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SITTING DAYS—2013

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FORTY-THIRD PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

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

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

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

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

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

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

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
# GILLARD MINISTRY

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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
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<tr>
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<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<td>The Hon Wayne Swan MP</td>
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<td>The Hon Bill Shorten MP</td>
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<td>The Hon David Bradbury MP</td>
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<tr>
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<td>The Hon Bernie Ripoll MP</td>
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<td>The Hon Stephen Smith MP</td>
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<td>The Hon Warren Snowdon MP</td>
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<td>The Hon Dr Mike Kelly AM MP</td>
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<tr>
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<td>(Manager of Government Business in the Senate)</td>
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<td>Minister for Resources and Energy</td>
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<td>Mr Darren Chester MP</td>
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Tuesday, 26 February 2013

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

BILLS
Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (12:31): The passage of the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012, which has the bipartisan support of the opposition and, I believe, also has the support of the minor parties and the Independents, is an important moment in the history of our nation. It is symbolically important, as the Prime Minister and others have said. More importantly, it is a measure which will have practical consequences. When it comes to Indigenous Australians, we have had, I think, too much symbolism dressed up as if it were practical achievement, too many gestures without outcomes, too many ceremonies in which many fine words have been uttered, all of which have made us feel better about ourselves but which has improved the everyday lives of Indigenous Australians not one iota. So, while not underestimating the power of symbolism in the life of a nation, symbolism without more will never be enough. Indeed, on occasions the obsession of some of the participants in this debate with symbols alone has almost been an excuse to neglect more useful practical measures.

So it is important that this bill does serve a practical purpose by committing both sides of politics to a course of action which, it is envisaged, will result in a successful constitutional referendum sometime during the life of—or perhaps at the conclusion of the next parliament—to give appropriate recognition of Indigenous Australians in our nation's founding document. If that comes about during an Abbott government, as I rather suspect it might, then nothing could be more fitting because there are few politicians in Australia who have shown a more long-lasting devotion and commitment to helping Indigenous Australians than Mr Tony Abbott. His has been a commitment manifested not merely in fine words—although Mr Abbott's speech on this bill in the House of Representatives on 13 February 2013 should live in history as one of the noblest parliamentary speeches ever given in that chamber—but, just as importantly, in practical action manifested by voluntary manual work over many years, unadvertised and in his own private time, in Aboriginal communities in Cape York. Both sides of Australian politics have a genuine commitment to this issue, but I am particularly proud that the leader of my party is a person whose commitment has, for so long, been manifested not merely in words but in the sweat of his brow, the dust in his eyes and the dirt under his fingernails.

I will say a few words about the provisions of this bill in a moment but before I do, I want to put it in its proper historical perspective. No side of Australian politics is without blemish when it comes to the treatment of our Indigenous peoples. For too long, particularly in the first half of the last century, their needs, their aspirations and their basic human rights were neglected or ignored by conservative and Labor governments both state and federal. Nevertheless, wise ministers from both sides of politics became increasingly sensitive to the needs of Indigenous Australians and,
with changing attitudes and values, developed policies to redress Indigenous disadvantage and unequal treatment. Although the Labor Party, in the relentless prosecution of its one-sided view of history, claims the credit for these initiatives, the truth is that most of them were in fact pioneered by Liberal governments.

Sir Paul Hasluck, one of our nation's very greatest cabinet ministers, used the 12 years he spent as the Menzies government Minister for the Territories between 1951 and 1963 to pioneer enlightened policies which, with the passage of time and the demonstrated failure of Whitlam-era welfarism, seem truly farsighted. Hasluck was only the first of a series of distinguished Liberal ministers for Aboriginal affairs, including William Charles Wentworth, Fred Chaney, John Herron and Mal Brough, each of whom achieved great advances for Australia's Indigenous peoples. It was of course the Liberal Party which, 42 years ago, selected, through a regular preselection process, the first Aboriginal Australian to sit in this parliament, a man whom it was my privilege when I was a young man to call a friend, the great Neville Bonner. It was the Liberal Party which, at the last election, again through a regular preselection process, selected the first Aboriginal Australian to sit in the House of Representatives, my colleague Ken Wyatt, appropriately the member for Hasluck.

At the state level, it is often forgotten that it was the Queensland National Party which selected the first Aboriginal Australian, Eric Deeral, to serve in a state parliament as long ago as 1974. Last year, we saw in the Northern Territory Indigenous Australians turn in droves to the conservative side of politics and elect no fewer than three new Indigenous members of parliament to sit with the Country Liberal Party.

The Prime Minister and other Labor politicians and apologists are fond of reciting the various steps to Aboriginal advancement, for which Labor governments claim to have been responsible—although many of those policies, by creating a culture of welfare dependency, in fact destroyed Aboriginal communities and retarded rather than advanced their development. But, curiously, the Prime Minister routinely fails to mention the greatest single step ever taken towards the goal of achieving equal rights and status for Aboriginal and Torres Strait Islander Australians: the 1967 referendum, an achievement of the government of Harold Holt.

This was the vital moment which gave Aboriginal Australians true constitutional recognition, equal standing in the Constitution and full membership of the Australian body politic. Nothing that has happened before or since was as important as the 1967 referendum, yet Ms Julia Gillard routinely seeks to airbrush it out of history, no doubt because, like so many of the great progressive achievements in the history of Australian nationhood—indeed, like Federation itself—the Australian Labor Party had absolutely nothing to do with it.

This bill will, I hope, set in train a process which will culminate in a constitutional referendum as successful as the 1967 referendum—the most successful referendum in Australian constitutional history, by the way, which recorded a remarkable 'yes' vote of 90.77 per cent. In a sense, the referendum which this bill envisages will be the historical bookend of the 1967 referendum and carry to fulfilment that which the 1967 referendum began. But it will only succeed—and this is acknowledged by all participants—if it has widespread community support; not just bipartisanship—for referendums have sometimes failed despite having bipartisan support—and not
just support from the Aboriginal and Torres Strait Islander communities but support across the whole of the Australian community. Which means that it is just as important that people with conservative views be persuaded as people who consider themselves to be progressives. If that is to happen the proposal must be modest and the tone of the debate must be respectful.

Nothing is surer to defeat the referendum than if the public discussion of the proposal is conducted in a hectoring, angry or righteous manner. Every citizen who participates in the discussion has the same right to be heard because although this proposal has a special significance for Indigenous people, the Constitution belongs to every Australian equally. In particular, people of a conservative frame of mind who are sceptical and suspicious of constitutional change will need to be convinced of the desirability of the measure; and their scepticism is every bit as legitimate as the proponents' enthusiasm.

It is important to stress that the bill before us is neutral on the question of how recognition should be achieved. It does not propose a form of words. It is agnostic on the question of whether the recognition should take place as a preamble, in the substantive provisions of the Constitution, or both. The settlement of those questions and the finalisation of the words of the referendum proposal are matters with which the process set up by this bill will deal. In that regard, I remind the Senate of the wise words of the unanimous report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. In paragraph 2.39 of its interim report, tabled last month, it said:

…the Committee does not underestimate the difficulty of securing the passage of appropriate amendments to the Constitution recognising Aboriginal and Torres Strait Islander peoples.

Only eight out of 44 proposals to amend the Constitution have succeeded. It is 36 years since the last successful referendum. Controversial proposals are invariably foredoomed to failure. For that reason, the committee cautions that if the proposal is the victim of over-reach, it will fail. While the Committee does not seek to limit the scope of public discussion, it nevertheless considers that only a relatively modest proposal is capable of engendering the bipartisan consensus which is a pre-requisite to success.

Our objective, in short, is to recapture the spirit of 1967. To do so, we must build community consensus in a careful, respectful, cautious fashion. If a proposal is put to referendum and the referendum fails, then that will create a legacy of bitterness and division which could last for generations. It would not only defeat our efforts, it would actually erode the important achievement of the 1967 referendum itself. It would be better to have no referendum than one which became a platform for divisiveness and ended in failure.

Our purpose is to ensure that we do not fail; that some time in the life of, or perhaps at the conclusion of, the 44th parliament, we will—as did the 26th parliament in 1967—have achieved a nationwide consensus which will give appropriate recognition to our first peoples and advance in a material way the cause of reconciliation.

In closing, I want to acknowledge the work of the members of the Expert Panel on Constitutional Recognition of Indigenous Peoples: in particular, the co-chairs, Mr Mark Leibler AC, and Professor Pat Dodson; my Labor colleague, Senator Trish Crossin, the Chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, who, if I may say so, has done more to advance the interests of Aboriginal people, especially in the Northern Territory, than any other Labor politician I can think of and whose premature departure from the chairmanship of the
committee at the time of the next election will be a great loss—just as the circumstances which brought it about were a disgrace; and on my side of politics, my friend Senator Nigel Scullion, the shadow minister for Indigenous affairs, and the only Indigenous member of the current parliament, Mr Ken Wyatt, the member for Hasluck. All of them are great Australians and all are committed to the same end. I commend the bill to the Senate and look forward to its unanimous passage through this chamber.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:45): I rise to make a contribution to the debate over the bill that we are currently discussing. The Australian Greens have a long history of supporting and campaigning for Aboriginal rights and promoting constitutional recognition and reconciliation. Not only do we believe that we need to recognise Australian and Torres Strait Islander peoples in our constitution; our policy is also to ensure that we have treaties with and recognised sovereignty for Aboriginal and Torres Strait people. We recognise that sovereignty was in fact never ceded by Aboriginal and Torres Strait Islander peoples. However, we do believe that the treaty and the sovereignty issues need to be addressed a bit further down the track. I will come back to those issues later on in my speech.

The Greens have worked tirelessly to progress the issue of constitutional recognition of Aboriginal and Torres Strait Islander peoples. We believe that not only is this important as a further step in reconciliation but also we need to include substance in those amendments. We have been committed to recognition of Aboriginal and Torres Strait Islander peoples in our constitution, as I said, for a significant period of time. In fact, I would go so far as to say that as long as the Greens have existed there has been support for constitutional recognition. It was in our agreement with the Gillard government that there would be a referendum either before or with the next election. We were very disappointed that in fact this could not occur, but we realised that it was not achievable and so acknowledged that we needed to put in place another process.

It is clear to us that there has been significant progress in the national conversation, but we are not there yet. There is still significant work to be undertaken to reach agreement not just on what would be a model that is supportable through a referendum but also to ensure that it is a good model. It cannot be just any model; it must be a good model or a good set of questions and good changes to our constitution. Very importantly, it must have the support of Aboriginal and Torres Strait Islander peoples. That was one of the key things that the expert panel took as one of its guiding principles: any model, or any question, for a referendum had to have the support of Aboriginal and Torres Strait Islander people.

I was a member of the expert panel and I would like to acknowledge the work of the expert panel, which I think—I probably need to display a bit of modesty here—presented a very good report to the Prime Minister in January 2012. I would like to acknowledge the people that put a year's worth of their life into this report, both those members of the expert panel and people who were part of the secretariat—some of whom I notice are in the chamber today. I would also like to acknowledge the work that they put in, because I know it was also a year of their lives that they put into this report.

While we are disappointed that we cannot achieve a referendum by the next election,
we do acknowledge that this recognition by parliament is an important step along the path to constitutional change. The bill has provided an opportunity for reflection on the purpose of an eventual referendum, has enabled more consultation and has enabled a discussion by the parliament on the importance of constitutional recognition. As we have heard, we hear multiparty support for constitutional recognition and constitutional change. There have been many submitters both to the expert panel and to the select committee's inquiry into the bills. We heard from the National Congress, ANTaR, the Human Rights Commission and a whole range of people who made submissions to the inquiry.

I would like to read out a quote that is from the expert panel's report about constitutional recognition:

Constitutional recognition is an important step that must be taken in order to redress the discrimination and disempowerment Indigenous Australians have suffered since settlement.

There have been repeated comments, both to the inquiry into the bill and to the expert panel, about the need to address constitutional recognition and the discrimination that Australia's first peoples have felt ever since colonisation.

The Gilbert + Tobin Centre of Public Law told the select committee inquiry into the bill that:

Recognition needs to deal with the fact that the Constitution was drafted on a premise of racism, essentially. It was drafted at a time when, in the words of our Prime Minister, Edmund Barton, we needed a power in the Constitution to enable the federal parliament to pass laws against 'the coloured and inferior persons' within the Commonwealth. Those words in the Constitution and that racist power have now been extended to Aboriginal people. Section 25 still recognises the possibility that states might enact laws that disenfranchise people on the basis of their race. Certainly from my dealings across the community, including with very conservative groups, it is that element of racism that most motivates people to think that they need to fix the Constitution to move beyond the values of the time.

ANTaR told the committee that:

... inclusion of language which recognises the need to remove or reform racially discriminatory elements in the Constitution should be added, confirming parliament's support for changes which go beyond the symbolic—again, a key recommendation of the panel. The inclusion of a reference to the need to continue efforts to close the social and economic gap that Australia's first peoples experience should also be a key feature.

The Australian Greens share this view. We believe that the final model that is put to a referendum should address the legacy of racial discrimination and enable the federal government to legally act to meet its often stated commitments under Closing the Gap but also under the United Nations Declaration on the Rights of Indigenous Peoples, which was often quoted to the expert panel. We agree that the joint select committee provides a framework for such triggers and other milestones to be delivered and acted upon. We believe that we need to maintain the momentum for constitutional recognition. The significance of having several of the parliamentarians who were on the expert panel also included in the committee we think is a good move in terms of being able to continue that work, but also in bringing new thoughts into the panel.

It is important to recognise that the bill we are currently debating does not include all the recommendations of the expert panel, but I understand from the select committee's terms of reference that the committee will not be limited in considering the recommendations. The words in the bill that we are considering reflect the carefully chosen words of the expert panel. Every word was carefully considered. I would like
to remind people of the recognition outlined in the bill:

The Parliament, on behalf of the people of Australia, recognises that the continent and the islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples.

The Parliament, on behalf of the people of Australia, acknowledges the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters.

The Parliament, on behalf of the people of Australia, acknowledges and respects the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples.

Those are very important statements.

This is the first step to constitutional change and it is not just symbolic. At the moment our Constitution has no reference to Aboriginal and Torres Strait Islander peoples, though it did previously. The Constitution used to say that the Commonwealth could make powers for all Australians except Aboriginal and Torres Strait Islander peoples. Fortunately, that was removed after the 1967 referendum. If you look at our Constitution you would never think that Aboriginal and Torres Strait Islander peoples are the oldest living culture on the planet, that they were on this land for generations and generations and that they are and were always the traditional owners of these lands. That needs to be in our Constitution.

Not only does this bill provide recognition; it also commits to placing before the Australian people at a referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islanders. It also acknowledges and recognises that further engagement with Aboriginal and Torres Strait Islander people and other Australians is required to refine proposals for a referendum and to build support necessary for constitutional change. Importantly, it commits us to building the national consensus needed for recognition of Aboriginal and Torres Strait Islander peoples. That puts a huge responsibility on this place, on members of parliament, to engage with this debate and to help build consensus. I believe that we need to build that consensus not as a lowest common denominator but as something that Australia can be proud of, so we can stand tall and say that we are prepared to change our Constitution to provide recognition for Aboriginal and Torres Strait Islanders and to ensure that the Constitution does not discriminate. It is also about enabling the federal government to continue to address the advancement the expert panel recommended; another word you could look at is ‘wellbeing’. It is about enabling the federal government to continue to address issues around Closing the Gap and the historical discrimination of Aboriginal and Torres Strait Islander peoples. Those are the concepts that were included in the expert panel’s recommendations. They recommended a whole new section, section 51A, that acknowledges the need for recognition, and I have read out the words contained in the bill. I believe we also need to acknowledge the need to secure the advancement of Aboriginal and Torres Strait Islander peoples. In the debate in this place over the next day or so, I do not want it to be forgotten that further recommendations were made.

The Greens will continue to campaign vigorously for constitutional recognition. We will continue to support and participate in the national discussion and the national consultation process, but we believe that the expert panel’s recommendations should provide the basis for that. We are not saying they should not change; we are saying, ‘We think you did a pretty good job; do not
reinvent the wheel.’ Let us find out what is capable of being supported. Let us engage in that national discussion. Let us build that consensus around what we do think we can take to the community. As someone said to me the other day, let’s be courageous in our recognition. We do not get to change our Constitution very often, as was just highlighted. Out of the 44 attempts to change our Constitution, eight have been successful.

Some of the keys to success are multi-party political support, strong community support, clear questions. It will take leadership from all members of this place to engage in that national discussion. As I articulated in the Greens’ additional comments to the select committee report, one of the issues of concern for us was the two-year sunset clause in this bill. The issue as put to us by members of the community, and particularly some members of the Aboriginal and Torres Strait Islander community, was that the sunset clause means that you may not care after two years about recognition. I thought long and hard about that and I have come down on the side of the argument that says we think we should have the sunset clause there because it will make sure it is a decision-making point, that it is not that the parliament does not care—in fact the parliament cares so much about this that we want to make sure that there is a decision-making point. So, we support the sunset clause. In our additional comments we did say that we would think and discuss this further. I have done that and do believe we should be supporting it, because we do need a trigger point to enable further discussion.

One of the other issues, and I feel that we really need to mention this in this place, is that there is a number of Aboriginal and Torres Strait Islander people who do not want to support this bill. They do not think we should be discussing constitutional recognition without discussing the issues around sovereignty and treaty. I acknowledge their very legitimate concerns and, as I said at the outset, the Greens support the concepts of treaty and sovereignty. I participated in a large number of discussions as part of the expert panel process and I support the recommendations and the feelings of the expert panel—that is, I do believe Australia is not ready to discuss those issues yet. I have also listened to legal advice that says that if we do proceed with constitutional recognition it will not undermine the concepts later on when continuing a national discussion about sovereignty and treaties.

I do not think this bill does so, either. While I think it is very important to acknowledge those very legitimate comments of those who say we should not proceed with this bill and with constitutional recognition, the overwhelming flavour of comments I have had back from Aboriginal and Torres Strait Islander communities is that they do want constitutional recognition. This is an essential step in the reconciliation of this nation—absolutely essential. That is why we do not believe that it is appropriate to suspend the discussion around constitutional recognition to address those issues, but I do want to acknowledge that those are live and real issues that this country still needs to deal with. A large step will be taken for reconciliation by changing our Constitution to acknowledge that Aboriginal and Torres Strait Islanders were the first occupants of this land and that they have ongoing and unbroken connection and traditional ownership of this country. It is important that they are recognised in our Constitution. It is part of a healing for this country and, as I said, it is a part of reconciling this country, because we still have a significant way to go.

I fully acknowledge that it is not the only thing and that a lot more needs to be done
before we address the huge gap in life expectancy and life outcomes for Aboriginal and Torres Strait Islander peoples. We cannot pretend that this is the only thing that needs to be done. We are still making mistakes in our policies—I will acknowledge that, too. I am often the first in this place to criticise policies that are supposed to be for the benefit of Aboriginal and Torres Strait Islander peoples and I do not believe that they are of benefit. Constitutional recognition is very important. We need to make sure we have a full discussion in the Australian community and build popular support for constitutional recognition. We politicians have a very important role to play. It is quite obvious from previous referenda that where there has been political disunity, those referenda have failed. We need to demonstrate what we expect the rest of the nation to do and that is having a fully engaged and respectful discussion around constitutional recognition. We will be supporting this bill.

Senator CROSSIN (Northern Territory) (13:05): Late last year I was given the honour of being asked to chair the new Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples and I accepted that challenge as an honour to pay tribute to Aboriginal and Torres Strait Islander people in this country and to finally start to forge some work in this parliament that I think will lead to a great outcome if this country embraces the changes to the Constitution that are needed. I wanted today to congratulate all those who have participated dutifully in the debate on this important piece of legislation, particularly those members of the House of Representatives.

Parliamentarians, community awareness and engagement programs and dedicated Australians should all be commended on this significant step towards improving our nation by finally taking up the challenge of recognising our first Australians within the Constitution. This piece of legislation is just the first stage of the important process in building a reconciled Australia with relationships based on mutual respect and understanding.

On the morning of 13 of February—just a few weeks ago—the House of Representatives passed this act of recognition. This act provides a path on which to build a foundation that precedes our collective objective and that is to acknowledge Aboriginal and Torres Strait Islander people as Australians in the Constitution.

We are all aware that today marks another major moment in the records of recognition for these people in our history books—the final passage of this bill through the Senate and the Australian parliament. Five years ago, the parliament witnessed former Prime Minister Kevin Rudd deliver his landmark apology to Indigenous Australians. This parliament took another historic step on the anniversary of that day this year, and we can see that the momentum for change, recognition and cross-cultural understanding is growing.

I note the shared commitment that is often lacking in political debate—I have seen that plenty of times in this place. But on this day, in this chamber, in the Australian Senate, and on this most important subject, of inclusion, Australians right around this country will witness once again bipartisanship between the two major political parties. The act of recognition is supremely important. That both sides of politics find a bipartisan resolution on this issue speaks for itself and it should speak to the Australian public.

When the two parties rarely agree on anything, and here we agree on this, it is a unique occasion and it should prick up the
ears of people around this country. It should turn the heads of the nation and it should draw much-needed attention to this crucial campaign. When bipartisanship like this exists, when both major parties agree that recognition is long overdue, and when both the Prime Minister and the Leader of the Opposition offer such personal and heartfelt language, then we begin to see a positive response from the Australian public. We should capture that today and build on that. I want to commend the parliament for this remarkable effort. With continued leadership across the political spectrum, this campaign will result in the welcome acknowledgement of our history and a referendum that sees the improvements to our Constitution.

Firstly, I want to acknowledge the important work done by the Expert Panel on Constitutional Recognition of Indigenous Australians, whose detailed and widely researched report—which I read in detail over the Christmas period—put in place the foundations to enable the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples to produce its report and for Australia to eventually progress constitutional recognition. In 2010, the Australian government announced the membership of the Expert Panel on Constitutional Recognition of Indigenous Australians. The panel included Indigenous and community leaders, constitutional experts and parliamentary members. It was co-chaired by Professor Patrick Dodson and Mark Leibler AC. I want to thank them for their dedication to holding a wide-ranging national public consultation and engagement program throughout 2011 in order to bring us to where we are today.

The joint select committee which I have chaired had a meeting with the co-chairs of the expert panel, where we explored their work and the outcomes of their deliberation. The work they have done is incredibly detailed. As I said, they held extensive consultations in towns and cities right across this country. They met with high-level stakeholders and engaged in a formal public submission process. Through these processes, this background work—this homework, I suppose, as a precursor to the work we are about to undertake—we can gauge community support. We can see, through the Newspoll that was commissioned to undertake research into this subject, that there is a groundswell and growing momentum to build on the outstanding work that the expert panel completed under the chairmanship of those two people. All of this work has been done at a resoundingly commendable level.

Then there are organisations like Reconciliation and their groups and campaigns, You Me Unity and Recognise. Their dedication to promoting constitutional recognition in communities across Australia has started, and it will be a great challenge. There is much work to be done, but they have been building awareness campaigns, providing the government and the public with valuable resource materials to help promote awareness for constitutional recognition, from cities to remote communities, from offices to backyard barbecues and in every home across this country.

The joint select committee held its inquiry, which is detailed on the website. We advertised the inquiry in the Australian, the Koori Mail and the National Indigenous Times. We received 24 submissions. I thank each of those who contributed. We held a public hearing in Sydney on 22 January. It is a day I will forever remember. With these contributions and the specialist work of the expert panel, we as a parliament have been able to pass this bill, which has three substantive parts that serve to eliminate
discrimination and promote inclusion. Those three parts are: a statement—as Senator Siewert read out—of recognition by the parliament, on behalf of the people of Australia, of Aboriginal and Torres Strait Islander peoples; a requirement for the minister with responsibility for Indigenous affairs to commence a review of support for a referendum to amend the Constitution within a particular time frame; and a sunset clause, which provides that the act should expire two years after enactment. That gives us a definitive point in time by which we need to strive to achieve this work.

Along with most Australians, I appreciate the sophistication of this bill. It will change Australia's most important legal document, which is difficult to do. The public, whose vote this needs, deserve time to think about what we are trying to achieve here. As the expert panel has noted, many people still do not know about this important push for a referendum. There are, of course, those who condemn that the act takes too long when it sets out a two-year period to work toward a referendum. The government agrees, though, with the expert panel that it is important for this to be held at a time when it has the most chance of success. If that is going to happen within two years, then I am sure there are many of us here who would be delighted about that. But the public need time to understand the importance of this change, to be made aware of the many other countries, including the USA, New Zealand, South Africa and Canada, who have already made similar efforts to recognise their first peoples. While it is vital that grassroots organisations and advocates across the country get the word out to develop a movement for change, we as a parliament must not falter. We have to stay at the wheel. Now is the time for us to demonstrate continued leadership, to use our energy and passion to take a lead on this issue.

It is our chance, over the next two years, to show more recognition of Indigenous issues at state and federal levels in order to harness the attention of the wider Australian public.

I will take some time to touch on the nature of this symbolic statement. Some people may dismiss the idea that changing the Constitution will change things for Indigenous people in Australia. One only has to look toward the Northern Territory, where a great number of my constituents live with standards of education, jobs, health and life expectancy far below those of non-Indigenous Australians. Some might say that the symbolism of changing the Constitution will not change any of that. But I do not believe that to be the case. Being recognised in Australia's most important document means to be recognised by the people who live on the land on which you were born. For Indigenous Australians, it means to be recognised by the people who arrived on this land on which their forefathers were born, the rectification of the ignorance of the past and an acknowledgement of them as Australia's first peoples in a symbolic gesture. It gives them the credit they, with certainty, deserve.

The journey to recognition gives all Australians a chance to be part of this important improvement in ourselves as a nation. If Australians get the chance to enshrine that recognition, the foundation on which Indigenous disadvantage was born should cease to exist. Without a foundation, the structure crumbles. Sadly, it has been building for years—112 years too long. It is time to knock that structure down, and constitutional recognition will help with this.

As Jason Glanville said during his address to the National Press Club on constitutional recognition, disadvantage is a self-fulfilling prophecy. Social and economic disadvantage has existed for so long in this country that it
may seem unlikely that words on a page could change it. But he went on to say that they could—and they will. He noted that, as with the many Indigenous Australians who had claimed improved mental and physical health since the 2007 apology by former Prime Minister Rudd, so too could the changing of our oldest legal document invite real hope and real change for Indigenous Australians again. We need to foster their right to excel, to dream big and to be proud of their heritage through recognition. This would, without doubt, instil a sense of pride. As Glanville said, quite simply, 'It is just the right thing to do.'

This bill reflects an intention to pursue meaningful change to the Constitution which echoes the hopes and aspirations of Aboriginal and Torres Strait Islander peoples. It is not a substitute for constitutional recognition but it is a mechanism for all Australians to become familiar with the possible wording of a constitutional statement to be included in a future referendum. This bill is a part of a conversation that will continue, a conversation that needs to happen, a conversation which will encourage the community to continue discussions, debates and educational seminars in the lead-up to constitutional change.

The report handed down by my committee, all the work required to produce that report, the subsequent legislation and the laying out of the road we have ahead of us are all efforts of which this nation can be proud. Changing the Constitution is a way all Australians can unite to finally acknowledge our history and the great contribution made by Aboriginal and Torres Strait Islander peoples in this country. The Labor government's commitment of $10 million toward this campaign is a financial contribution, but I believe the positive momentum, the bipartisanship we have seen and the will of the people will be the true value we will see shining through at the end of the act's sunset provision.

We know that only eight of the last 44 referendums have succeeded. But there is a powerful precedent for change. We saw the Australian public achieve dignity in 1967 with the most decisive referendum in Australian history. That referendum updated the Constitution to include Aboriginal people in the census and gave the Commonwealth the power to make special laws for people of any race. Now is the time for us to become an even better Australia. I look forward to a future we can all be proud of. I commend this first important step towards a new beginning of unity and recognition and commend this bill to the Senate.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (13:19): I too support the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012. I thank the previous speakers and I have to say that this is, without doubt, the first time in my 12-odd years in this place that I have had a genuine sense of bipartisanship. We are excited by the prospects, we are nervous about how we proceed and we are talking genuinely with each other to ensure that our views are not polarised. It gives me a great deal of confidence that we, as representatives of the wider Australian community, can behave in that way. Hopefully that will help engender an appropriate environment for the community discussions to follow on the content of the changes.

I am also excited by the fact that this bill will be the genesis of a stream of debates which are not only about the changes to the Constitution. This series of debates will engage people who have previously not been engaged. They will make people think about issues and people and circumstances which
they have not thought about before. Constitutional change is necessarily a very complex issue and I invariably leave it to those people who are more focused on those matters than I and who are probably better equipped to deal with them. But this bill will be the genesis of a very important change. In the view of many Australians—and certainly people who have been involved in the changes which have already taken place—this is always unfinished business.

I will deal with some reflections on that later on. I suspect that it will always be unfinished business, and I think that necessarily is the case—and it is a good thing.

We have had several steps in this process. The previous Prime Minister, Kevin Rudd, made an apology that was symbolic and practical—there was a significant practical element to it. That significant practical element involved Indigenous housing. It is useful to look back at that time to see what changes have taken place. I still think that from that dramatic day there are lessons for us for the way forward not only with this legislation but also beyond this legislation, which will pass today with the concurrence of everyone in this place—and that will be fantastic.

I have a confession to make. I was one of those who did not really think the apology would matter. I come from a background where I see every day that the gap between opportunities for Aboriginal and Torres Strait Islander people and those for mainstream people is so vast that I could not see the apology helping at all. That was my personal view at the time; I did not share it with anybody. I was cynical about it—all the trumpeting of change was wonderful but in myself I could not see what difference it could make. I guess much of that was because, as I said, my personal experience was that the housing of my mates was still appalling, their educational outcomes were not even comparable, there were relatively few employment opportunities for them in regional and rural Australia and their health outcomes were completely unacceptable. In that context I could never bring myself to be all that supportive.

On the day of the apology and the days that followed I was able to be amongst my Aboriginal friends, and some of them shared their cynicism with me. How wrong we all were. The changes to the way Aboriginal people as individuals and as communities saw themselves after that apology were extraordinary. Plenty of individuals have explained to me how surprised they were at their own reaction as Aboriginal people. Clearly those who would, as I did in the past, diminish symbolism as something that does not have a role to play in closing the gap are quite wrong. We will go through this series of debates together as a group, and agreement will be the next step. It will be the third step in our becoming a united nation. That is extremely important. It will follow from the 1967 referendum, which was so significant, and the apology, which had complete bipartisan support. Now there will be this important constitutional recognition.

In this place I have beaten up all those who will listen with my views on Indigenous housing. The government would acknowledge that it has not done as well as it could have done, but those failures are characteristic across parliaments, across time. I do not think any of us would beat our chest and say how well we have done. In the shadow of the apology we made some commitments that we should have kept a better eye on, as Australians. It was only part of our discussions—it was over there; we had the economy and all these other things going. We have a great opportunity, as Australians, to make the same commitment to these practical outcomes as we have made...
to symbolic recognition. There is a practical element to the symbolism not only of today but also of the process as we move forward. Symbolism is a very practical way to send a clear message to those in this nation who I would describe as racist.

I was lucky—I was brought up in a colourblind house by a wonderful family and I was not exposed to racism very much. As I grew up, every now and again I was exposed a little bit to people with racist views, but after they got tapped on the nose they generally did not share those views with me from then on. I just did not think there was as much racism as there actually was. The signal that as a nation we think this behaviour is unacceptable and that as a racist and somebody who shows intolerance and bigotry you are on your own, mate, is a pretty practical signal to send. Sadly, that signal does need to be sent. I was having a discussion with some people in Central Australia about racism and education. When you are in the desert, if you pick up a rock you will find underneath it all sorts of night creatures and they all look at you and go 'Aaagh!' and scuttle off. Education and debates of this nature will throw light on those scuttling insects, and hopefully we will see far less of them in our community and our children will have to put up with far fewer of them. That would be a fantastic and practical outcome.

I acknowledge the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Pat Dodson, Mark Leibler and all the others who were involved. I understand what a difficult subject this was, with the spectrum of views and the opportunities to introduce such a range of initiatives. Senator Siewert touched on issues like the treaty and sovereignty, and the fact that the expert panel individually and collectively have said, 'These are our views; we have come to a consensus view and we are all united behind a set of words and changes to the Constitution that the Australian people will support,' gives me great hope that this legislation today will lead to substantive and real change in our Constitution, which will make a real difference to how Australians feel.

I talked earlier about this being an endless story. There are those who, in frank discussion, have said, 'They'll never be happy, Nigel.' We have those discussions about the Greens as well! 'They're rapacious; they'll just take everything you give them. They will never be satisfied.' These are important debates to be had—and they are not discussions with racists; they are perhaps people who may not have the same exposure in life as others. But they are important discussions to have because I was able to say, 'Well, that's a natural thing; we will have this conversation endlessly.' To those who say, 'I've missed my opportunity for this particular change,' the fact is that the opportunities are endless. There will be endless opportunities for change. This debate itself will be the thing that really changes our Australian psyche. This is an opportunity for Australians to change their views; we can gather and corral those changed views and reflect them in our Constitution. I commend the bill to the House.

**Senator MOORE** (Queensland) (13:31): It is a real pleasure to stand here among so many people with a single purpose, and that is to continue a journey that has been going on for over 100 years. One thing is sure: from the time the Constitution was first considered to now, it has been a journey. There is a bit of a problem when we think that the Constitution is some dry document that belongs somewhere else and should never be changed. In fact, that is not the purpose of our Constitution. What we have is a living document. Whilst I do acknowledge how difficult it is to make this Constitution
come alive through change—and I will, in the little time I have, talk a bit about this—the opportunity is there in the bill before us, which is so exciting.

The Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 is exciting because it is doing something that people over many generations have called for: to acknowledge all Australians in our Constitution. The current document does not do that. In fact, when this Constitution was first written by that group of blokes, they left out a number of people. Women were one. Most importantly, the other group that they left out were the First Australians. They were mentioned, but in a derogatory way, in the middle of a Constitution subclause. However, from that time, people have been asking questions about this and saying it is not right.

Through this process, through the amazing work of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, which has been acknowledged a number of times here already, and through the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples chaired by my friend Trish Crossin, they have been able to share knowledge with many more Australians about the history of this discussion. We found out that consistently in those years people have said there needed to be change. In 2008, when our then Prime Minister, Kevin Rudd, made his apology to Aboriginal Australians, that was in fact an apology to all Australians, because until we made that acknowledgement of Aboriginal and Torres Strait Islander people in our country we were not all Australians. That process started then—the most modern incarnation of it—and it continues through this discussion today, as it will into the future, because we all know this bill is just one small step. In fact, we have been at pains to say that this bill is but one small step and is not to be taken as some way of avoiding any other action, which would be a really sad thing. But, in the bill, we have given it a time frame, which is most unusual in legislation: there is a sunset clause that clearly states that we have a two-year period to look at what needs to be done and to take further action.

The action is not limited to just an acknowledgement clause. That is clearly set out in the bill before us, but it is much more than that. We can work with this document and use it, with the knowledge and the commitment that we have built up over the years to make the necessary changes—which I think we can do. I think there is a degree of optimism and a real sense of having a chance to make a difference. From looking at the speeches made in the other place on the introduction of the bill, there was agreement that we have the chance now—the same as the people who wrote the original Constitution and the same as the people who drafted successful amendments—at this moment in time, to say, ‘We can right this wrong.’ We can right this wrong for the whole of our nation.

I want to acknowledge the work has been done to bring this debate to this stage—most importantly, by the people in the wider community who came forward to share their ideas, their frustrations and their anger through the various committees that have been operating. This parliament sets up committees, but we then rely on the community to feed us the information we need to make decisions that represent Australia. I have heard the argument about taking leadership; of course that is important, but one element must be that we can speak on behalf of our nation. In the submissions that came forward to both the joint select committee and the expert panel convened under the wonderful Patrick Dodson to talk
with the community, we can read how important this issue is.

And it is symbolic. I am a bit worried that people see symbolism as not having power. Of course it has power. Symbols reflect need. They reflect action. Symbols can cause action and commitment. So this is symbolic. People who gave evidence to those two groups talked about the importance of symbolism and the fact that they felt Aboriginal and Islander people of this country must be acknowledged in our Constitution. There was no real doubt: that must happen. What we have to do is work out how to make it happen.

If we are going to be true to all those people who came forward to talk about why this was important for them, we have got to find a way to put the argument back out to the community so that this will be another successful referendum result, of which there are way too few.

We know how difficult it is to get a referendum result up in the positive. It has to be across the whole nation. It cannot just be the majority of states. A referendum of this nature must be supported by all states. In fact, we need to reflect on the 1967 referendum, in which we got such an amazing result. We need to be equalising that to be true to ourselves and to be able to make a statement not just for this generation but for those to come that we as a nation believe this is the right thing to do—and this has been said many times.

Mr Acting Deputy President Furner, you know about the Australian constitutional conventions—the process that encourages young people to come together to look at our Constitution, to become engaged with it and to see what should work with our Constitution. It is an inspiring thing to work with those young people who may never even have thought about reading the Constitution until some teacher dobbed them in. But, when they did get that opportunity, they felt that it was their document. We need the passion of those young people looking at why these changes should be made for them and for future generations. We need not just to look at recognition—certainly the bill concentrates on recognition—but, most importantly, to take the other steps, which I think have been put forward in discussion, to remove any hint of discrimination on race in our Constitution. This document belongs to all Australians.

The bill before us is a step to ensure that all Australians can be part of the discussion. Whilst I know in my heart that not all Australians will take a role in this process, I am hoping that what we do as a parliament and what we do through our community will be to make sure that more people see that this is something that is real and that it actually belongs to them—Aboriginal and Torres Strait Islander Australians and people who are not fortunate enough to have Aboriginal or Torres Strait Islander heritage. We can work together to ensure that we have a change, an agreed change, that will take away the hurt and pain that was in our document from the time that our forefathers signed off on it.

I know that people have strong views about this process. I know that there are a range of views about what should and should not be in it and how fast we can move forward, but we have an opportunity through the passing of this bill to say that we as a parliament accept that this is our job. It is our job to ensure that within a two-year period we have a question that is effectively framed and can go to the Australian people—all of the Australian people—and that they can own it and can say, 'Yes, we'll be able to acknowledge all Australians in our Constitution.' This is an important element.
We all have a job to do in this process. It is not good enough just to stand in this place and make a speech. In fact, we have to commit together to take further action. The bill gives us a framework to do that. It actually tells us to get on with the job.

Senator MILNE (Tasmania—Leader of the Australian Greens) (13:40): I rise today to support the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012. I am very pleased that this has reached the parliament and that it has the support of this parliament. It is incredibly important that the parliament, on behalf of the people of Australia, recognises that the continent and islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples. It is also important for the parliament to acknowledge the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional land and waters, and also for the parliament, on behalf of the people, to acknowledge and respect the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples. Often there is that statement, but then the actions of the parliament are quite different.

I cite today what is going at James Price Point in Western Australia as a classic case of where there is a failure to acknowledge and respect the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples. I lead into that because it is critical that we do not just have the sentiment expressed in the parliament. We actually need this sentiment to be translated into constitutional change and then into legal frameworks which give it effect and which give it compliance and enforcement capacity in the law down the track. Having said that, I am pleased at least that we have got to the point where the parliament is doing this. I am particularly pleased that we are doing it because it was part of the Greens agreement with the Gillard government. We said in that agreement, when we agreed to give the Prime Minister government, to:

Hold referenda during the 43rd Parliament or at the next election on Indigenous constitutional recognition and recognition of local government in the Constitution.

It was because the Greens put this into that agreement that we then saw the formation of the expert panel, and then we saw the work of the expert panel—and, as my colleague Senator Siewert talked about a little while ago, what a great report has come from that expert panel. She said that we ought to take very seriously the work that has been done by everybody on the panel and the secretariat who supported them and the input from communities around the country. In fact, so much trust and faith has been invested in its document that it would be disrespectful not to work from it as the basis of how we go forward.

Having said that, I think this parliament is now committed to placing before the Australian people at a referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples. This will, of course, require the building of a national consensus in order to achieve that. As we all know, you do not succeed with referenda in Australia unless you build a national consensus and, in fact, that all political parties agree to get behind the proposal and work for it in every capacity. I would argue that every one of us in acknowledging country whenever we go and speak anywhere ought to be not only acknowledging that the land we stand on is the traditional land of the group of Aboriginal or Torres Strait Islander peoples...
that we are particularly referring to in terms of that part of country but particularly then going on to say that there is a commitment to move to constitutional recognition.

I think we should all be acknowledging country and building a national consensus. It is disappointing that we were not able to fulfil the agreement, as set out with the Prime Minister, to have a referendum on the Constitution in this 43rd Parliament. But I totally support the decision that has been made not to proceed with it before the next election, because we do not want to see it fail. We must build a consensus so that people get behind the next referendum as they got behind the 1967 referendum. We must be make sure that the next referendum succeeds, and that is a challenge to everyone. I hope that throughout the election campaign candidates and sitting members get out there and start talking up the referendum in the community.

I pay particular respect today to all of the Aboriginal and Torres Strait Islander people who have given so much time to the issue of constitutional recognition and who continue to work in the best way they can to make it happen. I was delighted, on the day that this bill went through the House of Representatives, to meet Shirley Peisley, Lowitja O'Donoghue and Patrick Dodson, who were up here having a small celebration. Shirley was there in 1967 as one of the people campaigning for the referendum, and I was delighted that she was able to come back and see that progress is being made towards another referendum. We are making slow progress, but at least we are on track. It is terrific that Shirley was able to be here and see that this is the case, and it was terrific that respect was paid to Lowitja O'Donoghue and Patrick Dodson and the other Aboriginal and Torres Strait Islander people who came along on the day. It was marvellous to see a lot of young Aboriginal and Torres Strait Islander people there listening the stories of their elders, participating in the discussion of what had gone before and clearly enthused about taking constitutional recognition to the next stage. The Greens will certainly be there with them to do so.

It is important not only to recognise the Aboriginal and Torres Strait Islander people as the first occupants of Australia and to acknowledge their relationship with their traditional lands and waters and their language, culture and heritage but also to recognise the ugliness of the Constitution's having been drafted on the premise of race. I remember that it came home to me, when we were debating a bill of rights in Australia, that the reason the Constitution as first drafted did not include a bill of rights is that there was a very deliberate decision taken not to include a bill of rights because it would have had to recognise that everyone is born equal. The Prime Minister at the time, Edmund Barton, said that we needed a power in the Constitution to enable the federal parliament to pass laws against 'the coloured and inferior persons' within the Commonwealth. That is the basis of our Constitution, and Australians must look back and reflect on it with some disgust— I suppose that is the best way to put it— because it was designed to make sure that Australia could discriminate against the Kanaka people, who were here working in the cane fields, and against Chinese people who had come here after the gold rushes—and, of course, over time to discriminate also against Aboriginal and Torres Strait Islander people.

Unfortunately, section 25 of the Constitution still gives states the power to enact laws that disenfranchise people on the basis of their race. Under section 51, subsection (xxvi), the Commonwealth still has the ability to make laws based on race, and that clearly has to change; we must
change the part of the Constitution that enables the Commonwealth to make laws based on race. We have to face up to this in Australia. We must recognise Aboriginal and Torres Strait Islander people and remove from our Constitution the last vestiges of its possible use to discriminate on the basis of race. We have to be upfront that we are doing it, because doing so will in turn—as my colleague Senator Siewert said—set up a framework to have an ongoing discussion about sovereignty and a treaty and so on down the track. In no way does this bill as proposed detract from the ability of people to talk about such issues as people become more familiar with the context surrounding the issues as well as with their details.

In the mid-1990s in Tasmania, when I was member of a parliament in which the Greens held the balance of power in a Liberal minority government, we had a tripartite agreement to say sorry to the stolen generation. It was one of the most dignified moments in the Tasmanian parliament. People were amazed that the agreement was made under a Liberal minority government working with the Greens. It was extraordinary when we invited Tasmania’s Aboriginal people onto the floor of the parliament to respond. It was marvellous to be here in the Senate more than a decade later when the then Prime Minister, Kevin Rudd, came and extended the same apology federally. But Tasmania led the way on an apology to the stolen generation, and I am pleased to have been a parliamentarian on both occasions; I am also very pleased this time around to have made an agreement with the current Prime Minister. I am delighted by the work of my colleague Senator Rachel Siewert. I pay tribute to the work she has done on the expert panel. She has put a huge amount of time, effort, passion, love and heart into this work, which stands up for the rights—as Senator Siewert has always done—of the Aboriginal and Torres Strait Islander people.

As Senator Siewert rightly points out, there are many occasions on which we have argued that the Commonwealth is making laws that are based on race—in the Northern Territory intervention and the legislation called Stronger Futures, which we believe is actually weaker futures. She has been leading the way on recognising the rights of Indigenous and Torres Strait Islander people and standing up for their wellbeing, for their health, for their education and for their communities. Her work in this period needs to be recognised because it has been a huge investment at a personal level for a community outcome that is working towards the best interests of Aboriginal and Torres Strait Islander people and, of course, working with them to achieve that. It is very much an organic process of consultation and input. It is not about top-down imposition; it is about engagement and discussion. I congratulate her and the panel and, as Senator Siewert did herself, the secretariat, who have all worked on this. I think everyone would acknowledge that the more you get involved in it, the more discussions you have, the more engagement you have, the more it becomes obvious that there is an overwhelming imperative to work to achieve these good outcomes.

The other thing during this period of parliament which the Greens are very proud about is that, following the lead of the Greens representatives on the Darwin City Council, we secured in our negotiations with the Gillard government an acknowledgement of country at the start of every sitting day. It has now become a part of the institutional arrangement of this parliament, and it would not have happened if it had not been for the Greens and, in particular, the Greens lead on the Darwin City Council that translated through to our work here in the Senate. It
shows that when you vote for the Greens you get a consistent policy right through the spectrum. I think it is wonderful that we have seen that. We did move to have the acknowledgment of country be the first matter for the Senate each day as it is in the House of Representatives, but unfortunately that was not agreed to by either the coalition or the Labor Party. Nevertheless, we think it should be consistent in both houses and would like to see that occur.

