we had this morning—and I know you were present, Acting Deputy President Whish-Wilson—'Look, if you've got something substantially different than this then let us know.' I was told, 'Oh, no, it's not substantially different.' Well, if you have got some amendments that are reasonable amendments, I am very happy to give them consideration, because I understand the importance of this legislation to South Australia. I am disappointed that the senators from South Australia do not appreciate just how important this is to South Australia and the urgency of it. I have said to those senators opposite from South Australia, 'Look, if you have got some concerns, if there are some other issues that have been raised, I'm very happy to consider those amendments.' But, no, no amendments are going to come forward. It is like extracting teeth trying to find out what the nature of those amendments might be. I do not think they can be very significant because, if you look at all of the submissions that have come in on this report, basically people are in support of this proposal. Basically people want it to proceed. Certainly the mining industry want it to proceed and the government of South Australia want it to proceed. I think you can extrapolate that
even the government of the Northern Territory want it to proceed. Why do they want it to proceed? Because it is good for South Australia, it is good for jobs and it is good for the country.

We now find ourselves in a situation where today we could vote on this piece of legislation, if we had the support of the government, and tomorrow, or soon thereafter, we could start on the process of opening up and exploring the Woomera protected area. That would create jobs. You create jobs in the exploration phase. We saw from the Geoscience report that 150 prospective areas out there have already been identified. So jobs would be created in exploration. We are talking about the Gawler Craton here, one of the most prospective mineralisations in the world. The mineralisation is deep down—you have got to go quite a long way to find the minerals, unfortunately; we are not like Western Australia, where you just scratch the surface and the minerals are there! You do have to go a long way down, but they are there. We know that from Olympic Dam.

Exploration, of course, creates jobs. So, if you are a young worker in the north of Adelaide and your prospect of getting a job in the manufacturing area has ceased, well here is an opportunity—you can drive a couple of hours north of Adelaide and you can get into exploration. Of course, if they do discover mineralisation then you have the construction phase where you are building these mines. As we all know, and as Senator Johnston would know from the Western Australian experience, that is the big job-creating phase. That is where there is lots of work concentrated over a period of time, but plenty of jobs. Then once the mine is built and operational you have got the ongoing jobs. If Geoscience Australia are right in the 150 prospective areas that they have discovered, then this has tremendous potential to replace the jobs that are leaving other sectors of the economy.

I have made it very clear that the opposition is only too happy to sit down with the government and work out what needs to be done to amend this legislation. I think we have got to give considerable credit to the two ministers in the former government who dealt with this, Minister Smith and Minister Ferguson. Both of them understood the significance of this for South Australia, both of them were committed to implementing this piece of legislation. They knew how important it was to South Australia. What I am concerned about is that the government does not understand just how important this is, does not understand the urgency to South Australia of getting this legislation through and does not understand just how important it is going to be to create jobs into the future, particularly for young South Australians—and other Australians, because we all know this industry has a lot of fly-in fly-out workers who come from other parts of the country.

I want this legislation to go through and go through quickly. I am concerned that the constant delay and the pushing back of dates by the government is a reflection that they are not fair dinkum about proceeding with this legislation. I got that impression when they delayed it last year. I was happy to be corrected and said, ‘Look, okay, you’ve said you are going to delay it but introduce it after the election by Christmas.’ I have again become suspicious that they are not fair dinkum about proceeding with this legislation and this legislation is absolutely vital. As I said at the outset, the Woomera protected area is twice the size of Tasmania. We are talking about an enormous area of land. For the sake of South Australia I plead with the minister: get behind my bill. Raise any amendments that you have
got and we will sit down and discuss them right now, and we will get this legislation through
today and we can start prospecting tomorrow.

Senator JOHNSTON (Western Australia—Minister for Defence) (09:51): I want to thank
Senator Farrell for persisting on behalf of his state in what is a very important matter. I share
his concerns. Indeed, may I say that I shared his concerns for some long time before the last
election. I need to tell him—not in a castigating political way—that the Hawke review was
completed in 2011. For two years my predecessor, the Labor Party's defence minister, sat on
this file and did nothing. We were to have a hearing in a Senate committee and, Senator, the
non-coalition members of that committee deferred the hearing prior to the last election. I hope
that this bill will go through on the voices.

I was responsible for referring the legislation to the committee. The reasons I did that will
shortly be obvious to the senator when I tell him that there are a number of South Australian
potential and current land users on that very large area that are vitally affected by this
legislation. Defence has, as you well know, a chequered history on consultation. Senator
Fifield, on 12 December, indicated that the legislation was in the process of being prepared in
an amended version for the autumn sittings of 2014. The government is taking account of
consultation with stakeholders to finalise that legislation. The amended legislation is very
close to completion and a number of points of particular concern to the South Australian and
Northern Territory governments are being resolved. These are important concerns, Senator.
Coming from Western Australia as I do, I want mining in South Australia in a big way. I am
surprised and horrified that for generations parliamentarians—

Senator Farrell: Vote for the bill.

Senator JOHNSTON: Well the bill is wrong; the bill is not right, and we have got to fix
it.

Senator Farrell: Amend it. Come up with some amendments.

Senator JOHNSTON: We have our own bill, which will do all of that and more. But the
point is this: for generations South Australian politicians have sat on their hands, not even
bothering to put their hands up to go to Defence and say, 'Hang on, you can't sterilise about
one-sixth of our state.' Now, after two years, Senator Farrell, quite rightly, is agitated by the
delay. I am agitated by the delay. But the delay started when the previous Labor government
just dillydallied after they had the Hawke report—for two years! Let us be honest about this.

The interests of the Northern Territory government and Northern Territorians in Alice
Springs and Darwin are very, very important. There is a vital rail link running right through
the middle of this reserve. A waiver to the regulation impact statement was granted for the
previous government. The bill's terms are substantially similar to the private member's bill
under debate; you virtually copied the previous bill. That is fine; I accept that. I do not
criticise you in any way because I have a lot of empathy for the role and position you are
taking here. But there are important considerations that are not currently in this bill, as I
anticipated there would not be when I assisted in referring it to a committee.

The regulation impact statement will inform any legislative or regulatory changes the
government intends to make to the administration of the Woomera Prohibited Area. Bear in
mind we are talking about one of the world's premier weapons-testing ranges. There is
virtually zero electromagnetic interference on this range. It is a national asset of significant
importance. Existing access arrangements to the Woomera Prohibited Area have been in place in their current form since 1989 and are administered under Defence Force Regulations 1952. The bill, as drafted, applies to new users seeking access to that area. New users are users who would not have access permission under the Defence Force Regulations at the time the bill comes into force. Those who have existing access permission under the Defence Force Regulations are referred to as 'existing users'. They include existing pastoralists, Indigenous groups—and I pause to say that South Australia has its own native title regime, which is a very important consideration in this that the previous legislation did not seek to address—the Tarcoola to Darwin railway owner and operators, and the four existing mines. These users will continue to access the protected area under their existing arrangements that include leases, deeds and other permissions provided under the Defence Force Regulations.

Indigenous groups and the railway owner and operators have all raised significant concerns, both with me and more generally, about their existing arrangements and their status under any new legislation. Now what we are talking about is a right for Defence to say that for a period of 70 days, and it is unclear as to whether that is consecutive days or groups of seven days or anything else, the railway line should not operate while testing is underway. That is an unsatisfactory circumstance. Alice Springs and Darwin depend—

Senator Farrell: It's just an amendment.

Senator JOHNSTON: Well there is consultation, Senator, with a vital piece of infrastructure like that.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Senator Johnston, please refer your comments through the chair.

Senator JOHNSTON: Alice Springs and Darwin depend upon this railway line for their perishable and other durable goods. You cannot go forward with a piece of legislation like this unless all of the stakeholders are on the same page, and that is what we are seeking to do here. Defence is continuing to work closely with these existing users and respond to their concerns, which mainly consist of clarifying longstanding and existing working relationships and access arrangements and permission with Defence. The new users have not been prevented from accessing the area. As at 24 January there are 32 exploration deeds, four mining deeds, one petroleum deed, four extracting mineral deeds, one communication tower deed and 1,836 personnel have been authorised to access the area. That is since 24 January this year.

In terms of consultation, since July 2000 Defence has been continuing consultation with the different stakeholders, and they all have different interests and they all want different things. But, Senator, I want to see mining particularly start in this area as soon as possible in an orderly, orchestrated fashion. On 6 August Defence met with the rail companies to discuss range administration. Parties agreed that the rail is an existing user, inclusive of all associated infrastructure, and also agreed to develop a working level agreement covering consultation and notification arrangements. On 26 August the Rail Track Corporation wrote to confirm the understanding and stated that they can work with Defence to identify windows that minimise disruption to the rail operators' business. We need to formalise that in a way that all parties, including the Northern Territory government, can be confident about. On 5 September Defence met with the representatives of the South Australian Department for Manufacturing,
Innovation, Trade, Resources and Energy and Defence South Australia to discuss matters including pastoral leases in the prohibited area and the consultation process.

On 3 December the advisory board met and held discussions in Woomera with the various stakeholders. The chair is Mr Stephen Loosley and the deputy chair is Mr Paul Holloway. The board includes senior ex-officio representatives from the Australian government departments of Defence, industry and Finance; from the South Australian Department for Manufacturing, Innovation, Trade, Resources and Energy; and from Defence South Australia. The board met with stakeholders including pastoralists, resource companies, and rail operators and owners. Pastoralists and resource companies indicated that coexistence with Defence is working well. The rail company have some concerns about potential future disruption but have a better understanding of how they can work with Defence, and Defence is continuing to work with them to develop communication protocols.

A further Woomera Prohibited Area Advisory Board meeting is scheduled for 18 February in Adelaide. The board is planning to meet with Indigenous groups, conservation WA and the South Australian Chamber of Minerals and Energy.

On 6 August Defence and South Australian representatives met in Adelaide with the owners and operators of the Tarcoola-Darwin rail link that bisects the prohibited area. They include the Australian Rail Track Corporation, Genesee & Wyoming Australia and the AustralAsia Railway Corporation. They agreed that the owners and operators of the railway are existing users and that the scope of their existing use includes the railway and all associated infrastructure, and they agreed to develop a working level agreement setting out the framework for consultation and notification arrangements between Defence and railway operators.

The Australian Rail Track Corporation has since written to Defence confirming that they can work with Defence to identify windows that will minimise disruption. The Northern Territory government has raised concerns about the potential for long disruptions to the railway and the impact of that on tourism and freight delivery to the Northern Territory. This is a very important concern. We need to get to the bottom of it and we need to resolve it before this legislation takes effect.

Current arrangements allow the minister to suspend permission to access the railway and Stuart Highway for safety and security for testing of war material at any time and with no limit specified. That is a blank cheque, and that concerns me. We need to know where we stand with these matters from a public policy point of view. These arrangements have existed in their current form since 1989. New arrangements allow for closures of a minimum of 70 days per year. Defence may not necessarily require this entire period every year. The 70 days are set in seven-day windows, in which Defence can plan specific test activities. The windows are forecast annually to allow non-Defence users of the prohibited area to do their own planning with this knowledge. Rail and road closures occur only for as long as is required to conduct the test and ensure safety and security. This will continue to be the case under the proposed new arrangements.

But all of the users need the security of formal documentation. For example, a recent long-range missile test required the suspension of rail traffic through the area for a period of three hours on three occasions over a 21-day period. This was done in close consultation with the operator and did not impact their schedule. By defining set exclusion periods, the proposed
measures in the bill will provide greater certainty to non-Defence users for the periods in which closures may need to occur. Continuing positive engagement with the owners and operators of the railway, including the development of a working-level agreement, will minimise the effect that any testing activity may have on rail operations and schedules.

In October 2013 the South Australian government raised concerns about the potential unintended consequences of the legislation for their land management and economic objectives regarding pastoral leases in the area. So the South Australian government itself has raised important considerations with respect to this legislation. It noted that clause 72TB(3)(j) of the bill defines an existing non-Defence user who may continue to operate their current access arrangements as a person who:

(i) holds an existing pastoral lease; and

(ii) is in the Woomera Prohibited Area for purposes related to the lease …

Attaching rights to the person rather than to the lease, as this bill does, is an error. If they attach to the lease, they will run with the lease—they will run with the land—as opposed to the person.

Senator Farrell: Well, come up with some amendments.

Senator JOHNSTON: This is especially relevant to the area designated as the red zone. So the legislation that was put up previously is actually, Senator Farrell, with great respect, flawed, and we need to fix that. But we cannot just fix it unilaterally. We need to fix it in consultation with the land users. Consultation is a very important thing, which the previous government did not understand or do, and we are seeking to do it. This is especially relevant to the area of the red zone.

Senator Farrell: You're not fair dinkum about proceeding with it.

Senator JOHNSTON: Such an approach would effectively preclude the sale or transfer of pastoral leases in this zone—you do not want to do that, Senator, I am sure—to the detriment of both economic activity and the important land management services provided by pastoralists, including maintenance of access roads, water infrastructure, fences, weed control, culling of feral animals, monitoring and fighting of fires et cetera. The South Australian government required that Defence consider whether existing pastoral leases could be maintained under current arrangements as existing users, including in cases where a pastoral lease is acquired or extended. The government is considering that request. These are important issues, Senator, which, may I suggest, need to be ventilated such that the Senate can do its job well and properly and get the right answer in the legislation.

The other important aspect, of course, is the Indigenous people on the land, particularly on the western extremities of the range. Defence has continued consultation with those Indigenous groups. As identified as an existing user, the bill does not apply to Indigenous groups. I should pause to say that the South Australian native title regime grants freehold title to Aboriginal people. That is a very important consideration that must be respected and recognised in the bill. I would suggest to the learned senator that consultation over that is an important consideration. We must have a hearing so that they can express their attitudes and opinions with respect to this legislation. I think that is only fair and reasonable. Indigenous groups sought formal written confirmation of their existing access permission under the Defence Force Regulations 1952, and Defence have provided that confirmation.
In closing, I share the senator's concerns. I want mining in South Australia. I do not want to see one-sixth of the state sterilised by a Defence rocket range without proper protocols, rules and regulations. But the bill put up, after a two-year delay by the previous government, is a flawed bill. I want the Senate committee to discuss the bill to understand all of the parameters, and it will be greatly different to the bill that the senator has copied from the previous government. He is in error here. I share his concerns. I do not castigate him; I am with him 100 per cent on the urgency required here. But this is a complex piece of legislation with a number of land users whose opinions need to be consulted so that we can get the right answer in this legislation and we can go forward with confidence that we have done our job in the Senate properly.

Senator WRIGHT (South Australia) (10:07): I too rise to speak on the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 and to highlight the fact that this bill is being rushed through the parliament without the necessary due diligence. This debate has been scheduled despite the fact that the relevant Senate inquiry by the Foreign Affairs, Defence and Trade Legislation Committee, which was due to report on this bill on 11 February—and that report has been deferred until 4 March—has not yet reported. As a result, we are expected to have this debate without the benefit of the committee's consideration or findings. Further, and crucially for the Australian Greens, there has been a manifestly inadequate level of consultation with the traditional owners of the lands that this would affect deeply. These are key stakeholders.

Senator Farrell has cast doubt on whether the current government will actually proceed with the proposal for allowing mining to occur in this area and introduce their own promised amended legislation. On the other hand, we have heard the Minister for Defence, Senator Johnston, assure us that the government will proceed with legislation but on the basis of better and further consultation. I have no doubt that the current government will introduce legislation in relation to this area at some point. My feeling is that it is very likely that it is being affected by the timing of the South Australian state election in March because I think they would be anticipating, particularly with the lack of adequate consultation—and I will go on to discuss that a bit later—a significant public backlash about the proposals in this form of legislation or, indeed, any legislation to open up this area at the moment. They are not going to want to take that on before a state election in March and so they will delay that until after March.

I am hopeful, having heard from Senator Johnston, that there will in fact be adequate and meaningful consultation, particularly with the traditional owners, because so far it has been a lamentable process and there is significant concern that some of the people most affected by this proposal have not been properly listened to and had their concerns heard. The Anangu Pitjantjatjara Yankunytjatjara—the APY people—the Maralinga Tjarutja people and the Kokatha Uwankara people have all raised concerns in relation to the proposals in this bill. They have raised these concerns over several years. Despite this, the level of consultation has been far from authentic. In fact, it has bordered on tokenism.

This bill operates to open up the Woomera Prohibited Area for mining and then sets conditions for access. The previous Labor government first introduced the bill in May 2013 in response to the Hawke review about what might be the best use of the Woomera Prohibited Area. That review was initiated in 2010 by the then Minister for Defence. The Woomera
Prohibited Area is Australia’s most significant military-testing range. The South Australian government asserts that over the next decade a valuable quantity of iron ore, gold and other minerals is potentially exploitable from the area. The Woomera Prohibited Area involves recognised traditional owners and significant Indigenous sites.

Public consultation in relation to the proposals in this bill allowed three working days for initial submissions. After the former defence minister, with the former resources minister, released the draft exposure legislation on 8 May 2013, stakeholders had only three working days to see it and to make a submission in relation to it. This was despite the deep impacts it would have on the communities who live there and whose futures will depend on the outcomes of any development in the area.

One public consultation workshop occurred in Adelaide on 10 May 2013. Given the location of the area and its traditional owners, and the factors that must be taken into account in order to do meaningful consultation with Aboriginal individuals, groups and representative bodies, it speaks for itself that this cannot be counted as real Indigenous consultation. The Australian Greens maintain that this is clearly not adequate.

On 24 May 2013 the South Australian government hosted a discussion between Defence officials and traditional owners of the Maralinga and APY Lands about the proposed legislation. But let us consider the three groups of Aboriginal people who will be most substantially affected by this legislation. Under South Australia’s Maralinga Tjarutja Land Rights Act 1984, the Maralinga Tjarutja people have been managing all access and mining issues in relation to the 100,000 square kilometre Maralinga Lands since 1984 and in relation to the former nuclear test sites since 2010. The Maralinga Lands comprise over 100,000 square kilometres of land in the north-west of South Australia and cover approximately 40 per cent of the Woomera Prohibited Area.

In their submission to the inquiry about this bill, the traditional owners state that they had been denied access to their lands during the Maralinga nuclear test program from 1956 to 1963, and indeed until 1984. They emphasise that this caused enormous cultural and social dislocation for the traditional owners, who had been transferred to the Yalata Lutheran Mission in 1955. And in South Australia we are still seeing the flow-on effects of that cultural and social dislocation to this day. These are some of the most disadvantaged and impoverished peoples in South Australia. The South Australian land rights act redressed this by returning the traditional lands of the Maralinga traditional owners to a corporate body, Maralinga Tjarutja, established by the act to represent the traditional owners' interests.

The submission of the Maralinga and APY peoples to the inquiry on this bill was frank about the history of the consultations between the Department of Defence and the Hawke review in relation to this issue. The reading of that submission is telling. The efforts at consultation, in fact, have been very poor. The Hawke review was initiated in 2010. The Maralinga Tjarutja heard about it in May 2011 when the report was released. Lawyers representing the Maralinga people advised my colleague Australian Greens Senator Ludlam that, although they approached the former defence minister in 2011, it was not until that meeting on 24 May 2013 that these people had any form of input into the proposal. By this stage, not only had the Hawke review made its conclusions but the legislation in response to the report had been prepared.
There is a shameful backstory here, which I think it is very important we are aware of. The Maralinga Tjarutja people have endured the use of nuclear weapons and the resulting and ongoing health issues associated with their land being exposed to nuclear blasts, including the radioactive contamination of their traditional lands. They deserve the dignity of consultation about lands they have managed for 27 years and over which they have been the traditional custodians for many, many more. This is particularly so as the bill has the capacity to diminish their land rights and as their interests were not taken into account in the Hawke review. The APY people support the Maralinga people and each group, in jointly submitting to the inquiry, state they have suffered enough as a result of weapons testing on their lands.

Another Aboriginal group in the area, the Kokatha people, are dissatisfied that protocols being implemented in the area may disturb sensitive sites and that activities have taken place in the area without the relevant permission. There are already problems in how the Woomera area has been handled. Opening it up to mining could exacerbate those.

The Kokatha Uwankara native title claim group is currently the registered native title claimant in respect of vast areas encompassed within the Woomera Prohibited Area, including the Woomera township. The group submitted, in relation to the inquiry on this bill, that the occurrence of Aboriginal sites of significance to the Kokatha people is prolific. They occur within the township of Woomera and all over the pastoral leases situated within the Woomera Prohibited Area. They submitted that many of these sites have been recorded by members of their group and many of the sites are known to the Kokatha people but have not been recorded on the relevant South Australian government register. They say, indeed, that the location of many sites is confidential according to the traditional laws and governance and customs of the Kokatha and that divulgence of information to persons who are not entitled to know that location may be a contravention of Aboriginal tradition under South Australian law.

Their submission is unequivocal: that the proposal to open the Woomera Protected Area to mining and exploration is of great concern to the Kokatha people. Indeed, they submitted that the Commonwealth government should ensure no exploration licences, mining tenements or permissions to access are granted over the areas. They state this is because the native title claimants and traditional owners will not permit any damage to sites of significance.

It is clear that parts of the mining sector have been consulted in relation to this bill. Our mineral resources are owned by all of us, and they are finite—once they are mined, they are gone forever. It is for this reason that the Australian Greens have long advocated that the wealth we generate from exploiting those resources must be shared appropriately among the whole community while they last, while we still have them. The Australian Greens are adamant that there must be fairness in how we distribute the wealth generated by mining. It will not last forever and it must be distributed fairly, for the benefit for all those most directly affected and for the broader community.

This bill, and the inadequate consultation exercise that has occurred in relation to the Aboriginal people who live on the land, is a very tangible example of a lack of fairness. The Indigenous consultation in relation to this legislation has not been adequate. Because of this, the underlying premises of the bill about the best use of the land and the best conditions to set on that use—which has been deduced to be mining—cannot be relied upon and we cannot support this bill.
The Australian Greens are not opposed outright to mineral exploration in the Woomera Prohibited Area. We are, however, resolutely opposed to this occurring without authentic negotiations with the traditional owners. We also believe that this bill, with its significant implications and consequences, should be subject—as with most legislation with similar consequences—to a thorough and complete Senate inquiry. The Australian Greens will seek to ensure that the environment in the area is not degraded and that the rights of the Aboriginal people affected are respected and upheld. Thank you.

Senator GALLACHER (South Australia) (10:19): I am very pleased to make some remarks in respect to the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 now that I have had the benefit of hearing a number of other speakers. My remarks are in no particular order, but I want to address some of the issues raised by Senator Wright.

I actually had the absolute honour and privilege of opening a trade training centre in the Anangu Pitjantjatjara Yankunytjatjara Lands on behalf of Minister Garrett. There was a contribution there from an Aboriginal leader, a woman, who stood up and said, 'This is good: we want real jobs—real jobs for our young people.' It made the hairs on the back of my neck stand up, as it should for everybody, because there was a fair dinkum senior Aboriginal person saying: 'This is a great investment—a trade training centre for our young people, and we want jobs.'

You might ask: where are the jobs? Sure, there are some jobs at Uluru—there are some hospitality and chef jobs. But, increasingly, there has been employment at Prominent Hill, which is very close to Woomera. So, for me, this is all about getting our objectives of Closing the Gap to reality. Any research you do on this bill will lead you to submissions. And there have been submissions from Indigenous groups. There have been submissions, obviously, from the resource sector—but, importantly, the resource sector and the Indigenous groups are at one on this issue. The Antakirinja Matu-Yankunytjatjara Aboriginal Corporation highlight the in-principle financial and wider community benefits of royalties stemming from resource based projects.

There was an Indigenous group that raised concerns that the 2007 Woomera Prohibited Area Indigenous Heritage Management Plan had largely been ignored by Defence when they were conducting activities in the WPA. However, there have been extensive consultations. I absolutely reject Senator Wright's position with respect to this. I think there is a growing awareness in Indigenous communities. Increasingly, there are facilities to train young people. And there are young people, and not-so-young people, already engaged in these mining activities. An increase in mining activities in this area can only benefit the Indigenous community there and will go a long way to providing some of the objectives which have been sought by the parliament with respect to closing the gap.

There is an interesting comment that is largely ignored by Defence in conducting activities on the WPA. I had the benefit of hearing Senator Johnston's contribution and I have done a little bit of reading in respect of this bill. There is a really interesting use of language. I am sure even Senator Brandis would like this sentence:

IMX Resources Ltd stressed the need for more responsive communication from Defence in relation to its decision making processes so as to achieve more commercially acceptable response times.

That is a great gathering of sentiments in one very eloquent sentence. This really goes to the heart of the matter. Quite properly the minister has been captured by the Department of
Defence. I suppose Defence priorities are overriding what I think are more critical priorities. It would appear that Defence has a history of not conducting its communication in a responsive and commercially acceptable manner.

Senator Johnston also raised the 70-day rail closure. It would shut down Alice Springs and shut down Darwin! There would be no food, no fruit, no veggies! The question that was occurring to me—hopefully I will get someone to research this—was: what is the history of rail closures? Senator Johnston did say that there had been a three-hour interruption. That is the history. There have been minimal interruptions to the rail. I suppose—dare I say it?—that Defence, in their drafting of, or looking at, any legislation would be thinking about what their job is and what is the worst-case scenario.

I suppose that if the country were under threat we could probably cop the rail being shut down for 70 days. I think that history says that Douglas MacArthur landed at a place up in the top of Australia after coming by DC3, or whatever it was, from the Philippines. He got on a train and ended up at Quorn or thereabouts. So at a time when we were under extreme threat, the rail was running 24 hours a day.

**Senator Farrell:** Terowie was where he stopped.

**Senator GALLACHER:** Terowie was where it was. I think it was stretching a very long bow to say that Defence requirements would be for 70 days of closure, when the history is that they have shut it down, or had an interruption, of three hours.

The rail is a critical piece of national infrastructure. It was built by the Howard government after 100 years of agitation. It was finally built, and the only thing that is going to make that rail pay—I do know a little bit about transport—is mining. We would need spur lines and bulk cartage of iron ore, or whatever minerals are commercially viable in that area, and get it directly to an export port.

I know that the Minister for Mineral Resources and Energy in South Australia is a very vigorous, at times very controversial, character. I share his urgency about this. I share Senator Farrell's urgency about this. I hope Senator Fawcett is going to get up and have a go as well, because South Australia's fiscal position is not great. I had the awful experience of having 'horizontal fiscal equalisation' explained to me and I heard the term ' mendicant state' used with respect to Tasmania and South Australia. That is not a very good experience because that term refers to begging. We do not want South Australia to be the begging-bowl state. We want it to be a state that is growing, adding to the prosperity of citizens in South Australia and adding to the prosperity of Australia in full.

This is very important legislation and, I think—just from listening to his contribution—that Senator Johnston has been captured by the Department of Defence. He is the defence minister so that is probably entirely logical.

It is critically important to South Australia that we open this area up to exploration. I will give you a couple of examples of some of the things that the Labor government have done in this area. We have opened facilities in the electorate of Grey, directly in the vicinity of this area. I will give you some distances a bit later on. At Caritas College we spent $1.4 million on a trades training centre. At Umuwa, in the APY Lands, we spent $7.3 million on a trades training centre. At Streaky Bay we spent $2.1 million on a trades training centre. We spent
$9.9 million on Eyre and Western Multi Trade Training Centre. At the Pichi Richi Trade Training Centre we spent $6.5 million.

What we have is a geographical area which is rich in resources. As Senator Farrell has said Geoscience Australia has identified an area with huge potential. We have surrounding communities which are not always doing it as well, economically, as they could. We have infrastructure which is capable of training people up to mine standards. In Whyalla they do a huge amount of the training for workers at Olympic Dam. They have highly technical training courses and they have entry courses. We even have courses where long-term unemployed people go in there for 12 weeks. They must meet hard-hat, safety-vest and other mine induction safety policies—no alcohol, no drugs; they are drug tested for 12 weeks. They are work hardened, they get experience and skills and they are promoted into the mining industry. The more opportunity we can create in the mining industry, in the electorate of Grey in particular, the more it will be vastly beneficial not only to South Australia and regional Australia but also to Australia as a whole.

In this environment, we have had delay. I dare say Senator Johnston's comments about the delay under the previous Labor government were shared by me, Senator Farrell, Minister Koutsantonis and others in the South Australian government, because we are impatient about this. We want to get this done. But I am getting the feeling that Senator Johnston's contribution was that Defence is probably running the argument and holds greater sway.

We also know that there have been other Defence areas in South Australia which have had problems consulting with the community around Whyalla. There have been court cases about land users and their rights. So we know it is a touchy issue, but that should not stop any South Australian on any side of this house pushing to open up this window of opportunity to make our state a more productive, better place to live and to provide more opportunity.

I will give you an example of what this sort of activity might mean. Woomera is 8.6 kays from Pimba. Pimba has always been a rail town; there are not a lot of people there, but it was quite a functional very small town, providing employment predominantly on the railways. Woomera is 79 kilometres from Roxby Downs. For those who know Roxby Downs, there are over 4,000 people there. There are 600 kids at school there. I had the absolute honour of officiating at a couple of functions there for BER, one at the Catholic school and one at the public school. There is a refreshing community, a young community, a new and vibrant community, and it is 79 kays from the Woomera area. The Woomera area, as we know, is 120,000 square kilometres, so there may well be a lot of additional travel. There is Andamooka. Andamooka is fast growing out of being a little village of isolated opal miners. They are providing accommodation and a workforce for Olympic Dam for those who choose not to fly-in fly-out.

Woomera is 181 kilometres from Port Augusta. Port Augusta is becoming an increasingly vibrant city. It has a lot of workers who do not fly-in fly-out; they drive-in drive-out. Woomera is 220 kilometres from Quorn. Woomera is 252 kays from Whyalla—and, if you visit Whyalla, book ahead, because the place is always busy. Fortunately, the predictions of the former opposition, now the government, that Whyalla would be wiped off the map were totally wrong. You cannot get a bed there.

**Senator Brandis:** It's because we're repealing the carbon tax.
Senator GALLACHER: You cannot get a bed there, Senator Brandis, when you go to Whyalla. You have to book a couple of days in advance to get a motel room. You will not get a hotel room; they will be all booked out. But Whyalla is still there, it is functioning and it has a very good, strong, mining oriented workforce.

There is Port Pirie, which is 271.7 kilometres from the Woomera zone. Once again, they have their issues with Nyrstar, but Nyrstar is hopefully going to get its new smelter going. It is a good sized town, capable of providing a workforce for this area.

Woomera is 374 kays from Wallaroo. Wallaroo has been a recipient of the drive-in drive out workforce because there are very nice accommodations, very nice waterfront shacks—as they are sometimes called in South Australia, but they are very far from that. There are very nice developments in Wallaroo. A lot of people drive into and drive out from Olympic Dam. They will drive up for their fortnight there and then they will drive back. It is probably a little bit more civilised than flying in and out of Hobart, Perth or wherever. A five- or six-hour drive to work at the beginning of the fortnight and then back after each fortnight is something that South Australians are quite capable of doing and quite happy to do. Predominantly, people do like to live on the coast, so the close proximity of Wallaroo, Moonta, Port Augusta, Whyalla and the like is very useful. You can even go down to Port Lincoln; it is only half a thousand, 517, kilometres away!

The point I am making is that there is already a lot of expertise, there is already a lot of infrastructure, there are trade-training centres, there is a workforce and there is a need to get our state moving. This opportunity should not be delayed anymore, and I really do not care who the delay is caused by. I would like to see Senator Farrell's bill supported so we can actually get on and do the job, which is opening this area up for exploration, managing the Defence expectations and managing the Indigenous people's expectations—fulfilling our obligations in that, if we train kids in an Indigenous community, we really need to have somewhere for them to go. This may well be one of those generational opportunities which will see Indigenous kids trained, given an opportunity and claiming the right as Australians to get a decent job, earn decent money and take that back to their families.

The reality, though—and I will make a political point—is that, despite all of this investment in the electorate of Grey, the trade training centres and our other attempts to open up the area, it is a blue-ribbon Liberal seat. So we are not playing politics here. We are not saying that we only want to look after the people who may be displaced out of manufacturing in Adelaide. We are saying we want look after the whole state.

It is vitally important that Defence, as a significant contributor to the South Australian economy, is supported too. But it is critically important that, with the demise of car manufacturing in South Australia, another opportunity opens up and that we do have a coherent plan. The coherent plan would be: let us get, as Senator Farrell says, into a construction phase in mining. That will give some hope to those people in business or in jobs in Adelaide who are facing a pretty grim outlook. Those who know Adelaide well would know that the north side of the city has traditionally had horrendous levels of youth unemployment. We cannot break that cycle without proper training programs into real jobs. We cannot break that cycle without it. This is one opportunity.

As I said earlier, I share Senator Farrell's and Mr Koutsantonis's sense of urgency about this legislation. I was extremely upset when this bill was referred to a committee, because we
thought it was self-evident that this was the way to go. We can manage the Indigenous issues. We can manage the defence issues. Complaints by resource companies and Indigenous companies about the way that Defence communicates is, I think, something that Senator Johnston should take up. He should take that up. To come in and say that the bill is flawed because we could have a 70-day shutdown and no-one in Alice Springs or Darwin would get a loaf of bread, a pint of milk, an apple or an orange is, I think, probably drawing an extremely long bow.

I accept that the legislation must be correct—and no doubt Senator Brandis will be crossing the i's and dotting the t's on this legislation. You cannot have legislation that you can drive a truck through, so it all does need to be signed off. But I repeat: this is a very urgent matter. I do not really care who you want to attribute the delay to, whether you want to attribute it to us or to the previous minister; I just want it fixed. I think we have to get on with it. It is vital to South Australia's future, it is vital to the prosperity of South Australian electors and citizens and it will add value to the whole of Australia. So let's do it.

Senator FAWCETT (South Australia) (10:39): I cannot agree more with my erstwhile colleague on the other side of the Senate chamber that the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 is vitally important to South Australia from two aspects. I come to this debate with two hats, if you like, or two parts to my background—and one is a defence background. In fact, as the former commanding officer of the Aircraft Research and Development Unit, Woomera was a critical piece of infrastructure to the work that we did in testing air weapons and in supporting test and development science and technology—whether it be things like scramjet engines, space re-entry vehicles or military equipment from other nations.

It is a critical piece of infrastructure. It is critically important not only to Australia's national defence and the interests of our allies but also to South Australia's defence industry, which, as Senator Gallacher would know, is actually a key employer of South Australians. In fact, we in South Australia have more than 25 per cent of the defence spend on defence materiel. Having said that, I am also conscious—having seen the incredible and immediate impact of BHP's decision not to proceed with their mine development in South Australia on confidence and how it flowed onto contracts, onto jobs and onto an economic downturn in economic activity in South Australia—of the urgency of making sure that we do in fact open up the assets that are there in Woomera for mining, for the benefit of the Australian economy and particularly for the South Australian economy, including not only the major miners but the SMEs who support them and, as Senator Gallacher pointed out, the employment opportunities that come for Indigenous people.

So there is absolutely no doubt from the perspective of the coalition and particularly of those of us from South Australia that we see this as something that we need to do and do quickly, but we also need to do it correctly. If there is one lesson that I have learnt through my career as an experimental test pilot it is that, no matter the urgency, you must get things right because unintended consequences will cause harm. We only have to look at the last period of Australia's governance to see that there were a number of well-intended programs that were rolled out quickly, bypassing some of the normal due diligence processes, and that had horrific unintended consequences, causing economic or indeed, in some cases, personal harm. So it is important that we do get it right.
From the defence perspective, this 124,000 square kilometres of Australian territory is used not only for training but also for an air weapons test range. Land use issues have traditionally been something that Defence has managed well, albeit often on a very ad hoc or informal basis in terms of agreements with landholders on land use. But we do see examples where those arrangements have not worked out. Serious capabilities that Australia has decided to invest in, such as stand-off weapons, have been delayed because the final end-to-end testing with high-explosive warheads has been delayed because of land use and land access issues and the inability to find a suitably safe template for testing that weapon, given the existence of land users.

So, from the defence perspective, this exercise around clarifying existing and future uses and the rules under which all parties will cooperate is actually quite important to being able to maintain a predictable and effective capability development system for our air weapons. Contrary to some of the comments that perhaps the government has been captured by Defence and that we are looking to delay because of Defence’s interests, it is actually in Defence’s interests to make sure that the rules and arrangements around access are in place and agreed so that when we have an important program, whether it be ours, industry’s or one of our allies’, we have the confidence to know that that program can continue and can be implemented in accordance with an agreed set of rules.

From the perspective of the South Australian economy, it is estimated that there is some $35 billion worth of resource in the Gawler Craton region ready to be tapped, which will generate all of the activity that I spoke about before. The four mines that are currently there—Challenger, the goldmine; Prominent Hill, with copper and gold; Cairn Hill, which has a range of iron ore, magnetite, copper and gold; and Peculiar Knob, with iron ore—are examples of the fact that the mining industry and Defence can coexist on the Woomera Prohibited Area. As Geoscience have said in their submission to the inquiry, the potential is significant to expand that investment and those employment opportunities in the WPA. That will have a flow-on effect to the rest of South Australia, which is important. Again, as Senator Gallacher highlighted, if you start talking to some of our ratings agencies, South Australia, disappointingly in the view of some, is not only on par with Tasmania but is in fact rated worse than Tasmania from an economic perspective. That is a dreadful state of affairs for both of our states but particularly for South Australia given that we have so much potential that is sitting there ready to be developed and to develop our young people.

Unfortunately the politics gets in the way of this, and I want to address the politics briefly before moving to more of the substance of the bill. There have been a lot of comments this morning and a number of accusations that this government is unnecessarily delaying the bill. I would like to put a little bit of the history of this legislation onto the Hansard record to address some of those concerns. As the minister stated, the Hawke review was conducted. It started in 2010 and reported in 2011. It was clear from the recommendations of the Hawke review, in terms of how the author intended that to be dealt with by the government—the classification of legislation in terms of urgency—that his clear expectation was that the government would have dealt with that in the calendar year 2011. It was a long two years before we finally saw the legislation, and the draft exposure bill was only available for a week for stakeholders to look at. Given what I have just canvassed previously about the importance to national security and to the South Australian economy, to give stakeholders a week—in
effect, five days—to read, understand, consider and make comment on such an important piece of legislation is negligent.

The opposition has made the comment numerous times this morning that the government just flicked it off as though it was purely our role. Can I remind them that the Selection of Bills Committee, the committee that considers and approves whether legislation that has come through the lower house goes to a committee, was actually chaired by a South Australian Labor senator. That committee signed off and approved it, and it came to this chamber for approval. This chamber, which at that time had a majority of ALP and Greens members, who controlled the vote, approved that report of the Selection of Bills Committee and referred it to the Foreign Affairs, Defence and Trade Legislation Committee. That committee, at the time chaired by you, Madam Deputy President Stephens, looked at it and said, 'Yes, it is reasonable that we proceed.' But we understood and agreed that there was an urgency around that, so we agreed that we would set a time for a hearing so that we could have that hearing even if the election was called and then progress this legislation.

When the election was called the coalition members on the committee said we would like to continue with the hearing, which was only a matter of days away from the meeting. We said we would like to have that meeting in Adelaide, we would like to continue the hearing so that we could report. But unfortunately the then government members said no, the election was a priority. So that was canned.

Unfortunately Senator Farrell has been accusing the defence minister of going back on his word. I refer to the media release that the Minister for Defence sent out. What he said was:

The Coalition has agreed to complete the Senate Inquiry prior to the September 14 election and is committed to progressing the legislation so that broader access to the WPA lands will commence before Christmas 2013.

Clearly if the members of the committee voted to not go ahead with the hearing, which was the precursor to getting it done by Christmas, then it is somewhat emotional and irrational and, you must therefore suspect, purely political for Senator Farrell to say that it is the coalition who are delaying this. That hearing did not go ahead not because of our wishes but because other members decided that the election was the priority. That being the case it then became impossible to actually continue the development of that legislation prior to Christmas.

Senator Farrell talked about the urgency and why it is important to get things right. On ABC 639 in South Australia, the Minister for Mineral Resources and Energy in the South Australia government, Minister Koutsantonis, came out very critically about the fact that this had been referred to a committee. He clearly did not understand the processes within the Senate whereby bills that come from the lower house go through the process that I have just described. It is an example of where accusations can be made and false assumptions can be made when people have not done the homework to understand why due processes are in place. It is important from both a national defence perspective and an economic perspective that we get this bill right.

One of the themes that is worth talking about is just understanding the framework that has been put forward in terms of the principles of coexistence, understanding why there are some issues that need to be resolved. The principle of coexistence that the Hawke review drew on was that there is significant scope to increase the national value of the Woomera Prohibited Area, to have a coexistence of economic interests with national security. It recognised that
Defence should remain the primary user of the WPA and that, under regulation 34 of the Defence Force Regulations 1952, it has the authority to control access.

But the idea was to put in place a framework whereby Defence agreed with other parties how that access would be made. One of the ways they came up with to mitigate the risk and maximise access was the concept of exclusion periods and exclusion zones. They looked at the concept of three zones: the red zone, where there is frequent Defence use and where no new users that are not Defence users would be admitted; the amber zone, where there is periodic Defence use and where there will therefore be some restrictions around the amount of infrastructure that people can build and the amount of access they can have to it, because at times that area will be subject to potentially damaging war materials being tested; and the green zone, where there is infrequent Defence use, but which Defence still needs to maintain within the WPA for the purposes of the probabilistic determination of safety templates. Clearly the smaller the area, the higher the probability of impact, while in a larger area you could have areas with a very low probability of impact and still allow people to use them.

An example of the sorts of problems you have when you start going through the Hawke review, the information paper and then the draft legislation is recommendation 24 of the Hawke review. It says:
The Defence Minister should have discretion to suspend all non-Defence access to the WPA when there is an urgent national Defence requirement.

That flows through to the information paper which, at paragraph 49, says:
In addition to suspension due to the accumulation of demerit points—
that is if other parties have done the wrong thing—
it is proposed that the Minister for Defence would have the discretion to suspend all non-Defence access to the WPA for the defence of Australia.

A few definitional issues arise here. How do you define 'the defence of Australia'? Is it purely somebody coming over our northern borders? Is it when our forces are deployed somewhere? Is it a decision of the National Security Committee of cabinet? There are a range of definitional things there that create uncertainty for both parties. How long can they suspend it for? Is that something there are limits on? Particularly if we are not talking about hordes coming over our northern borders and it is some sort of offshore activity, how long is it reasonable for Defence to have that exclusive use? If Defence decides that it needs exclusive use then, given the investment that mining companies may have made in infrastructure and employing staff, what compensation will there be? One of the main concerns that miners have raised with me in talking about this is: 'If Defence chooses to enact this, what compensation is there for us?' That becomes almost an unlimited liability, in turn affecting their ability to attract capital to make their investment.