But the main point of today is to say how pleased the Greens are that this has been advanced to the point where it is, to absolutely say up front that we are committed to making sure that we get constitutional recognition of Australia's Aboriginal and Torres Strait Islander people and that we get a referendum, and we will do everything in our power to build a community consensus for that and to finally remove from the Constitution section 51(xxvi) to take away the Commonwealth's ability to make laws based on race. That will be a major celebration in Australia when it is achieved—and I am not going to say 'if'. We have a two-year time frame to get that in before the sunset clause comes into effect. It is incumbent on all of us to work to achieve that outcome, to make sure that we get the referendum and that as a nation we can celebrate, really stand up and say: finally, Australia has shed that shadow that has been over our Constitution for such a long period of time. Finally, we can say in Australia, as the bill indicates, that we acknowledge on behalf of all of us, no matter where we have come from, and recognise that the continent and the islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander people. We can stand up and acknowledge the continuing relationship of Aboriginal and Torres Strait Islander people with their traditional land and waters and acknowledge and respect the continuing cultures, language and heritage of Aboriginal and Torres Strait Islander people.

Please, I would ask that as members of parliament, when you go out there and talk about this, you give some thought to what it means to you personally, because there will be nothing more offensive to people than to hear you mouth that on the one hand and then agree to the complete compromising of that by ignoring that language, culture and association with country when it comes to a choice between some of the projects that are put up and the rights and recognition of Indigenous and Torres Strait Islander people. That is the moral dilemma that faces many in this parliament, but I can assure you that for the Greens it is straightforward. When we say we acknowledge those points, we mean it. We believe that Aboriginal and Torres Strait Islander people deserve constitutional recognition and have an ongoing connection to their land, their water, their culture, their language and their heritage, and we will do everything in our power to respect it, uphold it and work for the constitutional recognition which will provide the framework for continuing to strengthen it.

Senator IAN MACDONALD (Queensland) (13:57): I know that I and, I think, most Australians support the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012. Without this bill, I think most Australians including myself recognise that the continent known as Australia was first occupied by Aboriginal and Torres Strait Islander people. I think we all accept the continuing relationship of Aboriginal and Torres Strait Islander people with the traditional land and waters, and I am sure that, as well, we all respect the continuing cultures. I want to return to that later in my speech.

But, just at the moment, I want to say that, for all the words I have heard here today,
there are Indigenous people dying in Townsville because the federal government will not fund transport to get Indigenous people from their place of residence to dialysis treatment in Townsville Hospital. You can speak all you like about this bill, but I want to see the federal government and the Greens actually do something tangible to assist Indigenous people. I have written to Ms Macklin, Ms Plibersek and Mr Snowdon asking for transport for these Indigenous people to get to dialysis. Have I had any response? None at all. This is an urgent situation, and in Townsville I am aware of one person having died because they could not get transport from their place of residence to a hospital. That is where you should start your care and concern for Indigenous people. In these few seconds I have before the break, I want to emphasise that. If there are ministers here from the government, would you please get on to Ms Macklin, Ms Plibersek or Mr Snowdon and ask them to have a look at my letter to them of 20 February, just a few days ago, and please do something for these Indigenous people who desperately need help.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Western Australia

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Conroy. When does the Prime Minister intend to visit my home state of Western Australia? Can the minister confirm that the Prime Minister's office was told by WA state Labor leader Mark McGowan and senior ALP strategists to stay as far away as possible from Western Australia in the lead-up to the 9 March 2013 state election?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:01): I will attempt to answer as much of that as is relevant to the portfolio. The Prime Minister travels the length and breadth of this country talking about the achievements of the Gillard government, talking about the strong economy and talking about the unemployment rate, which is the envy of other developed nations—a billion-dollar jobs plan and a AAA credit rating, but not one question from those opposite. The Prime Minister has travelled the length and breadth of this country talking about the unprecedented support for modern families—the schoolkids bonus, new payments for families, more family tax benefits, record support for child care and help with costs taking kids to the dentist.

Senator Brandis: Mr President, I rise on a point of order on the question of direct relevance. The minister was asked when the Prime Minister intends to visit Western Australia. He was also asked whether or not the Prime Minister had been asked by state officials of the Western Australian Labor Party not to visit Western Australia during the election campaign. The minister has had more than a minute. He has not addressed the question of when the Prime Minister will be visiting Western Australia or why not?

Senator Jacinta Collins: It is all well and good for us to listen again as Senator Brandis restates the question. The answer Senator Conroy is providing is that the government visits Western Australia every single day, every single hour of the day, with the support we provide to Western Australian families such as the schoolkids bonus that he is outlining.

The PRESIDENT: There is no point of order. I cannot instruct the minister how to answer the question.
Senator CONROY: That is right, Mr President. Those opposite do not want to talk about jobs in Western Australia, they do not want to talk about jobs in Queensland or jobs in New South Wales; they just want to talk about gossip. This government will not be diverted by the trivia coming from those opposite. We are going to continue to talk about supporting child care, helping with the costs of taking kids to the dentist. We are going to continue to focus on policies like finalising the health agreement—more doctors, more nurses, more beds, less waiting time, together with more control and accountability. We are going to continue to roll out the National Broadband Network right across this country. Our target was 758,000 under construction. (Time expired)

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (14:04): I thank Senator Collins for her attempt at the answer but I return to Senator Conroy and ask a supplementary question. Can the minister tell the Senate when the Prime Minister last visited Western Australia and whether she plans on visiting at all during the Western Australia state election campaign?

Honourable senators interjecting—

The PRESIDENT: Order! When the banter across the chamber has stopped, we will proceed.

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:04): Again, if there is anything remotely within the portfolio general area, I will attempt to give an answer. Those opposite want to ignore all of the achievements of the government across Australia, including those in Western Australia. The Prime Minister constantly talks about all the benefits, including to the Western Australian state economy, of building the National Broadband Network and how the National Broadband Network will transform not just homes but the mining industry of Western Australia. Mr Colin Barnett is on record supporting the National Broadband Network and those opposite know it. They do not want to talk about the policies that affect Western Australia; they want to engage in cheap, tawdry stunts, just like yesterday. What we are seeing today—(Time expired)

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (14:05): Mr President, I ask a further supplementary question. The last time the Prime Minister visited was 13 November 2012. Is the reason the Prime Minister has been asked to stay as far away as possible from Western Australia that Mark McGowan has condemned the government's carbon tax and mining tax? If the state Labor Party can recognise that these toxic taxes are bad for Western Australia, when will federal Labor wake up to the fact that they are dangerous to the Australian economy?

Honourable senators interjecting—

The PRESIDENT: Order! Those at the front of the chamber, order!

Senator CONROY: Again, what we see from those opposite is that Barnett-Liberal Party mining taxes are good because the Liberal Party has introduced them. They are good; they are fine; they are all wonderful things. But if the government introduces a tax that is fair for all Australians, then suddenly it is bad. So we have the Liberal Party taxing mining companies is good and to be supported; Labor Party raising taxes on mining companies to spread across the country is bad. The grovelling attitude by those opposite is just nauseating to witness. Liberal Party mining taxes are good—that is okay, all across the country: New South
Wales, Queensland, Western Australia. The Prime Minister will continue to campaign the length and breadth of this country about investing in our mental health: $2.2 billion—(Time expired)

Literacy and Numeracy

Senator FURNER (Queensland) (14:08): My question is to the Minister representing the Minister for School Education, Early Childhood and Youth, Senator Kim Carr. We live in one of the most prosperous nations on earth and yet there are almost eight million people in this country who have problems with reading. What is the government doing to ensure that no child has to grow up in the 21st century without the basic capacity to read?

Senator KIM CARR (Victoria—Minister for Human Services) (14:08): I thank Senator Furner for his interest in education, an interest I trust that is shared by those opposite as well. Reading is important and it is a very important issue for this parliament. While it is true that Senator Mason has confessed that he is one of those rare Liberals who actually reads a book. Of course, Senator Heffernan has also told us that he has not read a book since he left school. Only recently he told the ABC that this has not held him back in the Liberal Party. Perhaps it is the case that Senator Mason has allowed some spark of enlightenment to continue, but I would suggest that on Senator Heffernan's advice it probably will not do him much good in the Liberal Party.

We on this side take the view that education is critically important to the future of this nation. In the modern world—and I would say, beyond the coalition's front bench—there is no greater obstacle to participation than illiteracy. We know that literacy is the key to opportunity in life and equity in society. We understand that every child should be equipped to succeed; that is why we have almost doubled the amount of investment across all sectors in education when you compare the performance of this government with that of the Howard government.

We are spending some $13 billion a year, yet we are also committed to a national system that will ensure that those benefits are distributed fairly. That is the purpose of the reading blitz, which was announced by the Prime Minister at the weekend. We are asking all schools and every sector in every state to commit to ensure that no child is left behind when it comes to reading and writing. (Time expired)

Senator FURNER (Queensland) (14:10): Mr President, I ask a supplementary question. Given this emphasis on the national approach, what are the implications of the separate funding model recently announced by the Victorian government, apparently supported by the governments of Queensland and Western Australia?

Senator KIM CARR (Victoria—Minister for Human Services) (14:10): While education should be the priority of all governments, clearly some in this country would rather pick a fight with the Commonwealth than meet their responsibilities. It is a very cute strategy that is being pursued in Victoria, and now followed by a number of other states, where we see an attempt to try to blame the Commonwealth for the cuts that those state governments have imposed. We see in Victoria that they have already tried to blame their teachers—and they have failed. They have taken the teachers' union to court and they have failed.

Now, they are looking for new ways to cover up the fact that they are cutting the budget. The fact remains that in Victoria the cuts have been in excess of half a billion
dollars. Then they tell us that they want to keep the old Howard government model of school funding. But they should be very careful of what they wish for, because when you couple the funding cuts that Liberal governments have imposed— (Time expired)

Senator FURNER (Queensland) (14:11): Mr President, I ask a further supplementary question. How does the government respond to suggestions from the states that the Commonwealth should not interfere with matters of school strategy?

Senator KIM CARR (Victoria—Minister for Human Services) (14:12): I have heard the education minister in Queensland tell us that the states run schools. He has a view that is shared by a number of state politicians. We have heard the same refrain from these politicians as was heard at the beginning of Federation in this country when it came to railway gauges. It was the same mentality. It is true that the states have very important powers under the Constitution, but we say that with that power comes responsibility. Responsibility to pay your share; responsibility to collaborate with other governments across the nation, particularly the Commonwealth; and responsibility to ensure that students are put ahead of party political gains, which is not what we are seeing at the moment. A national plan will ensure that every child in every school receives the best education that this country can afford, and it is based on the best evidence. (Time expired)

Economy

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:13): My question is to Senator Conroy, the Minister representing the Prime Minister, who apparently next week will go to Rooty Hill with bodyguards, drivers and an entourage to work undercover—

The PRESIDENT: The question! 

Senator JOYCE: I refer the minister to an investment note issued by UBS yesterday morning stating that: 'Based on the first six months of budget returns, we expect a revenue shortfall of about $12 billion and an expense overrun of about $3 billion, to take the Australian government's fiscal balance to a deficit of about $15 billion for the financial year 2012-13.' Given that the Prime Minister once said that getting the budget into surplus—

Government senators interjecting—

The PRESIDENT: Order! Wait a minute, Senator Joyce. Senator Joyce is entitled to be heard in silence.

Senator JOYCE: Given that the Prime Minister once said that getting the budget into surplus was 'the best thing we can do to help families with cost-of-living pressures,' why is the government about to deliver its fifth budget deficit, of a size approaching $15 billion?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:14): I thank Senator Joyce for his question and congratulate him on wearing an ovarian cancer ribbon. The government has always been upfront when it comes to fiscal policy and the budget position. Since we came to office, we have delivered updates of the fiscal position every six months, putting out our budgets and midyear updates. We have reported monthly on the outcomes of government receipts and payments. We have put out a comprehensive final budget outcome at the end of each year.

In this time, we have been subject to extraordinary and volatile economic circumstances, but we have done the right thing by Australian jobs. We ensured during the global financial crisis, through fiscal
measures, that 200,000 Australians stayed in a job. That was because of our fiscal stimulus package—which you opposed. As the Treasurer said before Christmas, we are not prepared to simply start sacrificing economic growth and jobs at the altar of illiterates like those opposite. When it comes to economics, those opposite have had one go at presenting a fully costed plan to the Australian people in five years. They had one go at it and all they could come up with was an $11 billion con job, as was exposed after the election by Treasury analysis. They hired a bunch of Dodgy Brothers accountants, who have been fined for professional misconduct. They hired Dodgy Brothers accountants— *(Time expired)*

**Senator Joyce** (Queensland—Leader of The Nationals in the Senate) (14:17): Mr President, I ask a supplementary question. I remind the minister that in last year’s budget the government claimed that its borrowings would remain below the then debt limit of a quarter of one trillion dollars at the end of each financial year over the forward estimates. Given that UBS predicts that the government will need to borrow an additional $15 billion this year and noting that our current gross debt is $262 billion, is the government going to break yet another promise? How can the Australian people have any confidence in any figure this government delivers?

**Senator Conroy** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:18): As the Treasurer said in December last year, dramatically weaker revenues mean that a surplus this year is unlikely. He said that upfront to the Australian people in December. This is not because we are expecting spending to run out of control but because we are not collecting the amount of taxes that we expected to. It is very simple. We continue to be upfront about the impact of the revenue pressures. What we will not do is hire Dodgy Brothers accountants to sign-off on a set of accounts that have an $11 billion hole in them, like those opposite did in the last election campaign.

Just last week, the Treasurer indicated that the revenue shortfall will grow further, possibly by another two—

**Senator Brandis:** That is because the spending is out of control!

**Senator Conroy:** Revenue and spending are different, George. They are different sides of the equation.

**The President:** Order! Ignore the interjection, Senator Conroy.

**Senator Conroy:** Last week, the Treasurer— *(Time expired)*

Honourable senators interjecting—

**The President:** Order! If senators wish to debate the issue, the time to do so is after question time at three o’clock.

**Senator Joyce** (Queensland—Leader of The Nationals in the Senate) (14:19): Mr President, I ask a further supplementary question. Seeing that you are upfront, Minister, I refer you to a community forum that the Prime Minister attended at the Rooty Hill RSL during the 2010 election campaign. The Prime Minister told the audience at the Rooty Hill RSL that the budget would come back to surplus in 2013. Will the Prime Minister apologise to the people of Rooty Hill now that she is going to break that promise?

**Senator Conroy** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:19): This government will make no apology for putting Australian jobs first, second and
third. It has put Australian jobs first, second and third. Those on the opposite side may be willing to sacrifice Australian jobs. They may decide—

Opposition senators interjecting—

Senator CONROY: Have you decided whether you are running a bigger surplus or a smaller surplus? Have Mr Abbott and Mr Hockey sorted it out? What is the position over there? According to Mr Hockey, you are prepared to sacrifice Australian families and jobs in your pursuit of a surplus at all costs. But we are not prepared to put Australians into the unemployment queue and put families under financial pressure simply because Senator Barnaby Joyce—

Senator Joyce: Mr President, I rise on a point of order going to relevance. He is an excitable young chap, isn't he? The question is: is the Prime Minister, who he is representing, going to apologise to the people of Rooty Hill for the promise that she made, and is she going to correct the record?

Senator Wong: Mr President, I rise on the point of order. Senator Joyce may not have been listening because he was interjecting, but in fact the minister went to that issue in the second or third sentence in his answer. He is quite clearly relevant to the question. I know that the opposition do not think that jobs are relevant to an economic question, but I think most people would agree that they are.

The PRESIDENT: There is no point of order. The minister has 19 seconds remaining if there is anything further to add to the answer.

Senator CONROY: In the December monthly financial statements, our spending was actually $1 billion lower than the midyear update forecast so far this year. Payments remain on track to be around 23.8 per cent of the GDP. That is lower than half the budget outcomes delivered by the Howard government. (Time expired)

James Price Point

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:22): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Is the minister aware of the huge public demonstration in Fremantle on Sunday against the proposed gas hub in the West Kimberley in which thousands of people marched in opposition to the gas plan promoted by WA Premier Colin Barnett and federal resources minister, Martin Ferguson? If he is aware of it, with regard to the imminent decision by Woodside to move heavy machinery into the sand dunes at Walmadany, which contain burial grounds and other sites of enormous significance to local Aboriginal people, can the minister tell the Senate, with respect to Minister Burke’s assessment of a section 9 request for emergency heritage protection—which he has now had on his desk for more than 18 months—where it is up to, when it will be completed and when it will be released?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:23): I thank the senator for her question. The government is undertaking a strategic assessment of the James Price Point precinct gas hub under the national environment law or the EPBC Act. Minister Burke will not be in a position to make a final decision on the proposal until he is satisfied that all potential environment, heritage and Indigenous impacts have been fully assessed. Minister Burke is aware that many people have strong views on this proposal. Minister Burke, as I said, will need to consider all of these issues,
but he will not be in a position to make a decision until all matters required by the terms of the strategic assessment have been appropriately investigated.

During Minister Burke’s press conference on 6 February last year, Minister Burke emphasised that the Western Australian state election deadlines are irrelevant to his decision. What is relevant is whether the principles and minimum standards of the strategic assessment have been met. The final strategic assessment documentation was received by the government on 14 December 2012. The environment department is verifying whether the requirements of the strategic assessment have been met. If necessary, further information will be sought. National environment law does not set out timelines for decision making on strategic assessments.

Minister Burke is also aware that on 19 November 2012 the Western Australian environment minister provided state approval for the state developments proposed at Browse liquefied natural gas precinct at James Price Point. Minister Burke is also aware that on 18 December last year the Western Australian Environmental Protection Authority declared Woodside’s proposal to build and operate the foundation Browse LNG project to be a derived proposal—(Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:25): Mr President, I ask a supplementary question. I thank the minister for what can only be described as weasel words, because he knows full well we are asking about the—

The PRESIDENT: No, question time is not time for preamble and debate.

Senator MILNE: Will the minister act to prevent Woodside from destroying the dune ecosystems until he has made a determination on whether to grant emergency heritage protection or does he intend to wait until the company has destroyed the sites before he makes up his mind? That is the question, and it is the Aboriginal heritage protection act we are talking about. (Time expired)

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:25): Minister Burke is aware that on 10 December 2012 the Western Australian government admitted it did not comply with processes for the compulsory acquisition of land at James Price Point under the Native Title Act 1993 and will need to start again. Minister Burke has received advice that the Western Australian government’s stated intention of compulsory acquisition for James Price Point does not prevent any major legal risks under the EPBC Act for the Kimberley strategic assessment. He is also aware that the Wildness Society announced that it will take the Western Australian Environmental Protection Authority and the Western Australian environment minister to the Western Australian Supreme Court over gross mishandling of conflicts of interest in relation to assessment of the proposed Kimberley gas hub. The Wildness Society proposes to bring the case before the Western Australian Supreme Court in 2013. Minister Burke has been advised that, should the Western Australian Supreme Court overturn the Western Australian state approval decision, the absence of approval—(Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:26): Mr President I ask a further supplementary question. I will try again. Given that Woodside is about to move heavy machinery into sand dunes which are of enormous cultural significance, will the minister act to
prevent Woodside from destroying those dune ecosystems until he has made a determination on whether to grant emergency heritage protection, and will he consider an alternative for processing gas from the Browse Basin that does not involve destroying Aboriginal culture and heritage in a 30-square-kilometre industrial park on the Kimberley coast?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:27): The federal government is carefully considering applications under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 to protect Aboriginal sites near James Price Point. As the applications are the subject of legal decision-making processes, it would be inappropriate for Minister Burke to comment on possible outcomes.

The areas specified in applications are part of a native title claim. Representatives of the native title claimants consider there are adequate safeguards in place to protect traditionally significant sites. The applicants, who are also members of the native title claimant group, disagree. For one of the applications, Minister Burke is required to consult parties whose interests could be affected by Minister Burke's decision. The consultation is nearing conclusion after being delayed initially by cultural sensitivities and changes to the application. If there is any further information I can provide you from Minister Burke, I will provide it. (Time expired)

Victoria: Hospitals

Senator RYAN (Victoria) (14:28): My question is to the Minister representing the Prime Minister, Senator Conroy. I refer to the newspaper ads that appeared in Victorian newspapers over the weekend with respect to hospitals funding. Did the Independent Communications Committee review and/or approve the advertisements relating to Victorian hospital funding that appeared in Victorian newspapers over the weekend? How much did the advertisements cost to prepare and publish?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:29): It is probably a question more appropriate for the Special Minister of State, who handles that particular committee—

Opposition members interjecting—

Senator CONROY: No, I am happy. The level of detail I am sure Senator Wong would have been able to provide would be far more than I could.

Opposition members interjecting—

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

Senator CONROY: The Gillard government has announced a $107 million rescue package for Victorian hospitals, following Premier Ted Baillieu's failure to properly manage the state's health system. The cash injection will be paid directly to local hospital networks, which will distribute the money to ailing Victorian hospitals, and it will not pass through the hands of the Baillieu government.

Honourable senators interjecting—

The PRESIDENT: Order! Order! Senator Brandis was first to his feet.

Senator Brandis: On a point of order, Mr President, that of relevance. The minister was asked about the costs of some advertisements and whether they had been approved by the relevant committee. Those
were the only matters the question was directed to.

The PRESIDENT: I am listening closely to the minister's answer. At this stage there is no point of order.

Senator CONROY: For two years Premier Baillieu's blatant disregard for the welfare of Victorian patients has seen beds close, elective surgery waiting lists blow out and standards of care decline. That is what the Baillieu government has delivered.

The PRESIDENT: Order! Wait a minute, Senator Ryan, you will get the call. When I have silence in this place, I give people the call. You are entitled to be heard in silence. I am consistent right across the board.

Senator Ryan: My point of order relates to direct relevance. It is another 20 seconds since you previously ruled that he was in order. He has not mentioned the advertisements, or the committee, or the process or the cost.

The PRESIDENT: Order! Order! Wait a minute, Senator Collins, I said I would give the call when there is silence. I am consistent right across the board.

Senator Jacinta Collins: Senator Conroy covered at the outset of his answer that if the opposition wants a more precise answer on this issue they should direct the question more appropriately. He referred to the Special Minister of State, but what Senator Conroy is covering, which is directly relevant, is the need for those advertisements. The situation in Victorian hospitals is indeed dire and that is why those advertisements—

Honourable senators interjecting—

The PRESIDENT: Order! Order! I did say on the previous point of order that I was listening to the answer of the minister. On the current point of order I will say that I am continuing to listen to the minister's response, but I do draw the minister's attention to the question.

Senator CONROY: On government advertising, the government continues to spend more than $100 million less than the $254 million spent by those opposite in 2007—$254 million of taxpayers' funds spent on your previous government's advertising. We continue to be $100 million less. On the specific issue of the process of those ads, I am happy to take that on notice to see if there is any further information that is available.

Senator RYAN (Victoria) (14:33): Mr President, I ask a supplementary question. Is it not a fact that these advertisements are blatantly untrue, in that the $107 million cut from Victorian hospitals for the years 2011—

Government senators interjecting—

The PRESIDENT: Order! Order! Senator Ryan.

Senator RYAN: Should I start again, Mr President?

The PRESIDENT: No, no—continue.

Senator RYAN: That the $107 million cut from Victorian hospitals for the years 2011-12 and 2012-13 was being applied in the current financial year and was solely the result of a determination by Treasurer Swan in response to preliminary ABS data, which asserted, among other things, that Victoria's population had actually fallen when compared to previous population funding levels?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:34): Those ads absolutely accurately describe the situation that for the last two years Premier Baillieu's blatant disregard for the welfare of
Victorian patients has seen reductions in health care. This funding injection will go directly to front line hospital administrators so that they can immediately restore services shut down by the Baillieu government in recent years. Despite significant increases in Commonwealth health funding and additional GST revenues paid to Victoria, health results in Victoria have been going backwards for almost two years. Commonwealth funding will increase by over $900 million over the next four years, and we expect the Victorian government to lift its game.

Senator Ryan (Victoria) (14:35): Mr President, I ask a further supplementary. Will the minister correct the record and concede that instituting retrospective funding cuts for procedures and treatments performed up to 17 months earlier was misguided and that the advertisements in Victorian newspapers were profoundly misleading by claiming these cuts were the result of anything other than the decision by this Labor government—by Treasurer Wayne Swan?

Senator Conroy (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:35): I understand why those opposite are so sensitive in defence of the Baillieu government, because if you cast your eyes to the media this morning, Mr President, you will see that documents show the extent of the incompetence and cynicism of the Baillieu government. The Baillieu government pulled on a fight with the Commonwealth government to act as a smokescreen for the effects of their own $616 million worth of cuts. Elective surgery waiting lists have reached a record high of 46,131—that is 7,000 more than when the government came to office. New documents show that, thanks to Premier Baillieu's cuts, he was planning for even greater blowouts this year. The Premier of Victoria continues to engage in completely misleading Victorians—(Time expired)

Victoria: Hospitals

Senator Marshall (Victoria) (14:36): My question is to the minister representing the Minister for Health, Senator Ludwig. Can the minister outline to the Senate what the federal government is doing to support Victorian patients and provide resources to Victorian hospitals?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:37): I thank Senator Marshall for his question, and I am sure Senator Ryan is listening. This government is acting in patients' interests and investing strongly in our health system. The Commonwealth is providing Victoria with significant additional funding under the National Health Reform Agreement, which I am sure Senator Ryan would agree with. In 2012-13, the federal government provided $3.6 billion in total health funding to Victoria. In 2015-16, health funding will rise to $4.5 billion. It will rise to $4.5 billion. This means the Victorian public hospital system will receive over $900 million—$900 million—in additional funding from the Gillard government over the next four years.

Senator Payne: If you keep saying it twice, does it add up to twice as much?

Senator Ludwig: I say it twice because those opposite did not hear it the first time, nor the second time.

On top of this, the federal government last week announced a $107 million rescue package to be paid directly to Victorian hospitals. Why? Because we are acting to ensure patients can access the services they need by delivering this $107 million cash
injection to the Victorian hospital system so that it can immediately restore services that have been shut down by Premier Baillieu’s government. This is in stark contrast to $616 million that Premier Baillieu’s government have slashed from health care. They took $616 million out of health care. Senator Ryan should be writing to Premier Baillieu and demanding where that $616 million went, because they have slashed funding for patients, and patients are suffering as a consequence of those severe cuts. *(Time expired)*

Senator MARSHALL (Victoria) (14:39): Mr President, I ask a supplementary question. I thank the minister for that answer, and I am sure Senator Ryan appreciates the facts being presented to him.

The PRESIDENT: Order! No preambles.

Senator MARSHALL: Can the minister outline to the Senate, and to Senator Ryan, any recent actions that have been detrimental to Victorian patients and Victorian hospitals?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:39): I thank Senator Marshall for his first supplementary question. The Victorian government once again have displayed their complete and utter contempt for Victorian patients. They do not seem even to be able to manage their own healthcare system. Like Mr Abbott and Premier Newman, all they can do is cut health spending. They do not want to invest in patient care. They do not want to invest in future hospitals. The Victorian government have slashed $616 million from the Victorian health system and, importantly, they have not even released the elective surgery data since the June quarter last year. They have not even provided that data. The Victorian Minister for Health needs to stand up and release that data so that we can compare and have a look at what that data provides. However, last night some other data was leaked and published on the front page of the *Herald Sun*. The health minister should stand up and either admit they are his figures or come out and complain. *(Time expired)*

Senator MARSHALL (Victoria) (14:40): Mr President, I ask a further supplementary question. Again, I thank the minister for that answer. Is the minister aware of any risks to the health system more broadly?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:41): I thank Senator Marshall for his second supplementary question. This year the Gillard government is providing over $13.3 billion for Australian public hospitals, and this figure will continue to grow in the future as we continue to invest in hospitals and health reform. The Minister for Health in Victoria, Mr Davis, is not as good with his cuts as the opposition were when they were in government: he has only managed $616 million from his budget. But those opposite cut $1 billion when they were in government. Mr Abbott cut $1 billion—twice as good as Mr Davis, but twice as bad.

Senator Fierravanti-Wells: Mr President, I rise on a point of order. The minister is misleading the Senate. He knows very, very well that, according to the Australian Institute of Health and Welfare, the Australian government spending in public hospitals increased—

The PRESIDENT: That is not a point of order, Senator. That is a debating point which you are—

*Senator Fierravanti-Wells interjecting—*

The PRESIDENT: Senator Fierravanti-Wells, that is a debating point, which you are
entitled to take up in 17 minutes time. If you
wish to debate the issue, that is it. It is not a
point of order.

Senator LUDWIG: The truth obviously
hurts. Premier Newman in Queensland cut
education and cut health. Premier Baillieu in
Victoria cut health. What do you think Mr
Abbott will do? He has got form. He will
also cut from health and hospitals and
education. That is what Tony Abbott will do
if he should get into government, and you
know that very, very well. (Time expired)

Broadband

Senator BIRMINGHAM (South
Australia) (14:43): My question is to the
Minister for Broadband, Communications
and the Digital Economy, Senator Conroy. I
refer the minister to the statement by NBN
Co. CEO, Mike Quigley, to Senate estimates
two weeks ago:

In October we were forecasting just under
300,000 premises passed; we are now forecasting
almost exactly the target of 286,000.

Will the minister inform the Senate of the
latest advice he has received from NBN Co.
regarding the number of brownfields
premises to be passed by fibre and able to be
connected by 30 June this year? Has the
minister received any information that differs
from Mr Quigley's latest forecast of 286,000
premises?

Senator CONROY (Victoria—Leader of
the Government in the Senate, Minister for
Broadband, Communications and the Digital
Economy and Minister Assisting the Prime
Minister on Digital Productivity) (14:44): I
am aware of a variety of claims from Senator
Birmingham and the member for Wentworth
that the NBN Co. are misrepresenting
network rollout figures by changing their
definitions, all of those sorts of things. These
claims are wrong.

Mr Quigley gave a presentation—I think it
was last Friday at the American Chamber of
Commerce—at which he put up on the
screen exactly the same graph which he had
tabled at both the last estimates and the one
before. For those who are trying to play this
game of claiming that the rollout is behind, I
simply go back to one very simple point. In
February-March last year, the NBN Co. said
that they would be able to begin construction
or complete construction in 758,000 homes.
Mr Turnbull went on television and said,
'That would be extraordinary. You would
have to admire them greatly if they were to
achieve that.' By the end of the year, when
we produced the December outcome, the
NBN Co. had exceeded its construction
targets. Did those opposite take the
opportunity to live up to their word?

Senator Birmingham: On a point of
order, Mr President: the question asked of
the minister was a very straightforward and
direct question. It was whether he would
inform the Senate of the latest advice he has
received from NBN Co. regarding the number of premises to be passed and
whether he has received any information
which differs from Mr Quigley's latest
forecast of 286,000 premises. The minister
has not gone anywhere near answering the
question about the most recent advice he has
received from NBN Co. as

The PRESIDENT: I believe the minister
is being directly relevant to the question.

Senator CONROY: Earlier this month,
despite the constant negativity of those
opposite—

Senator Brandis: 'Relentless'.

Senator CONROY: Despite the
relentless negativity of those opposite,
Senator Lundy and the member for Fraser
joined me in switching on the NBN for
another 4,000 premises in Gungahlin. This is in addition to switch-ons for over 6,200 premises— 

(Time expired)

Senator BIRMINGHAM (South Australia) (14:47): Mr President, I ask a supplementary question. I refer the minister to the current monthly ready-for-service update on the NBN Co. website which states that NBN Co. will in June alone add more than 130,000 premises of its 286,000 target. Given that 19 months of construction in SA, WA and the NT have seen no premises at all yet activated, can the minister confirm that NBN Co. is on track to finalise 45 per cent of its 30 June target in the last possible month?

(Time expired)

Senator BIRMINGHAM (South Australia) (14:48): Mr President, I ask a further supplementary question. Noting that the minister, in response to both the primary question and the first supplementary, has failed to confirm that the latest advice to him is that 286,000 premises will be passed and ready for connection by 30 June this year, I again ask the minister if he will confirm and stand by that target of 286,000 premises as being the most recent and up-to-date advice he has received from NBN Co.

(Time expired)

Education Funding

Senator WRIGHT (South Australia) (14:50): My question is to Senator Kim Carr, representing the Minister for School Education, Early Childhood and Youth. The Prime Minister has announced a $1 billion national reading blitz to improve literacy for children in early primary school, pointing out that 75,000 students across all grades failed to meet minimum standards in NAPLAN tests last year and warning that, if there were no intervention, that could double by 2025. My question is: how is this funding to be rolled out and how does it relate to Gonski? Is this commitment separate from the $1 billion for 2013-14, which is all the government has indicated it will put towards the $6.5 billion needed annually to
implement the Gonski review’s recommendations?

Senator KIM CARR (Victoria—Minister for Human Services) (14:51): The Prime Minister has made it very clear that the government will ask the states and territories and the non-government schools to sign up to a three-year national reading blitz as part of the National Plan for School Improvement. This is an intensive program for all students between foundation and year 3 which will help tackle falling literacy rates and prevent thousands of children from falling behind in their schooling. As part of the reading blitz we want to see schools focus on reading skills of all students, from the very first day of school, and step in with extra help and resources as early as possible. Further, as part of the reading blitz schools will also be asked to have a reading plan and adopt evidence-based strategies. The plan will include the teaching of phonics and fluency and vocabulary knowledge. It will also seek to set out how the basic building blocks of reading will be taught, diagnostics showing why students are not able to learn and of course individual reading plans for students who need intensive support.

Many schools have already begun implementing reading strategies thanks to the extra funding that has already been provided by the government under the Smarter Schools National Partnerships, including the hiring of literacy support teachers who work directly with teachers to enhance teachers’ capabilities and practices and to improve student performance. We want to build upon the practical skills that are available, based on the evidence collected in schools, and help our national blitz.

Senator WRIGHT (South Australia) (14:53): Mr President, I ask a supplementary question. I understand that it is not necessarily new money, from the answer the minister has given. The Gonski review clearly identified that there is a significant impact of disadvantage on educational outcomes, particularly in relation to literacy and numeracy. In applying the funding for the reading blitz, to what extent will the government be seeking to ensure that it is the most disadvantaged students in the most disadvantaged schools, predominately government schools, who will receive this intervention and this assistance?

Senator KIM CARR (Victoria—Minister for Human Services) (14:54): We are ensuring that we are able to provide the resourcing necessary to help students who are most disadvantaged in the education system. The Australian Council of Education Research has found that nationally more than 30 per cent of Australian students entering high school cannot read or write properly. We want to target support to make sure that it goes to students in the most disadvantaged of circumstances.

Senator WRIGHT (South Australia) (14:54): Mr President, I wish to ask a further supplementary question. Given that the Gonski reforms are to be implemented over seven years, and in light of the clear evidence that compared to other OECD countries Australia's schooling system is characterised by a strong concentration of disadvantaged students in certain schools, predominantly government schools, and that disadvantage is directly related to the poor performance of students, will the government commit to prioritising the most disadvantaged government schools as it gradually implements the Gonski reforms over the next seven years?

Senator KIM CARR (Victoria—Minister for Human Services) (14:55): The government has committed to a new funding model which is able to deliver stability and certainty for every school in the system and
will ensure that we are able to provide additional resources for the students most in need. That is the whole point of the reform process—to ensure that we have genuine equality within the system and that every school and every sector has the resources necessary to help students most in need.

Migration

Senator CASH (Western Australia) (14:55): My question is to the minister representing the Minister for Immigration and Citizenship, Senator Lundy. I refer the minister to comments made by a spokesperson for the former Minister for Immigration and Citizenship just last month that:

The 457 visa program is designed to address genuine labour shortages that cannot be met from the Australian labour market, and we believe we have this balance right.

I also refer the minister to comments made by the new minister for immigration just last weekend:

We have seen too many examples of abuse across the nation.

He also said:

… the government has evidence that … employers … are using 457 visas to discriminate against locals.

Can the minister explain how the balance has changed on 457 visas, and what specific evidence the government relied upon to support the minister’s new claims?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:57): The Gillard government values the 457 visa subclass as it provides short-term labour in industries and regions experiencing skill shortages, and the vast majority of employers use the scheme as it was intended. It has become very clear, however, that some employers are abusing the 457 visa system, which is costing job opportunities for Australian workers. We are making no apology for making jobs for Australian workers our top priority as a government.

Senator CASH (Western Australia) (14:57): Oh! I ask a supplementary question—

Senator Kim Carr: This is hilarious, is it?

The PRESIDENT: Senator Cash, as is the case with every other senator who asks a question, you are entitled to be heard in silence. Those on my right will remain silent.

Senator CASH: I refer to the recent testimony before Senate estimates by departmental secretary Martin Bowles, in which he made no reference to any concerns or investigations regarding abuses of the 457 program. Can the minister advise whether the department has undertaken any recent inquiries, reviews or investigations into abuses of the 457 program and, if so, when were the findings presented to the government and in what form, bearing in mind the minister’s answer to my first question where she clearly alluded to this particular evidence?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:59): In one particular case which was investigated by the department of immigration a company approved to sponsor one hundred 457 visa holders was found to have an entire construction site with over four hundred 457 visa holders and no local employees. This cannot continue, and that is why the government is implementing the recommendations of the Ministerial Advisory Council on Skilled Migration—a tripartite body made up of employers, unions and state and territory officials.
Senator CASH (Western Australia) (14:59): Mr President, I ask a further supplementary question. I refer to the fact that skilled migrants on 457 visas who come to Australia are able to obtain a permanent skilled visa under the employer sponsored program and have the lowest rate of unemployment of all migrant groups. Given this outcome, why are the government targeting migrants who get jobs and pay taxes, rather than reversing their border protection policy failures that have allowed tens of thousands of people to arrive illegally on boats and claim welfare?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:00): That final question just exposes, I think, the shallow contempt with which the opposition approach all these issues. Serious questions about the integrity of the 457-class visa system, which we are responding to, are now twisted into some bizarre attack on our efforts, despite their worst attempts, to manage the asylum seeker issue. Senator Cash just undermined her credibility completely. Australian workers understand our motivation in tidying up 457-class visas.

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

ANSWERS TO QUESTIONS ON NOTICE

Question No. 2006

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:01): Pursuant to standing order 74(5), I ask Senator Wong, the Minister representing the Treasurer, for an explanation as to why answers have not been provided to question on notice No. 2006, asked on 9 August 2012.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:01): I do not have the numbers here, but I believe that there are two overdue questions on notice which Senator Abetz did advise my office about and which have now been tabled. I do not have the question numbers, so if they do not correlate I am sure he can follow it up with me in tomorrow's question time.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:02): I move:

That the Senate take note of the minister's response.

I am willing to accept that they have been tabled—if so, they have been tabled in the last 60 minutes. The question that I asked on 9 August was in relation to industrial disputation during the year 2011-12. I asked: what was the annual cost to the economy and what was the impact on Australia's productivity; and does the Treasurer acknowledge that there has been an increase in industrial action? That question was asked in August 2012. We had all of September, all of October, all of November, all of December, all of January and now nearly all of February for an answer.

Why was the government so reluctant to provide an answer? It is very simple. It is because the Australian Bureau of Statistics is now telling us that, during the year ending June 2012, there were 293,100 working days lost, compared with 159,800 in the previous year. That is a huge surge, a huge increase, in the number of days lost due to industrial disputation. We have also been told that there were 101,700 working days lost due to industrial disputation in the June quarter of 2012 alone—just in that quarter—which is an increase from 35,800 in the March quarter of 2012. That means this is the highest level
of working days lost since the June quarter of 2004. No wonder Labor did not want to talk about days lost due to industrial disputation.

Australians have recently seen the ugly face of union militancy and industrial disputation, like those ugly scenes we all saw on our TV screens at the Myer Emporium, where thugs were hitting and beating police horses and policemen; and where members of a trade union had to plead with their trade union bosses to stop the intimidation and thuggish behaviour—by placing an advertisement in the newspaper asking them to desist!—because they had no beef with their employer and they wanted to go to work. They had no problem with their employer. But, in those circumstances, there were still illegal pickets being put in place. That was in Melbourne. In Brisbane, there was the situation with Abigroup and the Queensland Children's Hospital—similarly, an illegal picket, and industrial disputation that went on for eight weeks. We then have the Little Creatures dispute and the City West Water dispute.

In the light of all this, the government cannot come up with an answer as to the number of days lost. But guess what? The Minister for Employment and Workplace Relations, chances are, has just completed a speech to the Western Australian Branch of the Maritime Union of Australia state conference, which has as its theme 'Celebrating 140 years'—celebrating 140 years of union militancy. The minister for workplace relations is there to open a conference celebrating union militancy. No wonder the government would not answer this question on notice. They are rightly ashamed of the figures, which highlight the point that we as the coalition have been making—that is, there is a union militancy problem in our country. I thank the minister and I look forward to reading the answer.

Question agreed to.

QUESTIONS WITHOUT NOTICE:
TAKING NOTE OF ANSWERS

Western Australia

Senator CASH (Western Australia) (15:07): I move:
That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Back today relating to Western Australia and the Prime Minister.

It is one thing for an opposition to criticise the current Prime Minister, Ms Gillard, for her grotesque failure of policy in this country, but I have to say that it takes it to a whole new level when an entire state division of the Australian Labor Party—and, of course, I mean the great state of Western Australia's division—issues an edict stating that the Prime Minister of Australia and her federal colleagues are not to cross the border and are not to come anywhere near Western Australia in the lead-up to the state election.

I take you to the report in the Australian on 23 February by Samantha Maiden headed 'Gillard told "keep out of WA"'. On reading this report, I almost feel personally
embarrassed for the Prime Minister. Samantha Maiden's report states:

We rang everyone in December and said, 'Please, don't come'—
to Western Australia. That is a Labor strategist speaking. Can you just imagine
them sitting in their offices and picking up
the phone to the Prime Minister and picking
up the phone to Labor ministers and saying,
'Oh please, please, if you do anything, don't
come near Western Australia because we are
so on the nose in Western Australia that, if
you do cross that border, if you are seen
standing next to us, it is going to be a bad
election result for Labor in any event but this
will make it a total disaster'? Let's read it
again because it is just so embarrassing:
'We rang everyone in December and said, "Please
don't come"' to WA.

But what does Labor frontbencher Bill
Shorten do? He flies into Western Australia
regardless, because he could not care less
what Labor strategists say. He could not care
less what the Prime Minister says. Let us
face it: we all know where he wants to be,
and that is in the Prime Minister's position.
So what have they said about good old Mr
Shorten, who flew into Western Australia on
a 'fly-in fly-out visit', as they have termed it?
It has prompted much mirth amongst Labor
MPs, who have suggested that he must have
received special air clearance to actually
undertake that visit. You have to wonder
who gave him that special air clearance.

**Senator Abetz:** The MUA.

**Senator CASH:** Exactly. The MUA—
good old Labor union mates. Seriously, Mr
Deputy President, you can actually see Mr
McGowan, can't you, sitting in his office and
thinking, 'I've got this great thing
happening'? It is almost like: 'It is my party,
Ms Gillard. I will invite who I want to, and I
can tell you: you ain't on my list of people
who will be coming over.'

As most senators and members would
know, we spend hours going through the
invitations that come to our office and
working out: 'Can we? Can't we? Should I
make it a priority? Should I juggle my diary
to ensure that I can get to a certain event?'
The good news for the Prime Minister is that
she can do a lot of juggling, because she is
not allowed to get on that plane to make the
almost five-hour journey west and go
anywhere near Western Australia. Her staff
are probably in her office on a daily basis
thinking, 'Please, please, something from
WA.' But the edict is very, very clear. The
Labor Party in Western Australia have
spoken. Federal Labor should not and will
not come anywhere near our great state. Why
is that? Mark McGowan, the leader of state
Labor, has made it very clear. He has totally
ditched Labor's carbon tax. Why has he
ditched it? Because he knows it is an
impost on business. It is an impost on families. He
knows that federal Labor should ditch that
policy. He also knows that Labor's mining
resource rent tax is an anti-WA tax, and this
is, of course, despite the federal member for
Brand, Gary Gray, proudly standing in the
parliament in its last sitting and stating:
The mining tax is an outstanding tax, works
effectively and has many, many benefits.
The people of Brand should be very, very
worried when their own federal
representative supports a tax that is
vehemently anti-Western Australia and is the
one tax that the Labor Party introduced
which raises next to no money. And then, Mr
Deputy President—and do not start me on
it—there is the Western Australian position
on Australia's borders. They were behind
John Howard every single step of the way.

The question that the Labor Party at a
federal level need to ask themselves is: 'If
state Labor have worked out that those three
policies are not in the interests of Western
Australia, when is the federal government going to work that out?" (Time expired)

Senator MOORE (Queensland) (15:13): I am absolutely amazed at the fascination that people on the other side have with the Prime Minister's diary. If you are keen to find out what is in the diary of the Prime Minister or those of the members of the cabinet, the other members and all of us—we have diaries as well—we are more than happy to give you a look at them. It is really an easy thing to do to just share that. To have the whole of this period focused on what is happening with whose diary and when seems to me to be an interesting policy process. We have seen the attempt to link the diary to policy—and I admire that. To link the diary to policy is a good effort. However, what we all know in this place and what those of us who have been working in this area for a long time know is that consistently over many years in state politics and in federal politics people have an ongoing discussion about the way to determine a strategy and a campaign. There has been this process to work this out, and that has always been—certainly from the Queensland perspective—to look at what the issues are in a state election and then focus in on them. I have looked at what has been going on—even though I do not have an intimate knowledge, as I know my colleague Senator Sterle has—and I have seen what issues have been raised in the state election in WA. People are looking at their own issues. They are looking at the budget. They are looking at job cuts. They are looking at transport. These are all things that are effective and needed in the state arena. The state strategy campaigner said: 'We are wanting to make it clear to the people of Western Australia that we are running in a state election. We are putting up our candidates. We are putting up our people. And we are focusing in on the state election in WA.' It is a process that happens all the time.

It is a noble attempt by the people on the other side to link the WA election to the diaries of our cabinet ministers—for example, the fact that Minister Shorten, at the invitation of the WA union, went into WA in a fly-in fly-out visit. It is unheard of for a minister to go to a meeting and then fly out to another meeting! It is newsworthy, and I hope that the media will look at how many times in the final period before a state election—when was the last election?—people flew into a meeting, attended the meeting and then flew away! That is a big story; we must have some kind of review to see how often it happens!

I always acknowledge the extraordinary amount of travel time that members from Western Australia have to put in just to do their job; I know that one of the major issues our members from Western Australian have is the amount of time they have to spend on planes. All too often, because of the demands on their time, they have to fly in and out on what we lovingly call in Queensland 'the red-eye'. I often see people staggering off the plane having just completed the long journey from WA.

Those opposite are fascinated with diaries and checking out where cabinet members are going to be next. In question time we had a question focusing on—and concerned about—why the Prime Minister had been in a New South Wales venue. Are we now going to say that the New South Wales people have a special double interest in whether they invite members of cabinet to their areas? The people on the other side are attempting purely to make a political point that they believe is going to help in some way their side in the WA election.

It always interests me that, every time there is a state election, you find LNP
senators making speeches in the adjournment debate and saying a range of things about the evils of the Labor people in their state. It seems that they think that doing so will have an impact on the result of the election; I do not believe that it will. A media statement came out, purporting to be from the leader of the Labor Party in WA, in which a decision is made on the way that things are operating in the WA state election. Those opposite should focus on the state and on the state election. They are the important issues.

Senator EGGLESTON (Western Australia) (15:17): No matter how hard Senator Moore tries—and it was a good effort, I must say—to camouflage and throw up detractors, she does not deal with the issue of why the ALP state leader, Mark McGowan, has banned Prime Minister Gillard from Western Australia for the duration of the Western Australian state election campaign. This is an incredible state of affairs. It is unprecedented for a Prime Minister to be seen as such a political liability by a state division of a party—in this case the Labor Party—that the Prime Minister is banned from coming to the state—in this case Western Australia, which is driving the Australian economy. You would think that, if the Australian Prime Minister wanted to go anywhere, it would be to the state which is earning all the export income and generating all the money for Australia's development. But the fact is that the Prime Minister has been asked to stay away from Western Australia because she is such bad news there.

Senator Moore made a great effort in talking about Shorten coming to Western Australia. But isn't it interesting that he just flew in and out and did not stay there as you would expect any senior minister to do? You would expect a whole range of branches to have functions for him to come to, but he sneaked in and out as quickly as possible so he was not seen in Perth or anywhere else around Western Australia. It tells you that the Western Australian state Labor organisation knows how badly this federal government is on the nose in Western Australia.

It is not hard to understand why the ALP in WA does not want the senior federal ministers in Western Australia. It comes back to the fact that Western Australia is driving the Australian economy and to the fact that our economy is based on international investment in the resources and mining sectors. Over the years Western Australia has received huge investments, running into hundreds of millions of dollars, because WA governments from the time of Sir Charles Court—who founded the Pilbara iron ore industry and the North West Shelf oil and gas industry—have made investors welcome in Western Australia and because the state has had a low sovereign risk profile. But the federal Labor government has destroyed Australia's reputation for low sovereign risk, and it has done so in part through the very taxes which Senator Moore referred to: the minerals resource rent tax and the super profits tax, which Prime Minister Rudd sought to introduce. These taxes have scared the international mining industry. They know that Western Australia, though it was once a very friendly place to miners, is no longer so because of the overriding power and influence of the present federal government over taxation. So the international mining industries have walked. There is no doubt that they are investing very heavily in other parts of the world, such as West Africa. It is said that most of the Australian and international companies who have invested in West Africa have their head offices in West Perth. That tells a story all by itself—even Australian money is leaving Western Australia because
of the sovereign risk represented by the Rudd and Gillard governments.

This government is anti-investment and antimining, and in due course we will see the consequences of that.

Another reason which cannot be overlooked is that Julia Gillard tried to use Western Australia's GST—

The DEPUTY PRESIDENT: Prime Minister Gillard, Senator Eggleston, thank you.

Senator EGGLESTON: Prime Minister Gillard—to take over the Western Australian hospital system, which Western Australia's Premier, Colin Barnett, defeated. That is another reason why she is not welcome in WA. (Time expired)

Senator STERLE (Western Australia) (15:22): Before I make my contribution, can I just make it clear that I have the greatest of respect for Senator Eggleston. I sincerely mean that. I know that the fine work that he did through the Pilbara region of Western Australia in his past life will never be forgotten. Senator Eggleston, we are going to miss you because you are one of the gentlemen. But to say that the minerals resource rent tax has frightened the miners off! Let us just get one thing very clear: it is a profit based tax. I do not know how many times—through you, Mr Deputy President—I have stood here and defended a profit based tax on our miners, on our commodities, on our resources, and I say sincerely that it is a far better designed tax than the royalty nonsense that we have now. Senator Eggleston, to say that we have frightened off all these miners!

I must be mistaken, but I have just seen record profits with Rio Tinto and with BHP on their iron ore—thank goodness we have got that in Western Australia. But, if you are not making a superprofit of, what, $75 million—I am confused now because of the nonsense coming from that side—you do not pay the tax. Let me think. If you are a miner, or let us just say you are a businessperson of any industry, if you make a profit of $75 million and you are going to pay a tax, would that stop you investing in your business? Come on, Senator Eggleston! I was having a giggle. I had to hide, I actually had to duck down behind the seat, because I was trying not to giggle. I wear glasses, but I could see on your face that you did not even believe what you were saying.

But let us talk about this nonsense of Minister Shorten going across to the MUA state conference in Perth. Are you ready for this, everyone? This is breaking news for the media. Damn, I was invited too, and—do you know what?—I really wanted to go, but I contacted Chris Cain, the secretary of the MUA and a good friend of mine. I knew Chris long before he was the secretary of the MUA. I actually organised with his brother John Cain at the TWU—a damn good Labor family. I apologised, 'Sorry, Chris, I couldn't be there,' and I spoke to Minister Shorten last week because he was going across. I said: 'Great. Please pass on my best to the MUA.'

In Senator Abetz's terrible description of working-class people and representatives of organised labour as 'thugs', Chris Cain must be a real thug, because when he took over the MUA he had a membership of some 600; he now has 4½ thousand members. What does that tell me? In Western Australia there must be a heck of a lot of seamen and a heck of a lot of waterside workers who want the MUA to represent them in their negotiations.

I stood shoulder to shoulder with Chris Cain on the picket lines in 1998 when a former Liberal industrial relations minister, Peter Reith, decided with his good mate Chris Corrigan, with the full support of no less than John Howard, that it was a fantastic idea that we should replace Australian
waterside workers with fly-in labour or labour that was trained in Dubai. I saw that there were Alsatian dogs on the gates with thugs—I will use that word 'thugs'—in balaclavas. In all my years of organised labour and being around organised labour and working-class men and women, representing them in the workforce as a truck driver and as a union organiser, I never, ever, ever remember pulling on a balaclava. I never remember anyone from the MUA pulling on a balaclava to go and talk to working men and women about their rights and occupational health and safety on their worksite. But it was all very well for the other side of the chamber to stand there as they did, shoulder to shoulder, one on one, absolutely congratulating Peter Reith at the time, and Chris Corrigan, that it was all right to have thugs in balaclavas with Alsatian dogs. Come on! Thank goodness, Australian people are not that dumb. Thank goodness, Australian people can see through the rhetoric and the rubbish coming from that side of the chamber.

I do not have the time to say this, but I must say quite clearly that $3.7 billion in infrastructure spending has been committed to Western Australia. This is under the Gillard government. In all those years of the Howard government, we were left behind in Western Australia. It was all very well for the Liberal feds to stick their hand up to take the money that they could take from Western Australia, but did they return it in infrastructure? Did they what! Absolutely not. I have a list of things that I would love to go through with you, Mr Deputy President, to see the look on the faces of that side of the chamber: a list of the infrastructure projects that have been committed to and are underway and will be finished in the next year or so— (Time expired)

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (15:27): I picked up the West Australian newspaper this morning to read the headline 'Gillard goes west in bid to lift ALP vote', and I thought that, as a result of the latest Newspolls, there are at least two or three people in Western Australia still voting for the Prime Minister, and I am sure their hearts were gladdened.

Senator Sterle: I am!

Senator BACK: You are here, Senator Sterle, but in fact, when we say that she was going west, she was not going west to Western Australia; she was going to Western Sydney. Western Sydney is as far west as we can expect the Prime Minister to get. But why is she not going to Western Australia? Why is it that state Labor leader Mark McGowan has banned the Prime Minister from going anywhere near WA? The reason, of course, is that he knows of her poor judgement. He knows of her poor judgement with carbon tax, with mining tax, in fact with practically every single solitary thing that she picks up.

Let me tell you here on the east coast that the Labor brand is so toxic in Western Australia that candidates are not using the Labor logo, and they are not using the Labor red colours. If that does not tell you something about the shame of their party in my home state then I am sure I have to go a long way further.

Let me give you an indication of where the Prime Minister's poor judgement has reflected in my state. I go no further than an article this morning in which the Catholic schools slammed the Prime Minister and Gonski reform. I will quote the Catholic schools. Incidentally, there are 1,700 schools, three-quarters of a million students and 83,000 staff. Forty per cent of students
in my state are educated in Catholic schools. They said:
… Julia Gillard's school reforms lack detail, use ill-defined terms … and risk burdening principals with more red tape …
They go on to say:
… the … funding reforms had scant substance or detail about who would pay for the billions of dollars required.
You could extend that comment well beyond Gonski and school funding. You could apply it basically to everything which, under the poor judgement and leadership of this Prime Minister, is affecting Australia generally but particularly affecting my own home state of Western Australia.

When Prime Minister Gillard took over from then Prime Minister Rudd, she said that she would fix the boats. We know the results with the boats. And Senator Cash, coming back from the wheat belt the other day, I went past the enormous facility at Northam. Having just been in towns like Southern Cross, Merredin and York, and other places where there are no or very few medical and nursing facilities, very few dental facilities, we know that in Northam at the asylum seekers camp they are absolutely overflowing with those very facilities and resources that are being denied the people of Western Australia. Had the Prime Minister gone to Western Australia, had she overruled Mark McGowan, she may have learnt something of the anger of Western Australians with respect to her inability to stop the boats.

I turn to the second of her enormous promises—that was to fix the mining resource rent tax. Well, wasn't she done over? Wasn't she done slowly, she and Treasurer Swan? I remind people on the other side that under our Constitution it is the right of the states to impose royalties on minerals. As Senator Eggleston says, royalties are a price on the mineral. I heard yesterday in this chamber Labor senators talking about the funds being available for citizens of Australia. Well, hello! Are citizens of Western Australia no longer citizens of Australia? All of us who are students of the Constitution know very well that fiscal equalisation is the mechanism by which Australians generally share the benefits.

We have heard Senator Sterle going on about the big miners. The biggest taxpayer in this country is Rio Tinto. The best way of getting more income for a government is to create conditions that will allow more investment and greater profitability. In my meetings with mining industry people this week I learnt that geologists, mining engineers and mining construction workers are now on unemployment lists in ever-greater numbers. So I warn the south-east coast of Australia that the penny section is coming to a halt. There are many reasons why the Prime Minister should be in Western Australia, but the statement of the state Labor leader that he wants her to stay away from that state is a damning indictment. (Time expired)

Question agreed to.

James Price Point

Senator LUDLAM (Western Australia) (15:32): I move:
That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by the Leader of the Australian Greens (Senator Milne) today relating to a proposed gas hub in the Kimberley, Western Australia.
I will speak at greater length later in the week about the extraordinary demonstration of popular will that occurred in Fremantle only a few days ago. The question put by Senator Milne to Senator Conroy in his
capacity representing the Minister for Sustainability, Environment, Water, Population and Communities was very specific. Evidently, somebody in Minister Burke's office, on the third try, must have emailed Senator Conroy a brief, so that we did not have to sit through another couple of minutes of material that was interesting but completely irrelevant to the point of Senator Milne's question.

At the dune system at Walmadany in the West Kimberley, right at the location where Woodside proposes to excise 30 square kilometres for the world's largest gas plant—it would be a colossal industrial estate—there is a set of extremely important heritage sites; sites which I will not pretend to speak for but which are of huge importance to the traditional Aboriginal people of the area. This is a trail that runs north to south between Broome and the top end of the Dampier Peninsula, which contains artefacts, grave sites and other sites of enormous cultural significance to the people who have lived in the area since time immemorial.

Against the direct threat of earthmoving equipment, drilling equipment and bulldozers moving into those dunes, more than 18 months ago a section 9 request for emergency heritage protection was lodged with the Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke. The question put to Minister Conroy this afternoon was, in essence, will Minister Burke actually respond to the applicants on that emergency heritage protection application before or after the site has been destroyed by earthmoving equipment? That can happen well before the completely separate processes that Minister Conroy was describing, which run under the EPBC Act, would have run their course—while the so-called strategic environmental assessment did not even bother to look at alternative locations for processing the Browse Basin gas. While that is running over here with Minister Burke, on his desk, with his minister for heritage hat on, he has the opportunity to preserve the heritage values of that area when considering whether or not the project should go ahead.

Woodside fully intend, potentially within a matter of weeks—as soon as the weather breaks up there—to put heavy earthmoving equipment to that site, which effectively will violate a graveyard and an area of enormous cultural significance to people who are a long way from this Parliament House and who could not travel here today to deliver these words directly. This is one of those examples where Minister Conroy is finally given a brief that is relevant to the question—which did occur until the third go. But you kind of wish he had not because, in effect, he has told us that the federal government may well stand by and allow this place to be destroyed while it evaluates whether its heritage value should be preserved. That is entirely possible, because I am not aware in recent history of a successful emergency protection nomination for Aboriginal heritage.

Aboriginal heritage legislation in this country, state and federal, is little more than a regime for documenting what we are destroying, drilling and bulldozing. We will not have that occurring at that dune system at Walmadany on our watch.

There are a lot of people who are backing us in this and who are backing the traditional owners and custodians of that area in standing up, drawing a line in the sand at Walmadany Beach and saying, 'You can't come here'. Minister Tony Burke has the opportunity to make a decision on emergency heritage protection before drilling equipment and bulldozers are put to that site—not after. That was the direction of the question that Senator Milne put. That was
the direction of the questions that my colleague Senator Siewert put to the environment bureaucrats in estimates the week before last. And that is the question that 20,000 people who assembled at the Esplanade in Fremantle the day before yesterday were very interested to ask. Will the minister protect this site? Will he stand up for that heritage site of enormous cultural significance to those people before it is ruined by earthmoving equipment? Or will he wait until after? On the basis of recent decisions by this minister, I do not have great confidence. But there is still time to bring this confrontation to an end in a way that is much more sane than a Western Australian Barnett government would have it, where sites are signed off to be destroyed.

Question agreed to.

CONDOLENCES
Child, Hon. Gloria Joan Liles, AO

The PRESIDENT (15:38): It is with deep regret that I inform the Senate of the death on 23 February 2013 of the Hon. Joan Child, AO, a former Speaker of the House of Representatives.

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (15:38): by leave—I move:

That the Senate records its deep regret at the death, on 23 February 2013, of the Honorable Joan Child, AO, former Speaker of the House of Representatives and member for Henty, and places on record its appreciation of her long and meritorious public service and tenders its profound sympathy to her family in their bereavement.

Joan Child was the first Labor woman to be elected as the first female Speaker of the House of Representatives in 1986. Joan held this position for three-and-a-half years until she resigned in 1989 after a period of illness.

A significant change to the parliament during Joan's period as Speaker included the transition from the provisional Parliament House to the new Parliament House. The presiding officers had oversight of both the construction of the new building and the successful move into it. The logistics of this exercise were considerable. Parliament House is, after all, the size of a country town. Obviously, the key to this building is a symbolic and legislative role of the chambers, but this is underpinned by a huge range of infrastructure and services supporting the community's elected representatives, media and staff. Twenty-five years later, the occupants of this building are still benefiting from the care, thought and attention to detail of those who planned and delivered the facilities we now take for granted. Joan's role as Speaker was considerable in drawing together and managing the many levels this task involved.

Joan was tremendously proud of the new Parliament House and the collective achievement of all involved who delivered this building. She was also tremendously fond of the old building. One of her last acts as Speaker in the old House of Representatives chamber was leading members of that place as they sat in session for the last time and sang Auld Lang Syne.

Joan was born in Melbourne on 3 August 1921. Joan was widowed early in life. With a strong resolve and courage, she raised five boys on her own. She worked on a process line and as a cleaner to supplement the meagre widow's pension available in the 1960s. Joan's personal experiences informed her politics. She said politics was about people and that she wanted to help people. A
supporter and member activist in the ALP for many years, Joan entered politics later in life. She was elected to the south-east Melbourne seat of Henty in 1974 but was defeated the following year. Re-elected in 1980, she successfully held Henty for the next three elections. Between the years 1984 and 1986, Joan became Chairman of Committees and Deputy Speaker. With the abolition of her seat prior to the 1990 election, Joan chose not to seek re-election in another seat.

Joan served on several parliamentary committees, particularly on those relating to the parliament, including the Joint Committee on the Broadcasting of Parliamentary Proceedings, the House of Representatives Standing Committee on the Parliamentary Library and the Joint Standing Committee on the New and Permanent Parliament House.

As Speaker, Joan spurned traditional robes. Always practical, she said that a wig would only flatten her hair. She also more than met the challenge of the robust debate that is characteristic of the other chamber. Thirty years later, recollections become coloured by nostalgia. At the time, however, it is always a different matter. This was a time when Paul Keating's incisive parliamentary contributions skewered the opposition, when Kim Beazley and Ian Sinclair were dogged combatants and when 'Iron Bar' Tuckey tested the boundaries of parliamentary procedure. Joan was a woman managing the chamber when the House and wider Australian society was not accustomed to seeing women controlling and directing institutions. She exercised her role as Speaker with the patience and directness that was also her approach to life.

Joan was a role model then and remains a role model now to many who knew her and worked with her. I am immensely proud to say that I also worked with Joan. Joan remained active in Labor Party affairs in her retirement. She was also a member of the Patrons Council of the Epilepsy Foundation of Victoria. Her hobbies included gardening, reading detective fiction and listening to Elvis Presley. Joan was made an Officer of the Order of Australia in June 1990.

Joan's influence on other ALP members was considerable. She was an energetic and positive woman of immense resilience, honesty and good humour. She was respected and well loved by those who knew her.

I have many fond memories of talking with Joan and admiring the electoral machine that was the electorate in which she lived. She had mastered the art of local campaigning. I have, to this day, never seen someone who could command such knowledge as she did of the electorate she lived in, the voters, the people that she worked closely with and the people that she fought on behalf of. She was an extraordinary politician. She was an extraordinarily fine woman. She was tough. I often remember having discussions with her about a variety of issues. She was tough, but the kindness and the gentleness always shone through that. Despite her groundbreaking achievements in the parliament, Joan remained involved with her community. She was well loved and will be missed. On behalf the government, I offer condolences to her family.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:45): The coalition joins with the government in supporting this motion of condolence. Joan Child was a trailblazer in the Labor Party who never lost her humility. Joan Child was born in 1921, a date to which I will return. Her father was a postmaster of Beechworth. She later attended Camberwell Church of England Girls Grammar School.
I am obliged to point out that Mrs Child lived in Launceston in Tasmania for some years. Her husband, who was a business manager there, regrettably died there in 1963, leaving Joan a widow with five sons between the ages of seven and 18 to support. She worked on an assembly line in a knitting factory, as a sales assistant, as a cook in a geriatric hospital and as a house cleaner to provide for her family. She then worked as an electorate officer and research officer for several Labor MPs, including—no descriptor necessary—Jim Cairns. How that worked, given her right-wing affiliation, I am not sure. But I am sure they somehow managed.

In 1974, Joan Child won the Victorian seat of Henty on her second attempt. In her early 50s, she became the Labor Party's first woman in the House of Representatives—71 years after women were first able to stand for election. She was the fourth woman so elected. Of course, this side of politics takes great pride in a fellow Tasmanian, Dame Enid Lyons, who won a seat in the House of Representatives in 1943, some 31 years earlier. Joan Child was defeated in the 1970 landslide but came back in 1980 having spent at least 10 hours a week doorknocking.

In February 1981, she asked Prime Minister Malcolm Fraser and Speaker Sir Billy Sneddon to cease referring to MPs as 'honourable gentlemen'. This was not because the gentlemen were not honourable but because she wanted them to refer to 'honourable members'. Sir Billy replied:

The point is well made. I apologise deeply and profusely.

But he slipped up again shortly afterwards. On the qualities needed to enter parliament, she said:

I think you need to be very decisive. You must have the ability to say, 'The buck stops with me'. I am a pretty bossy woman.

Clearly, she had some authority because she was Deputy Chairman of Committees and Chairman of Committees. She was then Speaker of the House from 1986 to 1989. She was the first woman Speaker of the House of Representatives.

I noticed that various media reports state that Joan Child was 48 when she first won the seat of Henty. By my calculation, on the basis of being born in 1921, she must have actually been 53. In fact, I noticed similar anomalies in every report of her trailblazing career. But that is an aside; it does not take away from what was a fantastic career. She was able to hide that part of her life exceptionally well and undoubtedly that is what made her so well suited to the intricacies of Labor Party politics. In relation to her age, she said on becoming Speaker:

I don’t discuss it. If you want to discuss it I’m in my late fifties. I just will not be pinpointed on exactly how old I am.

By my calculation, her late-50s was actually 64 at the time. She seems to have got away with it her whole career and good on her. Clearly, being in her mid-60s only enhanced Joan Child's abilities and authority, given her life experience.

Although she found the position of Speaker to be an often lonely one, her decisiveness stood her in good stead. Her first review as Speaker said she came down so hard on everyone that they were reeling in shock. She was even compared to one of my heroes, Margaret Thatcher. The comment was that after her 'iron-fisted' performance members of both sides would have to restrain themselves to avoid a verbal lashing. Leaders were not immune either: Mr Peacock was ordered to stop talking out of turn and Mr Hawke was told, 'Okay, get going,' once she had obtained silence. Coalition members adapted well to calling the Speaker 'Madame Speaker', but Prime Minister Bob Hawke did on occasion stumble, addressing her as,
'Mr—er—Madame Speaker'. Joan Child eschewed the Speaker's ceremonial robes, saying:

... when I put my clothes on in the morning, I don't put on my dignity with them. I always have it with me.

And she did. Whilst I personally do not mind the robes and traditions, I will observe that in recent times we have seen that the more the robes and regalia the less the dignity.

I refer to a media report of March 1988, headed: 'MPs binge: Speaker offers to reimburse $1,000.' It is a story about the Speaker, Mrs Child, offering to:

... pay more than $1,000 of her own money to meet the expenses incurred last Thursday, when hundreds of people went on a binge through the bars and dining rooms of Parliament House and consumed $10,000 worth of free food and drink.

Mrs Child said last night that the joint House department, which is in charge of parliament's catering service, would advise her of the final net loss and she would personally reimburse parliament for the outstanding amount.

Mrs Child said she accepted responsibility for the huge loss incurred because it was she who authorised the cafeteria and bars to remain open in spite of the work ban.

So a bit of industrial disputation undoubtedly was in play at the time.

But her plea—

and this is the interesting part; it is a pity the gallery is so empty—

that everyone involved should pay back the money they owed has fallen on many deaf ears.

MPs and senators have agreed to pay up. The press gallery, however, has laid low. "Sales from the non-members bar were significantly higher than a normal trading night," she said. This bar, which is frequented by journalists, suffered the biggest loss of all—$2,830, of which only $114 has been returned. Interestingly, Mrs Child sent a letter last night to the president of the press gallery—

guess who that was at the time: Paul Kelly—

asking him to urge his members to reimburse parliament and, of course, taxpayers.

I am just wondering if it is too late to have a Senate estimates committee and call Paul Kelly before it to inquire as to whether full payment was made!

During her time as Speaker, Joan Child had to deal with some particularly torrid exchanges. She had to face an opposition censure motion when the government stonewalled on questions and Treasurer Keating disagreed with Mrs Child and Mrs Child would not make the Treasurer withdraw a reflection against her. She certainly had dignity and grace. She made it a point not to criticise individuals within the parliament. After 3½ years in the speakership, she retired. The smile never left her face.

Amongst her outside interests, besides being an Elvis Presley devotee and an avid gardener, she was a Hawthorn supporter. She must have had some prescience about what agreements were going to be reached between the city she used to live in, namely Launceston, and the Hawthorn Football Club.

It was rumoured that she could become Australia's first female Governor-General, a job she later said she would not mind taking on. Regrettably, she never achieved that role. But deservedly, in 1990, she was awarded an AO in recognition of her service to the Australian parliament. The coalition salutes her service to our nation and extends condolences to her sons, Peter, Andrew, Geoffrey, Gary and Roger and the extended family.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (15:55): I rise today to pay tribute to Joan Child and of course extend the condolences of the Greens to her family. I think it is worth reflecting on what a trailblazer she was for women in Australian
politics. When Joan Child became Speaker of the House of Representatives in February 1986, there had never been a female Speaker, a female Governor-General, nor a woman as a Governor in any state. There had never been a woman to sit on the High Court bench, no woman as the leader of a state or territory government, no female leader of a political party and, naturally following from that, never a woman as Prime Minister of Australia.

The Senate today really can praise Joan Child because she did smash the glass ceiling in Australia's institutions of government. Other women quickly followed her through that gap, in state parliaments first, then in federal politics, past the debris and in through the gap she had broken. She really did lead the way for Australian women. Within the next five years, Justice Mary Gaudron was appointed to the High Court, Rosemary Follett had become the first leader of a government in the ACT, Dame Roma Mitchell was to be Governor of South Australia and Carmen Lawrence was to be Australia's first Premier. It was an important half-decade for women in public life and Joan Child was at the vanguard.

In other firsts, Joan Child was the first Speaker in this building, the first Speaker to receive flowers upon taking the chair and the first Speaker of Australia's parliament to introduce a bill, which has become a very important act, particularly for the Senate—the Parliamentary Privileges Act 1987. She was closely involved with the bill's formation, drawing in the views and opinions of all members of the House. As a result she helped to protect the witnesses and participants of our Senate committees to ensure their statements could not be used to establish a motive or intention for acts done outside parliament to be used in judicial proceedings. The Senate, as a house of inquiry, requires members and witnesses to know without doubt that they can speak their mind without fear of retribution. So we are grateful for Joan Child's contribution to their protection.

She also oversaw the creation of the Department of Parliamentary Services, again introducing the enabling legislation which saw the presiding officers take an administrative responsibility over the day-to-day functioning of the new parliament. The Library staff, gardeners, information technology, catering and the services of the clerks, Black Rod and Serjeant-at-Arms—all the wonderful services we enjoy—were brought together under her guidance and we thank her for her commitment to the effective and independent running of the parliament.

Joan Child knew that the importance of a Speaker lay in the position's duty to the parliament, not to her political party first—a truth that has sometimes been forgotten. However, the legacy she has left to both houses of the parliament and to her country will not be forgotten.

I regard one of the characteristics of leadership in women in public life that they not only be role models for other women but that they make changes to enable and empower the women who come after them to do more and go further than they had been able to themselves. I regard Joan Child not only as one of those women who was a role model for girls and women around the country in what could be achieved in political life; she did make institutional changes that made the parliament a better institution and that empowered other women to take on roles that they may previously have thought were out of their reach or domain. I pay tribute to her as a leading Australian woman and as a trailblazer.

Senator JACINTA COLLINS
(Victoria—Manager of Government)

CHAMBER
Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations (15:59): Joan Child truly was a fabulous, dignified lady from an era, Senator Abetz, when one did not discuss a lady's age. She, like many of us today, obviously felt a greater weight of public scrutiny than many of her peers would have at that time. Joan Child provided great inspiration for women in the Labor Party, and she was known for her strong commitment to social justice. As Senator Conroy pointed out, she had a strong belief in helping people and working with people.

I would like to concentrate on how Joan never lost her interest in Labor politics. Joan was one of those people who felt that you should always do those things you might ask others to do. She was active and involved in all levels of the Labor Party. During this debate we have focused on Joan's period as Speaker and some of the other work she did in the parliament, but I would like to look at the time and the contribution that Joan made since leaving this parliament.

I first met Joan in the 1990 election when I was a member of her local Labor Party branch. This was shortly after she finished her period as the member for Henty in 1989. Joan was still there with her sleeves rolled up, active and involved with every ounce of her commitment and energy in that election campaign and that never changed. I moved on from that particular branch of the Labor Party, but my sister is currently a member and would still see Joan participating at the age of 91.

Eighteen months ago we celebrated 25 years since Joan Child became the first female Speaker. We had a morning tea with Harry Jenkins as Speaker, and it truly was a great experience to see Joan return to this parliament so many years after her period as Speaker and to have her reflect on the changes she saw as having transpired. When I first met Joan in 1990 I would not have imagined that I would be in this place, let alone talk to her 18 months ago about how she saw it. It was truly enlightening. Joan would have received great pleasure to see Anna Burke as another female Speaker of the parliament.

I must conclude my brief remarks by saying that she is one of those people who truly deserves the state funeral that will occur at Monash Religious Centre on Tuesday. I unfortunately will be in Darwin, far away from home, but I would like to give my condolences to her family and her many friends in the Victorian Labor Party.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:03): I rise to add my condolences on the passing of the Hon. Joan Child AO. I was fortunate enough to have the opportunity to meet Joan Child, albeit very briefly, in the late 1980s. Joan was the first female ALP member of the House of Representatives. Reflecting on this in her first speech, Joan said that she felt 'deeply honoured at being the first woman elected to this House as an endorsed Labor Party candidate'. Joan's election, unfortunately, did come some 30 years after Senator Dorothy Tangney was elected to the Senate in 1943. Joan won the seat of Henty in 1974, being defeated in 1975, before serving as a member from 1980 until she retired from federal politics in 1990. Joan was appointed Australia's first female Speaker in February 1986, holding the position until 1989—a groundbreaking achievement. Joan could only be described as an ALP true believer. We have heard here today about Joan's commitment to the party prior to standing for the Labor Party, and her continuing commitment and passion for the party, and the work and policies that the Labor Party believes in, long, long after she left federal politics.
Joan was strongly committed to those in our community who were less fortunate. In particular I note from her first speech her commitment to and argument for appropriate support for people living with a disability and her hope that any legislation concerning people with a disability should pass easily, with compassion and understanding; that it would be accepted by states and would not be faced with a states-rights wrangle. I think she would certainly be very proud of the current Labor government's commitment to the NDIS and, indeed, the cross-party support for the NDIS.

Joan came from a true working-class background, having worked at a number of jobs including as a sales assistant, a cook, a cleaner and on an assembly line before entering politics. Joan will be fondly remembered as a passionate advocate for women's rights and for those in our community who are doing it tough. Joan believed that as a rich nation our wealth cannot be measured in building roads, airports and swimming pools. A nation's wealth is measured by the care and compassion it is prepared to extend to the old and lonely, the dependent, the disabled and the young who are at school. She also had a strong commitment to improving the lives of women, and this was evident right from the moment she was elected to parliament. On her election she refused to be photographed in her house as a housewife, saying: 'I am not standing as a housewife. I am a member of the ALP. As for the housework at home, my boys and I do it between us.'

As the first female Speaker things were very different for Joan. Reflecting on her time as Speaker, the current Speaker Anna Burke said when Joan was first elected Speaker, no-one knew what to call her. 'It started off as Mrs Speaker, but when it was later changed to Madam Speaker, Joan wryly observed she was not in charge of a brothel.'

It is anecdotes such as these that highlight Joan's good sense of humour. She was blessed with humility and never forgot who put her into politics or why. For women in the ALP, Joan's election was a milestone, an indication that the battles waged to have women's voices heard in parliament had worked. Women were inspired and encouraged to face the challenges to continue our campaign for equal representation with determination. Joan's commitment to remembering where she came from also shone through in her first speech and it is an important message for all of us to remember. She said:

The basis of election to a seat in Parliament is service to people. We are really public servants. The people made our election possible. They made it possible for us to take our seats in this House. That should be remembered, but it is all too often forgotten.

Joan will indeed be missed by her Labor family. I extend my sympathies to Joan's children and their families.

Senator Faulkner (New South Wales) (16:07): I join with colleagues in supporting this motion of condolence on the death of Joan Child. When I became a senator, Joan's time in caucus was drawing to a close. She, of course, was Speaker of the House of Representatives. I was the most junior member of the federal parliamentary Labor Party. Nevertheless, I remember how welcoming she was. Joan Child had an impressive record of achievement, both in the Labor Party and in the parliament. When I arrived in Canberra, no-one doubted that Joan Child was a formidable politician.

Joan Child joined the Australian Labor Party in 1968. By the time of the 1969 federal election, Joan's campaign expertise was very well recognised. She was campaign director in two federal seats, Lalor and Higgins. Albeit unusual, it was an early recognition of her capacity. Joan was Labor's
candidate for Henty in the 1972 federal election. She ran a tremendous grassroots campaign, achieving a 9.1 per cent swing—although a 9.2 per cent swing was required. She lost by just 308 votes. By 1974, her hard work had paid off. Joan Child, as we have heard, was elected as the first Labor woman to the House of Representatives. Her term was to be all too brief, as she was swept away in the landslide of 1975. But Joan had built a great campaign team in Henty in the seventies, which was very widely recognised in the Labor Party as the best in the business. But in the 1977 federal election it was to be to no avail. Joan was defeated again.

After the disappointments of 1975 and 1977, Joan made the tough decision to run again in 1980. It paid off. She won, and in the following decade her very strong grassroots campaigning, the wide respect she had in the community and her understanding and empathy for the concerns of her constituents turned the seat of Henty into a Labor stronghold. I think that those years out of parliament after Joan's defeat in 1975 meant pursuing ministerial office would be difficult. I am sure she recognised that. But not all the options were to be closed off. In 1984, she became Chairman of Committees, or Deputy Speaker, after a tight caucus ballot which she won 50 votes to 49 votes, with two deliberate informals. Following the retirement of Dr Harry Jenkins Sr, in 1986, she became Speaker, as we have heard, this time unopposed in the caucus.

Upon taking the chair in the House, the new Speaker said that she expected to be less formal than her predecessor. She also made the point that she did not support the old Westminster tradition of speakers resigning from political parties. She said:

Just because I'm Speaker doesn't mean I'm not a member of the party or interested in its policies. I don't see any conflict of interest.

It was under her stewardship that the role of television in the parliament was greatly expanded. Joan Child was a strong advocate for bringing the parliament into the living rooms of Australia. She told the Age:

Who knows, it might make us all spruce ourselves up a bit, behave better. You never know what might happen—cameras have a remarkable effect on politicians.

Joan Child acquitted herself very well as Speaker, but she never lost her common touch. Many here in Parliament House benefited from her wise counsel and personal support at tough times.

Joan retired in the 1990 federal election a highly respected parliamentarian, many would say a trailblazer. After her retirement, she remained active in the party but, as we have heard, had more time for gardening, always a passion, and to dip into yet another crime novel from her extensive library and, no doubt, to look after the cats—she was a cat lover as well. But she was also a sports lover—test cricket, tennis, the Hawthorn Football Club, not to mention her love of the punt. Robert Ray, himself a veteran of that Henty Labor machine, told me yesterday that Joan still had an active TAB account at 91 years of age. She loved the track.

Labor has lost one of its best, and my sincere sympathy also goes to Joan's family and friends.

Question agreed to, honourable senators standing in their places.

NOTICES

Standing Order 111: Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2013 Presentation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and...
Workplace Relations) (16:15): I give notice that on the next day of sitting I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2013, allowing it to be considered during this period of sittings.

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

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS
MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW AMENDMENT BILL

Purpose of the Bill
The bill amends the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (the Act) to ensure that the Australian Maritime Safety Authority (AMSA), as the National Marine Safety Regulator (the National Regulator), is able to reimburse to the states and Northern Territory jurisdictions revenue collected from infringement notices issued by marine safety inspectors.

Reasons for Urgency
The Act's original policy intention was that AMSA would remit to the states and Northern Territory territory revenue collected as a result of payment of infringement notices. Section 10 of the Act enables the National Regulator to pay amounts collected from infringement notice payments to the states or Northern Territory. However, sections 138 and 162 of schedule 1 to the Act refer to paying 'a penalty to the Commonwealth' rather than the National Regulator.

The legal and operational effect of sections 138 and 162 is that the Commonwealth, rather than AMSA, will be required to receive the revenue from the infringement notices. The Act does not contain an appropriations power, and the Commonwealth therefore does not have the power to reimburse the amounts to the states or Northern Territory. This will impact on jurisdictional revenues.

The Act implements the Council of Australian Governments' Intergovernmental Agreement on Commercial Vessel Safety Reform (the IGA). The Standing Council on Transport and Infrastructure (SCOTI) agreed on 9 November 2012 that the Act will commence in March 2013. SCOTI also agreed, as required under paragraph 20(a) of the IGA, for the Act to be amended to ensure the original policy intention is achieved.

Senator Xenophon to move:
That the following bill be introduced: A Bill for an Act to amend the Broadcasting Services Act 1992, and for related purposes. Broadcasting Services Amendment (Material of Local Significance) Bill 2013.

Senator Whish-Wilson to move:
That the Senate—
(a) notes:
(i) the comments by the Tasmanian Premier Ms Lara Giddings at the Press Club in the week beginning 17 February 2013 calling for the Tamar Valley pulp mill project to be revived,
(ii) the comments by the Minister for Regional Australia, Regional Development and Local Government in late 2012 in support of a pulp mill in the Tamar Valley in Tasmania, and
(iii) the Federal Government funding promised to Tasmania under the Intergovernmental Agreement with the Tasmanian Government; and
(b) calls on the Government to guarantee they will not buy the Tamar Valley pulp mill permits and that no more Government resources will go to supporting this pulp mill.

Senator Whish-Wilson to move:
That the Senate—
(a) notes that:
(i) the Minister for Environment and Water Resources under the Howard Government approved the construction and operation of the Gunns proposed pulp mill in Tasmania in October 2007,
(ii) under Condition 45 of the Federal Approval for the pulp mill it states 'If, at any time after five years from the date of this approval, the

CHAMBER
Minister notifies Gunns Limited in writing that the Minister is not satisfied that there has been substantial commencement of construction of the pulp mill, then this approval lapses and the action must not thereafter be commenced’,

(i) it has now been more than 5 years since that approval was granted and no substantial commencement of construction has begun, and

(iv) the passing of the Pulp Mill Assessment Act 2007 by the Tasmanian Parliament bypassed the environmental impact assessments usually required for a project of this significance; and

(b) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to notify the receivers of Gunns Limited that the approval has lapsed.

Senator Ludlam to move:

That the Senate—

(a) notes that:

(i) the then Prime Minister, Mr Howard, signed an agreement on 11 June 2002 with Lockheed Martin with no public consultation or competitive tendering process for the purchase of up to 100 Joint Strike Fighters (JSFs),

(ii) the then Minister for Defence, Senator Faulkner, announced approval for the purchase of the first 14 JSFs on 25 November 2009 at a cost of around $3.2 billion, contractually committing to two,

(iii) the Australian Auditor-General confirmed in its September 2012 report that the cost for each aircraft is US$131.4 million, more than treble the initial price,

(iv) the aircraft cannot yet fly at supersonic speeds or within 25 miles of storms due to potential ignition of oxygen in the fuel tank,

(v) Senator John McCain of the US Senate describes the JSF program as a scandal and a tragedy, and

(vi) the United Kingdom, the biggest investor in the JSF program, in May 2012 reduced and delayed its acquisition, and the Dutch Parliament in July 2012 voted to cancel its involvement altogether; and

(b) calls on the Government to:

(i) cancel the technically and financially infeasible JSF program,

(ii) urgently examine alternatives given the very long lead times for project development, acquisition and entry into service, and

(iii) focus Australia’s Defence procurement priorities on the equipment and training required to address the defence and humanitarian challenges arising from climate change, water stress and resource depletion.

Senator Ludlam to move:

That the Senate—

(a) notes that:

(i) less than half of one per cent of Australian organisations and individuals making submissions to the Joint Standing Committee on Intelligence and Security inquiry into potential reforms of National Security Legislation support the proposal for tailored data retention periods for up to 2 years,

(ii) of the total 5554 submissions made to the inquiry, 25 were explicitly supportive of data retention, 32 submissions were listed as confidential and 34 do not address the issue, leaving 5463 submissions or 98.9 per cent of submitters from a broad spectrum of Australian society explicitly indicating their opposition to the retention of data for up to 2 years, and

(iii) respondents objected that the proposal to retain data on all Australians for up to 2 years was vaguely and briefly presented, threatens privacy and freedom of expression and posed security risks through potential misuse of preserved data; and

(b) calls on the Government to:

(i) abandon the proposal to retain data on all Australians for up to 2 years due to the public consultation revealing a wide diversity of opposition from across the political spectrum, from industry, lawyers, non-government organisations, information technology experts and the media, and

(ii) propose national security measures that are appropriate, proportionate and strengthen rather than erode human rights standards that are the cornerstone of Australian democracy.

Senator Heffernan to move:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 12 March 2013, from 3 pm, to take evidence for the committee’s inquiry into fresh pineapple imports.

Senator Madigan to move:

That the following bill be introduced: A Bill for an Act to amend the Health Insurance Act 1973, and for related purposes. Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013.

Senator Wright to move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 6 June 2013:

The impact of federal court fee increases since 2010 on access to justice in Australia, with particular reference to:
(a) the impact of federal court fee increases on low-income and ordinary Australians and operators of small businesses;
(b) whether these fee increases are reasonable, based on evidence and consistent with other justice policy matters;
(c) how increases in court fees, and other reform to the courts and justice system, can act as a barrier to accessing justice;
(d) the extent to which court fee increases may impact on services provided by legal assistance services (i.e. legal aid commissions, Aboriginal and Torres Strait Islander legal services, family violence prevention legal services and community legal services);
(e) the application of the revenue that has been raised by federal court fee increases; and
(f) other relevant matters.

Senator Siewert to move:

That there be laid on the table by the Minister representing the Minister for Climate Change and Energy Efficiency, by noon on Thursday 28 February 2013, the economic-based analysis/report on coastal climate change adaptation options for the Peron Naturaliste region of Western Australia conducted by the Peron Naturaliste Partnership at the request and with the funding support of the Department of Climate Change and Energy Efficiency.

Senator Di Natale to move:


Senators Hanson-Young and Waters to move:

That the Senate—
(a) notes that South Australia’s iconic Lake Eyre is dependent on water flows from the Cooper, Diamantina and Georgina rivers, which are under threat by the Queensland Government’s proposal to repeal legislation that currently protects them;
(b) opposes the repealing of the Wild Rivers legislation by the Queensland Government; and
(c) urges the South Australian Premier, Mr. Weatherill, to act promptly to work with the Federal Government to protect the Lake Eyre Basin from the proposal of the Premier of Queensland, Mr. Newman.

Senators Heffernan, Xenophon, Madigan, Williams, Back and Siewert to move:

That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 17 June 2013:
(a) the possible imminent importation of beef products from countries whose cattle herds have bovine spongiform encephalopathy (BSE) and/or foot-and-mouth disease (FMD);
(b) the processes undertaken by Australian government agencies in determining risk to consumers and industry and the adequacy of such processes;
(c) the lessons to be learnt from the recent contamination of the beef supply chain with horse meat throughout Europe and its implications for Australian consumers and industry;
(d) the likely implications of allowing imports of beef from BSE and FMD countries on Australia’s international reputation and standing as the world’s safest exporter of beef;
(e) the adequacy of Australian food labelling laws to ensure Australian consumers can make a fully informed choice on Australian meat products; and

(f) any related matters.

Senator Siewert to move:

That the Senate calls on the Australian Government to seek an immediate explanation from the Government of Japan on its non-compliance with the injunction of the Federal Court of Australia in 2008 against whaling in the International Whale Sanctuary in the Southern Ocean.

Senator Milne to move:

That the Senate—

(a) notes that:

  (i) on 25 February 2013, 38 retired generals and admirals from the United States of America (US), and prominent national security experts, presented a letter calling on US policymakers to recognise the security effects of climate change and the undeniable consequences and costs of inaction in addressing climate change for vulnerable nations,

  (ii) the Australian Strategic Policy Institute in 2007 called on the 2009 Defence White Paper to examine the full implication of climate change for the Australian Defence Force, and

  (iii) the brief acknowledgement in the 2009 Defence White Paper that climate change has the potential to be a destabilising global force erroneously concludes that the strategic consequences of climate change will not be felt before 2030; and

(b) calls on the Government to:

  (i) recognise the undeniable security implications of climate change, the costs and consequences of inaction, and

  (ii) ensure that the Defence White Paper, due to be released in May 2013, addresses the fact that climate change is shaping the contemporary security climate, is a driver of conflict and should guide procurement and deployment in Australia’s national security.

Senator Collins to move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2013, allowing it to be considered during this period of sittings.

BUSINESS

Leave of Absence

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (16:16): by leave—

I move:

That leave of absence be granted to Senator Kroger for 25 February 2013 for personal reasons.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Opposition in the Senate (Senator Abetz) for today, proposing the disallowance of the Building Code 2013, postponed till 12 March 2013.

General business notice of motion no. 1139 standing in the name of Senator Waters for today, relating to coal seam gas, postponed till 28 February 2013.

COMMITTEES

Education, Employment and Workplace Relations References Committee

Reporting Date

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Education, Employment and Workplace Relations References Committee, I move:

That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on teaching and learning – maximising our investment in Australian schools be extended to 14 May 2013.