So there are some definitional things here, particularly when you look at the exposure draft and you look at the limits on the amounts of compensation. In part 8, paragraph 61(1) it says:
For the purposes of section 72TL of the Act, the amount payable by the Commonwealth in respect of a claim by a person against the Commonwealth for loss or damage suffered in the Woomera Prohibited Area is limited to $2 million.

There is no indication there whether that is purely loss due to physical harm, as in munitions exploding and damage being done, or whether that is loss due to exclusion from the range.
So there are some critical issues that need to be explored. It is notable that the South Australian government raised concerns in October that have been addressed, as have the Northern Territory and other bodies. Well after the period that the previous government was hoping to have this legislation passed, concerns were still being raised, and that is why it is important not only that we do have an inquiry but that that inquiry informs the bill. Certainly the expectation that members of the committee had last year was that this debate would not occur until after we had held the inquiry, submissions had come in and the committee had considered those submissions and reported.

The coalition is committed to moving this forward. The coalition is committed to getting an outcome that works for the South Australian economy and that works for the national defence of Australia. But to rush it through without due diligence is not actually helping either of those parties that we wish to help. The mere fact that both parties are exposed to costs around this issue of delays and compensation— and that has not been clearly resolved—is something that needs further discussion and needs a head of power in the legislation. The very nature of testing is that things will go wrong, which will delay programs. Weather events can delay test activities. So the only option Defence has is either to book unrealistically large blocks of time, which then disadvantages the mining sector, or, when they have people and equipment that have come from all around the world and there is a large cost involved and perhaps weather delays mean that they need to just extend by one more day to complete the test, where is the mechanism, where is the head of power to allow a mechanism, whereby both parties can efficiently and effectively manage this arrangement in the best interests of the nation and of South Australia?

The coalition is committed to this. We made that point last year when we were in opposition. We made that point through the committee process. We have made that point this year in the Senate by explaining, through the Manager of Government Business, that the government was bringing forward legislation to table. I am disappointed that we are here debating this today when, in a matter of weeks, we will have government legislation, informed by an inquiry, that can bring a more holistic, fully researched and understood solution that will benefit the people of South Australia and assure our national interests. The coalition remains committed to achieving the intent of the Hawke review, which is more economic and appropriate utilisation of the national resource represented by the WPA.

Senator XENOPHON (South Australia) (10:59): I want to make some remarks based on Senator Fawcett's contribution. At the outset I want to be clear that I will reserve my final position on Defence Legislation Amendment (Woomera Prohibited Area) Bill until the Senate Foreign Affairs, Defence and Trade Committee has completed its report. However, I do have some concerns with respect to this bill, particularly in relation to the traditional owners of the land in question. But, having said that, I think what Senator Farrell has done by bringing this bill forward is a very worthy thing. This is an issue that needs to be resolved. I can understand Senator Farrell's frustration at the delays in appropriately dealing with this bill through the committee process. I do not want to get into the claims and the counterclaims with respect to that, but I do congratulate Senator Farrell for bringing this bill forward because it is an issue that must be resolved. I believe that Senator Farrell's bill, with appropriate amendments, ought to be passed.
I noticed that Senator Fawcett referred to Minister Tom Koutsantonis in South Australia. I think it is fair to say that Minister Koutsantonis is a passionate advocate of the mining industry in South Australia. He has done a lot of good work in respect of that and infrastructure. No-one could accuse Minister Koutsantonis of being in any way dilatory in his duties by trying to expand mining in the state of South Australia. He sees the benefits of a strong, sustainable mining industry, and I congratulate him on that. I, too, support the mining industry, but of course subject to the big caveat of the environmental impact and also the impact on water tables, particularly with hydraulic fracking. That is another issue.

Let us go to the bill that Senator Farrell has presented to us and the important issues it raises. When this bill was introduced by the former government, I was approached by representatives of the Maralinga and Anangu Pitjantjatjara Yankunytjatjara people, who shared with me their long history of fighting to regain rights to their traditional lands. Those traditional owners had been removed from their lands and transferred to the Yalata Lutheran Mission in 1955 and continued to be denied access to those lands until 1984. That is a period of 29 years that they were denied access to their homes, to their lands. This obviously caused huge cultural and social dislocation for the traditional owners, and that is shameful.

In an attempt to redress this, the South Australian government handed back the traditional lands to the Maralinga Tjarutja corporate body, or MT, in 1984. The act, in part, allows the Maralinga Tjarutja to act in accordance with the wishes and opinions of the traditional owners in relation to the management, use and control of the lands and to negotiate with persons seeking access to or use of the lands.

Currently, the Woomera Prohibited Area covers about 40 per cent of the Maralinga lands, including Section 400, where the British nuclear tests took place. After years of negotiation, the Commonwealth, South Australia and MT agreed on an appropriate clean-up and rehabilitation of this area, which occurred between 1993 and 2001. Better late than never, I guess. As a result, all but 200 square kilometres of Section 400 are now fit for permanent Aboriginal habitation. These 200 square kilometres are contaminated with plutonium and contain buried debris from the nuclear tests. In many cases, no-one knows exactly what these burial areas contain.

After this rehabilitation was completed, Section 400 was handed back to the traditional owners in 2009. Part of this hand-back included the formation of the Maralinga land management plan, which makes the MT responsible for controlling access to Maralinga Village and the former test sites. MT currently uses a permit system, locked gates on the only public road entrance and a security officer and caretaker at Maralinga Village to ensure the area is secure. MT has also established guided tours of the site and Maralinga Village, which generate an important revenue stream. Both MT and APY are supportive of mining and petroleum explorations on their land and have negotiated successfully with companies to facilitate exploration.

I note that the basis for this bill is the recommendations from the Hawke review of the Woomera Prohibited Area, which was released in May 2011. MT expressed their concerns about the consultation process during this review. Their submission to the Senate Foreign Affairs, Defence and Trade References Committee states:

It—
that is, the final report—
differed markedly from the Interim Report in that it no longer included “indigenous freehold land” in the Terms and Definitions, and almost all of the many references to indigenous people, usually regarding the cultural and spiritual significance of the land, had been excluded from the final report.

That is, in part, what the submission says. They are very salient and important points. Despite the fact that MT wrote to the minister after the report was released requesting urgent consultation, they were never consulted. In fact, the Department of Defence did not consult with MT until the draft of this bill was released by the former government. That is really not good enough when you look at the history of that land. This was used as a nuclear testing site. It took decades to rehabilitate it. These people were dislocated and displaced for decades. I think that was completely unsatisfactory.

MT believes that Section 400 should be fully removed from the Woomera Prohibited Area. Almost all of Section 400 has been rehabilitated and is now fit for human habitation. The result of the five-year consultations before Section 400 was handed back to the traditional owners was that the access to the land is strictly controlled by those owners. MT has built an income stream from tourism based on its ownership and control of those lands. Further, the risks of mining and other exploration in Section 400 were considered so great, due to buried waste, that it is exempt from South Australia's Mining Act. It is MT’s view—and I agree—that the time, effort and money that has gone into rehabilitating Section 400, as well as the potential risks, mean that no Defence activities or weapons testing should take place on it. I think they have had enough of being a testing ground for weapons, particularly after what occurred in the 1950s. Removing Section 400 from the Woomera Prohibited Area and allowing its traditional owners to have full control over the land will be an important step in recognising the social and cultural dislocation these people have suffered.

It is also important to note that APY, some of whose traditional owners also suffered as a result of the British nuclear tests, also fully supports the removal of the Woomera Prohibited Area from the whole of Section 400. To not have consulted appropriately with them only adds insult to very real injury.

As I indicated at the outset, I will reserve my position on this bill until the committee inquiry is complete. But I share Senator Farrell's frustration about the delays in respect of that. I also think that what Senator Farrell is doing by bringing this bill forward is a very worthy thing. This is an issue that must be addressed. This is an issue that can and ought to be explored, subject to appropriate environmental safeguards. I will support this bill's second reading and flag that, if it proceeds, I will be moving amendments to ensure that Section 400 is exempt. I believe that this is the only option to ensure that Maralinga's traditional owners and their cultural links to the land are properly acknowledged. Given what they have been through, it is the very least we ought to do.

Senator STEPHENS (New South Wales) (11:07): I rise to make a contribution to the debate on the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013. I thank Senator Xenophon for his contribution. Almost everyone who has spoken this morning, other than the minister, has been a South Australian senator, so they have a very intimate knowledge of the geography and the complexity of the relationships in South Australia in relation to this bill.

I was in the chamber listening to the very calm and persuasive contribution from Senator Fawcett. I was a bit nonplussed by his suggestion that politics are being played here. In his
speech he made a comment that I need to correct quite specifically. I was the chair of the committee that was considering this bill in the last parliament. The issue that led us to decide not to continue with the public hearings was that the committee never put a caveat on or discussed arrangements for the hearings to continue even if the election were called. That was never a point of discussion. It is a practice in many of the committees that I have served on in this place that, as a matter of course, when the writs are issued for an election—when the election is called and parliament is prorogued—the committee does not continue. That is the decision that was taken at the time. It had nothing to do with being political about the bill or about the hearings.

Senator Farrell is absolutely right: in those discussions there was a commitment by the then opposition spokesman, now the Minister for Defence, that he would bring the bill to the parliament and that it would be resolved by Christmas. I share Senator Farrell's frustration. It is absolutely within his political right to bring forward a private member's bill when he can see that there is such inaction on the issue. Senator Farrell is to be congratulated for his persistence in ensuring that this debate actually gets to the chamber to be debated. We know from Senator Farrell's contributions and from the discussion that has already been had that this is substantially the same bill that lapsed in the previous parliament. Senator Farrell has included some amendments to the bill to address concerns that were raised with us by some of the stakeholders prior to the proroguing of parliament.

If you have heard only the contribution from Senator Xenophon, you might think that this bill is just about the Maralinga lands. This bill is more broadly about authorising the defence minister to make Woomera Prohibited Area rules that, amongst other things, define zones that are able to be demarcated within that area and create a permit system for access to and use by non-defence users of the Woomera Prohibited Area. The bill introduces offences and penalties for entering the Woomera Prohibited Area without permission and for failing to comply with a condition of a permit—as we have heard from Senator Xenophon, the permits are managed by the Maralinga trust—and provides for compensation for acquisition of property from a person otherwise than on just terms that results from the operation of new part VIB of the Defence Act 1903.

We have heard this morning a lot of argy-bargy about the fact that the previous version of the bill was introduced into the last parliament. It was introduced on 30 May in the House of Representatives. It then came to the Senate and was referred on 18 June to the Foreign Affairs, Defence and Trade Legislation Committee. Senator Fawcett drew a fairly long bow by suggesting that Senator McEwen, the chair of the Scrutiny of Bills Committee and a South Australian, had a peculiar and particular parochial interest in this referral. In fact, the reason the Scrutiny of Bills Committee referred this was, as stated in Alert Digest No. 6 of 2013:

While the explanatory memorandum does provide information about the rationale, the committee is not persuaded that strict liability will significantly enhance the enforcement of the regime. Perhaps the appropriateness of strict liability may depend on the nature of the conditions; however the explanatory memorandum does not address these issues. The committee therefore seeks a more detailed justification from the Minister as to the possible scope of any conditions and the appropriateness of the use of strict liability.

This is a very technical reference that the Scrutiny of Bills Committee identified. The committee often refers bills because an explanatory memorandum has perhaps not been fully prepared or has been prepared in haste, because some of the regulations have perhaps been
poorly or hastily drafted, because some of the definitions are not clear or because there is a lack of consistency. As someone who has been the chair of the Scrutiny of Bills Committee and of other committees where we have had to deal with these things, I understand that that committee is doing its job to ensure that the quality of the legislation's drafting passes a benchmark that allows it to be tested fairly in other jurisdictional courts. That was the reason for the referral in the first place.

Once the committee received the reference, there was quite considerable debate among the committee members, which coincidently and for no particular reason is heavily weighted with South Australian senators. That committee has many South Australian senators on it, so a very testy kind of discussion went on. There were issues raised about the concerns of some members of that committee about whether or not the land should be opened to non-Defence users because of its integrity as an unencumbered testing area for Defence flight paths, exercises and things.

This became the way in which the discussion on this bill started to proceed. We kind of lost sight a little bit about the reason for the referral. However, it was absolutely the conviction of Senator Farrell, as a member of that committee with a specific interest, and of other members of the government, the opposition and the Greens that the bill stood on its merits more generally and should proceed as quickly as possible. Even the coalition at the time supported the bill in the House of Representatives and the shadow minister for defence science and personnel, Mr Robert, stressed that Defence's use of the Woomera Prohibited Area must remain 'of the primacy'. He said at the time:

The fact that there will now be, to use the government's term, a 'coexistence scheme' which will allow other non-Defence users to access the Woomera Prohibited Area may be acceptable if the appropriate steps are taken to ensure the area remains available and suitable for testing of defence capability. This is a unique capability that we possess and it is of the highest priority that we retain that capability. At this point, it is important to note that the bill will not alter the current arrangements as they apply to Indigenous landholders or pastoralists with an established presence or to existing mining operations. The provisions of the bill and new coexistence scheme will apply to new users—a line in the sand, if you will. Existing users will have the option of voluntarily joining the coexistence scheme established by these measures.

So there was general and overarching unanimous agreement; we were all furiously in agreement about the range of the bill. We have received now 12 substantial submissions to the inquiry, including one from the South Australian government, and every one has substantially supported the bill. Mr Robert also said at the time:

Given the Woomera Prohibited Area contains recognised traditional owners and significant Indigenous sites, it is appropriate the bill regulate how non-Defence users who gain access to it treat and protect those sites and comply with all relevant native title and Aboriginal heritage laws. The coalition is very comfortable with that. The bill ensures that Indigenous groups with current statutory and access rights expressly retain these rights and will not need to re-apply for permission under the bill. We support that; it is sensible.

That was the opposition spokesman at the time speaking to the legislation.

Earlier this week, as we know, Labor supported the motion by Senator Eggleston to extend the reporting time of the bill on the basis that the government was seeking more time to prepare the regulatory impact statement that they believed needed to be provided, even though they knew that this legislation had been listed for debate this morning. There was a certain
sense of churlishness from some of the previous speakers that Senator Farrell had proceeded
to list his private member's bill for debate this morning, as if somehow that was an
inappropriate thing to do. Of course, it is the prerogative of every member of this Senate to
pursue a private member's bill. This period of time on Thursday mornings is allocated to the
debate of private member's bills. So Senator Farrell was doing nothing untoward in seeking to
have this bill listed—out of frustration because it was first referred to our committee in June
last year. He has obviously been frustrated by the fact that there has been no action taken.

Given the situation for the South Australian government, the job losses that have occurred
there and the concern about trying to diversify the economic base of that state to continue to
provide services for the people of South Australia, Senator Farrell has every right to bring the
bill forward. The South Australian government has assessed that over the next decade there is
potentially about $35 billion worth of iron ore, gold and other minerals available for mining
from within the Woomera Prohibited Area. I think it is fair to say, given the current economic
circumstances in South Australia, that the government is actively seeking ways to generate
new economic activity and new revenue streams into that state—more power to their arm for
doing so.

While the South Australian government has a financial interest in seeing the legislation go
ahead, the other side of the coin is the other submissions that we have received to the inquiry
which concern the desperate need to provide certainty for investors and the resource industry.
The submissions to the inquiry indicate that there is general support for the legislation,
including a strong submission from the Association of Mining and Exploration Companies as
the peak national industry representative body for mineral exploration and mining companies
within Australia—some of which are the small and emerging companies that are being
nurtured through projects in South Australia. The AMEC strongly supports the proposed
legislation which gives effect to the recommendations made in the final report of the review
into the WPA, which were accepted by the previous government in 2011.

Senator Fawcett also had a bit of a go about the expectations of Dr Hawke, the author of
the report, that there would be legislation drafted within a very short time frame to enact the
recommendations of his report. I think it was a little disingenuous of Senator Fawcett to refer
to a 15-month time frame for drafting a complex bill and negotiating with a myriad of
stakeholders—including with the traditional owners about the very sensitive issue of the
Maralinga lands following the five years of consultation that has already taken place—and to
any expectation by Dr Hawke or by the parliament that the legislation could be drafted in
haste. The idea that that was an unreasonable time frame is, as I say, pretty disingenuous.

The AMEC raised some concerns. I was really pleased to see that the combined
government response to the inquiry quite seriously took on board many of the concerns that
had been raised in the submissions. Additional changes, modifications and proposals to the
draft rules reflect the consultation and the concerns that were raised. I want to briefly quote
from the submission of the South Australian Chamber of Mines and Energy. That
organisation represents over 340 members in the resources and energy sector in South
Australia. The submission makes the point:

The Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 currently before the Senate
is the final step in delivering a co-existence model for Resources, other stakeholders, and Defence
industries to operate in this well regarded test range and highly prospective area. The Bill enables the
Defence and Resources Ministers to develop a set of rules to allow permitted access to the Woomera Prohibited Area for a variety of new stakeholders.

It is SACOME’s opinion and that of the wider industry that the legislative framework as written is sufficient in outlining the detail for a permitting system to exist and for access arrangements to be organised through the Woomera Prohibited Area Rules 2013.

A further SACOME submission states:
The current draft as tabled by Senator Farrell contains amendments to the 2013 Bill that are acceptable and within the scope of the Hawke Review especially as it relates to the principles of co-existence. SACOME recommended in a previous submission on the bill that there be no amendments to section 72TP. The amendment to include the Resources Minister in creating Rules for the WPA is welcomed. Furthermore the refining of the definitions of Indigenous land owners is acceptable, and provides surety for these important land owners.

In our committee discussions this morning we had a robust to-and-fro debate again. The Chair, Senator Eggleston, indicated that the government was not going to support this bill and was going to bring forward its own bill. We had a robust discussion about whether the bill was going to be substantially different. We got some varied indications but were told that it was going to be substantially the same. I am interested that Senator Xenophon is looking to move some amendments to this bill, because the suggestion this morning was that the way forward would be for the government to introduce amendments to the bill that reflected its concerns and issues, be what they may. We are very unsure of what they are. That suggestion was rejected again, adding to Senator Farrell's frustration, and I cannot blame him.

One of the contributions to the discussions this morning was about the lack of consultation. I would refer everyone to the joint submission by the Department of Defence and the Department of Industry, which addresses that issue.

Since July 2013—
after the bill was referred to us—
Defence has been continuing consultation with different stakeholders of the WPA.

Indigenous groups
Defence has continued consultations with Indigenous groups around the proposed new arrangements. Indigenous groups sought formal written confirmation of their existing access permissions under the Defence Force Regulations, including confirmation that any entitlement to compensation would be on ‘just terms’. This has been provided by Defence.

Some Indigenous groups have also sought agreements to formalise working level consultation and communication as part of range administration. Defence is working with them on the shape and detail of these arrangements.

That submission goes on to address issues that have been raised in submissions by railway owners and operators, the Northern Territory government, the South Australian government and the WPA Advisory Board, and it addresses future activities. It concludes with a section on amendments made to the bill after stakeholder consultation.

I recommend that everyone take a deep breath, read the submission carefully and acknowledge that, for everyone in South Australia, as part of its economic development, this is a critical issue. We are furiously in agreement about how important it is to bring this bill forward. I encourage those who are trying to play the party politics of replacing this bill with
substantially the same bill, but a government bill, to reconsider the option of bringing forward their own amendments in the second reading debate.

Senator EDWARDS (South Australia) (11:27): I rise today to speak on the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013. I have not been in the chamber all morning to hear all the contributions, but I do agree with the last comment made by Senator Stephens that there is furious agreement on this issue. I find somewhat confected all the sabre rattling that I heard this morning from Senator Farrell about how miffed he is that this matter is taking the shape that it is.

Mr Acting Deputy President Bernardi, as a South Australian you would know that the coalition government is hell-bent on ensuring that states are freed up to pursue their economic objectives. As a South Australian, I know that South Australia not only has objectives but also has imperatives. The outrage that I heard this morning about the government taking this bill into further consideration with the defence minister's own legislation on the cusp of being tabled in here is somewhat confected. I would probably be cynical enough to say that it might even be political. For all of those taking note of this contribution this morning, I would point out that South Australia faces a state election on 15 March.

The economy has surely come into the frame in this discussion of South Australia. That is effectively because the government in South Australia lacks vision and now it is relying on the contribution of federal South Australian parliamentarians, especially Senator Farrell, to carry the can for its delinquency over the 12 years that it has been in power there. Why is it that the Hawke report, which was tabled in 2011 and which recommended urgent legislation, was left idle, gathering cobwebs? The silverfish got into it. In June, perhaps with Senator Farrell reading the tea leaves or studying the polls—and I do not profess to know how this place works entirely; there was probably a nod and a wink to the then defence minister—this legislation got up. There was also the worst kept secret of all political time that we would be facing an election, but the only wild card was when the newly installed Prime Minister would call that election. Lo and behold, we had an election on 7 September.

I now sit on the Foreign Affairs, Defence and Trade Committee and have been to two meetings; I have come to understand that the coalition members of that committee were prepared to sit the week after the election was called to have a public inquiry and continue with the agenda. But the then government members of that committee—now the opposition members, the ones who are somewhat shrill on this issue—said they were busy with the election. Now, all of a sudden, this is the biggest announcement. Is this something that Senator Farrell planned when he was planning to take over the Labor Party in South Australia? We know that he finishes his contribution here on 30 June this year, and that is because Prime Minister Gillard asked him to step down from the No. 1 position on the Senate ballot in favour of Senator Wong. That proved disastrous for him personally, because he failed to get elected. Now, in an effort to ingratiate himself during his remaining time here, we have this confected outrage about this bill not proceeding. When we got hold of it, we were urged to ensure it had had the appropriate consultation, due diligence and regulatory rigours applied to it before it came to this place for passage.

I fear this is political and that it was intended to be a headline for the Labor Party in South Australia—'Look what we have done.' We have heard this morning that 'We have opened an area twice the size of Tasmania for mining.' Quite rarely do I see a minister come into this
chamber and talk so passionately to try to get someone on the other side to see reason. We in government will apply the appropriate rigours that we hold ourselves accountable to—not the rigours of legislation that those opposite hold themselves to. As we know, Senator Farrell was lined up to take over the state seat of Napier. That was the deal that was done—we all know that he is the godfather of the Labor Party in South Australia. What we are seeing now is a funny, cute attempt to use Woomera as an issue the Labor Party can talk about or that they can leverage against the federal government over the next four weeks.

I do not think that the good burghers of South Australia have any confidence that those on the other side ever got anything right in enhancing business, industry or anything else that they touched. Under their watch we saw a diminution of employment; we saw the highest youth unemployment rate in Australia in the northern suburbs. While we are on the northern suburbs of Adelaide, I saw that the member for Wakefield, Mr Champion, yesterday gave up on his seat when he declared that he needed a minister for the northern suburbs. Senator Bernardi, I am sure you caught the dispatches on that. I stood there and gasped. I thought: 'He has given up on his job. We should have a by-election in the seat of Wakefield because those people in Wakefield have just heard that he wants a minister for the northern suburbs.' That is an admission that he cannot do his job. Do you know that he is a mate of Senator Farrell's? They got to where they got because Don anointed them.

**The ACTING DEPUTY PRESIDENT (Senator Bernardi):** Order, Senator Edwards, you should refer to senators by their proper title.

**Senator Edwards:** Senator Farrell. I would like to point out that we now have a situation where the member for Wakefield is bereft of vision. He expects Senator Farrell to do the heavy lifting again for the Labor Party in South Australia and get these things done. It is a little bit too little too late. We, however, are on the job.

Remain calm: the Minister for Defence, minister Johnston, has clearly articulated the reasons we are doing what we are doing. He pointed out very eloquently the flaws in this legislation. In South Australia we have native title acts which have to be addressed, and, as far as I can see, his office has found that they have not properly been addressed in this bill. I heard part of Senator Wright's contribution in which she was rightly concerned about the Indigenous communities which will be affected by this bill. We need to take into account and cannot ride roughshod over the legislation of the states, or we risk incurring their wrath—no matter what their political persuasion. We have to be careful of states' rights.

I suspect that this legislation will not go far beyond March. We hear from Senator Xenophon—who is always trying to find a middle, popular path—that we need some amendments to it. After today, the legislation will probably be on the floor anyway. Senator Johnston stated that the amended version of the bill will include a number of points of particular concern to both South Australian and Northern Territory governments. These amendments are a clarification of existing uses, including those of pastoralists, railways and Indigenous groups.

A waiver to the regulation impact statement requirement was enforced for the previous government's bill on the Woomera Prohibited Area, the terms of which are substantially similar to the private senator's bill under debate today. So this is the second time out for such legislation, yet this one has been granted a regulatory impact statement exemption. But this grant does not agree with our plan. A regulation impact statement on the proposed changes to
Defence's administration of the Woomera Prohibited Area has now been finalised. The statement will inform any legislative or regulatory changes the government intends to make to the administration of the Woomera Prohibited Area. Existing access arrangements for the Woomera Prohibited Area have been in place in their current form since 1989 and are administered under the Defence Force regulations.

The Woomera Prohibited Area is a very important asset on the national stage. The minister outlined why it is so important—and it is, fundamentally, a Defence Force asset. The Australian Defence Force have opened their minds to how we can better utilise the country's assets. We know that they are going to have to continue to use the Woomera Prohibited Area. We know that protecting research and development of all the things which we deploy to protect our country is very important—it is priority No. 1. Then we have to get the regulation right, and in order to do so we have to consult. Judging by the last 12 years of Labor government in South Australia, consultation is new down there. The government in South Australia is an announce-and-defend government. We do not want to be like them; we want to take into account the pastoralists, the people who operate the railways and the Aboriginal people—and we are doing so.

I do not think we need another inquiry; I think that all the sabre rattling that has gone on here today indicates that we are in furious agreement. This bill is political: through it the Labor Party means to enhance its chances of electoral success on 15 March in South Australia. Unfortunately for them, they probably will not be able to trick the South Australian public again. Senator Stephens said in her contribution that she saw some churlishness in here, but I think that what is churlish is that now, 10 minutes after the Labor Party has been thrown out of office, a bill on the Woomera Prohibited Area is an immediate priority. You on the other side are quite right: it is a priority. But you sat on the question of the Woomera Prohibited Area for years and did not do anything about it until the eve of the election. Only then, on reading the tea leaves, you introduced this bill, and the inquiry into the Woomera Prohibited Area was stalled.

I know that there has been a bit of toing and froing about what was said and what we were going to do. I have never questioned Senator Farrell's endeavour. He is quite clearly an ardent protector of South Australia; it is just that he does not have many friends left in the South Australian Labor Party. That is sad—I do not think he deserves it—but, as a last gasp and trying to get something through, he is trying to put this bill on the record. I cannot blame him for that.

As we have heard from the minister, the situation with the Woomera Prohibited Area is under control. We will apply our tests in introducing legislation on it, and such legislation will go through the rigors necessary to satisfy my minister's high standards for regulations he wants to bring in. As drafted, the bill applies to new users seeking access to the Woomera Prohibited Area. The definition of 'new users' is that they are users who would not have access permission under the current Defence Force regulations. This definition goes back to 1952, which is when the law on the Woomera Prohibited Area came into force. Those who have existing access permission under the Defence Force Regulations 1952 act are referred to as 'existing users'.

There has been a great deal of discussion about who 'existing users' are and about who qualifies for access. But we are sorting all that out. 'Existing users' include extant pastoralists,
Indigenous groups, the Tarcoola-to-Darwin railway owner and operators, and the four existing mines. These users will continue to access the Woomera Prohibited Area under the existing arrangements that include leases, deeds and other permissions provided under the Defence Force Regulations Act 1952.

Defence is continuing to work closely with all these users to respond to their concerns, which mainly consist of clarifying longstanding existing working relationships and access arrangements and permissions with Defence. We do not want to be embroiled in litigation. We do not want our Defence Forces do something that has unintended consequences. This has to suffer the rigours that this place, quite rightly, puts in place to ensure that we do not get things wrong. We do not want a series of unintended consequences for the Indigenous people of South Australia. And we want good economic outcomes. We do not want people saying, 'This is a restriction of our use.' We do not want people saying, 'This was not in the deal that we did under a previous regime.' We do not want people racing to their lawyers. We want to get this right—and we are only weeks away.

You heard this from the minister. He could not have been in more agreement with any of the sentiment behind Senator Farrell's private senator's bill here. But he is the minister and he has the call. You can say whatever you like about this place but, when you are elected, you are elected to run it as you see it is to be run.

I want to talk a little bit before I finish about consultation. Defence has undertaken consultation with a range of relevant stakeholders regarding this prohibited area, including the rail companies; the South Australia Department of Manufacturing, Innovation, Trade, Resources and Energy; and Defence SA. Not everything had been addressed and they have addressed those issues that have arisen in those discussions in this soon-to-be-tabled legislation.

The Woomera Prohibited Area Advisory Board has consulted widely with pastoralists, the resource companies and the rail owners and operators. They have another meeting in Adelaide on 18 February, which is not far away. And those talks will take in, very importantly, Indigenous groups. Also at that meeting will be Conservation SA and the South Australian Chamber of Mines and Energy. These are not repeat meetings; these are meetings to cover off the issue. I urge members and senators—(Time expired)

**Senator MARK BISHOP** (Western Australia) (11:47): Let me respond to some of the comments that Senator Edwards made in his contribution to the debate on the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013. First is the issue of consultation by the previous government on the issues that are raised by the bill before the chair.

It is fair to say, and it is on the record, that there was extensive consultation undertaken during the review process and that the legislation before the chair today implements the recommendations put forward in the review. Submissions were received in that consultation process from interested stakeholders, including the resources industry, a range of Indigenous groups, pastoralists and environmental groups. That consultation process included the release of an information paper on the proposed legislative framework for the Woomera Prohibited Area and that paper provided a general overview of the proposed policy framework for the implementation of the then proposed legislative package.
An exposure draft was released in May 2013 with a request for stakeholder feedback and the South Australian government hosted a consultation workshop in Adelaide in May 2013, chaired by the Woomera Prohibited Area Coordination Office, to discuss the then proposed bill. And again in late May the South Australian government hosted discussions between Defence officials and the traditional owners of the lands affected by the then proposed bill. So one cannot conclude other than that there was anything else but extensive and detailed consultation over an extended period of time with a range of the interest groups who were and continue to be affected by the proposed legislation.

As we go forward, I understand that this bill will be referred to a Senate committee. The government intends to bring forward its own bill. That will again be referred to a Senate committee and then the government's bill will be brought into the chamber. What that means, of course, is that there are going to be deliberate and extensive delays in the passage of either this bill or the government's bill—because they are identical in substance—and that is a shame. Really, I wonder why that is occurring. In some sense it reminds me quite eerily of the process that occurred in the Defence Trade Controls Bill, brought in over the last two years, where there was continuing delay because some of the consultation engaged in by the relevant department was found to be inadequate—

The DEPUTY PRESIDENT: Thank you, Senator Bishop. The time for this debate has expired. You are automatically in continuation at the resumption of the debate.

**DOCUMENTS**

**Border Protection**

*Order for the Production of Documents*

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (11:51): Mr Deputy President, I table the following documents relating to the order for production of documents concerning border protection operations.

*The documents read as follows—*

Immigration—Border protection operations—Lifeboats—Letter from the Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 12 February 2014, dated 13 February 2014.

**NOTICES**

**Presentation**

Senators Cash, Moore and Waters to move:

That the Senate acknowledges that:

(a) underage and forced marriage is a totally unacceptable illegal practice and will not be tolerated in Australia under any circumstances;

(b) the Australian Government is deeply concerned by this illegal practice and is keen to work jointly with state and territory governments on tackling this issue;

(c) under the Commonwealth *Marriage Act 1961*, it is an offence to solemnise a marriage where one or both parties is not of marriageable age;

(d) it is also an offence to go through a form of ceremony of marriage with a person who is not of marriageable age;
(e) under the Commonwealth Criminal Code, it is also an offence to force a person into marriage without their full and free consent through coercion, threat or deception;

(f) the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 has strengthened Australia’s response to slavery, slavery-like practices and human trafficking, including by criminalising forced marriage; and

(g) the Government provides support to victims of forced marriage through the Support for Trafficked People Program, which provide victims access to accommodation, financial support, counselling, medical treatment, legal and migration advice and interpreter services.

Senator Ludlam to move:

That there be laid on the table by the Attorney-General, no later than 2 pm on 6 March 2014, evidence to substantiate the Attorney-General’s claim to the Senate on 11 February 2014 that former National Security Agency contractor Mr Edward Snowden ‘has put Australian lives at risk’.

Senator Siewert to move:

That the Senate—

(a) notes that:

(i) poor kidney health continues to be a serious problem for Aboriginal people in Central Australia with an alarming growth in the need for dialysis both now and in the future,

(ii) the release of a report by the Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation and EY into Service Delivery Model of remote dialysis in Central Australia, and

(iii) this report finds that the Western Desert Dialysis model of care:

(a) offers a unique combination of services and approach to patient care and community engagement that has allowed for significant success particularly in terms of patient participation,

(b) is cost effective,

(c) encourages higher patient participation rate,

(d) creates better clinical outcomes,

(e) offers higher levels of clinical safety, and

(f) supports people to be able to remain on country, which means that there is a greater prospect of children accessing education, adults contributing economically and communities remaining safe and stable; and

(b) calls on the Government to ensure that:

(i) the $10 million earmarked by the previous government for renal services is urgently spent on improving central desert infrastructure, and

(ii) a community approach to renal services is at the heart of any renal treatment strategy.

COMMITTEES

Selection of Bills Committee

Report

Senator KROGER (Victoria—Chief Government Whip) (11:52): I present the first report of 2014 of the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.
The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 1 OF 2014

1. The committee met in private session on Wednesday, 12 February 2014 at 7.16 pm.
2. The committee resolved to recommend—That the following bills not be referred to committees:
   - Landholders' Right to Refuse (Gas and Coal) Bill 2013
   - Marriage Equality Amendment Bill 2013
   - National Integrity Commission Bill 2013
   - Primary Industries (Excise) Levies Amendment (Dairy Produce) Bill 2014
     The committee recommends accordingly.
3. The committee deferred consideration of the following bills to its next meeting:
   - Adelaide Airport Curfew Amendment (Protecting Residents' Amenity) Bill 2014
   - Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
   - Live Animal Export (Slaughter) Prohibition Bill 2014
     (Helen Kroger)
Chair
13 February 2014
Senator KROGER: I move:
That the report be adopted.
Question agreed to.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:52): I move:
That—
(a) government business orders of the day as shown in the list circulated in the chamber be considered from 12.45 pm today; and
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
Question agreed to.

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:53): I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 123 standing in the name of Senator Carr, relating to Australian jobs; and
(b) orders of the day relating to government documents.
Question agreed to.
NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Madigan for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 3 March 2014.

Business of the Senate notices of motion nos 2 and 7 standing in the name of Senator Hanson-Young for today, proposing references to the Legal and Constitutional Affairs References Committee, postponed till 3 March 2014.

MOTIONS

National Apology to Australia's Aboriginal and Torres Strait Islander Peoples

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (11:54): I, and also on behalf of Senator Peris, Senator Siewert and Senator Xenophon, move:

That the Senate—
(a) notes that 13 February 2014 marks the 6th anniversary of the National Apology to Australia's Aboriginal and Torres Strait Islander peoples;
(b) recognises the significance of the apology and its meaning to Aboriginal and Torres Strait Islander peoples;
(c) confirms its support for the recognition in the Constitution of Aboriginal and Torres Strait Islander peoples as the first Australians; and
(d) confirms a multi-party commitment to work in partnership with Aboriginal and Torres Strait Islander peoples to Close the Gap on Aboriginal disadvantage.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SCULLION: I thank those opposite who co-sponsored this joint motion. I would also like to thank the National Sorry Day Committee for ensuring that this now sacred day is not forgotten and that we commemorate it each year. As many in this place would know—it has been on the public record—I was initially a bit of a sceptic about the impact that this Sorry Day, this apology, would have on Aboriginal and Islander Australians. I have also put on the record that I now know of the profound impact the apology had, particularly across my friends. It was clearly a transformative experience.

Now we need to move to the next steps to ensure that Australia lives this apology, recognising the First Australians in our Constitution will be a significant step on this journey. All of us working towards that end need to ensure that we are inviting people along on this journey, not creating a clash or a polarised position. This needs to be an invitation to this very important journey. (Time expired)

Question agreed to.
COMMITTEES

Economics References Committee

Meeting

Senator KROGER (Victoria—Chief Government Whip) (11:56): At the request of
Senator Bishop, I move:

That the Economics References Committee be authorised to hold a private meeting otherwise than in
accordance with standing order 33(1) during the sitting of the Senate on Thursday, 13 February 2014,
from 3.30 pm.

Question agreed to.

Joint Standing Committee on Treaties

Meeting

Senator KROGER (Victoria—Chief Government Whip) (11:56): At the request of
Senator Fawcett, I move:

That the Joint Standing Committee on Treaties be authorised to hold public meetings during the
sittings of the Senate, from 11 am to 1 pm, as follows:
(a) Monday, 3 March 2014;
(b) Monday, 17 March 2014; and
(c) Monday, 24 March 2014.

Question agreed to.

Rural and Regional Affairs and Transport References Committee

Reporting Date

Senator KROGER (Victoria—Chief Government Whip) (11:56): At the request of
Senator Sterle, I move:

That the time for the presentation of reports of the Rural and Regional Affairs and Transport
References Committee be extended, as follows:
(a) future of beekeeping and pollination service industries in Australia—to 19 June 2014;
(b) grass-fed cattle levies—to 30 June 2014; and
(c) public transport—to 30 June 2014.

Question agreed to.

MOTIONS

Greste, Mr Peter

Senator MILNE (Tasmania—Leader of the Australian Greens) (11:56): I move:

That the Senate—
(a) notes:
   (i) with deep concern, the charges the Egyptian Government has laid against Australian citizen and
       journalist, Mr Peter Greste, and fellow Al Jazeera journalists,
   (ii) calls by the White House, the United Nations, and global news agencies for their release
   (iii) the excellent support Australian consular officials are providing to Mr Greste and his family; and
(b) calls on the Prime Minister (Mr Abbott) and the Minister for Foreign Affairs (Ms Bishop) to make
direct contact with the Egyptian Government to seek the immediate release of Mr Greste and the other
19 individuals detained.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and
Assistant Minister for Social Services) (11:56): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The Australian government is deeply concerned about the ongoing
detention of Mr Peter Greste by Egyptian authorities. Mr Greste was detained, along with his
colleagues, during the normal course of his work as a journalist. The imposition by Egyptian
authorities of restrictive measures against political opponents, the use of force against
protestors and the targeting of the media is deeply troubling.

Journalists have an legitimate role to play in any democracy. That is particularly so at the
moment. The Minister for Foreign Affairs has raised Mr Greste's case directly with Egypt's
foreign minister and the Egyptian ambassador to Australia, and will continue to do so.

Australia's ambassador to Egypt has also raised concerns about Mr Greste's case with the
ministry of justice and with the prosecutor general. Since his arrest, consular officials have
met with Mr Greste on many occasions. The Minister for Foreign Affairs has assured Mr
Greste's family that the Australian government is committed to supporting him through his
ordeal.

Question agreed to.

BILLS

Great Barrier Reef Legislation Amendment Bill 2014

First Reading

Senator WATERS (Queensland) (11:58): I move:

That the following bills be introduced: A Bill for an Act to amend the law relating to the Great
Barrier Reef and for related purposes.

Question agreed to.

Senator WATERS: 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 WATERS (Queensland) (11:59): I table an explanatory memorandum and I
move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in Hansard and to continue my
remarks.

Leave granted.
The speech read as follows—

The Great Barrier Reef Legislation Amendment Bill 2014 implements in our national environment laws key recommendations of the World Heritage Committee to ensure the Great Barrier Reef does not get added to the "World Heritage In Danger" list. Further, the Bill prohibits sludge dredged up for port developments from being dumped anywhere within the Great Barrier Reef World Heritage Area.

The Australian Greens share the World Heritage Committee's "extreme concern" that the Australian World Heritage icon, the Great Barrier Reef, is being overrun by industrialisation.

In June 2012, the World Heritage Committee stated that unless the Australian Government makes substantial progress on improving our management of the Great Barrier Reef, the Committee would have to consider inscribing the Reef on the "List of World Heritage in Danger". This concern was reiterated at the Committee's meeting in mid-2013, where they noted that the Government had made limited progress in tackling the issues facing the Reef, particularly with regard to the industrialisation of the Reef's coastline.

The World Heritage Committee is due to make its decision on whether our Reef has to be downgraded to "World Heritage in Danger" when the Committee next meets in June 2014. Such a declaration would be a tragedy for our Reef, and the extraordinary number of Australians who love this place, and the 63,000 people who rely on it for their livelihood. The only other countries that have had their World Heritage properties inscribed on this list are among the world's poorest, and war-torn nations—Afghanistan, the Congo, Yemen.

Following the World Heritage Committee's initial raising of the alarm on the Reef, the Australian Government has submitted two State Party Reports in response to the Committee's concerns. The Australian Greens have reviewed these reports, and are very concerned they contain a predominance of greenwash and obfuscation. The World Heritage Committee has clearly recommended against new ports, or port expansions where they significantly impact the Great Barrier Reef. Yet within three months of taking office, this Government approved the expansion of the Abbot Point coal terminal to become the world's biggest coal port - within the Great Barrier Reef World Heritage Area. This project will involve the dumping of five million tonnes of port sludge offshore in the Great Barrier Reef's waters, where it will drift for untold kilometres, smothering sea grass and corals – the habitat of turtles, dugongs and countless other species who call the Reef home.

In late 2013 the Abbott Government also approved yet another LNG plant to be built on Curtis Island in Gladstone Harbour within the World Heritage Area, and they've indicated support for a second shipping channel in Gladstone, involving huge dredging of the sea bottom of the Harbour, further increasing pressure on this important inshore Reef ecosystem.

Natural (pre-colonial) sediment run-off from the Reef's river catchments into the Reef is estimated at 3 million tonnes per year. On top of that, the Reef is now subject to significant increased sediment run-off due to agriculture of approximately 6 million tonnes per year – which the Reef Rescue program is making very positive steps to combat. In light of this, allowing a further five million tonnes of sediment to be dumped offshore directly into the Reef's waters, for just one of many planned port developments, completely undermines the efforts of farmers and communities to date to protect the Reef, and makes a mockery of any stated commitments to protecting the Great Barrier Reef.

The Greens take the concerns of the Queensland community, our fishers, tourism operators and reef scientists and the UN World Heritage Committee seriously. It is for this reason that this Bill proposes to ban offshore dumping of port dredging sludge within the Great Barrier Reef's waters, and this amendment is backdated to ensure that the plan to dump dredge spoil offshore at Abbot Point is stopped.