Question agreed to.
Cyber-Safety Committee
Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Joint Select Committee on Cyber Safety, I move:

That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 March 2013, from 4.15 pm to 6 pm, to take evidence for the committee's inquiry into cyber safety for senior Australians.

Question agreed to.

Environment and Communications References Committee
Reporting Date
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Environment and Communications References Committee, I move:

That the time for the presentation of the report of the Environment and Communications References Committee on extreme weather events be extended to 26 June 2013.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee
Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 26 February 2013, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Regulatory Powers (Standard Provisions) Bill 2012.

Question agreed to.

Constitutional Recognition of ATSI Peoples Committee: Joint Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, I move:

That the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 27 February 2013, from 12.30 pm.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee
Reporting Date
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012 be extended to 30 April 2013.

Question agreed to.

Rural and Regional Affairs and Transport References Committee
Meeting
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Rural and Regional Affairs and Transport References Committee, I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the
Senate on Thursday, 28 February 2013, from 4 pm, to take evidence for the committee's inquiry into an aviation accident investigation.

Question agreed to.

**Law Enforcement Committee Meeting**

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Parliamentary Joint Committee on Law Enforcement, I move:

That the Parliamentary Joint Committee on Law Enforcement be authorised to meet during the sitting of the Senate on Wednesday, 13 March 2013, from 12.15 pm, for a private briefing.

Question agreed to.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Parliamentary Joint Committee on Law Enforcement, I move:

That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 March 2013, from 4.30 pm, to take evidence for the committee's inquiry into the gathering and use of criminal intelligence.

Question agreed to.

**Foreign Affairs, Defence and Trade Committee: Joint Meeting**

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) on Tuesday, 12 March and 19 March 2013, from 1 pm to 2 pm, to take evidence for the committee's inquiry into slavery, slavery like conditions and people trafficking; and

(b) on Tuesday, 12 March and 19 March 2013, from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into the care of Australian Defence Force personnel wounded and injured on operations.

Question agreed to.

**Community Affairs References Committee Reporting Date**

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Community Affairs References Committee, I move:

That the time for the presentation of the report of the Community Affairs References Committee on the sterilisation of people with disabilities be extended to 19 June 2013.

Question agreed to.

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

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Rural and Regional Affairs and Transport Legislation Committee, I move:


Question agreed to.

**Treaties Committee Meeting**

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Joint Standing Committee on Treaties, I move:
That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 18 March 2013, from 10 am to 1 pm.

Question agreed.

Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Legal and Constitutional Affairs References Committee, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on justice reinvestment be extended to 20 June 2013.

Question agreed to.

Gambling Reform Committee

Meeting

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:17): On behalf of the chair of the Joint Select Committee on Gambling Reform, I move:

That the Joint Select Committee on Gambling Reform be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 19 March 2013, from 4 pm, to take evidence for the committee's inquiry into the advertising and promotion of gambling services in sport.

Question agreed to.

MOTIONS

Whaling

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:18): I move:

That the Senate—

(a) notes that the whaling presence in the Australian Antarctic Territory now includes a Japanese self-defence vessel with a capacity for 250 personnel as well as a Korean flagged refuelling tanker; and

(b) calls on the Government to take urgent action to address the escalating situation, including sending a monitoring vessel to observe the whale hunt.

Question agreed to.

Flying Foxes

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:18): On behalf of myself and Senator Macdonald, I move:

That the Senate—

(a) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to take appropriate action under relevant Commonwealth legislation to address the health risks posed by flying foxes, including a program to educate the public about these risks; and

(b) extends its condolences to the family of the young boy in Queensland who recently died of lyssavirus.

Question agreed.

COMMITTEES

Economics References Committee

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:19): I seek leave to amend business of the Senate notice of motion No. 1 standing in my name proposing a reference to the Senate Economic References Committee on the development and operation of the Minerals Resource Rent Tax.

Leave granted.

Senator MILNE: Thank you. I move the motion as amended:

That the following matter be referred to the Economics References Committee for inquiry and report by 6 May 2013:

The development and operation of the Minerals Resource Rent Tax (MRRT) in regard to the recently released revenue figures showing a massive shortfall in the revenue compared to government projections, in particular:
(a) the design of the MRRT and the extent to which the design of the tax as opposed to other factors such as commodity prices are responsible for the mismatch between actual revenue and revenue projections;
(b) the process by which the MRRT was designed, including the extent of the involvement of the Department of the Treasury and mining corporations who would be paying the tax;
(c) the extent to which, if at all, the Government took into account the views of communities affected or potentially affected by iron ore and coal mining when designing the tax;
(d) implications for the budget;
(e) any other related matter.

Question agreed to.

BILLS

Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013

First Reading

Senator XENOPHON (South Australia) (16:21): I move:

That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995 to protect minors by introducing offences about misrepresentation of age to minors online. Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013.

Question agreed to.

Senator XENOPHON: 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 XENOPHON (South Australia) (16:21): I move:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Senator XENOPHON: I table an explanatory memorandum and I seek leave to have my second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

I wish there wasn't a reason for this bill to exist.

But, tragically, there is. Her name is Carly.

When Carly was fourteen, she started chatting online to a 20 year old man named Brandon Kane. He was her ideal boyfriend, and she fell in love with him as their online relationship grew closer.

But what Carly didn't know, what she couldn't have known, was that 'Brandon' was actually a 47 year old predator, Gary Francis Newman, who had over 200 fake identities.

When Carly turned 15, she invited Brandon to her birthday party. He told her he would be overseas and that he couldn't make it, so his adopted father Shane would go in his place. Carly had already been chatting to Shane online, and she convinced her mother that it would be okay for him to come along to her party.

Newman, in his role as Shane, turned up. Carly's mother, horrified that her daughter had become close to a stranger so much older than she was, warned him to stay away from her daughter.

But Newman convinced Carly she would get to meet her beloved Brandon in person. He eventually lured her into a meeting, on 19 February 2007 at Horseshoe Bay in South Australia. There, he brutally assaulted her and left her to die.

It took police eleven days to track Newman down. When they found him, he was logged on to his computer as Brandon Kane, chatting to a fourteen year old girl in Western Australia. Police also found a stash of child pornography on his computer, and discovered he had already pursued many other young girls overseas.

Newman was found guilty of Carly's murder, and is now serving a life sentence, with 29 years non-parole.
The aim of this bill is to make it an offence for a person over 18 years of age to lie about their age in online communications to a person under 18 for the purposes of facilitating a physical meeting.

This bill also makes it an offence for an adult to misrepresent their age in online communications with a minor with the intent of committing another offence.

These two items close an important loophole in the law. There is no reason for an adult to knowingly misrepresent their age to someone they believe is under eighteen, particularly if they believe doing so will make it easier to meet or commit another offence.

The bill also contains specific provisions to clarify how this offence can be prosecuted and defended.

I previously attempted to address this serious issue in 2010 with the earlier version of this bill. I acknowledge the concerns raised in relation to that bill, and I have modified this version to ensure there are no unintended consequences of enforcing this law. Instead, this bill creates offences specifically aimed at the circumstances—an adult lying to a minor about their age to facilitate a meeting or to make themselves seem 'more approachable'—that need to be addressed.

The internet is impossible to pin down, constantly evolving and growing. The pace of technological growth means children are almost always much more comfortable with online communication than their parents: what we still see as new and different is as essential to them as breathing.

New forms of communication mean we need new laws to protect our children. In cyberspace, we can't stand by their side as they explore the world. We can't always set rules and curfews, because our kids can be sitting safe in their rooms even while they're in danger.

This bill is an attempt to address some of the techniques used by online predators, so that we can put an additional safeguard in place for our children.

Sonya Ryan, Carly's mother, has been pushing for these changes in the law since her daughter's death. Sonya, who was nominated as South Australia's Australian of the Year this year, has dedicated her life to raising awareness of online dangers among young people.

If her actions stop just one young person from becoming a victim, then it's worth it.

And that is something we should take to heart when considering this bill.

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

Leave granted; debate adjourned.

MATTERS OF PUBLIC IMPORTANCE

Government Policy

The DEPUTY PRESIDENT (16:22): A letter has been received from Senator Fifield:

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

The Gillard Government's relentless negativity and failure to develop real solutions for all Australians.

Is the proposal supported?

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

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

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (16:22): I rise to make some remarks in relation to today's matter of public importance: the Gillard government's relentless negativity and failure to develop real solutions for all Australians. Isn't it extraordinary, colleagues, that we on this side of the chamber continually get charged with being negative and that it is the coalition that is negative? At the outset I will
say that, if this were not such a bad government—if this were not such an appalling government giving us such atrocious policy—then those of us in the coalition sitting on this side of the chamber would not have to be so negative. Every time that the Prime Minister complains that the Leader of the Opposition is being negative, she should realise that it is simply because this is quite possibly the worst Labor government that this nation has ever seen.

It is also interesting, colleagues, that the Prime Minister is very quick to cry foul when anybody criticises her performances. If we criticise her performance, or indeed anybody from out there in the community does, we are supposedly being negative. No. We are doing so because the Prime Minister is doing an extremely bad job of running the country. That is the reason that we are being negative. But we are told that we are picking on the Prime Minister because she is a woman. The negativity towards the Prime Minister has absolutely nothing to do with the fact that she is a woman. We are negative towards her because she is doing such a bad job running this country.

This is a government that has absolutely no solutions, particularly for regional Australia. This government has consistently been negative towards regional Australia, turning their back particularly in the areas of education and agriculture. People out there in the regions have simply had enough of this appalling Labor government. Isn't it extraordinary that here we are discussing the fact that this government has no real solutions for all Australians, regardless of whether they are in regional Australia or anywhere else, when they have had years and years to prove to the Australian people that they have a plan and have some solutions. But they do not.

The very first area that I will be discussing today is access to education by students from regional Australia and how the this government has no solutions to this. Equity of access for regional students should be a priority. This government should find some solutions and give those regional students equity of access to education. At the ALP campaign launch on 16 August back in 2010, Prime Minister Gillard said: 'I believe we can build a nation where every child from every family, no matter where they are born in this country, no matter the circumstances of their birth, can get a great education and the opportunity to have their life transformed by it.' The Prime Minister should put her money where her mouth is because that statement has not resulted in any way, shape or form to this government providing solutions to regional students when it comes to equity of access to education.

What this government has never got its head around—what this government has never understood—is that regional students face costs that city students simply do not face. Many of our regional students simply have no choice but to relocate to attend university or further education. They are at a huge disadvantage financially because it costs around $20,000 a year—and, indeed, the recent figures indicate that it is even more than that—for a regional family to send a student off to further their tertiary education. That is simply not good enough.

Independent youth allowance is the only measure that a lot of regional students have had over the years through which they could get any sort of financial assistance to help them go on to tertiary education. But this government made it harder for regional students in 2010. It took the coalition and, I have to say, particularly my regional colleagues, who understood this issue extremely well, 18 months of belting the government over the head—figuratively—to
get them to change their minds and realise that they were treating regional students unfairly. That is simply not good enough. There are no solutions from this government. And it is not just that: the government make things worse, particularly for regional students.

Regarding independent youth allowance, the government has put in place a $150,000 parental income test cap for students who want to access it. That is simply illogical, wrong and stupid. Bear in mind that that is before income tax for both parents. We could effectively be talking about a police officer and a school teacher. Their children would be precluded from accessing independent youth allowance simply because their parents earn that amount. They would not be able to get any financial assistance. It is my view and National Party policy that we should have some assistance in place for regional students that would recognise the fact that there are huge relocation costs, without the requirement that they do a gap year. I will continue to push this. I know that my regional Liberal colleagues understand this issue very well. This is an issue of equity of access for regional students. It will help them get that education and put them on an equal level with their city cousins. That is only fair, right and proper. This government has no idea how to find any kind of solution to this problem and give those regional students some equity.

Indeed, this is the case even when we look at the bigger picture. In last year's MYEFO, the government cut $3.9 billion out of education. As I said, it is not only that this government has no real solutions; the government is effectively making things worse for this nation.

We only have to look at the debt and the economic mismanagement from this government to know that every single day this government is making it worse for people right across the country. When it comes to agriculture this government, again, has no real solutions and indeed is making it worse. Just recently the Prime Minister made some comments about dairy—that under the carbon tax the dairy industry not only would survive but would thrive. How ridiculous is that?

Senator Williams interjecting—

Senator NASH: I will take that interjection, Senator Williams—that very interesting laugh. There is no understanding from this Prime Minister whatsoever about rural Australia. If the Prime Minister seriously thinks putting a carbon tax onto input costs right across the board for farmers—whether it be on electricity, fuel, transport or fertilisers—when the farmer is at the bottom of the food chain and has absolutely nowhere to pass that on, and if she seriously thinks that is going to result in a dairy industry that will thrive, then she simply does not have a clue.

It is no wonder this government cannot find any solutions, particularly for regional Australia, when every single one of the 21 around the cabinet table is from a city. The Prime Minister has not bothered to put one person from a region at her cabinet table. That is absolutely appalling. To someone from a regional area—I am a farmer from the central west of New South Wales—for the Prime Minister to continually be so dismissive of regional Australia is absolutely breathtaking. And we saw no more breathtaking action from the Prime Minister than the banning of the live export trade.

Rather than find a solution the Prime Minister bowed to what was seen to be pressure from the cities, coming through the emails from people who had no understanding of the industry. Yet what did the Prime Minister say? She said there had to
be some 'short-term disruption'. The Prime Minister turned people's lives upside down in the northern part of this country and she calls it short-term disruption. That is appalling, and the Prime Minister should be embarrassed that she thinks that way about turning the lives of all those hardworking Australians upside down, many of them without an income and many of them having absolutely no idea—as I know my good colleague Senator Scullion understands probably better than anybody else. And the Prime Minister calls it short-term disruption. That is absolutely appalling.

This is a government with absolutely no solutions for the future of this country. And it is not just us on this side saying it; this Labor government has a proven track record of having no solutions. It does not matter where we turn, whether it be education, agriculture or right across the board. Particularly in regional Australia, where I am from, people have absolutely had enough. They want a government that is going to lead this nation properly, that is going to provide those solutions, and it is the coalition that will do that for them.

**Senator FURNER (Queensland) (16:32):** I rise today to contribute to the debate on this MPI motion. I really find it quite stark in hypocrisy that those opposite can accuse this government of relentless negativity and of not developing real solutions. We need only look at our track record, at what we have achieved since we came into government; it is an excellent record. I know Senator Williams will join me in commending us on our record! If he gets an opportunity he might make a contribution about how good our policies are, as well as many aspects of what we have done while we have been in government.

But what we get from the other side, particularly from Tony Abbott, is the position of 'no'. You wonder whether he has any other words to add to his vocabulary. It is just 'no'. It is very limited. I know he does not read a lot. I know he has not read his climate change policy. He fails to read things and then comes along with these statements and makes all these trip-ups along the way when he is travelling around the countryside. Maybe that has something to do with this literacy standard; I do not know. But when he comes up with a policy of just saying no all the time, it is no wonder that the people in our communities are wondering where he is coming from.

So, that is where we sit—that is the difference between the government and the opposition. I am pleased Senator Nash spoke about climate change, and I want to talk about that for a moment. We put a price on carbon, and we saw the need to make a difference to reduce our emissions so that our future generations—like my granddaughter Xavia—can enjoy the environment of clean air and clean water that we enjoy today. That is what we have done for our future. The coalition said no. In fact, their leader said climate change was 'absolute crap'. That is on record; we know the opposition leader has indicated that. So, when it comes to their direct action policy, we understand without a doubt what it stands for as well.

Just recently we had Mr Hockey admitting that the repeal would trigger compensation claims from companies that have made investments and business decisions based on a price on carbon. I wonder what compensation costs would be added to the $48 billion to $100 billion that independent experts have estimated that direct action will cost, further increasing the coalition's budget black hole. Just today we had one of the Liberal candidates—the candidate for the seat of Hume, Angus Taylor—describing the key element of the direct action policy as
'bizarre'. He is describing the LNP's policy on direct action as bizarre. No wonder people out there are really wondering what they stand for.

Then we have the likes of Senator Joyce, one of my fellow colleagues from Queensland, claiming that a roast will cost you $100. Where do they get these statements from? A roast costing you $100: it must be an awfully big roast.

_Senator Scullion interjecting—_

_Senator FURNER:_ I agree, Senator Scullion. It must be like some of those buffaloes you have up in the Territory, to cost $100. But, in general, if you go to the supermarket and you go to the meat section you will find a roast costing, on average, what it has cost you for quite a number of years. The price has not increased as a result of the carbon price.

In the _Canberra Times_ Senator Joyce claimed the carbon price would increase abattoir costs leading to an increase on the cost of meat. He inferred there would be a time where:

… abattoirs would have to pay $575,000 for a single beast. So it is costing you vastly more than a $100 roast, that one.

I do not see that in the supermarkets I do my shopping at.

Minister Greg Combet actually hit back at this ludicrous claim, indicating:

Abattoirs emit methane, one of the most harmful of the greenhouse gases, from biological waste. Where they emit more than 25,000 tonnes of carbon dioxide-equivalent greenhouse gases a year they will be liable for the carbon price.

Treasury modelling shows the impact of this liability on meat prices is just 0.4 per cent, which has been factored into the government's household assistance. Furthermore, abattoirs can reduce emissions and carbon price liability through measures such as covering their waste settlement ponds and flaring the methane or using it to generate electricity. In these cases the liability may be reduced to zero, meaning the carbon price is doing exactly what it was intended to do.

One thing I never hear from the opposition is the success with which we handled the global financial crisis. I know that a couple of the senators on the other side attend the Joint Standing Committee on Foreign Affairs, Defence and Trade, of which I am a member. They know that over the last several years we have been fortunate enough to have a number of ambassadors from a variety of different areas—the US, Europe and other location around the globe—commending what our government did during the global financial crisis.

I know that you, Acting Deputy President Marshall, as chair of the education committee you sit on, were privileged to hear a lot of evidence about what we did in our schools and what we did for schools right across the nation to give them, overwhelmingly, funding that they have never seen in their lifetime. The funding provided things like halls, science centres and libraries. I think I went to in excess of 140 openings over that short period of time. I was overwhelmed by the number of principals, student body members and parents of children coming up to me and saying, 'Thank you for the Gillard government. Thank you to the federal Labor government for providing this funding to build these beautiful halls that we would normally never see in our lifetime.'

It is unfortunate that those opposite criticise those sorts of outcomes and those entitlements that we have been able to provide. They try to break down the situation to show it as being unsuccessful, but that is not the case. It has been a marvellous success. You need to get out there and talk to...
the people in the schools. I know some opposite do, those who may be a little naive or fresh or want the photo opportunity. They come along and you see them up there on the stage smiling and grinning away. Then, all of a sudden, they are standing next to you. These are the people who opposed the response to the global financial crisis and opposed the Building the Education Revolution funding. Yet here they are just about putting their arms around you wanting to get into a photo opportunity to get onto the front page of the paper regarding the opening of a hall, a science centre or a library. How hypocritical some of those people in the LNP are. They say one thing, they talk the talk, but then when it comes to getting it out into the communities they are doing something other than that. It shows how hypocritical they are.

The other thing we need to remember is that when we came into government we put that sort of investment not only into the BER but into building our communities and our infrastructure programs, and that of course has generated over 840,000 jobs in our community. You never hear the opposition saying how successful that has been, because we know they do not stand for jobs in our community. They know that the Labor Party stands for people. We believe in fairness and equity and that is why currently our taxes are at 22.2 per cent of GDP, compared with 24.2 per cent in 2004-05 and 2005-06. The Howard government was the highest taxing government ever in history. That demonstrates how we have been able to make sure that people in our communities are taken care of.

Look at the low interest rates of today—currently on three per cent—compared to 6.75 per cent when we came into office. That is helping people by making sure their mortgages are met and their needs are accommodated for.

I am so proud of the fact the government has been able to introduce policies like the Schoolkids Bonus, making sure that kids can go to school with all their needs, whether it be pencils, bags or payments for excursions. This is what a forward-thinking Labor government does and that is why we will not stand here and listen to this MPI based on—(Time expired)

The ACTING DEPUTY PRESIDENT: Senator Furner, your time has well and truly expired. Sorry, I was somewhat distracted and I apologise to the Senate. I call Senator Sinodinos.

Senator SINODINOS (New South Wales) (16:43): Beware of Greeks bearing gifts! That is what I say. May I begin my remarks by saying that the reason we today are debating the issue of the relentless negativity by the Gillard government is that it is a government of knockers. They knock any positive policy proposal put up by the opposition. In recent times when we released—admittedly by a circuitous route—our Northern Australia policy, our draft discussion paper on Northern Australia, what did we get from the government?

Senator Ludlam: What did you do?

Senator SINODINOS: I am not sure what the Greens thought, although Senator Ludlam seems to suggest he did not think much of it. The government knocked it instead of engaging in a positive debate about the future of Australia, something that the public out there want us politicians to do, as a class. It is the one thing they really want
from us. This was where the Prime Minister began the year. By nominating the election date the Prime Minister was saying, 'Let's have a debate about policies and positive matters and we can have the politicking towards the end of that time, in the run up to 14 September.' So we get this relentless knocking of our views for developing Northern Australia.

What is wrong with having a vision about how we develop this country, particularly those parts of this country which are relatively less populous and have a potential to be developed? Admittedly, elements of the environment there are fragile, but that is why you get the best brains in the country thinking about how we develop regions like that. Also, following the northern Australia policy, we had the dams and water policy, again released as a draft discussion paper, which went to our policy around water and water storage across the country. All these are very positive ideas that Mr Robb in the other House and others have been formulating for some time, but what did we hear from the government? Relentless negativity. Whenever an idea comes from another side of politics, they just knock it. They do not want to have a fair dinkum policy debate.

It goes to the heart of how this government sees itself. This government puts its faith in government. Kevin Rudd talks about putting government at the centre of the economy—it was in his maiden speech. At the height of the global financial crisis, which Senator Furner talked about, to Kevin Rudd that was an opportunity to put government at the centre of the economy. The coalition puts workers, entrepreneurs and investors at the centre of the economy. They are the ones who take the risks and do the work and they should be incentivised to work, to save and to invest. That is a very positive outlook. That is positive faith in your fellow man—that, given responsibility and given incentivisation, individuals, communities and businesses will thrive. No-one is truly free unless they are able to exercise choice and personal responsibility. That is a positive vision. The idea that you have to have government looking over your shoulder the whole time, telling you what to do, is the nanny state—that is paternalism; that is a relentlessly negative view of human nature. You have to be optimistic about the human condition and the capacity of people to do the right thing if you put your faith in them. I see Senator Ludlam nodding at that.

Senator Ludlam: Marriage equality, for example. Let's start with that one.

Senator SINODINOS: We can get to that in a minute, if you like, Senator Ludlam, but the faith we put in our fellow man is to be optimistic. This coalition is optimistic about the human condition and puts its faith in people.

We see the government's relentless negativity in its focus on class warfare, pitting one Australian against another. In his maiden speech—maiden speeches are always very interesting—Wayne Swan talked about the bosses and workers, and recently the Treasurer, Mr Swan, returned to the theme of class warfare, pitting one Australian against another. He talks almost as if the economy is a zero-sum game, where my gain is at your expense. No, you put your faith in individuals, they grow the pie and we are all better off. That is not trickle-down economics; that is fundamental market based economics.

This class warfare focuses on promoting a now mythical working class—I say 'mythical' because most working Australians today are aspirational, and the Labor Party has left them behind. That is what has happened. The former Leader of the Australian Labor Party, Paul Keating,
laments to this day the way in which the Labor Party has failed to embrace the aspirational classes that he claims were to some extent created by the Hawke-Keating economic reforms, carried on by the Howard-Costello government. He is right. Too often Labor speaks in class terms and not in aspirational terms. It does not seek to embrace those who are trying to do better.

You see this in the budget policies, which try and knock the tall poppies off. Labor tries to introduce more and more means testing into the system, and often these means tests are not at really high levels. We are talking about means tests which are now cutting in at increasingly lower levels. That stops people from working more hours. It disincentivises people. That is relentlessly negative. We talk about the need to raise revenue in this country. The government talks about tax as the solution—we need to tax more. That is relentlessly negative, because more tax means more disincentives. That is why we need to look at reducing spending and reducing the obligations that future generations inherit on our behalf.

We talk about a future economic growth scenario for the country. I contrast Australia with the United States, where, by hook or by crook, perhaps through a mixture of good luck and good management, they have developed a more competitive economic structure off the back of recent discoveries of oil, gas, shale and all the rest of it. I mention that not to particularly praise one energy source but to make the point that they are finding new drivers of competitiveness. We are going in the opposite direction. Our costs are going up relative to the rest of the world. It is not just the high dollar; our costs are going up across the board. The United States are finding ways to reduce their costs and are now driving manufacturing onshore when it used to be offshore. Parts of the United States are actually getting manufacturing back, and they do not need an industry plan from Washington to do that; it is happening because the market is dictating through these competitiveness changes that more manufacturing comes back onshore. And, of course, the American market is famously very flexible, including the labour market.

But where is the competitiveness agenda here, in this country, under this government? The manufacturing and innovation statement released the other day was a relentlessly negative document for two reasons. First of all, a so-called $1 billion spend is a net spend of possibly $600 million or less. In other words, about half of it appears to be spending which will not actually happen but will be diverted to funding other budget measures. In other words, the net new spending is $600 million or thereabouts; the $1 billion package as such does not exist. The main savings proposal is to reduce the access of large Australian companies and multinationals to the R&D tax incentive. It applies to companies above a certain threshold. According to advice that has been tendered in the newspapers, the Department of Innovation, Industry, Science and Research and, I think, the tax office have warned that these large companies may rearrange their operations in order to fall below the threshold and, therefore, retain their eligibility for the R&D tax incentive. That means that saving may not be there. How relentlessly negative is that? The $1 billion spend is not what they said it would be and the main savings measure may not make the savings that are being claimed. Why is that relentlessly negative? Again, here is another set of policy proposals which will actually increase the call on public resources and on borrowings.

We have already seen it with the mining resource rent tax—$126 million raised this year. There is one more instalment to go. It will get nowhere near the two or three billion
dollars it was meant to raise. We have seen the carbon tax which, if Labor is re-elected, will leave a black hole of potentially $4 billion by 2015—because when we link with the European market there is no way the Europeans will inflict a $29 a tonne carbon price on themselves by 2015 in order to please the Australian Treasury.

If only we had that power in the world, so that we could say to the Europeans, 'Fix the carbon price at $29 a tonne in 2015.' We could say to the United States, 'Do this or that for us.' We could say to the Middle East, 'Peace is around the corner. We ordain peace.' We cannot do any of that. We cannot rely on the Europeans to provide us with a carbon price which protects the revenue built into the budget. It will be a very interesting budget in May, where the government will have to front up about the potential revenue from a carbon tax in 2015-16. So, again, both the mining tax and the carbon tax are spending linked, and that spending will have to be paid for by borrowings.

Senator PRATT (Western Australia) (16:53): I am delighted to be able to debate this motion this afternoon and indeed to highlight the government's commitment to governing in the best interests of all Australians. The failure of those opposite to sustain significant policy debate, I think, is doing this nation a great disservice. But I am somewhat heartened by Senator Sinodinos's contribution this afternoon because you can see within that the true ideological divide in the very policy measures that we are talking about. The motion itself says absolutely nothing. It is a debate about a motion about negative politics, creating yet another run of negative politics driven by the opposition. I am quite happy to debate members in this chamber about the policy issues that are critical to the direction of this nation. But what we need to do is to get on with governing and governing in the best interests of all Australians.

There is nothing wrong with means testing. We are not a country of tall-poppy activists in this country. It is simply good public policy to make those who can afford it pay and to make those who cannot afford it pay less. These are the underpinnings of a stronger, fairer, smarter, modern Australia. It means we need to be committed to the right policies that are targeted to the needs of Australians and setting out their details and costings, and making sure they are fully funded. These are the things to which the Labor government is committed.

What we get from those opposite are slogans, sound bites and uncosted policies, tailored to suit whatever audience of the day they are trying to reach. The motion that we are debating today is just another sound bite—no policy critique; no vision of their own. Certainly no policies targeted at the best interests of all Australians are coming from the coalition. You can see this very starkly in the agenda in political debate that has emerged in just the last fortnight.

I give my wholehearted support to Labor's Aussie job $1 billion plan for manufacturing. From a Western Australian point of view, whether you are wearing a state hat or a federal hat, when you look at the Labor Party's policies compared to the National-Liberal Party's policies you will see there are clear ideological divides—clear divides in the way we would like to plan to give industry a leg-up and a boost in this country. It is Labor's plan that I think best serves this country in terms of jobs, growth and future opportunities.

We know that Western Australia has had a massive boom in mining investment. The effects of this have been felt right around the country and in Western Australia. But it has not been good news for everyone. Surely
every person in this place can accede to that. For some it has actually made life much more difficult—the high dollar and intense competition. It has hit manufacturing, it has hit tourism, it has hit agriculture and it has hit other sectors of the economy. But what we have is a plan that federal Labor has put forward, and it is remarkably similar to one put forward by state Labor, which represents a shift in industry policy. They are plans which put the needs of workers first and are focused on converting the massive pipeline of investment into jobs. We have got, still, a $268 billion pipeline of investment in this country, and we need to make sure that we maximise the dividend from that investment into Australian jobs.

We have been focused on working with business, industry, unions, government, researchers, and the education and training sector so that we can have a plan for what to do. We have a significant plan, the first principle of which is to back local industry to win more of this work. What we are asking—in fact, requiring—of our big corporations and our big projects, whether they be government projects or industry projects, is to map out plans for local industry participation. We are doing that through our Australian Industry Participation Authority and the proposed Australian Jobs Act. We will also be focused on local industry precincts, and you can see this through Labor’s commitment to establishing some innovation and industry precincts.

In contrast, how are those opposite responding to this situation? They do not have a plan. They voted against Labor’s Skilled Jobs (Benefits from the Boom) Bill in the state parliament in WA. And Sophie Mirabella has committed the opposition to opposing our jobs plan. You can see the ideological divide here. Labor wants to make sure that Australians and local companies doing local work here in Australia have the opportunity to tap into this massive pipeline of investment. Those opposite want a far more laissez faire approach to this where corporations can just contract out at any cost to businesses overseas, and you can drive a truck through the industry participation plans as they currently exist.

So where is the coalition in standing up for ordinary Australians? Where is the coalition when it comes to standing up for Aussie jobs? I know that the resources we are digging out of the ground are finite. They can only be used once. What we need in this country is a plan to develop a skilled workforce that can create new industries and new jobs for the future. This has to be achieved long, long after the construction and mining boom has gone.

We need a government that is prepared to stand up for all ordinary Australians, just as the Gillard Labor government is committed to doing.

What else are we doing to govern in the broad interest of all Australians? There are important things like making sure that families can make ends meet. We have our Schoolkids Bonus. We are preparing Australia for the future and delivering on Labor values that are inclusive of the needs of all Australians such as reforming aged care, introducing the National Disability Insurance Scheme, committing to changing education funding in this country through Gonski, planning for dental care, planning for skills training, and planning for infrastructure. As the government we know that we are going to have to make some difficult and tough economic choices in order to deliver these priorities. When you talk about needing to govern for all Australians—and you cast out those who do not get the care and support that they need when they are in aged care, who do not get the care and support they need when they...
have a disability, who were in impoverished schools that are not getting the targeted funding they need, who are locked out of education skills and training, who are living in communities without adequate community infrastructure—you know that these are all national priorities that we will not solve overnight. You can only solve them with a plan. You can only solve them with a commitment. You can only solve them as part of a national agenda where you are prepared to work with the states and, at times, be tough with them.

If, as a country, we are going to solve these significant problems we cannot just leave the states to figure it all out for themselves. These are national problems and require national support to help resolve them. I have respect for the role of the states. I am a former state MP and I have been involved in state politics. We are a country that desperately needs to tackle some of these issues at a national level such as things like disability funding, the inequities in our education system, the fact that dental care has been missing from the health system as if it does not exist, and the need for a national infrastructure plan. We know that we will need to make tough choices to deliver on policies that truly deliver to all Australians. We will need to understand the people's priorities, the nation's priorities, to deliver on things like Gonski and the NDIS, and to deliver on job creation.

From those opposite we have relentless negativity that is aggressive and destructive. I would like to stand up an optimistic Australia—(Time expired)

Senator BERNARDI (South Australia) (17:03): On behalf of the coalition, it is a pleasure to stand here and counter some of the claims made by Senator Pratt. It is extraordinary that Senator Pratt must take the Australian electorate for granted. She must think that the people listening to this have the attention span of goldfish and that they are, somehow, going to forget about all the negativity and all the failures of the last five years in the hope that they are going to paint some promises for the next five years should they be re-elected. Let me concede, Senator Pratt, that there is an ideological divide between us. There is a gulf that is so big and so stark to the Australian people. It is a gulf between competence on this side of the chamber and incompetence on your side of the chamber. It is a gulf between honest on this side of the chamber and blatant dishonesty on your side of the chamber. It is about accountability and history in government that is over here versus excuses—and pathetic excuses at that—over the other side. It is about solutions to the problems that you have created on your side of the chamber. They are your problems that the Australian people are desperate to have solved, Senator Pratt. How can you come in here and be proud of your record? It says something about the very low bar that you set for yourself and for your colleagues. It is about hope on this side of the chamber versus hopeless over there. It is a sweeping generalisation about hopelessness. It is about stability here.

Government senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Just one moment, Senator Bernardi.

Senator BERNARDI: I am just getting started.

The ACTING DEPUTY PRESIDENT: I know, and I hate to interrupt you in midstream like that, but the chamber is getting too rowdy. I would ask for order. Order! Senator Polley. Senator Bernardi, you have the call.

Senator BERNARDI: It is, as I said, a difference between hope for the Australian
people from a coalition government versus hopeless on that side of the chamber. It is about the stability of a sensible government run by adults rather than the childish recklessness by those of the Labor Party. It is about the strength of our nation versus the weakness that Labor has plunged us into.

*Senator Pratt interjecting—*

**Senator BERNARDI:** Yes, indeed, Senator Pratt, there is an ideological divide.

**The ACTING DEPUTY PRESIDENT:** Order! Senator Bernardi, just pause there for a minute. Senators, this has been a little bit of a rowdy debate through the course of this whole discussion. However, enough is enough, and people need to tone it down considerably. Senator Bernardi.

**Senator BERNARDI:** Thank you again, Mr Acting Deputy President. It may illustrate my point that there is a stark gulf between us about the courtesy in which we have observed and heard the others in silence versus the wilful interruption and the disrespect that is shown from the other side. That only pales into insignificance with the disrespect that they have shown to the Australian people. This government has not demonstrated a positive vision for the future of this country.

All that the faceless men and their acolytes are consumed with is clinging to power. So they scramble and they struggle. They introduce these ad hoc policies, which, as we know, have more and more spin attached to them, just to keep their heads above water. But they are drowning and the Australian people are drowning with them. And, contrary to what those on that side of the chamber might say, it is not due to climate change and rising sea levels. It is due to your incompetence. You are unable to swim in the big ocean that requires navigating as this government.

Labor cannot competently run the country and that is why their greatest skill, their only skill, is to take anything positive, any ounce of initiative—the spirit, the kernel of entrepreneurship that has governed this country, run it and seen strength and positiveness build up in it—and stifle it by running their bludgeon hands and their big government poetry over it. They will always attack those with hope and optimism for the future. And they do that because their leader, the Prime Minister, has demonstrated many, many times that negativity is their modus operandi. She is more concerned about calling the opposition leader names than coming out with practical solutions to improve our nation. You know instinctively and the Australian people know that there is something desperately wrong with that approach from a national leader.

Ask yourself: what is this Prime Minister most famous for? It is hard to make a choice, but she gave this famous speech in which she labelled the Leader of the Opposition a misogynist, simply because he happened to disagree with her policy approach to things which have demonstrably failed in so many areas. She is of course famous for promising the Australian people that there would be no carbon tax under a government she leads. We now have the world's biggest carbon tax. It is an extraordinary admission of failure, to make that promise at an election, to then inflict it upon the Australian people and to then have the puppet masters behind the Prime Minister, people such as Paul Howes from the AWU—who hangs out with billionaires in his private time—saying on the public record that there is no carbon tax in this country. You cannot believe the sense of delusion and detachment from the reality that is confronting the Australian people more so than that from Mr Paul Howes and his union comrades.
But the Prime Minister is also famous for stabbing her colleague, the former, duly-elected Prime Minister, Kevin Rudd, in the back and taking over the leadership of the Labor Party at the command of the faceless men. None of these are good stories. We know that; they are part of history. But the problem is that Labor have been so consumed with their guilt and how to atone for their sins over the last five years that they have no vision for the future. The only thing they can say to the Australian people is: 'Please, forget about the past; we've got these great plans that we are going to instigate in the future when the budget returns to surplus.'

Let me draw upon the words of my colleague Senator Brandis yesterday: 'This government will go down as the first government in nigh on 100 years never to have delivered a budget surplus,' because Mr Swan and Ms Gillard, who promised repeatedly that there would be a budget surplus because it would be in the interests of the country, have not been competent in managing Australian taxpayers' dollars.

Senator Furner earlier in his contribution talked about low government expenditure as a proportion of GDP. What Labor conveniently ignore is the $50 billion, or thereabouts, every single year—that is, almost $1 billion a week—that they borrow from overseas to prop up their extravagant and wasteful spending. It beggars belief that Senator Furner can talk about how proud he is of these beautiful school halls that only cost twice as much as they would have under any competent building program. It is extraordinary that they wasted $8 billion. He must be equally proud of the pink batts in all the houses, which cost another $1 billion to remove because they resulted in deaths and houses being burnt down. He must be equally proud of the taxes that are going up and up and up and are making it very tough for the Australian people to make ends meet. What is Labor's answer to that? 'We'll just hand out some more borrowed money to you.' It is not sustainable and the Australian people understand that.

The Australian people are looking for optimism and a vision for the future. That is why the Australian people welcome plans that come out about expanding our use of dams for perhaps generating power or storage of water or about tax reform and abolishing some of the pernicious taxes that have been inflicted upon the Australian people. They want more flexibility in their workplace relations laws so that they can employ more people and small business can get on with doing what it does best: generating wealth for the owners, the workers and the community. They want the government to get out of their lives. They do not want the heavy fist of this Labor socialist Greens alliance that is just creeping into every aspect of day-to-day life. This is the negativity that has been sown over five years in this country. I would ask the Australian people to cast their mind back to that bountiful and golden time of the Howard years, even as recently as 2007, when people thought running the economy was easy, that anyone could do it—'We'll even give Kevin Rudd a go.' That was when, apparently, Kevin Rudd was a conservative.

The result is stark. Unless you are committed to a true course of action that is consistent and ideologically sound, rather than adopting this haphazard approach of throwing up policies, cooking them up in a plane on the back of an envelope, like the NBN and other fiascos—unless you are diligent, committed and understand where you want to go in government, as in life, you will end up somewhere other than where you want to be. Even the Labor Party, even their fiercest acolytes, have to acknowledge that not one person in the government wants to
see us in the position that we are in today, compared to where we were six years ago.

Senator FAULKNER (New South Wales) (17:14): I rise to speak on this matter of public importance. This afternoon the Senate is witnessing the political theatre of the absurd, exemplified by that contribution—and I am being generous—by Senator Bernardi. The opposition, the most negative in Australian political history, has itself initiated a debate on negativity. That same opposition, incredibly, accuses the government of negativity. Does the opposition have any capacity at all for self-assessment? Does the opposition have any understanding at all of its own shortcomings? Does it have no insight, no shame to initiate such a debate?

This is the pot calling the kettle black, Senate style. I am reminded of a poem from Maxwell's Elementary Grammar—William Henry Maxwell's indispensable guide to English grammar published early last century. We always hear from Senator Brandis how erudite he is—Senator Brandis interjecting—

Senator FAULKNER: We do, and of course you are. So I thought I would share this poem with Senator Brandis and the Senate. It goes like this:

'Oho!' said the pot to the kettle;
'You are dirty and ugly and black!
Sure no one would think you were metal,
Except when you're given a crack.'

'Not so! not so!' kettle said to the pot;
'Tis your own dirty image you see;
For I am so clean—without blemish or blot—
That your blackness is mirrored in me.'

Of course, all the hard-bitten people around this building would say that there is no purity in politics. But there are no political points to be gained for hypocrisy either, and this MPI absolutely takes the cake for political hypocrisy, because we have seen an orgy of negativity from those opposite. The Liberal Party, led by Mr Abbott, have turned negativity into an art form. It is so mindless, so knee-jerk, so Pavlovian.

We all remember that the opposition said no to economic stimulus and safeguarding Australian jobs during the darkest days of the global financial crisis. We all know that the opposition says no to taxing big miners and no to an increase in superannuation contributions for Australian workers. The opposition says no to making big polluters pay for carbon emissions, no to a cleaner and healthier environment for future generations of Australians, no to the National Broadband Network and no to giving Australians faster and more efficient access to the worldwide web and the digital economy. The opposition says no to health reform, no to the Schoolkids Bonus, no to increased family payments, no to increased payments for pensioners and no to increased payments for students. But of course they do not stop there. The modern Liberal Party—Senator Brandis's lot—also say no to putting out any policies before the election. They say no to publishing any costings and no to telling us where their $70 billion in cuts over four years will come from to fill their infamous budget black hole. So yes, there is a pattern here: mindless, carping negativity about the government. But about their own intentions we have nothing but deliberate obfuscation and deception.

Simply put, the allegation in this matter of public importance, of government negativity, is preposterous. It just does not stand up. On the other hand, the government does have a positive agenda. The government continues to do what is necessary to keep Australia's economy strong, to look to the future, to provide opportunity to all, to have the determination to do what is right—even at the cost of short-term popularity.
economy is healthy, strong and growing. Our books are the envy of the world's advanced economies. We avoided recession and not only saved hundreds of thousands of jobs but created jobs. Our economy is nearly 13 per cent bigger than when Labor came to office in 2007. Australia is now the 12th largest economy in the world. Since Labor came to office we have moved up three places in the rankings—passing South Korea, Mexico and Spain. For the first time in our history, Australia has a AAA credit rating from all three ratings agencies.

This was never achieved during the Howard years, and we are currently one of only seven—

Senator Brandis: Acting Deputy President, I rise on a point of order. As Senator Faulkner surely knows, during the Howard government Australia had a AAA credit rating from all international ratings agencies.

The ACTING DEPUTY PRESIDENT (Senator Marshall): That is a debating point, Senator Brandis. Resume your seat. There is no point of order.

Senator FAULKNER: Not only is Senator Brandis overwhelmingly negative, he does not know the standing orders of the Senate. I suggest he goes and learns them. It will do him good for the future as those long years in opposition roll on.

We now have a low unemployment rate, too—just 5.2 per cent, compared to 11.7 per cent in Europe. Over 840,000 jobs have been created since Labor came to office in 2007. Inflation is contained within the RBA's target band, giving the RBA the flexibility it needs to keep interest rates low, taking the pressure off mortgagees. Interest rates are currently lower than they were at any point during the period of the last Liberal government. And we have low net debt: as a percentage of GDP it is around one-tenth of the rate across major advanced economies.

It was the American writer Mark Twain—I believe previously quoted by some opposition senators—who said in his 1889 novel *A Connecticut Yankee in King Arthur's Court*:

… one mustn't criticise other people on grounds where he can't stand perpendicular himself.

Mr Abbott and his Liberal liegemen in the Senate here could well take account of Mark Twain's advice.

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

AUDITOR-GENERAL'S REPORTS

Report Nos 23 and 24 of 2012-13

The ACTING DEPUTY PRESIDENT (Senator Marshall) (17:24): In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:

No. 23—Australian Government reconstruction inspectorate’s conduct of value for money reviews of flood reconstruction projects in Victoria: Department of Regional Australia, Local Government, Arts and Sport

No. 24—Preparation and delivery of the natural disaster recovery work plans for Queensland and Victoria: Department of Regional Australia, Local Government, Arts and Sport

DOCUMENTS

Board of Taxation

Order for the Production of Documents

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:25): I table a statement relating to the order for the production of documents concerning tax arrangements applying to collective investment vehicles.
Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red. Statements of compliance and letters of advice are tabled in accordance with the continuing orders on departmental and agency files and contracts.

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

BILLS

Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator IAN MACDONALD (Queensland) (17:26): Before this debate was interrupted by question time, I was indicating to the Senate that I, like my colleagues, will be supporting the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012.

I mention, for those listening to this debate, that speakers get a maximum of 20 minutes to contribute on the bill. Just before two o’clock, when I started my contribution, I indicated my support for the bill. I also took the opportunity at that time, when all of the government ministers were in here preparing for question time, to describe a situation in Townsville. We hear many fine words about recognition of Aboriginal and Torres Strait Islander people—and I agree with the need for recognition and I agree with the contents of this bill. There is a situation in Townsville at this very moment that involves Indigenous people, many of whom do not come from Townsville but come from outlying areas up in the gulf and Cape York, some 300 or 400 kilometres from their home base, and do not have big support networks in Townsville.

Until recently those people were able to get a state government sponsored taxi fare to the hospital for renal dialysis. For whatever reason, the state government suspended that program. I do not want to get into the blame game, but this has resulted in a terrible situation for those Indigenous people requiring renal dialysis. There was a community group that had started to transport them—a group of volunteers who convey people around Townsville. Without going into detail, for a number of reasons it became impossible for that not-for-profit community group to continue doing that at no charge. One of these Indigenous people in Townsville has already died, and I am told that four have died since this transport service was stopped.

I took that opportunity just before question time, while ministers were in the chamber, to say: please can you do something about this? If you are really interested in Indigenous people, do something positive that will help bridge the gap that you speak so much about. I asked ministers: please refer the three ministers I wrote to to my letter of 20 February. Have a look at it; please do something urgently.

I thought everyone in this chamber would agree with me. Some of my Labor colleagues shouted at me. I think it was Senator Sterle—if it was not him, I will apologise later; if it was not him, it was one of his colleagues—who said, ‘You wouldn't even know what an Aborigine looked like.’