It's the Great Barrier Reef, it's World Heritage, and it's at risk. We have to step up to protect the Reef for the generations to come. It's time to stop dumping on the Reef.
This Bill proposes a number of other measures that need to be taken urgently to secure the future of the Reef. To that end, we have identified a number of key recommendations by the Committee and the UNESCO Reactive Monitoring Mission which are suitable for implementing through our national environment laws.

This Bill proposes to put in place a permanent ban on any new port development outside of the existing and long-established major port areas within or adjoining the GBR WHA, including specifically banning new port developments in the ecologically valuable Port Alma, Balaclava Island, northern Curtis Island and the entire northern section of the Great Barrier Reef. This would implement, under our national environment laws, Recommendation 5 of the World Heritage Committee's decision of June 2012 (Decision 36 COM 7B.B), and reflects the findings of UNESCO's Reactive Monitoring Mission's report, which identifies a number of pristine areas along the Great Barrier Reef coastline that should not be destroyed by industrial port developments.

This Bill also proposes to stop port expansions if they impact individually or cumulatively on the Outstanding Universal Value of the Great Barrier Reef. This implements Recommendation 5 of the World Heritage Committee's decision of June 2012 (Decision 36 COM 7B.B).

This Bill also proposes to put in place a moratorium to stop the national environment minister from approving any new developments that would seriously affect the Great Barrier Reef World Heritage Area until the Strategic Assessment currently underway, and a resulting long term plan for the sustainable development of the Reef, has been completed and considered by the World Heritage Committee. This implements Recommendation 2 of UNESCO's Reactive Monitoring Mission's report, which the World Heritage Committee has requested the Australian Government address (per the Committee's Recommendation 4 of Decision 36 COM 7B.B). The critical point of this amendment is to ensure that the Minister can no longer continue to tick off the very projects that have prompted the World Heritage Committee's extreme concern, while they are undertaking their strategic assessment to work out what the Reef in fact can handle. Since the World Heritage Committee first made this recommendation in June 2012, the Australian Government has flouted this request and approved expansions of Abbot Point (including 5 million tonnes of dredging), a fourth liquefied natural gas plant in Gladstone Harbour and two huge coal mines in the Galilee Basin for export through the Reef. The terms of reference for the strategic assessment currently underway to assess coastal development impacting on the Great Barrier Reef explicitly say, despite the World Heritage Committee's request, that project level assessments and approvals will continue to be progressed unhampered by the strategic assessment process. That is, anything that is applied for before the strategic assessment finishes cannot have its approval impacted by the strategic assessment—like a smoker going to the doctor and getting everything but their lungs checked. That's why this amendment requires the World Heritage Committee to assent to the strategic assessment before the moratorium is lifted, to ensure that it does adequately address the parameters which the World Heritage Committee said it should.

Lastly, this Bill proposes to amend the approval criteria for projects that will impact the Great Barrier Reef World Heritage Area, so that projects can only be approved if they deliver a net benefit for the Reef. This amendment also requires that a methodology be developed to underpin this judgement, and that the 'net benefit' reasoning is explained by the Minister for each project that is approved. This will implement part of the World Heritage Committee's Recommendation 8 (Decision 36 COM 7B.B), which calls on the Government to ensure that developments affecting the Great Barrier Reef demonstrate an overall net benefit to the protection of the Reef's Outstanding Universal Value. The Government itself purports to be applying such a test, but its methodology to date is extremely questionable. The Minister has claimed that the Abbot Point coal port will deliver 'net benefit' to the Reef, when it involves dumping of 5 million tonnes of sludge into the Reef's waters, when the entire annual agricultural sediment run-off along the entire Reef coastline is estimated at only 6 million tonnes. Experts such as the eminent Dr John Brodie agree that the Minister's claims here really don't stack up – and it's high time such claims did.
The Australian Government has so far fallen short in acting on the World Heritage Committee's recommendations, but this Bill presents the Government and the Australian Labor Party the opportunity to stand up for our Reef, and do what the Committee has clearly stated the Reef desperately needs.

It should be beyond party politics to protect our Reef, to keep it as one of the seven wonders of the natural world that so inspires our spirit, fills our coffers with $6 billion annual sustainable—and long-term—income, and keeps employing 63,000 people. Political parties of all persuasion must take this warning from the World Heritage Committee seriously and do everything we can to avoid the Reef being placed on the "World Heritage In Danger" list. Such a listing would be a disaster for our tourism industry, and would acknowledge the serious environmental peril the Reef is in from the scourge of dredging, dumping and shipping for fossil fuel exports, and from the climate change impacts when such fossil fuels are burnt.

On behalf of Australia's Reef communities, and all Australians who love our Reef, I implore our elected representatives for their support on this Bill. Australia's Great Barrier Reef is simply too precious to lose.

I commend this Bill to the Senate.

MOTIONS

Statements by the Queensland Premier

Senator WRIGHT (South Australia) (11:59): I move:

That the Senate—

(a) notes the Queensland Premier (Mr Newman) has made recent public statements that:

(i) any lawyer acting for a member of a motorcycling gang is part of what he described as a criminal gang machine, and will say and do anything to defend their clients,

(ii) members of the legal community, including the judiciary, are living out of touch with society and do not understand what the community wants from the law, and

(iii) the doctrine of separation of powers between the legislature, the executive and the judiciary is less applicable to Australia than other places;

(b) affirms that these comments do not acknowledge lawyers' professional obligations, including their duty to the court, the integrity of the judiciary or the application of the separation of powers in Australia's parliamentary democracy, and so are incorrect; and

(c) calls on the Commonwealth Attorney-General (Senator Brandis) to acknowledge and uphold the integrity of the legal profession and the judiciary across Australia.

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

The Senate divided. [12:04]

Ayes ....................37
Noes ....................29
Majority .................8

AYES

Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R

Bishop, TM
Cameron, DN
Collins, JMA
Dastyari, S
Farrell, D
Senator Tillem did not vote, to compensate for the vacancy caused by the resignation of Senator Joyce.

Question agreed to.

The DEPUTY PRESIDENT (12:06): I advise senators that there are a further 11 motions to deal with and I expect there may be divisions occurring through those 11 motions. So, if there are, I will be calling one-minute divisions, in accordance with the standing orders.
COMMITTEES

Procedure Committee

Reference

Senator DI NATALE (Victoria) (12:07): I move:
That the following matter be referred to the Procedure Committee for inquiry and report:
That consideration be given to amending section 50 of the standing orders to replace the prayer with the following: 'Senators, let us in silence pray or reflect upon our responsibilities to the people of Australia, to the states and territories which we represent, and to all future generations.'

Question negatived.

Senator MOORE (Queensland) (12:07): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: In relation to the motion moved by Senator Di Natale, it is my understanding that there is currently a review taking place of all the procedures through the Procedure Committee. It is our expectation that the issues raised would be a natural part of that committee process. That is the reason why we did not support that motion.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: I am disappointed that both the government and the opposition have voted against this motion. Given that there is a review currently underway, it would not have harmed that review to give specific consideration to an amendment of standing order 50 on the Lord's Prayer. I am flagging now that Senator Siewert, who is the Greens' representative on the Procedure Committee, will be raising this issue specifically with the Procedure Committee. We are doing this because we live in a country where there is a clear separation between church and state. We live in a country where many people have no faith—and a modern Australian parliament should reflect that. We do say that there should be some opportunity for reflection or, indeed, prayer, if people feel that way, and that is why we would like to see a minute at the start of each day in this place being offered for that reason.

Legal and Constitutional Affairs References Committee

Reference

Senator WRIGHT (South Australia) (12:09): I move:
That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 15 May 2014:
(a) responses by the Australian Securities and Investments Commission, the Australian Federal Police and the Australian Crime Commission (the agencies) to allegations of corruption and of breaches of Commonwealth laws, including allegations:
(i) concerning the Reserve Bank of Australia, Securency and Note Printing Australia,
(ii) in the Leighton group of companies and in the construction industry generally, and
(iii) concerning other entities;
(b) whether the agencies' investigation of allegations of serious fraud, including bribery, and their decisions whether to commence any prosecutions, were appropriate;
(c) whether the agencies appropriately communicated with each other and cooperated in a manner which ensured the optimal effectiveness of law enforcement with respect to serious fraud;
(d) whether the relationship between the agencies is such that the Australian community can have confidence that serious fraud is being properly investigated and any breaches properly prosecuted;
(e) whether the agencies are appropriately resourced;
(f) whether Australia should have a stand-alone Commonwealth agency to investigate and prosecute breaches of laws regarding serious fraud;
(g) whether Australia should have an independent standing commission against corruption, at the federal level;
(h) recommendations for further action by the Commonwealth Government and its agencies; and
(i) any related matters.

Question negatived.

NOTICES
Postponement

Senator XENOPHON (South Australia) (12:10): by leave—I, and also on behalf of Senator Madigan, move:

That business of the Senate notice of motion no. 5 standing in the names of Senators Xenophon and Madigan for today, proposing a reference to the Economics References Committee, be postponed till the next day of sitting.

Question agreed to.

COMMITTEES

Environment and Communications References Committee
Reference

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:10): I move:

That the following matters be referred to the Environment and Communications References Committee for inquiry and report by 15 May 2014:

(a) the natural world heritage values of the Tasmanian Wilderness World Heritage Area minor boundary extension passed by the World Heritage Committee in June 2013;
(b) the interaction between the Department of the Environment and the Prime Minister and other ministers' offices, and the process followed in the department's review of the 2013 extension that led to a lesser minor boundary extension being submitted for consideration at the 2014 World Heritage Committee meeting;
(c) any action the Department of Environment has funded, directed and overseen to rehabilitate any degraded areas within the World Heritage Area identified in the department's 2013 review, as per the requirements of the World Heritage Convention;
(d) the extent and description of any areas of degraded forest included in the 2013 boundary adjustment and the World Heritage Committee's rationale for including them;
(e) implications for the World Heritage status of the Tasmanian Wilderness World Heritage Area of the Government's request to withdraw the 74 000 hectares for logging; and
(f) any related matter.

Question agreed to.
MOTIONS

Bell Bay Pulp Mill

Senator WHISH-WILSON (Tasmania) (12:11): I move:

That the Senate—

(a) notes:

(i) the conditions of the Gunns Pulp Mill approval (EPBC 2007/3385) by the then Minister for the Environment, on 10 March 2011, which requires 'no wood sourced from native forests will be used by the Bell Bay pulp mill',

(ii) the Minister for the Environment (Mr Hunt) has confirmed the Government has asked the United Nations Educational, Scientific and Cultural Organization's World Heritage Committee to delist 74 000 hectares of Tasmanian forest,

(iii) that with the support of the Liberal and Labor parties, the Tasmanian Parliament passed legislation in January 2014 to remove doubts about the validity of the permit for the Bell Bay Pulp Mill project; and

(b) calls on the Government to commit to maintain the environmental requirement in the Gunns Pulp Mill approval (EPBC 2007/3385) that excludes wood sourced from native forests being used as feedstock.

Question agreed to.

DOCUMENTS

Korea-Australia Free Trade Agreement

Order for the Production of Documents

Senator WHISH-WILSON (Tasmania) (12:12): I move:

That there be laid on the table by the Minister representing the Minister for Trade and Investment, by 3 March 2014, the modelling and associated reports referred to by the Prime Minister and the Minister for Trade and Investment that outline the economic costs and benefits of the Korea–Australia Free Trade Agreement.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: On the one hand, we have a government selling a free trade agreement based on independent economic modelling outlining the benefits of that agreement; and, on the other hand, we have the car industry. This week Toyota, and over the last 12 months Ford and Mitsubishi, have been talking about the death of the car industry based on both current and future free trade deals. Presumably, the modelling that has been done by the government has factored in the serious risks that the car industry have had for a long time with trade deals. Given the importance of this matter and the importance of a bigger discussion and debate around free trade and fair trade in this country—that is, that trade has risks and costs, as well as benefits—the government should release the economic modelling for scrutiny.

Senator XENOPHON (South Australia) (12:13): I seek leave to make a short statement of no longer than 30 seconds.

The DEPUTY PRESIDENT: Leave is granted for 30 seconds.
Senator XENOPHON: I indicate my support for the motion moved by Senator Whish-Wilson. It is essential that we obtain the modelling and the other documents. We do not want to be considering these issues in a vacuum. I note for the record that Senator Madigan is of a similar view.

Question agreed to.

**MOTIONS**

**Australian Rail Track Corporation**

Senator RHIANNON (New South Wales) (12:14): I move:

That the Senate—

(a) notes:

(i) the recent Senate inquiry into the impacts on health of air quality in Australia recommended health impact assessments for new mining developments and the covering of coal trains that spread dust in populated areas,

(ii) the New South Wales' Environment Protection Authority has, under pollution reduction programs administered by the Australian Rail Track Corporation (ARTC), which manages the haulage of coal in the Hunter Valley, directed ARTC to assess whether coal trains contribute to increased pollution particulate emissions,

(iii) that documents released under Freedom of Information requests have shown that the reports from ARTC aimed at meeting these requirements were misleading as they failed to recognise uncovered coal wagons as causing the spike in particulate concentrations,

(iv) that during 2012 the network of 17 Hunter Valley air quality monitoring stations recorded levels of PM10 over the national standard on 115 occasions – more than 30 000 Newcastle residents live within 500 metres of the coal corridor, and

(v) a number of peer reviewed reports have highlighted this problem, which was not addressed in the final report; and

(b) calls on the ARTC to:

(i) require all coal wagons during transport operations to be covered when loaded and unloaded,

(ii) ensure that future reports on particulate pollution it is responsible for producing are subject to thorough methodological scrutiny, and

(iii) publicly disclose all data and peer revision arising from any of its reports into particulate pollution resulting from its operations.

Question negatived.


The DEPUTY PRESIDENT: Leave is granted for 30 seconds.

Senator RHIANNON: Let the Senate note that in the vote just held, Labor voted with the coalition against requiring the Australian Rail Track Corporation to cover rail coal wagons.

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CHAMBER
Cambodian Elections

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:15): I move:

That the Senate—

(a) notes:

(i) that on 3 January 2014, a peaceful protest of garment factory employees in Cambodia for increased wages became violent when government security forces opened fire on the demonstrators, killing five people and injuring more than 30,

(ii) that a number of incidents followed, in which peaceful protesters were forcibly arrested, and reportedly beaten and tortured, resulting in a ban on demonstrations,

(iii) that this decision is reflective of a broader suppression of those who speak and act in defence of human rights in Cambodia, including the Cambodia National Rescue Party leaders Mr Sam Rainsy and Mr Kem Sokha, and

(iv) the ongoing dispute over the July 2013 election and electoral processes, including alleged voter fraud and corruption;

(b) condemns the use of violence and excessive force by the Cambodian Government, and implores it to protect and strengthen human rights, including a repeal of the ban on demonstrations; and

(c) calls on the:

(i) Cambodian Government to accept an international, independent investigation into allegations of fraud and corruption during the July 2013 election, and

(ii) Australian Parliament to affirm its commitment to the protection of human rights and democracy in Cambodia.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The Australian government is concerned about reports of death and injuries at demonstrations in Phnom Penh in early January. The government has urged all parties concerned to exercise restraint and resolve these issues through open dialogue. Our embassy in Phnom Penh has consistently raised these matters with the Cambodian government and we have ongoing engagement on human rights issues. The government has encouraged the Cambodian government and opposition to remain in dialogue on this and other related issues. The government believes that the motion put forward would not be appropriate and could be counterproductive. The Australian government continues to monitor the human rights situation in Cambodia and is committed to working constructively with the Cambodian government for the protection of human rights and democracy.

Question agreed to.

Australian Broadcasting Corporation

Senator LUDLAM (Western Australia) (12:16): I move:

That the Senate—

(a) notes that:

(i) the Australian Broadcasting Corporation (ABC) is Australia's most trusted news and current affairs broadcaster,
(ii) the ABC is an extremely well loved national institution, and that independent opinion polls regularly reveal high levels of public satisfaction with the broadcaster, and  
(iii) the Coalition has cut funding for the ABC in the past, including an 11 per cent cut in 1998 under Prime Minister John Howard;

(b) calls on the Government to:

(i) commit to protecting funding to the ABC in the forthcoming budget, and

(ii) cease threatening the ABC's editorial independence; and

(c) orders that there be laid on the table, by the Minister representing the Minister for Communications (Senator Fifield) by 3 March 2014, the 2006 KPMG report into the adequacy and efficiency of ABC funding commissioned by the Howard Government.

I seek leave to make a very brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: I understand that the government will be opposing this motion—although if Senator Fifield wants to put us in the picture, that would be greatly appreciated. This motion effectively cements and acknowledges the role of the ABC as Australia's most trusted news and current affairs broadcaster. It is a well-loved and trusted national institution. The last time the coalition was in power, they cut funding for the ABC and put it on a starvation diet, including an 11 per cent cut in 1998 under Prime Minister John Howard. I, like many other Australians, was extremely disturbed to see the Prime Minister and senior members of the executive criticising the ABC and demanding it take a particular editorial line on the same day as announcing a so-called efficiency review, which we all know is code for 'cuts to funding'. On 6 September, Prime Minister Tony Abbott categorically said he would not cut funding to the ABC. I ask Senator Fifield, for the coalition, to underline this commitment before the Senate today. (Time expired)


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: This government, like every government before it, has no power, as the Greens well know, to direct the ABC in relation to its operational matters and editorial decisions. These are matters for the executive and the board. In terms of internal ABC programming and editorial decisions, the parliament has given the ABC independence by law. Obviously the responsibility for ensuring that this obligation is met is expressly stated to lie with those particular parties, and the government respects this. The government has stated its commitment to maintaining the quality, performance and efficiency of the ABC to ensure that the ABC fulfils its charter. All governments have a duty to ensure taxpayers' funds are used as efficiently as possible, and the national broadcaster is no exception. The efficiency study the government recently announced will assist the national broadcaster to find more efficient delivery—(Time expired)

Question agreed to.
BUSINESS
Rearrangement

Senator MOORE (Queensland) (12:18): I move:

(1) That the order of the Senate of 4 December 2013 relating to estimates hearings for 2014 be amended as follows:

2013-14 additional estimates, add:
and, if required, Friday, 28 February (Groups A and B)
2014-15 budget estimates, add:
and, if required, Friday, 24 October (supplementary hearings—Groups A and B)

(2) That, for the purposes of that order, an additional hearing of a committee considering estimates is taken to be required where any 3 members of the committee notify the chair of the requirement, in writing.

(3) That paragraph (2) operate subject to the restriction in standing order 26(3) that not more than 4 committees shall hear evidence on the estimates simultaneously.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: There is more than just a hint of hypocrisy in this motion. Under the Howard government there was provision for spillover days. When the previous Labor government came into office they decided they would dispense with spillover days. In fact, Labor senators adopted very much a work to rule attitude: not one minute of smoko time would ever be encroached upon while Labor were in charge of the Senate estimates process; it was work to rule. If Senator Polley were here, I might make particular reference to her chairing of Senate estimates committees in that regard.

Senator Jacinta Collins: She is here.

Senator FIFIELD: Oh, there she is.

Senator Polley interjecting—

Senator FIFIELD: That's right, work to rule. So it is a little ironic and a little hypocritical that the opposition, with their numbers, are now seeking to reintroduce this. For our part, we do not have a particular issue with it, but it is just hypocritical. (Time expired)

Question agreed to.

DOCUMENTS
Operation Sovereign Borders
Order for the Production of Documents

Senator MOORE (Queensland) (12:20): I move:

That there be laid on the table by the Assistant Minister for Immigration and Border Protection no later than noon on Friday, 21 February 2014, a copy of the report of the Review of Operation Sovereign Borders Vessel Positioning December 2013 – January 2014 and accompanying documents identified in part 10 of the review terms of reference.
Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:20): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CASH: The government will not be supporting this motion as we consider it to be redundant. The opposition will be receiving a copy of the review. This fact has been outlined to both the shadow minister for immigration and border protection and the member for Kingsford Smith, who have both received a full confidential briefing on Operation Sovereign Borders and are therefore aware of the imperative for operational security.

Question agreed to.

MOTIONS

Coal Seam Gas

Senator WATERS (Queensland) (12:22): I, and also on behalf of Senators Wright, Hanson-Young and Ludlam, move:

That the Senate—

(a) notes:

(i) the concern of communities in South Australia and Western Australia about their land and water being threatened by shale and other unconventional gas mining,

(ii) that landholders lack the legal right to refuse shale and other unconventional gas mining on their land, and

(iii) the scientific uncertainty surrounding the environmental and health implications of hydraulic fracturing (‘fracking’) for shale and other unconventional gas mining; and

(b) calls on the Federal Government to:

(i) ban the use of fracturing by the unconventional gas industry across Australia, and

(ii) support the Australian Greens’ bill to give landholders the legal right to refuse shale and other unconventional gas mining on their land.

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

The Senate divided. [12:23]

The Deputy President—Senator Parry

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

AYES

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

Senator STEPHENS (New South Wales) (12:25): I, and also on behalf of Senators Moore, Rhiannon and Milne, move:

That the Senate—

(a) notes Australia's co sponsorship of the:

(i) 2012 United Nations (UN) General Assembly Human Rights Council (HRC) resolution calling on the Sri Lankan Government to implement the recommendations of the Lessons Learnt and Reconciliation Commission of Sri Lanka and to take credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans, and

(ii) 2013 UN General Assembly HRC resolution expressing concern at continuing reports of violations of human rights in Sri Lanka, and reiterating the call on the Government of Sri Lanka to implement the Commission's recommendations and to fulfil its commitment to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law;

(b) notes:

(i) continuing reports of violations of human rights in Sri Lanka, and international concerns about insufficient progress by the Government of Sri Lanka in addressing justice, reconciliation and accountability, and

(ii) the forthcoming update to the HRC 24th session on the progress of the 2012 and 2013 resolutions;

(c) calls on the Australian Government to:

(i) maintain Australia's strong record of support for human rights at the 24th session of the HRC, including in relation to Sri Lanka,

(ii) support the United States in its call for the 'international community to establish an independent international accountability mechanism to evaluate reports of war crimes, crimes against humanity, and other human rights violations committed by both sides during and after the war in Sri Lanka',

Question negatived.
(iii) co sponsor any United States resolution at the UNHRC in March 2014 regarding Sri Lanka’s progress on accountability and human rights, and

(iv) urge the Government of Sri Lanka to:

(A) allow unimpeded access for media, international aid agencies, and human rights groups into all regions of the country, as well as to detention sites that may hold political and war prisoners, and

(B) end its media restrictions, including the obstacles to the flow of information in the north and east, and bring to justice those responsible for attacks on journalists and newspaper offices.


Leave granted.

Senator FIFIELD: The Australian government considers that engaging Sri Lanka, not isolating it, is the most effective way to encourage and advance progress on human rights and accountability, the rule of law and democratic governance, and to promote reconciliation. The government continues to urge the Sri Lankan government to give the highest priority to implementing the recommendations of the Lessons Learnt and Reconciliation Commission and regularly raises human rights issues with it. The government also consistently urges Sri Lanka to ensure all allegations of serious international crimes committed by both sides to the civil conflict are investigated and prosecuted in a transparent and independent manner. A decision on whether Australia will co-sponsor a US led resolution on Sri Lanka at the UN Human Rights Council in March will be made after due consideration of the final text and the balance of issues it raises. The motion as it stands would pre-empt this and, for that reason, we cannot support it. We encourage all parties to take a constructive approach towards the proposed resolution. Any resolution must go to assist the process of reconciliation. (Time expired)

Question agreed to.

COMMITTEES

Additional Information

Senator KROGER (Victoria—Chief Government Whip) (12:27): I present additional information received by committees relating to estimates.

BILLS

Climate Change Authority (Abolition) Bill 2013

Second Reading

(Quorum formed)

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add: ", but the Senate condemns the abolition of the Climate Change Authority, given the vital role it played in providing transparent information on all forms of climate change mitigation."

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CHAMBER
Senator WATERS (Queensland) (12:29): I rise to speak on the Climate Change Authority (Abolition) Bill 2013 and to register my and the Greens' extreme concern at the direction of the Abbott government in regard to climate change. Given the extreme weather events that we continue to see over summer—sadly, year in and year out—it remains completely unbelievable that this government has its head in the sand. We have seen the human toll of these sorts of disasters, and we have in fact seen a complete abandonment of science by this government. This is just yet another example of that.

The Climate Change Authority is responsible for advising on the target that the government should adopt in dealing with climate change, reviewing the renewable energy target and other matters. The need for independent science to be driving these decisions is absolutely crucial. The time for politicising climate change is certainly not right now. What we, instead, see is the government wilfully blinding itself to the science and wilfully blinding itself to the human effects of the extreme weather events that we know will become more frequent and more severe. The Greens are utterly incredulous that this government is on an ideological driven path of warfare against climate action. It is incredibly risky, dangerous and negligent of this government to be on that path.

We know that the government cannot wait for the Senate to change and to seek at that stage to try to repeal this bill. The Greens are really proud that until such time as that happens we will stand firm in this place and that we will always stand up for climate action and that we will stand up for keeping these laws on our books and improving them.

In Queensland we have seen the terrible human effects of the floods of 2011. I think there is not a Queenslander and, I hope, not an Australian who failed to be touched by that human toll. I am a proud Queenslander; we have the Great Barrier Reef on our doorstep. We already know that it is at serious risk from climate change. Sadly, the latest scientific advice tells us that it is at serious risk of bleaching from just a one degree increase in climate, not the two degrees that the government has purportedly committed to keeping climate change to.

I wish to speak to the pathetic five per cent target that this government claims to support. Its own policy would not deliver that five per cent cut. It has failed to stump up the dollars that would be needed for its flawed model to come anywhere near that five per cent. We need to do better in terms of science making these sorts of decisions. That is precisely why the Climate Change Authority needs to remain as the independent adviserr pointing out that, in fact, five per cent is too small and that if we fail to reduce our greenhouse gas emissions we will not only be condemning other species to extinction but be condemning our own way of life. We are a coastal community. We are a community that loves our existing way of life. That is under threat.

Why is this government selling out the science and selling out communities by simply adopting its slogan of 'Axe the tax'? There are bright people in this place, and there are bright people on both sides of this chamber. Why are they not rethinking this incredibly dangerous and shallow policy position when it comes to the carbon tax? Politics simply cannot be overriding the science here. There is too much at stake. At stake is our way of life. At stake is our biodiversity. At stake is our Great Barrier Reef. The whole nature of our economy will shift if we do not tackle climate change.

Yet, on the flip side, we have such a great opportunity to retool our economy and get ready for the low-carbon economy that the rest of the world is already moving towards. We could in
fact make a motza out of starting that transition now. Yet we see this government simply committed to yet another three-word slogan of 'Axe the tax'. I think you will find that Australians are incredibly disappointed that this government has its head in the sand about the real impacts of climate change. I think you will find that with continuing extreme weather events people are more and more concerned about this issue. We are hopeful that in the new Senate cooler heads will prevail and we may be able to retain some aspects of the climate package.

I had the great pleasure of sitting in on several Senate inquiries on this matter. We heard from the Clean Energy Finance Corporation that not only is it reducing emissions with the investments that it makes in renewable energy on the government's behalf but also it is making the government money. In this so-called budget crisis which we are continually told about, why on earth would you be getting rid of an institution that is making you money? I am afraid that ideology is once again trumping good sense. Ideology is trumping science. I am very disappointed in members of the government who continue to ignore having a good evidence base for the policies that they purport to support.

Being from Queensland, I will continue to speak about climate issues. I am very worried about the future of our reef, and I am worried about the future of communities that live by the coast. We have already seen storm surges. We have already seen coral bleaching. We know that climate change is one of the greatest threats to our reef. We know it is the greatest threat to our biodiversity. With the climate changing and the nature and shape of our ecological assets changing, it is all the more important to invest in biodiversity and wildlife corridors and invest in climate change adaptation so that we can be ready for the next extreme weather events. It is just negligent for our government to fail to do that.

I had some stories from Queenslanders that I wanted to share but, sadly, I do not have them to hand. But I want to take the opportunity to acknowledge the Queenslanders who have emailed my office and shared their stories and shared why they are so worried about climate change and why they want this government to actually listen to the science and listen to the community and to keep these laws on our books—these laws which are working to bring down emissions and will help set us up for the future and protect us from the devastation of extreme weather events. Many grandparents have emailed in. The point they raise is that they are worried about the future of their grandchildren. As a mother, that plagues me as well. I fear for what the world will look like for my little girl when she is my age or twice my age. It is almost hard to imagine what the world will be like if we continue to do nothing about climate change, as this government would have us do.

We have a really good framework on our books for tackling climate change. It is not perfect. It does need to be stronger. I would like this parliament to be working on making it stronger rather than making it weaker. Instead, we have this ideological attack, this refusal to accept that climate change is human induced. The well-known phrase that our Prime Minister uttered was that he thinks that climate change is crap. I wish it was; it would be an awful lot easier if it was. But, sadly, the vast majority of the world's scientists do not agree, and we see evidence daily of the extreme weather events that are getting more frequent and more severe.

A review into the renewable energy target has also been announced by this government. We all know that that, sadly, is code for slashing the renewable energy target. I ask the government to reflect on their party's history. It was John Howard who, as Prime Minister,
introduced that target initially. It was a very good thing to do. It was a low target, at two per cent, that of course has subsequently been increased to 20 per cent. I ask the government to reflect on their own history and their own previous commitment to having a renewable energy target. We now know that that is under review. We fear that the figures will be fiddled, either that it will now be not a target but based on a kilowatt hour target. I am worried that this is code for the renewable energy target being completely slashed.

If we want to tool ourselves up for the new economy, if we actually want to maintain our very solid economic position in the world—we all know we avoided the GFC for a whole variety of reasons—then investing in renewable energy is the way to go. It is the future. We know that it creates more jobs than dirty coal and gas, which are becoming increasingly mechanised. We know that renewable energy is more job intensive. We know that it is genuinely clean and we know that it works and can power our cities and homes.

There have been wonderful initiatives in the last few years that, sadly, the rest of the globe is getting ahead of us on—things like solar thermal, which is actually baseload power. The refrain we hear from government is that, somehow, renewables cannot keep the lights on. They can, and power sources such as solar thermal, where you heat the water or the molten salt during the day and you can store that heat overnight, can provide power 24/7. That technology has been partially developed by Australian scientists who have had to go overseas because research and development funding was slashed the last time this lot were in power.

We have so much innovation and initiative and talent in this country that could be well directed and focused towards renewable energy development. I do not want to see those bright minds go offshore to develop that technology. I do not want to see other countries getting the jump on us when we have a natural advantage here with renewables. We have the best sunshine in the world, some pretty good wind, some excellent potential for tidal power and some pretty good geothermal deposits. We have so many options here for clean energy that will help us tackle climate change, that will keep power prices low and that can serve so many positive purposes. Why do we have this ideological attack by this government that slashes the steps we have finally started to take to get our economy ready for tomorrow and to finally start to tackle climate change, that biggest, greatest moral challenge of our time? The Prime Minister needs to shine a great big spotlight, as he likes to say, on some science. He might like to shine a great big spotlight on the Climate Change Authority, which is there to provide him advice on the basis of science about what our greenhouse gas emissions reduction targets should be, about what our renewable energy target should be and about a whole range of other useful policy advice that will help this Prime Minister shape the future of the nation in a positive way rather than simply taking us backwards, rather than putting our lot in with the fossil fuel companies and, unfortunately, damning us to yet more extreme weather events.

We are told that there is a budget emergency. There is a Commission of Audit that will recommend slashing and burning all sorts of investments. We are told that the Clean Energy Finance Corporation is one of them. Of course, the carbon price is another. The Clean Energy Finance Corporation and the carbon price are making the government money. If we have a budget crisis and if the Commission of Audit is genuinely looking at all options, not only should it be looking at revenue options but also it should be looking at the ability of these policy measures to actually bring in money. I fail to understand why, if that is your stated
objective, these policies are on the chopping block. The answer can only be that you are committed to the pathetic three-word slogan that you think got you elected and you think the Australian people want. I think you are sadly mistaken. This is a very risky course of action that stands to threaten the way of life of all of us, your children included. I ask you to reflect very seriously on the importance of this institution in giving you the evidence on which to make good decisions. It makes no sense to abolish the givers of independent advice on such crucial policy matters.

I hearken back to the so-called budget crisis that we are in. If you are really looking at trying to plug holes in the budget or get us back onto what you say is a more solid footing more quickly, can you please look at the fossil fuel subsidies that your government is giving to the big mining companies? There is so much money that could be made there. Depending on whether you include the diesel rebates and subsidies, you could get up to $12 billion. That is an awful lot of money for companies that are doing pretty well for themselves already. Of course, it is not stopping them slashing jobs. I ask this government to reflect very seriously on the Climate Change Authority and on the ability of the carbon price to bring in revenue and to tackle the serious problem of climate change.

My staff have kindly delivered to me the statements I referred to earlier from Queenslanders who emailed me and who are very concerned about this government's direction on climate change. The first contribution is from a woman named Marilyn Livingstone, who lives in beautiful North Queensland. I will read her statement. She says:

I live in Tropical North Queensland. I was born here in Innisfail in 1951, grew up on a sugar cane farm in Feluga and later in the town of Tully. This area is World Heritage rainforest and the rainforest area is shrinking.... Several of these cyclones have visited the Tully - Mission Beach area in my lifetime - the first in 1956, then 30 years later Winifred in 1986, 20 years on we had Larry in 2006 and lastly Yasi 5 years later in 2011... if we have another like Yasi in the next few years, I fear it will seriously change things. Already the climate seems to be more like that experienced in Darwin with extreme wet and dry seasons - Tropical Savannah not Tropical Rainforest. Growing up here in the 1950's-1960's, and 1970's the weather could be described as wet and very wet now, there is a definite dry season where we get very little rain for several months and then the heavy wet. I believe action on climate change should have been taken a couple of decades ago and that it may well be too late to stop the changes already in motion but I do not believe that is an excuse to do nothing. We have to harness every safe option we have to halt carbon pollution so that the most extreme result of climate change is not triggered. Australia may have a small population but our reliance on carbon intensive export industries (including coal) makes us a big part of the problem. We need to set an example. We need to support clean energy solutions such as wind, solar and small hydro …

The ACTING DEPUTY PRESIDENT (Senator Gallacher): Order! The time allotted for the debate has expired.

Australian Research Council Amendment Bill 2013
Second Reading

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

Senator XENOPHON (South Australia) (12:45): While I do support the Australian Research Council Amendment Bill, I believe we need to look more closely at the way we fund research and development activities in Australia. I note that while this bill does increase
the funding allocated to the Australian Research Council, it does not reverse the trend of funding amounts declining over time. If we are to be the clever country, then this is a real area of concern.

The recent announcements by Holden and Toyota and the problems faced by SPC Ardmona and other manufacturers and processors demonstrate only too clearly that we need to be focusing on rebuilding that sector and that involves smart, innovative approaches. It involves focusing on R&D. I do not think it is good enough to accept that we will be almost the only G20 nation without an automotive manufacturing sector able to not only design but also manufacture a car.

The way forward, and not just for manufacturing, is to focus on research and development. We need to focus on re-education and development so that we can build skills and invest in the future. This is not limited to manufacturing. We know that Australia is falling behind in our educational standards, so it is common sense that we should be researching our education system and how Australian children learn.

In South Australia, the state and federal governments have invested many millions of dollars in the new South Australian Health and Medical Research Institute, but there is no point in having a state-of-the-art building with no researchers to fill it. It can be hard to justify spending on research, particularly when there seem to be so few concrete outcomes, but as a proud South Australian I would like to point out the example of Howard Florey. He worked with Scotsman Alexander Fleming to discover penicillin, but that discovery would never have happened if the perpetually messy Fleming had not accidentally left something culturing in his laboratory while he went on holiday.

The end result of R&D spending is not always known, but that should not be a reason not to do it. I understand that we are in a difficult fiscal environment, but we have to be careful where we trim budgets. We have to be tactical and consider where we can get the best long-term value for money. The government has focused on the increased funding provided by that bill and I understand that. I hope in the next few years we can see a real increase, not just less of a decrease, in these areas.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:48):
I thank senators for their contribution and commend the bill to the Senate.

(Quorum formed)

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (12:51): 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 RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:51):
I move:

That the bill be now read a third time.

Question agreed to.

Bill read a third time.
Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013
Second Reading

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

Senator FARRELL (South Australia) (12:52): I rise to speak on the Veterans Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013. I do appreciate that it is in the category of non-controversial legislation; however, a number of very important points can be made about this legislation that ought to go on the public record.

I start my contribution by recognising that much of the work that appears in this legislation was in fact prepared by the former Minister for Veterans' Affairs, Mr Warren Snowdon. It is part of the terrific legacy of work on veterans affairs that he leaves this parliament. The amendments proposed in this legislation are primarily technical in nature but are all quite crucial in amending other pieces of legislation, which will have long-term benefits for our veterans. The amendments do a number of things. They add flexibility to the payment of some veterans benefits; they extend coverage, making definitions consistent across social security and veterans affairs legislation; they improve debt recovery coverage; and they correct errors in a number of pieces of legislation. I will briefly take the time of the Senate to expand on each of those.

As I said, this legislation was a creature of the former minister, Minister Snowdon. It was first introduced into the 43rd Parliament on 27 June 2012 as the Veterans' Affairs Legislation Amendment Bill 2012. It was passed by the House of Representatives on 22 August 2012 and was introduced into the Senate on that same day. However, the previous bill did not pass the Senate. We have had some experience this morning with legislation that should have passed through the last parliament but, one way or another, did not go through. Unfortunately, this piece of legislation fits into that category. It passed the lower house and should have proceeded through the Senate, but the election intervened, resulting in it lapsing. The current Minister for Veterans' Affairs has reinvigorated this legislation and brought it back for our consideration.

As it stands, there are three main acts of parliament that provide for compensation and coverage of war or defence service injury, disease or death. The first of those is the Veterans' Entitlements Act 1986. It provides for those who undertook operational service, peacekeeping service, hazardous military service and/or peacetime military service between 7 December 1972 and 6 April 1986. The second piece of legislation is the Safety, Rehabilitation and Compensation Act 1988. It provides coverage for illness, injury or death arising from military service undertaken between 3 January 1949 and 30 June 2004. The third piece of legislation is the Military Rehabilitation and Compensation Act 2004. It provides coverage for illness, injury or death arising from military service undertaken from 1 July 2004.

The Australian Participants in British Nuclear Tests (Treatment) Act 2006 provides for eligible nuclear test participants to receive treatment and testing for cancer. From October 1952 until October 1957, British atomic weapons were detonated at Montebello Islands off the west coast of Western Australia and, as I am sure you will be familiar with, Mr Acting Deputy President Gallacher, at Emu Field and Maralinga in South Australia. Participants...
eligible for assistance under this scheme included Defence Force personnel, public servants and civilian contractors. You may recall, Mr Acting Deputy President, that there was some discussion about this earlier today, when the Senate was dealing with legislation to open up Woomera for mining exploration and development.

The purpose of this bill is to amend the Australian Participants in British Nuclear Tests (Treatment) Act 2006 and the Veterans Entitlements Act 1986 so that the payment of travel expenses for treatment may be approved by the Repatriation Commission before or after the travel has been undertaken; to clarify provisions relating to advance payments for travel expenses; and to make minor clarifying amendments. The bill also amends the Military Rehabilitation and Compensation Act 2004 and the Veterans Entitlements Act 1986 to allow for the extension of special assistance benefits under these acts to those who would not otherwise be eligible by way of legislative instrument made by the Military Rehabilitation and Compensation Commission or the Repatriation Commission respectively, rather than by regulation. It also amends the Veterans' Entitlements Act of 1986 to extend the application of debt recovery provisions to cover legislative instruments made under the Veterans' Entitlements Act of 1986. Another important change in this Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Bill of 2013 is to rename the War Precautions Act Repeal Act of 1920 as the Protection of Word 'Anzac' Act of 1920. Further changes amend the Defence Services Homes Act of 1918 to extend entitlements for the benefits under this act to the Australian Defence Force members who were on board HMAS Canberra as part of Operation DAMASK VI between 13 January 1993 and 19 January 1993.

Another change to legislation as a result of this bill—which goes through with the full support of the opposition—is the amendment to the Military Rehabilitation and Compensation Act of 2004 to clarify the various references to 'written determinations'—legislative instruments—and to replace references to 'disallowable instrument' with 'legislative instrument'. Amendments are also being made as a result of the successful passing of this legislation to the Military Rehabilitation and Compensation Act of 2004 to replace references to telephone and pharmaceutical allowances with reference to the Military Rehabilitation and Compensation Act of 2004 Supplement. In this respect there are a number of other amendments that are consequential upon that change. The first of those is to amend the Social Security Act of 1991 to correct references to sections of the Veterans' Entitlements Act of 1986. Further, there are changes to amend the Veterans' Entitlements Act of 1986 to correct references to sections of the Social Security Act of 1991 in regard to eligibility for attendant allowances. The third change in this regard is the amendments of the Veterans' Entitlements Act of 1986 to align definitions of various forms of maintenance income with those contained in the new tax system, Family Assessment Act of 1999.

There are further tax implication changes that are incorporated in this bill. They relate to amendments to the Income Tax Assessment Act to make it clear that the treatment costs and reimbursements under the Australian Participants in British Nuclear Tests (Treatment) Act are exempt from income. It may be considered that this is perhaps one of the most significant variations of this bill. There were 155,000 claims for reimbursement processed in the year 2010-11, and that is a very important element. This will clarify administrative arrangements for the payment of travel expenses under the Veterans' Entitlements Act and the Australian Participants in British Nuclear Tests (Treatment) Act.
There will also be amendments to Defence Services Homes Act to ensure that those with operational service as part of Operation DAMASK VI in 1993 are eligible for subsidised home loans and insurance under that act. This is another important benefit of this legislation and, as I said, it emanated from the previous minister, Mr Snowdon. This bill will also ensure the bereavement payments for funeral expenses for Indigenous Veterans' or members whose exempt income for the purposes of the Social Security income test. There are a number of amendments to the definition of 'Australia'—these are minor amendments—to authorise Clean Energy payments under the Veterans' Entitlements Act of 1986 and the Military Rehabilitation and Compensation Act of 2004 to residents of Norfolk Island.

The bill will also provide for more timely provisions of special assistance under the Veterans' Entitlements Act of 1986 and the Military Rehabilitation and Compensation Act of 2004. That will be done via a legislative instrument, instead of the current arrangement that requires regulation. So, it is a simplification of the procedures, and I think it will be appreciated by the veteran community. The bill will also ensure that debt recovery provisions will be applicable to all relevant provisions of the Veterans' Entitlements Act of 1986, the regulations and any legislative instruments made under the Veterans' Entitlements Act of 1986 and amend the Military Rehabilitation and Compensation Act of 2004 to replace obsolete references to pharmaceutical allowances and telephone allowances. The final point I would like to make in respect of this legislation is that the amendments proposed by the bill are primarily technical in nature and, as I indicated earlier, they add flexibility to the payments of the veterans' benefits. The significant thing is that this piece of legislation does have the full support of the opposition, and we will be voting in favour of the amendments in accordance with the bill.

Senator IAN MACDONALD (Queensland) (13:06): We have just witnessed another example of the Labor Party's attempt to disrupt the proceedings of this parliament. So far, all year, we have been debating one series of bills: the carbon tax repeal bills. The Labor Party have stacked out the speakers list; there has been filibustering in the carbon tax bills debate beyond understanding. What we have just heard from the shadow minister on this veterans' affairs legislation was simply a repeat of the second reading speech—nothing new was contributed. This is a technical bill for which it took the speaker some 15 minutes to indicate support.

There is other important legislation which needs to be addressed here, but I will draw to the Senate's attention—and, because proceedings are being broadcast, to the attention of those who may be listening to the debate—the extent of the Labor Party's interest in veterans' affairs. In the words of the previous speaker, the shadow minister, this bill was introduced into the Senate on 22 August 2012. I take the previous speaker's word for that, even though I have not checked the date. The date on which the legislation was first introduced fell some 18 months ago. This demonstrates that the Labor Party when in government could not manage the program of the Senate. The same date fell 12 months before the 2013 election, so the Labor Party had a full 12 months to introduce what the shadow minister now says is important veterans legislation. Even so, the Labor Party has not until now bothered to have it brought before the chamber for debate.

These facts are symptomatic of the Labor Party's approach to veterans' matters. The minister said a couple of days ago that there were two occasions on which the Labor Party...
could have supported the coalition's motion for fairer indexation of veterans' pensions. But the Labor Party in government refused to support it. They are clearly not prepared to assist veterans with a fairer indexation of the entitlements.

If you listened in the past to the former minister in question time and during his ministerial statements, you heard that the arrangements by the previous government for the Centenary of Anzac were practically non-existent and that those in place were a bit of a shambles. Fortunately, the government has changed: we have a minister who is keen to progress the interests of veterans. As Senator Ronaldson has mentioned on a number of occasions, the issues which need to be addressed will be addressed by the present government.

I am delighted that this bill—which the Labor Party claim as their own and which was introduced into the chamber some 18 months ago but which, for whatever reason, was never dealt with by the previous government—is now being dealt with. Hopefully, with the support of the Labor Party—and, I assume, the support of all other parties in the chamber—the legislation can now be passed, albeit some 18 months late.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:11): I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Smith) (13:11): 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 the Committee of the Whole.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:11): I move:
That the bill be now read a third time.

Question agreed to.

Bill read a third time.

BILLS

Telecommunications Legislation Amendment (Consumer Protection) Bill 2013

Second Reading

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

Senator STEPHENS (New South Wales) (13:12): The Telecommunications Legislation Amendment (Consumer Protection) Bill 2013 was also introduced by the Labor government during its previous term and is being supported by us in opposition. People might think that this is a pedestrian bill. It is certainly uncontroversial, but it is critically important because it goes to amendments to the Do Not Call Register, which most of us as consumers have had some dealings with.

The amendments in this bill will enhance the operational efficiency of the Do Not Call Register. It is quite interesting, perhaps, to those who might be listening, that the Do Not Call
Register was put in place to regulate unsolicited and unwanted telemarketing calls. The main elements of the Do Not Call Register act are a prohibition on making telecommunication calls to an Australian number which is registered on the Do Not Call Register, subject to certain exemptions.

I know that there would be many people in this place who have had constituents advise them that they felt that the exemptions are not fair and that organisations which are allowed to use such telemarketing techniques should be discouraged from doing so. I have some sympathy for the frustration of families who sit together at dinner time inevitably to get a call from an overseas telemarketer on behalf of a charity. I encourage charities and not-for-profit organisations who use telemarketing not to call at that time of day. The penalty provision is aimed at calls made from an Australian number or from overseas to Australian numbers—and we are all acutely aware of how many organisations have now relocated their telemarketing centres overseas.

There is a requirement that agreements for the making of telemarketing calls must require compliance with this act. It is surprising how many organisations do not understand that there are quite serious implications for not complying with this act. The requirement is aimed at organisations which may contract with another party to provide telemarketing services on their behalf. Again, when you realise that you are contracting to an overseas telemarketing company, the onus and responsibility is on you in contracting that service to ensure that the telemarketing company meets the requirements of the act.

There is a requirement for a Do Not Call Register to be established under the act, which has been established and is quite effective, allowing people to register either their private or their domestic numbers on the register. The act also includes the civil sanctions regime. The enforcement regime is a tiered regime to allow ACMA, as the telecommunications oversight body, to enforce compliance—starting with a formal warning, acceptance of an enforceable undertaking, issuing an infringement notice or even going to the step of applying to the Federal Court for an injunction. So it is a tiered approach and not necessarily a heavy-handed approach, which is not what we want to see although we do want to educate charities, organisations and telemarketers about the way in which we like to do business in Australia.

The amendments being made in this bill will enhance the operational efficiency of the Do Not Call Register. The bill will also simplify the processes for updating industry codes and increase the transparency of processes to develop industry codes. It will also provide greater clarity around the role of the Telecommunications Industry Ombudsman, its standard of operations and processes for regular review. The amendments to the bill are not contentious. They certainly have the support of industry, the regulatory authorities and, as I said, many consumer representatives and consumers themselves.

The bill was introduced by the previous government in the House of Representatives and was then referred by the Senate to the Environment and Communications Legislation Committee last year. That committee reported in late June but the bill was not actually reintroduced into the Senate. The committee only received six submissions, and those submitters were broadly in favour of the measures in that bill. The committee recommended one amendment, and that has been incorporated into this legislation.

The bill reflects the continuing importance of consumer protection regulation in telecommunications and the two sets of amendments in the bill that apply to protections of
consumers of telecommunications services are very important. We are all familiar with stories of telco-provider service failures—they seem to be the most common consumer advocacy complaints, constantly aired in the media—and the industry has certainly been criticised for telecommunications plans that are difficult to understand, roaming fees, phone-bill shock and customer service failures. It becomes more complicated when you have a smart phone, so you are connected into the whole internet failure and the NBN, but we can continue with those arguments on another day.

This bill really is about industry regulation and industry codes of practice. The telecommunications industry has a reputation for having quite strong industry codes of practice. They are an industry that is committed to continuous improvement in their customer service because, of course, their customers vote with their feet and they will go to another service provider—and the telecommunications market is a highly contested market. So customers make their choices based very much on customer service in a range of ways, including things like the Do Not Call Register.

My mother used to have a saying, which was that it didn't matter what people said to you; it was how they made you feel that you remember. The frustration of having your calls drop out can be one of the worst disasters you can have as a telecommunications company. Once people have had a negative experience with a telco provider they will go away and they will never come back. It is a hard lesson for that industry to learn, but they are committed to it.

So the commitment by the telcos has been underpinned by the Telecommunications Consumer Protection Code as well as the Telecommunications Industry Ombudsman and the regulator, ACMA. The development of the Telecommunications Consumer Protection Code was a major step forward and it included, for the first time, a comprehensive compliance regime. The amendments in this bill allow industry codes to be amended rather than having to be fully remade, making it possible for the code and other codes to be made more effective if new problems and issues arise as new forms of IT support or new innovations in the telecommunications space emerge. Those can be quickly addressed by amending the code, and the industry must ensure that that occurs.

The Telecommunications Industry Ombudsman scheme is effective in providing recourse for consumers who are not able to resolve the issues with their provider, but in fact it has been slow to adapt to the new issues and to address governance challenges. We have seen that in the way in which we have had large telco providers packaging up their services in ways and then selling their services to smaller consumers, particularly in regional areas, who perhaps do not have the bandwidth or the capacity to actually deliver the services to their consumers. So smaller providers are definitely caught up in this issue. The clear specification of standards of operation and the requirement for regular review that are included in the legislation will ensure that it continues to be effective in the future.

We have heard much discussion by this new government about the reduction of regulation, and that is a burden we all share with the government. But we believe that it must not come at the expense of removing important protections for consumers. The amendments in the bill are an example of how effective regulatory review can be achieved. As I said, industry codes work well in well-regulated industries and better regulation is what we all seek to achieve—as opposed to more red tape.
In the opposition we are very interested in how the government intends to proceed with its agenda of removing the burden of regulation. The government has made the point that it intends to have that regulation repeal day some time in 2014. I do not know if the date has been announced yet.

There will be a day dedicated to removing regulation that is considered burdensome and redundant. The government has indicated that its measurement methodology will be based on the Victorian government's approach, which focuses on costs and does not focus on the social outcomes of regulation. So one of the issues that is raised in the context of this bill is that if the Do Not Call Register is identified as a regulatory burden because of the compliance costs of checking call lists against it, it would be targeted for revision. In weighing up the costs and benefits of regulation we want to ensure that it is not just the monetary costs that are taken into account. The inconvenience factor can sometimes be used as an argument for removing regulation that is there to protect consumers. I commend the bill to the Senate.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:23):

I thank Senator Stephens for her contribution and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Smith) (13:24): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:24):

I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Education Services for Overseas Students Amendment Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator LINES (Western Australia) (13:24): I would like to speak on the Education Services for Overseas Students Amendment Bill 2013. This bill seeks to make amendments that will empower the Tuition Protection Services—the TPS—to better protect students. By protecting students we protect Australia's reputation as a country which can offer the highest quality vocational and tertiary education.

The bill makes two amendments. The first is to ensure that the Tuition Protection Service has the power to force the refund of prepaid fees where a provider fails or a course is cancelled. The second is to ensure that the Tuition Protection Service has the power to force a refund of prepaid fees where a visa is refused for a prospective student. Both of these amendments are important, given the economic value that the overseas student market has to
Australia, and also because we want to protect our reputation as a quality provider of education.

The Tuition Protection Service—the TPS—is a signature reform of the former Labor government. It emerged from the crisis of international education brought about by the lax immigration rules of the former Howard government in relation to student visas. Certainly, profits were put before quality education. These lax rules lead to unsustainable volumes of international students. This failure of conservative policy-making saw the entrance into the market of operators, some of which can only be described as immigration scams dressed up as educational providers.

Indeed, at the time, we saw, night after night on our nightly news, the plight of overseas students who were not able to fulfil the course requirements and leave Australia with an educational qualification and who had lost all of the funds they had paid to these scam operators—funds which had, no doubt, been scraped together by family and through the students' work. Clearly, something needed to be done. Further, I think at the time Australia's reputation as a provider of quality education was well and truly tarnished as, night after night, scam after scam was uncovered. Students were just not getting the proper educational outcomes, and they were losing money. It was certainly an embarrassing time for us.

That forced us to ask ourselves some genuine questions about the quality of an Australian education and the soundness of training providers, some of whom were damaging the entire Australian education sector. International students looking at coming to Australia from overseas were seeing scam providers on the news. They had no way by which to judge the quality of Australian education. They could only see what was being broadcast and printed in international media. As I said, at the time it was very embarrassing. Writing in the *Monthly*, the journalist Margaret Simons, described the situation:

Most of our big export industries do their business out of sight of city dwellers. Mines are dug and ore extracted without stirring the dust on suburban streets. There is one such industry, though, whose major commodity is visible in our capitals. That commodity is human beings. They are the confused young people trying to serve us in low-rent fast food outlets. They are the lonely kids on city streets or sharing rooms—and even beds—in crowded houses in the suburbs. They are an underclass in the labour market, with working conditions that undermine those for all lower paid workers.

That was the reality as shown regularly through the media. It was the reality of our great international education industry under John Howard. Unfortunately, the reality was that there was exploitation.

Dodgy colleges—there is no other way to describe them—sprang up like mushrooms for the single purpose of providing students a piece of paper that was a pathway to residence. And often the students did not get to the dodgy piece of paper. It was a situation where the government of the time truly lost control of our borders, of our immigration program. Remember, 'We will decide who comes to this country'? John Howard and his immigration and education ministers certainly did not decide. Instead of delivering the skilled workers our country needed to compete, the policies of the Howard government had delivered a situation where Australia was about to gain a generation of migrants with dubious qualifications. This was a crisis of our immigration program, and it was a crisis in our education system.

And we needed to act. Labor acted to clean up the mess of the Howard government's overseas student program, which tarnished our overseas reputation, left students without
formal qualifications, and certainly robbed them of their hard-won funding arrangements. So, we tightened up our rules. We cleaned out the migration agents, which is all on the public record. We cracked down on dodgy colleges. Leaving this situation untreated, with unsustainable growth, was not a viable option. Migration outcomes should have been linked with national or economic needs. Instead, education courses had become linked to migration outcomes—the wrong way around. Following the Baird review, Labor acted to improve regulation of the sector: higher entry standards for colleges, much more information, and more care for students.

And care for students is where the Tuition Protection Service comes in. I suspect that most members in this place have not heard of the Tuition Protection Service. Its establishment was one of the suite of measures to really restore that integrity and the quality that we had lost under the Howard government to the international education market. Its purpose: to act as a single point of placement for students affected by a provider default. Prior to this students had nowhere to go; they were just left high and dry. Students adversely affected are either placed in an alternative course or paid a refund from the Overseas Student Tuition Fund—a very good outcome—so that students are assured when they come to Australia that they have protections and that they will leave with a quality education and a proper qualification. The money for this comes from the annual Tuition Protection Service levy placed on all registered providers of international education. This includes vocational training providers and private and public higher educational institutions. In 2013-14 the levy collected was $6 million. The annual report of the Tuition Protection Service tells us that in 2012-13 nine providers closed, affecting nearly 1,000 students. Almost half of those students sought assistance from the TPS; 64 students were placed in alternative courses and 218 students received refunds. So, it is a process and a service that is well and truly working.

So there is clearly still a great need for this service. Its annual report reveals that the TPS fears that up to 22 providers with 4,400 students could close in the coming financial year. But, looking at the future: we know that our international education is our fourth largest export industry. It is very important to us. It sustains more than 100,000 jobs and generates some $15 billion in annual revenue.

Our reputation for quality education must be preserved. It is our most precious resource—our greatest competitive advantage. These amendments should act to help it operate more effectively in protecting international students and Australia’s reputation. Thank you.

Senator THORP (Tasmania) (13:34): I rise today to support the amendments to the Education Services for Overseas Students Act 2000. Whilst I note that this is non-controversial legislation, I am very pleased to be able to comment that the issue is supported by all sides of this house, because it is such an important area in terms of our economy and also in terms of our overseas reputation.

The Education Services for Overseas Students Amendment Bill 2013 that is before us today, as I said, amends the 2000 act. It is one of a series of amendment bills that have been through this place in response to, in May, the work of the Hon. Bruce Baird, who was asked by the then Deputy Prime Minister, the Hon. Julia Gillard—who was the minister for education at the same time—to review the regulatory framework in particular for the act and report back to the government with changes designed to ensure that Australia continues to offer world-class, quality education. He presented his findings in a report called *Stronger,*
simpler, smarter ESOS: supporting international students. The review itself was recommended by the Bradley Review of Australian Higher Education, and it was recommended that that review take place before 2012. It was brought forward in the context of significant growth in the number of overseas students, the changing nature and composition of the international student body, and emerging issues in the sector, including attacks against international students, which received a lot of coverage in the media here in Australia and, significantly, in the country of origin of those particular students.

There was extraordinary growth in the sector from 228,119 students in 2002 to just under half a million students in 2009, resulting at that time in an industry worth $17.2 billion. It enhanced Australia's cultural richness, strengthened diplomatic ties and delivered great economic benefit to Australia, but it also put a number of pressures on the sector in terms of educational quality, regulatory capacity and infrastructure. So in undertaking the review Mr Baird considered the need for enhancements in the ESOS legislative framework in four key areas, which are set out in the terms of reference. They were: supporting the interests of students; delivering quality as the cornerstone of Australian education; effective regulation and sustainability of the international education sector; and issues related to the spate of provider closures that were occurring at that time.

Following the release of his issues paper in 2009, Mr Baird spoke to nearly 200 students and education providers from the tertiary, school and English-language sectors and other stakeholders at consultation forums. He also met with provider and student peak bodies, regulators, state and territory government officials, embassies, education industry bodies and members of parliament. Also around that time there was a lot of work done by different legislative bodies around the country. There was a review in Tasmania, of which I was a part at the time, because Tasmania per capita on paper did not seem to be receiving its percentage of the full number of international students in Australia.

The conclusion that we came to in Tasmania was that, rather than creating a boom in that sector, we were determined to make the provision of education in Tasmania of the highest quality. So while we may not have had the numbers that other jurisdictions were getting, we knew that the courses that were being provided were of the best quality and we also knew that the full educational experience of the students involved was good.

In our deliberations, we went around to different jurisdictions. I will not name them because I do not want to insult them. We found that there were some—I think my colleague said 'dodgy' in the course of her contribution—

Senator Lines: Yes, I did.

Senator Thorp: And that is not a bad word, actually. Students were coming in and being housed in substandard accommodation and paying quite high course fees for no real discernible educational outcome at the end of it. That is not what it was all about. There was even some concern at the time that the kinds of courses that these students were doing did not even match the educational needs of their country of origin or what was happening here in Australia. So this review was significant and timely. The review received 150 formal submissions and more than 300 people registered with the online discussion forums. All of that input was considered, including recommendations from the International Student Roundtable, which was held in September 2009.
There were some very significant concerns raised during that consultation period. These included reports of false and misleading information being provided by some education agents. Members may or may not be aware that quite a lot of the work done in matching a student in China or India, for example, with a course in a country like Australia requires the services of an educational agent, and they have a big responsibility. There are large sums of money involved for a student to come from China, for example, to Australia to study any course, whether it be something at pre-tertiary level or right through to masters and high-level degrees like engineering. Usually—perhaps all the time—these are full-fee-paying students and that is a huge financial impost on their families. Not only that, they have to move from one side of the world to the other. Parents need to know that their children are going to be safe. It is not just what happens in the classroom that is important. It is important that they have a well-rounded educational experience, which also means being able to, in many cases, take on part-time work and join in community activities, which, as I said earlier, does a lot to enhance Australia's cultural richness.

Amongst those concerns were reports of false and misleading information being provided by education agents and poor quality education and training. During our review we noted that students were sometimes arriving at the wrong time in our educational school calendar. For example, the school year here in Australia, whether it be for high school, pre-tertiary college level or a tertiary institution, usually goes from January or February through to before Christmas, but that does not naturally match up with the school times in other countries. So we sometimes had students arriving in September when the school year was nearly at an end and moving into the assessment period, often having January and February unoccupied and then they only having a couple of months to go before their school year was up. It did not fit the cycle, so they were not being treated as well as they should have been.

Lack of appropriate educational facilities was another concern. We all expect high-quality education facilities in Australia. When they are provided through state-owned institutions, or even independent private schools, they are usually of a high standard, but some of the ones I saw during the review conducted by the Legislative Council of Tasmania were far from adequate in my opinion and in the opinion of my colleagues at the time.

Providers paying exorbitant fees and commissions to these education agents was another concern. It is not a culture we are used to in Australia, but in other cultures it is very commonplace. For even something as simple as going to register your car, you do not go directly to the department or institution involved, you employ an intermediary or an agent. If that intermediary or agent does not have the highest of ethical standards, one can well imagine the potential corruption that could occur.

Low English language entry requirements were another concern. Whilst there may be education language requirements going into, say, a first year university degree in any of our universities, that kind of requirement does not necessarily apply elsewhere. We can have a situation where a student with very poor English goes into a course and, if the institution they are enrolled in does not take sufficient care to make sure those English language skills are raised to a sufficient level, that poor student has absolutely no possibility of being able to interpret and access the course materials.

As I also mentioned earlier, there is poor social inclusion of students in their institutions and the broader community. How lonely could that be—to come to a foreign country to be
enrolled in a course and then find that not only is the course poor but your accommodation is poor and you are socially isolated, with no access to part-time work or other activities? That is a very negative experience for that student whilst it is happening and they will take that back to their home country. It is certainly not a great advertisement for one of the best and biggest economic industries we have in this country.

There were other issues raised during the review that were not necessarily part of its scope. They included alleged workplace exploitation, migration and visa issues, deficient and expensive student accommodation, lack of transport concessions and health matters. Concerns around student safety and racism were rarely raised in the student forums. That might come as a bit of a surprise to us who were around when some issues were raised in the media but, even though that was not raised in the student forums, that was of concern amongst the participants.

Mr Baird noted that support for international education in Australia has been and remains strong. There was an acknowledgement of Australia's longstanding reputation for quality education and training; that the majority of the providers were doing the right thing; that ESOS had sound regulatory frameworks; and that international students are, by and large, satisfied with their Australian educational experience. Of the contributors to that review, individuals and organisations alike offered valuable practical suggestions to deal with the issues facing the sector. These included how to improve educational quality; tighten registration; create stronger, simpler and smarter regulation; inform and support student choices; and enhance the whole student experience. ESOS can and does play a major role in achieving these objectives.

He made specific recommendations within the report about how the legislative framework could be amended. Of course the legislation in front of us today represents yet another of the recommendations that came from the Baird review. The recommendations themselves are of considerable interest, I am sure, to all who are present. However, the recommendations we are looking at today in the Education Services for Overseas Students Amendment Bill come back to quite a specific area, and that is what can happen when a student has paid their tuition fees and there is a problem and they need to have those moneys refunded in some shape or form. This bill amends division 2 of the current act, prepaid fees, particularly sections 27, 28 and 29. It will change the headings, subtitles and definitions of 'fees' and 'tuition fees' so that it becomes possible for the student to be fully recompensed should any untoward act occur. On that level I am very pleased to be able to support the legislation in front of us today.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:49): I will just make a brief point on the Education Services for Overseas Students Amendment Bill 2013. Without wasting any more of the Senate's time in this non-controversial legislation period, I want to say that the government profoundly rejects the assertions put by the previous two speakers about the conduct and the impact of the previous coalition government's policies.

Senator Thorp: I did not say any such thing!

Senator RYAN: It was in fact the policies of the Labor Party that did so much damage, particularly in Melbourne in my home state of Victoria.

Senator Thorp: I did not say any such thing! I am being verballed!
Senator RYAN: My apologies. Senator Lines did make those accusations. If that is correct I will correct the record. What I will say, however, is that the damage that was done to the international education sector, which hit my home state of Victoria particularly hard, was a direct result of Labor’s policies. I thank senators for their contributions and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Smith) (13:50): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:50):
I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator McLUCAS (Queensland) (13:50): I rise to speak on the Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013. This bill is in large part a reintroduction of a bill listed in the last parliament, so of course we will be supporting the bill, but I do need to make some comments about two areas where this bill does differ from the bill that was introduced by our government.

The first issue goes to the question of up-classification and it responds to a particular event where we needed to move therapeutic goods from class IIb to the higher risk category of class III. It was a process started by our government and it follows the 2011 Senate Community Affairs Committee of inquiry that reported to the parliament.

The purpose of this amendment and how it differs from the original bill as introduced in the last parliament is to extend the transition period to allow medical devices to stay on the register for the period of time providing the application for the up-classification element is lodged by, I think, 30 June—by the date that was indicated earlier. It is our view that, while it would have been preferable for the processes to have concluded in that time, we believe this is a sensible response from the government and therefore it will be supported by the opposition.

But it is in the second area of difference between the two pieces of legislation where the Labor Party is, I have to say, very disappointed. It goes to schedule 14 in the original bill. Schedule 14 in the original bill was framed in order to improve the scope and the flexibility of the secretary's powers when it comes to ensuring the proper communication of health risks or
concerns and, in some cases, the issuing of recalls in relation to goods, biologicals and medical devices. It was a sensible amendment that we proposed, but unfortunately it does not appear in this piece of legislation.

It was designed to ensure that the sponsors of medicines, biologicals or medical devices that are subsequently found not to be as expected can provide appropriate information to the secretary of the department. Further, in the case of medical devices the original schedule added the capacity to require the publication of specified information, a capacity that already exists in relation to the therapeutic goods and biologicals. But most importantly of all, the proposed amendment would have enabled the secretary of the department to require from the sponsor of a therapeutic good, biological or medical device the details of those who have received or have been treated with a particular product.

There are practical reasons why it is a good idea for the secretary to have the power to be able to require the sponsor of a therapeutic good, a biological or a medical device to provide them with the details of who has received that product. We have had two major events happen in recent years. In 2010 and 2011 we had the issue of the faulty hip device that we identified as being transplanted into people, but fortunately here in Australia we have the National Joint Replacement Registry. It had details of who had had the device implanted. But that is not available or recorded as a matter of course for other medical devices that are being implanted, so when we saw the event of recent years where the fraudulent substitution of a form of silicon in breast implants had been implanted into Australian women, it raised serious questions for those women and their families. But we did not have a register of who had had this product implanted.

It is essential, we believe, that we have the regulatory capacity to require the details of those affected so that the imperative of ensuring that Australian health consumers are contacted and informed about issues that could have a serious impact on their health is not left in the hands of the product sponsor alone. This is a public health issue, and one we believe has the support of the community, so we are disappointed that the government has not agreed with our amendment in the House of Representatives. But given that the other elements of this bill are necessary, and some are time sensitive, we do encourage the government to maintain a watching brief on the need for a schedule 14, as we will. And that being said, I can indicate the opposition's support for the bill.

**Senator THORP** (Tasmania) (13:57): I rise to add my support to the comments of my colleague Senator McLucas with regard to the disappointment with the issues around schedule 14. I do not know whether any of those opposite have ever had the misfortune to have a family member or a friend face the prospect of a hip or knee replacement or, in the case of people who have had to live with certain cancers, including breast cancer, undergo procedures. The procedures are painful, they involve a lot of concern, and those consumers need to be protected. They need to have confidence that the products that are being used are of the highest quality so that their outcomes can be the best that they possibly can be. While I, like my colleague Senator McLucas and my colleagues either side of me, will be supporting this non-controversial legislation—the Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013—I want to put on the record my concern that there needs to be a lot more work done in this area.
Question agreed to.
Bill read a second time.

Third Reading

The PRESIDENT (13:58): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator require the bill to be considered in committee of the whole? If not, I call the minister.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (13:58):
I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

STATEMENTS

Baird, Corporal Cameron Stewart, MG

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:59): by leave—I would like to make a statement relating to the awarding of the 100th Victoria Cross for Australia. Australia's highest military honour, the Victoria Cross for Australia, will be awarded posthumously to the late Corporal Cameron Stewart Baird MG. On 22 June 2013, Corporal Baird displayed conspicuous valour, leading to the ultimate sacrifice, in close combat with a determined enemy as a commando team leader in Uruzgan province, Afghanistan. He repeatedly drew enemy fire away from his team members and charged enemy positions under heavy fire. His actions enabled the enemy to be neutralised and his team to be kept safe. This award is in recognition of his most conspicuous acts of valour, extreme devotion to duty and ultimate self-sacrifice.

The Victoria Cross is inscribed with the words 'For Valour'. Corporal Baird's actions were in keeping with the very finest traditions of the Australian Army and the Australian Defence Force. He is an Australian hero and, if I might say, a Tasmanian hero, being a Burnie boy by birth. Corporal Baird's Victoria Cross for Australia will be presented to his parents, Doug and Kay Baird, at a ceremony at Government House next Tuesday by the Governor-General, Her Excellency the Hon. Quentin Bryce AC, CVO. Corporal Baird will be Australia's 100th Victoria Cross holder.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): by leave—I rise on behalf of the Labor opposition in this place to support the words of the Leader of the Government in the Senate and also the remarks of the Prime Minister and the Leader of the Opposition in the other place. I also rise to pay tribute to an Australian hero, Corporal Cameron Baird of the 2nd Commando Regiment. As Senator Abetz outlined, Corporal Baird has posthumously been awarded Australia's 100th Victoria Cross, the highest Australian military honour. Corporal Baird made the ultimate sacrifice. He gave his life for his fellow soldiers. I particularly want to honour and pay tribute to Corporal Baird's family. This must be both an incredibly proud and an incredibly difficult day for them. Corporal Baird's sacrifice is also their sacrifice.
The Victoria Cross, as the leader of the government said, is inscribed with the words 'For Valour'. Corporal Baird on 22 June last year led a platoon that was attacked by the enemy in a village in Uruzgan province. Showing courage, showing bravery, showing valour, Corporal Baird drew fire away from his team members and charged enemy positions under heavy fire. His heroic actions and self-sacrifice helped neutralise the enemy and kept his team safe. Corporal Baird was 32 years old.

I pay tribute to Corporal Baird and I pay tribute to all our service men and women. Afghanistan has been a long war. It has taken the lives of many of our soldiers, and many more have been badly wounded. When speaking earlier, Corporal Baird's family said that he would have accepted this award on behalf of his unit, his platoon and his fellow soldiers. This self-effacing, humble young man was indeed an Australian hero. May he rest in peace.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:04): by leave—On behalf of the Australian Greens, I rise to support the remarks of the Prime Minister, the Leader of the Opposition, the Leader of the Government in the Senate and the Leader of the Opposition in the Senate, and to pay tribute to Corporal Cameron Baird on his posthumous award of the Victoria Cross—which, of course, came subsequent to his award for gallantry and other medals for service to our country. He was a hero. Interestingly, when his father was speaking about him, he said that the best tribute he could pay to his son was to say that he was always dedicated to the 'soldier's code'. He said that it was an honour to be a soldier in the Australian Army, to serve Australia and to bring credit to the Army, his unit and his fellow soldiers, and that that summed up his son. I think that is how we will remember his service. In doing so, we recognise that he was the 40th of our diggers to die in conflict. To remember Corporal Baird as he would have wanted and to pay respect to others in his unit and in the Army we must now look after those who have come home from Afghanistan in their post-service lives.

**QUESTIONS WITHOUT NOTICE**

**SPC Ardmona**

Senator KIM CARR (Victoria) (14:05): My question without notice is to the Minister representing the Prime Minister. The Victorian government has been shamed into taking action on SPC by Daniel Andrews and Labor. I note that the Prime Minister sought to justify the Commonwealth government's refusal to provide support for SPC Ardmona by referring to the profits of the parent company, Coca-Cola Amatil. He said: 'Why should the Commonwealth taxpayers give money to a $9 billion company that made a $215 million after-tax profit in the last six months? It doesn’t make sense.' Why is the government providing $16 million to Cadbury, whose $62 billion US parent company, Mondelez, this morning announced an annual profit of $3.9 billion? Why does supporting SPC not make sense but giving money to a company that is eight times more profitable—(Time expired)

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:07): If one were to listen to the question from Senator Carr it would appear that Daniel Andrews has succeeded where Bill Shorten has failed. And I will allow him to consider that for some period of time.
Let me also make this observation: this deal with the Victorian government—and let me say that is a matter for the Victorian government and for the Victorian people—their contribution now of $22 million I understand, will guarantee the company staying. I just observe that a request had been made for $50 million—$25 million from the federal and $25 billion from the state—but now it appears that $22 million from the state will guarantee everything and keep everything in place.

In relation to Cadbury, I am more than happy to indicate to the honourable senator what the fundamental difference is, and I trust that my Tasmanian Labor Senate colleagues listen very carefully to this answer, because—

Senator Cameron: It's a marginal seat, that's why!

Senator ABETZ: Senator Doug Cameron foolishly interjects that it is a marginal seat—

The PRESIDENT: Order! Senator Abetz, ignore the interjection. Interjections are disorderly.

Senator ABETZ: Has anybody ever thought Denison is a marginal seat? Really! How ignorant can one senator be? Really! Let me answer very specifically: Cadbury used to be a major tourism attraction in Tasmania. It stopped the tours because of occupational health and safety issues. In reconfiguring the factory—

Senator Kim Carr: That's not what your statement said at the time. You're making it up as you go along!

Senator ABETZ: Senator Carr either wants an answer or he doesn't.

The PRESIDENT: Order! If you wish to debate the question it will be after 3 o'clock.

Senator Cormann: It was on your desk. Penny didn't let you—

The PRESIDENT: Order! On my right! If you wish to debate the question, the time is after 3 pm.

Senator ABETZ: In reconfiguring the factory for its enhanced export activities, it said it would also include the changes necessary for tourism. Now, that will be of huge benefit to the total tourism experience for Tasmania and that is why we were willing to support it.

Senator KIM CARR (Victoria) (14:09): Mr President, I ask a supplementary question. The Prime Minister has made a statement that Tasmania is a 'special case'. When it comes to industry policy he said this was due to the low wages and high unemployment. Can the minister explain why SPC Ardmona in Shepparton is not also a 'special case', given that the average wages are lower than in Tasmania and unemployment is higher? Given that under this government Australia's unemployment rate has now risen to a 10-year high, isn't the entire country rapidly becoming a 'special case'?

Government senators: Time! Time! Time!

The PRESIDENT: Order! That is disorderly, and I will not respond to those comments! You do not set the time in this place. The time is judged by me, thank you.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): The Prime Minister was absolutely right when he said that Tasmania was a special case. After 16 years of state Labor government, the last four years of which have been a Green-Labor government
in cahoots with a federal Labor-Green government, the Tasmanian economy now suffers. Mentioning the unemployment rate, Senator Carr: it is the highest rate of unemployment in the nation, of 7.6 per cent. That is the Labor legacy; that is the Labor-Green legacy, and that is why we say to the Tasmanian people that they have done half a job in electing a federal Liberal-National Party government, and they can do the other half of the job on 15 March by electing a majority Liberal government to get the economy back on track and to allow jobs growth to occur. Senator Carr says that the unemployment figure occurred under our watch, but it is under their budget and economic mismanagement that we got those figures. (Time expired)

Senator KIM CARR (Victoria) (14:11): Mr President, I ask a further supplementary question. Isn't it true that the government's treatment of SPC is just another case in the pattern of deceit that has followed from the Abbott government? How does its grants to Cadbury or to Huon Aquaculture meet the government's criteria, which were outlined by the Treasurer today, of providing an essential service?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:12): Tasmania clearly is a very special case. Senator Carr has mentioned that and the Prime Minister has mentioned that. The reason that it is is that it has had its economy driven into the ground by 16 years of Labor, the last four years of which were Labor-Green governments. They have destroyed the Tasmanian economy so that it now suffers from the worst unemployment rate in the country. And, what is more, on all the CommSec economic indicators Tasmania lags at the very bottom of the table except on one statistic, and that is unemployment.

We are committed to seeing that changed. We want to see it changed and that is why I invite those opposite and the Greens to vote with us to get rid of the carbon tax, to get rid of the mining tax, to get rid of the green and red tape and to re-establish the Australian Building and Construction Commission—that is our plan. (Time expired)

DisabilityCare Australia

Senator SMITH (Western Australia) (14:13): My question is to the Assistant Minister for Social Services, Senator Fifield. Can the minister provide an update to the Senate on the operation of the four trial sites of the National Disability Insurance Scheme?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:14): Colleagues may be aware that late last year I released the key elements of the first quarter results of the NDIS trial sites, which found that planned completions were taking longer than expected, with about 921 people in the scheme—around half the target number. The first quarter results also found that package costs were running at $46,290, 30 per cent higher than the modelled average costs of $34,969.

Today, in the interests of transparency, with my colleagues on the ministerial COAG disability reform council, we are releasing the second-quarter results, which show, firstly, that average package costs have fallen from the first-quarter figures down to $40,466. While this trend is positive, I should inform the Senate that these figures remain 15 per cent above the budgeted average cost. Planned completions are now at 2,586, which is half the target for this stage of 4,340. Secondly, the report indicates that it is likely that the budget by the previous government for the trial sites underestimated the cost to the tune of nearly $400 million and
this was due to errors in the bilateral agreements negotiated by the previous government. The difference between the expected annual cost in 2013-14 to 2015-16 and the actuarial baseline model is $392.1 million, to be precise. Those bilateral agreements negotiated by the previous government provide that the Commonwealth is liable for all cost overruns. Errors of this sort are far more likely when a political timetable to achieve launch prior to an election is pursued, rather than the more prudent timetable recommended by the Productivity Commission.

Senator SMITH (Western Australia) (14:16): Mr President, I ask a supplementary question. Can the minister inform the Senate of the implications of these figures and the government's response to them?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:16): This is not just an issue for the Commonwealth. The NDIS is a shared venture of all Australian governments. That is why, at the last COAG meeting on 13 December, first ministers—state and federal, Liberal and Labor—asked disability ministers to report back in March 2014 on progress with the trials, including options to improve the implementation of the scheme and ensure that it operates on insurance principles to deliver for people with disability in a fiscally sustainable way. At the same COAG meeting, first ministers decided to describe the launch sites as 'trial sites'. This decision was taken to emphasise the need to carefully study and learn the lessons from the trial sites, as was the intention of the Productivity Commission. All governments, I know, share with the Australian government the intention to learn those lessons to make sure that they are implemented before full rollout.

Senator SMITH (Western Australia) (14:17): Mr President, I ask a further supplementary question. Can the minister inform the Senate of the government's approach to the rollout of the National Disability Insurance Scheme?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:17): The coalition are committed to delivering the NDIS in full. The priority of the government is to ensure that the scheme is as effective and efficient as it can be, and that is to ensure that the support gets to the people who need it. We are determined to ensure that the NDIS is here to stay and that its foundations are strong and financially sustainable. It is important that we ensure that Australians with disability are not left wondering whether a reform of this magnitude is able to stand the test of time. We need to give them certainty that the services provided to them under the NDIS are here to stay. That is what everything this government does in relation to the NDIS is about. I hope that those opposite will participate in the parliamentary NDIS committee in the way it was intended and put partisanship aside to help identify issues, to help identify solutions and to see that the NDIS is the best that it can be. (Time expired)

Ministerial Staff: Code of Conduct

Senator FAULKNER (New South Wales) (14:18): My question is directed to the Assistant Minister for Health. Can the minister confirm that the assistant secretary to the Department of Health with responsibility for the health star food-labelling initiative was contacted directly by telephone by her chief of staff on 5 February last week, demanding that the food labelling website be removed? Can the minister confirm that the same official was removed from that position six days later, on Tuesday of this week?
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:19): Yes, I can confirm that a discussion took place between my chief of staff and Kathy Dennis regarding the removal of the website. That was on my direction. That was, as I stated to the Senate earlier, my decision—to have the website removed. The question relating to the position of Ms Kathy Dennis would need to be directed to the secretary of the department, as the senator well knows.

Senator FAULKNER (New South Wales) (14:20): Mr President, I ask a supplementary question. Can the minister confirm that she personally contacted a deputy secretary level officer of the Department of Health on 5 February, instructing that the food labelling website be removed; and, in relation to this matter, did the minister, her chief of staff or any other member of her staff at any time express concern or dissatisfaction to any official of the Department of Health about the actions of other departmental staff?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:21): I can confirm that discussions took place with departmental officials. I can confirm that I spoke to a deputy secretary. I can confirm that I made no observation about the actions of staff and, as the senator would well know, I am not going to comment on hypothetical discussions that may or may not have taken place between my staff and those in the department. I take the opportunity to remind those opposite that I have very clearly outlined that there is no conflict of interest between my chief of staff and his role.

Senator FAULKNER (New South Wales) (14:22): Mr President, I ask a further supplementary question. When was the minister informed about staff changes in the healthy living and food policy branch of the Population Health Division of the Department of Health? If she was informed, who informed the minister? Is there any formal record of such communications? Minister, I ask you to take on notice and report back as soon as possible to the Senate in relation to communications referred to in my previous question relating to your chief of staff and other staff members. (Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:23): I can indicate to the chamber that my knowledge of changes in staffing arrangements in the department came at the same time as everybody else, with a very general email that was sent from internal department emails advising of the change. I had no direct knowledge nor, indeed, was I told directly by the department about the changes in the staffing arrangements. I found out at the same time that the general issue was devolved to many individuals.

Western Australia: Shark Cull

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:24): Mr President, my question is to the Minister representing the Minister for the Environment, Senator Cormann. I refer to the exemption granted by the Minister for the Environment of the Western Australia government's shark kill-and-capture policy from the Environment Protection and Biodiversity Conservation Act. This exemption applies a number of conditions to the implementation of that policy. There have been almost daily reports of potential breaches of this exemption and its conditions. How is the federal government monitoring the implementation of the drum line policy? Is the government aware of the large number of small-sized sharks that are being captured under this program and does the capture and release
of these sharks who subsequently die as a result of the injuries from the drum lines breach the conditions applied?

Senator CORMANN (Western Australia—Minister for Finance) (14:25): I thank Senator Siewert for that question. In fact, I had been wondering how long it would take before the Greens would ask me a question about this issue. Let me just say at the outset that we support the efforts of the WA state government to protect human life and to improve public safety on Western Australian shores. That is why Minister Hunt has provided a limited and temporary exemption from the application of the EPBC Act to the WA government. There is no doubt that the increased risk of shark strikes in Western Australia is a public safety matter of national significance. There have been seven tragic deaths in just three years.

Australia has a strong beach culture and the federal government agrees with the Western Australian government that public safety and the protection of human life are paramount, particularly during the height of summer. That is why the government has decided that it is in the national interest to provide that temporary exemption for the WA government from the relevant provisions—

Senator Siewert: Mr President, I rise on a point of order. I did not ask for this information. I asked a specific question. Is this government monitoring the implementation of this program? Could the minister please, through you, Mr President, answer that question?

The PRESIDENT: I do draw the minister's attention to the question. The minister has 46 seconds remaining.

Senator CORMANN: That is why the government has decided that it is in the national interest to provide that temporary exemption for the WA government from the relevant provisions of the EPBC Act, at this stage until 30 April 2014. Incidentally, that exemption is quite limited compared with the very longstanding practice in Senator Rhiannon's home state of New South Wales for the past 75 years, and in Senator Waters' home state of Queensland for the past 50 years. To protect human life, each and every year New South Wales places its nets at 51 beaches between Wollongong and Newcastle. To protect human life, each and every year the Queensland shark control program covers 84 beaches and uses a combination of mesh nets and drum line—

Opposition senators interjecting—

The PRESIDENT: Order! I remind senators on my left that interjections are disorderly, and constant interjections are totally disorderly.

Senator Lines interjecting—

The PRESIDENT: Order!

Senator CORMANN: For all the years that Senator Lines has lived in New South Wales, the Labor government in New South Wales placed nets—(Time expired)

Senator SIEWERT: I will take that as a no. Mr President, I ask a supplementary question. Is the WA government reporting to your department on the implementation of the catch-and-kill policy? If so, how many animals have been caught or destroyed, have died or been released? If not, why is this data not being collected? And why didn't the government require independent observers on the boats that are applying this policy?
Senator CORMANN (Western Australia—Minister for Finance) (14:29): I understand that Senator Siewert does not agree with the policy adopted by the WA state government, but this government does agree and we have decided to provide an exemption which goes until 30 April 2014. As the minister has already said, after that time the experiences over this summer will be properly reviewed and appropriate judgements can be made at that time. Could I just remind the chamber again that, over the last 75 years, New South Wales has placed nets at 51 beaches between Wollongong and Newcastle; every single year over the last 50 years, the Queensland state government—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Cormann, resume your seat. On both sides, if you wish to debate the issue, the time to debate it is after question time finishes, which this afternoon will be some time just after five past three. The minister is entitled to be heard in silence.