‘How dare you raise this in this debate!’ I heard another of the Labor senators say. I find that appalling and offensive. It is not offensive to me but to the people that I am trying to help in this chamber.

Why did I raise it here? I raised it because it is now six days ago that I wrote the ministers an urgent plea—not a political plea—to help these people. Why? I had been
asked by Indigenous people to help them. I
had appeared on the Indigenous radio station
4K1G in Townsville, and I have had two
discussions with the presenter about this very
issue.

I have had no response from the ministers' ofﬁces. Admittedly it is only six days, but
this is a matter of life and death. So I take
the opportunity to alert the ministers to this
critical situation—to say, 'Please do
something about it'—and all that happens to
me is that I get shouted at by Labor members
of parliament. These are the same members
who will get up and give very impassioned
speeches about Indigenous and Torres Strait
Islander people, and yet when there is an
opportunity to do something to help
Indigenous and Islander people all I get is
abuse.

Just for the Labor senator who
interjected and said, 'You wouldn't know what an
Aborigine looked like,' may I say that, unlike
most Labor senators, who live in the cities—
in the flash houses or apartments—and many
of whom went to the flash private schools, I
went to a state school. And I grew up with
both Aboriginal and Islander kids. I have to
confess that I had some problem with
Aboriginal and Islander kids because they
were always the ones who tackled me
hardest at Rugby League. They were the
ones who were game winners in basketball,
because they were very talented people.
They were the ones who would attend parties
at my house and win some of the young
females that I was trying to deal with. So I
find it very offensive that Labor senators
suggest that I would not know what an
Aborigine looks like.

I only raise these things to say that I have
lived and worked with Indigenous people.
And I know that the issues that are of interest
to Aboriginal and Islander people are not so
much the ﬂowy words of apology—

although they do play a part—but the need
their people suffer as a result of being treated
as being different. It started with Whitlam
saying, 'Look, we owe you a living. We've
wronged you. So don't bother to do anything;
we will feed you and clothe you and you
won't have to work.' Indigenous leaders now
understand—Noel Pearson is one—that the
welfare society imposed upon Indigenous
people by the Whitlam government and
subsequent 'socially conscious' people from
the other side of the chamber, is the worst
thing that has ever happened to Indigenous
people. And their leaders now understand
this.

So why couldn't some of the time and
money that we have spent on this particular
bill, which I think everyone agrees with—
everything spent on all the committees,
inquiries and other costs—be put into
transport for Indigenous people requiring
renal dialysis in Townsville? And I am sure
the same thing happens everywhere else.

I return to the bill before us. As I said
earlier, this bill says:

(1) The Parliament, on behalf of the people of
Australia, recognises that the continent and the
islands now known as Australia were first
occupied by Aboriginal and Torres Strait Islander
peoples.

Whilst I am supporting the bill for its
symbolism, I have to say that I think most
Australians actually understand that
Australia was first occupied by Aboriginal
and Torres Strait Islander people.

The bill goes on to record:

(2) The Parliament, on behalf of the people of
Australia, acknowledges the continuing
relationship of Aboriginal and Torres Strait
Islander peoples with their traditional lands and
waters.

I think there would be few, if any,
Australians who need an act of parliament to
inform them of that. And I think most
Indigenous people accept that every other Australian accepts those two things.

And, of course, the bill goes on to say:

(3) The Parliament, on behalf of the people of Australia, acknowledges and respects the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples.

Again, I think most Australians, without this bill, would have accepted, acknowledged and respected those cultures, languages and the heritage. And I think most Indigenous and Islander people also accept that other Australians accept that.

So, whilst this is symbolism—whilst it is, I guess, a step in the right direction—I do not think it is the most important issue that confronts our country as it deals with Indigenous people. The Labor Party talks a lot about closing the gap, but it never seems to happen. Even last week a woman—she was half Aboriginal and half Islander; she proudly told me her family history—came into my office and said, 'Please, Senator, can you help me. We've always voted Labor because the Labor Party come and promise us everything. They've been doing it for 20 years. They keep giving us the same promise every year and we keep voting for them, but nothing ever happens. Can you please make sure something happens.' She was speaking in relation to the protection of children in trouble.

I do not want to be political about this, but if you look at the results in the Queensland election you will see that places like Palm Island—an Indigenous community off Townsville—for the first time ever, had a majority vote for the LNP.

We usually used to get five or 10 per cent of the vote on Palm Island. This year on first preference we got 48 per cent, from memory, and on two-party preferred an enormous vote. Have a look at what happened in the Northern Territory election. Indigenous people understand that the Labor Party is all talk and very little action.

The coalition and the Liberal Party, of which I am a member, are very proud of our involvement with Indigenous people, particularly with Indigenous people in parliament. We do not need 'captain's picks' to get Indigenous people to parliament. We have had Indigenous people approach us, become part of the party and stand for preselection against all other comers.

Eric Deeral, I remember, was the first Indigenous member in a state parliament. He came from the electorate of Cook, which includes Cape York and the Torres Strait Islands. I think Eric was a Cooktown person. I did know him. He was a member of the National Party in the Queensland parliament. Of course, my friend and colleague Neville Bonner was the first Indigenous person to ever set foot in this parliament of Australia. Again, he was a guy who got here on his own merits, not by a 'captain's pick'. He was selected by members of the Liberal Party as the best person for that position. I often recount and well recall how Nev Bonner stayed at my flat one time before I was married. I warned him that it was a flat that did not have all that good a reputation for parties and those sorts of things, but he was happy to spend the night in my flat and I was honoured that he did. He was a very fine man.

Ken Wyatt is another Indigenous person who is currently a member of the House of Representatives and who is a very significant person. Whether he is Indigenous or anything else, he is a real achiever and a real leader. I am delighted that he is a member of our party. I remember even the Democrats had an Indigenous senator at some time.

The Labor Party have never had it in their souls to select an Indigenous person, so the Prime Minister has had to have a so-called
'captain's pick'—overturning one of the Labor senators who, I have to say, has done more for the Indigenous communities than any other Labor politician I can remember. She has been thrown over so that the Prime Minister's Indigenous 'pick' could take her place in the Senate. As with all of these things, actions speak louder than words. I am, as I say, delighted that I have known Indigenous people who have represented all Australians in state and federal parliaments of this country.

This bill does hopefully take reconciliation further, but I keep saying the best form of reconciliation is to give Indigenous people the same opportunities that every other Australian has: a good education; a good opportunity to get a job and become a member of our community—not someone different, not someone who needs special attention, but someone who has the same opportunities as every other Australian. That is the important challenge. Sure, apologies take the fancy of the media but they do not, in effect, do a hell of a lot for a very disadvantaged group of people in a country as lucky as Australia. I look forward to the day when an Abbott government—should we be elected at the next election—can continue the process of real advancement for Aboriginal and Torres Strait Islander people in this lucky country and land of plenty.

Senator MADIGAN (Victoria) (17:42): I welcome, the DLP welcomes and I am sure the majority of Australians welcome the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012. I think it is important that we as a nation take the opportunity to listen to Aboriginal Australians and Indigenous Australians to determine the sort—if any—of constitutional recognition necessary and that they be fully involved in this process. I am hopeful that the government will allow for a more transparent and inclusive procedure to determine the course of this process to referendum than was afforded to the communities in the Northern Territory through the Stronger Futures legislation.

In the 1967 referendum, the majority of Australians voted to give Indigenous Australians the right to vote, which they did deserve, do deserve and should have always had. Let us all focus on the future and not on the past. Hopefully, we can not politicise this debate, can stop attributing blame to one another and can just get on with it. We need genuinely inclusive and thoughtful discussion. Actions speak louder than words. We need tangible actions in Indigenous health, education, self-empowerment and employment. I look forward to this legislation and will be providing my contribution in due course on what I believe the final outcome of this process should be. Ultimately, it should be for the good of all Indigenous Australians.

(Quorum formed)

Senator PRATT (Western Australia) (17:46): It is a real honour to be able to speak this afternoon on the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012, which brings our nation a step closer to the constitutional recognition of Aboriginal and Torres Strait Islander peoples as our nation's first peoples. There is no doubt about the need to fix the historical exclusion of Aboriginal and Torres Strait Islander peoples from Australia's Constitution, and I am very pleased that there is bipartisan support for this recognition—recognition that I think will enhance our national character, reflect us for who we truly are as a nation and reflect the fact that this nation's relationship with Indigenous people is one of its greatest national assets but that we will not maximise this asset unless we recognise it. Therefore, it
is a relationship that should be reflected in our Constitution, and I am glad that this bill brings us a step closer to that recognition.

We also need to remove the remaining discrimination from our Constitution—the part of the Constitution that says people can be banned from voting based on race. Our Constitution is more than a century old. It has some wonderful attributes. It has in many ways served our nation well, but its exclusionary nature—the fact that for many years it disenfranchised people—has also been a blight on us. So as a document—as a set of guiding principles to underpin the functioning of our nation—it cannot truly serve the nation well unless it serves all its people. I know that even conservatives accede to this point.

We need a Constitution that recognises the first chapter of our national history. I believe in this not as an act of reconciliation but as an act of the fundamentals of the fabric of our country. It is about the foundation of this nation and who was here when our national story began to develop. We need a Constitution that recognises the simple fact that Indigenous people have lived in this land for some 40,000 years, keeping alive the world's oldest continuous cultures. So it is remarkable to me that our Constitution should pretend really just to be a reflection of the last couple of hundred years of our history. We need a Constitution that reflects our true national character.

It was a blight on our nation that the document that serves as the foundation for our democracy in government as a nation mentioned Aboriginal and Torres Strait Islander people only to discriminate, only to exclude.

I would like to use this debate this afternoon as an opportunity to reflect on what I think is an important element in addressing social disadvantage. As a nation we really need to be focused on the participation of Indigenous people in decision making. I ask senators in this place, through you, Mr Acting Deputy President: would the women in this nation have made the gains that we have without being at the table, without being in parliament? I think not. Without having gained the right to vote some 100 years ago? Again I think not.

I truly believe that, until Indigenous people in this country are in the room making decisions for Indigenous people, Indigenous communities and Indigenous people will not experience the kinds of gains that non-Indigenous women by comparison have made. It is little wonder that we have high rates of poverty, high rates of social exclusion and high rates of incarceration for Indigenous people in our nation. It is no wonder when, for six decades of the history of our democracy, Indigenous Australians could not vote and were excluded as citizens. Fortunately, today, Australia prides itself on being a place of fairness—but still our Constitution does not recognise the first Australians and lets states ban people from voting based on their race.

I truly believe that Australia is ready for a new, stronger and deeper relationship with its first people—a relationship that is not based even on reconciliation but is based on recognition, as the recognition campaign clearly illustrates, of the fact that Australia's first peoples are at the very heart of our nation and that they deserve that celebration and recognition. This is about so much more than bringing our country together after chapters apart. It is about recognition. Like native title, it is about respect and recognition of the Aboriginal people's relationship with country. The relationship of Indigenous people to country is a great national asset. It is celebrated in the best art in the country, in dance, in culture, in
language and, today, in the very fabric of what it means to be Australian.

For me, it is a principle that brings me closer to my own attachment to the land of our great country. It is not just about lines on a map. It is not just about property rights—although that is important, especially for native title holders. It is about our social relationships with each other and our relationship with the land. Recognition of Indigenous peoples in our Constitution puts these very, very Australian values at the very, very heart of our Constitution, our most important national document.

To give promise to these kinds of values, to hold true to the promise of this bill—the promise we are making in this bill as we pass it through this place—we will need to continue the work required to ensure that Indigenous people have a place in all levels of decision making in this nation, especially in decisions that affect their communities and decisions that are made as this bill is implemented. I am really privileged to see on a daily basis Indigenous communities around the state of Western Australia, and I see the best possible outcomes for communities emerging when they are empowered and in control. So, once this bill passes, the real work will continue to ensure that a future referendum on the question of recognition is successful.

We all know that the history of constitutional change in this country has not been an easy one—few of them get up—but, if I could wave a magic wand and change the Constitution tomorrow, I would not. We need this nation to vote, to understand in their hearts and minds what this means, for Australians to vote to say we are a confident and united country that wants to recognise our first peoples. The act of constitutional recognition of Australia's first peoples will be an expression of who we are as a nation and who we want to be in the future. It is not just about reconciliation; it is about recognition. It is a great opportunity for all Australians to be able to participate in saying something important about our national identity and our national wellbeing. This is not just a few lines in our Constitution; it is a statement about the importance of Indigenous Australians and Indigenous culture to the fabric of our nation.

Senator RONALDSON (Victoria) (17:56): I want to speak on the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 tonight but not for the full allocated time. In particular, I want to associate myself with the speech given by the Leader of the Opposition, Mr Tony Abbott, on this bill, in which he said:

I believe that we are equal to this task of completing our Constitution rather than changing it.

Along with the rest of the coalition, I welcome this bill, which is an important step towards constitutional recognition of Indigenous Australians. Mr Abbott said:

… our challenge is to do now in these times what should have been done 200 or 100 years ago to acknowledge Aboriginal people in our country's foundation document. In short, we need to atone for the omissions and for the hardness of heart of our forebears to enable us all to embrace the future as a united people.

This bill provides a mechanism for the continued work of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, whose formation was originally announced in December 2010. The preamble to this bill affirms this whole parliament's commitment to building the consensus necessary to recognise Aboriginal and Torres Strait Islander peoples in our Constitution through a referendum. The preamble recognises that 'the Aboriginal and Torres Strait Islander peoples were the first inhabitants of
Australia; that the parliament is committed to placing before the Australian people at a referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples; and that the parliament is committed to building the national consensus needed for the recognition of Aboriginal and Torres Strait Islander peoples in our Constitution. I think the key words in there are 'building the national consensus needed for such recognition'.

The bill recognises the hard work of the expert panel but also recognises that much more consultation and consensus is necessary to enable a referendum to be successful. The coalition is very thankful for the work completed so far by the panel, which is co-chaired by Professor Patrick Dodson and Mark Leibler AC and includes my colleague in the other place the member for Hasluck, Ken Wyatt, who is the first Indigenous Australian to be elected to the other place. This bill provides for an act of recognition by the parliament of the unique role of Indigenous Australians as the first inhabitants of this nation. This is in response to recommendation 3 of the expert panel's report. The bill aims to promote awareness and support in the community towards a successful referendum, which the coalition and Tony Abbott support and, indeed, have pushed for.

In relation to the coalition and Indigenous affairs, I think it is important to place on the record our proud history when it comes to advocating for Indigenous Australians—indeed, ever since the Liberal Party was established, in the 1940s. Firstly, the coalition introduced the 1967 referendum which proudly gave constitutional recognition to Indigenous Australians and removed racially discriminatory provisions from the Constitution. This referendum, of course, was sponsored by both Harold Holt and Gough Whitlam. It was the coalition government under Malcolm Fraser that passed the Aboriginal Land Rights (Northern Territory) Act in the mid-1970s. Indeed, during the 1998 election campaign, former Prime Minister John Howard also promoted a constitutional amendment to recognise the prior occupation of Australia by Indigenous Australians, as well as their contribution and place in Australian society, as part of the 1999 republic referendum. The coalition then committed to hold the referendum that this bill aspires to achieve at the 2007 election, which Labor did not match until 2010. We have indeed, therefore, maintained our commitment to this cause.

The bill supports the bipartisan nature of this bill and wants to see this referendum succeed. The Leader of the Opposition, Mr Abbott, in taking a bipartisan approach recognised the work also completed by the Australian Labor Party in Indigenous affairs, recognising 'the stain on our soul that Prime Minister Keating so movingly evoked at Redfern 21 years ago', as well as the national apology jointly made by the former Prime Minister Kevin Rudd and the former Leader of the Opposition Brendan Nelson.

Nevertheless, it must be acknowledged that little progress is being made by the current government to build the community consensus needed for this referendum to succeed given that we are so close to the next election. It is necessary that much more work be done. It is proper for this referendum to be put only when wide community support and consensus has been achieved, given the difficulty in achieving successful referenda in Australia's history—noting that only eight out of 44 proposals to amend the Constitution have been successful. That is why much more work needs to be completed
now in order to achieve this consensus as soon as possible.

Accordingly, we must build a national consensus on this issue to achieve a successful consultation, a successful referendum and appropriate words recognising Indigenous Australians in the Constitution. This will obviously involve extensive consultation with Indigenous Australians and also with Australians across the board, as we want to see that the words in the Constitution recognising the First Australians are such that we can all be proud of them. What we want to see is not something that is divisive but something that unites all Indigenous Australians, and Australians as a whole, in working towards a common future and common goals in a united Australia. As the Leader of the Opposition, Mr Abbott, said: It will ... be a challenge to find a form of recognition which satisfies reasonable people as being fair to all. It will not necessarily be straightforward to acknowledge the First Australians without creating new categories of discrimination, which we must avoid because no Australians should feel like strangers in their own country.

The Leader of the Opposition is committed to achieving this recognition in the Constitution, saying: The next parliament will, I trust, finish the work that this one has begun.

As I come towards the end of my contribution, I want to quote the words of my friend and colleague in the other place Ken Wyatt, who proclaimed: Because a time has come, well and truly come, for all peoples of our great country, for all citizens of our great Commonwealth, for all Australians—those who are Indigenous and those who are not—to come together to reconcile and together build a new future for our nation.

I think it is fair to say that recognition in the Constitution is no substitute for addressing Indigenous disadvantage, and I note with some interest that there are those who walk the walk in relation to this matter and there are those who talk the talk. I think it is very important to put on the public record the engagement of Mr Abbott in Aboriginal communities since 2008. Indeed, that has culminated in Mr Abbott making it quite clear that if he is given the enormous honour of being elected as Prime Minister of this country then he will take a contingent of about six public servants engaged in Indigenous policy, including the head of the Indigenous affairs department and senior Treasury and Department of the Prime Minister and Cabinet officials, to work with him for at least a week a year in Aboriginal communities.

Those who are aware of the work that Mr Abbott has done will be acutely aware that he does not arrive in those communities in a suit and is not a visitor for a day from Canberra but gets down and get his hands dirty. He works with the men and women and children in those communities and makes a real contribution. I think that is the sort of leadership that we need. Indeed, looking at some of the comments of Mr Abbott in some of his Press Club speeches, in his 2013 Press Club speech he said in talking about this issue:

That’s why I’ve tried to spend serious time in Aboriginal communities rather than rely on flying visits.

It’s why I’ve tried to be useful in remote communities as a teacher’s aide and builder’s assistant rather than just a glorified tourist from Canberra.

He went on to say:

This won’t stop should the Coalition win the election.

I have already indicated the comments about where Mr Abbott will be.
I will finish on that note and I will say again that mere words are not going to achieve the recognition that both this place and the other place, through their bipartisan support for this bill, desperately want to achieve. It will not be achieved unless we take all Australian people with us. The only way that can be achieved is with a lot of hard work from everyone in this place and the other place. It is going to require leadership and it is going to require political leadership. It is going to require Indigenous leadership. It is going to require people like Mr Wyatt from the other place to take a lead role in relation to this. No-one should underestimate the challenge of this task, and if we do underestimate it we are doomed to failure. So the important thing for us in this place and the other place is to appreciate the magnitude of the challenge and to set ourselves the challenge of bringing the rest of the Australian community with us. I have no doubt that the majority of Australians want to achieve this goal. In the words that we ultimately choose we must provide them with a level of comfort so that they will come with us. As I said before, there is no point talking the talk in relation to these matters; we have got to walk the walk. I very much support this bill and particularly reinforce associating myself with the comments of the Leader of the Opposition.

Senator THISTLETHWAITE (New South Wales) (18:08): I am proud to support the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012, an important step towards constitutional recognition of Aboriginal and Torres Strait Islander people in this country. Like Senator Bob Carr, I was born and bred in Maroubra. I have lived there my entire life. I have a connection with that community. I have surfed at that beach all of my life and if you get stuck in a rip at Maroubra I can generally show you the way to get out of it, because I grew up surfing there. I have got a connection with that environment and with those waters. My father has lived in that area all of his life and his father, my grandfather, also lived in that area for most of his life. That is three generations of Australians that have a connection with that community that I love so much.

I have friends in the Indigenous community around La Perouse and Maroubra whose connection with that area goes back 7,500 years. That is 7,500 years of nurturing and caring for that environment, of managing relations between people who have lived in that area and of developing customs and laws to care for that particular part of our wonderful country.

In modern Australia, the Commonwealth parliament makes laws which dictate how we live on this wonderful land, how we co-exist, how we relate with each other. The power to make those laws is derived from this document, our nation’s Constitution. It is this document which dictates the principles and values for how we live as a people in this wide brown land we call Australia. Yet this principal document, this embodiment of who we are as a nation, says nothing—not a thing—about the people who have inhabited and cared for this country that we all love for the last 60,000 years. In fact, up until 40-odd years ago, our Constitution specifically excluded Aboriginal and Torres Strait Islander people from recognition and actively discriminated against them. Thankfully, since 1967, as a nation we have made progress. We have removed those discriminatory provisions in the Constitution that excluded recognition of Aboriginal and Torres Strait Islanders. We have made policies of self-determination. We have recognised land rights and native title. And only a couple of weeks ago we celebrated the fifth anniversary of the apology to the stolen
generations of Aboriginal and Torres Strait Islanders.

Despite this document embodying our values, it does not recognise and reflect the progress we have made as a nation and it does not reflect who we are as a people in modern Australia and, importantly, how we want the world to view us and how we want to view ourselves. That is why, in 2010, the Gillard government established a process of working towards amending our Constitution to remove racist provisions and to fully recognise and acknowledge our relationship and the relationship that Aboriginal and Torres Strait Islander Australians have with this nation, with this land and with its customs and values. To do that we established an expert panel. It was made up of politicians representative of all the parties in the federal parliament. It was made up of Aboriginal and Torres Strait Islanders. It was made up of community leaders. They consulted widely throughout our country about this question of how we recognise Australia’s first peoples in our principal and pinnacle document that sets the tone for law-making in this country. They consulted widely, not only with the Aboriginal and Torres Strait Islander community but with non-Aboriginal and non-Torres Strait-Islander Australians.

The report of the panel is extensive. I encourage members of the public to read, in particular, page 18 of that report, the executive summary, which contains the crux of the work of the panel. There are five recommendations and processes to remove racist provisions in our Constitution, notably in section 25 and section 51(xxvi) of our Constitution and, importantly, a process for recognising the contribution, the values, the traditions and the connection that Aboriginal and Torres Strait Islanders have with our land and our nation. This is a step towards a referendum, and referendums in Australia are not easy. The framers of our Constitution made it deliberately hard for referendums to be successful. Only eight of 44 have succeeded, so 82 per cent of the time we fail as a nation to get a referendum up.

In 1999 we tried to insert a preamble which recognised the contribution of Aboriginal and Torres Strait Islanders to our nation, and it failed. It failed in every single state in this country. Quite simply, we cannot afford as a nation to fail again. We simply cannot fail again. That is why the Gillard government takes this issue so seriously. That is why we established the expert panel and that is why we have moved this bill in this parliament—to ensure that we do not fail again; to ensure that there is genuine multiparty support for this issue; to ensure that there is genuine unity not only at a national level but also, importantly, with the state and territory governments throughout the country to recognise Aboriginal and Torres Strait Islander Australians.

I do not believe that we are at a point yet where we can go to our nation and put a question associated with recognition as it is contained in the recommendations. We do need to work with the states, with Aboriginal and Torres Strait Islander communities and with the wider Australian public to explain why this amendment to our Constitution is so important and to build momentum for change and to build momentum for recognition.

Some months ago the Gillard government determined that, as a process of building that momentum and explaining that change to the Australian people, we would introduce the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 into this parliament. It has passed the House of Representatives and we are debating it here this evening. I believe that the crucial provision in this bill is these words:
The Parliament is committed to building the national consensus needed for the recognition of Aboriginal and Torres Strait Islander peoples in our Constitution.

That is the crux of the aim behind this bill. It is to build that critical momentum, that critical unity, that critical agreement at all levels of government and with Aboriginal and Torres Strait Islander peoples and the wider Australian community for this very important constitutional change.

It is with that in mind that the government has established a joint parliamentary committee, which I am very proud to be a member of, working with representatives of all parties in this parliament and with Aboriginal and Torres Strait Islander communities and the wider Australian public to achieve a successful referendum. That is why the government is investing $10 million in this campaign to promote public awareness about this issue. I encourage all Australians to visit RECOGNISE.org.au, the website of Reconciliation Australia that has been established to promote and campaign for Aboriginal and Torres Strait Islander recognition in our Constitution. Visit the website, sign up to the newsletter and, most importantly, discuss this issue in your workplaces, at your family gatherings and in your wider communities. This is such an important issue for the future of our nation. It is too important for us to fail. We need to recognise, finally, the contribution that Aboriginal and Torres Strait Islander people have made to our nation's development, to our democracy and, most importantly, to the nurturing and caring of this wonderful land that we call Australia.

Senator EGGLESTON (Western Australia) (18:18): The coalition is committed to full and complete recognition of our Aboriginal people in our society. We do acknowledge that prior to white settlement—now more than 200 years ago—the land we now call Australia was inhabited by Indigenous people. It was thought that these people most likely came from Indonesia—after all, there was a land bridge to Indonesia many thousands of years ago—and even possibly from India, because I gather there are some similarities in blood groups and so on between the Aboriginal people and the Indians. Interestingly, in trying to understand where the Aborigines came from, there are very old cave paintings in the Kimberley called the Bradshaws which, according to some people, resemble African paintings and raise the interesting possibility that in the long-distant past people of African origin could have come to the north-west of Australia.

Of course, it was the landing of the First Fleet in 1788 which brought the first wave of European culture to Australia on the east coast and the first settlements. However, it is interesting that in the Gascoyne district in the mid-west of Western Australia, where Carnarvon is now located, many of the Aboriginal languages include Dutch words, and the numbers of red-headed Aboriginals in the area rather suggest that they may have been descended from Dutch sailors wrecked on the cliffs around Carnarvon. The Dutch ships came around the Cape of Good Hope and sailed east towards the Australian coast before turning north to go to Batavia, which is now Jakarta, in the Dutch East Indies, which are now Indonesia. There was quite a lot of significant contact between the Aborigines of the mid-west coast of Western Australia and the Dutch and perhaps the Portuguese as well.

European culture, with its formal settlements and farms and keeping of crops and herds, was certainly at odds with the Indigenous way of life. Most Indigenous people were hunters and gatherers who wandered from place to place without set villages, and they did not keep herds or
crops. They have been a part of Australian society, mostly on the periphery of Australian society, since the times of early settlement and well on into the 20th century. It has only been in the latter half of the 20th century that there has been any movement to have constitutional recognition of Indigenous people as part of the Australian society. In 1967 it became the route of the reconciliation process when there was a referendum to grant Aborigines the right to vote, to enfranchise Aborigines and to have this written into our Constitution. It was a Liberal Prime Minister, Harold Holt, who first paved the way to reconciliation with that historic move to enfranchise Aborigines.

When I was a medical student I was a member of the University of Western Australia Liberal Club. Interestingly, the president then was someone who subsequently became a senator and, in fact, the Leader of the Liberal Party in this chamber—and that was Fred Chaney. I was the freshman committee member back in 1960, and at our first committee meeting he suggested that, rather than the Liberal club putting up all sorts of clever motions about great public issues, the Liberal club should perhaps choose a project and seek to achieve a specific outcome for that project as its activity for the year. Fred Chaney suggested that the university Liberal club look into what could be done to improve the status of Aborigines in our community. So we used to go out to a place near Midland, near the airport in Perth, called Allawah Grove—not very far out of Perth—where there was an Aboriginal community and discuss issues with the Aboriginal leaders there. I found it quite confronting—having come from a fairly ordinary middle-Australian family—to see drunken Aborigines, fights with broken bottles, people sometimes being very aggressive to women and so on and so forth, but that was what the Aboriginal community at Allawah Grove embodied.

Every year from 1960 to 1962 the UWA Liberal Club held a seminar about what could be done to improve the lot of Aborigines in Western Australian society. In the end, Fred Chaney again gave leadership in suggesting that the only way to make Aborigines matter to politicians in government was to give them the vote: to enfranchise them. At the 1962 seminar, held by the Western Australian University Liberal Club, the Minister for Native Affairs, as he was called—a Country Party minister—announced that the Western Australia government would give Aborigines the option to enrol to vote in state elections. That happened in 1962, five years before the federal referendum, and it was therefore an important step in the process of reconciliation with Aborigines and accepting them as members of our society.

Harold Holt instituted the referendum on Aborigines being enrolled to vote in 1967, and another Liberal Prime Minister—John Howard, in 1999—continued down the pathway of recognition of the role of Aborigines in our society when he attempted to introduce an important preamble to the Constitution to recognise Indigenous Australians. As we all know, the referendum on that preamble failed; we also know that, if we are to continue the process of reconciliation with our Indigenous people, we need to build a real consensus in the community.

My first real contact with the Aboriginal community occurred when I went to the Pilbara in 1974. I used to see Aboriginal patients at the Port Hedland Hospital outpatient department while I worked there. I always treated the Aborigines with great respect, and they responded with respect to me. Perhaps because of this mutual respect,
in 1975 I was invited to an Aboriginal bush meeting on the banks of the Coongan River near Marble Bar. These bush meetings were held every quarter. Aborigines came to them from all over the Pilbara—including from the Western Desert and as far west as Onslow and the area around it—and the meetings were almost always held on the banks of a river. About 100 people were gathered, cooking under the trees on open fires, at the meeting I went to in Marble Bar, and to me it was a very eye-opening experience.

The meeting was chaired by a man whom I cannot name because he is since deceased. He was the chief Aborigine of the Pilbara. He sat at a table in the middle of a clearing with tables on either side of him, at which sat his white advisers from Perth and Canberra, including lawyers and people who knew about the social security system, housing, education and so on. This chief Aborigine was a very impressive person: he had a great mane of white hair and a stetson on his head, and he controlled the meeting very skillfully. Not everybody had the ability to present a case very clearly, and he was very gentle in drawing out the points the people wanted to make—everybody had the right to raise any issue they wanted to—and in arranging for translators for the desert Aborigines who attended the meeting. By the end of the day, my perception of Aboriginal people in the Pilbara had changed completely. Whereas before I had seen them as people who did not really understand our society, I realised that these people well and truly understood our society and how our system of government worked.

I have met many other Aboriginal leaders, such as Peter Yu in the Kimberley, who was the head of the Kimberley Land Council; and people like Joe Ross in Fitzroy Crossing, who is the leader of the 300, I think, Aboriginal communities in the Fitzroy River Valley—and they are very impressive people. These are, of course, Aboriginal people in the north, close to their origins. But I understand that these days around 85 per cent of Aboriginals live in big cities and towns—Sydney, Brisbane, Perth and the big towns of Queensland, New South Wales, WA and South Australia. Many of them have jobs, many of them are educated—increasingly, there are large numbers of Aboriginal graduates—and they simply fit into our society as members of our society.

I think it is now very appropriate that we do recognise that the Indigenous people were here first and that that fact is acknowledged in our Constitution. It does not necessarily mean that it carries any particular implications in terms of additional rights and benefits above those which any other Australians have, but I think it is appropriate that that kind of recognition be given.

This bill is not a token gesture. It is an important building block of unity and of recognition of the long history of Aboriginal people in Australia and will carry a message of all of our community, Indigenous and non-Indigenous, migrants from all over the world as well as those Australians whose history goes back 40,000 years, that we are moving forward as one people in one country. I support this bill.

Senator STEPHENS (New South Wales) (18:31): I thank Senator Eggleston for that very interesting history lesson. There are fascinating perspectives that we all have about what we are debating here today—a really important issue, in the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012.

Just a few weeks ago, coinciding with the fifth anniversary of former Prime Minister Kevin Rudd's apology to the Stolen Generations, this bill was presented, debated and passed in the House of Representatives,
recognising Aboriginal and Torres Strait Islanders as the first inhabitants of Australia. I am very proud to speak as part of the group of speakers contributing to this debate in the Senate. So often a debate can happen in the House of Representatives, where all the publicity and discussion is reported upon; but, of course, we know the legislation then comes here—so it is timely that this is a week when the House of Representatives is not sitting, and perhaps the contributions to the debate in this chamber will actually get some coverage in the media as well and continue the message of the importance of the legislation that is in front of us.

I want to congratulate people who have contributed to the debate, because we have heard the passion that has been brought to the debate by all sides of politics and all sides of the parliament. People bring their own perspectives and their own experiences about how they have interacted with Indigenous peoples. If you ask someone like those of us who have actually lived in and worked with Aboriginal communities, you will know that there is so much that remains to be done in terms of addressing Aboriginal disadvantage; but you will also know the importance of the bill that is before us today.

Constitutional recognition of Aboriginal and Torres Strait Islander peoples generally does have support and is seen by many as an important further step that should now be taken towards full recognition of the unique place of Aboriginal and Torres Strait Islander peoples in 21st century Australian society. It is really interesting that we are having a conversation now that is so different from the conversation that was held in 1999. Senator Thistlethwaite remarked on the failure of the referendum in 1999 and the fact that we cannot afford to fail again to have this constitutional recognition agreed upon.

Prime Minister Gillard has called the legislation before us an 'act of preparation and anticipation', because it is an important step on the way towards a referendum for constitutional change; it seeks to foster the momentum for a referendum—so many of us here have talked about the importance of building the consensus, of building the momentum. It is one thing to have politicians and parliamentarians supporting this constitutional reform; it is a very big thing for us to take the Australian people down this path with us.

I said before that in 1999 the conversation and the debate were very different. When I talk to young people about the importance of this piece of legislation, they just cannot fathom why this could be the situation now. They cannot believe that Aboriginal and Torres Strait Islander people are not recognised in the Constitution, so we actually have a huge job to educate voters across Australia about the importance, the significance, of the change that we are trying to engender.

The bill before us today is essentially a parliamentary statement that recognises some facts of our history that have never been formally acknowledged before—the fact that Australia was first occupied by Aboriginal and Torres Strait Islander people; the fact that Aboriginal and Torres Strait Islander people have a continuing relationship with their traditional land and waters; and the fact that their continuing cultures, languages and heritages are worthy of respect. When the Prime Minister spoke of this bill as a gesture, and a sign of good faith, she too was acknowledging that there is still a long way to go.

I was pleased that Senator Siewert, who is here in the chamber, talked about the importance of the sunset clause that is in this bill. That is what gives us the time frame in
which this work should be carried out; it gives us a sense of urgency. This not something that is on the never-never. There is a definite time frame, one that sets us a very ambitious goal but a goal that we know that we can achieve. The expert panel that was appointed to investigate the issue highlighted the importance of this. It recommended a series of constitutional changes and made it very clear that bipartisan agreement would be necessary before those recommendations could be put to a referendum for exactly the reason that Senator Thistlethwaite raised: referendums in Australia do not have a very strong history of success. Constitutional change is quite difficult here in Australia. It can only be done if we have a majority of votes in every state and territory. The work that needs to be done across state and territory governments and in the community is really very critical.

What we need—the point of contention—is a non-discrimination provision in the Constitution. At the moment, that is the problem. The opposition regards a non-discrimination provision as akin to a bill of rights and will not agree to move in that direction. But that does not mean that the cause is lost. There is so much goodwill on all sides. We are all charged with the responsibility to represent the people of Australia and we should not expect that to be easy in this case. The challenge facing all of us—and the next parliament as well—is to find a form of words that is going to satisfy all sides of politics and to make this constitutional reform something that we can all be very proud of.

Today, I read a post on *Eureka Street* by Father Frank Brennan about this bill congratulating both government and opposition members for their contributions to the debate in the House of Representatives. He made a really important point. He said that a new generation of Aboriginal and Torres Strait Islander leaders were gathered in the public gallery for the passage of the legislation, with many of the leaders from earlier campaigns over the Northern Territory land rights legislation, Mabo, Wik, native title and reconciliation. There was a group of young people ready to take up the challenge and become the leaders most actively engaged in the discussions that we are going to be part of.

They all then went to the National Press Club where two of those young people, two emerging leaders, spoke. They were fantastic. Those young people were Tanya Hosch and Jason Glanville. Each spoke very proudly of their diverse heritage. I would like to read a little of what Tanya had to say, because it puts this into context. She said:

I was blessed to be raised in a family that is a model for the kind of nation I want Australia to be. A family where race isn't a divide, but an enricher... that is proud of the many strands of its heritage, and particularly of our Indigenous heritage... that integrates the best of all of our traditions and cultures, and which has nurtured me to play a part in bringing about this big moment in the life of our nation.

Her speech was very powerful. I recommend it to you all.

Then Jason Glanville went on to tell the story of how his great-grandmother left the mission with her two-year-old child to go to Cootamundra and build a home. This is what he said:

In the Cootamundra Town Hall, where once my great-grandmother was barred from being able to vote, a stained glass window now hangs. It's a picture story. In it, she is telling bedtime stories to her grandchildren in the language of their ancestors. The town that once excluded this amazing Aboriginal woman has now immortalised her remarkable story. At long last, it has recognised her, and regards her story as a source of pride. It's time our Constitution did too.

That generational change is important in the debate that is ahead of us all. Father Brennan
made the point, as many speakers have, that there is much work to be done if the referendum is to get up in the next parliamentary term and that we have a responsibility as elected members of parliament to engage Australians in understanding what constitutional recognition means, not just for Indigenous Australians but for all of us. In the wake of the national apology, there is a new generation of Indigenous Australians able to show us the way, and I very much look forward to working with them.

I want to congratulate everyone who has got us to this position. It is an issue whose time has come. This is political work at its best: the people's representatives putting their minds and experience to work to together create the Australia that people want to live in. I have no doubt that we will reach a satisfactory form of words. We will debate the matter robustly, I am sure. We will hold a referendum. That is the right thing to do. It will be a milestone along the route I want this country to take in the interests of human rights and of the dignity of Australia's Aboriginal and Torres Strait Islander peoples. I commend the bill to the Senate.

Senator PAYNE (New South Wales) (18:43): I acknowledge the words of many of the previous speakers in the debate on the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 in this chamber. In many cases, they have made compelling and salient points about the importance of this piece of legislation. I want to say from the outset from a personal perspective that I very strongly support the bill and support the constitutional recognition for our first peoples that this bill will, with the passage of time and much more debate in this nation, hopefully bring about. I am confident that with cross-parliamentary agreement and with cross-political support, we can realise this objective to give our first peoples recognition that they absolutely deserve.

Just briefly, the coalition has a long and proud history of advocating for constitutional recognition of Aboriginal Australians.

With other senators from this chamber who have both spoken in this debate—Senator Siewert and Senator Thistlethwaite—I attended a recent Recognise event here in Canberra just two weeks ago, held in conjunction with GHD and Carey engineering, at which these issues were much discussed. I want to commend the work of Recognise—the organisation that was formerly known as You Me Unity. The work they are doing now and the work they will do for some years into the future in relation to the question of constitutional recognition is very important. It is important that it is community based, it is important that it is community networked and it is important that it is recognised as such.

Recognise itself is part of Reconciliation Australia. As was recommended by the expert panel report, it was given the very fundamental task of raising awareness amongst community members and building community support for the constitutional recognition of Australia's first peoples. To date they have worked extremely diligently to promote the cause to Australians. Their activities include but are by no means limited to recruiting over 125,000 Australians who are supporting this recognition, holding street stalls in every major capital city, spreading the message to thousands of Australians in that way, and funding over 100 community groups to run public awareness campaigns of their own. They have generated media coverage across print, radio, television and online platforms, and they have developed a schools kit that was distributed to every high school in the country.
I think the work of Recognise matches well with the longstanding commitment of the coalition to bring this issue to a referendum and to gain the necessary support to recognise Aboriginal and Torres Strait Islander peoples in our Constitution. As other speakers have indicated and as the shadow Attorney-General, Senator Brandis, did in his contribution to the second reading debate earlier today, it was the coalition government that was responsible for the historic 1967 referendum, with a result of just over 90 per cent in that case. That was a watershed achievement in this country. It received support from all sectors of the community and political parties of all colours. As I mentioned at the Recognise event the other week, who could forget the black and white photographic images of young campaigners like Shirley Peisley pinning their ‘vote yes for Aborigines’ badge onto the suit jacket of Senator Reg Bishop on that referendum day? I suspect there will be many more similar photographs—but in colour—across social media of all forms and in traditional forms of media to mark the progress of this bill and ultimately a referendum as well.

They have a huge impact. To actually meet Shirley Peisley, as we did on that occasion at AIATSIS recently, and to compare her smiling face with that seen in the photograph from 1967, and to think that she and members of her generation are in a position of still waiting for this next step, is actually quite confronting—for me personally, at least. As I think Senator Stephens alluded to, when you discuss it with young Australians—and, as desperate as I might be to include myself in that group, I am not completely delusional!—and they say, ‘How is it possible that we are at this point and this next step has not been taken?’ and then to be able to see that photograph from 1967, to meet Shirley Peisley today and to know that with the will of an Australian community united together on this issue she will be able to see that next step is a particularly important thought that I hold as we continue these discussions.

As I said, on that day just over 90 per cent of Australian citizens voted yes in the referendum. I want to see that extraordinarily positive result repeated, preferably exceeded. But we must work together to get this particular process right, to get the question right and to ensure that, above everything else that we put before us, we ensure that it is indeed a unifying moment for the nation. This is not something with which to take political risks. It is not something with which to play political games. It is in fact a very serious engagement by the Australian people as the referendum process, which is outlined in part in this bill, continues.

The current proposal for Aboriginal reconciliation came initially from the coalition, who first raised it in 1999, when the former Prime Minister, Mr Howard, penned and advanced the preamble, which was considered at the 1999 referendum.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Order! The time allotted for this debate has expired.

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

Leave granted; debate adjourned.

DOCUMENTS

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

Department of Education, Employment and Workplace Relations: Fair Work Australia

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (18:51): I move:
That the Senate take note of the document.

This is the Fair Work Australia general manager's report into the extent to which individual flexibility arrangements are agreed to and the content of those arrangements. The coalition welcomes this report. The coalition has been supportive of the concept of individual flexibility agreements.

It will be recalled that the Labor government developed a policy called Forward with Fairness in which they initially simply ruled out Australian workplace agreements. Because of the reaction from the community the Labor Party at that time came back with a remodelled and refocused Forward with Fairness document promising individual flexibility agreements.

We believe that is a very important part of the makeup of any modern workplace relations system: that there be the opportunity for workers and their employers to get together and work out relevant individual flexibility arrangements that suit both their needs. It is common sense and it is indicative of the different nature of family responsibilities these days and also the needs of various workplaces.

It would be fair to say that the government has not necessarily been as embracing of individual flexibility arrangements as they should be. They did not include it in their first version of Forward with Fairness and they reluctantly put it into their second version and then designed a system that we believe was basically designed to fail.

In relation to individual flexibility agreements it will be recalled that they can be unilaterally terminated on either party giving 28 days notice. So, if a female employee, for example, seeks to have a flexibility arrangement to cater for her child-care needs, the boss, with 28 days notice, can simply cancel the agreement. Good luck to the lady employee seeking to get alternative child care arrangements in place within 28 days. Indeed, the example given in the explanatory memorandum to the bill was that of Josh, a gym instructor, who might want to coach his son's soccer team. Well, the soccer season goes for longer than 28 days. Therefore, if Josh did want to coach his son's soccer team and get involved in an individual flexibility agreement, there would be no guarantee for Josh that he could see out the soccer season. As a result, he could not make that commitment.

The highly skewed terms of reference and the mates who were appointed to the review of the Fair Work Act were mugged by the reality that this 28-day period of notice for unilateral termination was inappropriate, and they recommended a 90-day period. Mr Shorten has that report; the government has that report. They have already introduced the first tranche of amendments to the Fair Work Act pursuant to the review. The simplest amendment they could make is to delete 28 and insert 90 to require an employer or employee to give 90 days notice, thus providing greater certainty. But Mr Shorten is unwilling to make that amendment and one has to ask why. The reason is that they were never committed to individual flexibility agreements in the first place. They have not been taken up as they should have been, and the reason is that the termination period, especially, is so short and limited that it does not make it worthwhile.

Further, the individual flexibility arrangements are not well known. Indeed, most workers find out through their boss or they find out through the public. But, regrettably, they have not known about it through their union bosses, which is something I would encourage union bosses to do in the future. (Time expired)
Senator CAMERON (New South Wales) (18:56): I would like to speak on this document. I heard Senator Abetz waxing lyrical about individual flexibility agreements, and I could not help myself but come and present some balance to the argument that the coalition put every time they talk about flexibility.

Workers around the country know that when the coalition talk about flexibility they mean giving more power to the employer. They mean taking rights away from ordinary workers and providing the boss with even more control over the lives of ordinary workers. That cannot be denied, because the coalition are not only on the record on this issue but also have actually practised their ideology on workers. Their ideology is to say to a worker, 'You will go to work, you will be scared of your employer, you will do what your employer tells you to do, and if the employer wants flexibility that is what you will give them.' That is what Work Choices was all about. Whenever you hear Senator Abetz talking about flexibility, don't listen to the code; listen to exactly what it means. It actually means that they want to go back to what their DNA is all about, and that is ripping away at the rights of workers in this country.

There is no doubt that flexibility is the thin end of the wedge for Senator Abetz and his team to move back to Work Choices. Let's make no bones about it. Work Choices is what Senator Abetz is about when he talks about flexibility. I happened to have been a union official during the Work Choices era and I know what Work Choices was about. I know what individual flexibility was about. It was pitting an individual worker against an employer. Some employers were small and some were big, but it does not matter to an individual worker, because whether you work for a small employer or a big employer the power relationship lies clearly with the employer.

When you talk about a worker having the right to give 28 days notice to get out of some kind of flexibility agreement, that takes a great deal of courage if the employer says, 'I don't want you out of that flexibility agreement; come into my office and sit down with me and we'll talk about it.' This could be a migrant female worker having to sit down with a tertiary educated employer to try and negotiate a flexibility agreement. You know what that means. The power relationship between that migrant female worker and the tertiary educated employer results in that worker getting the rough end of the pineapple. They get the problems to deal with.