Senator CORMANN: The federal government makes no apology for supporting efforts by the state government in Western Australia to protect human life and public safety, which is something the states of New South Wales and Queensland have been doing for a very long time. Senator Siewert asked me about reports of undersized tiger sharks—(Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:30): Finally the minister starts to get around to answering my question! I will ask it again. Is the Western Australian government reporting? If so, how many animals have been captured and killed, and will the government take note of the Senate's resolution yesterday and revoke this policy?

Senator CORMANN (Western Australia—Minister for Finance) (14:31): Senator Siewert, I think no amount of exchanges between you and I will bring us to a consensus.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Cormann, resume your seat. Senator Siewert is endeavouring to listen to the answer, and the interjections do not help her.

Senator CORMANN: In short, the government takes responsibility for the decision that we have made. We made a conscious decision. It is an appropriate decision. It is a decision to protect human life and public safety, and we stand by it.

Building and Construction Industry

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (14:32): My question is to the Minister for Employment, Senator Abetz. Has the minister seen the report in today's Herald Sun that more than a dozen militant union officials have been banned from Victorian building sites? Is this an isolated incident, or is the minister aware of other breaches of right
of entry laws around Australia? How do the current union workplace access laws stack up against what was promised by Labor in 2007?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:32): I have seen the report and it is deeply concerning. Many people have described the photomontage in The Herald Sun as 'the mugs of thugs'. One individual named is CFMEU assistant secretary Shaun Reardon, who was refused a right of entry permit by the Fair Work Commission, which found that his behaviour was responsible for $459,000 worth of fines to the union and himself and concluded that he was not a fit and proper person to hold such a permit.

Whilst the Master Builders Association is exercising its legal right to deny Mr Reardon entry to building sites, there are others who are more than happy to invite Mr Reardon onto their premises, most notably the Victorian ALP's state conference, which had Mr Reardon as a star guest speaker. And the party's official Twitter account sent out a tweet praising him. And when Mr Reardon is not speaking at ALP conferences he is, according to a recent media report, cultivating his ties with outlaw bikie gangs.

These latest abuses of the right of entry regime have occurred despite Labor promising in 2007 that 'federal Labor will maintain the existing right of entry rules without exception'. That is completely unequivocal, yet we know that, clause after clause, they loosened them. So, just like Labor's 'no carbon tax', the coalition is actually committed to implementing Labor's policy of no carbon tax and taking the right of entry laws back to where Labor promised they should be. (Time expired)

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (14:34): Mr President, I ask a supplementary question. Does the minister believes that militancy and illegality is limited to Victoria, or are these breaches more widespread?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:35): Regrettably, as the Cole royal commission found and as Labor's own hand-picked reviewer Justice Wilcox found, there is industrial unlawfulness in the building and construction industry Australia-wide, especially in Victoria and Western Australia. Indeed, Joe McDonald, the CFMEU National President, has personally cost the union more than $1 million in fines since 2005 for illegal activities in the west. In the most recent case he was fined $193,000 after he ignored a request to leave a site. When he was asked to leave, Mr McDonald's reply was: 'I haven't had one for seven years and that hasn't—expletive deleted—stopped me.' These incidents show that we do need the Australian Building and Construction Commission reinstated and the right of entry laws changed as Labor promised they would remain. (Time expired)

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (14:36): Mr President, I ask a further supplementary question. Will the minister inform the Senate what the government will do to crack down on dodgy union bosses, and those employers willing to play along with them, so workers can actually be free of harassment and intimidation on building sites?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:36): The No. 1
thing is to reinstitute the Australian Building and Construction Commission, and I would invite those opposite to join us and immediately ensure that these types of activities, often with the union in cahoots with the employer, can no longer take place. Secondly, I would invite those opposite to help us implement Labor's Forward with Fairness policy and take back the right of entry laws to exactly where Labor promised they would remain. Thirdly, I would suggest that our policy that will require union officials to have photographic evidence of their identity should be supported by those opposite as well. Finally, I commend everybody in the community—workers both within the trade union movement and out of it, employers, contractors and subcontractors—to fully cooperate with our royal commission. (Time expired)

Ministerial Staff: Code of Conduct

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:37): On what date did the Prime Minister approve the appointment of her chief of staff? Was the Prime Minister informed about her chief of staff's shareholding in a food industry lobbying firm before or after his appointment?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:37): I can inform the Senate again that all the appropriate steps were taken to ensure propriety was in place and that there was not and would not be a conflict of interest in relation to the role of my chief of staff and the company Australian Public Affairs. It was all done in a very thorough and diligent manner. Can I also point out to the Senate that it is typical of the opposition to attack individuals by imputing impropriety where none exists. Let me remind the Senate—

Senator Wong: On a point of order, Mr President: I raise the issue of relevance. I did not ask about the conflict of interest. I asked a very simple question about date of approval of appointment by the Prime Minister and whether the Prime Minister was informed of the shareholding before or after the appointment. I did not ask about a conflict of interest.

The PRESIDENT: The minister has one minute and ten seconds remaining. I draw the minister's attention to the question.

Senator NASH: As I have informed the Senate, all of the appropriate processes and approval processes were put in place relating to the appointment of my chief of staff, and the typical tactic from the opposition—

Senator Moore: On a point of order, Mr President: I raise the issue of relevance. Again we ask you to draw the minister's attention to the question, which was specifically on dates—nothing to do with an attack on what we are saying and nothing to do with admitting to what was happening in the process. The question was about the date on which those approvals were made.

The PRESIDENT: With one minute and ten seconds remaining for the minister to address the question, I did draw the minister's attention to the question. The minister still has 50 seconds remaining to comply with the direction given.

Senator NASH: I can advise the Senate that all information around my chief of staff was given to the Prime Minister's office in accordance with appropriate timing. Now, interestingly, we see yet again this attack on individuals from the opposition, rather than dealing with substantive policy issues. The substantive policy issues around the taking down of the website are those that instigated this line of questioning from the opposition.
Senator Moore: On a point of order, Mr President: I again raise the issue of relevance to the specific question, with 11 seconds now remaining in the answer.

The PRESIDENT: I have drawn the minister's attention to the question. The minister has 11 seconds remaining to address it. Minister, I again draw your attention to the question.

Senator NASH: The opposition leader asked me about timing. I have informed the Senate that the appropriate advice was given in accordance with the usual timing procedures.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:41): Mr President, I ask the minister to take on notice those aspects of the question she refused to answer and I ask a supplementary question. When did the minister's chief of staff submit a statement of private interest to her and to the Special Minister of State? Did that statement disclose his shareholding in a food industry lobbying firm or not?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:42): I can indicate to the chamber that the proper processes were followed in terms of the timing—when I was provided with advice from my chief of staff. I think perhaps it might be useful to outline the facts for those on the other side who may not have been listening to my contributions this week relating to this matter. Those outside this chamber may also be interested to avail themselves of the facts—facts which are somewhat lacking in what we are seeing from the opposition in relation to this matter.

Senator Moore: On a point of order, Mr President: I raise the issue of relevance. Can you please draw the minister to consider the question which she was asked regarding timing and process—what she knew at what time.

The PRESIDENT: I do draw the minister's attention to the question. The minister has 16 seconds remaining.

Senator NASH: I answered the question in relation to timing. There is no conflict of interest.

Senator Wong: On a point of order, Mr President: I again raise the question of relevance. The minister was asked a specific question about when she received the statement of private interest. She should answer it.

The PRESIDENT: I cannot instruct a minister. I have said this on numerous occasions. I cannot instruct a minister how to answer a question. That is not possible under the standing orders. However, I have drawn to the minister's attention already, as a result of points of order, the need to address the question. The minister has six seconds remaining.

Senator NASH: I have answered the question. It was given at the appropriate time.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:44): Mr President, I ask a further supplementary question. I refer to the minister's previous claim that she put arrangements in place at the commencement of her chief of staff's employment to prevent a conflict with his lobbying interests. Why was the minister not aware of those arrangements when she misled the Senate on Tuesday?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:45): The Leader of the Opposition in the Senate knows that I corrected the record at the earliest opportunity. There is no conflict of interest. My chief of staff and his wife have shares in a family business. Many couples do. My chief of staff is
not involved in the operation of that business. I refer to a statement from Ms Cain last night, who said:

Since last September, Australian Public Affairs has not made representations to either Health Minister, their offices, or the Health Department; and has made no representations to any other Minister of the Commonwealth in relation to the Health portfolio.

There is no conflict of interest. My chief of staff is not involved in the operation of the business, and the business itself does not make representations to the health department.

Carbon Pricing

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:46): My question is to the minister representing the Minister for the Environment, Senator Cormann. What will be the effect of further delays in dealing with the carbon tax repeal legislation?

Senator CORMANN (Western Australia—Minister for Finance) (14:46): I thank Senator Bushby for that very important question. The effect of more Labor-Greens delays in dealing with the carbon tax repeal legislation will be more job losses. When we came into government we inherited an economy growing below trend. We inherited rising unemployment. We inherited a situation where the previous government, egged on by the Greens, had imposed more and more burdens on the economy and more and more burdens on business, arguably at the worst possible time.

Of course we were faced with a range of challenges. There were challenges from the high Australian dollar. There were challenges from global economic conditions. But at the worst possible time the Labor-Greens alliance in government imposed further costs on business that are creating serious challenges, in particular for manufacturing businesses across Australia.

Instead of enabling the growth dividend that would come from scrapping the carbon tax, instead of helping to create more jobs, the Labor Party recklessly and irresponsibly are standing in the way of building a stronger economy and creating more jobs. The previous Labor government were pretty bad. The previous Labor governments, led by Mr Rudd and Ms Gillard, were arguably the worst governments in the history of the Commonwealth. But Mr Shorten clearly has not learned the lessons of the last election. Clearly nothing has changed under the leadership of Mr Shorten, because Mr Shorten is leading a reckless, irresponsible and, quite frankly, disgraceful blockage and filibuster that is preventing the growing of a stronger economy and the creation of more jobs. It is very important that we scrap the carbon tax as soon as possible. (Time expired)

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:48): Mr President, I ask a supplementary question. Can the minister inform the Senate why it is so important to scrap the carbon tax to create jobs?

Senator CORMANN (Western Australia—Minister for Finance) (14:48): It is so important to scrap the carbon tax because it will bring down the cost of electricity. (Time expired)

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:48): Mr President, I ask a supplementary question. Can the minister inform the Senate why it is so important to scrap the carbon tax to create jobs?

Senator CORMANN (Western Australia—Minister for Finance) (14:48): It is so important to scrap the carbon tax because it will bring down the cost of electricity.
it will help us improve our international competitiveness again. It is so important to scrap the
carbon tax because it will help us strengthen our economy and create more jobs. If the Labor
Party genuinely cared about jobs and stronger economic growth, they would support the
speedy passage of the carbon tax abolition today to give certainty and confidence to
businesses across Australia so that they can employ more people again.

Before the last election Labor promised to scrap the carbon tax. Senator Wong promised to
scrap the carbon tax. Senator Conroy promised to scrap the carbon tax. Senator Carr promised
to scrap the carbon tax. They are all, yet again breaking their promises. (Time expired)

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:50): Mr
President, I ask a further supplementary question. Can the minister tell the Senate why it is
important to scrap the carbon tax as soon as possible?

Senator CORMANN (Western Australia—Minister for Finance) (14:50): It is important
deal with this legislation as speedily as possible in order to provide certainty to business
and to provide confidence to business that the cost of electricity is going to come down, that
the cost of doing business is going to come down, that international competitiveness is going
to go up, that businesses in Australia will be better at competing in overseas markets and that
businesses in Australia will be better at competing against imports coming in from overseas.

Do you know what? Mr Shorten actually knows that it would be the right thing to do. Mr
Shorten knows that this is what would happen. Mr Shorten knows that if we scrap the carbon
tax it will strengthen the economy and create more jobs. But he is too weak to stand up to the
Greens and the Left in the Labor Party. He cannot put the national interest ahead of
trying to hold onto his job as leader of the Labor Party. He is not behaving like a potential leader of the
nation; he is just behaving like a union leader in exile who is trying to hold onto his job. It is
time that he focused on the national interest. (Time expired)

Imports

Senator XENOPHON (South Australia) (14:51): My question is to the Minister
representing the Minister for Industry, Senator Ronaldson. In 2011, the then opposition
leader, now Prime Minister, announced that the coalition's policy on dumping would in part
be to reverse the onus of proof. Currently, Australian businesses seeking to have dumping
duties applied have to prove that dumping is occurring. They have to do so at enormous cost,
given the unfair evidentiary burden. If the onus of proof was reversed, the exporters bringing
goods into Australia would have to prove that dumping was not occurring. I note that an
article by David Crowe in the Australian, yesterday, says that the government is considering
reversing the onus of proof. Can the minister provide an indication of what that will mean in
practice. Does it have the same meaning it did in the coalition's 2011 announcement?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the
Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:52): I thank
Senator Xenophon for a question literally without notice. I am happy to give him the answers
that I can. The Minister for Industry has made quite clear over the last two or three days this
government's deep concern in relation to goods dumped into this country and the impact that
that has on local jobs and local industry. The government is reviewing the antidumping laws
to improve the efficiency of regulation and strengthen the legislation. If Senator Xenophon is
asking me whether, as the Industry rep, I am concerned about the dumping of goods into this

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country, yes, I am. Is the Minister for Industry concerned about the dumping of goods into this country? Yes, he is. Is the Prime Minister concerned about the dumping of goods into this country? Yes, he is. That is why we are reviewing the antidumping laws to improve their efficiency.

Senator XENOPHON (South Australia) (14:53): Mr President, I ask a supplementary question. In June last year, I moved amendments to the Customs Amendment (Anti-dumping Measures) Bill 2013 that would have introduced a reverse onus of proof. After discussions with the then opposition I included a further amendment that would have introduced a reverse onus of proof after preliminary affirmative determination had been made, which I understood to be the coalition's position at the time. The coalition and the then government voted against these amendments. Is either of these amendments consistent with the coalition's current policies?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:54): I thank Senator Xenophon for his supplementary question. As Senator Xenophon knows, we have passed legislation to allow for the transfer of the Anti-Dumping Commission to the Department of Industry. That transfer is expected to be completed in the first half of 2014 and will send a clear message that the government is focused on combatting unfair dumping.

Senator Kim Carr interjecting—

Senator RONALDSON: Finally, I hear from Senator Carr!

The PRESIDENT: Senator Ronaldson, ignore interjections. It is Senator Xenophon's question. Ignore other interjections; they are disorderly.

Senator RONALDSON: We hear an interjection from Senator Carr, the man who destroyed the car industry, who is responsible for the biggest reduction in manufacturing jobs in this nation's history. You've got a nerve to ask us a question. I will now return to Senator Xenophon's response.

Opposition senators interjecting—

The PRESIDENT: Order, on my left!

Senator RONALDSON: I am sure that Senator Carr will have the opportunity to ask me a question before we finish. I will go through his record bit by bit, piece by piece, legislation by legislation. *(Time expired)*

Senator XENOPHON (South Australia) (14:56): The minister has comprehensively ignored my question. The article in yesterday's *Australian* indicated that Minister Macfarlane was preparing a raft of antidumping measures. Can the minister indicate whether a provision similar to the United States' Robert Byrd amendment, under which affected companies were granted revenue collected through dumping duties, has been considered? If not, why not? Is the government at least sympathetic or supportive of the idea that the dumping duties announced last week in relation to canned tomatoes ought to be given or redirected to those companies affected? *(Time expired)*

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:57): I am obviously aware of the Senator Xenophon's views. Clearly, the minister is aware of Senator
Xenophon's views. I am sure that Senator Xenophon has actually expressed those to the minister himself. When the review is completed and the antidumping laws are reviewed to improve the transparency the honourable senator's questions will be answered.

Ministerial Staff: Code of Conduct

Senator McLUCAS (Queensland) (14:58): My question is to the Assistant Minister for Health. I refer the minister to her intervention causing the removal of the Health Star Rating website just hours after it went live. Can the minister explain why the website was removed without consultation with members of the Legislative and Governance Forum on Food Regulation? Now that the conflict of interest in her office has been revealed, will the minister do the right thing and put the website back up?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:58): In relation to the final part of the senator's question, there is no conflict of interest. In relation to the first part of the question, I clearly outlined to the Senate last week my reasons; I will do so again. My belief was that the website's going live was premature for three reasons. Firstly, the Health Star Rating system has not yet commenced on supermarket shelves. It would have been very confusing for consumers to go into a supermarket and realise that no star rating was on the front of packs as yet. Secondly, the forum took a unanimous decision to have an extensive cost-benefit analysis done that was due to report back to the forum in June this year, and it was premature to have the website live until this was completed. Thirdly, the Front-of-Pack Labelling Oversight and Advisory Committee was charged at the December meeting with advising the forum on processes for dealing with anomalies that still exist in the system and that advice has not yet been given to the forum. The website indicated, at the foot of the website, that it was the Commonwealth of Australia.

I based my decision to direct that the website be taken down on all of those issues. The issue around the placing of the website should correctly be a decision of the forum. There was no decision in the communique put out by the forum relating to the website going live at the December meeting.

Senator McLUCAS (Queensland) (15:00): Mr President, I ask a supplementary question. Can the minister confirm she has received a letter from the South Australian Minister for Health and Ageing expressing concern about her unilateral decision to bring down the Health Star Rating website and asking her to immediately reinstate it?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:01): I have not yet seen the letter from the South Australian minister, if that exists. The timing of the website going live is not an issue that was discussed at the forum in December and it is not, as yet, determined. That is my understanding. The process is continuing—
Government senators interjecting—

The PRESIDENT: Order on my right! I am endeavouring to listen to Senator Nash's answer. It is disorderly to interject.

Senator NASH: The process of moving to front-of-pack labelling has not stopped and I have indicated to the chamber my reasons for the decision I made relating to the website.

Honourable senators interjecting—

The PRESIDENT: Order on both sides! I need to hear Senator Nash's answer, as does the questioner.

Senator NASH: As I was indicating to the chamber, the front-of-pack labelling process is continuing. I have outlined my decisions for directing the department to remove the website, as I believed it was premature in the process.

Senator McLUCAS (Queensland) (15:03): Mr President, I ask a further supplementary question. Will the Health Star Rating systems be implemented from June—

Government senators interjecting—

The PRESIDENT: Order! Those interjections are disorderly. I ask for silence on my right, just as I ask for silence when the minister is giving the answer.

Senator McLUCAS: Will the Health Star Rating systems be implemented from June 2014, as planned by the Legislative and Governance Forum on Food Regulation? Can the minister assure the Senate that she will not allow conflicts of interest to further inhibit or delay the implementation of the system?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (15:04): There is no conflict of interest. It has not impeded the process to date.

Honourable senators interjecting—

The PRESIDENT: Order! I cannot hear you because of the interjections that are coming from both my right and my left. They are disorderly.

Senator NASH: There is no conflict of interest so it will not impede the front-of-pack labelling process. In relation to the first part of the question, the senator knows that the target is indeed June 2014 and that target date remains. The senator is also aware that it is a voluntary system that will be put in place by industry and it is up to industry to meet that target date.

National Security

Senator FAWCETT (South Australia) (15:05): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General acquaint the Senate with recent testimony provide by General James Clapper, the Director of National Intelligence and head of the United States Intelligence Community, to the American Senate's Committee on Armed Services on the effects of Edward Snowden's disclosures on the security of Western nations and the safety of their citizens?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:05): I thank Senator Fawcett for his question and acknowledge Senator Fawcett's very deep knowledge of
and interest in national security matters. Senator Fawcett may be interested to know that overnight the Director of National Intelligence, General Clapper, did give evidence to the American Senate's Committee on Armed Services about threats to national security, identifying two in particular. The second was the disclosures of the traitor Edward Snowden, which he described as having caused 'profound damage'. As a consequence, General Clapper said, 'the nation is less safe and its people less secure.' He went on to say about Snowden's disclosures:

As a result, we've lost critical foreign intelligence collection sources, including some shared with us by valued partners. That, of course, includes Australia.

Terrorists … are going to school on U.S. intelligence sources, methods and tradecraft, and the insights they are gaining are making our job much, much harder. And this includes putting the lives … at risk

I agree with what General Clapper had to say. I think it is purely a coincidence, but a remarkable coincidence, that I was taken to task by Senator Ludlam, his party's spokesman on these matters, for using the very same phrase—that the Snowden treachery put lives at risk—in answer to a question from Senator Ludlam yesterday. Nobody should make light of the gravity, seriousness and threat to the Western world in particular, to the democratic world, including Australia, of the treachery of Edward Snowden.

Senator FAWCETT (South Australia) (15:07): Mr President, I ask a supplementary question. Is the Attorney-General aware of any contrary views to those expressed by the Director of National Intelligence?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:07): Unfortunately I am aware of contrary views, and I hasten to add that I do not understand any view to the contrary being held by the official opposition in this place, because they are responsible enough to deal with these matters in a bipartisan fashion. The same cannot be said of course of the Greens and, in particular, Senator Ludlam, who yesterday published an article describing the traitor Snowden as 'a whistleblower whom I hold in extremely high regard'.

Senator Abetz: Shame!

Senator BRANDIS: That is, as Senator Abetz says, a shameful matter. I might direct Senator Ludlam to an article published by the respected journalist Edward Lucas yesterday in the American Spectator in which he pointed out that Snowden answers none of the descriptions of a whistleblower: he has not exposed grave criminal wrongdoing; he has not minimised danger to public safety; and he has published way beyond what he claims to be necessary—(Time expired)

Senator FAWCETT (South Australia) (15:08): Mr President, I ask a further supplementary question. What advice would the Attorney-General give Australians on the importance of a well-governed and appropriately supervised national security agency?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:08): The advice I would give Australians is that they can be confident in the integrity and skill of the men and women who serve Australia as officers of the national security agencies. The advice I would give Australians is that they should not be deluded by the paranoid fantasists and
conspiracy theorists of the Australian Greens. And the advice I would give the Australian people is that our national security agencies—staffed, as I said, by personnel of integrity and skill—are supervised by this parliament through an exhaustive network of parliamentary accountability and independent accountability, especially through the Inspector-General of Intelligence and Security. They do important work that keeps Australians safe. They ought to be supported in their endeavours by all members of this chamber. Sadly, in the case of one particular political party, the fantasists and conspiracy theorists of the Australian Greens, they are not. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Carbon Pricing

Senator CORMANN (Western Australia—Minister for Finance) (15:10): Mr Deputy President, I may have inadvertently misled the chamber during question time, and I seek to make a correction. During my answer to a question I asserted that in the lead-up to the last election Senator Conroy was one of a series of Labor senators who had campaigned to scrap the carbon tax. It has been brought to my attention that in fact Senator Conroy was on holiday overseas and did not participate in the most recent campaign. I apologise for any offence caused to Senator Conroy. It was of course Senator Pratt who had actively campaigned to scrap the carbon tax.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Ministerial Staff: Code of Conduct

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:11): I move:

That the Senate take note of the answers given by the Assistant Minister for Health (Senator Nash) to questions without notice asked by Senators Faulkner, Wong and McLucas today relating to circumstances surrounding the removal of a health star rating website.

What we saw today in question time was a minister desperately ducking and weaving and hiding from providing any proper information to this chamber about things she should have known and things in relation to which she has previously misled the chamber. She was asked some very straightforward questions, which ministers should be able to answer, about the appointment of her chief of staff, about whether or not she was aware of his shareholding, about when statements of interest were provided and, in particular, in a question from Senator Faulkner, she was asked about a particular public servant who did not do what the chief of staff obviously asked and then somehow, and completely independently, has been moved from that position within six days.

I want to focus on one particular point that arose in question time today in relation to the provision of the statement of private interests. If you look at the ministerial staff statement of private interests you will see that there is a requirement in it to include shareholdings of oneself, one's spouse and one's dependants. In relation to the shareholding of the chief of staff to the minister responsible for food regulation, the question is whether or not, at the time he was appointed, he had disclosed this shareholding. This is the shareholding that was subsequently disclosed on Tuesday night late in the Senate when the minister scurried in to quickly try and correct the record, some six hours after she had misled the Senate. That has
not been answered, as to when that statement of interest was submitted and whether it disclosed his shareholding. There is an even more important point out of question time on this issue—that is, the involvement of the Prime Minister and the Prime Minister's office.

Let us be very clear: as Senator Abetz would recall, what this government has told the parliament, in Senate estimates, and the Australian people is that all staff appointments are the Prime Minister's staffing appointments. It is the Prime Minister who ultimately determines if someone is appointed. This is not my assertion; this is very clearly an assertion made by the government in the last Senate estimates. Interestingly today, when the Prime Minister was asked about the appointment of the minister's chief of staff, did he stand up and defend him?

Did he stand up and defend the minister? Did he say, as the minister has consistently bleated over and over again today, 'No conflict of interest'? No, he did not. Do you know what he said? 'It's been answered in the Senate. Go and look there.' It is not the most fulsome support I have seen from a prime minister. More importantly in many ways, today when Senator Nash was attempting to answer, or not answer, questions from me about the involvement of the Prime Minister and his office, she said: 'All information around my chief of staff was given to the Prime Minister's office in accordance with the appropriate timing.' I think that is called dropping the Prime Minister's office in it.

What is very interesting is that the minister was prepared to say, 'Well, I actually did give it to them. I did give it to the Prime Minister's office.' But the Prime Minister himself was not prepared to back his minister in question time today in the House of Representatives. What is very clear through all of this is that a government that promised to restore accountability and transparency—the Prime Minister's commitment—has been found this week to have misled the Australian people through this Senate. This week it has been found to be refusing to comply with its own standards. This government and this minister have refused to comply with their own statement for ministers and their staff. (Time expired)

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (15:16):
What a performance we have seen, although I will say that I have seen Senator Wong undertake the confected outrage much more seriously than that. It may have been when she was on this side of the chamber, but here we have a beat-up story against Senator Nash, who has answered every question to her in this Senate and who has come into this Senate and provided further information. The Labor Party is desperate to talk about something other than issues that matter to Australians, like jobs, because their own record is so poor. They try and confect one of these alleged conflict of interest claims by slandering people and, essentially, by asserting that, since someone once worked somewhere and that their wife is now the CEO and that they may have engaged with a company, that means they are disqualified from serving in a public office.

Let us look at the Labor Party's record. I am sick to death of hearing of these confected claims of conflict of interest from a party that practises it. This is a party that openly and proudly states that it is the political wing of the labour movement. When it is in office, all we see it do is funnel money to that labour movement. On 1 February each and every year we get the Australian Electoral Commission's periodic disclosures. What do we see in those disclosures? The shareholders, the funders, the owners of individual Senate seats in this chamber are the trade union movement. Let us look at Labor's record. How much money did they throw into the trade union movement when they were in office? There was $20 million
handed over for trade union training. The previous coalition government got rid of public funding for the Trade Union Training Authority, because that is a job for unions. We do not hand over money to small businesses to do the jobs they are required to do, but you hand over money to unions which gets laundered through their system and handed back to you for political campaigns. And you try to allege that someone because of where they once worked or where their wife works has a conflict of interest—the gall!

Let us go through some other numbers. As well as the $20 million for trade union training—I know plenty of businesses that would like help like that, but they do not do anything in that space—there is money that goes to our favourite union in Victoria, the Construction, Forestry, Mining and Energy Union, Construction and General Division Victoria Branch. In 2011 they were handed $458,034.50. It is a work to rule sort of culture, and so the CFMEU will count every cent of it. It was probably handed over by cheque, rather than some other means involved in the allegations of what is going on in the CFMEU in Victoria, where it tends to be loose notes in brown paper bags. This union also donates to the Labor Party. The description of the grant to the union was: ‘assistance to provide Victorian building and construction workers training in language, literacy and numeracy integrated with units of competency from construction and business services training packages for WorkCover licences and accredited first aid courses’. That is just a cover for you handing over money to your shareholders. Every other business in Australia has to pay those costs itself, and the Labor Party hands over money to people to do their daily job and then those unions find the cash to hand back to the Labor Party come election time.

That is not the limit of it; there is money handed over to the Australian Manufacturing Workers Union—$199,982 in 2011. It was to fund a project officer to assist labour market adjustment in the automotive manufacturing industry. It was Paul Keating who said that the AMWU had 100,000 manufacturing job scalps personally with a previous member of this place, Senator George Campbell.

Senator Wong: Are you going to get close to the motion?

Senator RYAN: The actual point, Senator Wong, is that the motion you have moved alleges a conflict of interest against Senator Nash because of where the wife of her chief of staff works and a shareholding that is in the process of being removed from that small business. None of you opposite has any experience of that, other than what you have done to Australia's manufacturing industry, and you have the gall to allege that. Yet you openly hand over millions of dollars to your organisation and you brag that you are the political wing of the labour movement. These are affiliated Labor Party bodies; these are bodies that write cheques to the Labor Party; these are bodies that have to declare political expenditure in favour of the Labor Party—although with some of them I will accept that they occasionally donate to the Greens. No-one takes your allegations seriously, and when the royal commission gets underway we are going to find out even more about your connections with dodgy union practices, especially in my home state of Victoria.

The DEPUTY PRESIDENT: Just before I call Senator McLucas, I remind senators to address their remarks through the chair.

Senator McLUCAS (Queensland) (15:21): I, too, rise to take note of the answers given by Senator Nash today to questions from the opposition. The questions went to whether ministerial processes were followed, and, unfortunately, we did not receive enough answers.
Potentially the minister has the opportunity to come back later and provide the Senate with the dates that Senator Wong, in particular, asked for. Senator Nash was also asked questions about the relationship between the minister’s office and the Department of Health. Frankly, I found her answers to the questions from Senator Faulkner unconvincing. Serious allegations have been made, and they need to be answered. I encourage the minister to consider that.

But I will talk about the questions I asked the minister. They went to the purpose of the star-ratings website and to its removal. Let us first go to why there was going to be a star-ratings website. There was going to be a star-ratings website to assist the food manufacturing sector—which wished to adopt the voluntary food-labelling system—to go through the process of identifying what star rating their product would have. They want and need the website in order to be able to participate in the voluntary food-labelling system. The website is designed to provide consumers of manufactured food products with information about how healthy their products may or may not be. A lot of work has been done on food labelling. The work started some three or four years ago following the Blewett report and its advice to the government of the day that we should have a traffic-light system. It was not adopted by the government, and we went back to talk to the forum members—that is, the states and territories of our country and New Zealand—in order to find a system which would better serve consumers in our country.

The website was also to provide information to the community about how the star-rating system would work. It would have prepared consumers for the use of the system once manufacturers voluntarily took up the use of the star-rating system. I was very curious when the minister said that one of the reasons she took down the website is that no products on the supermarket shelves have the star-rating system. But she got the cart before the horse—in fact, we need to have the website to assist business to participate in the voluntary star-rating system.

The history of the website is long, but we are now at the point where there is agreement by state and territory ministers with responsibility for food—and by New Zealand, which participates sometimes in these discussions and sometimes not; at the moment New Zealand is watching to see whether it wants to participate as well. This forum has established a working group and is continuing into the future the assessment of the website as a tool.

I refer to the communique which was issued following the December meeting of the forum. In it, ministers indicate:

The Commonwealth Assistant Minister for Health, Senator the Hon. Fiona Nash, informed the forum that she will direct the Department of Health to broaden the cost-benefit analysis of front-of-pack labelling to include evidence-based research and extensive industry consultations in the absence of a Regulatory Impact Statement, which was not agreed to by the Forum.

This was not an agreed position of the forum; the Ministry is now working unilaterally, outside the agreed structure of coming to a position on food labelling in our country.

The other point I make is about what the public health sector want. What are they looking for? They have been campaigning for years so that we can provide consumers of manufactured food with good quality information about what they are purchasing. The system we currently have is not well taken up by consumers. We have what is called the ‘daily intake guide’. (Time expired)
Senator WILLIAMS (New South Wales) (15:26): I rise to take note of answers on the same matter. The government takes the statement of standards of ministerial staff very seriously. We have made that quite clear this week. Under the statement of standards:
… staff are required to take all reasonable steps to avoid, any conflict of interest (real or apparent).

I have known Senator Nash for 15 or 20 years. Her credibility and standing in the National Party are sky high. I think everyone in in this chamber would agree with that—everyone. I commend my colleague Senator Nash for giving very detailed statements to the Senate, and I commend her for their transparency.

What has amazed me in the debate here today is the hypocrisy and irony of what has been stated by those opposite. Senator Wong said that Senator Nash did not answer the question. I have been here for nearly six years. I have seen Senator Wong in government, down here on the ministerial benches. Perhaps I will get the library to research this, but I doubt if I ever heard Senator Wong answer a question in six years. We remember very clearly questions from Senator Cormann to Senator Wong when she was finance minister. All we got were ranting attacks on Senator Cormann and the opposition at the time; we never had a question answered. Whether it was about her involvement in water or in finance, the question was never answered.

Senator Wong spoke first in this debate on taking note of answers. She said that what Prime Minister Abbott had done did not appear to be 'fulsome support for the minister'. Let us turn the clock back. Minister Penny Wong in the previous government gave her support, as a left-winger in the Labor Party, to the left wing then Prime Minister, Ms Gillard. How long did her 'fulsome support' last? It was heading towards election time and the polls were looking terrible, so Minister Wong was one of those who were plotting to destroy the then Prime Minister, Ms Gillard. Is that what she defines as 'fulsome support'? Give us a break! She said: 'Let's do away with the Prime Minister. The polls are terrible. We're going to get wiped out. Bring back Mr Kevin Rudd; he might save the furniture in the house.' The irony of it is simply amazing.

Minister Wong refers to the misleading of the Australian people. Who was it who said, before the 2010 election, 'There will be no carbon tax'? Then Minister Wong, along with everyone else on that side and the Greens, goes out and brings in a carbon tax. They misled the people of Australia. The Greens didn't, of course—we knew their policy all along. But people like Mr Tony Windsor and Mr Rob Oakeshott—if you remember them—along with the Greens, held a political gun to Ms Gillard's head and said, 'We have to have the multiparty climate change committee' and then the carbon tax that we were never going to have. And the Leader of the Opposition in the Senate, Senator Wong, talks about the misleading of the Australian people. I just find it amazing when people make these statements.

Senator McLucas said she found the answers unconvincing. I have found, in the almost-six years I have sat as a senator in this place, that the answers we were getting from opposition were not only unconvincing—give us a break: we could never get an answer! It didn't matter whether it was to Senator Ludwig about the abolition of the live export trade and the damage to our cattle industry; whether it was on finance; or whether it was to Senator Conroy and all these targets with the NBN, rolling out past premises everywhere. When we got into government, the minister found out that, of the 240,000 premises passed, you can't hook up 70,000—there is no technology to connect to them! But Senator Conroy was saying, 'We're
going past all these premises; we're rolling this out—this plan that was scratched out on the back of an envelope and discussed with the then Prime Minister. Who was the Prime Minister then? It was hard to keep up! I think it was Mr Kevin Rudd at the time. But they were going to bring out a plan.

I commend Senator Nash. She is a decent woman with decent principles and she will do a decent and very good job in her portfolio. I will not play these games that are being played by those opposite—  

**Senator MOORE** (Queensland) (15:31): It is extremely disappointing to hear the tone in which this debate is being carried out. If we take Senator Williams' comments to heart, if that is the real argument that Senator Williams is putting up, then we may as well just close up, we may as well leave the Senate now, because the process seems to be that if some people did not feel that questions were effectively answered at a previous time then no question should be effectively answered at any time.

We have standing orders in this place that have been enshrined, and in fact only recently amended—and you would remember this, Mr Deputy President—under President Ferguson, when he left the presidency and had time to look at putting changes into the way we operated to ensure that we would have a system where people would be held to account. When ex-President Ferguson put those amendments to the standing orders through, there was an attempt to ensure answers to questions were directly relevant. From that time the direct relevance aspect has been used by the previous opposition and the now opposition to ensure that answers being given by ministers have direct relevance. We know that the President and yourself, Mr Deputy President, have both been known to say in this place many times that you cannot direct any minister how to answer a question. But what can be done—and what I believe must be done—is to ensure that, when an answer is given that does not have specific, direct relevance to the question asked, the minister's attention should be drawn to the question.

It seems to me that what we continue to do on a daily basis in this place is work through as best we can with the system we have, a system that is strong, a system for which we have effective standing orders and a system that it is our job in this place to look at, to learn about and to work within. In that context, it is the job of everybody in this place to be aware of the rules and to work with them. Of course there will be times when ministers, of all flavours in all governments, will take the opportunity to put their spin on the answer and to answer a question in the way they feel is best. And that is fine. But we cannot take away the responsibility to continue to ensure that when questions are asked, publicly and quite specifically, ministers need to respond with direct relevance.

That was why points of order were taken today to specific questions that were looking at specific timing issues. We do not believe that specific answers going to timing were given. That will be a point of contention; people will argue about that. I was going to talk more about food safety in my taking note but I was drawn to making this particular point because of comments that were made by previous speakers.

Also taking up a previous point, I say that we are not in any way questioning the decency of any minister—and in particular Minister Nash. To try and cloak any attempt not to answer questions, or to come into this place without looking specifically what has happened in this case, as some attack on the decency of a minister is not true. Basically, we are asking
questions about process and we are seeking answers about process. Mr Deputy President, as you well know, that is a standard action of people in this place—and it should be. Whenever there is a question about how duties are actually done, what influences are there—and, in these cases, it is clearly pointed out—then there must be strict adherence to codes relating to any question of a conflict of interest. We all know that.

When the new government came into power they were very clear about the processes that they were going to put in place to ensure that the codes of conflict of interest were not going to be in any way confusing and would be adhered to strongly. That was a statement they made, as they should. So, when a question is raised, the answers should be given in the same way. It is not a personal attack; it is clearly an attempt to ensure that the system works well—and that not only the people in this place know what is going on but so do people in the wider community, because that is what makes our parliament strong.

We talk with pride about the way we operate in this place, our democratic principles and the way we ensure that due process is followed. Therefore it is our job to ensure that we work to make that happen. Questions must be asked to look into any confusion and any process and those questions should be answered. *(Time expired)*

Question agreed to.

**Western Australia: Shark Cull**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:37): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Siewert today relating to the Western Australian Government’s shark catch-and-kill policy.

That the Senate take note of the answer by Senator Cormann to my question on the shark capture and kill policy of Western Australia.

The government are obviously not monitoring the impact of their decision to exempt the shark cull from the assessment under the Environmental Protection and Biodiversity Conservation Act. Senator Cormann persistently failed to get to the point and answer my question about monitoring the impact. It is obvious from his answers, also, that the WA government is not reporting to the Minister for the Environment on the implementation of the catch and kill policy. He was unable to tell me the number of animals that have been caught, have been destroyed, have died or have been released. Nor was he able to tell me what species have been caught.

We are not just referring to the targeted species under the exemption, we are also talking about other marine life. I was just looking at a media report that three more undersized sharks have been caught in Western Australia and released. I will come back to that in a minute. A tiger shark of over three metres has been destroyed off Perth. That is the first that I have been aware of that has been destroyed off Perth. The others have been destroyed off the south-west coast.

In other words, by the failure of the federal government to require monitoring, including the failure to require an independent observer so that there is an independent person looking at what is happening to these sharks, and by failing to record this data, the government will not be able to get an independent view of the impact of this policy. They will not get an independent view of what animals are being harmed—what marine life is being harmed. This
is irresponsible. It was irresponsible to grant this exemption in the first place, but this government has essentially washed its hands of responsibility for marine life, including sharks—the great white shark for which they have a direct responsibility because it is a threatened species.

They have responsibility not only under domestic legislation—Australian legislation—but under the many international conventions which cover great white sharks, protected and vulnerable species, and migratory species. The minister has a direct responsibility under the Convention on the Conservation of Migratory Species of Wild Animals to protect species that are listed. And the great white shark is listed. Only under extraordinary circumstances should they be exempted from this protection. Those extraordinary circumstances have not been demonstrated. This government has a responsibility, yet they have washed their hands.

Senator Cormann stood in this chamber and said, 'No, we won't revoke this exemption.' He said that his government takes responsibility for the decision. In other words, they are just as culpable as the WA Barnett government for the slaughter of sharks that is going on off the coast of Western Australia.

The community is aware that close to 40 sharks have now been caught through this process. The federal government is unaware of what is going on. It is unaware of the impact of its decision. The state government is failing to report what is going on, so we have to go on what people observe. There have been at least 40 sharks captured. Some have been directly shot. Others have died on the lines. Others have been released.

The problem is that the techniques that have been used on the drum lines damage the sharks quite extensively. We do not know the fate of those sharks that have been released—again, because there is no monitoring. This government has not adequately reviewed the information. It has not sought international expertise. The secretariat of the Convention on the Conservation of Migratory Species has offered to convene a forum to provide expert advice, because the government are clearly operating in the absence of advice and in the absence of science. They have offered to convene a forum to provide that expert advice to the federal government. I wonder if that has been taken up. It is clear that they need this sort of advice to enable them to adequately deal with this problem in a way that does not involve slaughtering the sharks off the Western Australia coast.

Question agreed to.

**DOCUMENTS**

**Border Protection**

**Senator KIM CARR** (Victoria) (15:42): by leave—I move:

That the Senate take note of documents tabled by Senator Cash this morning.

Senator Cash was decent enough to provide me with a copy of this letter that she has tabled. Unfortunately, she was not courteous enough to tell me the time at which she was going to table the letter. So there was not an opportunity at the point that she tabled the document for us to take note.

I wish to take note that, once again, the government has failed to comply with an order to produce documents. The government has requested an extension of time for the Senate to provide documents with regard to the costs in relation to the purchase of lifeboats.
I find it curious that the government requires 30 days to comply with a straightforward request about a procurement process. I find it especially curious given that *The Sydney Morning Herald* managed to get hold of this information three days ago. I note that Senator Cash says in her letter tabled today that the files contain numerous documents, including cabinet documents and documents of a commercially sensitive nature. At no point have I, nor the Senate, requested the release of cabinet documents. I find that all very surprising, given that the documents that have been requested relate to what should have been a fairly straightforward and transparent procurement matter. These documents should in fact be readily available on the public record, yet no record of any procurement process to purchase the lifeboats in question exists. I cannot find anything on AusTender. I remind Minister Cash that her government is bound by the same Commonwealth procurement rules that other governments have been—rules that are designed and established to provide transparency and accountability for the expenditure of public moneys. While the minister may regularly choose to disregard and flaunt the processes of the parliament, hiding behind a cloak of secrecy and citing so-called operational reasons, it is a very serious matter indeed for governments not to comply with the normal procurement processes. In fact, the rules state:

Non-compliance with the requirements of the financial management framework, including in relation to procurement, may attract a range of criminal, civil or administrative remedies (including under the FMA Act, the *Public Service Act 1999* and the *Crimes Act 1914*).