It is absolutely clear that the coalition are on the move again to run up Work Choices. They will change the name; they will try and say it is fairer; they will tell us they have learnt their lessons; they will tell us it is dead and buried—but it is only the name that is dead and buried. Work Choices underpins exactly what the coalition want to do. If they ever get the opportunity again to have control of the Senate, that is what we will have. All the denials in the world will mean nothing. They will rip away at workers' penalty rates; they will rip away at shift allowances; they will rip away at leave entitlements—and it will all be under the guise of flexibility. So don't come here and parade your flexibility promises, because flexibility is bad news for workers in the context of coalition policies.

We are about building a smart industry, not an industry where, in the guise of flexibility, workers are under the thumb of the boss. Flexibility is simply shorthand for Work Choices and ripping rights away from workers.
Senator IAN MACDONALD (Queensland) (19:02): I have been waiting for the opportunity to follow ex-union boss Senator Doug Cameron in a debate such as this. I want to refer to an article in the Australian Financial Review of 16 November 2012. I notice Senator Cameron is leaving the chamber. I say to Senator Cameron in his absence: it is probably appropriate that you do leave, because you would not like what Grace Collier, the chief executive of Australian Dismissal Services, said in this article in the Australian Financial Review that I refer to tonight. She said:

After … 20 years' experience working in unions and as an industrial relations consultant, I feel well placed to make observations about the union movement.

Being employed in the union movement isn’t like working in a company. It can be a bit like working for a cult. All unions are different, but union officials … see themselves as soldiers in the war of labour versus capital, and to fight a war you need resources. In this environment, the group think is this: anything improper can be justified as proper when it is for "the good". Union troops know that breaking the law is sometimes required because when a law is "unjust" you have a "duty" to ignore it. Civil disobedience is okay if the end justifies the means.

I do not have a great deal of time today, and I do want to hear my leader speak on other matters related to this very important topic, but this is a great article. It goes through some of the ways the union movement operates. I do not want to involve you in this, Mr Acting Deputy President Bishop, but I see in the newspaper that you are running afoul of the union movement at the present time. Senator Kim Carr, who is in the chamber, well knows about this, because there is a man embedded in the union. You only have to look at Mr Craig Thomson to understand what unionists think: if you have to break the law, it is all good for the ultimate goal. If you look at what Mr Thomson did in relation to—or, sorry, is alleged to have done, I should say—

Senator Abetz: No, they were findings by Fair Work Australia.

Senator IAN MACDONALD: Thank you, Senator Abetz: they were findings by Fair Work Australia—and who could argue with that august body! They found that Mr Thomson grossly misused union funds. I say to you, Mr Acting Deputy President, that I am absolutely certain that Mr Craig Thomson was not the only union leader ever involved in that sort of activity.

This article from Grace Collier makes very good reading, from what I would call an insider in the union movement. She went on to say:

In the 1990s, the aura around Bruce Wilson of the Australian Workers Union was such that he was touted as a future prime minister.

You will remember that Mr Bruce Wilson, whom I am talking about, is the guy involved in the slush fund affair which has engulfed Ms Gillard. The article continued:

Our Prime Minister made a decision to begin a relationship with him. Partners of law firms don’t recommend having relationships with people who work in their clients’ businesses. It is not considered appropriate to put yourself in a potentially compromising position. The worst can happen, and for our Prime Minister it did. Now we find ourselves in the position we are in today.

This was at the height of the Gillard-Wilson scandal over Slater and Gordon and the slush fund. Ms Collier went on to say:

Over the past 11 years, I have been called upon to investigate many people for workplace misconduct. The hardest people to investigate are high-achieving, high-profile women executives. Their starting position is always a haughty refusal to answer questions or participate in investigations they consider beneath them.
I might say that I am quoting from a woman journalist who is an insider in the union movement. She continued:

Next they attempt to retain control by trying to impose their conditions and time frames on the investigation. (Time expired)

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (19:07): I cannot allow the comments of Senator Cameron in this place this evening to go unchallenged. It is disappointing that a person who comes into this place and represents the people of Australia has got such a jaundiced and narrow view of the relationships between employers and employees.

Senator Carol Brown interjecting—

Senator BACK: Acting Deputy President Bishop, I have been an employer for 35 years or so in both the private and the public sectors, and I can assure you—and I can assure Senator Brown through you—that very rarely are the interests of the employee and the interests of the employer not closely aligned, because if they are not closely aligned it comes at the demise of everybody in the organisation.

I would say with some pride that I have been successfully negotiating agreements in both public and private sector organisations. In the case of the public sector, the emergency services organisation of which I was the CEO and had great pride in administering was an organisation of great complexity, an organisation involving staff at very different levels in the city, in the regions and in different sectors of the emergency services. As a result of good negotiation, as a result of consultation, as the result of mature communication, we were successful in arranging that agreement. It stood for some years and it stood very successfully. I will not sit here and listen to Senator Cameron going on in this jaundiced way as if every relationship between every employer and every employee in some way or other reflects his view of the world.

The second case that I wish to refer to was when I had the pleasure of operating a fuel distributorship in the state of Tasmania. I was successful, after some period of time, in negotiating an agreement with all of my fuel drivers. I believe that at that time it was the first agreement of its type that was actually negotiated in Australia. It ended up tremendously to the benefit of those drivers. It also, incidentally, ended up tremendously beneficial to my company, and we had to fight the TWU right through to the Industrial Relations Court in Hobart before common sense prevailed, because the alternative, unfortunately, was not a good option for either me, my company or indeed the drivers themselves. It led to tremendous flexibility for the drivers. It led to me investing several million dollars in a new trucking fleet. It led to a revolution in not only the way in which fuel was distributed in Tasmania but also the safety of the vehicles and of course, therefore, the safety of the wider community.

I do not intend to go on much longer. I was not intending to speak. But this is the Senate of Australia. This is the place in which we have robust debate, and this should be the place in which we have reasoned discussion in which we can share views and come to some commonality. While Senator Cameron comes into this place again and again and preaches the bile that he does, we are never going to receive that particular unanimity.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (19:10): On the same matter, I am very disappointed that Senator Back seems to think that a senator who has a long history of working and protecting workers' rights somehow has a view that is jaundiced. The
opposition completely miss the mark when it comes to workplace relations. They do so because they themselves come from a position that is jaundiced—that is, first of all, they forget that Work Choices was voted out. There was a reason for that. That reason was that it was demonstrably unfair to workers. It shifted the balance in the workplace. There was no balance. It all went to employers.

Nobody in this chamber would suggest that all employers would be doing the wrong thing. Nobody would suggest that. Senator Cameron was merely pointing out—and it is of course a fact that he has a long history of protecting workers and looking after and advocating for workers' rights and conditions—the unfair relationship between an employer and an employee. I heard what Senator Back had to say. He was himself an employer, and I am sure he was a very fair one. He believes that to be so and I will take him on that. But he is not the only one who has an intimate knowledge about employers. I myself come from a position where I have an intimate knowledge of the employment relationship.

There is no way in most cases that there is a balanced relationship between employers and employees, and Work Choices shifted that relationship. The Australian public did not agree with the coalition on Work Choices. It stripped away wages, it stripped away entitlements, it stripped away conditions of ordinary working Australians, and it was voted out. The coalition was voted out. There was an overwhelming mandate for the Australian Labor Party to abolish Work Choices. That is what the Australian public wanted, that is what they voted for, and that is what the Labor government gave them. In finishing up, I would just suggest that when we do have these debates we try to keep to the facts of the matter, and the facts are that Work Choices was comprehensively voted out. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Department of Education, Employment and Workplace Relations: Fair Work Australia

Report into the Operation of the Provisions of the National Employment Standards

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (19:16): I move:

That the Senate take note of the document.
The whole idea of flexibility is anathema to Labor and the sillier elements of the trade union bosses like Senator Cameron from whom we heard just a little while ago. But it is welcomed and sought after by workers and their employers alike. We are not discussing Work Choices here, we are discussing reports on the Fair Work Act in operation. The Labor Party contributions tonight have shown they are unwilling to defend their own Fair Work Act. They are willing to reach back to Work Choices and make comments about it, but they are unable to defend their own legislation.

Interestingly enough, this report shows that, whilst the basis for making a request under the legislation is bureaucratic and not conducive to harmonious workplaces, the evidence indicates, regrettably, a lack of knowledge about the possibilities. I would encourage the government to get people to know the possibilities. The report tells us that of the employers—and it is a pity Senator Cameron is no longer in the chamber to hear this—who received a request for flexible working arrangements, 91 per cent granted it without variation, eight per cent granted the request with variation and only one per cent refused. That confirms that most workers and employers are reasonable. They are happy to oblige and they are happy to cooperate. It debunks the divisive, class warfare jargon that Senator Cameron goes on with. I was nearly expecting him to break into Solidarity Forever to finish his speech.

Those times are long past, Mr Acting Deputy President. Even the Labor Party, in their own legislation, talk about flexibility, yet Senator Cameron comes in here and condemns flexibility. That made the case for us, as a coalition, that Labor will talk the talk of flexibility but cannot walk the walk of flexibility. It means that individual workers can decide for themselves what might actually be within their interest, without union bosses telling them what is good for them, and keeping in mind at all times that you can only have flexibility on the basis that the worker is better off overall. The worker has to be better off overall, so why would trade union bosses be against flexibility when it has the capacity to allow the worker to be better off overall? Why do they stand in the way? Because they are about power and self-aggrandisement, and not concern for individual workers. I commend the report to the Senate, and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Consideration**

The following government documents tabled earlier today (see entry no. 2) were considered:


- Fair Work Act 2009—Fair Work Australia—General Manager’s report for the period 2009-12—Extent to which individual flexibility arrangements are agreed to and the content of those arrangements, dated November 2012. Motion to take note of document moved by the Leader of the Opposition in the Senate (Senator Abetz) and debated. Debate adjourned till Thursday at General Business, Senator Brown in continuation.


- Fair Work Act 2009—Fair Work Australia—General Manager’s report for the period 2009-12—Operation of the provisions of the National
Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave, dated November 2012. Motion to take note of document moved by the Leader of the Opposition in the Senate (Senator Abetz). Debate adjourned till Thursday at general business, Senator Abetz in continuation.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop) (19:20): Order! I propose the question:
That the Senate do now adjourn.

Tasmanian Bushfires

Senator BILYK (Tasmania) (19:20):
Tonight I want to speak about the recent devastating bushfires that hit Tasmania, and southern Tasmania in particular, which is where I have spent the most time recently. There was a fire on the Tasman Peninsula which destroyed 203 dwellings and 212 other structures. It left 100 businesses directly impacted and 150 indirectly impacted. Overall it burnt out a combined area of over 40,000 hectares which were devastated. The fire on the Tasman Peninsula was in the areas around Dunalley, Murdunna, the Arthur Highway, Boomer Bay and Connelly's Marsh, and Dunalley Primary School was also destroyed. It not only left many people's houses destroyed but also left 1,000 residents stranded.

This fire was followed shortly after by a fire south of Bicheno on the east coast which forced some residents to shelter in the Bicheno Community Hall. The bushfire season has continued throughout February with fires at Molesworth and Gretna. Some fires are still burning but, I understand, as of today they are under control, so that is some good news. While the Molesworth fire burnt 19,000 hectares and distributed a pall of smoke over Hobart for several days, it is a miracle that no houses were destroyed there.

I live some 15 to 20 minutes drive south of Hobart, which is at least 45 to 55 minutes drive south of the area, and ash was over my outdoor setting. There was a lot of ash and smoke in the air for a number of days.

But tonight I want to put on record my thanks to some of the very many volunteers in a range of areas who came to people's assistance and who still continue to support the people of Tasmania who have suffered in whatever way from these bushfires. It is a great credit to our emergency service agencies—Tasmania Police, the SES and the Tasmanian Fire Service—that despite the scale of the disaster not a single life has been lost as a direct result of the fires.

Regrettably, there was one indirect casualty. Peter Cramer, one of 65 Victorian firefighters who came to Tasmania to assist our fire services, suffered a fatal heart attack while walking through the bush to identify possible containment lines. I would like to pass on my condolences and also those of Senator Brown, who is in the chamber at the moment, to his family. It was great that firefighters throughout Australia and even from New Zealand could come to our aid.

While any death is tragic, it is a credit to firefighters such as Mr Cramer that the outcome was not much worse. The Australian and Tasmanian governments have been working hard together to provide support for people affected by these fires. Immediately after the disaster we enacted the Natural Disaster Relief and Recovery Arrangements. These included providing financial assistance to people affected through Australian Government Disaster Recovery Payments and deploying Centrelink staff to recovery centres to assist with the claims process.

The Tasmanian government has committed to rebuilding Dunalley Primary School and has acted quickly to establish a
temporary school, made up of demountable classrooms, in time for students to commence school at the beginning of the first term. The news items around those young children at Dunalley Primary School were quite heart-warming for people to see. They were so keen and excited to have a school there. A great deal of credit should go to the Dunalley Primary School Association, particularly their chair, Elizabeth Knox, not only for working hard to secure the commitment to get the school up and running but for the well-organised appeal to secure the materials they need, such as books and stationery, to make sure the school is operating at full capacity, as it was from the beginning of this school year.

Tonight, as I said, I would like to pay tribute to some of the very many volunteers who have so generously given their time to the bushfire response and to the very many generous donors who have contributed to the relief effort.

Obviously, some of our most dedicated volunteers during a fire emergency are the volunteer firefighters. To give you a brief picture of how heavily the Tasmania Fire Service relies on its volunteer brigades, there are about 400 professional firefighters employed by the service and about 4,000 volunteers. During major incidents, volunteer firefighters spend hours away from their friends and family, often performing difficult and dangerous work. They do this in their own time and the only reward they receive for their efforts is the pleasure of having served the community.

Similar praise should also go to our volunteers from the State Emergency Service. Many volunteers were really integral to the relief effort, such as those who worked long shifts at the Hobart Showground. They packed and sorted donated goods for St Vincent de Paul to go to people in fire-affected areas.

As the Tasman Highway was closed for many days, volunteers were also relied on to ferry food and goods to stranded Tasman Peninsula residents by boat. Nothing could get through via the roads at all and so people with small craft were volunteering, taking food, basic necessities and goods across.

Dunalley Neighbourhood House worked hard to provide much-needed services to affected residents, such as hot showers and internet access. I would like to pay credit to the Coordinator of the Dunalley Neighbourhood House, Yve Earnshaw. They were able to respond really promptly to the needs of the community.

Regular meals were served to hundreds of residents sheltering at the Port Arthur Historic Site, thanks to the efforts of staff and volunteers. Organisations such as the RSPCA, the Dogs’ Homes of Tasmania and Bonorong Wildlife Sanctuary provided food, shelter and other assistance to domestic animals and wildlife.

I am also aware of lawyers who have provided pro bono legal assistance to people affected by the fires. Scouts Tasmania collected, and is still collecting, fencing materials for the charity BlazeAid, which recruits volunteers to mend fences of fire-damaged rural properties.

I have spoken previously in this place about the generous volunteers I have met from Rotary and Timber Communities Australia. Some of them previously travelled to Victoria to rebuild fences following the 2009 fires, and some of those volunteers will be travelling to Tasmania to repay that favour.

One volunteer I would particularly like to recognise is Melanie Irons, who set up and maintained the Facebook page ‘Tassie Fires—We Can Help’ as a central
information repository for people offering or seeking assistance. The page now has over 20,000 followers.

Of course, the bushfire relief effort would not exist without a generous financial contribution from the community. Red Cross, the Salvos, Rotary and Lions have all established bushfire appeal funds. A separate fund has been established by the Tasmanian Department of Education for donations to Dunalley Primary School. As a Rotarian, I am pleased to announce that Rotary International has raised $131,000 for the relief effort.

With the help of my parliamentary colleagues—and two of them are here at the moment—Senator Brown and Senator Thorp, along with the member for Franklin, Julie Collins, I was really pleased to assist the Snug District Disaster Appeal Committee. This committee held a community event to raise funds for the Tasmanian Bushfire Appeal. The small town of Snug is very dear to me. I grew up in the little town next door to Snug and, in the 1967 bushfires, both Margate—where I was born and bred and where I spent the early years of my life—and Snug were just about decimated.

Coming out of this, the local Snug community set up a disaster appeal committee. They do not run all the time but they reinvigorate the committee whenever there is a disaster that they can help out with. That is the community's way of helping pay back the rest of Tasmania for the effort that they put in way back in 1967. They had a gala day, with a cricket match, a silent auction, a raffle, a barbecue, some live music and various other activities including car boot sales and face painting. I had a great day. I was not going to stay for the whole day but I did and I had a great time. They raised over $7,000, which I think, for a small community, was a great effort.

Trivia nights also appear to be a popular way to raise funds, and I am going to run out of time to mention everything that has happened. There have been hundreds of fundraising appeals, but one special one was held just a couple of weeks ago and it was attended by celebrities such as MasterChef contestant Ben Milbourne, cricketer Ed Cowan and members of the Hawthorn Football Club. I would like to thank the organisers—Kirrily Crawford, Carla Johnson and Olivia Shekleton—for raising $11,000. All of that money has been donated to the Dunalley Primary School. (Time expired)

Ovarian Cancer

Senator CASH (Western Australia) (19:30): I rise this evening to bring to the attention of the Senate that tomorrow, 27 February 2012, is Teal Ribbon Day. This is a day to raise awareness of ovarian cancer, and it is also an opportunity for all Australians to become familiar with ovarian cancer and, most importantly of all, its signs and symptoms.

While the last Wednesday in February is annually dedicated to Teal Ribbon Day, the whole month of February is dedicated to raising awareness of ovarian cancer. I congratulate Ovarian Cancer Australia and the various organisations that have supported this cause in order to raise funds for research and to continue to raise the profile of this disease. I would also like to draw attention to the 'afternoon teal' events that have taken place, or will take place, across Australia to celebrate Teal Ribbon Day. In that vein, I know that many senators will be attending Teal Ribbon Day celebrations tomorrow here at Parliament House.

One of the highlights of this month of awareness raising was on Thursday, 14 February, and it was known, appropriately,
as KISS. I say 'appropriately' because I think most people would know that 14 February is also Valentine's Day. KISS is an acronym for 'know the important signs and symptoms'. There are four major signs and symptoms of ovarian cancer. If you had one on its own you probably would not think you had anything. If you put them together—or if something is persistent and it is not checked, unfortunately it may well be a sign of something far more sinister. The signs are: abdominal or pelvic pain; increased abdominal size or persistent abdominal bloating—unfortunately this is something we put up with on a regular basis, and sometimes we actually forget that it is not part of our normal body condition; needing to urinate often or urgently; and difficulty eating or feeling full quickly. I urge all women to know and remember these symptoms, and I encourage all women—and men—to discuss them with loved ones: with mothers, sisters, friends, girlfriends, partners and daughters. Do not be afraid, because, as I have stated, symptoms are hopefully just part of normal bodily functions not quite functioning normally and not something that will be diagnosed as something far more sinister.

Unfortunately with this form of cancer, unlike other forms of cancer, there is no early screening for ovarian cancer and so it is particularly important for these symptoms to be known and recognised for what they could be but also, hopefully, for what they are not. As Cancer Australia says, the best thing you can do is to get to know your body and what is normal for you so you can recognise any unusual changes. If as a woman you experience any of the symptoms of ovarian cancer and they are persistent and unusual for you, it is important to see your doctor. If you are still concerned about a persistent symptom, it is okay to get a second opinion. Trust your instincts. At the end of the day, you know what is best for your body.

The Ovarian Cancer Australia website is a very humbling site, for those people who have had the opportunity to look at it, because it contains a number of personal stories of women who have gone through the experience of ovarian cancer. I would like to share one such story with the Senate tonight. Carmel was on a European holiday with her husband when her symptoms became persistent. She writes:

As the two month trip progressed my waist line expanded and I did not fancy any fancy food. I started to realise something was seriously wrong and felt trapped on the other side of the world. In desperation we finally found a doctor to see me in York Hospital casualty. He said I was not sick and to go back to the pharmacy. By this stage I was carrying over 9 litres of fluid …

On flying into Melbourne, our daughter drove us straight to the Austin Hospital where after getting past the triage nurse—who also thought I was not sick—I was diagnosed by 5am after scans. The staff were sensitive to our world falling apart. The next two days involved breaking the terrible news to our children and family. Devastating.

By Monday, we met with my gynaecological oncologist at the Mercy hospital for women. I just kept saying ‘I want to live’.

Unfortunately, ovarian cancer still has the lowest survival rate in the first five years following diagnosis of any gynaecological cancer, which is why early diagnosis is so very important. The current survival rate stands at just 43 per cent. Five years ago, in 2008, 1,272 women were diagnosed with ovarian cancer in Australia. Statistically speaking, 726 of these women have now lost their battle with this disease. That leaves, of the 1,272 diagnosed cases, just 546 survivors. While this is a lesser survival rate in comparison with other gynaecological cancers, it is important to recognise that since the mid-1980s, when the survival rate
was just 32 per cent, we have seen significant improvements in awareness, diagnosis and treatment. It is through events such as Ovarian Cancer Awareness Month, along with tomorrow's Teal Ribbon Day, that we can continue to increase awareness, increase early diagnosis and increase the rate of survival within the first five years.

I would like to share with the Senate another personal account of diagnosis from the Ovarian Cancer Australia website. Noreen had been experiencing a number of symptoms, including abdominal pain, fatigue, weight loss, nausea and bloating. She writes:

I thought that the pain was caused by some injury I had sustained when attending to patients at work and it would soon pass. I thought that the tiredness was from shift work and that the other symptoms were related to diet, not drinking enough fluids, and that the bloating was caused by the yeast in bread.

The symptoms persisted and eventually I saw a GP. She ordered an upper abdominal ultrasound, which was normal. She gave me some literature to explain her diagnosis - irritable bowel syndrome.

I knew that I did not have irritable bowel syndrome and consulted another GP for a second opinion. He did arrange for the simple blood test for the ovarian cancer tumour marker, CA 125.

I never thought for one minute that I would be one of the 1200 Australian women that would present with advanced ovarian cancer (stage 3C) each year. I want to tell my story to other women. I want them to listen to what their body is telling them and to report to their doctor if they notice any of the symptoms associated with ovarian cancer. I want them to seek a second opinion if they instinctively feel that something isn't quite right.

I thank Carmel and Noreen, and all the women who have shared their stories of diagnosis, of living with ovarian cancer and of surviving. It is an absolutely wonderful thing. It is also very humbling for those of us who have not gone through a form of cancer to read their wonderful stories.

I urge all Australians, men and women, to become familiar with the signs and symptoms of ovarian cancer because this awareness just may save a life. It is through this awareness and fundraising that we can continue to work towards discovering an early screening process—bearing in mind that with this cancer it is early detection that saves lives—that we can help to reduce the numbers of women diagnosed with advanced stages of ovarian cancer and that, hopefully, we can increase the survival rate.

Coal Seam Gas

Senator WATERS (Queensland) (19:39):
I rise to talk about coal seam gas and why it is, sadly, only the Greens who are standing with communities to protect our land, our water and our climate from this untested scourge—which is, frankly, the last gasp of the fossil fuel industry. Our most learned research bodies, the CSIRO and the National Water Commission, have said that we do not understand the long-term impacts of coal seam gas mining on our groundwater and our aquifers, and we do not know if we are doing irreversible damage. Likewise, we have no independent science to establish whether coal seam gas is actually cleaner than coal. We simply have industry claims, and the government continues to refuse to do its own independent studies.

The process involves punching holes in aquifers to get to coal seams. A mixture of water and hydraulic fracturing fluids is then blasted in to force the gas out of the seam. Those fracking fluids can contain toxic benzene, toluene, ethylene and xylene—carcinogens—and the very process of fracturing and cracking the seam can release naturally occurring BTEX chemicals. So we have potential contamination of the water table and, with the punching of those holes,
we have the potential to change the pressure dynamic, which could lead to a drop in the water table. So we are talking serious threats to our water, which underpins our best farmland. Of course, we have very little good-quality agricultural land in Australia and very little water.

I think it is time for a snapshot of where the other parties stand on coal seam gas, because there has been a bit of talk about it in the last couple of weeks. Suddenly all of the old parties care about coal seam gas because it is going near Western Sydney, where there are about 12 marginal seats, and it is an election year. I think an examination of some of the most recent of these statements is warranted. In New South Wales, the O'Farrell state government has belatedly acted. They have put in a two-kilometre zone for urban areas where coal seam gas mining cannot happen. That is great for urban folk. It is a bit late—but, hey, it is great! What about all of the regional and rural folk that are facing this scourge as well? Sadly, it is too little too late, and it does nothing to protect our food-producing land.

Off the back of that announcement, perplexingly, Paul Howes—factional heavyweight of the Labor Party and head of the Australian Workers Union—said that he thought coal seam gas was great and that the Labor government should remove any barriers that block coal seam gas development and embrace this fuel. That was a couple of days after he called the miners corporate robber barons, so I am a little confused about what exactly Mr Howes thinks of the mining industry.

Federally, Minister Burke has now weighed in, given those marginal seats in Sydney. I am afraid it is a bit rich for him to pretend that all of a sudden he is interested in this issue when he is the minister that has approved every single coal seam gas project that has come across his desk. The federal government often tries to say: 'This is a state issue. It's got nothing to do with us. We'd love to do something about it but we can't.' I am afraid that is just not the case. The Greens have bills to increase the federal environment minister's powers to properly deal with this issue and the government will not have a bar of them.

We have some freelancing backbenchers—Justine Elliot, from the Northern Rivers, has had to stand down from her position of Parliamentary Secretary for Trade to allegedly fight coal seam—

Senator Carol Brown: Acting Deputy President, I rise on a point of order. I remind the senator to address the member in the other House appropriately.

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator, it is Ms Elliot.

Senator Waters: I believe she stood down. That is the point I am making.

The ACTING DEPUTY PRESIDENT: Yes, but you have to call her by her title.

Senator Waters: I do not think she holds that title any more.

The ACTING DEPUTY PRESIDENT: Ms Elliot.

Senator Waters: Sorry, I thought you said 'Minister'. Thank you for that correction. It would be nice if we had more senators with the title 'Ms' in this place, frankly. We need more women in parliament, but that is a matter for another night. Ms Elliot has resigned, allegedly to fight coal seam gas in her community. That is great, but her focus is now on the state government, who, she says, are not doing enough—and that is true: they are not doing enough—but how convenient it is that she leaves the federal government, her own government, out of the picture entirely. Again, the minister has
approved every coal seam gas project that has come across his desk.

I thought it was somewhat amusing that Minister Albanese, who likewise jumped on the coal seam gas bandwagon, claimed it as his own win that Premier Barry O'Farrell had blocked coal seam gas in urban areas. He sent an email asking folk to congratulate Labor and to send the email on, but he got the name of the company wrong—rather embarrassing for Minister Albanese, and also very illustrative of the lack of interest that federal Labor has had in properly dealing with coal seam gas.

The opposition continues to back coal seam gas to the hilt. Mr Tony Abbott had a very brief moment in the sun, about 18 months ago, when he said landholders should have the right to say no to coal seam gas. Sadly, 24 hours later he changed his tune and backed down on that. What a depressing result that was, and what a tragic backflip.

Unfortunately, the Nationals released a coal seam gas policy about a year ago. I then moved a motion which contained much of that policy. Sadly, they did not come into the chamber to vote for their own policy. I think that folk in the bush would be very disappointed to know that they were not prepared to put their money where their mouths were.

The Nationals will have another chance on Thursday. I have yet another motion about coal seam gas—industry claims that it is so clean and so much better than coal, never mind the farmland impacts! I am afraid we have no independent evidence to suggest that. In fact, we have evidence from other jurisdictions that shows that a similar style of gas—shale gas—is much dirtier because it leaks. It leaks out of the wells and it leaks out of the pipes. We could well have the same problem here and we need to investigate that.

I have two bills before this place that would properly deal with coal seam gas. The first would allow the federal environment minister to look at the water impacts of coal seam gas mining—and other large mining for that matter. At the moment he has this tenuous ability to regulate. He could still say no on the basis of his environment powers, but he does not have those water powers. So I am afraid we need to arm that office of the minister to do a better job to protect water
from coal seam gas. Sadly, no-one agrees with the Greens on that point, and others in this chamber are happy to let the environment minister continue to approve coal seam gas projects without properly considering their water impacts. I think that is reckless in the extreme.

The other bill that I have before this place to deal with coal seam gas is a landholder rights bill. Thanks to Tony Abbott and his thought-bubble that lasted 24 hours—

Senator Williams: Mr Tony Abbott!

Senator WATERS: Mr Tony Abbott. Thank you for that correction, Senator. His thought-bubble lasted 24 hours. The bill would give farmers the right to say no, given the risks to their land. We think they should have the right to say no to this industry. We do not understand its long-term impacts. They should not have to risk their land and the future of their kids. Likewise, they should not have to risk the land that feeds us all—and that feeds the world, given that we are still a net food exporter.

I have introduced countless motions calling on the government to press 'pause' on coal seam gas. There will be another one on Thursday saying, 'This industry is just too dangerous; let's stop it.' This is not a state issue. We are talking about water resources—this country's water resources—that do not respect state boundaries. This has become a national issue, and I am afraid that it is well past time that the old parties started listening to the serious community concern that is being expressed on this issue—and not just in pockets of Queensland; this has gone everywhere now. There is a real uprising in rural communities, and they are being joined by city folk.

People do not want their land destroyed by this industry when we have alternative, cleaner energy sources. We only have one way of growing food and we only have this one water resource. We need to properly look after it. So the Greens will continue to do that. We are proud to stand with the community in their opposition to coal seam gas, and I will be proud, on Thursday, to bring yet another motion to this chamber, which will unfortunately probably expose the old parties' complicity and their continued support for this dirty fossil fuel.

Early Childhood Education

Senator THORP (Tasmania) (19:49):
There can be no question that our lifelong path of learning starts well before we step across the threshold of the school gates. It is also unquestionable that the years leading up to school are among the most influential determinants of the types of lives that we will go on to lead. We know that these early years are vital in laying the foundations in language; fine motor skills; speech; and social, emotional and intellectual development. In fact, research tells us that 80 per cent of a child's brain develops by the time they are three.

The question of how we strengthen the opportunities available to our young people in these vital years to give them the best start in life is one of the most important there is. I believe that a strong, professionalised education sector is one of the best means we have of achieving this. By helping young people to achieve their potential early, we can empower them to contribute more fully to their communities and society in later life.

But first we need to make a shift in the way we think about, and fund, education. Today I stand in support of United Voice's Big Steps campaign to compensate early childhood workers with appropriate wages. It is time we started to recognise the importance of these years and, with it, the early childhood education sector's vital contribution in developing the Australians of the future.
It was not so long ago that we used to refer to early childhood educators as 'childcare workers'. Some may say this is just semantics, but the change in title represents a clear conceptual and cultural step forward in the respect we pay to this important occupation. It is recognition of the critical contribution these workers make to the development of our young people.

The impacts of the quality of our early childhood education sector are felt throughout society. Not only do they have an obvious direct educational role and contribute enormously to the building of healthy communities, but they can have a clear impact on our workforce participation rates and productivity and, as a result, the wider economy.

We also need to recognise the capacity of early childhood education to play a great equalising role in society. Not every child starts their educational experiences from the same point. There are myriad factors that may lead individual children to be at a disadvantage in their early ability to learn. But a responsive and stable early childhood has the power to identify and respond to these individual challenges, and to help limit the chances of a young person falling further behind. By stepping in early to help young Australians rise above inequality and disadvantage, the sector can empower them to go on to lead fulfilling and engaged lives. Unfortunately, while we are beginning to understand the crucial role our early childhood educators play in achieving these outcomes, this is yet to flow through into workplace conditions.

Despite the increased responsibilities and rightful recognition of the professional nature of the role, there has been no commensurate rise in wages. Currently, early childhood educators with cert III earn $18.58 an hour. Diploma qualified workers do not do much better, receiving only $20.86 an hour. This is almost $10 an hour less than the average Australian, and leagues behind what some similarly qualified tradespeople earn.

Recently I took part in United Voice's Walk in My Shoes challenge. It was probably one of the most exhausting days I have ever spent, with all those dear little children. My choice to work with teenagers with behaviour problems I thought was probably a brave choice to make. But after a day in the company of a room full of small two-, three- and four-year-olds, I decided: give me a room full of rowdy 17-year-olds anytime! The experience definitely cemented my insight into the daily challenges facing these educators, who are trying to make ends meet on $18.58 an hour. I can also understand how many have been forced to leave the sector because they simply cannot survive. For many it becomes a choice between the job they love and paying the bills. Many have pointed out that they would be better off stacking shelves in a supermarket—a sad state of affairs indeed.

With wages so low, I am sure it will come as no surprise to my Senate colleagues that the childhood education centres across the country are facing a crisis in trying to retain their qualified staff. In an inquiry into early childhood development, modelling found that we need to increase our early childhood workforce by 17 per cent if we are to meet our quality reforms. We also need to ensure that our current workers continue to undertake training to ensure our children receive the very best standard of education into the future. Unfortunately, far from meeting the growth that a quality education system requires, we are going backwards. In fact, a massive 180 educators are choosing to leave the sector every single week. This equates to one sixth of the entire workforce leaving each and every year, often not because they are unhappy or do not find the
work rewarding but because they simply cannot afford to keep doing it. This is nothing short of a workforce crisis. The only way we will be able to turn this around is by paying appropriate wages for what is a highly specialised and vitally important role.

My hope is that eventually our education system will start at birth with no artificial break between federally funded and controlled early childhood education and state and territory funded schooling. But at the very least, we need to start paying appropriate wages for what is a specialised and highly important role. We also need to recognise that this is not just a problem affecting one group of workers. It is a problem that has impacts throughout our society, not least of which is for the 607,000-plus children currently in long day care and almost 489,000 families. Not only are our children not getting the stable and quality education they deserve in these vital years, but we are limiting the opportunities of women within the workforce. In many ways, this workforce crisis mirrors the state of the community services sector not so long ago. Both workforces have a majority of female workers. Both workforces undertake some of the most important duties within society. And both groups of workers receive pay that does not even come close to recognising their true value.

One of my proudest moments as member of the Labor Party was in February last year when we recognised the value of those working tirelessly in the social and community services sector. On this day Fair Work Australia made the historic decision to increase wages for community services workers. This meant around 150,000 low-paid workers got a pay rise of at least $7,000. We recognised the contribution these people made and we ensured that they were compensated appropriately. It is time to do so again. It is time to provide the federal funding needed to support professional wages for early childhood education and care workers. We must ensure that we do so in this May's federal budget. We have shown it can be done before. We have shown that a fair pay for important work can make a difference. And we can do it again.

Western Australia State Election

Senator SMITH (Western Australia) (19:58): The state election on Saturday, 9 March, is not only crucial for the future of Western Australia but critical for the wellbeing of regional Western Australians, their families and businesses. On 9 March, Western Australians will make a choice about whether the Labor Party or the Liberal Party will lead my state. The prosperity that Western Australia enjoys is not the product of chance. Instead it is borne of hard work and careful design.

As I travel around Western Australia, particularly across the central wheat belt and great southern regions, I have been heartened by the observation that people do understand that elections are always competitive contests. If Western Australians do change the government, they will most definitely change the direction of Western Australia. Many believe Western Australia is heading in the right direction and now is not the time to take the risk by changing. In all fairness, no-one can doubt that Colin Barnett's leadership has provided certainty and direction to our state's economy. His leadership and determination has ensured Western Australia has remained secure and prosperous during difficult times. This has been achieved despite leading a minority government.

Colin Barnett and his team have stood up for Western Australia, and as a result of that leadership Western Australia is leading our country and making a solid contribution to our nation's regional relationships.
No-one should underestimate, however, the challenges facing communities across Western Australia. These are tough times for WA farmers, many of whom are relying on season-to-season finance to stay viable. Just last weekend I attended a great initiative, 'Farmer On Your Plate'. 'Farmer On Your Plate' is a great campaign to draw the attention of city people to the importance of agriculture and it is working to forge stronger links between the two. I congratulate Mary Nenke and Cate Rocchi on this great initiative. I was pleased to sign up as a 'Farming Champion' on the day. It is a good idea with an important message. The message is that life is tough for WA farmers and their families and that the crises in farming communities need answers soon.

At this election it is important for regional Western Australians to elect someone who shares their experiences and knows firsthand the challenges of living, farming and raising a family in WA. I want to specifically mention a great candidate working to represent the people of the Central Wheatbelt. Stephen Strange and his wife Karen are third-generation grain-growers and livestock producers with 40 years agriculture experience. Stephen Strange understands the issues important to local families and businesses. On Friday I attended a Central Wheatbelt forum in Cunderdin with Stephen Strange, where he talked to local farmers about his commitment to keeping grain on rail, opposing forced regional local government amalgamations and his commitment to keep Royalties for Regions. If elected, Stephen Strange would be a strong advocate for WA farmers and the families in a Barnett-led Liberal government.

The Liberals have a strong commitment to regional Western Australia, and I have always believed Liberals represent regional communities better than others. The Liberals are committed to Western Australian agriculture, to Royalties for Regions, to supporting Western Australia's live-export trade and to standing up for Western Australia by demanding a fairer deal on the distribution of the GST. It was heartening to hear at the recent Liberal Party campaign launch the Premier's commitment to taking personal responsibility for cutting farmers' red tape. This commitment puts agricultural issues at the heart of a future Liberal-led government in Western Australia.

Today's West Australian confirmed the feeling of many farmers across Western Australia when it reported on a WA farmers campaign report card, putting the Liberal Party at the top of the list of all parties on key agriculture policies. The media report said:

... the Liberal Party rated eight out of ten, compared with the Nationals six out of ten, while the ALP had three ticks compared with the Greens four on the WA Farmers' 10-point wish list.

Just yesterday, Colin Barnett and Liberals committed themselves to fighting for WA farmers. He committed the Liberals to keeping open commercially viable tier-3 rail lines and to giving greater support to enhancing a farmer's private property rights. Agriculture and food sectors are vital to securing WA's strong economy. The WA agricultural sector needs to be given an opportunity to expand and innovate, to increase productivity and to expand markets in Asia and the Middle East.

These election commitments come on the back of a solid record of achievement in government. Since 2008 the Liberal-led government has funded the $54.5 million Muchea Livestock Centre and provided $21.5 million to develop and modernise two significant regional sale yards for Western Australia's livestock industry in Katanning and Plantagenet as well as clearing the debt for the sale yard at Mount Barker. The
Liberal-led government has overseen the commercial cultivation of genetically modified canola, ensuring WA farmers remain competitive with other states.

Early in the campaign the Liberals announced their priorities for the successful Royalties for Regions program. Colin Barnett took a good idea and made it happen, and now he plans to make it better. At this election he has listened to the attitudes of people living in regional areas and, if re-elected, will give it a better focus. The Liberals' priorities for Royalties for Regions include improving regional health services and a significant improvement in country roads. Liberals across regional Western Australia are pleased that, under a future Liberal-led government, Royalties for Regions is here to stay.

While Royalties for Regions is important, it is only part of total state government expenditure in regional Western Australia. That is why regional communities need a strong local voice that can make a difference across all areas of government in areas where it matters.

On the important issue of the live export trade, the Liberals will continue to support live animal exports with strict animal welfare conditions. Western Australian farmers deserve to be supported, especially when they have the best welfare interests of their livestock as a priority. Western Australia is Australia's largest exporter of cattle. The Liberal-led state government stood up for pastoralists when this federal Labor government made the irrational decision to immediately suspend all live-cattle exports to Indonesia in 2011. More than that, Western Australian Liberals—and I commend the energy and commitment of my colleague Senator Chris Back on this critical issue—put pressure on the federal Labor government to get the live-export trade back up and running or risk a worsening animal welfare situation in the state's north.

No Western Australian politician should ever come to Canberra without championing the importance of getting WA a better deal on the distribution of the GST. We all know the story well: the goods and service tax was introduced by the Howard government to give financial security to the states and, in return, the states gave up their share of income and company tax. Under the Howard government Western Australia got 92¢ back from every $1 paid in GST by Western Australians. Under the Gillard government Western Australia now gets 55¢ back, and this is forecast to fall below 30c in two years. This is grossly unfair. Western Australia is prepared to help smaller states, but there has to be a limit. We believe we are entitled to at least 75 cents in the dollar back. That is generous of Western Australians, given that New South Wales, Victoria and Queensland all get over 90 cents in the dollar back. Our main concern is that Western Australia gets a fair share of GST revenue to help us build and run our schools and hospitals and to better support regional communities.

The Gillard government has failed to fix what is clearly a broken system, and Mark McGowan has failed to stand up for Western Australia. My colleague Senator Cormann was correct when he said in the *Sunday Times* on the morning of the Liberal campaign launch:

Expect Mr Barnett to make a strong case with some clear messages for a future Coalition government in Canberra about what he wants in WA's interest. Only Colin Barnett has taken the fight up to the federal government in the interests of getting a fair deal for Western Australians.

The Liberals in government make decisions and get things done. They are securing Western Australia's future.
At the WA state election on Saturday, 9 March, only the Liberals' have a plan that will ensure Western Australia's success is sustained and not wasted. If re-elected, regional communities will be stronger under the Liberals than under any other party. Only the Liberals will broaden the state economy, stand up for WA's fair share, maintain our nation-leading infrastructure program, improve access in quality frontline education and health services, invest in local and regional communities and make regional communities safer. At this critical time, we cannot endanger WA's future by electing anyone other than Colin Barnett as Premier and his Liberal team as the government. Only with this outcome will WA have a strong, stable government with a clear direction and with realistic plans for the future.

**Bonacina, Mrs Giulia, BEM, OAM**

Senator FIERRAVANTI-WELLS (New South Wales) (20:07): I rise this evening to pay tribute to Giulia Bonacina BEM, OAM, who passed away last month at the age of 93 years. As was mentioned in an interview with an SBS journalist a couple of years ago, speak to just about anyone in Wollongong and they will recognise the name of Giulia Bonacina. Giulia was born in Treviso, in Northern Italy, on 22 April 1920. In this same interview, which I had the pleasure of listening to again this evening, she recounted how she and her husband Efram had married in Italy and talked about his work in the immigration area. After they left Italy, they spent 11 months apart whilst Efram was sent to hostels in Wollongong and Giulia was sent to Skyville Migrant Hostel in Windsor, where she had her first experience as a translator. Efram commenced work at BHP and the family was reunited. During this time, Giulia devoted herself to the family and begun work in the Good Neighbour Council, helping new residents from all nationalities assimilate in Australia. She also continued her work as a translator by providing her services to the Children's Court in Wollongong. She assisted with both the Italian and Spanish language. Her experience from the Good Neighbour Council led her to become a founding committee member of Co.As.It in the region. Co.As.It was an Italian social welfare organisation that specialised in helping Italians who had recently arrived in Australia to establish themselves by finding housing and, for those in need, parcels of food and
clothing. Co.As.It provided core services and support for the Italian community.

When Co.As.It closed in Wollongong, Giulia and her husband continued their charitable work by establishing ItSoWel, which to this day still plays an important role in cultivating activities, services and education for the Australian-Italian community in the Illawarra. Their mission statement for the foundation was to 'deliver an array of culturally and linguistically appropriate services that empowered the community to increase their quality of life, and the promotion of the Italian culture, language and heritage'. Over the years, ItSoWel has provided a wide range of services in a range of different areas such as ageing and aged care, dementia, mental health, disabilities, community integration, social service supports, and Italian language and cooking courses, and raised funds for students to study in Italy. Above all, they rendered very important overseas pension assistance. They helped many Australians of Italian origin to rightfully claim their entitlement to an Italian pension. ItSoWel is a tribute to Giulia and Efram and I trust its board will continue to grow, nurture and foster the organisation with each generation in the same spirit of dedicated service of its founders.

Giulia's dedication to the Illawarra community did not only focus on ItSoWel. Giulia exemplified a strong volunteer ethos and her outstanding dedication extended to other community areas. She organised the University of Wollongong's Friends of the University and later on, in 1990, became a fellow. Both she and Efram were foundation members of the Friends of the University and both received fellowships in 1991—the first husband and wife team to be admitted as fellows. In 2000, Giulia was chosen to be a torch bearer for the 2000 Olympics, an honour that very few have a chance to participate in. In the same year she was awarded the Queen's Australian Sports Medal for her participation and leadership in bocce, the Italian version of bowls. In 2002 she was awarded the Medal of the Order of Australia for her service to the Italian community in the Wollongong area through a range of social welfare, cultural, women's and senior citizen organisations.

Sadly, Efram died in December 2005 after a short illness. Giulia continued on with her tireless activities. In 2012, she was awarded the 2012 United Nations Older Person Award for Wollongong for her commitment and dedication to the older members in the Wollongong community. She had also been awarded the Silver Jubilee Medal in 1977, as well as the British Empire Medal in 1980. In 1987 she had been knighted by the Italian government, receiving the Croce di Cavaliere. Fundraising for those in need was the highlight in the Bonacina's life and they focused their charity work on bushfire victims, the Kidney Foundation, the Cancer Council and Leukemia for Kids, as well as sending money to disaster areas in Italy.

Giulia worked hard to uphold the legacy of migrant history for future generations and was quoted saying: 'I like to leave the future generations knowledge of how our life was as migrants. I believe everyone has an experience to teach the newcomers.' It was this passion that led Giulia to join the Migrant Heritage Project to see that this legacy would continue and her stories were told.

The Illawarra has lost great Australian. Her legacy remains, with strong foundations and purpose towards community social work. Giulia Bonacina was recognised both locally and internationally. This is a testament to her inspirational work and service. She was a pioneer who showcased in a practical and selfless way the very best
attributes of our migrant narrative. She noted:

Every migrant's experience is different and every migrant brings with them their own different experience and culture. Our culture plus other cultures can only make an even better culture and this is important and this should never be forgotten.

I last saw Giulia when she attended Christmas drinks in my office a few months ago, accompanied by her daughter Marzia. True to form, she took me aside and said she wanted to raise with me an issue about assistance for the aged and asked if she could come and see me immediately after Christmas.

Giulia is survived by her three children, 11 grandchildren, 14 great-grandchildren and two great-great-granddaughters. I know I speak on behalf of the Australian-Italian community, who will remember all the things she did and all the people she helped.

On a personal note, on behalf of all my family—especially my parents, Antonia and Giuseppe, who knew the Bonacinas well—I acknowledge the support and the friendship that you gave me and them over many years. May you rest in peace. Vale Giulia Bonacina.

Security Research Institute, Edith Cowan University

Senator MARK BISHOP (Western Australia) (20:16): I rise this evening to talk about the valuable work being conducted at the Security Research Institute at Edith Cowan University in Western Australia. The institute is working with major multinational companies, agencies of national security, and law enforcement and resources and energy companies in the field of cybersecurity. Many associate a lack of cybersecurity with embarrassing leaks or credit card scams. However, the tentacles of cybercrime have the potential not only to harm our major government agencies but also to impact our very quality of life. It is a threat like no other as we may not know a crime has been committed until we recognise the damage.

Back in the 1990s, as we headed toward the new millennium, we were alert to the implications of what was known as the Y2K bug. The bug would penetrate our entire computer system. Although computerisation was in some respects still in its infancy, a simple error in date programs threatened to unleash catastrophic results at midnight on 1 January 2000. The race to fix the problem began as we quickly came to understand our dependency. It was in some respects a massive international effort, as well as cooperation at a government level, agency level and boardroom level to address what was understood to be the problem. What we learned from this experience was that the very fabric of our society was integrated totally with computerisation.

Fast forward 13 years and the internet, or cyberspace, has become one of our more important strategic assets. It is fair to say that the online environment is pivotal to our economy, and not just to the finance sector. It also powers our roads, our ports, our rail, our airports and our security services—not, of course, to ignore water, gas and electricity. However, unlike with the Y2K bug, the potential for illegal penetration of our civil infrastructure and the harm that could flow is not properly understood.

The threat today is not from a programming glitch. Now we face cybercrime that is focused on intellectual property, commercial know-how and sensitive information. While hacking could be about spying, it is just as likely to be about sabotage and extortion. The threat extends, of course, to our major industries and their markets. It includes the resources sector, manufacturing, retail, construction,
agriculture and the service industries. As a result, our reliance on a secure cyberspace grows daily. It is not a subject that dominates the headlines but one in which we all have a stake. We all rely on getting water from a tap and being able to turn on a light or household appliance. We take for granted the ability to make phone calls from a fixed line, and not many of us can function without mobile or wi-fi services.

Yet as our electricity, power, transport and communications infrastructure become more integrated into the internet we are exponentially increasing the opportunities for attacks. The coordinated, cooperative approach of the 1990s is not obvious. There is a view that many of our businesses are underestimating the risk that we face. The director-general of ASIO, for example, is taking a proactive approach by talking with CEOs and their boards about the scale and the reach of the threats. I understand that at this time much of the work is centred on corporate headquarters along the eastern seaboard. But there are a great number of other owners, holders and users of civil infrastructure outside of New South Wales and Victoria, to say nothing of the huge investment taking place in the mining dominated states of Queensland and Western Australia.

There are many reasons companies develop risk-taking cultures. However, it would be a grave error to underestimate the risk that comes from mining projects with foreign domiciled directors and a dependence on foreign capital, often provided by foreign governments. In these circumstances we should be alert to internal pressures that may lead to faulty and benign risk assessments.

The digital economy and cyberspace have opened up tremendous opportunities. But of course with opportunity comes risk. We know cybercrime is increasing. We know the number of intrusions and attacks in Australia has doubled over the last two years. We know that the nature of cyberattacks has shifted from away from being indiscriminate and random. A new national survey of around 250 businesses shows that cyberattacks are increasingly targeted and coordinated for financial reward. It no longer matters whether you are a government department, an intelligence agency, a major corporation or a small business; cybercriminals are able to do enormous damage, and we are all under threat.

So, what are we doing about it? Firstly, I would like to address the current inquiry by the Joint Committee on Intelligence and Security, which is considering reforms to national security legislation. Much of the commentary around this inquiry has centred on a proposal that data be retained by telecommunications and internet service providers for a two-year period. This is proving to be a contentious issue, if one read the press last week. However, the question is this: how do you safeguard both private and public sectors that are reliant on a secure but largely unregulated internet, recognising that internet and mobile telecommunications now go far beyond conventional boundaries and have the ability to disrupt every aspect of our lives? And how do you investigate and prosecute cybercrime if there are no records. This is the rub, and there are no easy answers.

In terms of government action the Prime Minister recently launched the National Security Strategy. It includes the establishment of a dedicated Australian Cyber Security Centre, the ACSC. The centre will be based in Canberra and I am told will boost our ability to protect against cyberattacks. The ACSC will be the hub, the heart, of the government’s cybersecurity efforts. It will be responsible for analysing
the nature and extent of cyberthreats. Its role will be to lead the response to cyberincidents, working closely with industry partners—in effect, to protect our nation's most valuable networks and systems.

But collectively we need to do more. To fix the Y2K bug Australian researchers, programmers, and corporate and government agencies worked with their global counterparts. The same global effort will be necessary to combat cybercrime. In Australia, both the public sector and the private sector have a part to play.

This brings me back to the Security Research Institute at Edith Cowan University. This institute is somewhat surprisingly the only research institute of its kind in Australia. I was recently briefed on its work. It has been a 10-year project headed by Professor Craig Valli and is now at the forefront of research into cybersecurity and its relationship with civil infrastructure. It has the most sophisticated purpose-built and secure facilities of its type within any university in Australia. Its team of researchers work with major multinational companies, agencies of national security, law enforcement, and resource and energy companies. It is in fact rated as one of the top five security research institutes in the world. I congratulate Professor Valli and his team for securing such funding.

The institute's next phase is to bring together partners from industry and academia to drive new research projects. The plan is to open a cybersecurity cooperative research centre in 2014. I have no doubt they will be looking for Commonwealth funding and, given the importance of their work, I am very happy to offer my support.

Cybercrime costs our economy hundreds of millions dollars a year. It is a silent crime that is often difficult to detect and often vested interests wish to cover up the attacks. Through the work of the Security Research Institute, Australia is taking a lead role in finding global solutions to thwart the malice and curse of cybercrime. I commend the work of Professor Valli and his team at Edith Cowan University and I also look forward to watching the progress of the development of the Cyber Security Cooperative Research Centre, based currently at that university in Western Australia.

Access to Justice

Senator WRIGHT (South Australia) (20:26): I am rising to speak tonight on access to justice in Australia. To me this is summed up by the phrase 'justice for all'. But what does this actually mean today in 21st century Australia? What should our justice system look like if it is, indeed, achieving justice for all?

'Justice' means that the legal system provides consistent, fair and timely resolution of legal issues. 'For all' means simply that people, whatever their background and financial means, should be able to obtain legal assistance and redress based on the merit of their legal claim and not on the size of their wallet or on their ability to negotiate a complex system.

'Justice for all' also means that all people should be treated equally before the law. In essence, then, justice for all is about our legal system offering more than just a public process for dispute resolution. It is about an accessible legal system that promotes social, cultural and economic inclusion in Australia. It is a means of people being able to identify their rights and take action, if necessary, to
see them observed, irrespective of their status, wealth or possessions.

In 2013, however, there is a crisis in our legal system that is increasingly threatening this concept of justice for all. And it is not just affecting the most disadvantaged Australians. Recently, the Law and Justice Foundation of NSW published the Legal Australia-Wide Survey, the LAW Survey, which surveyed 20,716 people. It was the largest legal survey ever conducted in the world. It found that legal problems are widespread, affecting a significant number of Australians. Each year an estimated 8,513,000 people aged 15 years and over in Australia—so, 50 per cent of people aged 15 years and over—faced at least one legal issue. Further, an estimated 22 per cent of people aged 15 years and over in Australia experience three or more legal problems each year. The LAW Survey research also found that 55 per cent of legal problems in Australia are 'substantial' problems that have a 'severe' or 'moderate' impact on everyday life.

The most common consequences of these legal problems were income loss or financial strain, stress related illness, physical ill-health, relationship breakdowns and having to move home. This of course has flow on effects for families, support services and workplace productivity of those who are experiencing the problems. Not surprisingly, disadvantaged and socially excluded groups were particularly vulnerable to legal problems, and it is legal assistance services, legal aid commissions and community legal centres that are there for them.

Legal aid commissions and community legal centres around the nation are crucial to filling the gap in the provision of legal services for the most disadvantaged and marginalised in our community—those who need but cannot afford access to private legal services.

We know that many people experiencing disadvantage often face a multitude of financial, social and legal stressors that can act as barriers to them accessing justice and greater opportunities in life. For example, many people experiencing homelessness incur infringements as a result of living on the streets—being fined for sleeping, living, littering or begging in public places. This can then significantly impede their ability to move out of homelessness, leading to a vicious cycle. Legal assistance services fill a significant gap in the provision of legal services for those Australians who can otherwise not afford legal representation, including low-income earners and people from non-English-speaking backgrounds. Some of them also provide a more holistic model of service delivery by, for example, linking clients with other essential services like health, housing and financial counselling.

In 2013, legal assistance services are increasingly under strain due to underfunding in combination with a growing demand for their services. The 2012 Australian Council of Social Service community sector survey highlighted how community legal centres are struggling to meet demand, waiting lists are increasing and approximately 14 per cent of people who sought assistance in 2010-11 were turned away. The situation is getting worse. Alongside this survey, research from the Australia Institute earlier last year revealed that approximately 500,000 Australians are missing out on essential legal services, yet funding cuts to these services have been occurring over time and in various states in Australia—despite community need. Indeed, looking around, there is stark evidence of these cuts, some of them politically motivated, in states like Queensland and
New South Wales, with the Environmental Defender's Office being a case in point. In addition, we have a crisis in Victoria, where serious criminal trials are being halted because Legal Aid Victoria does not have the funds to provide the legal representation and assistance that is needed.

It is essential that legal assistance services are adequately resourced and supported so that they can continue the excellent work they do and so that they can respond to the growing demand for services. A greater investment is needed to address unmet need and gaps in service delivery, which will improve people's ability to access the legal system, deal with their legal problems and prevent the flow-on effects which can impact their health and livelihood and, in fact, cost society dearly.

In addition to a greater investment in legal assistance services, we need to recognise how existing structures and processes within the legal system can act as a barrier to people accessing justice. For example, court fees can be a real barrier to people on low incomes. On 1 January this year, the government introduced changes to the Federal Court's filing fees. There have been dramatic cost increases associated with family law matters such as divorce proceedings, consent orders and new fees for conciliation conferences. The increases to mediation and conciliation fees are hard to reconcile with the government's stated aim to promote and encourage greater use of alternative dispute resolution processes. While the reintroduction of fee waivers and exemptions for disadvantaged litigants is a welcome change, the failure to extend the fee waiver to divorce applications is troubling.

Community Law Australia, which represents community legal centres throughout Australia, has highlighted how these centres provide essential assistance to women escaping abusive or violent relationships. For these women, being able to access divorce processes is a very important step in the recovery process, but for women on low incomes this cost may now be prohibitive. Finding $265 on a sole parent's payment or Newstart is extremely difficult. These higher fees will mostly apply to irregular court users and may be a significant obstacle for self-represented litigants and people on a low income.

It is not just disadvantaged Australians who are having increasing difficulty in accessing justice. Recent evidence has indicated that middle-income Australians, not just those on low incomes, are being excluded from the court system because they cannot afford legal representation and court fees. So the Australian Greens are concerned that these court fee increases will adversely affect a significant proportion of the population, restricting their ability to access justice in Australia. There is also great concern about the potential impacts the fee changes will have on legal aid commissions, Aboriginal and Torres Strait Islander legal services and community legal centres, who will be faced with the stark reality of not being able to represent their clients in court in some cases because their clients cannot afford the fees.

It is for this reason that, on behalf of the Australian Greens, I will be moving tomorrow for a Senate inquiry into the impact of the Federal Court fee increases on low-income and ordinary Australians and operators of small businesses. The inquiry will consider whether these increases are reasonable, how they may be operating as a barrier to accessing justice and the extent to which court fee increases may impact on services provided by legal assistance services such as legal aid commissions, Aboriginal and Torres Strait Islander legal services,
family violence prevention legal services and community legal services.

Funding our legal assistance services adequately is an important component of assuring that justice is within the reach of all Australians. It is also an excellent community investment, not just in terms of a fairer, more just society but also when it comes to the public purse. There is evidence, for instance, that every dollar spent on community legal centres saves governments $100 in future justice system spending. Also, as the law survey demonstrates, it saves the costs associated with unsolved legal problems like income loss, stress related illnesses, physical ill health, relationship breakdowns, loss of productivity and homelessness. So it just makes good sense. Put simply, access to justice for all people is the hallmark of a fair society—and that, after all, is how we like to see ourselves, isn't it?

(Time expired)

**International Development Assistance**

**Senator SINGH** (Tasmania) (20:36): I rise this evening to talk about one of Australia's proudest and most important contributions to the world: the Australian overseas aid and assistance program. The Australian aid budget for this financial year is expected to reach $5.2 billion. As a sum of money it is an impressive figure, but when it is described in human times its true contribution can really begin to be understood.

Over the next four years, Australian aid will enable four million people to enrol in school, an invaluable contribution to the millennium development goal closest to its target: to provide universal primary education to the world's girls and boys. It will help to vaccinate 10 million children and reduce preventable disease in inching the whole world closer to the eradication of measles and of polio, just as Australian aid has substantially contributed to the eradication of polio throughout the Pacific.

And it will provide access to safe drinking water for about 8.5 million people, and build sanitation and hygiene solutions with communities, just as Australian aid has already done for nearly 500,000 people in Tanzania, South Africa, Mozambique and Zimbabwe.

Since 2007 the Australian overseas assistance budget has increased from 0.3 per cent of GNI to 0.35 per cent, resulting in a rapid expansion of capacity in the aid program. Making sure that money is directed to its best possible use and that projects are worthwhile, the best value for money and delivered in a rigorous and accountable way, it is important in making sure aid gets to where it is needed.

In November 2010 the government commissioned an independent review of aid effectiveness, eventually resulting in a new model of aid effectiveness that guides the comprehensive aid policy framework released in May last year. Only last month my colleague Minister Bob Carr released the 2011-12 Annual review of aid effectiveness, which makes clear the extraordinary achievements over the course of that year, underpinned by strengthened auditing and evaluation measures. Australia's aid program is still robust and flexible, able to respond to humanitarian crises quickly, as in the case of the Horn of Africa in recent years. But it also remains focused on the priority areas. Those priority areas go to 10 particular development objectives, the first and most fundamental of which is, of course, saving lives. Along with other priorities, from promoting opportunities for all to supporting sustainable economic development, Australia's aid targets are consistent with the Millennium Development Goals and contribute towards their targets. We are now
less than two years away from the deadline from the achievement of these targets, and although considerable progress has definitely been made it is clearer than ever before that there is still very much more to be done. All indications are that not one fragile and conflict affected country, including those which received substantial assistance from Australia such as Afghanistan, Pakistan and Papua New Guinea, is likely to achieve the Millennium Development Goals.

Development objectives are often correlated. The achievement of gender equality and inclusion tends to result in better and more universal education, which results in a more productive and equitable work force and economy and to a subsequent improvement in health. Where conflict or social inclusion hampers any of these steps, development tends to slow or halt across the board. But, while the delivery of aid in these often dangerous and tenuous circumstances is a fraught process, it is amongst the most important work that Australia can do in terms of development, humanitarian support and nation building. It is a long-term goal involving support for cultural and systemic change that is needed.

However, it is not only particularly fragile countries that are in need of Australia's assistance. India is now the largest democracy in the world and has made huge leaps both economically and socially. In just the past week, India celebrated the second year without a case of polio reported throughout the country—an achievement that can only be considered an extraordinary success, and one partially attributable to Australia's considerable donations to the Global Polio Eradication Initiative. And yet still around 40 per cent of the country's population lives in poverty, and water, sanitation and hygiene issues continue to fundamentally limit the capacity of communities to develop. Until recently, AusAID maintained an office in India's capital, New Delhi. Owing to a number of circumstances, including a hesitance by India itself to receive aid, that office and country program are now ending. I hope that India's cooperation, including sharing in the deep experience and expertise of Australia's development coordinators, with Australia will not totally cease as a result of that decision.

Better cooperation between international communities is part of a development agenda, and there is no clearer example than the work going on within the AusAID BRIDGE program. Supported by the Asia Education Foundation, the Building Relations through Intercultural Dialogue and Growing Engagement, BRIDGE, program gives schools in Australia and Indonesia the opportunity to participate in comprehensive teacher exchanges, sharing experiences and culture as well as language and teaching skills. Many schools, including some such as one in my home state of Tasmania, Taroona High School, have used the BRIDGE program as one part of a strategy to develop Asian literacy and language programs for their students. I have no doubt that the BRIDGE program is a sign of things to come as development becomes an objective shared not only by governments and NGOs but also by communities.

While the Australian community have a commendable history of generosity as donors and givers, our government still has a moral obligation to lead with respect to overseas development assistance. In the year 2000, then Prime Minister John Howard pledged Australia to the international target of aid spending of 0.7 per cent of GNI by 2015. As I mentioned earlier, under Mr Howard's government that level fell to 0.24 per cent, rising to 0.3 per cent at the change of government. I am pleased that the coalition has now matched Labor's commitment to
reaching 0.5 per cent of GNI, a commitment to increase the aid budget that remains bipartisan even while the aid budgets of many nations around the world have contracted. But the delay in reaching this figure—only now expected to be reached by the years 2016-17—and the shortfall between the 0.7 per cent aspiration at the dawn of the new millennium and the reality of a new 0.5 per cent target, I have to say, is still disappointing. Inevitably, it is the case that overseas development assistance is an investment in a more prosperous world, and I remain convinced that this aid target and the outcomes it is designed to achieve will one day soon, I hope, be reached.

It is also important to acknowledge that the challenges to the way in which Australia has had to deal with asylum seekers and refugees also resulted in a reprioritisation of aspects of the aid program late last year. Some of the aid program will now be directed to providing food, shelter and essential items for asylum seekers in Australia. While in international terms such an allocation is not unusual under the OECD reporting directives, I acknowledge that it has caused some angst for many aid, refugee and asylum advocates in the community whose expectations of the aid budget are different.

Australia is able to achieve what it does because of the work of very committed people, here and abroad, working through AusAID and other agencies in Australia—through the 30 AusAID offices located all across the world, through the 43 community based organisations funded through the AusAID NGO Cooperation Program, ANCP, and through local organisations and change makers on the ground. As I described in my first speech in this place, our aid achievements are truly a thousand quiet hopes delivered by a thousand quiet heroes, and I want to commend the Australian aid program and all that it does achieve.

Women in Sport

Senator McKENZIE (Victoria) (20:45): I rise to speak about an issue which I am very passionate about, and that is sport, particularly the participation of women in sport and some implications around healthy lifestyles and the recent release of dietary guidelines. Next weekend we will see a first in the Women's National Basketball League when the only regional team in the competition plays in the grand final. That event will be held after a lot of passionate lobbying by locals in regional Australia—the home of the Bendigo Spirit—in Bendigo in northern Central Victoria.

It is an exciting time for Bendigo and the Bendigo Spirit team, who secured their spot in the final with a 78 to 71 win over Dandenong last weekend. The buzz surrounding the game itself and the interest and support it has raised in the local community is astounding and a real credit to the players and organisers alike. It is a tribute to the young women who train hard and play for the Bendigo Spirit: Chantella, Andrea, Kristi Harrower, Chelsea, Gabrielle, Madeleine, Kelly, Jane, Rachel, Renae, Ashleigh, Hayley, Olivia and Rebecca. It is a tribute to the coaching staff of Bernie Harrower, Jeremi Moule and Paul O'Brien, and to their team who support the Bendigo Spirit behind the scenes. It is a tribute to the organisers and also a tribute to the wider Bendigo community for so proudly supporting their team. It is a real achievement for the team as we need to recognise that it is difficult for a regionally based team to get access to training and competition. The Bendigo Spirit are a great example of the success that can be achieved when players display the solidarity that
Regional communities often do when they band together so passionately. I would also like to make note that this week in Parliament House we celebrate the contribution of women athletes to sport at the Centenary of Canberra Sportswomen’s Ball tomorrow night when the Top 100 Australian Sportswomen of All Time will be announced. As much as I love sport, I know I will not be on the list. It will be very inspiring, I am sure, to be surrounded by those role models. Similarly—and it seems to be the week for it—I am heading to Bendigo on Friday night for the 48th Annual Sports Star of the Year awards, sponsored by the Bendigo Advertiser and WIN TV, where all sports are represented across genders. The special guest speaker for that evening will be well-known Australian Olympian Brooke Hanson.

This brings me to the point that having role models such as Brooke Hanson, the Bendigo Spirit and the Top 100 Australian Sportswomen of All Time matters. Research indicates that people who are good at sport, who enjoy sport, are likely to participate in sport throughout their lives. People who are already fit and healthy are also those in our communities who are more likely to take advantage of public health campaigns promoting sport and participation. Last year the federal government spent $300 million on promoting participation in sport. As a former phys ed teacher I can vouch for the influence a great PE teacher has on ensuring young people leave school with a positive perspective of sport and physical activity. I think teachers as role models need to be very aware of the positive and the negative messages we send to our students in their development and understanding of themselves as physically active beings.

Role modelling is important. It is the key in parenting and it is the key in leadership. It is the key to developing healthy behaviours. Babies watch their parents to learn how to walk and talk and eat. Young children also watch closely to see how the significant people in their lives interact with others, and so develop their social skills. Similarly, in leadership roles the conduct and attitude of the leader of an organisation or group influences the behaviour of those within it. I welcome our athletes, male and female, who display characteristics of determination, dedication and effort. They sweat and they do not worry how that looks, because to be strong is to be healthy and in their case fit for purpose. During the WNBL season watching the Vixens it has been important to see female athletes who are so competitive and determined to succeed on the national stage. That brings me to speak about the importance of individual responsibility and being accountable to the team, with hard work and goal setting all playing a part in a healthy lifestyle.

Last week the Australian dietary guidelines, Eat for Health,—not for taste, for health—were released by the NHMRC. It is a significant cost in terms of money and people hours and essentially the guidelines tell Australians what they should and should not eat. The underpinning assumption is that to be healthy one has to follow this advice, and that is simply ridiculous. I know plenty of people who eat sugar and are still healthy. I am sure Epicurus is turning in his grave somewhere in a very austere Greece. Whilst it is useful to state aspirations, there are several issues that I have around this public debate. The human relationship with food is complex. We live a very sedentary lifestyle. Humans in Western countries spend their days sitting rather than ranging the savanna. This formula is already starting out skewed in terms of calories in and calories out. In the good old days we could eat what we liked as long as we could catch it. But we did not eat...
very regularly. Our diet was not varied, our tastebuds were not stimulated and our life expectancy in those days was very, very low.

This is the paradox of modern health advances: we live longer but are chronically ill for a longer period of time. And it is a First World issue. Wealthy people in the West are less likely to be obese, whilst the converse is true for those in developing countries.

Another issue with food and our relationship with it in the modern western world is that it was not a moral issue but it is now. Women and men speak of 'being good', while restricting their diet or when exercising.

In a similar vein, whilst we talk in terms of being 'good' and 'bad' around food, we have to be very mindful that it is actually not a sin to eat sugar or fat. The idea that individuals need government telling them what to eat and how much to exercise and then using taxes to promote these behaviour changes is simply draconian and misses the point. But we do have a crisis on our hands and it necessitates a moralistic response. Or does it?

As Michael Gard, an academic in health sciences, attests: 'There have been many attempts by governments, both state and federal, to promote physical activity and healthy eating, with a very poor evidence base. But they are very happy to go and spend a lot of public money without actually understanding the research behind whether this will actually equate to behaviour change.'

He goes on to discuss the fact that the increase in health panics in western countries can greatly exaggerate the problem. Clearly, the result has been a waste of resources and misdirected policy. I am not arguing that to be obese, to be overweight, is not a health issue. It is. But the public debate needs to be centred on credible science and a sound evidence base to ensure the best direction of public money.

Governments like to tax bad behaviour as a behaviour-change mechanism. This is a simplistic, society-wide response to a complex individual problem. It is unlike speeding and drink driving.

The easy way out, as was suggested by the Greens last year, of our obesity epidemic is to tax fast food. However, this is simply another elitist argument from Brunswick. The fat content in fancy French cheese would be very similar to that of a hamburger with the lot, from my local fish and chip shop. Additionally, taxing fatty or sugary foods would be regressive, as in western countries poorer people spend a higher proportion of their income on food. There are also measurement issues, as each item of food in circulation would have to measured, and we have the history of the Danish fat tax being axed after one year.

This brings me to another point—that is, that moderation is key to a healthy lifestyle. Ideas of freedom are not spoken about often enough in Australia. Our relaxed way of life may seem dismissive, as our freedom and our capacity to make decisions about our own lives are whittled away. Because the underlying principle informing people who create a crisis that then needs to be solved, who moralise about such a basic necessity—and pleasure—as food, and who seek to change whole populations' behaviour using very blunt instruments without a strong evidence base, is that you as an autonomous person are not clever enough to make decisions about your own life.

In the wake of dietary guidelines, which ask us to limit the good stuff and increase the bland stuff, I am reminded of Epicurus—some would say he should be getting the MasterChef royalties—who noted:
Be moderate in order to taste the joys of life in abundance.
Whilst the government is intent on telling Australians what is good for us, it should be about mutual responsibility and it should be about role modelling. It could also be analogous with good governance, a balanced approach: what goes out should be equivalent to what goes in. That follows on from our very public and pertinent debate that we have been having in the chamber this week about the mining tax. I will leave it there.

Nudge Economics

Senator SINODINOS (New South Wales) (20:55): I want to talk about nudge economics, which actually follows quite logically from Senator McKenzie's contribution.

Senator Mark Bishop: Why don't you talk about the MRRT?

Senator SINODINOS: Senator Bishop, this is a very interesting and emerging topic of public policy. It was brought to my attention at the recent round of Senate estimates. During questioning at the hearing of the Senate Finance and Public Administration Legislation Committee, the Office of Best Practice Regulation, which sits within the Department of Finance and Deregulation, testified that nudge economics is an area of public policy which the OBPR has been focusing on as part of its work program.

During their testimony it was discovered that not only had the office released a public discussion paper on the topic and held a range of seminars across the Public Service but they are in fact holding a series of 'nudge' trials within the department—

Senator Mark Bishop: What sort of trials?

Senator SINODINOS: Nudge economics; I will explain in a moment, Senator Bishop—testing various aspects of its theoretical underpinnings.

Given my recent work as Chair of the Coalition Deregulation Taskforce I thought it appropriate to make some comments about nudge economics as a public policy tool and the use of it by the federal government. Nudge economics can be broadly defined as the use of psychology and behavioural economics to change the choice architecture with a view to influencing people's behaviour.

In the regulatory context, the use of nudge economics is about how governments can use regulatory design and implementation to alter how citizens make economic decisions, particularly consumer choices. The discipline gained international attention within public policy circles via the publication, in 2008, of Nudge: Improving Decisions about Health, Wealth and Happiness, by Cass Sunstein and Richard Thaler.

Senator Mark Bishop: Is this code for putting up prices?

Senator SINODINOS: We will come to prices in a moment.

The ACTING DEPUTY PRESIDENT (Senator Boyce): Senator Sinodinos, please ignore the interjections.

Senator SINODINOS: Madam Acting Deputy President, I take them because they are normally quite intelligent. They are showing great interest in the subject.

The underlying theory of nudge and behavioural economics is that individual actors do not follow what is known in the economics literature as rational choice theory—that is, they do not necessarily make consumption decisions in a rational or logical order via ranking preferences of goods according to what will maximise one's
own utility. There may be some lessons in all this when selecting the next leader of the Labor Party. Rather, nudge and behavioural economics assumes that individuals make economic decisions based on different factors such as their risk appetite; social norms; self-perception and ego; the source and format of information received; as well as whether they are open to change or whether they prefer the status quo.

Nudge economics considers how consumption decisions are made and whether various regulatory mechanisms can influence how an individual makes their decisions. We have seen various examples of these regulatory mechanisms in modern approaches to public policy at the Commonwealth level, particularly in policy areas such as tackling the health effects of excessive consumption of tobacco and alcohol products.

The Office of Best Practice Regulation outlined three forms of nudges. Firstly, there is a pure nudge—that is, mechanisms which change a consumer's choice architecture without placing additional regulation on business. An example is pre-filling government forms. Secondly, there is an assisted nudge—that is, regulatory mechanisms which place requirements on business which change a consumer's choice architecture without directly limiting the choices available to consumers. An example is businesses being required to provide consumers with greater product information. Thirdly, there is a shove—that is, regulations which directly affect consumers and businesses by limiting their choices.

These forms of nudge can be found across federal government policy in one form or another. While the literature on behavioural and nudge economics is gaining in popularity within public policy circles, it is important to not only outline the significant shortcomings of these techniques but also refocus the debate on regulation back to the core question—that is, why do we need regulation?

Contrary to those opposite, who like to portray the coalition as extreme neo-liberal ideologues, the coalition does believe in the need for sensible regulation. It can play an important role in a modern economy, whether through providing public safety through law and order, protection of property rights, enforcement of contracts, enhancing the operations of markets via improving product information or promoting competition. Regulation also plays an important role in dealing with externalities such as air and water pollution. Regulation comes in various forms, but the empirical evidence suggests that those regulations which affect the operation of the market—whether through limiting entry, market exit, price or competition—can have a disproportionate negative impact on the specific market and on the broader economy.

The coalition takes a conservative approach to the use of regulation. In our view, the mechanism which is fundamental to the operation of the economy is the market, and regulation should be targeted to enhancing the operation of the market and dealing with any externalities that may arise. We take a dim view of public policy choices and regulatory approaches that detract from the effectiveness of the operation of markets, but enhancing the effectiveness of regulation, where regulation is actually required, is a goal that all public policy practitioners should seek to achieve. This is not to argue against considering behavioural responses in forming regulatory responses, but the coalition is sceptical of technocratic planning and coordination and the nanny state. We do not believe in putting government at the centre of the economy, and we consider that the effectiveness of
using regulatory responses to change an individual's choice architecture can be questionable. Individual Australians are not homogenous beings and people's reactions to such regulatory mechanisms may lead to unexpected outcomes. The use of such mechanisms requires large quantities of information to be effective and could potentially be a costly exercise.

Even with good information, policymakers can still get it wrong. An example of this is the alcopops tax increase debate in 2008, which the government said was designed to deal with alcopops being the drink of choice for those young adults engaging in binge drinking. The intent of the policy was to nudge consumers away from these alcoholic products. Our view was that the tax increase was misguided, given that it could lead to potential substitution effects, resulting in young Australians turning to other, potentially harder, forms of alcohol and other substances.

The use of nudge economics coupled with modern technology such as social media should not tempt government into manipulating public policy outcomes. Labor's experimentation with nudge-type initiatives also includes the failed Fuelwatch and GroceryWatch schemes. The policy basis for these schemes was that better information would lead to consumers acquiring products with lower prices. In the case of Fuelwatch, three government departments opposed the scheme on the basis that it could reduce competition and flexibility in the market, place an unfair regulatory burden on independent retailers and ultimately push prices higher rather than lower. These are just some examples of how badly-designed regulatory initiatives can result in ineffective and costly policy outcomes. I quote Kevin Rudd from 2007:

The truth is business regulation today is eating away at the entrepreneurial spirit of Australian business. The reality of the Rudd-Gillard experiment is that Labor's regulatory agenda has in fact further exacerbated our productivity and red-tape challenges. The consultations across Australia conducted by the Coalition Deregulation Taskforce, which included Senator Bushby, Kelly O'Dwyer—the member for Higgins—and me, confirmed our suspicion that Labor's regulatory program is in fact imposing additional and costly new regulation such as the carbon tax, the mining tax, the Fair Work Act, national occupational health and safety laws, the Future of Financial Advice laws and others. This was confirmed by a national red-tape survey conducted by the Australian Chamber of Commerce and Industry in October 2012, which indicated that more than 73 per cent of survey respondents believed that the overall regulatory burden had increased in the past two years.

The reality is that in the regulatory space, as in other policy areas, the government has failed to deliver on its policy commitments. It should desist from further experimentation in nudge economics and the like and refocus on the bread-and-butter issues of how we reduce and improve regulation. Our case to the Australian people on 14 September—if that does prove to be the final election date—will be that only the coalition is serious and ready to deal with Australia's economic, productivity and regulatory challenges.

**Federal Election**

Senator BOYCE (Queensland) (21:05): Australians have been given a long time to compare and contrast the two major parties that are seeking to form Australia's next government since Prime Minister Gillard's surprise announcement of a potential 14 September election date. Tonight I would
like to compare and contrast the two candidates that are seeking to represent the people of Lilley in Queensland: the current Treasurer, Mr Swan, and the LNP candidate, Mr Rod McGarvie.

Before I do so, I would like to comment on the fact that Prime Minister Gillard appears to have once again misled the Australian people in her attempt to artificially divide the year into the 'days of governing' and the post-August 'days of campaigning'. If having her photograph taken reading to children so that she could announce an existing reading program—without any tied funding—is not campaigning, I wonder what is. If announcing that she will live at Rooty Hill next week while she tours the potential train-wreck Labor electorates of Western Sydney is not campaigning, I am not sure what is.

The coalition leader, Mr Abbott, has said that the 2013 election will be about trust. I would like to invite the voters of Lilley to consider the trustworthiness of Mr Swan and his opponent from the LNP, Mr Rod McGarvie. Given that Mr Swan is the Treasurer of Australia, I would also like to invite all Australian voters to consider the comparison. I will not start by questioning Mr Swan's track record for dishonesty and misleading since he has been the Treasurer; I will start somewhat earlier than that.

In 2002, Christopher Pearson, writing in the Age, noted that Mr Swan's colleagues saw him as one of the party's:

… "white bread politicians" who not only speak in sound bites but think in them too.

The comment is attributed to Labor's then national secretary, who rather awkwardly is now the Special Minister of State, Mr Gary Gray AO. Mr Swan has also been variously tagged by his colleagues as a 'policy vacuum', a 'policy stumbling block', a 'machine politician' and a 'loyal lieutenant to Bill Ludwig and the AWU faction throughout his career'.

In 1996, when Mr Swan realised he would lose his seat in Lilley in the upcoming election, he even went so far as to donate money to the Australian Democrats campaign in Lilley—money the Democrats party never received. There is still dispute about whether it was $500 or $1,400 and whether it was in a white envelope or a brown paper bag. In 2000, when this deal became public, Mr Swan insisted that no preference deal had been done with the Democrats, that no preference deal had been discussed and that the money was for electorate signage. The matter was referred to the Australian Electoral Commission and then to the Australian Federal Police. They took no further action, although the police comment at the time was particularly telling. 'I can't say there is no case to answer, but no further action will be taken,' the police spokesman said. Former Queensland Labor MP Gary Johns claimed that preference deals were done with the Democrats in four seats, including Lilley, that were held by Labor in Queensland—and not because of the potential for success but because the candidates were 'aligned with or part of Queensland Labor's most powerful faction based on the AWU'. Mr Johns told the 7.30 Report in November 2000:

I'm even stunned having been in it for 27 years and a member of the party, the extent to which a group of people simply played the game according to their own rules for their own purposes without regard for the wider party.

… … …

… I think it had more to do with not whether you could be saved, but who was to be looked after.

Fast forward to just last week, when Treasurer Swan was still singing the praises of the AWU and claiming that governing for union members is the equivalent of government for all Australians, despite the
fact that only 18 per cent of Australian workers are union members.

At the AWU National Conference on the Gold Coast, where both Mr Swan and Ms Gillard sang—and pleaded—for their supper, Mr Swan thanked the 'brothers and sisters of the AWU' for supporting 'your Labor government'. Mr Swan said that all he wanted was a fair go for Australians:

That's why I joined the AWU. That's why I joined the Labor Party; it's also why I proudly serve in the Gillard Government.

It is this background that has kept Mr Swan out of contention as a potential leader of the Labor party. With all the suggestions around Mr Rudd, Mr Shorten and Mr Crean—and the list goes on—no-one has ever suggested Mr Swan for the leadership. That is not because of his lack of leadership talent; his looseness with the facts and the truth regarding policy; his inability to keep an apparently solemn, and oft-repeated, promise to produce a budget surplus; his press gallery title of 'worst parliamentary performer'; or his well-remembered knifing, along with Ms Gillard, of Mr Kevin Rudd. The real reason he is not in contention is not even the blowout of the budget deficit to, as in most recent news, $15 billion—and counting. It is his past.

Compare and contrast this record with that of the LNP candidate for Lilley, Mr Rod McGarvie. As you would know, Mr McGarvie won the seat of Lilley on primary votes at the last election. It was Greens preferences which saw Mr Swan narrowly re-elected. Mr McGarvie began his working life as a house builder and general construction worker. He then became a member of the Australian Army. He served as section commander with the Royal Australian Engineers at Enoggera. During this time he served in a UN peacekeeping mission to Namibia and received numerous service medals. During his Army service, Mr McGarvie led troops, searched for land mines, built bridges and ferries, and developed clean-drinking-water programs.

During his service he was also trained as a search-and-recovery diver—a skill he put to good use years later at Uganda's Lake Victoria following a light plane crash. I have been privileged to see a letter of gratitude to Mr McGarvie, which I must admit Mr McGarvie does not show around, from the then director of the German ministry for foreign affairs, Dr Wolfgang Schultheiss. It reads in part:

… thank you for your selfless efforts in searching for and recovering the bodies of the five German victims of the tragic air crash of 23 Oct 2000 …

Your task as a diver, which required special experience, was particularly dangerous and you even risked your life in this operation. You have our heartfelt gratitude and appreciation.

This was during the time that Mr McGarvie worked for SIL International as the executive director of the Uganda-Tanzania branch, developing language training courses in those countries and being responsible for a staff of 200, half of whom were specialist expatriate teachers. Mr McGarvie has since had experience with SIL in the Pacific area.

He is now working for UnitingCare Community as a disability support worker, completing an MBA and campaigning as the LNP candidate for Lilley. Mr McGarvie is married with five children. In short, he is an experienced leader, trained by the Australian Army, with many years in leadership roles not just in the Army but with NGOs in developing nations in Africa and the Pacific area, and with a background in the real world. He is not a machine politician. Mr McGarvie joined the LNP because he supports its philosophies. He is not interested in only his own survival. Mr McGarvie will continue to advocate for the people of Lilley and marginalised people in Australia and overseas. And he is not a sometime friend;
he has helped thousands of people and he will continue to do so.

I am pleased to advise that, since the faux election campaign was announced by Ms Gillard, the odds on Sportsbet for Mr McGarvie winning the seat have shortened considerably. Mr McGarvie and Mr Swan are now at the same odds—level pegging at $1.90 for an input of $1.

As you will appreciate, Acting Deputy President Moore, this means there has been a lot of money waged on Mr McGarvie's success, and I believe that Mr McGarvie's honesty, trustworthiness and good faith will ensure that this trend continues. (Time expired)

Hollows, Professor Frederick Cossom, AC

Senator FAULKNER (New South Wales) (21:15): I seek leave to speak for 20 minutes in this adjournment debate, although I will not speak for 20 minutes.

Leave granted.

Senator FAULKNER: I thank the Senate. Twenty years ago Australia lost a talented physician and dedicated humanitarian, Frederick Cossom Hollows. Hollows's brusque demeanour concealed a deep commitment to social justice. He once wrote:

... care and concern for others is the highest of human qualities. It distinguishes us from the animals and deserves to be paid more attention and to be more exercised.

Tonight, I want to remember Hollows's life and legacy. Fred Hollows was born on 9 April 1929 in Dunedin, New Zealand. His great-grandfather, James Hollows, came to New Zealand from Lancashire, England. He came south seeking a better life. He left the Old World and became a coal miner in the new. Hollows's father, John, was a train driver. His father left the railways when modernisation finally severed the tie between man and machine. Reading Fred Hollows's biography, one gets the sense that he admired and respected his father. According to Hollows he was 'a kind of radical, a sort of Christian Marxist'. Fred inherited his father's fierce individualism and much of his politics but not his reverence for religion.

After leaving school Hollows enrolled at the University of Otago as a student of divinity. His intention was to go into the church, but he became disenchanted by the piety and insularity of his classmates. He cast aside the last vestiges of religious belief while working at Porirua mental hospital where he witnessed the care and commitment of the hospital's secular staff. He was, in his own words, 'very impressed by those men, by their goodness, I suppose'.

He said:

Before that, I had assumed that life outside the church, away from the comforts and discipline of religion, was the slippery path to perdition ... I thought the only real joy in life was in the church but I found out differently at the hospital. Those men were good and religion had nothing to do with it.

Hollows lost his religion but retained some of its most endearing qualities—its commitment to social justice and to others.

He shunned the church and instead enrolled at medical school. After graduating he worked at public hospitals in Auckland and Wellington where he was increasingly drawn to ophthalmology. In 1961 Hollows's curiosity and ambition led him to England, where he studied at the Moorfields Eye Hospital. In a precursor to the rest of his career, he collaborated on a survey of glaucoma in Wales, amongst the gritty, dim valleys of the mining towns there.

He moved to Australia in 1965 to take up a position as an associate professor of ophthalmology at the University of New South Wales. In this position he was
responsible for the teaching program at the university and at the Prince of Wales and Prince Henry hospitals. After treating two Gurindji elders at the Prince of Wales Hospital he was invited to visit the Gurindji in the Northern Territory. In country where Vincent Lingiari's colleagues and kin led one of the first protests for land rights, Professor Hollows was confronted with shocking living and health conditions. Many of the Gurindji were suffering from the effects of blinding trachoma—a disease that had been eradicated from the non-Indigenous community decades earlier. It is a disease about which I have spoken many times in this Senate chamber.

At a press conference organised for his return he described the disparity in medical services between Indigenous and non-Indigenous Australians as 'a scandal' and the conditions he found in these communities as 'something out of the medical history books'. In response, he helped establish the National Trachoma and Eye Health program—a team of over 80 people, who travelled to hundreds of remote communities to both research and treat the scandal, under Fred's rallying cry of 'no survey without service'. This experience and the Aboriginal workers on the trachoma team deepened Hollows's commitment to Indigenous health. In 1971, along with activists like Mum Shirl and Elsa Dixon, he helped establish the Aboriginal Medical Service in Redfern, Sydney.

Hollows combined this national attention with international concerns. He worked extensively in Nepal, Eritrea and Vietnam. In each country he helped survey the level of avoidable blindness before developing local programs that trained local eye surgeons in modern cataract surgery—surgeons like Sandak Ruit in Nepal and Desbele Ghebreghergis in Eritrea. Conscious of the high cost of the intraocular lenses used in cataract surgery, he helped establish lens laboratories in Nepal and Eritrea. This brilliant approach drove down the price worldwide and made modern surgery affordable in developing countries.

The Fred Hollows laboratories are still producing low-cost lenses and selling them on the global market.

Hollows's vocation was an expression of his political beliefs. He was at heart a radical, and his surgery provided him with a practical outlet for this inward inflection. He joined the Communist Party during the 1960s reasoning that, 'If everyone's against them then they must have some of the right ideas.' He was a member of the Steve Biko society, and he made national headlines during the infamous 1971 Springboks tour when he was arrested for taking part in the anti-apartheid protests in Sydney.

In 1993, aged 63, Hollows finally succumbed to cancer after years of struggle. Having captured the hearts of the nation by his passion and blunt talk, he was made Australian of the Year in 1990. The Order of Australia, the Human Rights Medal and many other accolades came his way. His legacy continues through the ongoing work of the Fred Hollows Foundation and through the programs and people he influenced in Nepal, Eritrea and Vietnam.

The Fred Hollows Foundation continues to work on the prevention and treatment of blindness in 19 countries on three continents—in Australia, Asia and Africa. To date the foundation has helped restore the sight of over one million patients worldwide. In 2011 the foundation helped deliver $3.38 million worth of optical equipment for use in the developed world.

In Australia, the Fred Hollows Foundation continues to collaborate with both Indigenous organisations and communities, working on both prevention and cure, treating the symptoms and conditions of eye
disease. For instance, in 2011 the foundation assessed the sight of 416 people in remote communities in the Northern Territory and handed out over 1,000 pairs of affordable spectacles. The foundation continues to work on closing the gap in eye health between Indigenous and mainstream Australians.

Fred Hollows was direct, uncompromising, difficult. His lack of tact can be seen as a function of his impatient anticipation of change. In the closing passages of his autobiography he wrote:

I am a humanist. I don't believe in any higher power than the best expressions of the human spirit, and those are to be found in personal and social relationships. Evaluating my own life in those terms, I've had some mixed results. I've hurt some people and disappointed others but I hope that, on balance, I've given more than I've taken. I believe that my view of what 'a redeemed social condition' is has been consistent—equity between people—and I've tried always to work to that end. Even if some could question Hollows's means, none should question his ends. We should remember such a life, animated by such ambitions, that achieves such ends—Frederick Cossom Hollows's.

Palestine

Senator RHIANNON (New South Wales) (21:26): I seek leave to speak for 20 minutes.

Leave granted.

Senator RHIANNON: Overseas aid for the people of Palestine plays a critical role in reducing the hardships and inequality that so many face on a daily basis. Last year, Australian Greens Leader, Senator Christine Milne, spoke to the Australian Foreign Minister, Senator Bob Carr, about demolition orders issued by the Israeli civil administration for 52 temporary structures in the Palestinian village of Susiya in the South Hebron hills of the West Bank classified as Area C. This classification means that Susiya is on land occupied by the Israeli military. One of the projects under threat of demolition was an AusAID funded health clinic constructed through ActionAid local partners. When the demolition orders became widely known last July, there was an outcry from donor countries and from aid groups around the world. The Greens added their voice to those concerns. The Australian funded aid clinic and many of the other aid projects in this village are still operating, thanks to this show of public concern. As far as I am aware the Australian government did not publicly speak out on this worrying trend by the Israeli military to demolish Palestinian buildings. Senator Milne has still not received a response from Minister Carr to the issues she raised about Susiya.