That is a direct quote from the *Commonwealth Procurement Rules*. I think we are entitled to wonder what the government is hiding in this case. Is it the case that no tender process has been undertaken?

It is reported that the cost of each of these lifeboats is more than $50,000 per vessel. It is also reported that the government has purchased 12. Clearly, this is a procurement process which exceeds the thresholds for any normal tender process. If it is the case, as has been reported, that these vessels are only being used once, I suggest that this may well be a very expensive exercise.

Another of the main reasons for the procurement process is to ensure that Australian companies have a full and reasonable chance to bid for the work. I understand that, in the case of these lifeboats, they are all Chinese made. I further note that the cost of delivery apparently was not even included in the purchase of the lifeboats in question. I understand that a Customs vessel, the ACV *Ocean Protector*, has to be dispatched and diverted from its proper duties in the Southern Ocean to go and take delivery of the lifeboats in Singapore. On the surface, it would appear that this procurement arrangement would be in breach of both the spirit and the letter of the *Commonwealth Procurement Rules*, and I believe that the government needs to provide a full and honest account of these matters to the parliament.

Question agreed to.

**MINISTERIAL STATEMENTS**

**Female Genital Mutilation**

**Senator CORMANN** (Western Australia—Minister for Finance) (15:47): I table a statement by the Minister Assisting the Prime Minister for Women, Senator the Hon. Michaelia Cash, on the International Day of Zero Tolerance to Female Genital Mutilation.
Senator CORMANN (Western Australia—Minister for Finance) (15:48): I present two government responses to committee reports as listed at item 14 on today’s Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard. Leave granted.

The documents read as follows—

Joint Select Committee on Cyber Safety Second Interim Report

Cyber Safety for Seniors: A Worthwhile Journey

October 2013

Government Statement of Response

The Australian Government welcomes the opportunity to respond to the report of the Joint Select Committee on Cyber Safety titled Cyber Safety for Seniors: A Worthwhile Journey.

Introduction

The Australian Parliament established the Joint Select Committee on Cyber Safety (the Committee) in early 2010. The Committee inquired into and reported particularly on:

- the nature, prevalence and level of cyber safety risks and threats experienced by senior Australians
- the impact and implications of those risks and threats on access and use of information and communication technologies by senior Australians
- the adequacy and effectiveness of current Government and industry initiatives to respond to those threats, including education initiatives aimed at senior Australians
- best practice safeguards, and any possible changes to Australian law, policy or practice that will strengthen the cyber safety of senior Australians.

The Committee undertook a range of consultation activities in order to investigate these terms of reference, including receiving written submissions, public hearings and an online survey. The Committee tabled an interim report, Cyber Safety for Seniors: A Worthwhile Journey, on 16 April 2013 containing 13 recommendations.

Key messages of the report

The report provides an overview of current cyber safety concerns, as they relate to senior Australians. The report outlines how seniors use information and communication technologies, cyber safety risks and threats for seniors, educating and training seniors, consumer protection, regulation and enforcement and the role of industry.

Key themes that emerged from the inquiry are:

- Many seniors do not go online for banking or other services because they have concerns about the security of their financial and personal information.
- Many seniors who could benefit greatly from the use of online services miss out on those benefits because of their fears of online risks.
- Seniors are just as able as anyone to understand cyber safety principles given adequate training and information.
• Seniors need access to appropriate education and training to help them to be safe online.
• Government could play an increased role in providing funds to those volunteer groups and public libraries which are already training seniors in cyber safety.
• With increased funding, volunteer groups and public libraries could create new, appropriate training opportunities for seniors.
• There may be some laws and policy which could be updated to improve cyber safety for seniors.
• Internet service providers could play an increased role in helping seniors be cyber safe.

The Government is grateful for the work the Committee has undertaken on this important subject and to all those who contributed with their submissions and evidence to the Committee.

The Government's response on individual recommendations made by the Committee follows.

Government response to individual recommendations

Recommendation 1:
That the Australian Government investigates innovative ways of providing low cost internet connection to financially disadvantaged housebound and geographically isolated seniors who request it.

The Australian Government supports this recommendation in principle.

The Government understands that access to fast, affordable and reliable broadband is increasingly essential to the way Australians communicate, access services and do business. This is why the Government is committed to completing the construction of the National Broadband Network (NBN) and in doing so ensure that all Australians have access to very fast broadband as soon, as cost-effectively and as affordably as possible. NBN Co has advised the Government that to deliver broadband sooner, at less cost to taxpayers and more affordably for consumers, the NBN should be completed using a multi-technology mix. This will match the right technology to the right location and make use of existing networks where possible to deliver very fast broadband. This will save taxpayers $32 billion, get the NBN finished four years sooner, and ensure that nine out of ten Australians receive download speeds of 50 megabits per second or more by 2019.

The Government is committed to ensuring that all Australians have access to fast, affordable and reliable broadband, regardless of where they live. Price caps for NBN services will mean that wholesale prices will be fair and affordable while providing NBN Co with flexibility to meet competitive pressure from other network providers.

The Government will be undertaking a series of reviews into the NBN including an independent cost-benefit analysis and review of regulation to analyse the economic and social costs and benefits (including both direct and indirect effects) arising from the availability of broadband via various technologies, and to make recommendations on the role of government support and a number of other long-term industry matters. Specific information on the Government’s reviews will be made available on NBN Co’s website at www.nbnco.com.au

Current NBN retail service prices compare favourably with prices for ADSL2+ and HFC broadband services and a number of providers offer discounts to eligible pensioners.

Telstra has released its first series of bundled plans that are NBN ready. As part of its pricing announcement on 27 February 2012, Telstra committed to providing its existing suite of voice-only plans on the NBN, including the Homeline Budget, which costs $22.95 per month for those who want a voice only service.

There are a substantial number of providers signed up to provide retail telephone or internet services over the NBN. The Government expects that in future more service providers will release competitive pricing for broadband and voice only services.
Telstra is required by a carrier licence condition to offer a package of products and arrangements aimed at low-income consumers. This package, called 'Access for Everyone', comprises initiatives that address a wide range of low-income consumer needs, including concessions to help offset line rental charges for eligible pensioners. This is a largely self-selecting package, enabling all those in need of assistance and benefits to claim them. Telstra is also required to maintain and appropriately resource a Low-Income Measures Assessment Committee (LIMAC). LIMAC's role is to assess changes to the package or to the marketing plan for the low-income package; and report annually to the Minister on the effectiveness of the package. The current members are representatives of the Australian Council of Social Services, Jobs Australia, The Smith Family, the Council on the Ageing (COTA Australia), Homelessness Australia, The Salvation Army, St Vincent de Paul Society, Anglicare Australia and the Department of Social Services (DSS). The Australian Communications and Media Authority and the Department of Communications have observer status.

Retail Price Controls also apply to a number of Telstra fixed line services. Retail Price Controls aim to ensure that efficiency improvements are passed through to consumers in the form of lower prices for telecommunications services in markets where competition is not yet fully developed, and also protect the interests of low-income and regional users of telecommunications services.

The Government also assists pensioners with the costs of home internet connection through the Pension Supplement. Prior to 20 September 2009, a higher rate of Telephone Allowance was paid to pensioners to assist with the cost of their home internet connection. After that date, as part of pension reforms, the higher rate of Telephone Allowance was rolled into the Pension Supplement, along with the Utilities Allowance, the GST Supplement, Pharmaceutical Allowance and an additional amount.

The Pension Supplement is indexed and accrues on a daily basis. Generally, it is added to the regular fortnightly payment made to recipients of the Age Pension, Disability Support Pension, Carer Payment and other eligible recipients. The maximum Pension Supplement from 20 September 2013 is $61.70 a fortnight for singles and $93.00 a fortnight for couples combined.

Broadband for Seniors also supports senior Australians on low incomes and those living in geographically isolated locations to access the internet by providing free access to computers and the internet at around 1,600 Broadband for Seniors kiosks across Australia. Seniors are able to visit the kiosks and receive free training and assistance, equipping them with the skills and confidence to use a computer and the internet while staying safe online.

Recommendation 2:
That an advertising campaign targeting seniors be devised to alert seniors around the nation to the existence and location of the Broadband for Seniors kiosks.

The Australian Government agrees with this recommendation in principle. The Government recognises the importance of raising awareness of the Broadband for Seniors program, particularly among seniors with low internet skills.

To assist with the ongoing promotion of Broadband for Seniors, kiosks are provided with products such as posters and flyers to assist in raising awareness within their community as to the existence and locations of kiosks. Additional awareness raising activities will continue to focus on:

- engaging with key adult education organisations that assist seniors such as COTA Australia, Australian Seniors Computer Clubs Association, Adult Learning Australia, and the University of the Third Age Online to disseminate information to their members about the benefits of Broadband for Seniors services
- linking with other Government initiatives that reach seniors
- promoting Broadband for Seniors on websites and social media frequented by seniors
- assisting individual Broadband for Seniors kiosks to promote their services at the local level
Recommendation 3:
That the Department of Broadband, Communications and the Digital Economy [now the Department of Communications] prioritise including some cyber safety information on their website in languages other than English.

The Australian Government agrees with this recommendation in principle, noting it will need to be considered against competing priorities in the budget context.

Communicating in languages other than English is a key element of multicultural access and equity. The Government currently funds agencies to have documents translated into languages other than English on a one-off basis, providing an avenue to improve the availability of translated materials.

The Department of Communications will review its’ cyber safety publications and consider which documents are appropriate for translating into languages other than English.

Recommendation 4
That the Australian Government develops, as a supplement to its Web Guide, a web style guide prescribing the key elements of web design to ensure simplicity of language, visual clarity in design and logical navigation tools. This could be supported by graphical step-by-step tutorials for use where applicable.

The Australian Government agrees with this recommendation in principle.

The Australian Government Web Guide will be redeveloped into a Digital Service Standard and associated Digital Design Guide to ensure consistent design of all current and future digital services and information. It will promote accessibility for all and include the standards and design information that web managers and developers need to comply with in order to meet their legal and policy obligations.

The Australian Government also publishes the Style manual for authors, editors and printers. It includes style guidance on the application of effective and inclusive language, and producing content for a digital audience, including visual design and layout. The Style manual is currently under review for contemporary upgrade to include more detailed digital publishing information.

Better Practice Principles, Guide and Checklists are also available to help executives, business managers, web managers and others to quickly improve their understanding of a range of issues associated with the provision of services online. These include Writing for the web, Designing and managing websites, Testing websites with users and Managing online content.

Recommendation 5
In support of the previous recommendation, the Committee also recommends that, in addition to conducting compliance audits based on the web style guide requirements, the Australian Government Information Management Office should offer an Annual Award for user friendly web design, in part based on public input on the utility of government websites.

The Australian Government agrees with this recommendation in principle.


However, it should be noted that there is no requirement for agencies to report to AGIMO on their compliance with the mandatory criteria set out under the Web Guide. Similarly, AGIMO does not undertake or initiate audits of compliance independently.

The annual 'Excellence in eGovernment Awards' require nominations to demonstrate how they address accessibility and usability issues and the 'Government 2.0' category of those awards allows for members of the public to nominate a project they believe is worthy of recognition.
Recommendation 6
That the Australian Government develops a centralised user friendly reporting and cyber safety awareness portal for all types of cybercrime with links to relevant regulators.
The site should feature a dedicated reporting tab, a seniors tab and be backed up by a telephone service which links individuals to appropriate victim support, training and other advice.
The Australian Government agrees with this recommendation.
In 2012, the Standing Council on Law and Justice and Standing Council on Police and Emergency Management agreed to the implementation of the Australian Cybercrime Online Reporting Network (ACORN). The Attorney-General's Department (AGD) and CrimTrac, in consultation with relevant state, territory and Commonwealth agencies, are now progressing implementation of the ACORN system.
ACORN will provide a centralised, internet-based system that will allow members of the public to report a number of cybercrimes and access general and targeted educational advice in relation to cybercrime. The system will refer reports to law enforcement agencies for further consideration as appropriate. It will also collect cybercrime data to assist in the development of a clearer cybercrime intelligence picture.
Amongst other things, the ACORN will provide targeted information to members of the public based on a range of inputs, including personal information (such as age) and the type of cybercrime being reported. As such, the ACORN's design will ensure it is accessible to all members of the public, including those with little to no technical or legal knowledge.
AGD will consult with other government departments in relation to linking the ACORN to the Broadband for Seniors website and other relevant cyber safety and cyber security material.
The Government will consider options for providing targeted information about existing victim support, training and other advice services.

Recommendation 7
In support of the above, the Australian Government should investigate options for the contracting of appropriate non-government organisations or private organisations to provide support and advice to victims of online and technology related crime.
The Australian Government agrees that support and advice should be made available to victims of online and technology related crime.
The Government will consider options for providing targeted information about existing victim support, training and other advice services.

Recommendation 8
That the Australian Government advertise the Broadband for Seniors initiative widely, including:
1) launching a campaign publicising the internet kiosks using seniors clubs, magazines, newspapers, radio and television; and
2) widely advertising the new cyber safety telephone helpline, including on all government websites which host cyber safety information.
The Australian Government agrees in part with recommendation 8(a). Please refer to the response to recommendation 2.
In relation to recommendation 8(b), as mentioned in the response to recommendation 6, the Government will consider options for providing targeted information about existing victim support, training and other advice services.

Recommendation 9
That the Australian Government work with the States and Territories to support public libraries or community resource centres where no public library exists, for the purpose of meeting the demand for cyber safety training for seniors.

The Australian Government agrees with this recommendation.

The Department of Communications has funded COTA Australia to develop and deliver a pilot cyber safety and security training package for senior Australians in Tasmania and New South Wales. The Department of Communications also currently partners with other seniors organisations, such as the Australian Seniors Computer Clubs Association, to directly target senior Australians in delivery of its education awareness activities, including through the Stay Smart Online website, social media channels and the annual National Cyber Security Awareness Week.

The Australian Government is providing $13.6 million in grant funding over four years from 2011-12 under the Digital Hubs program to help community members, including seniors, gain the skills needed to maximise the benefits provided by accessing broadband. The program has established Digital Hubs in 40 communities across all states and territories. Local residents are provided with digital literacy training and the opportunity to experience broadband-enabled services and technology. Digital Hubs are encouraged to run training courses on topics of specific interest to seniors.

The Internet Basics website (www.internetbasics.gov.au) provides a starting point for internet novices to build the skills and confidence needed to get online. The website is designed especially for people who are new to the internet, and those who wish to learn a little more to be confident and safer online. Senior Australians have been identified as a key audience for the Internet Basics website. Introducing basic digital literacy concepts and internet terms in plain English, Internet Basics incorporates videos and text to help new users understand how the internet can benefit their daily lives. The website is divided into four main topic areas:

- what you can do on the internet
- getting started on the internet
- how to stay safe on the internet
- connecting to the internet.

From 1 July 2013, existing organisations hosting a Broadband for Seniors kiosks were eligible to apply for additional resources to support delivery of services to seniors including a $2,000 grant to assist with the provision of training, particularly on issues of concern for seniors such as cyber safety and cyber security as well as a new computer with touchscreen monitor.

This training grant is in addition to the free and accessible information and training about cyber safety already provided through Broadband for Seniors, as part of a comprehensive package of training for seniors on how to use computers and the internet.

Public libraries, community resource centres as well as a wide range of other community organisations will continue to play a key role in delivering Broadband for Seniors services.

**Recommendation 10**

That Australian Government's cyber awareness campaigns should headline clear and practical messages for cyber safety on the central reporting and awareness portal, and appear up front of all published cyber awareness material for the general community.

The Australian Government agrees with this recommendation.

The Department of Communications will work closely with AGD and other relevant departments to ensure that current and future cyber safety campaigns are clearly linked and promoted through all relevant avenues, including through the ACORN.

**Recommendation 11**
That the cybercrime reporting tab on the central reporting and awareness portal be designed for ease of access to users and to facilitate data collation and assessment. The system should be supported by simple online instructions and accessible to the visually and aurally impaired, and for print in hard copy.

The Australian Government agrees with this recommendation.

ACORN will be designed for ease of access to users, and to facilitate data collection and assessment, and be supported by simple online instructions to ensure accessibility for the widest range of people in Australia.

The Government will take the Committee's recommendation into account when finalising the design of the ACORN system, including by ensuring the ACORN meets Australian Government standards for website accessibility.

Recommendation 12
That the Australian Government establish a consultative working group, with wide stakeholder representation, to co-ordinate and promote government and industry partnerships and initiatives in support of a healthy and secure online environment.

The Australian Government supports wide stakeholder consultation to co-ordinate and promote government and industry partnerships and initiatives.

The Government has established a new Online Safety Consultative Working Group (CWG) which will advise the Australian Government and the Children's e-Safety Commissioner (once established) in developing and implementing policies to improve the safety of Australian children online.

The CWG will meet twice a year and members are drawn from community groups, internet service providers, industry associations, business and government. The CWG will provide advice on measures to protect Australian children and young people from online risks including cyber bullying, abuse of children and young people online (including sexual grooming), exposure to illegal and harmful content, and online security issues.

As well as enhancing online safety for children, outcomes from the work of the CWG will help to keep seniors safe online. For example, the previous CWG contributed to the development of the Cybersafety Help Button, which was designed as a one-stop shop to provide cyber safety information for young people. Although designed for young people, the Help Button is available to everyone and has been installed on the Broadband for Seniors' website.

Recommendation 13
That the proposed consultative working group should examine the effectiveness and promote awareness of relevant industry codes of practice, and make recommendations to governments at all levels on these matters.

The Australian Government agrees with this proposal in principle. Please refer to the response to recommendation 12.

**Australian Government response to the Joint Standing Committee on Treaties' report:**


**Recommendation 1:**

The Committee recommends that the Australian Government provide both in-kind and cash support to meet its food aid commitments, as allowed in the convention and as practiced by other developed countries.

**Response - Recommendation 1:**
The Government notes that accepting Recommendation 1 would commit the Government to provide some level of in-kind food assistance. The Government considers that mandating such a commitment is not necessary as Australia already has the flexibility to do this under the Food Assistance Convention and World Trade Organization (WTO) rules, if the circumstances warranted.

Australian Government policy is to continue to focus on cost effectiveness and efficiency in delivering food assistance. In-kind food assistance does not always represent best value for the aid dollar. The OECD has estimated that tied in-kind food assistance can raise costs by up to 50 per cent.

Australia has not provided in-kind food assistance since December 2005. This correlates with the Government's untying of the aid program, including to improve openness in trade and to maximise the impact of aid spending. Flexible financial support allows the United Nations World Food Programme, our largest humanitarian partner, and one of the aid program's best performing multilateral organisations, maximum flexibility to procure and deliver food assistance efficiently, effectively and in the most timely way possible to those in need.

Providing cash-based assistance reflects Australia's commitment to openness in trade and competition, and supports Australia's advocacy for freer trade, particularly with regard to our efforts to prevent in-kind food assistance from resulting in commercial displacement, or harmful interference with normal patterns of production and international commercial trade.

Australian suppliers can and do bid for United Nations procurement contracts to supply food for humanitarian aid purposes. The Government will endeavour to work more closely with Australian industry to assist potential suppliers to access procurement opportunities within the United Nations system.

Recommendation 2:
Subject to Recommendation 1 being adopted, the Committee supports the Food Assistance Convention (London, 25 April 2013) and recommends that binding treaty action be taken.

Response - Recommendation 2:
The Government accepts Recommendation 2 in part. The Government considers that Australia should ratify the Food Assistance Convention (London, 25 April 2013) while retaining existing flexibility to provide in-kind food assistance if it chooses to.

**DOCUMENTS**

**Work of Committees**

Tabling

The DEPUTY PRESIDENT: I present Work of Committees for the period 1 July to 31 December 2013.

Ordered that the document be printed.

**Protection of Nationally Important Species and Wilderness Places**

Tabling

The DEPUTY PRESIDENT: I present a response to a Senate resolution from the Deputy Premier of Queensland, Mr Seeney, concerning the protection of nationally important species and wilderness places.

**Australian Law Reform Commission Report 122**

Tabling

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:49): I table
the Australian Law Reform Commission's report on copyright and the digital economy, and a
summary of the report. I seek leave to make some short remarks in relation to that report.

Leave granted.

Senator BRANDIS: I am pleased to table the Australian Law Reform Commission's
122nd report, entitled *Copyright and the digital economy*. The ALRC inquiry was the most
significant review of the Copyright Act since the act came into operation in 1968. It attracted
strong interest, receiving over 850 submissions. The government acknowledges the
contributions of and thanks those who participated in the inquiry for the considerable amount
of work which was involved in preparing the submissions, which were of a very high order.

The inquiry examined whether exceptions and statutory licences in the Copyright Act are
adequate and appropriate in the digital environment and whether further exceptions should be
recommended. The ALRC has made a number of recommendations. Notably, it has
recommended the introduction of a flexible fair-use exemption as a defence to copyright
infringement. This is a controversial proposal. The ALRC has also recommended, among
other things, retaining and reforming some existing specific exemptions, introducing certain
new specific exemptions, amending the act to clarify the statutory licensing scheme, limiting
the remedies available for copyright infringement to encourage the use of orphan works,
reforming broadcasting exemptions and amending the act to limit contracting-out terms.
Those and other recommendations will be given very careful consideration by the
government.

In considering the recommendations, we will be particularly concerned to ensure, and we
will approach the consideration of the report with the view, that no prejudice be caused to the
interests of rights holders and creators, whether the proposed fair use exception offers genuine
advantages over the existing fair dealing provisions and that any changes maintain and, where
possible, increase incentives to Australia's creative content producers. As I have often said,
Australia's creative industries are not just a vital part of our culture; they are a thriving sector
of our economy.

The Australian screen production industry, for example, contributes $752 million to our
economy each year and directly employs 13,000 people in full-time work. Our music industry
contributes $1.2 billion to our economy and directly employs 15,000 people in full-time work.
Those who create the great Australian films, the great Australian television shows and the
great Australian albums depend upon robust intellectual property laws to protect their creative
endeavours. Just like any other workers in our economy, they are entitled to the fruit of their
efforts. Without strong, robust copyright laws, they are at risk of being cheated of the fair
compensation for their creativity and effort, which is their due.

As I know from my many discussions with members of the industry, they are looking to the
government to ensure that their interests are protected, and this the government will do. I want
to take the opportunity of the tabling of this report to reaffirm the government's commitment
to the content industries. Not only do they contribute to our economy; they build a culture of
innovation and artistic endeavour. It is the government's strong view that the fundamental
principles of intellectual property law that protect the rights of those creative Australians have
not changed merely because of the emergence of new media and new platforms. The
principles underlying intellectual property law and the values which acknowledge the rights of creative people are not a function of the platform on which or through which that creativity is expressed. In the changing digital world, we must always look for opportunities to reform the law and to make sure that it is contemporary. But, in reviewing intellectual property laws, the government has no intention of diminishing the rights of content creators to benefit from the fruits of their intellectual endeavours.

In closing, I thank the commission for its work on this challenging area, and I in particular extend my thanks to the President of the ALRC, Professor Rosalind Croucher, and the commissioner in charge of the inquiry, Professor Jill McKeough.

I seek leave to continue my remarks later.
Leave granted.

BUDGET
Proposed Expenditure

Senator CORMANN (Western Australia—Minister for Finance) (15:54): I table particulars of proposed additional expenditure and the Issues from the advances provided under the annual Appropriation Acts for 2012-13 and seek leave to move a motion to refer the documents to legislative and general purpose standing committees.

Leave granted.

Senator CORMANN: I move:

That—
(a) the documents I have just tabled, together with the final budget outcome 2012-13 tabled on 13 November 2013, be referred to committees for examination and report; and
(b) consideration of the Issues from the advances provided under the annual Appropriation Acts in committee of the whole be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question agreed to.

Portfolio Additional Estimates Statements

Senator CORMANN (Western Australia—Minister for Finance) (15:55): I also table the portfolio additional estimates statements 2013-14 in accordance with the list circulated in the chamber.

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. Secondly, letters of advice are tabled in response to the continuing orders relating to departmental and agency contracts, appointments, vacancies and grants.

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

Membership

The DEPUTY PRESIDENT (15:56): The President has received letters from party leaders requesting changes in the membership of committees.

Senator CORMANN (Western Australia—Minister for Finance) (15:56): by leave—I move:

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

Economics Legislation Committee—

Appointed—

Substitute member: Senator Furner to replace Senator Bishop on Thursday, 27 February 2014

Participating member: Senator Bishop

Foreign Affairs, Defence and Trade References Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Whish-Wilson for the committee’s inquiry into overseas aid

Participating member: Senator Whish-Wilson

National Broadband Network—Select Committee—

Appointed—

Substitute member: Senator O’Neill to replace Senator Thorp on Tuesday, 11 March 2014

Participating member: Senator O’Neill

Rural and Regional Affairs and Transport References Committee—

Appointed—Substitute member: Senator Ludlam to replace Senator Rhiannon for the committee’s inquiry into public transport on Wednesday, 19 February 2014.

Question agreed to.

MOTIONS

Australian Jobs

Senator KIM CARR (Victoria) (15:56): I move:

That the Senate—

(a) condemns:

(i) the failure of the Government to:

(A) articulate a comprehensive innovation policy so that Australia has the high skill, high wage jobs of the future, and

(B) fight for Australian jobs,

(ii) the deliberate and hostile actions of the Government in bringing about the end of Australia’s automotive manufacturing sector threatening a further 50 000 jobs directly reliant and the 200 000 jobs that rely on it indirectly, and

(iii) the cowardice of the Government for blaming job losses on workers to distract from its own inaction and lack of any plan to deal with the crisis facing Australian manufacturing due to the strong dollar; and
(b) calls on the Government to immediately outline:

(i) its plans to support the 50 000 Australian workers who have lost their jobs since the election,

(ii) the industries in which it expects these workers to find new jobs, and

(iii) its plans to attract the billions in new investment, new jobs, new skills and new technologies to replace those lost in the automotive sector.

This morning we woke up to the news that the Canadian government is increasing its funding for its automakers by some $500 million. This is a bid to attract investment from Chrysler. The Canadian budget documents explain that this is being done ‘to create and sustain jobs in Canada and to deal with the high Canadian dollar’. We heard this afternoon that the conservative government in Victoria has just announced $22 million for SPC Ardmona. Premier Napthine said:

Up to 2700 jobs in the Goulburn Valley depend on SPC Ardmona and this co-investment secures these jobs which are vital to this region’s economy.

Deputy Premier Peter Ryan said that this is another example of the Victorian coalition government supporting business to grow and thrive in the domestic and international market. I commend Daniel Andrews and Victorian Labor for forcing the Premier’s hand on this issue. This is part of Labor’s response to trying to find solutions, instead of passing the buck, when it comes to ensuring that we fight for jobs in Australia.

I trust that the Prime Minister has actually heard some of the statements being made internationally and domestically—even from within his own party. I expect that he would take no notice of what the labour movement has got to say, but he at least ought to understand what the conservative government in Canada and, I might add, the conservative government in the United Kingdom and the conservative government in Victoria are saying about the need to fight for jobs and investment. We know this because I recall before the election, when the Prime Minister was opposition leader, that he almost slept in his fluoro vest. He took the view that every opportunity had to be taken to ensure that he was at a factory being photographed in a high-visibility vest. He would do all he could to shake hands with workers and show off his RM Williams boots. He called himself ‘the workers’ best friend’, if I recall rightly.

But what a difference an election makes. We are now looking at the highest unemployment rate in a decade, yet we have heard no solutions whatsoever from the Abbott government when it comes to the question of securing jobs and investment for this country. What we have heard from this Prime Minister is the sunniest optimism, outside any commune, since the 1960s. He goes along as if he were a 1960s folk singer: he argues that we can wait for a bright, new day. Of course, workers will not be satisfied with the notion that we will actually be better off for the loss of the automotive industry and our manufacturing industry. But that is what we are hearing from the right wing cheer squad of the textbook economists and those in the gallery who take the view that whatever the government does must be right. But we have to live in the real world where jobs do not just grow on trees. We have to be appreciative of the impact of the social catastrophe that awaits this country if this government and other governments do not fight for jobs.

Automotive industry jobs are concentrated in particular regions, locations and communities—like the north-west of Melbourne, the eastern suburbs of Melbourne, Geelong and the north of Adelaide. Some $2.25 billion is invested every single year in Victorian suppliers by the current industry. Some $630 million is invested every year in Adelaide
suppliers. In fact, more than $80 million is invested around Western Sydney. We have huge investments, and we now are in a position where we cannot guarantee the future. We have tens of thousands of people with extraordinary skills who face the prospect of unemployment. We have very highly skilled people who have no real certainty about the future—the capacity to pay the mortgages, the capacity to support their families, the capacity of many other businesses that rely on the automotive industry. I am talking not just about the people who are directly employed but also the massive multiplier effect that ricochets right throughout the economy as a result of investment by our car companies.

I am particularly concerned about the 160 tier 1 suppliers currently registered on the Automotive Transformation Scheme. You would have to ask yourself how many of those—and they employ the better part of 40,000 people—will be able to survive as a result of the policies that this government has pursued. We know that many of those firms have already taken steps to transform their business. Many of their non-core functions, such as accounting, cleaning and catering, have already been outsourced. We know that many of those companies now face the prospect that they will not be able to sustain their existing employees. I have had the opportunity to go to Detroit on many occasions and watch firsthand what happens to a great industrial city that has been hollowed out by the loss of major industries. We have seen this in the United States and in other parts of Europe. In the case of Detroit, in many respects it resembles a wasteland.

In Australia, research by the Monash University Centre of Policy Studies and work undertaken by the Allen Consulting Group shows that, as a result of the loss of the automotive industry, the gross regional product in Melbourne and Adelaide will not recover for almost two decades—until 2031. Toyota last year spent $1.5 billion in connection with building cars in Australia. From 2001 to 2012, General Motors Holden generated some $32.7 billion worth of economic activity in Australia. During that period, Holden received $1.8 billion in Commonwealth assistance, returned $1.4 billion as income tax revenue, and paid $21 billion to other businesses in Australia for the supply of services to the industry. That is a return of $18 for every $1 spent by the Commonwealth.

We have heard from this government that these companies are somehow lazy and inefficient, that they are backward. In fact, they are far from it. The automotive industry in Australia is cutting edge. The General Motors plant in Elizabeth is among the most modern in the world. Data published by the Department of Industry shows that the number of motor vehicles produced per employee per year has increased from 11 in 1991 to 19.6 in 2012. In fact, when you include the R&D figures in that, it goes up to about 25. In other words, the number of cars produced per worker has almost doubled. What we have done is trade an industry that produces this level of wealth for Australia for a $20 billion welfare bill.

Of course, one would have to be out of one's mind to deliberately set out to do that. That is, I think, exactly what has happened with this government. They have deliberately set out to do that. I condemn this government. I condemn this government for raising the white flag when it comes to jobs, and I condemn this government for its failure to respond—if they knew these things were so inevitable and so predictable—and for not having a plan ready to go to defend these communities across Australia.

The Prime Minister likes to pretend that he had nothing to do with it and that nothing could be done. He argues that unless you are a chocolate factory there is really not much you can
do. He says you cannot help a fruit-producing factory, but you can help a chocolate factory. He says we cannot help SPC because it had an international parent that was doing well. In the case of Cadbury, we know they have an international parent that is doing considerably better, and the figures produced today show that a profit of $3.9 billion for the parent of the Cadbury plant in Hobart. But this government cannot find the wherewithal to assist the people of Shepparton and cannot find the wherewithal to assist the automotive industry in this country.

What we know is that industries do need to transform. We do know that we need to be able to assist industries to do that task. We need to have the investment in cutting-edge science and technology to allow them to be able to do that task. We know that we need to assist our universities to develop that science and technology. We need to assist our science agencies to do that. We need the innovation incentives for companies to undertake that work, and we need to ensure that the research and innovation networks are available to assist companies to achieve those results. We know we need access to venture capital and we know we need modern infrastructure like the NBN.

We know that governments have to fulfil their obligations to the community and engender a sense of trust—to ensure that the conversations they have with private companies about investment are not put on the front page of the Financial Review by the Treasurer of Australia, as we saw yesterday. We have to be sure that the government is actually interested in finding solutions and fighting for jobs and investment, rather than trying to drive jobs offshore as if there is nothing that can be done. In my experience, governments have to be part of the solution. They have to want to be part of the solution, rather than throwing their hands up with the view that nothing can be done.

I wonder just what the Minister for Industry must make of all of this. I take the view that Minister McFarlane is concerned. Personally, I do believe he is concerned. But I wonder if he is even more concerned about the public humiliation that he has had to face: day after day of criticism by his colleagues from the cabinet, day after day of speculation about government decisions before they are actually in the cabinet room, and, of course, day after day of having to deal with public rejection by his colleagues—only to be asked to go out and announce the policy that he vigorously argued against in cabinet. We know that this is the situation because if he really did believe—in regard to SPC, for instance—that the government's position was the correct one, why did he take a submission to cabinet and argue exactly the opposite?

We know that the government have already taken steps to cut fundamental innovation programs. The Manufacturing Technology Innovation Centre was one of the first things they cut. Sixteen million dollars has already been taken from bringing designers and researchers together. We know that this is an investment that pays for itself through the opportunities to grow innovation between our researchers and our companies. The government are not interested and they have killed it. We know one of the first things they did in regard to the CSIRO was to put a freeze on the hiring of 1,400 non-essential staff. They have slashed $100 million from the Australian Research Council. They are ripping up the NBN. They have abolished the Cleantech program. They are going to cut $500 million from the automotive industry, which is one of our greatest sources of research and innovation in manufacturing.

They have failed to produce any plan in regard to innovation. What they are in the business of doing is tearing down the innovation programs that are currently there. It has taken the Abbott government less than six months to kill off the automotive industry in this country.
They have killed it through their bungling, their incompetence and their arrogance. You would have thought that that would at least trigger a moment of self-reflection from this body of intellectual giants. No. What they do is resort to the textbook economists who, of course, have an answer for everything and an understanding of very little. The industry minister tells us he could have saved Toyota if he had been given more time. The Prime Minister says there was nothing the government could do. So which is it: incompetence or impotence? They cannot even get their stories straight. They cannot work out whether or not the government was in the business of genuinely negotiating with Toyota and General Motors or whether they were in the business of driving them out of the country.

They say they are not interested in blank cheques, but they are simply giving blank expressions when it comes to the need to secure jobs for the future. They could have secured this industry with an investment of $300 million per year, or about $13 per person. This is far less than the welfare bill the country will now have to face. This is another example of where proper government strategic investment, in fact, pays for itself. The automotive industry could have contributed $700 million a year in research and development. The spin-off of new firms in aerospace, advanced materials and electronics are the very pillars of innovation within the manufacturing sector in this country. It could all have been done at a very modest price. It is simply ludicrous to claim that government policy makes no difference. We know that the Productivity Commission heard from Toyota 'that government assistance needs to be consistent and it needs to be ongoing' in order for Australian manufacturing operations to be viable. So, when the Prime Minister point blank refused on 14 December to provide any further assistance, Toyota signed the death warrant. Toyota itself said the decision on the next generation was actually very close. The contrast is clear and, in my view, damning. If it wanted to, this government could have acted to preserve this industry.

Labor have strongly argued in the face of the worst economic conditions since the Great Depression that you can attract new investment in manufacturing, which is what we did. With the price of the dollar being so high, we did see there were substantial pressures on manufacturing. But, as a result of deliberate action, we were able to secure future investment. But not this government. This is not their approach. It is exactly the opposite.

I do not want to make light of the challenges facing manufacturing, but I do know this: the high dollar continues to play havoc with manufacturing and it has done for years. I know that badly managed firms invariably will hit the fence. But we are talking about good companies here. We are talking about companies that have weathered the storm of international crisis in recent years. With proper support from government, with proper policy settings, we can secure the future of advanced manufacturing in this country. But what we are seeing now is a government that is clearly not interested, that does not have a plan and that has no understanding of the implications of what is involved with the loss of so many jobs.

The Prime Minister promised at the last election to create one million jobs. What have we seen? The loss of 50,000 jobs. Where is the plan for new investment? Where is the plan to help people find new employment? There is no plan for science and research. Where is the bright promise that this government made prior to the election? All we have are peddlers of deceit and despair.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (16:16): History
will show that Senator Carr was not prepared to put any of these matters to me, as the Minister representing the Minister for Industry, over the last three days. He scurried in here to make a speech. He has scurried out again. He had three days of opportunities to put these matters to me, and he squibbed it. He squibbed the opportunity to put the matters that he is talking about today to me as the Minister representing the Minister for Industry.

I am going to talk about what this government intends to do. Probably the most sensible contribution Senator Carr made was when he talked about how he is looking for stable policy settings. That is exactly what he is going to get. But from 2007 until the removal of the opposition from government that is exactly what manufacturing did not get. There were no stable policy settings. I have had my staff trawl through Senator Carr's speeches from when he was the industry minister. The only sensible contribution that I agreed with was a ministerial statement on 24 August 2011. Senator Carr said:

Our nation is facing a historic shift, the like of which we have not seen in two generations. That does not mean the change will be easy or swift. These are incredibly challenging times.' In 2011 he said, 'These are incredibly challenging times.

What was Senator Carr's response as minister to this historic shift, the like of which we had not seen in two generations? I will tell you what it was. He was part of a Labor government where, under his watch, one manufacturing job was lost every 19 minutes during their term—200,000 extra jobs were lost over that period. In relation to the motor vehicle industry, honourable senators will be horrified to note that, from 2007 until the removal of the previous government, the number of locally made cars dropped by one-third. One in every four jobs in the industry disappeared. The locally made share of the domestic market dropped by 32 per cent. There were significant falls in R&D, productivity was down, turnover was down, vehicle production was down and exports were down.

It is a bit hard to tell when Senator Carr was or was not industry minister, I have to say. He was in and then he was out, and then he was in and then he was out. But where was Senator Carr when two or three key decisions were made? Where was Senator Carr when the Australian Labor Party in government broke a promise of $1.4 billion in funding commitments as they chopped and changed their car industry policy? That was under the watch of this inapt minister.

The former minister never delivered on his watch the stable policy settings that he was bleating about. Is a stable policy setting changing the rules in relation to FBT? Is that a stable policy decision? Was there any consultation with industry in relation to the change to these pre-existing FBT rules? What about this minister, this inapt, in-out minister who has the gall to talk about what may or may not have happened in relation to these issues in this government's cabinet? Where was the industry minister when these FBT changes were made? Where was this former minister when a stable policy setting was required? He went missing. All those opposite know what a dramatic impact this proposal had. I will go through some of the commentary. The Federal Chamber of Automotive Industries, the FCAI, undertook an analysis of the likely impact of the former government's decision, describing it as terrible news for the industry and concluding that it could have a dire effect on Australian car production, including on the manufacturing supply chain—that is the component manufacturers. The very person we have heard bleating and seen crocodile tears from over the last week, the former minister, did not have the intestinal fortitude to ask the Minister
representing the Minister for Industry a question over three days. He is lacking intestinal
fortitude, and he lacked the ability as a minister to provide the stable policy settings that
might just have saved car manufacturing in this country.

But it gets worse. This minister was either rolled in cabinet or supported the decision. We
think we know which it was. We think he supported the decision, because he was very quick
to come out between his industry minister gigs and attack the former Labor government when
he was not sitting on the front bench. When he had been cast to the back bench, where he
should have been for the last six years, he got stuck into the Green Car Innovation Fund. He
wrote a book on it. He was prepared to bell the cat on that, so presumably if he was not part of
the cabinet decision that introduced these FBT changes or we would have heard from him.
We didn't. Therefore we quite rightly assumed that he was part of a policy that was predicted
to reduce the number of units manufactured in this country by 100,000.

What did this in and out minister, this failed industry minister, go on to do? He tried to
mislead the Australian public in his defence of this indefensible policy. On Channel 10's Meet
the Press program, the failed minister sought to deflect attention away from this disastrous
policy by saying that only a minimum of vehicles being purchased on such grounds are
Australian made. He was part of the decision and then went on Meet the Press. He tried
deliberately to mislead the Australian community to cover his backside on the back of this
outrageous decision about which there was no consultation. Guess what the Australian Salary
Packaging Industry Association said about his comments that only a minimum of vehicles
purchased on such grounds are Australian made? The leasing and salary packaging industry
stated that around 40 per cent of vehicles made locally by Toyota, Holden and Ford during
2012 were in fact employee benefit vehicles. Not a minimum; 40 per cent—100,000 units in a
declining domestic market. It is no wonder that it was described as terrible news. It is no
wonder that it was described by the FCAI as potentially having a dire effect on Australian car
protection, including the manufacturing supply chain.

Stable policy settings: does the introduction and maintenance of a carbon tax sound to you
like a stable policy setting?

Senator Birmingham: Especially if you promised not to do it!

Senator RONALDSON: Especially, as Senator Birmingham said, if you promised not to
do it. What we saw with the carbon tax was a minimum of $400 added to the cost of every
vehicle manufactured in Australia. Locally produced cars have been struggling to compete
against imported cars. What did this former, failed, in and out minister do? He stuck by a
policy that added $400 to the cost of a car made in this country—another $400 disincentive
for people to buy locally. Even now, this failed minister refuses to acknowledge that the
carbon tax must go, because his view is not about jobs. His view is a warped philosophical
view of the carbon tax.

When Minister Macfarlane is out there fighting for Australian jobs, he is not doing it on the
back of some philosophical obsession. He is not doing it on the back of a relationship with the
AMWU which prompted former Labor leader Mark Latham to say the following:
Carr relies heavily on the support of the Australian Manufacturing Workers’ Union … Carr’s strategy
was to pay huge amounts of public money ... To prop up the union’s membership coverage and
consequently, its influence inside the ALP.
This is not a former minister who is remotely interested in Australian jobs. This is not a former minister who was prepared to put in place the stable policy settings which, as I have said, just might have saved the Australian car industry.

This is a minister who oversaw the expenditure by former Prime Minister Gillard that slugged the sector with a $460 million bill. That was the cost to the Australian car industry. That was the cost impost on Australian produced cars. Guess who was not subjected to that tax, though? Guess who did not have $400 added to the cost of their car? Yes, you are quite right if you are thinking that it was the very people that these local manufacturers were competing against. Imported motor vehicles did not have a $400 cost on them. The industry as a whole did not have a $460 million carbon tax slug put on it.

So how dare former Minister Carr and others in the Australian Labor Party come in here and run the lines that they have. I think Mark Latham has best summed up Senator Carr. I think Mark Latham has best summed up where this former minister is and was coming from, because how could anyone who was remotely interested in the men and women he was ostensibly there to defend, or how could anyone in his position, do what he did? When I said during question time that this former minister has got to accept an enormous amount of responsibility for the demise of the automotive industry of this country, I was absolutely serious about it.

You, on the other side, have got a few options. You have got the option to get rid of a carbon tax that does not and will not work, and it still continues to put Australian manufacturers behind the eight ball compared to their competitors overseas. So if you are serious about supporting Australian manufacturers, if you are serious about their jobs and if this is not just about supporting your union mates, then why do you not let the legislation go through to abolish the carbon tax? Why do you not let the legislation go through to abolish the mining tax? Why do you not let through the $20 billion—that is, $20,000 million—of savings that we want to make? Why will you not let it go through?

In relation to those savings, the Australian community needs to know that $5 billion of those $15 billion were savings that you were going to put in place in government. Now that you are in opposition, for cheap political purposes you are not prepared to let them go through. You stand utterly condemned. I look back at former Prime Minister Gillard, who announced $34 million for Ford, saying that it would create 300 new jobs—only for 330 employees to lose their jobs inside eight months. Former Prime Minister Gillard and Senator Carr were responsible for the announcement of $215 million for Holden, saying that it would secure its future in Australia until 2022. Within months, 670 jobs were lost.

The attempt by the Leader of the Opposition, Mr Shorten, and former Minister Carr to frame this debate around whether we care for Australian workers is a disgrace. We care for Australian workers. We do not care for selfish trade union leaders—trade union leaders who, in my view, had the opportunity to go back to the Toyota workforce in relation to the company’s desire to renegotiate the EBA. Were they prepared to do that? No, they were not. How committed were they to not changing an EBA that might, just might, have kept Toyota in this country? They were so vehemently opposed to it that they took the matter to court to ensure that they kept that EBA in place.

Surely the workers at Toyota were entitled to have a say in relation to that EBA. Surely they were entitled to be part of the decision-making process as to whether they were prepared...
to give a bit away to help save this company. It was not giving salary away; it was actually some sensible decisions in relation to things like Christmas leave. Sure, everyone wants time off over Christmas. Surely, though, these workers were entitled to be given the opportunity to decide whether they were prepared to renegotiate some of these conditions and possibly save the company.

Senator CAMERON (New South Wales) (16:37): After listening to the diatribe from Senator Ronaldson, is it any wonder Senator Carr would not find any joy or any reason to go and talk to Senator Ronaldson about jobs or industry policy? He spent 20 minutes saying that the unions are the problem, giving the history of the Labor Party—history that is just not true—and attacking individual senators. There was not one word about the way forward for Australian manufacturing. That is because Senator Ronaldson does not care. Do you know why Senator Ronaldson did not have the fortitude or the gall to look at this issue properly? It is because he does not understand manufacturing. He did not stand up for workers in Victoria. He did not say one word in support of manufacturing jobs in Victoria when jobs were disappearing under his government's watch.

Why would anyone with any sense go to Senator Ronaldson to get a view in relation to workers? If any worker in Victoria had been listening to that diatribe and hoping that the government would provide some support for their jobs, it was missing in that 20-minute contribution from Senator Ronaldson. All the false anger that Senator Ronaldson is so famous for in this place was on show; all the manufactured concern from Senator Ronaldson was on show. We had Senator Birmingham chipping in from the sideline, but there was not one word from Senator Birmingham in support of jobs in South Australia when it mattered—not one word of support for the workers in South Australia. Going back to Mark Latham to try and prove a point in this place is really the pits. That is really digging down to the bottom.

Senator Ronaldson, maybe you should take some advice from a politician—Dr Sharman Stone. She really showed you lot up. She was prepared to stand up for her community. I do not agree with everything Dr Sharman Stone has said in the past, but I do agree with what she has said about this government. She said that this government was lying. I have never heard a politician be so up-front about the position taken by a Prime Minister in this country—saying that he was lying. And that is the truth. We have not heard any rebuttal of Dr Sharman Stone from anyone on the other side of the chamber. What was he lying about? He was lying about what Dr Sharman Stone said was blackening the character of SPC workers. What do those opposite do? They have a political problem to deal with and they go back to Liberal Politics 101: blacken the name of workers and blacken the name of unions who represent them.

The coalition senators on the speaking list for this debate include, first, Senator Ronaldson, who demonstrated absolutely no capacity to understand the industry or to provide an answer to any of the problems facing the industry. He did not have anything for workers in the future—nothing, not one positive initiative. Next on the list is Senator Mason. I have never heard Senator Mason talk about manufacturing in this place, but I know what Senator Mason will be doing. He will be doing exactly what Dr Sharman Stone said the Prime Minister was doing to workers at SPC. He will be blackening the character of workers and he will be blackening the character of the trade union movement in this country.

Then we have Senator Back, someone else I have never heard make a positive contribution to policy in this place—certainly not industry policy. This is the politician who is saying that
we should not have wind farms, who thinks that wind farms are creating a whole lot of disease around the country. If ever there were an area where we should be creating new jobs, surely it is in renewable energy. That is what is happening all over the world. But Senator Back comes in here to lecture us—the person who, with no scientific basis, thinks that wind farms are destroying lives, destroying people's health. I will tell you what he will lecture us about. He will do the same thing as Senator Ronaldson. There will not be one positive argument for industry policy or one example of what this government can do. It will be all about blackening workers—trying to blame the workers for the problems of the international economy, the problems of the national economy and, in some cases, the problems at their workplaces. It will be all about blackening the unions. Then we have got two whiz-bangers on industry policy—Senator McKenzie and Senator Williams. The Nationals are coming in to talk about jobs in manufacturing. Again, that will be about blackening the names of workers, who are trying to look after themselves, their families and their communities.

We know what this is all about. Senator Ronaldson's performance was absolutely pathetic, but given the line-up that we have got after him I suppose he was about the best we can expect. What has happened here is a triumph of ideology over the national interest and it is a triumph of market economics—we will just let the market rip and everything will be okay. It is about having no or only a limited role for government—trying to deal with all issues at the macroeconomic level but ignoring the plight of families in this country.

I do not think there would be too many coalition MPs who have ever been made redundant. Most of them have had a fairly privileged upbringing; they have come through university; they have worked in a parliamentarian's office and they have ended up in parliament—many of them, but not all of them. They do not know what it is like to go home and tell their family that they have lost their job. They do not know what it is like to wonder how they will pay the mortgage. They do not know what it is like to tell their children that they cannot look after them with a holiday or with some presents at Christmas. They do not know what that is like, and that is why they treat jobs in manufacturing with complete disrespect and disdain. And that is why at a time when manufacturing jobs are disappearing around this country you can have a senior government minister stand up and talk for 20 minutes without one idea or one approach to help workers in trouble. Quite frankly, they do not care. It is about ideology and macroeconomic issues. They do not want a role for government and they do not want a role for industry policy. They do not want a role for partnership between government and business. That is what is happening all over the world: governments are partnering with business, because we have gone through a global financial crisis, and countries and businesses are in trouble, and their governments say, 'We will help.'

The lot over there, however, is putting ideology before national interest and ideology before jobs. What they want is for this country to be no more than a quarry, a farm and a tourist destination. That is it: that is where the job growth is going to be, according to them. That is what you will do in the future. We had Mr Pyne, the Minister for Education, giving us all a bit of education on Adelaide radio the other day. I would say to anyone who is listening in, listen to what Minister Pyne said—one of the most senior ministers. He basically said, 'I am going on a committee to fix this up.' There will be a committee that Mr Pyne is on and that does not fill me with enthusiasm or confidence—a committee looking after jobs in this country. What a thought that is! The other thing that is going to happen to all the thousands of
manufacturing jobs that are being lost in Adelaide is those workers will be sent into the desert to work for BHP at a mine. A 55-year-old female production worker from a manufacturing plant in Adelaide is going to up stakes, go out into the desert and work for BHP. Well, it does not work that way.

In Canada, the conservative government understands that we have come through a global financial crisis and that there is a need for the government to intervene and help maintain industry. As Senator Carr—one of the best industry ministers we have ever had—said in his speech, the Canadian government gave $500 million to the industry to keep it going—to get it over a problem. They did that because they know what happens when workers lose their jobs and when communities are under stress. When people lose their job, they have financial hardship: Many of them end up with family break-ups and perhaps health consequences, mental health issues, alcohol abuse, family finance problems and intergenerational unemployment. That is what governments try to avoid at all costs, and yet a senior minister from the coalition government can stand up here for 20 minutes and rave on about nothing positive—not one policy. It was an ideological and political barrage with no content and no substance.

Senator Ronaldson will probably be their best speaker, given what is coming behind him. Yet his speech had no substance, and so it is all downhill from here on in. To those listening in the gallery, I urge you to stay for the coalition speakers—

The ACTING DEPUTY PRESIDENT (Senator Edwards): Order, please address your comments through the chair. You cannot address the gallery.

Senator CAMERON: Through the chair, what will happen is a comedy hour when the rest of them come in. It will be the National Party trying to justify why they did absolutely nothing to save jobs at SPC. They will go on the attack against workers who want to be represented by a union. They will attack workers' wages and conditions and they will try to blacken the name of workers who dare to negotiate an agreement collectively with their union. It will be pretty low-grade stuff coming from a pretty low-grade level set by Senator Ronaldson.

We will have to deal with many problems—for example, the casual employment that is going to be rampant here. The Canadian Conservative government has been looking at this phenomenon. In Canada, workers between the age of 25 and 49, when they lose their jobs in manufacturing industry, end up being absolutely worse off. What happens to those workers? Their wages end up being between nine per cent and 22 per cent worse after they lose their jobs in manufacturing. That is exactly what is going to happen here.

We have a policy to deal with such problems. We know what needs to be done. We do not want to rush into free trade agreements which simply destroy jobs in this country. The minister on the other side is thinking, 'Get a free trade agreement in as quickly as you can so I can say I've done something.' But we on this side want to look after working people. Let us look at what happened at Mitsubishi when workers lost their jobs there. One female 31-year-old former production worker, in interviews with Adelaide University, said:

I’ve got two agencies that I work for just to keep the work up because every now and then you might get 20 hours one week and then you’ll get 50 hours the next week . . . you’ve got to take it while it’s there because the next week it might not be. And you don’t get holiday pay and sick pay
That will please the Work Choices warriors on the other side who, until 2007, fought against working people by trying to take away their rights and conditions through Work Choices. They will be very happy that workers do not get annual leave. They will be very happy that workers do not get sick pay. What they are about is a low-wage economy—a mining and tourism economy—instead of a manufacturing economy. A former draughtsman in his early 60s on short-term contracts explained his situation, having done a lot of work for which he needed to be paid. He said:

The guy I’m working for is not in a very good financial position. I’ve drawn up a wages bill that’s getting a little out of hand and he can’t pay me. So all sorts of promises and I’m looking at going somewhere else. I’ve been to a couple of other places on contract but it’s only for a week at a time and there’s nowhere else to go …

This is a draughtsman—a skilled person—who has lost his job in the car industry and who cannot even get a regular income. That is why Labor fights for proper industry policy. That is why we want to look after workers and look after their communities. A 51-year-old former maintenance fitter who became a part-time security guard said:

There doesn’t seem to be jobs around for people of my age—

and particularly or almost definitely no permanent job. It seems to be casual. They’ll take you on for maybe a couple of days.

These are the experiences of workers who lose their jobs in the manufacturing sector. Did we hear one word from the government about what is going to be done for them? No, we absolutely did not. We heard a diatribe about the carbon tax and ideological talk about a strong economy, but we heard nothing about what is going to be done either for workers who are losing their jobs or for their communities. The positions of the politicians in this place from Victoria and Adelaide have been absolutely hopeless. Only one politician on the coalition side has belled the cat—Dr Sharman Stone, when she said the Prime Minister was lying and blackening the name of workers at SPC. That is the reality, and it was stated by their own MP.

We want to make sure that there is a strong industry policy and that we do not run around attacking the trade union movement or union members because they want to collectively bargain. We do not want to push their wages and conditions down. I know that, when I was a tradesman working in a number of industries, I needed my annual leave loading and that I needed my penalty rates to pay my bills. But if you are in here you do not need annual leave loading or penalty rates, because you are doing all right. The other side do not know what it is like to be a worker in trouble. They do not know what it is like to not be able to pay their mortgage. But they will give no support to industry policy or to workers, and ideology will triumph over the national interest. It is an absolute disgrace—it is reprehensible.

**Senator Xenophon** (South Australia) (16:57): I think it is worth mentioning that this motion is partly about having a comprehensive industry policy and a policy of innovation and that it expresses concern about jobs that have been lost. This motion is clearly meant to make a political point. I do not begrudge the Australian Labor Party's doing so—it is their job—but I would like to come at the debate from a slightly different perspective.

I think it is worth quoting what Donald Horne said in his iconic Australian book *The Lucky Country*, which I think is 50 years old this year. He used the phrase 'the lucky country'...
ironically. Everyone talks about Australia being the lucky country, and in many ways it is. But Donald Horne said:

Australia is a lucky country, run mainly by second-rate people who share its luck.

That is what he said 50 years ago, and you wonder whether it has held true over the last 50 years. There are some major challenges facing the economy. I do not think there is a simple solution, but let us look at what some of the challenges are. It is worth referring to a very good piece written by Emeritus Professor Richard Blandy, whom I regard as a very good friend and have a lot of respect for. He called it the way it was a number of years ago, when the South Australian Liberal government was seeking to privatise—and eventually did privatise—the state's electricity assets. Professor Blandy was a truth-teller who cautioned against the manner of their privatisation. Professor Blandy, in a piece he wrote for the Australian at the end of 2012, made reference to the International Monetary Fund's world Economic Outlook Database, which showed that Australians back then were:

... only the 13th richest people in the world, a decline of six places from the heyday of the 1990s.

He goes on to make reference to the Bureau of Labor Statistics in the US Department of Labor, which looks at issues of productivity and unit labour cost, and he says that that very comprehensive study found that:

Australian productivity growth is the third lowest among the 10 countries, just nosing Spain into second-last spot. South Korea's rate of productivity growth has been 3.5 times Australia's—

350 per cent higher than Australia's—

across the past 20 years. Finland and Sweden's rate of productivity growth—

and no-one can accuse those countries of being low-wage countries—

has been about double Australia's, and that of the US about 70 per cent faster.

So this is a real challenge that, as a nation, we must deal with, because, if we do not, in this globalised world—and I will get to the issue of some of these free trade agreements that we have signed up to—we are going to be in real strife.

We saw the shocking unemployment figures that came out today. And presumably that was before the most recent job losses that have been announced which will be impacting this economy in the months to come. I dare say that, in the lead up to the 2016 election, because of the announced shutdowns, we will be seeing factory after factory, industrial premises after industrial premises, closing down and people being given their redundancy slips—and that is absolutely tragic—in the many thousands, particularly in my home state of South Australia and in the state of Victoria. But it will have a national impact.

So we have seen this blame game, with both sides throwing mud at each other. There is an issue about the role of unions. We see reports on that, and I note Phillip Coorey's report in the Australian Financial Review just yesterday in which he reported that Toyota blamed the unions in discussions with the government and raised issues about the lack of flexibility in trying to change conditions and not being able to allow workers to vote on that, and that the federal government, through Senator Abetz, indicated there would be intervention. I have great sympathy with what Senator Abetz said. If it is true that Toyota did say that this was an issue and if it is true that the company could not get a ballot of workers to modify some conditions to allow some greater flexibility and productivity then I think that is wrong, and I think there is validity in criticism of that.
Having said that, let us put this in perspective. Of the cost of a motor vehicle, the labour costs involved are estimated to be between 13 per cent and 16 per cent. So if there were some flexibility then sure it would make a difference but it probably would not make a difference of more than one per cent in the cost of a motor vehicle.

I need to say, about the AMWU in my home state of South Australia, that John Camillo, the head of the union there, cannot, under any reasonable criteria, be regarded as a radical or militant union leader. He is someone who has been respected by both employers and of course the workers he represents alike. He really desperately wanted General Motors Holden to stay on in South Australia, and I see him as someone who has been quite moderate and reasonable to deal with.

As a result of the closure of Toyota, we have now seen the final domino falling. The members of the federal government say: 'What did the ALP do when Mitsubishi and then Ford closed? That happened under their watch.' And that is true. But the duty of care, I think, was greater on this government because there were only two manufacturers still standing—General Motors Holden and Toyota. Behind them, though, there is a very important supply chain of automotive component manufacturers. So there is a greater duty of care on this government in terms of the way that was dealt with, because once you lost Holden it was almost inevitable that Toyota would go and with it this massive supply chain with tens of thousands of jobs—up to 40,000 direct jobs in the component manufacturing sector.

That is where this government made a number of fundamental mistakes. I think it was a mistake for the Treasurer, Joe Hockey—as capable and as competent as he is—to have basically taunted General Motors Holden, saying, 'Will you stay or will you go?' That sort of bravado was completely unnecessary and, I believe, completely counterproductive. It needs to be pointed out that, just 24 hours earlier, Mike Devereux, the outgoing Managing Director of General Motors in Australia, said to the Productivity Commission, 'We want to keep making cars here.' Then there was that extraordinary statement by the Treasurer, basically saying: 'Hurry up and make up your mind. Stay or go. Hurry up and tell us.'

**Senator Farrell:** What about Truss—what about what he did?

**Senator XENOPHON:** I think Senator Farrell makes a very good point. What the Acting Prime Minister, Mr Truss, said at the same time just exacerbated that. So it was completely unhelpful, and I believe it was reckless of the government to go down that path.

What Richard Reilly from the Federation of Automotive Products Manufacturers has told me and what he has said publicly is that we are now in a diabolical situation, because what we are seeing is the collapse of the entire supply chain. That is why all stops have to be pulled out to see if alternative outlets for these products can be found so that there can be some hope for those tens of thousands of employees. The easiest and best way to keep those people employed in the automotive component sector is to keep making cars in this country. Of the G20 nations, there is only one country that does not manufacture cars, and that is Saudi Arabia—and they are desperate to be making cars. There is something seriously wrong about that.

I agree with what the CEO of the Ford Motor Company in the United States has said: that if you lose manufacturing, you lose the bedrock of a good economy. This is not just about
cars; we know that the mining industry has reaped great benefits from the innovation that has been driven by our automotive sector. This is very bad for our economy.

My concern is that there is not a plan B. My concern is that, as to the policy—despite the best endeavours of Minister Ian Macfarlane, who I think is genuinely a good man who has been fighting the fight in the cabinet but who has been defeated by colleagues who take this flat-earth view of the world—we need to be very careful of how this is handled in the next few months because, if we see a collapse in the automotive supply chain sector, those jobs will go, and go very quickly

That will risk putting South Australia, Victoria and, indeed, the nation into recession, because there are another 200,000 jobs that could be relying on that.

Let us talk about other cost inputs like the carbon tax. I think the way the carbon tax was implemented by the former government was a disaster. The current government says that the cost of electricity would be reduced by nine per cent if the carbon tax is repealed. That is true, but the concern is that that is a superficial approach, because there are many other things that can be done to reduce power prices far more than the repeal of the carbon tax that need to be looked at. We need to look at the National Electricity Rules. They need to be reformed as part of an overhaul of our energy policies.

The political debate over the past few years has been narrow and simplistic. To suggest or imply that the carbon tax is the primary cause of electricity price rises ignores the fact that changes to electricity transmission and distribution account for about half of electricity bills, that we have gold plated our electricity networks and that we need to give more power to the Australian Energy Regulator. The rules governing how networks are regulated oblige the AER to provide network businesses with a guaranteed return on their investment, regardless of whether the investment was necessary or worthwhile and regardless of whether the investment is later found to be unnecessary or premature. They are the sorts of reforms that we need to tackle. That is what this government needs to tackle, and I hope it can be done with bipartisan support.

In my home state of South Australia, the announcement was made this morning in the Adelaide Advertiser that the largest wind farm in the state is set for the Yorke Peninsula. The Ceres Project is worth $1.5 billion and will have 197 wind turbines. Guess what: that will guarantee the highest electricity prices for South Australian consumers and businesses. Why? Because the problem with wind power is that it is intermittent and unreliable. You have to switch it off on hot days. If you put too many eggs in the wind farm basket, it will distort the electricity market and choke off investment in baseload renewables such as geothermal, solar thermal and tidal power. Allowing those 197 additional wind turbines to be built in the state is actually a very bad decision. We have more wind turbines in South Australia than the rest of the country combined. Unfortunately, that is a legacy of some very bad and ill-thought-out policy decisions of the government of Mike Rann in South Australia.

That is something that we need to tackle, and that is why I welcome the role that Danny Price from Frontier Economics has played in pointing out the difficulties with wind energy and that it makes it more difficult for baseload renewables to get onto the market, let alone the impact it will have on prime agricultural land on the Yorke Peninsula and the impact it will have on the ability of aerial firefighters to fight fires if there are fires on the Yorke Peninsula.
Earlier today I had to postpone a motion on the food processing and manufacturing sector because of a lack of commitment and a reluctance by both the government and the opposition to support it, notwithstanding the sympathy that was expressed privately to me by a number of members of this place. The inquiry that Senator Madigan and I have sought to put up—and Senator Madigan deserves to be acknowledged for his key role as the instigator of the Australian Manufacturing and Farming Program—would look at current laws relating to dumped imported products and the effectiveness of Australia's antidumping laws. We need to see whether we need to introduce similar measures to those set out a number of years ago in the United States in the Byrd amendment—named after the legendary senator Robert Byrd—where, if a company were found to have dumped goods in the country and dumping duties were applied, then the companies affected could, in effect, get those dumping duties. What is wrong with essentially compensating a company as a result of dumping?

We know that just last week the Anti-Dumping Commission made a number of rulings against canned tomatoes from overseas which were found to have been dumped in this country, hurting SPC Ardmona. Dumping is illegal, but the way you prove dumping cases is extraordinarily difficult in this country. I will give you one example. Tindo Solar is one of the last remaining manufacturers of solar panels in this country. It makes a very fine product. It is based in Adelaide. In fact, former Prime Minister Gillard opened their premises. Tindo Solar have to struggle against dumped imported Chinese panels. The United States and Europe have said, 'Enough is enough,' and imposed a duty in respect of that. We are still working through that. The cost of running a dumping case for a small or medium business is simply prohibitive, although some changes brought by the previous government do provide some support. But it is just extraordinary that the major parties did not agree to that Senate inquiry. I will try again with Senator Madigan when the parliament resumes.

I note that on 25 June 2013, when dealing with the Customs Amendment (Anti-dumping Measures) Bill, Senator Colbeck made mention of SPC Ardmona and the importance of emergency measures and dealing with emergency provisions. So to say that these matters have been dealt with previously in a Senate inquiry is not true. The coalition has not yet told us how it will tighten dumping rules, but we need to deal with them.

I must, with a heavy heart, criticise former minister Craig Emerson. He was just so dogmatic, I believe, about free trade. We have not got a fair deal. It is not fair that we have the fair trade agreement with Thailand and their motor vehicles are sent over here but if we want to send a top-of-the-line Ford Territory that costs somewhere in the region of $57,000 it will cost well over $100,000 in Thailand because of non-tariff barriers. How is that free and fair trade? It is not, and it is killing Australian jobs. These are the sorts of things that we need to deal with. In relation to SPC Ardmona, I congratulate the advocacy of the local member there, Dr Sharman Stone.

We need to have an effective dumping regime, and the ALP and the coalition have to get rid of this 'free trade at any cost' mantra. People joke about us in other countries. We are referred to as a 'free trade Taliban' because we have such a fundamentalist view of free trade.

These are the sorts of things we need to look at in the context of the manufacturing industry. It is going to be a big ask, but, with our unemployment rate at a 10-year high, my fear is that we could be at a 20-year high unless we do something about this sooner rather than later. It is incumbent on all of us to get together, to be flexible, to acknowledge where we can
improve the competitiveness of Australian industry, to improve productivity and to deal once and for all with dumping, which is killing Australian jobs, to make sure that free trade agreements are not just one way against Australia's interests. Those are the sorts of things that we need to do, otherwise I fear we are going to run out of luck. Donald Horne said 50 years ago, 'Australia is a lucky country, run mainly by second-rate people who share its luck.' That is what all of us in this place must avoid at all costs for the sake of the people of Australia.

**Senator MASON** (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (17:15): I was upstairs in my office having a cup of Earl Grey tea and listening, as of course I always do, to Senator Cameron's contribution on Senator Carr's motion about Australian jobs. Senator Cameron's contributions are feisty, sometimes eloquent but always interesting. He said that when Senator Mason came to the chamber he would blacken the name of the unions, the workers and the car manufacturers. I just want to assure the Senate that that is not my aim, but I do not have any problem with blackening the name of the Australian Labor Party. That is a very different issue.

The opposition's solution to problems in the manufacturing industry, particularly the car industry, was their traditional solution to every problem. Which is? To throw money at it. It does not matter if it is health, education or welfare—the Australian Labor Party, like so many social democratic parties in the West, believes that you solve economic and social problems by throwing money at them. They threw money at the car manufacturers. Did it work? No, it did not. Did they nevertheless keep throwing money at the car industry? Yes, they did.

In 2012 Ms Gillard announced $34 million for Ford, saying that it would create 300 new jobs. That was just a couple of years ago. What happened then? Ford got their money but instead of 300 new jobs 330 employees actually lost their jobs within eight months. Also in 2012 Ms Gillard announced $215 million for General Motors Holden, saying it would secure Holden's future in Australia until 2022—for the next 10 years. What happened next? Holden got their money but within months 670 jobs were lost. All up, from 1 January 2011 through until 31 December 2013 the Labor government provided a total of $660 million in funding assistance to the three major motor vehicle producers. The question the Australian people have to ask, that this parliament has to ask and that this Senate in particular has to ask is: was that money well spent? Clearly, it was not. The Labor Party does not worry about that. It is only $660 million. That is spare change! When you are running budget deficits in tens of billions of dollars and government debts in hundreds of billions, who cares about $660 million? Labor certainly doesn't. This puts us into more and more debt that the next generation will have to pay off. Labor does not care about that.

More than a couple of times in this place I have discussed Labor's history of debt. The hole in Labor's vision for our future, for the future of our country and our children, is the same hole that swallowed governments in Western Europe and North America. That is the idea that debt really is okay. Labor would argue, 'That is infrastructure.' That is true. Of course, money can be borrowed to develop infrastructure that can assist the next generation. But there is a problem. Labor's debt was not created because of infrastructure; it was created on the back of recurrent expenditure. That was the problem—just like Western Europe and North America: the same bloody hole that those democratic nations fell into. That is exactly what started to happen in the six years of the Rudd-Gillard-Rudd Labor governments. There is a history. This is not new. This is Labor's history. It has been since 1904 with John Christian Watson. From
Chris Watson all the way through to Mr Kevin Rudd, the last Labor Prime Minister: every
time Labor leave government in this country they leave Australia further in debt. There has
not been one exception since 1904. Every time Labor leaves office, Australia is further in
debt.

This is an economic issue, of course it is, because government borrowing can distort
economies. It can distort the private sector and it means that the interest bill has to be catered
for. That is true. There are economic issues, but there is a greater issue. The Labor Party and
too many governments—some, I concede, Conservative and Christian Democratic
governments in Western Europe—have made this mistake. There is a moral issue as well. The
Labor Party has never had any problem in passing down debt to the next generation—our
children and, indeed, our grandchildren. If it were all for bridges and roads, you could perhaps
justify it, but it is not; it is recurrent expenditure. The coalition believes that generations
should live within their means—more or less, subject to infrastructure costs. If you want to
spend more on health, education and welfare, you know what you have to do: you have to tax
more. One thing the greatest Treasurer in Australia's history—

Senator Farrell: Paul Keating!

Senator MASON: the Hon. Peter Costello said is: intergenerational inequity is
intergenerational theft.

Senator Farrell: That makes no sense at all.

Senator MASON: Generations should pay for themselves—I will just mention this for
Senator Farrell's benefit based on his interjection—with the exception, of course, of
infrastructure. But, as I have asserted, that is not where Labor's debt came from. It certainly
did not come from infrastructure; it came from recurrent expenditure. And that was the great
moral failure—forget the economic failings of the Labor Party when they were in
government; forget them as they were awful—of the Labor Party. It is the moral failing that
people do not talk about sufficiently. Somehow it is all okay to plug our children and our
grandchildren with the debt of people living the high life on health, education and welfare.
That generation cannot afford it.

I know my friend Senator Cameron always rails against cuts, as Mr Rudd did in the last
campaign. 'Oh, the coalition is going to cut, cut, cut, cut, cut.' Why? Balancing budgets and
generations paying their way are what we in the coalition believe in. In a sense the
demographic incentives are all wrong. It is so easy to add to public debt, like the Australian
Labor Party does. Just put it on the credit card and, you know, no-one really feels the pain.
There might be an adverse op ed in the Australian Financial Review or The Australian,
but basically no-one really cares. Just add to public debt, like they did in Western Europe, like
they did in the United States and Canada, and no-one ever really complains.

The tough decision is for a government to say, 'Generations should live within their means,
and we have to cut to make sure they do.' That is a much tougher decision. If anyone thinks
the coalition government enjoy cutting, they are wrong: (1) it is painful for people and (2) it is
politically courageous. It is not easy to do; it is hard. We are doing it not because it is easy;
we are doing it because we want to set up our country and our children and our grandchildren
for a brighter future. Quite frankly, if I were a teenager living in Athens, Greece, then I would
want to shoot every baby boomer and every politician I found. You have had governments for
30 years letting down their children and their grandchildren, and it is a disgrace! And somehow it is all okay to keep borrowing. Finally the day comes when the music stops and someone has to pay the bill—the IMF steps in or Chancellor Merkel says, 'Enough is enough,' and they have to pay the bill. We in this country want to stop that sort of expenditure before it gets to that stage. Sadly, it is only the coalition who will do that. We are the only ones who will stand up and speak for the next generation. The opposition will not do it. Do you know why? Because it is tough and it is politically difficult. Everyone knows that. It is fine for Mr Rudd and Senator Cameron, as he often does, to talk about cutting. Sure it is tough, but these are decisions, tough as they are, that we make for the future of the country.

You could defend the $660 million that the Labor Party spent in three years if it actually worked, but it did not. All that money was spent—$660 million—and it did not work. It did not save a job; those manufacturers went out of business. Or maybe you could argue they did not spend enough? If, horror of all horrors—horror perhaps more for the Labor Party than for the coalition—Mr Rudd had been re-elected, and God forbid the horror of that, would Senator Carr stand up and say, 'We're going to give another $1 billion or another $2 billion to the car industry'? Would that be appropriate? It might prop them up for a bit longer, but in the end it would not save the industry. And that is the sad thing.

I accept part of Senator Cameron's argument: it is not just about the union movement—and I have not said that—it is also about a high Australian dollar, the high cost of manufacturing, low economies of scale and increased competition in the market. I accept that, and I am not going to argue that it is all the fault of the trade union movement or, indeed, of Australian workers—I do not accept that; there are many other issues as well—but the Labor Party fundamentally failed, and that is what is so frustrating.

What gets me is this. When I was at university the Hawke government were elected—and I do not mind saying this and I have said it before and you have heard me say that before; I accept that—and there is nothing worse for Australia than a bad Labor government. We experienced that for six years. The great reforming ministers—Mr Hawke,
Mr Keating and in this chamber, as you will recall, Steve, Senator Button and Senator Walsh—made tough decisions. I respect that. I respect it because it is not easy. I remember that when I was at university they cut government spending, particularly in the mid to late 1980s. They cut wages growth, with the accord and with the trade union movement.

Senator Button had the car plan, which honourable senators will recall. You can argue about the timing. I think there were arguments between the Labor Party and the coalition about how quickly it should all happen. But the bottom line is that the direction was the right direction. Senator Button said that, slowly, over a 10-year period or so, assistance to the car industry should be reduced. The direction of the reform was correct. The timing—okay—there is debate about.

I remember that Senator Walsh even convinced the Hawke cabinet that university fees should be introduced. Of course, the left of the Liberal Party went berserk, as they always do, 'This will stop students having access to university.' In fact, what happened? The Labor Party, and Senator Walsh, did the right thing. Three times more young Australians go to university now than did 30 years ago, when I went. It is a tribute to Senator Walsh that he did that. Money coming into government coffers has enabled our community to have so many university places for young Australians who otherwise would not have gone to university.

So I am not here just to trash the Australian Labor Party. I actually think they have done some very good things in the past. Australia is a much, much better country now than it was in the 1970s and a lot of that is due to what Mr Hawke, Mr Keating and the relevant ministers did during that period. It is a much better country.

Senator Xenophon mentioned Donald Horne, who said that Australia is a great country run by second-class people. I disagree. Both the Australian Labor Party and the coalition—the coalition backed Labor on this—reduced tariffs and unleashed the dollar, and there was significant macroeconomic reform in the eighties. Both parties endorsed it. And you know what—the public did not like it, because it was painful. I accept that—it was painful. Acting Deputy President Boyce, you would remember it. It was painful and things were awful for a while, but that restructuring of the economy set up Australia for 30 years of uninterrupted growth. We are the miracle economy. Without getting into the partisan debate about who deserves what, the bottom line is that, despite what Donald Horne said, from 1983 to 2007 there were remarkable, reforming governments that made this country and its economy the envy of the entire world.

This country is not run by second raters, either Labor or coalition. That is rubbish. We did things that parliaments in Western Europe and the United States could not and would not do. They did not have the courage to do those things. I remember well, again going back to the 1980s, the then Prime Minister of Singapore, Lee Kuan Yew, saying that Australia would be the 'poor white trash of Asia', that it would never be able to restructure its economy. Honourable senators will remember that. That is not what happened. We had the courage in this country, from 1983 up until 2007, to take really difficult decisions, and that set us up for a golden age.

I am frustrated now by this once-great reforming party. I am, as you know, Acting Deputy President, one of the more vociferous and vocal critics of the Australian Labor Party in this place; I am no shrinking violet. But I do not mind acknowledging success and performance when it arises. The problem today with the Australian Labor Party, under both Mr Rudd and
Ms Gillard, is that they lost the reformer zeal. They just lost it. And what has happened? Now it is all about blaming the coalition for the failures of the car manufacturers. If only the Australian Labor Party could return to what it was. The truth is that in this country politicians were actually ahead of an unwilling public and a self-satisfied professoriate. We were far, far ahead of them.

I know the Australian Labor Party would not want to agree, but the big difference between us and the Labor Party, in that great reformist period of 1983 to 2007, was that we supported them in those major reforms. It did not help the farmers or many other people, at first. It was uncomfortable. But we supported the Labor Party, as we should have and as they deserved. But when the Howard government was going through its reformist period, every single time the Australian Labor Party thought they could garner some political traction, they objected to what the coalition government was doing. I recall the GST debate. This country had to reform its taxation system. A goods and services tax was appropriate. What did this lot do? Complained about it from go to whoa. The difference was that we supported Labor when tough decisions had to be made and when tough decisions were made they never supported us.

Senator MARSHALL (Victoria) (17:35): The first part of Senator Carr's motion that we are considering today says:

That the Senate—

(a) condemns:

(i) the failure of the Government to:

(A) articulate a comprehensive innovation policy so that Australia has the high skill, high wage jobs of the future, and

(B) fight for Australian jobs …

The two speakers who have spoken best in support of that motion are in fact the speakers from the government. Both speakers have demonstrated that there is in fact no policy; there is no strategy. I cannot say that I did not enjoy Senator Mason going through the very long list of great Labor Party achievements over many years. I can say to him that there are many more achievements than that. But, of course, he only had 20 minutes—he would need several days to list them all. He also talked about the courageous nature of many of those decisions.

Senator Mason: Well, they were, at the time.

Senator MARSHALL: He said that, and he has repeated that, and that is great. But he also must forget the opportunism that went with some of that. I am not going to dwell on this, but while you, Senator Mason, say the government of the day supported the floating of the dollar I recall as an observer of politics at the time—I certainly was not here—during question times that shadow ministers in the opposition would jingle change in their pockets to reflect how the dollar had in fact dropped in value. I also remember former Prime Minister Howard, again in an opportunistic remark, saying that the strength of the Australian economy is directly related to the value of the Australian dollar. Senator Mason, I think if you were actually going to be completely honest with us, it was not the fulsome support that you suggest was there—

Senator Mason: It was pretty fulsome!
The ACTING DEPUTY PRESIDENT (Senator Boyce): Order! Senators Marshall and Mason! We are not here for a personal debate. Could you just address your remarks to the chair, please.

Senator MARSHALL: I am always happy to have a frank and open discussion with Senator Mason, and we have done so on many occasions. But at least Senator Mason did not blame the workers—and at least I give him some credit for that—unlike most of his colleagues we have heard, including Senator Ronaldson earlier.

He did acknowledge that there are many factors that are putting pressure on the manufacturing industry, such as economies of scale, the high Australian dollar and some of the stiff competition we are receiving from other countries. No-one has suggested, and certainly the opposition has never suggested, that these are not challenging issues. But the fact is that those opposite are the government. They have an obligation to put in place policy settings that support manufacturing in this country. They simply cannot take the view, as Senator Ronaldson seemed to do, that the strategy is to run up the white flag—be surrender monkeys and have no policy.

Senator Ronaldson is actually the minister representing the industry minister in this place and in his 20-minute contribution he did not talk about one positive thing that this government intended to do in the manufacturing industry. Not one. He did not talk about one plan, he did not talk about one policy response, he did not talk about any vision and he did not talk about a single proposal. And we can only conclude on this side, and I think it has been borne out by many of the comments, that the government simply does not seem to care.

One of the things that Senator Ronaldson harped upon was the need to have consistent policy settings for this industry. Well, the industry has a consistent policy setting right now from this government, and that is no policy. That is the consistent policy setting this government is offering the manufacturing industry—to have none. I do not think that is what industry is looking for. I do not think that is what the Australian people nor the people who rely on the manufacturing sector directly or indirectly are looking for. It is certainly not what we are looking for. We believe this government needs to do better. It actually needs to do the hard work and develop an industry policy and deliver consistent policy settings for the future.

But they also say: 'We haven't been in government very long. These things are inevitable. What could we do?' Let us go back: when Sophie Mirabella was first appointed as the manufacturing shadow minister many years ago that is what started to send alarm bells through the industry. She announced initially that there would be a review of car industry assistance. It then developed further to where they actually got to the position of saying that they would cut $500 million of assistance to the manufacturing industry, in the vehicle industry in particular. That is the sort of thing that started to send shockwaves through the manufacturing industry, and through the car and vehicle industry in particular.

Even Blind Freddy realised over the last few years that the most likely outcome of the election that was just held was going to be a change of government. Everyone understood that. While we were hoping and trying our best to turn those views around, certainly industries would have been looking very closely at the coalition policies, because those policies would become the policies of the new government. Of course, they knew very clearly through their discussions with the then opposition and now government that they were serious about removing support for the vehicle industry. So it is no wonder that plans started to be
made for their response to those policy settings and that gutting of the support for that industry.

I think what it really says—and Senator Xenophon made reference to this—is that there are simply too many people in the government who have this flat-earth policy about economic rationalism, who think all industries need to stand on their own two feet and who do not realise that every industry does not exist in a critical mass situation that supports other industries and that other industries might feed off them. That is because they have their economists and they do not actually understand how things work on the ground in reality. They fail to understand that the vehicle industry provides a critical mass at a number of different levels. It provides a critical mass at the R&D level. In fact, the vehicle industry was contributing $700 million every year to R&D investment. That did not all just end up back in the vehicle industry. A lot of that R&D then spun off into component manufacturing and into other industries, like aerospace and robotics and even shipbuilding and many other manufacturing industries. If you take that $700 million out of the R&D economy in manufacturing you hurt all of manufacturing—not just the vehicle industry, you hurt it all.

The vehicle industry also trains very highly skilled workers. It has state-of-the-art plants. We are training people in this country with skills which they would never get trained in anywhere else, and of course those skills then feed components suppliers and other industries. Of course, that is going to be gone now. So other industries that may have been viable for the future because they could rely on a steady supply of highly skilled workers—skills that were imported into this country as well—are not going to have those available for them.

Let us look at robotics as an example. The vehicle industry has some of the most sophisticated robotics of anywhere in the world. Of course, they introduce them here and they train people in how to program them, how to manufacture them, how to maintain them and how to use them. Those skills and that technology are then readily transferable to other industries. And if you take that away, if you want to come here and set up a plant that is going to require a high level of robotics, and yet there is no skilled workforce—there is no other critical mass of robotics in this industry—then you are likely to look elsewhere.

We were one of the 13 advanced economies that could actually design, plan, build, manufacture and produce in its totality a car from nothing to rolling off the production line—although now there will only be 12 once we are gone. Only 13 economies could do that. It is a huge advantage economically to be able to do it. It gives us so many skills that, as I said, flow on around the whole of the manufacturing sector. So it is not just about the vehicle industry.

Of course it was a massive co-investment. The government of the day, and then opposition, used to talk about industry welfare. But for every dollar that was invested by the government we got many, many times the return on investment from those vehicle companies—investment that secured industry, secured good jobs and secured the supply industry and many other industries, and provided them with skills and technology and R&D. That will be very sadly missed.

They did not need to go. When a multinational company is in Australia, and you have the Treasurer of this country goading them into leaving, in the most reckless way, what do you say if you are a multinational? 'If the government doesn't want us here, and is challenging us to leave'—the likely outcome of that is that they will leave, and that is exactly what has happened. Holden had said previously, under our government, that they intended to stay here
for the long term. The policy settings we had in place would have kept them here for the long term. So what happened? An Abbott government happened: an Abbott government that sent clear signals to the manufacturing industry, to Holden in particular, that they were not welcome here—'We do not want you here.' Of course Toyota was at all times watching that. And Toyota had a very different business model—mainly exports. Again, in challenging times. But Holden leaves and we get back to that economies-of-scale argument. Suppliers, who often supplied all vehicle companies—as well as other companies—all of a sudden were getting into a situation where they may themselves not be viable. Them not being viable then put extra pressure on Toyota being viable.

All this happened because of an Abbott government. This industry survived the global financial crisis but it could not survive the election of an Abbott government. I think in the long term that this is a decision that people will look back on and say: what a reckless government this was in goading this huge company that provided so many jobs and so many skills into leaving this country, which then had the flow-on effects for Toyota too.

The automotive industry is, as I said, of immense strategic, scientific and economic importance to our nation—and it is now at its end thanks to this government. It did directly employ 50,000 Australian workers and another 200,000 jobs relied on businesses created by the auto industry. The second part of the resolution here also asks the government to release the plans they have for those people—and, of course, there is deathly silence. There is no plan. There is nothing they can say about it. The Minister representing the Minister for Industry here did not even go near that, did not even address any of those issues. There was just deathly silence.

Senator Ronaldson talked a lot about internal issues within the Labor Party. He even went and quoted Mark Latham. As if those 200,000 people who relied on this industry care about that. There may be some people who care about it, and have some interest in that, but let me tell you: most people in Australia do not care about that. What they do care about is what is going to happen to their future and what is going to happen to their kids' futures. Where are these good, high-skilled manufacturing jobs going to come from in the future now that this government has sabotaged the vehicle industry?

And what do we hear from the government? Just personal attacks on Senator Carr, personal attacks on other senators and attacks on the previous government—as if they are still in opposition saying, 'No, no, no', as they did over the last six years. They did not need a plan to say 'no' in opposition but, now they are in government, we expect more than simply saying no—saying no to the vehicle industry, saying no to having an industry plan, saying no to a plan for those people who are going to be displaced through this tragic process.

Again, there was no need at all for this to have ever happened. This was a $21.5 billion industry. The previous government took us through one of the worst global economic meltdowns since the 1920s Depression and got this country through as one of the few that did not go into recession—one of the few that kept unemployment relatively low and one of the few that was then positioned, as we come out of the global financial crisis, to take advantage of our non-recession period and low unemployment. But it looks like that is being completely sabotaged by this government.

The Australian Bureau of Statistics have just released their unemployment figure for January, and what do we find? The jobless rate has now shot up to six per cent and is now at
its highest level in a decade. In net terms 3,700 jobs were lost during the month of January, but the real stories are even worse than those figures indicate. In fact, 7,100 full-time jobs were removed from the economy during this month while 3,400 part-time jobs were added. So the real impact of those figures is significantly worse than they indicate.

The coalition government are not just vandalising our nation’s industrial capacity; they are destroying our consumer confidence in the process. Westpac’s recently released monthly unemployment expectations subindex also rose by 2.3 per cent. What did Westpac’s senior economist Justin Smirk have to say about these figures today? He said: ‘Households are clearly nervous about jobs again. Recent press on Holden, SPC, Qantas and now Toyota would not have helped.’ Of course it has not helped. This government is failing to act even when their own members are calling for action.

What did we hear from Senator Ronaldson? Instead of talking about the plan this government might have to address these shutdowns he simply wanted to blame working people and unions. One of the things that rang true for all of us here when we heard that rhetoric—that nonsense—was, finally, what was said by Dr Sharman Stone. She is a member of the government—a lower house member representing those workers at SPC. When Mr Abbott and others were besmirching the reputation of the workers and the unions she called it for what it was—and that was an absolute lie. She has belled the cat on their strategy.

Their strategy is to blame everyone else. They blame the now opposition. They blame working people. They blame unions. But they do not blame their own actions of goading Holden to leave this country. They do not blame their own actions of having a vacuous industry policy, no response to what is happening in the economy and no care for those working people and their futures. They simply seem not to care.

Representatives of the AMWU from the shipbuilding industry were up here earlier in the week. They are facing their own challenges, particularly with the pipeline of orders. We are now entering into a stage where there will be a period of time when there is no work in those industries. It is called ‘death valley’. If we lose the skills from those industries will we ever be able to ramp up again? Once you lose a skills base—once you lose a critical mass—you lose the capacity to ramp up quickly and efficiently to build ships. What did we find? While those union representatives tried to get appointments with the finance minister, the industry minister, the Treasurer, the Prime Minister and with a number of other ministers they either got no response or were told those ministers were simply too busy.

That is in contrast to the welcome mat that was out to these very same people prior to the election, when their views were being sought and seriously considered. Now they are in government those ministers do not want to hear the union representatives’ views. They do not want to hear of the issues confronting another major industry in this country. Without proper government consideration, proper government planning and a proper government response, the shipbuilding industry could go the way of the vehicle industry. I think it is an absolute tragedy that this government has presided over what has happened in the vehicle industry. It did not need to happen. This government is responsible for its starting to happen. This government is responsible for goading them out and for taking away the assistance. They stand condemned for that. *(Time expired)*

**Senator BACK** (Western Australia—Second Deputy Government Whip in the Senate) *(17:55)*: What Senator Marshall says is a bit rich—much as I admire the gentleman. I sat here
and listened to Senator Marshall pretend to us that in mid-September of this year the world was perfect and all of a sudden it fell in a hole. Senator Marshall, before you go, in relation to Holden I have to say to you that when I was in the United States recently I heard an interview with an executive of General Motors in Detroit. When asked about the Australian car manufacturing industry he said, 'But it stopped years ago! We haven't been manufacturing vehicles in Australia for years, have we?' Speaking about General Motors and speaking about Detroit, colleagues would be interested to know that it was only in July 2013 that the city of Detroit became the largest city in the history of the United States to file for chapter 9 bankruptcy protection.

In the few moments that are available to me I would like to say that I did meet with the AMWU representatives in Perth recently. They were pleading the case for my support for assistance in the shipbuilding industry in Western Australia. Of course we have the opportunity of an even more burgeoning shipbuilding industry. In my conversation with them I spoke about quality. The first thing they tried to tell me was that the quality of manufacturing in Korea, Singapore and China was so bad that all they did was to repair their work. Having seen ships recently off the production line in China, I was able to assure the representatives that the design work was supervised by Norwegians and the Dutch and shipyards were overseen by Koreans. The quality of that work was fantastic.

I did ask them: 'Could you come to the table with an undertaking for a specific project that, in the event that your company could win a project you would hold yourselves to any contractual labour agreement for the purpose and for the length of that contract?' They could not. I asked them, 'What other union might be involved?' They said, 'The CFMEU.' I asked, 'Could the CFMEU come forward with a guarantee of no change of price?' Of course the answer was: no, they could not.

In the few moments available to me I would like to reflect on how this opposition, when in government, failed Australians—and particularly failed Australian workers. We know the disparity in the workforce in Australia—about 15 per cent of workers in the non-government sector are members of unions, whereas closer to 90 per cent of members and senators on the Labor side, I believe, are members of unions. Those people sitting opposite us have an awesome burden once they come into the parliament—that is, to use their influence on union members in workplaces to see the reality of circumstances.

Let me tell you about someone from 2004—it is a name known to us all: now Leader of the Opposition Mr Bill Shorten. He led SPC Ardmona workers on a six-day strike in the middle of the harvesting season, winning them an extra eight days of so-called leisure time. He said at that time how pleased he was that he had won this agreement from SPC Ardmona for a 13.5 per cent improvement in salary conditions, including an extra eight days. Here we are today, in 2014, wondering why SPC Ardmona is having so much difficulty in surviving. There are so many Labor members and senators who could have, and should have, used their influence in the workplaces from which they have come to try and get reasonable conditions and reasonable labour costs. Regrettably, we have seen the outcome today: Senator Carr's ridiculous—I say 'ridiculous'!—notice of motion.

The PRESIDENT: Order! The time allotted for this debate has expired.
PARLIAMENTARY REPRESENTATION
Queensland

The PRESIDENT (18:00): I have received, through the Governor-General, from the Governor of Queensland, the certificate of the choice by the Parliament of Queensland of Barry O’Sullivan to fill the vacancy caused by the resignation of Senator Joyce. I table the document.

Senators Sworn
Senator Barry O’Sullivan made and subscribed the oath of allegiance.

BUDGET
Portfolio Additional Estimates Statements
The PRESIDENT (18:06): I table the portfolio additional estimates statements for 2013-14 for the Department of Parliamentary Services. Copies are available from the Senate Table Office.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Ministerial Staff: Code of Conduct

Senator WONG (South Australia—Leader of the Opposition in the Senate) (18:06): I seek leave to make a five-minute statement about an answer given by Minister Nash today in question time.

Leave granted.

Senator WONG: I thank the Senate. I rise to address a most serious matter which relates to the obligation of all of us in this place to not mislead the chamber. Of course, in the case of ministers who are accountable to the chamber, the obligation is even more onerous.

Senators would be aware that the opposition has asked the Assistant Minister for Health a series of questions this week arising from her decision to order the removal of the Health Star Rating system website. The minister misled the Senate during question time on Tuesday by stating her chief of staff had ‘no connection whatsoever’ to the food industry. The minister came in during the adjournment debate some five hours later to correct her misleading statement. In doing so, the minister revealed that her chief of staff has a direct interest in a lobbying firm that represents the food industry, including Cadbury, Kraft and the Beverages Council.

Today, in question time, the minister was asked if she would reverse her decision and restore the website, which was removed without consultation with the Legislative and Governance Forum on Food Regulation. In response, the minister said:

… the forum took a unanimous decision to have an extensive cost-benefit analysis done that was due to report back to the forum in June this year. It was premature to have the website live until this report was completed.

It is very important to understand that this is one of the reasons that this minister has given for her decision to intervene to take the website down. One of three reasons was that she said ‘the forum took a unanimous decision’.

On the face of the documents, including the communique from the meeting, this statement is inconsistent with the record of the meeting. On the face of the documents the statement is
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not true. The communique from the forum held in Melbourne on 13 December and attended by the minister and her conflicted chief of staff records that the forum did not unanimously agree to an extensive cost-benefit analysis before the website went live. In fact, the communique records the forum made no decision, unanimous or otherwise, to conduct a more extensive cost-benefit analysis before the website went live. In fact, the communique notes that the minister would direct her department—not a unanimous decision, but the minister unilaterally directing her department—to conduct a more extensive cost-benefit analysis; that is, it was the minister's initiative, not the forum's.

Not only does the minister's answer today not provide any justification for her decision to phone a public servant to demand that a website be taken down; but on the face of these documents Assistant Minister Nash has misled the Senate for a second time. Twice in three days the Assistant Minister for Health has on the face of these documents misled this Senate. Three or four hours after question time has concluded, this minister has not come into the chamber to correct the record. She must do so. She must explain the inconsistency between the formal record and her answer to this chamber, and she must do so immediately. 

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (18:10): Mr President, I seek leave to make a five-minute statement.

Leave granted.

Senator BRANDIS: What Senator Wong and the opposition have just done is a disgraceful act. Senator Wong advised me moments ago, just before our new colleague Senator O'Sullivan was about to be sworn in, that she would seek leave to make this statement. She has taken the opportunity to do so in the absence of Senator Nash, who, like the rest of the government, was given no notice, beyond a few seconds, of this statement and has made the most serious allegation that one can make about a colleague in this place—that is, that Senator Nash, a minister of the Crown, has misled the Senate, according to Senator Wong, not once but twice.

Senator Wong, you are an experienced parliamentarian. You, Senator Wong, well know the gravity and weight and seriousness of the allegation you now make, and you make it on virtually no notice and in the absence of the person against whom the allegation is made and without the decency of giving her the opportunity to respond in terms to your allegation. Nevertheless, Senator Wong, your having decided to pull this stunt irrespective of all of the decencies and the protocols of this place, I can tell the Senate—and remind those who may be listening to the broadcast this evening that may not have heard Senator Nash's detailed and specific responses to the questions asked of her today and yesterday by members of the opposition—that Senator Fiona Nash, the Assistant Minister for Health, has throughout these events conducted herself in a totally honourable and proper way. All the disclosures that were required to be made according to the Prime Minister's guidelines have been made, as Senator Nash assured the Senate not once but twice, both yesterday and today, and not a scintilla of evidence has been produced by the opposition to refute what Senator Nash has said.

Furthermore, what Senator Nash has also been able to refute comprehensively and in detail is the suggestion that there was a conflict of interest between her chief of staff, Mr Alastair Furnival, and his position by reason of an alleged shareholding in a lobbying firm. As Senator Nash pointed out in question time today, Mr Furnival had no managerial involvement in the
lobbying firm and the lobbying firm had no involvement whatsoever in the taking down of the website about which the Labor Party complains. As it happens, not only do I know Senator Fiona Nash and know her to be a person of perfect integrity but I also happen to know Mr Alastair Furnival. I have known Mr Alastair Furnival for 30 years, and I can vouchsafe his absolute integrity as well.

Senator Wong, shame on you. You should know better. There is a place and there is a time to make serious allegations and cast serious aspersions on the integrity of a Senate colleague, but it is not at the end of the week, after 6 pm on a Thursday afternoon, with virtually no notice to the person against whom you wish to make these scurrilous allegations and without giving the person against whom you make these scurrilous allegations the opportunity to defend themselves. Your behaviour is unprincipled, it is unparliamentary, it is despicable and you should be ashamed of yourself.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (18:15): Mr President, I seek leave to make a one-minute statement.

Leave granted.

Senator WONG: I would like to ensure it is on the record that, after we became aware of this, my office did in fact contact Senator Nash's office—I think prior to six o'clock.

Senator Fifield: One minute to six.

Honourable senators interjecting—

The PRESIDENT: Order! I asked, reasonably, for silence when Senator Brandis was speaking. Senator Wong is entitled to be heard in silence.

Senator WONG: We did in fact ensure that Senator Nash was contacted.

A government senator interjecting—

Senator WONG: Her office, that is correct.

Honourable senators interjecting—

Senator WONG: No amount of outrage around process can change the fact that the minister has said something to the Senate which, on the face of the documents to which I have referred, is simply not true.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (18:16): Mr President, I seek leave to make a 10-second statement.

Leave granted.

Senator BRANDIS: We have made inquiries. The inquiry to which Senator Wong refers was made at one minute to six.

**DOCUMENTS**

**Director of National Parks—Report for 2012-13**

Debate resumed on the motion:

That the Senate take note of the document.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (18:19): In addressing the annual report for 2012-13 of the Director of
National Parks, I want to use the opportunity to place on record the thanks of the Senate, the parliament, the government and, I am sure, the previous government to Mr Peter Cochrane, the former Director of National Parks, who served in that distinguished role in an admirable capacity for more than 10 years. He was appointed by former environment minister Senator Robert Hill and served through the entire duration of the previous government and into the new government. Peter Cochrane did a remarkable job during that time of managing Australia's National Parks estate—in particular, the terrestrial national parks owned and maintained by the Commonwealth, for which he had responsibility. Mr Cochrane oversaw the continued development, preservation and successful maintenance of sites such as Kakadu in the Northern Territory; Uluru in the Northern Territory; the national parks on Christmas Island, Norfolk Island and the Cocos (Keeling) Islands; Booderee National Park at Jervis Bay; and the Australian National Botanical Gardens here in the ACT. He also assumed responsibilities in that time for our marine reserves and, in doing so, was obviously crucial to the initial work and management as the Commonwealth took steps in that space.

Mr Cochrane oversaw early arrangements for the planning of the World Parks Congress that will be held in Australia late this year. I have no doubt that, with his expertise, skills and background from his many years of service, particularly his time as the Director of National Parks, he will be playing a key role in that World Parks Congress later this year. I thank Peter for his wonderful service and advice to many different ministers and parliamentary secretaries, for the way he conducted himself at Senate estimates and for the service he has given to Australia and, in particular, those parks.

We now welcome the appointment of Ms Sally Barnes to the position of Director of National Parks. Sally started in the role this week. She was selected from a very competitive process and brings wonderful experience as a former head of the New South Wales National Parks and Wildlife Service and as former head of the New South Wales Office of Environment and Heritage. I really look forward to working with Sally as the new Director of National Parks. She and I have already discussed some of the government's priorities for national parks. As a government, we will work extremely hard to ensure the terrestrial national parks we manage as part of Australia's national reserve system are a showcase for the best possible management of threatened species, for the best possible success in preserving those threatened species, and for the best possible examples of managing invasive species and reducing their impact across the estate. In that regard, I note in particular some of Peter Cochrane's achievements in advancing the management, and the science underpinning that management, of the blight of yellow crazy ants that have hit Christmas Island National Park over the years and have had a particular impact on the red crab species at Christmas Island.

Sally and I, in addition to discussing those aspects, have talked about the importance of driving the tourism benefit from national parks. Obviously Uluru and Kakadu are fine national icons, but sadly over recent years they have seen declining visitation. It is important to the tourism industry, to the Northern Territory government, to Northern Territory people, and, in particular, to the traditional owners of Uluru and Kakadu that we turn around that tourism decline and that we rebuild visitation in those parks to create the economic opportunities, the employment opportunities, the job opportunities and the future prosperity that the traditional owners in those settings should have—just as it is important to grow
tourism opportunities and visitation in the other national parks in order to improve local economic capacity for the people in those regions and islands.

I commend the annual report, I commend Peter Cochrane and I look forward to working with Sally Barnes as Director of National Parks. (Time expired)

Senator BERNARDI (South Australia) (18:24): Firstly, I associate myself with the remarks of Senator Birmingham in acknowledging the outstanding service that this parliament has received from the Director of National Parks and I also welcome the new Director of National Parks. But I will comment specifically about the best way in which we, as a parliament, can respond to the urge to protect the diversity of our species and our national parks and get maximum use of them. That, as Senator Birmingham made reference to, is to ensure they have an economic value as well as an environmental value. In places like Christmas Island it means dealing with things that threaten the migration of the red crabs. It is a great tourist attraction and a unique spectacle unlike anything anywhere in the world. It is just extraordinary. But, where they are threatened by—and I will stand corrected—the yellow crazy ants that Senator Birmingham referred to, it is an important mandate to save the red crabs and to stop them being threatened, not just from an environmental perspective but from a commercial and economic perspective. By attaching an economic benefit to it, we are going to foster greater strength in our environmental movement and we are going to foster a greater regard and respect for our national parks service. That way, not only will there be a financial incentive for people to look after their national parks and treasure their national parks, there will also be a good case to be made for government to continue to invest in them—because of the economic benefits.

A lot of work has been done in our national parks by volunteer organisations and non-government organisations. Just the other day I was approached by a group of people who are interested in re-establishing a colony—I will use that term although I am not sure if it is entirely accurate—of quolls in the Flinders Ranges in South Australia. They were going to take an existing colony of quolls from Western Australia and relocate them to South Australia to re-establish the quoll community.

The DEPUTY PRESIDENT: The time for consideration of government documents has now expired.

**DOCUMENTS**

**Consideration**

The following orders of the day relating to government documents were considered:

Department of Foreign Affairs and Trade—

Australia in the Asian Century: towards 2025—Country strategy—

China.

India.

Indonesia.

Japan.

South Korea.

—Motion of Senator Macdonald to take note of documents agreed to.
Australian Human Rights Commission—Audit report—Review into the treatment of women at the Australian Defence Force Academy, dated July 2013. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator McEwen debate was adjourned till Thursday at general business.

Australian Centre for International Agricultural Research (ACIAR)—Report for 2012-13. Motion of Senator McKenzie to take note of document agreed to.

Health Workforce Australia—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator McEwen debate was adjourned till Thursday at general business.

Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2012-13. Motion of Senator McKenzie to take note of document agreed to.

Australian Research Council (ARC)—Report for 2012-13. Motion of Senator McKenzie to take note of document agreed to.

Department of Agriculture, Fisheries and Forestry—Report for 2012-13. Motion of Senator Macdonald to take note of document agreed to.

Australian Charities and Not-for-profits Commission (ACNC)—Report for the period 3 December 2012 to 30 June 2013. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2012-13. Motion of Senator McKenzie to take note of document agreed to.


Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Tourism Australia—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


General business concluded.

COMMITTEES

Environment and Communications References Committee

Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (18:28): I thank the Senate for the opportunity to take note of the report of the Environment and Communications References Committee, Recent trends in and preparedness for extreme weather events. This was an inquiry undertaken in the life of the previous parliament and I was pleased to be the chair of the committee during the time that this report was undertaken. It is very important that we have appropriate procedures and protocols in place in relation to responsiveness and management relating to extreme weather
events. Just recently we have seen across Australia—whether they be cyclones in the north or bushfires in the south—the real threat that can be posed by such events. I am pleased that, as a government, we are delivering increased financial support for the employment of more forecasters in the Bureau of Meteorology to make sure that we can give the best possible advice and information to communities, to those potentially affected by these extreme events and, in particular, to our emergency services personnel who provide such important assistance and service to those who are affected by them.

This final report in many ways touched on how we make sure we provide the right level of coordination of services in many different circumstances of extreme weather events and how communities respond to them. Australia is a country that faces different threats at different times. It is important that we work closely at the national level with each of the states to ensure a clear and coordinated response. We have seen through numerous events over the last few months federal agencies moving quickly to provide the type of assistance the community expects to receive. In providing that assistance, they have been integrated with local emergency services and local social services. I know in Minister Payne's portfolio area that her officers from the Department of Human Services, Centrelink and those agencies have provided through some of the bushfire affected regions of Western Australia mobile teams that have gone from location to location to ensure the right assistance is provided in the most timely way possible. So in the issues around extreme weather events it is a case of both how we best prepare for them and how we best respond to them.

It is unfortunate that in some circumstances we see the politicisation of some of these events as well. The report in question looked at the science and scientific arguments around increased frequency or otherwise. Of note, I know some have highlighted issues around cyclones. It is interesting to note that there is not a clear scientific consensus around cyclones and the increased or otherwise frequency of extreme weather events at present. In relation to cyclones, there is still significant debate and uncertainty about how they will be impacted by any changes to the climate that could be happening. So I think it is important that we always keep a sense of perspective about the fact that each of these events are things that occur at times, just as they have many times before through our nation's history.

But there are arguments as well that suggest we will face potentially increased risk from these extreme events and increased consequences in the future. Some of those consequences can potentially be attributable to changing weather and climate patterns, but some of them, importantly, are attributable to changed population patterns. Those changed population patterns are that our population has grown, we have more people living along coastlines, we have more people living in areas close to bush settings and we have a greater number of people at potential risk from extreme events. More property, more businesses, more public infrastructure and more lives are at stake and at risk as a result of increased growth of population spread across areas that are at risk of floods, bushfires, cyclones or other extreme weather events.

That is why it is very important that we ensure insurance arrangements are as appropriate as possible and as accessible as possible to people who are at risk of these extreme events. One of the areas of particular significance this report touched on was in relation to impediments, especially cost impediments, to insurance in Australia. We have a situation where insurance at the state level is taxed through the imposition of stamp duties on insurance
premiums, a cost that simply makes insurance that bit more expensive for people to take out. We should be doing everything we can across every level of government to encourage people to self-insure. Whether it is self-insuring in relation to their health care, their property, income loss or any other areas, self-insurance is very important because the government cannot be there to pick up all the losses that will inevitably occur from these types of events. We desperately need to make sure that we have as much participation in the insurance industry as possible. Greater participation spreads the risk and makes the insurance sector far more effective in its financial operations.

The committee urged state governments to look at ways they could remove those stamp duties on insurance. I repeat that urging of the committee tonight. I urge state and territory governments to look at where their decisions have driven up the cost of insurance and, in driving up that cost, are making insurance that little bit less accessible to people who should be taking it out. I realise that states, just like the Commonwealth, have serious budgetary problems at present and are in no easy position to withdraw or reduce their revenue opportunities. Nonetheless, it is critical that those states have a look at the impact their policies have on insurance premiums and consider any means to bring them down to ensure that we actually do have the most accessible insurance arrangements in Australia.

I have particular portfolio responsibilities for the Bureau of Meteorology—a key agency in delivering information to the public at times of crisis, at times of natural disaster and during these types of extreme weather events. I want to use the opportunity this evening to extend my thanks to the officials and personnel in the bureau for the work they have done through a sequence of events during my time in the portfolio to date. It has, sadly, been a very busy time for them during the cyclone season and the bushfire season—from the bushfires in New South Wales late last year through to the bushfires we have seen in Western Australia, the numerous cyclones during the season and the fires more recently across other southern states, such as my home state of South Australia and Victoria.

Often the Bureau of Meteorology will redeploy staff from one state to another. Often their staff will be required to work extended hours. Often their staff will have to put in many, many shifts consecutively to give the type of extra resource and extra assistance required to allow emergency services personnel to do their jobs effectively. The bureau's staff are sometimes unheralded workers in emergency situations. We rightly acknowledge the work emergency services personnel on the ground and we thank those who fight the fires and those who help respond to cyclones. We should also thank those who arm those services with the best information possible to fight those fires and undertake those responses. I record my thanks and I am sure the thanks of all senators to the bureau staff who are called upon at short notice to give the valuable assistance required.

I commend to the Senate the report into extreme weather events. I am pleased that the government has taken note of it and will be acting on a number of the recommendations, in particular providing support for extra forecasting services that will be so very important in the future.

Question agreed to.
COMMITTEES
Consideration

The following orders of the day relating to committee reports and government responses were considered:


Community Affairs References Committee—First and final reports—Involuntary or coerced sterilisation of people with disabilities in Australia. Motion of Senator Urquhart to take note of reports agreed to.

Orders of the day nos 1 to 3 relating to committee reports and government responses were called on but no motion was moved.

AUDITOR-GENERAL'S REPORTS
Consideration

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 10 of 2013-14—Performance audit—Torres Strait Regional Authority—service delivery—Torres Strait Regional Authority. Motion of Senator McLucas to take note of document called on. Debate adjourned till the next day of sitting, Senator McLucas in continuation.

Orders of the day nos 2 to 10 relating to reports of the Auditor-General were called on but no motion was moved.

COMMITTEES
Finance and Public Administration Legislation Committee
Membership

The DEPUTY PRESIDENT (18:39): Order! The President has received letters from a party leader requesting changes in the membership of committees.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (18:39): by leave—I move:

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

Finance and Public Administration Legislation Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator Rhiannon on Friday 28 February 2014

Participating member: Senator Rhiannon

National Broadband Network—Select Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Ludlam on Tuesday, 11 March 2014

Participating member: Senator Ludlam

Question agreed to.
ADJOURNMENT

The DEPUTY PRESIDENT (18:39): Order! I propose the question:
That the Senate do now adjourn.

Trade

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (18:39): Tonight, I rise to speak about Australia's antidumping regime and its effect on Australia's food manufacturers. The Prime Minister has made it clear that our government will be pragmatic and focused on measurable outcomes. This is a refreshing change from the previous Labor government. However, the prolific and ideological commentary over the past week around the defining decision of the federal government around assistance to manufacturing has obscured constructive debate concerning key factors in the food processing supply chain.

Subsidies stifle innovation and adaptation. They shield companies from competitive forces which ensure efficient practices. Governments should not be in the business of propping up businesses which are making products nobody wants to buy. That includes cars and canned peaches. However, assuming that price is the only variable that consumers value in making their decision at Autobarn, Ford, Holden or the local supermarket is not useful either.

A combination of factors have created a perfect storm for food manufacturers. They include the high Australian dollar and previous government policies, which those opposite still refuse to acknowledge and to assist us to get rid of. Those opposite know the cost impost of the carbon tax on food manufacturers, yet they sit here, day after day, week after week and, I imagine, month after month, holding onto a policy for some ideological purpose. They are ignoring the fact that business after business comes before our nation's attention. More tragically, small business after small business is closing down and laying off two, three, four or five workers apiece in small communities and capital cities because of the high cost of doing business in this country. Yet those opposite sit in here and bleat about their care for workers while they refuse to remove the impost they placed on our manufacturing industry.

A combination of factors have resulted in high input costs throughout the supply chain and an international trading environment which favours our competitors. We are lucky in Australia. We are able to purchase very clean, high-quality, sustainably produced local product. I cannot say that our international competitors are able to do the same.

The dumping of cheap products into Australia is an area of concern. Dumping occurs when a product is imported and sold below its normal cost, which is usually the price it sells for in its country of origin. According to the Anti-Dumping Commission, dumping is not illegal and is not prohibited by international trade agreements, but when dumping causes 'material injury' to domestic industry the commission can intervene.

From paddock to plate, the Australian consumer can be guaranteed a locally sourced product which is high quality, grown in a sustainable manner with very efficient—world-leading—water and land-use practices. According to the National Farmers' Federation, for every government dollar invested farmers are estimated to have invested $2.60 in natural resource management and environmental protection. That bells the cat, if you like, on claims from those in the community and sometimes in this place that farmers are environmental vandals. That is not the case. The regulatory regime that gives confidence to the Australian consumer also adds cost to the manufacturing of the product. For example, in 2007, the cost
of regulation compliance for farmers was over $22,500, or 14 percent of average net farm profit. This is before the product leaves the farm, so it is not hard to imagine the cost burden of regulation throughout the supply chain, once we go through the processing, transporting and retailing of the product. This is because Australian consumers expect high standards—so they should.

I just want to touch briefly on some great news for those of us in regional Victoria and, indeed, right around the country. Last Sunday was SPC Sunday. It was a social media campaign right across the country for people to show their support for the embattled SPC Ardmona company that is based in Shepparton. Australians right around the country would actually commit to buying, eating and sharing on social media their favourite product purchases from SPC Ardmona. We all tweeted and shared our support. It was through a range of these public campaigns that the issue of SPC Ardmona got the support it received from the wider public. Woolworths saw an increase of 24 per cent in purchases of SPC Ardmona products. Public support has highlighted the need to support those producers and those processors that are manufacturing our local product.

There is the great news today that the Victorian government is supporting the processor with $22 million, in addition to CCA's own $78 million, to guarantee 500-plus effective full-time workers through the course of a three-year loan. That is to ensure that if after five years—unlike the automotive industry and unlike those that are making decisions in Detroit—they decide to leave, then that money has to be paid back. That was the negotiation that was done by Deputy Premier Peter Ryan, the Nationals leader, and the Premier, ensuring that taxpayers' money in that negotiation was spent efficiently and effectively. There is some onus on the company. They cannot take the money and run. They had to commit to stay, commit to ensuring workers had ongoing work and commit to making the infrastructure investments that would result in the change of product that they are producing and ensure that the 21st century consumer has access to high-quality product—a product that is not just in a can but that is presented in the way we actually like to consume it and travel with it in the modern era.

What was highlighted through this whole debate with SPCA was some structural things around the way we conduct our international trade, our antidumping regime and our environmental standards et cetera. I do think that we need to take a look at how that research and development—the nexus for business model innovation between our universities and our hubs of product and process—interacts with industry. How do we support that? How do we look at the risks associated with that and who bears those risks? I think they are important concerns for us. Other countries do it well; there are things to learn. I look forward to an ongoing conversation over the coming period, where we can drill down into some of those wider matters.

I just briefly also want to touch on the antidumping commission result, with respect to the tomato importation case that came before it recently. Unlike the Productivity Commission safeguards inquiries into imported processed fruit and tomato products—which found that there had been serious injury, that people were not behaving well and that the supermarket private label strategy had been a problem for SPC Ardmona, as had the high Australian dollar and other input costs—the dumping commission found that 15 Italian tomato exporters needed to have the commission's tariff the applied to them. There were another 90 uncompliant exporters. Overall, the commission found that 56 per cent of all Italian tomatoes
imported into Australia were dumped. Two importers will have dumping tariffs of 26 per cent applied to their products as an interim measure. That is great news, because it means that there is integrity in the international trading regime if we choose to—like Peter Kelly, managing director of SPC Ardmona, did—take the case forward and prosecute it.

With the backing for local produce by the Australian public and the Victorian state government, I am very confident that fruit growing and food processing and manufacturing has an extremely strong future in the Goulburn Valley. I look forward to supporting that community and its endeavours.

**Dyslexia**

**Senator Faulkner** (New South Wales) (18:49): Tonight I would like to congratulate Mr Jim Bond, a resident of Killarney Vale, New South Wales, on his recent completion of a Master of Politics and Public Policy at Macquarie University. Jim's recent post-graduate academic success follows on from his graduation with a Bachelor of Arts, majoring in political science and history, also from Macquarie University just last year. Mr Deputy President, I am sure you would agree that these achievements are certainly praiseworthy in themselves, but Jim's achievements are quite extraordinary as he suffers from severe dyslexia. Simply put, it is a first. I think he deserves our acknowledgement and congratulations.

The definition of dyslexia employed by the Australian Dyslexia Working Party—which is consistent with the definitions published by the British Dyslexia Association, the International Dyslexia Association, the National Institute of Child Health and Human Development, the International Reading Association and the Rose report on dyslexia—is this:

Dyslexia is a language-based learning disability of neurological origin. It primarily affects the skills involved in accurate and fluent word reading and spelling. It is frequently associated with difficulties in phonological processing. It occurs across the range of intellectual abilities with no distinct cut-off points. It is viewed as a lifelong disability that often does not respond as expected to best-practice evidence-based classroom methods for teaching reading.

It is important to understand that dyslexia does not affect general intelligence. In fact, studies have shown that many people with dyslexia have average or above average levels of intelligence. Unfortunately, due to low levels of community awareness, children with dyslexia are often simply regarded as slow learners or confused with having other disorders, such as ADHD.

Dyslexia has touched the lives of many. Winston Churchill, Muhammad Ali and Richard Branson are just some examples of the very prominent who have battled dyslexia. Churchill said of dyslexia, 'I was, on the whole, considerably discouraged by my school days. It was not pleasant to feel oneself so completely outclassed and left behind at the beginning of the race.'

Jim Bond tells me that up to 16 per cent of Australians experience varying degrees of dyslexia. For most sufferers, dyslexia has serious social, economic and personal consequences. People with poor literacy skills are more at risk of social exclusion, homelessness, depression and lower levels of health, education and employment prospects. Jim was first identified as having dyslexia at an early age. He said, 'When I was seven years old, Professor Delbridge from Macquarie University's Department of Linguistics first recognised that I had dyslexia. From that point on, my dream was to do a degree here at the university.'
Many people are aware of Jim Bond's important work in dyslexia advocacy. He has been a passionate and committed activist for people with dyslexia for over 25 years. He has fought hard for the widespread introduction of text to speech software and technology in primary and secondary schools, libraries and universities. He has contributed to important public policy initiatives that have transformed the lives of so many people suffering from dyslexia. Jim Bond is not one to shy away from challenging the establishment. He has contributed to changes to the employment practices of the New South Wales, Victorian and federal governments. He has fought hard for the inclusion of dyslexia as a disability in the Anti-Discrimination Act and the Human Rights Act. He has pushed for the recognition of dyslexia in the Education Act and for funding for teacher training programs.

To its credit, Macquarie University's Accessibility Services Unit has provided Jim Bond with the facilities he needs to achieve substantial success at university. Macquarie University provided Jim with a computer and WYNN software, which reads textbooks, course materials and web pages to him. The university also provided him with a PEARL camera, which takes photos of pages and reads them back to him in seconds. Using these assistive technologies has helped Jim not only pass subjects but achieve great marks. He finished his undergraduate degree with nine distinctions and three high distinctions and his postgraduate degree with a distinction average.

On the day of Jim Bond's graduation last year, Macquarie University's Deputy Vice-Chancellor, Ms Deidre Anderson, said:

Jim really epitomises the commitment and resilience of many people who have challenges whilst pursuing education. It's been evident in the support offered to Jim that the university's support services can really make a difference in the lives of people, and the university is incredibly proud of Jim, as are his family and friends. We look forward to seeing his ongoing work in the broader community.

Jim's achievements and activism shine a light on dyslexia in Australia and pave the way for and encourage more Australians who suffer from dyslexia to achieve success in university and tertiary education.

Jim has set his sights on the ambitious goal of finishing a PhD further down the track, with a view to apparently some day entering politics. At this stage I have not discouraged him from that course of action. I certainly do wish him well and congratulate him on his academic success. I am sure it is a view that would be shared by all senators in the chamber. I congratulate him also on his very strong and committed advocacy on behalf of all Australians suffering from dyslexia.

Kelly, Hon. Bert

Senator SMITH (Western Australia) (18:58): I rise this evening to note an anniversary that will take place next week. It is not a date that will ring a bell with most Australians, and indeed the occasion itself was something that probably was not greatly remarked upon at the time. It has taken a long time—too long, I would argue—for the significance of this event to achieve the level of recognition it deserves. I am speaking of the first speech, or maiden speech as it was known then, of Bert Kelly, the now-legendary former member for Wakefield in South Australia, which was delivered on 19 February 1959—55 years ago next week.

Bert Kelly may not be a household name for most Australians, but he is a figure of enormous and enduring importance for many of us on this side of the chamber. Indeed, he is someone who has earned the admiration of some on the opposite side of politics, including no less an authority than Gough Whitlam, who has said of Bert Kelly:
No private member has had as much influence changing a major policy of the major parties.'

The 'major policy' being referred to in this instance was the pursuit of a free trade agenda through the dismantling of Australia's regime of high tariffs and the pursuit of greater economic efficiency, particularly through reducing subsidies given to inefficient and uncompetitive industries.

This is a subject that continues to be very relevant today, as we have seen over the past couple of weeks. More than once in the course of the public discussion about Australian manufacturing over recent months, I have wondered what Bert Kelly would make of the fact that his views—which were certainly not shared by the majority of his colleagues during the years he served in this parliament—are now considered orthodox. Free trade was certainly not orthodoxy in the parliament that Bert Kelly entered when he won his seat at the 1958 federal election. Indeed, Kelly entered parliament just as the power of the Country Party's new leader, John 'Black Jack' McEwen, was reaching its zenith.

That party's previous leader, Arthur Fadden, had retired at the 1958 election, and it was widely assumed that McEwen would exercise his prerogative as Country Party leader to select the Treasury portfolio for himself, as his predecessor had done. However, McEwen opted to remain in the Trade portfolio, essentially setting the department up as a counterweight to the more free-market instincts of Treasury. This move was to have a dramatic impact, both on Australia's economic policy generally and on the internal dynamics of the coalition for the next two decades. It is one of history's more ironic quirks that Bert Kelly's maiden speech actually singles out John McEwen, praising the work he had done to encourage and promote Australia's agricultural exports:

I should like, at this stage, to pay a very warm tribute to the Minister for Trade (Mr. McEwen) for the clear-sighted way in which he has worked to do this very thing, that is, to help us sell what we produce. No one could do more, if as much.

Yet there were other lines in the speech that day that probably did not find great favour with McEwen, or with a great many of Kelly's parliamentary colleagues. In simple but effective language, Kelly challenged the prevailing protectionist climate:

We are all apt to be critical of the part played by the United States of America, for instance, in selling her surplus export production at prices which make it difficult for us to compete. Let us make sure that we are doing all that we can before we become too critical.

Do our own restrictive trade practices not make it more difficult for other nations to trade with us? The trade treaties with Japan and Malaya were steps in the right direction, but we still watch with a jealous eye lest Japan sells us too many cheap toys. How can we expect Japan to buy our barley if we will not buy her toys?

I am not sure whether Bert Kelly would be more surprised or disappointed to find that this basic question is still being debated today, at least to some extent. The neo-protectionist and pro-subsidy zeal of some in this place would surely disappoint him.

History shows that the mid to late 1960s was not an easy time to be a free trade advocate within the coalition. When Prime Minister Harold Holt disappeared at the end of 1967, many assumed that the Liberal Party's deputy leader and the Treasurer, William McMahon, would take over the leadership. But McMahon and his Treasury officials were known to be keen advocates of free trade and reducing tariffs, which earned them the wrath of John McEwen, who used his position as Country Party leader and Deputy Prime Minister to exercise a very
public veto of McMahon's leadership bid. By this time, Bert Kelly himself had become a minister, serving under Prime Ministers Holt and Gorton as Minister for Works and later as Minister for the Navy. However, despite his undoubted talent and diligence, he was to rise no higher. Many observers of the Liberal Party at that time put his lack of promotion down to the influence of McEwen and other supporters of protectionist policies.

Kelly was eventually dumped from John Gorton's ministry in late 1969 but, far from sulking or taking backward steps, he instead used the opportunity to pursue his economic agenda with a renewed zeal. This he did in a variety of ways. As a backbencher, he continued to forcefully articulate his views in the party room and through his contributions to parliamentary debates. Although they may not have been welcomed by all of his colleagues at the time, there were respected—something that Kelly was always at pains to emphasise when contrasting the Liberal Party's approach with Labor's. Mr Kelly said:

Certainly I used to run into criticism from my colleagues that I was rocking the boat, but never from the Prime Ministers of the time, and certainly never from the Liberal Party hierarchy. This independence is something that we should cherish.

However, it was through his regular column—first titled 'The Modest Member' and, upon his departure from parliament in 1977, redubbed 'The Modest Farmer' that Bert Kelly's views found a wider audience, first in the pages of the *Australian Financial Review*, and later in the *Bulletin*.

It takes a special type of wit and authorial talent to make the often dry nuances of economic policy engaging yet that was precisely what Bert Kelly was able to achieve. Take, for instance, his 1982 column, in which he relates his experiences testifying at a royal commission into the Australian meat industry. He said:

I then explained to his Honour, who, I guess, lives a very sheltered life, that I was, and am, engaged in a bitter battle to get our trade barriers lowered.

I then foolishly tried to be funny and explained that, when the PM was overseas, he was a powerful ally of mine in this cause because he then made stirring statements about the evils of protection. However, he was home quite a lot and then I was very busy indeed, because he seemed to spend most of his time at home making sure that our trade barriers were not lowered.

I hoped that this sally would draw at least a snigger from the crowded court room but it went down like a lead balloon.

Evidently, it is regarded as the natural way to behave for politicians to talk eloquently about the evils of protectionism while overseas while doing their damnedest to keep up our trade barriers while at home.

It is worth noting that the prime minister being skewered here was Malcolm Fraser, demonstrating that Bert Kelly was utterly unafraid to take on those on his own side of politics if he felt they were heading in the wrong direction. Kelly's verdict on the lost opportunities and policy timidity of the Fraser era was particularly harsh. He once wrote that under Fraser, the Liberal Party's approach could be summed up thus:

We just have to govern Australia badly for fear that Labor might govern us worse.

It is indeed a great pleasure as we approach the anniversary of Mr Bert Kelly's maiden speech in the other place, to remark on his significant contribution.

Bert Kelly's legacy lives on today through the Society of Modest Members, a group originally formed in 1981 with Bert Kelly as its inaugural patron. While its fortunes have ebbed and flowed over the years, the society is still an active contributor to this parliament. Its
members are acutely conscious of the need to honour Bert Kelly's legacy by continuing to push for the removal of anticompetitive trade practices on the part of individuals, businesses, trade unions and governments.

Next Wednesday, on the 55th anniversary of the maiden speech of the original Modest Member, it would be timely to reflect on our own contributions in this place. Do we expect them to have a lasting influence on the direction of our country; to elicit the esteem and respect of our political opponents as Bert Kelly's were able to do?

Senate adjourned at 19:08

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.]

Financial Management and Accountability Act 1997—Determination 2014/03—Section 32 (Transfer of Functions from DEEWR to Education and Employment) [F2014L00136].

Higher Education Support Act 2003—VET Provider Approvals—

No. 8 of 2014 [F2014L00140].
No. 9 of 2014 [F2014L00138].
No. 10 of 2014 [F2014L00139].

National Health Act 1953—National Health (Weighted average disclosed price—main disclosure cycle) Amendment Determination 2014 (No. 1)—PB 8 of 2014 [F2014L00137].


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 2013—Letters of advice—

Australian National Preventive Health Agency.
Australian Radiation Protection and Nuclear Safety Agency.
Employment portfolio.
National Health and Medical Research Council.
National Health Performance Authority.
Private Health Insurance Ombudsman.

Departmental and Agency Appointments and Vacancies

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Additional estimates—Letters of advice—

Department of the Prime Minister and Cabinet.
Health portfolio.
Industry portfolio.

**Departmental and Agency Grants**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Additional estimates—Letters of advice—
Attorney-General’s portfolio.
Australian National Preventive Health Agency.
Cancer Australia.
Department of Agriculture.
Department of Infrastructure and Regional Development.
Environment portfolio.
Industry portfolio.