In January I had the opportunity to visit this project and other aid projects in the occupied Palestinian territories. What I saw highlighted to me why the Australian government needs to add its voice to help safeguard this project and advocate for Palestinian human rights. I visited Susiya with Yehuda Shaul, a former Israeli soldier who had trained at a military camp in South Hebron. The harassment by Israeli military personnel and settlers has driven away some of the once 400-strong community. Mr Shaul explained this was a deliberate tactic of the Israeli military.

The Palestinians who still live in this village are working hard to maintain it. Their children go to school, thanks to local dedicated teachers and with assistance from the Spanish arm of Action Against Hunger and the Palestinian Union of Agricultural Work Committees. There is a functioning health clinic, thanks to the AusAID funded project. Thanks to a German Ministry of Foreign Affairs funded solar energy project, run by the Israeli NGO Comet-ME, Susiya does have an electricity supply. This is an essential project, as the villagers have been
forced to live off the grid even though the electricity transmission lines that service nearby Jewish settlements and unauthorised outposts are only about 200 metres from the village.

Mr Jihad Mohamad Al Najeh, Mayor of Susiya Council, presented me with a letter setting out the hardships his villagers face and their request for assistance. Mr Najeh said that most of the village land had been 'confiscated by Israeli occupiers and settlers'. They requested assistance to improve their agricultural resources and to help the many families living in tents.

I could see from my visit that international assistance is welcome, but it does not mean life is normal. Mr Shaul and the local Palestinians showed me around their village. I was shocked by what I saw. In one of the Israeli military operations a car was forced into a well that the locals had once relied on for fresh water. The well is now unusable. Most buildings have been destroyed. The Susiya villagers live in tents and caves. The health clinic tent and all the tents I saw were tied down with ropes, plastic sheeting and tarpaulins.

The threat of demolition remains. I strongly urge Minister Carr to speak out publicly on this issue and consider visiting Susiya. European Union diplomats visited this area last June at the height of the demolition threat. A statement issued at the time said that the visit was undertaken by the diplomats to 'show their concerns over the humanitarian impact and political implications of the recent demolition orders'. The visit of the EU diplomats followed a meeting of 27 foreign ministers of the European Union in Brussels last May held to discuss Israeli actions in the occupied West Bank.

The threat to Susiya is not an isolated incident. The Displacement Working Group has undertaken a detailed study of aid projects destroyed or under threat. This body is an interagency organisation under the auspices of the Office of the UN High Commissioner for Human Rights Protection Cluster, chaired by the UN Office for the Coordination of Humanitarian Affairs. This body has over 100 members, including UN agencies and the Israeli Committee Against House Demolitions. The Displacement Working Group identified 62 projects funded by France, Netherlands, Britain, Poland, Ireland, Spain, Sweden and the European Commission that had been destroyed by Israeli actions. These include people's homes, water cisterns and animal shelters. They found at least 110 structures at risk of demolition.

The EU foreign ministers have called on the Israeli government to remove restrictions on Palestinian construction and economic development projects in Area C. The ministers also took up the issue of Israeli settler violence against Palestinians and called on the Israeli government to initiate prosecution when the law is broken. A number of the Palestinians I spoke to said that Australia's role as a donor country to Palestine would be more effective if Australia also spoke out on these issues.

Life in Susiya is very different from that in nearby settlements. Known as National Priority Areas, the Israeli government provides subsidised housing and education along with tax breaks, security and other incentives to settlers. The Israeli Supreme Court has found these areas to be discriminatory against non-Jewish communities. The United Nations, and by far the majority of countries, recognises that these settlements violate international law.

The Separation Wall, built by the Israeli government, is another factor impacting on both effective aid projects and the local
economy. The Israeli government have said that the wall is needed to provide security for settlers and residents. The International Court of Justice, however, found that ‘the construction of the wall, and its associated regime, are contrary to international law’. According to the Israeli human rights organization B'Tselem, 8.5 per cent of the West Bank area is on the Israeli side of the barrier.

The Australia-Middle East NGO, Cooperation Agreement Phase II, which is supported by AusAID, has projects in the Tulkarem district in the northern West Bank. The Separation Wall has cut off many of the Tulkarem villages from their rich agricultural land. This is resulting in hardship for local Palestinians and presenting challenges for the delivery of local aid projects.

I received a very informative briefing from the UN Office for the Coordination of Humanitarian Affairs. One of their investigations found that more than a quarter of all Palestinian structures demolished in 2011 were funded by international donors. The European Commission has estimated that the cost of EU funded projects damaged or demolished by the Israeli army from the beginning of 2001 until October 2011 adds up to US$65.6 million.

Israeli military representatives explain that the wells and other structures are destroyed because they are illegal. Major Guy Inbar, an Israeli army spokesperson for the civil administration of Area C, has said that the demolitions occur after the inhabitants are given the chance to present their claims to the relevant committee. If they did not do this, Major Inbar said they are asked to remove the tents and buildings themselves and, if they refuse, 'Only then did the Israeli security forces take action.' Many workers in Palestinian civil society groups and in aid groups explained to me that the Israeli authorities rarely issue new building permits to Palestinians, and so now many Palestinians do not even bother applying for a permit. An Oxfam spokesperson, Willow Heske, describes the permit regime as one that 'is discriminatory and is in contradiction of international law'.

The difficulty obtaining permits is particularly problematic for the Palestinian education system. One of the key Millennium Development Goals is that, by 2015, children everywhere will be able to complete a full course of primary schooling. In 2011 in Area C, including East Jerusalem, 10,000 Palestinian children had their classes in tents, caravans or tin shacks because no permits to build or renovate classrooms were issued. I thank Civic Coalition Jerusalem and Grassroots Jerusalem for the briefings they provided me on these issues.

After the West Bank I visited Gaza. In my few days on this narrow strip of land I saw the enormous resilience of people and the very finest of efforts to build a future in the face of extreme adversity. However, the day-to-day reality is harsh. The level of humanitarian assistance in Gaza is massive: 80 per cent of the population are dependent on international assistance. Three out of four Gazans are refugees and the majority are children and young people.

The UN Relief and Works Agency for Palestine Refugees in the Near East, UNRWA, was created as a result of the mass expulsions of Palestinians from Israel in 1948, and the USA is UNRWA’s largest single-state donor. UNRWA reports that the blockade imposed on Gaza since June 2007 is causing unprecedented poverty levels. The insecurity and uncertainty of daily life, particularly in the immediate aftermath of bombing, is enormous. There is a lack of adequate sanitation, clean water, electricity and secure
food sources. The briefing I had with the UNRWA director of the Gaza office, Robert Turner, was very informative. UNRWA's workload covers eight refugee camps, 243 schools with more than 200,000 students, two vocational and technical training centres, 21 primary health centres, six community rehabilitation centres and seven women's program centres. And on top of this the UNRWA staff undertake extraordinary work when the Israeli government attacks Gaza. During the conflict last November, Mr Turner informed me that UNRWA staff provided assistance to more than 50,000 Gazans who took shelter in UNRWA schools. Basic food, water, blankets and mattresses were provided to displaced families and individuals.

A report, Failing Gaza: no rebuilding, no recovery, no more excuses by Oxfam, Amnesty International and 14 other European human rights and aid agencies found that during the 2008-09 offensive 18 schools were destroyed and at least 280 were damaged. Many of these were UNRWA projects. In the case of one of the ruined UNRWA facilities, the Israeli government paid US$10 million to the United Nations in compensation for the destruction of a warehouse and all its contents. In the November 2012 conflict the Israeli air strikes were at three times the rate of the 2008-09 attacks, 1,500 in 2012 compared to 500 in the 2008-09 attack.

While I was in Gaza city I spoke to two Palestinians about the impact the Israeli government's most recent attack had on them and their children. A father of five told me that the bombing of Gaza was like living in a constant earthquake. The buildings shook frequently and there was little relief from loud noise. Every night of the eight days of bombings he slept with his children with the windows open. People do this so if a bomb goes off nearby the windows will not blow in, shattering glass everywhere. He slept with his children to comfort them. The children spent much of the time screaming.

As it was winter, sleeping with the windows open meant the children became sick. When they became sick with chest infections, he wanted to take them to the hospital. He said this added to his shame as he knew that there were children, some dying and others with serious injuries, who needed urgent attention at the hospital and so he did not feel that he could ask the doctors to treat his children. His children now scream when they hear thunder as they think the bombs are returning. His two-year-old knows the Palestinian words for drones and bombs.

A young mother spoke to me about the impact of the attacks on her two boys who are four and six years old. She told me that she had been happy to hear them cry as she then knew they were alive. Her four-year-old regularly draws war scenes showing a rocket heading towards a house with a kite flying in the sky. The house has no windows or doors. Her son explains that windows and doors are not needed because the house will be bombed and destroyed.

Over the week of conflict last November, 103 Palestinian civilians were killed, including 33 children, and 1,400 Palestinians were injured. Over the same period, four Israeli civilians were killed and over 220 injured. It is estimated that more than 15,000 Palestinians were displaced and a total of 8,450 homes destroyed or damaged. The Palestinian Ministry of Agriculture estimates damage to agricultural assets at US$20 million.

I had the opportunity to visit a number of Australian funded aid projects in Gaza and to see firsthand how this work has improved food security and boosted incomes. It was particularly impressive to learn how female
headed households are being assisted. Women and their dependents are particularly vulnerable as it is much harder for women to find employment. In the areas I visited close to the border I saw how the buffer zone that Israel has declared on the eastern border of Gaza robs agricultural land from the Palestinians.

I congratulate Ma'an Development and Union Aid Abroad for the constructive work they are undertaking in Gaza. It was disturbing to learn of the damage to some of their projects and the loss of life resulting from the Israeli attacks. One of the saddest days of my visit was when I met Ibrahim Saleh Qdeih, who lives in Abasan village. Ibrahim told us about the rabbit farm, a Ma'an-APHEDA project funded by AusAID and set up by his wife, Najah Harb. In 2011, Najah and her daughter were killed when the Israeli Defence Forces used a drone to bomb this area. Shrapnel killed these two women as they were cooking dinner in the cleared area outside their small cement house. Ibrahim told me what happened as we sat in the sun together on the very spot where this tragedy occurred. One of Ibrahim's other daughters saw the carnage that killed her mother. For many months she did not speak. Another daughter has shrapnel in her skull and requires further operations but, because of the blockade, she has not yet received the medical assistance she needs. Ibrahim has continued managing the rabbit farm that his wife set up and the good news is that it is bringing him and his family a steady income.

I also visited another aid project consisting of various greenhouses that had been damaged by Israeli bombs and now have to be rebuilt. These greenhouses enable the farmers to boost the capacity of their crops enormously. But the cost of rebuilding and the loss of production create an added burden.

On my last day in Gaza I visited the Al Ahli Arab Hospital and wish to warmly thank the director, Suhaila Tarazi, for the thorough briefing she provided. Al Ahli Arab Hospital runs a free-of-charge program for early detection of breast cancer among women above 40 years of age. I have spoken about this program before in the Senate. We have passed a cross-party motion in support of this program. I congratulate Anglicord for this work. Breast cancer is one of the biggest killers of women in the Gaza Strip. In Australia, a woman who is treated for breast cancer has an 80 per cent survival rate at five years. For a woman in Gaza it is 40 per cent. To receive the necessary treatment women with breast cancer must leave Gaza. Palestinians can only leave if the Israeli authorities agree. Many women are not given permission to travel.

I met many doctors, nurses and other hospital workers and wish to congratulate them on their outstanding work. One of the doctors showed me the X-ray of a patient that revealed a number of kidney stones. I was shocked to find out that the patient is a young boy. The doctor explained that because of the high levels of salt in the drinking water more young people are being admitted to the hospital with kidney problems. The salty water comes from sea water penetrating the Gaza aquifer, which has been damaged due to the Israeli government extracting excessive amounts of water.

The Palestinian Ministry of National Economy, in cooperation with the Applied Research Institute Jerusalem and funded by the United Nations Development Program, assessed the future of this region in a 2011 report. It found:

The total costs imposed by the Israeli occupation on the Palestinian economy which we have been able to measure was USD 6.897 billion in 2010, a staggering 84.9% of the total estimated...
Palestinian GDP. In other words, had the Palestinians not been subject to the Israeli occupation, their economy would have been almost double in size than it is today.

It is interesting therefore to reflect on some comments from the multilateral organisations. I do note that it is vital that the Australian government speaks up to protect aid projects in Palestine. But sustainable development in this region will not be achieved by foreign assistance alone. Key multilateral bodies—the World Bank, the International Monetary Fund and the United Nations Conference on Trade and Development—have identified that it is the conditions of the occupation that are impeding any prospects of sustainable economic growth in the occupied Palestinian territory.

Sexual Health and Family Planning Australia

Senator MOORE (Queensland) (21:45): I seek leave to speak for up to 20 minutes.

Leave granted.

Senator MOORE: For over 30 years, Sexual Health and Family Planning Australia, SH & FPA, have been meeting the needs of Australians by providing advocacy, education and training around the issues of sexual health, family planning and cancer prevention through pap smears, vaccinations and information on contraception.

The innovations of SH&FPA are far-reaching. Through their work with NGOs, government, and the private sector they have been able to influence the landscape of health policy in this country, providing health professionals with the training to deliver over a quarter of a million clinical services every year, ensuring that Australians can access some of the world's highest standards of sexual and reproductive health.

In my own state—and yours, Mr President—Family Planning Queensland, a member organisation of Sexual Health and Family Planning Australia, is working to bring sexual education and family planning services to all Queenslanders regardless of their geographical location, age, ability level, social disadvantage or ethnic group. In fact, their work concentrates on people who often have other forms of disadvantage. They have a range of programs particularly looking at people who have need in the migrant communities and Aboriginal and Islander communities across the state. Some of their work on bringing people into the wider community has been acknowledged, and they have won awards for their efforts.

Unfortunately, even with the best system, there is still a lack of access to the best information. One of the key issues is knowledge. Traditionally there has been a gap in organising good-quality evidence in health care and then making it available so it can be used in the most effective way. While literature and resources to improve sexual and reproductive health do exist, the diverse nature of the field means that not all of this literature is immediately and easily accessible for those who really need it. Currently evidence tends to be published and stored in different repositories and is described and indexed in different ways. A more integrated and robust framework is needed, and recent developments in knowledge translation have the potential to change this.

The problem of being able to find and use the expanding knowledge base for health is one that confronts so many people. For some fields of care, this problem is made more difficult because relevant evidence may come from many different fields and disciplines. It may also be needed by many different providers, not just a core set of specialists. Sexual health and family planning is one of these fields, and the challenges faced are not dissimilar to those...
faced by palliative care. Palliative care is informed by research and studies from many diverse disciplines, including medicine, nursing, psychology, social and community studies, pastoral care and allied health. Palliative care, as with sexual health and family planning, is practised in many different settings and by many different health professionals. It is an area of care that is fundamental to a life course approach and to population health approaches.

To deal with the challenges of managing a diffuse, complex and rapidly emerging evidence base, an online Australian resource in palliative care—CareSearch, developed by Flinders University—has provided a platform for generating, disseminating and facilitating access to that evidence base. Its success has been measured with over 1,000 hits a day and its impact on changing clinical practice for the better. This unique Australian resource uses knowledge translation principles and is a method for closing the gaps from knowledge to practice. It involves using high-quality knowledge in processes of decision making for professionals and for our community. It really provides equity in an area that has traditionally been hierarchical and privileged.

Recognising the contribution and benefits that this technology could bring to the sexual and reproductive health field, a partnership between Sexual Health and Family Planning Australia and Flinders University was established. The Flinders Filters researchers working in this specialist area of search filter development have worked with Sexual Health and Family Planning Australia to produce a pilot of three search filters on one key issue in sexual and reproductive health, and that is the area of contraception. The three specific search filters look at a general, all-inclusive contraception; long-acting, reversible contraception, commonly referred to as LARC; and emergency contraception. They have been generously made available for use by the community on the Flinders University website. They provide an example of how the evidence could be captured to inform practice, policy and planning in this field.

These search mechanisms enable sexual and reproductive health professionals and the community to carry out a quick search for information on these topic areas, confident that the search results provide reliable and valid information. Flinders undertook this work pro bono in order to demonstrate the value of ongoing automated knowledge translation for the sexual and reproductive health community. This is a beginning only, and gaps remain with the aim of building a fully functioning knowledge hub in sexual and reproductive health that captures all the functions of the proven work of CareSearch.

Indeed, the vision is to have an open-access, online network resource or knowledge hub that brings together in one place sexual and reproductive health information, evidence, tools and resources. The need for such a service lies in the growing literature and evidence base in sexual and reproductive health. This hub would not be merely a knowledge search, collection and dissemination tool but a means to build the capacity of the sexual and reproductive health sector and a tool to reduce duplication, create guidelines and inform policy decisions that are more in touch with the needs of the community, service providers and policymakers.

The current online automated search facility on contraception will provide an important tool for developing countries, where the sexual and reproductive health outcomes are poor compared with developed countries. Why do we need this in sexual and reproductive health? Many of us in Australia
take our sexual and reproductive health for
granted, and, without doubt, in comparison
with many other developing countries it
could be argued that, overall, Australia does
quite well against the major sexual and
reproductive health indicators. Nonetheless,
there are many areas of sexual and
reproductive health in Australia that still
need to be addressed, as well as many
notable disparities within the Australian
population.

Groups that we all know are identified as
being at higher risk of poorer sexual and
reproductive health include Aboriginal and
Torres Strait Islander peoples; young people;
immigrants and refugees; people with
disabilities; same-sex attracted people;
bisexual people; transgender and intersex
people; sex workers; homeless people, where
the need is great and the effective services
are now limited; those living in rural and
remote areas; and people in the prison
system. We already know some key statistics
about areas of need.

We know that there has been great
discussion around the area of teenage
pregnancy. Whilst we do not have the
highest rate or concern in the world, it is
something that needs to be considered. The
Australian teenage pregnancy rate of
approximately 16 per 1,000 population
remains significantly higher than countries
such as Denmark and Sweden, where there
are on average six births per 1,000 women,
and Singapore, where there are five births
per 1,000 women. Teenage pregnancies are
also higher in rural and remote regions of
Australia. The evidence on this is clear. The
most disadvantaged areas of Australia are in
the Aboriginal and Torres Strait Islander
areas, where there are 76 births per 1,000
women. This applies also in areas where
there is limited knowledge.

We also have the issue of infant
mortality—again, a knowledge base we
have, and we need to maintain this and learn
from the experience. In 2011, the overall
Australian infant mortality rate was 3.8
deaths per 1,000 births; however, to our
shame the rate for Aboriginal and Torres
Strait Islander people was higher, at 7.2
deaths per 1,000 births. Rates were also
higher for mothers whose countries of birth
were Oceania, the Middle East, Africa or
Southern Asia.

In the areas of infertility and assisted
reproductive technology, where there have
been great advances in Australia, we know
that infertility may affect as many as one in
six couples in Australia. That is an
astounding statistic when you think about the
number of couples who are seeking to have
the joy of birth: one in six could have trouble
and need support in this area. Despite the
increase in the proportion of births resulting
from assisted reproductive technology,
public perception about the true success rate
of ART, combined with a lack of knowledge
of the effects of age on fertility, may have
resulted in a "biased perception and
overestimation of the effectiveness of ART
in treating infertility". Further work is
therefore needed to "ensure that women are
fully aware of the strengths and limitations
of infertility treatment when they choose to
delay childbirth". Indeed, in 2008, only
"approximately 23 per cent of ART cycles
resulted in a clinical pregnancy and 17 per
cent in a live birth". The need for information
on the process in Flinders is to make sure
that the knowledge is known, the research is
up to date and people can access this
knowledge easily and not be fearful or
worried when they go to practitioners who
may not have the knowledge at hand.

One of the issues that Sexual Health and
Family Planning are looking at is the issue of
bullying in schools. The third national study
on the sexual health and wellbeing of same-sex attracted and gender-questioning young people reported that:
61 per cent of same sex attracted young people reported verbal abuse because of homophobia/transphobia;
And:
Twice the number of young people who suffered verbal abuse, had attempted suicide, compared to those who reported no abuse;
And:
4.5 times the number of young people who had been physically assaulted, had attempted suicide, compared to those who reported no abuse …
The fact that this information is collected is something of which Australia can be proud: the fact that we do have the data. But we need to know where it goes and what is done with it and how we can learn by having effective studies in the area.

The causes of sexual and reproductive health issues in Australia are varied and complex and there are so many stakeholders. Two of the major barriers to improving sexual and reproductive health outcomes and developing an integrated approach in this field in Australia are the lack of policy coordination at the national level and the difficulty for the many stakeholders in gaining access to quality information and knowledge. The online search mechanism and future knowledge hub has great potential to address the second point raised—that is, access to quality, reliable evidence to inform policy, practice and service delivery. In order to improve sexual and reproductive health outcomes we need to ensure that researchers, policymakers, clinicians, nurses, politicians and the general public all have access to high-quality and reliable information and resources. Indeed, it is well known that, globally, health systems fail to use evidence optimally and the community has limited access to what they need. The result is inefficiency and a reduction in both quantity and quality of life.

It is important that we acknowledge the work that has been done by Sexual Health and Family Planning Australia and Flinders University in working on this initiative. One of the core issues, of course, is the ongoing future and the effect of funding in this area. We know that across many of our state governments reductions in funding have occurred for sexual and reproductive health areas. That will have an impact on the services that can be provided to the people who need it most.

Innovative programs, such as the one we are seeing at Flinders, need to have effective funding into the future. We know that it is a difficult area and we know that there are different views in this area about what is appropriate work for government here and what is not. But we have the need. It has been identified in the statistics.

We know that one of the other areas that is most important is that of sexually transmitted diseases. The problem is that we know the statistics. We know from the gathering of data that one in five Australians will contact SDI at some stage during their lives, with young people, homosexually active men and Aboriginal and Torres Strait Islanders experiencing the highest rates. There is no debate about this. The fact is there.

In 2011, chlamydia was the most commonly reported STI, with an infection rate of 354 per 100,000 population. It shows an increasing trend, with rates more than tripling in the past 10 years. The HIV stats continue to confound us and the data is there that the problem exists. One of the core issues, as I pointed out, is access to effective knowledge so that everybody who is concerned will feel confident that they have
the information on which they can base

treatment and programs into the future.

It is an incredibly important area. Governments at all levels need to combine to
look at how they can best use these
resources. Then we will not be relying exclusively on NGOs to ensure that we have
this information into our future. It is
something that we need to consider because
the need is great.

Senate adjourned at 22:00

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

The following documents were tabled by the Clerk:

Defence Act—Determinations under section 58B—Defence Determinations—
2013/7—Parental leave—amendment.
2013/8—Carer’s leave, benchmark schools and approved clubs—
amendment.
2013/9—Tertiary education assistance—
amendment.
2013/10—Contribution for living-in
accommodation—amendment.
2013/11—Hardship post conditions of
service—amendment.
2013/12—Overseas education
assistance—amendment.

Tabling

The following government documents
were tabled:

The following documents were tabled:

Australian Customs and Border Protection
Service—Report for 2011-12—Correction.
Coal Mining Industry (Long Service Leave
Fair Work Act 2009—Fair Work
Australia—General Manager’s reports for
the period 2009-12—
Enterprise agreement-making in
Australia under the Fair Work Act 2009
(Cth), dated November 2012.
Extent to which individual flexibility
arrangements are agreed to and the
content of those arrangements, dated
November 2012.
Operation of the first three years of the
Fair Work Act 2009 (Cth) unfair
dismissal system, dated December 2012.
Operation of the provisions of the
National Employment Standards relating
to requests for flexible working
arrangements and extensions of unpaid
parental leave, dated November 2012.

Indexed Lists of Departmental and
Agency Files

Tabling

The following documents were tabled pursuant to the order of the Senate of 30 May
1996, as amended:

Indexed lists of departmental and agency
files for the period 1 July to 31 December
2012—Statements of compliance—
Agriculture, Fisheries and Forestry
portfolio.
Commonwealth Ombudsman.

Departmental and Agency Contacts

Tabling

Departmental and Agency Contracts—Order
for Production of Documents—Documents

The following documents were tabled pursuant
to the order of the Senate of 20 June 2001, as
amended:
Departmental and agency contracts for 2012—Letters of advice—

Families, Community Services and Indigenous Affairs portfolio.


Regional Australia, Local Government, Arts and Sport portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Finance and Deregulation: Stakeholder Consultations
(Question No. 2247)

Senator Bernardi asked the Minister for Finance and Deregulation, upon notice, on 3 October 2012:

(1) Is information collected from stakeholders and the broader community; if so: (a) what forms or other methods are used to collect information; (b) how many of these forms are: (i) paper-based, (ii) electronic-based; and (iii) both; (c) do these forms request an estimate of the time taken to complete; if not, why not; and (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010: (a) how many stakeholder consultations have been conducted; and (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

Senator Wong: The answer to the honourable senator’s question is as follows:

Given the very broad nature of the question and the diverse range of information collected by Australian Government agencies, attempting to answer this question would cause an unreasonable diversion of resources.

Financial Management and Accountability
(Question No. 2253)

Senator Bernardi asked the Minister representing the Minister for Industry and Innovation, upon notice, on 9 October 2012:

In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Ministers portfolio:

(1) Is information collected from stakeholders and the broader community; if so: (a) what forms or other methods are used to collect information; (b) how many of these forms are: (i) paper-based, (ii) electronic-based; and (iii) both; (c) do these forms request an estimate of the time taken to complete; if not, why not; and (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010: (a) how many stakeholder consultations have been conducted; and (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

Senator Lundy: The answer to the honourable senator's question is as follows:

Please refer to the answer provided to Senate Question on Notice 2234.

Financial Management and Accountability
(Question No. 2260)

Senator Bernardi asked the Minister representing the Minister for Small Business, upon notice, on 9 October 2012:

In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Ministers portfolio:

QUESTIONS ON NOTICE
(1) Is information collected from stakeholders and the broader community; if so: (a) what forms or other methods are used to collect information; (b) how many of these forms are: (i) paper-based, (ii) electronic-based; and (iii) both; (c) do these forms request an estimate of the time taken to complete; if not, why not; and (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010: (a) how many stakeholder consultations have been conducted; and (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

Senator Lundy: The answer to the honourable senator's question is as follows: Please refer to the answer provided to Senate Question on Notice 2234.

Veterans' Affairs: Stakeholders
(Question No. 2266)

Senator Bernardi asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 3 October 2012:

In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) Is information collected from stakeholders and the broader community; if so:

(a) what forms or other methods are used to collect information;
(b) how many of these forms are:
(i) paper-based,
(ii) electronic-based; and
(iii) both;
(c) do these forms request an estimate of the time taken to complete; if not, why not; and
(d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010:

(a) how many stakeholder consultations have been conducted; and
(b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

Senator Bob Carr: The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

(1) The Annual Reports of the Department of Veterans' Affairs, the Repatriation Commission and the Military Rehabilitation and Compensation Commission set out the extensive consultation arrangements that are in place in relation to those to whom the Department provides benefits and the service providers who provide services to the Department's clients.

It is not possible to give a detailed answer given the very broad nature of the question and the diverse range of information collected by the Department. Attempting to answer this question in detail would cause an unreasonable diversion of resources.

(2) Not Applicable. Neither the Department of Veterans' Affairs nor the Australian War Memorial is a regulatory agency.
Financial Management and Accountability
(Question No. 2270)

Senator Bernardi asked the Minister for Finance and Deregulation, upon notice, on 3 October 2012:

In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) Is information collected from stakeholders and the broader community; if so: (a) what forms or other methods are used to collect information; (b) how many of these forms are: (i) paper-based, (ii) electronic based; and (iii) both; (c) do these forms request an estimate of the time taken to complete; if not, why not; and (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010: (a) how many stakeholder consultations have been conducted; and (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

Senator Wong: The Special Minister of State has supplied the following answer to the honourable senator's question:

Please refer to the Minister for Finance and Deregulation's response to Question No. 2247.

Financial Management and Accountability
(Question Nos 2336, 2365 and 2369)

Senator Ryan asked the Minister representing the Minister for Defence, Minister representing the Minister for Defence Personnel and Science and Minister representing the Minister for Defence Materiel, upon notice, on 9 October 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio: For each of the following items: (a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):

(1) How many are administered to the non-government sector?

(2) What are the associated fees with each item, and which sectors of the community are required to hold each?

(3) How often does each item require renewal?

(4) What fees have been paid for each item for the following financial years (or since the item was introduced since 2007-08): (a) 2007-08; (b) 2008-09; (c) 2009-10; (d) 2010-11; (e) 2011-12; and (f) 2012-13?

(5) How much total revenue is collected annually from each of the listed items?

Senator Bob Carr: The Minister for Defence has provided the following answer to the Honourable Senator's question:

(1) to (5) The Department holds various licences, such as, software licences, licences to run bars in messes and licences to operate a cafeteria on a base. Registrations and permits are generally issued by State or Territory bodies.

Due to the broad nature of the question, Defence is unable to provide a response in relation to this question. To develop a response would require an unreasonable amount of departmental resources.
Financial Management and Accountability

(Question No. 2338)

Senator Ryan asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 9 October 2012:

For each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

For each of the following items: (a) licences; (b) registrations; (c) fee for services; and (d) permits (and all other permission structures):

1. How many are administered to the non-government sector.

2. What are the associated fees with each item, and which sectors of the community are required to hold each.

3. How often does each item require renewal.

4. What fees have been paid for each item for the following financial years (or since the item was introduced since 2007-08): (a) 2007-08; (b) 2008-09; (c) 2009-10; (d) 2010-11; (e) 2011-12; and (f) 2012-13.

5. How much total revenue is collected annually from each of the listed items.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

1. and 3) The associated fees and renewal details for these items can be found in the relevant legislative instrument.

2) and 5) This information is contained in the respective Annual Reports.

Defence Materiel

(Question No. 2606)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Joint Command Support Environment JP 2030 Phase 8, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;  
(h) the current date of estimated initial operational capability; and  
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:  
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.  

Defence Materiel  
(Question No. 2607)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:  
With reference to the major project High Frequency Modernisation JP 2043, can the following details be provided:  
(a) the date of the first date for first pass approval;  
(b) the date of the first estimated date, time period, for second pass approval;  
(c) the date of first pass approval;  
(d) the date of second pass approval;  
(e) the estimated acquisition cost when first proposed to Government;  
(f) the current estimated acquisition cost;  
(g) the date of estimated initial operational capability when first proposed to Government;  
(h) the current date of estimated initial operational capability; and  
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:  
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.  

Defence Materiel  
(Question No. 2608)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:  
With reference to the major project Amphibious Watercraft Replacement JP 2048 Phase 3, can the following details be provided:

QUESTIONS ON NOTICE
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2609)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Amphibious Deployment and Sustainment JP 2048 Phase 4 A/B, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

QUESTIONS ON NOTICE
Defence Materiel  
(Question No. 2610)  

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:  
With reference to the major project Bulk Liquid Distribution JP 2059, can the following details be provided:  
(a) the date of the first date for first pass approval;  
(b) the date of the first estimated date, time period, for second pass approval;  
(c) the date of first pass approval;  
(d) the date of second pass approval;  
(e) the estimated acquisition cost when first proposed to Government;  
(f) the current estimated acquisition cost;  
(g) the date of estimated initial operational capability when first proposed to Government;  
(h) the current date of estimated initial operational capability; and  
(i) the reason(s) for the delay in this project, if applicable.  

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:  
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.  

Defence Materiel  
(Question No. 2611)  

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:  
With reference to the major project Geospatial Information Infrastructure and Services JP 2064 Phase 2, can the following details be provided:  
(a) the date of the first date for first pass approval;  
(b) the date of the first estimated date, time period, for second pass approval;  
(c) the date of first pass approval;  
(d) the date of second pass approval;  
(e) the estimated acquisition cost when first proposed to Government;  
(f) the current estimated acquisition cost;  
(g) the date of estimated initial operational capability when first proposed to Government;  
(h) the current date of estimated initial operational capability; and  
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2612)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Lightweight Torpedo Replacement Phase 3 JP 2070, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2613)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Lightweight Torpedo Replacement Phase 2 JP 2070, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel
(Question No. 2614)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Battlespace Communications Systems (LAND) JP 2072, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.
Defence Materiel
(Question No. 2615)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Logistics for the Warfighter JP 2077, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2616)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project ADF Deployable Logistics Systems JP 2077 Phase 2B.2, can the following details be provided:

(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources. Publicly available documents such as the Public Defence Capability Plan (http://www.defence.gov.au/publications/CapabilityPlan2012.pdf), Portfolio Budget Statements (http://www.defence.gov.au/budget/) and the Defence Annual Report (http://www.defence.gov.au/annualreports/) provide some detail on the information being sought.

Defence Materiel
(Question No. 2617)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Mulwala Redevelopment Project JP 2086, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources. Publicly available documents such as the Public Defence Capability Plan (http://www.defence.gov.au/publications/CapabilityPlan2012.pdf), Portfolio Budget Statements (http://www.defence.gov.au/budget/) and the Defence Annual Report (http://www.defence.gov.au/annualreports/) provide some detail on the information being sought.

Defence Materiel
(Question No. 2618)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:
With reference to the major project Air Defence Target System JP 66 Phase 1, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 2619)

Senator Johnston asks the Minister representing the Minister for Defence Materiel, upon notice, on 26 November 2012:

With reference to the major project Establishment of Tactical Assault Group (East) JP 2088 Phase 1, can the following details be provided:
(a) the date of the first date for first pass approval;
(b) the date of the first estimated date, time period, for second pass approval;
(c) the date of first pass approval;
(d) the date of second pass approval;
(e) the estimated acquisition cost when first proposed to Government;
(f) the current estimated acquisition cost;
(g) the date of estimated initial operational capability when first proposed to Government;
(h) the current date of estimated initial operational capability; and
(i) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Australian Submarine Corporation Pty Ltd

(Question No. 2620)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

With reference to Collins Class submarine sustainment costs, which have doubled over the past few years, can copies of the following files be provided:

(a) RMS12/04985-01 OVERSIGHT OF GOVERNMENT BUSINESSES - Advice - ASC Pty Ltd - Sustainment of Collins Class Submarines;
(b) RMS12/04985-02 OVERSIGHT OF GOVERNMENT BUSINESSES - Advice - ASC Pty Ltd - Sustainment of Collins Class Submarines;
(c) RMS12/04985-03 OVERSIGHT OF GOVERNMENT BUSINESSES - Advice - ASC Pty Ltd - Sustainment of Collins Class Submarines;
(d) RMS12/00370-01 OVERSIGHT OF GOVERNMENT BUSINESSES - Advice - ASC Pty Ltd - Submarine Maintenance;
(e) RMS12/00370-02 OVERSIGHT OF GOVERNMENT BUSINESSES - Advice - ASC Pty Ltd - Submarine Maintenance;
(f) RMS12/00370-03 OVERSIGHT OF GOVERNMENT BUSINESSES - Advice - ASC Pty Ltd - Submarine Maintenance;
(g) RMS12/00441 OVERSIGHT OF GOVERNMENT BUSINESSES - Reporting - ASC Pty Ltd - Deep Blue Tech Pty Ltd; and 100 No. 126—27 November 2012
(h) RMS12/01173 OVERSIGHT OF GOVERNMENT BUSINESSES - Liaison - Government - Australian Submarine Corporation (ASC) Steering Committee.

Senator Wong: The answer to the honourable senator's question is as follows:

Questions regarding the cost of Collins sustainment should be referred to the Department of Defence.

It is not appropriate to provide copies of the listed files as to do so would require significant resources to examine all the documents and to make an assessment as to whether the release of the documents would be in the public interest.

Australian Submarine Corporation Pty Ltd

(Question No. 2621)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

What is the current book value of the Australian Submarine Corporation Government Business Enterprise.

Senator Wong: The answer to the honourable senator's question is as follows:

ASC's net asset value as per the ASC Pty Ltd 2011-12 Annual Report was $230m.

Finance and Deregulation

(Question No. 2622)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

With reference to the statements made by Ms Stacie Hall during the 2012-13 Budget Supplementary estimates hearing of the Finance and Public Administration Legislation Committee (Committee Hansard, 16 October 2012, proof p. 107) relating to General Business Enterprise dividend policy, and
the answer provided to question no. 69, taken on notice during the 2012-13 Budget estimates hearing of the committee, in which the department failed to provide dividend targets for each financial year:

(1) Can the agreed dividend values for the 2008-09, 2009-10, and 2010-11 financial years be provided.
(2) Can the dividend value targets and actual dividend values for the 2011-12 financial year be provided.
(3) Can the agreed dividend value targets for the 2012-13 be provided.

Senator Wong: The answer to the honourable senator's question is as follows:

The ASC Board recommends dividend payments having regard to its optimal capital structure. The Government takes into account the Board's recommendation in considering whether to accept dividend payments and Government does not release the Board's advice to the public. The actual cash dividends paid by ASC can be found in the table below.

<table>
<thead>
<tr>
<th>ASC Group</th>
<th>08/09 $m</th>
<th>09/10 $m</th>
<th>10/11 $m</th>
<th>11/12$m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dividends: Target</td>
<td>10.8</td>
<td>4.3</td>
<td>8.0</td>
<td>4.9</td>
</tr>
<tr>
<td>Actual</td>
<td>15.3</td>
<td>10.1</td>
<td>2.6</td>
<td>6.3</td>
</tr>
</tbody>
</table>

Annual ordinary dividend targets are generally a percentage of profit after tax, consistent with the *Commonwealth Government Business Enterprise Governance and Oversight Guidelines 2011*, and will vary in absolute terms depending on actual versus forecast results. Dividend targets for 2012-13 have not yet been agreed.

**Finance and Deregulation**

(Question No. 2623)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

With reference to the statement made by Mr Stephen Ludlam during the 2012-13 Budget Supplementary estimates hearing of the Finance and Public Administration Legislation Committee, *(Committee Hansard, 16 October 2012, proof p. 106)*, that 'The aim would be to target a two-year full cycle docking and we are progressively generating ideas to work to that target': What impact would a two-year cycle have in respect to the: (a) resources used to complete full cycle docking; and (b) cost of full cycle docking.

Senator Wong: The answer to the honourable senator's question is as follows:

The aim of reducing the full cycle docking (FCD) schedule duration to a two year period is a target ASC has started to work towards. It is anticipated that moving to a single stream FCD cycle will drive efficiencies, however given that ASC is in the early stages of the replanning process, it is not possible at this time to quantify the effects on either the resources used or the associated costs.

**Australian Submarine Corporation Pty Ltd**

(Question No. 2624)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

On what date was HMAS Collins delivered to the Australian Submarine Corporation's Osborne site for full scale docking.

Senator Wong: The answer to the honourable senator's question is as follows:

HMAS Collins was transferred to the ASC Osborne facility on 3 August 2012.
Australian Submarine Corporation Pty Ltd  
(Question No. 2625)  

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:  
For the period 2007 to 2012, what work orders or approvals have been given to the Australian Submarine Corporation by the Defence Materiel Organisation with respect to work on HMAS Collins, including approximate dates, work scope and value.  

Senator Wong: The answer to the honourable senator's question is as follows:  
ASC advises that from 2007 to 2012, approximately 7,500 work orders were tasked to complete by DMO with an estimated value in the order of $81.9 million.  
Providing details of each specific work order would place an excessive resource burden on ASC.

Australian Submarine Corporation Pty Ltd  
(Question No. 2626)  

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:  
With reference to media coverage of union-related issues at the Australian Submarine Corporation, how much: (a) submarine sustainment time; and (b) air warfare destroyer build time, was lost due to union-related strikes or go-slow in the 2011-12 financial year.  

Senator Wong: The answer to the honourable senator's question is as follows:  
No protected action occurred in the 2011-12 financial year.

Australian Submarine Corporation Pty Ltd  
(Question No. 2627)  

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:  
Can copies be provided of any policies or contractual terms the Australian Submarine Corporation (ASC) has with respect to ensuring that consultants engaged by the ASC Group of Companies, who make representations to government officials regarding submarines or warship procurement/sustainment, incidental or otherwise, are registered on the Commonwealth Register of Lobbyists.  

Senator Wong: The answer to the honourable senator's question is as follows:  
Pursuant to the Lobbying Code of Conduct (LCC), it is the responsibility of the individual or company providing the service to ensure they meet the requirements to register and comply.  
ASC advises that is has no policies or contractual terms over and above the LCC requirements.

Australian Submarine Corporation Pty Ltd  
(Question No. 2628)  

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:  
What plans does the Australian Submarine Corporation have in place to ensure it has the capacity to continue to sustain Collins Class submarines while, at the same time, potentially building Australia's future submarine.
Senator Wong: The answer to the honourable senator's question is as follows:

Noting that a Government decision on the extent and timing of future submarines has not yet been finalised, some preparatory activities related to possible future submarine work have been undertaken. For example, Deep Blue Tech (DBT) - a wholly owned subsidiary of ASC - was established in 2007 to conduct research and develop concepts for Australia's SEA 1000 Future Submarine project.

Finance and Deregulation
(Question No. 2629)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

With reference to the statement made by Mr Stephen Ludlam during the 2012-13 Budget Supplementary estimates hearing of the Finance and Public Administration Legislation Committee (Committee Hansard, 16 October 2012, proof p. 109), that 'Generally speaking, before we enter into a contract we will forecast that through to the end':

(1) What was the forecast air warfare destroyer profit at contract signature.
(2) What is the current forecast air warfare destroyer profit.

Senator Wong: The answer to the honourable senator's question is as follows:

ASC advises that it is not in a position to disclose this information in relation to forecast and to actual profits as it could prejudice ASC's and the Commonwealth's commercial interests with respect to its participation in the AWD Alliance.

Finance and Deregulation
(Question No. 2630)

Senator Johnston asked the Minister for Finance and Deregulation, upon notice, on 26 November 2012:

With reference to the statement made by Mr Stephen Ludlam during the 2012-13 Budget Supplementary estimates hearing of the Finance and Public Administration Legislation Committee (Committee Hansard, 16 October 2012, proof p. 112), in relation to announced air warfare destroyer delays, that 'We have been able to provide a zero sum cost in that schedule extension': How has the cost of employment been offset, noting that the core of the air warfare destroyer would likely need to be retained for the period of the delay.

Senator Wong: The answer to the honourable senator's question is as follows:

The costs of the workforce that is required to be retained for longer will be offset by a reduction in risk and liquidated damages provisions already included in the AWD Project profit.

National Native Title Tribunal
(Question No. 2631)

Senator Siewert asked the Minister representing the Attorney-General, upon notice, on 27 November 2012:

(1) Is the Attorney-General aware of allegations made in October 2012 media coverage relating to an undeclared conflict of interest by the former Western Australian State Manager for the National Native Title Tribunal (NNTT), which would be a contravention of state NNTT policy.
(2) Can copies be provided of the NNTT policy provisions relating to conflict of interest declarations by staff in place prior to October 2012.
(3) If the former State Manager was responsible for oversight of any NNTT issues relating to Yindjibarndi matters while in her position, does the Attorney-General consider the former State Manager in breach of any conflict of interest provisions, given that she is reported to have been serving as an MGA Consulting director, her husband was engaged by the Wirlu–murra Yindjibarndi Aboriginal Corporation and her daughter was employed by Fortescue Metals Group (FMG); if so, can the Attorney-General detail the nature of this oversight; if not, why not.

(4) Has the Attorney-General or NNTT conducted any investigations into claims by solicitor Mr Kerry Savas that the former State Manager's partner, former FMG anthropologist Mr Michael Gallagher, was in regular consultation with the former State Manager in relation to current Yindjibarndi Aboriginal Corporation and FMG related native title issues; if so, what are the results of these investigations; if not, why not.

(5) Is the Attorney-General aware of any other NNTT employees who may have similar conflicts of interest in the exercise of their duties as a result of similar connections to mining companies operating in Western Australia.

(6) Is any of this information currently available to the public; if not, why not and will the Attorney-General take steps to ensure that such information is made available to the public; if not, why not.

(7) To the Attorney-General's knowledge, have all such conflicts of interest been properly declared by relevant persons in accordance with current NNTT policy.

(8) Has the Attorney-General or NNTT conducted any investigations, sent any directives to NNTT staff or taken any other measures since October 2012 to ensure that all NNTT employees comply with the relevant NNTT provisions on conflict of interest; if so, can copies of the results of such investigations or staff directives be provided; if not, why not.

(9) With reference to comments made by the former State Manager in April 2012 when The Australian reportedly asked if she had declared her relationship with Mr Gallagher, to which she stated that the NNTT President, Mr Graeme Neate, had knowledge of the relationship, has the Attorney General sought clarification on this matter from the NNTT President; if not, why not.

(10) Has the Attorney-General received any communications from the NNTT President on this matter; if so, can copies or a description of the substance of any such communications be provided; if not, why not.

**Senator Ludwig:** The Attorney-General has provided the following answer to the honourable senator's question:

(1) Yes.

(2) Yes. Five relevant policies are attached (available from the Senate Table Office), which were in place before October 2012:

- Tribunal Conflict of Interest Policy
- Conflict of Interest Policy for Members
- Conflict of Interest Guidelines (extract from Employee Handbook)
- Performance of Outside Work Guidelines (extract from Employee Handbook)
- Future Act Operations Manual (extract)

(3) The former State Manager did not directly oversee any NNTT issues relating to Yindjibarndi matters in her role as WA State Manager. The former State Manager was responsible for managing the human, financial, information and administrative resources of the NNTT's WA registry. She had certain delegated functions and powers under the *Native Title Act 1993* including to notify parties, States and Territories and Native Title Representative Bodies of native title applications (ss 66 and 66A) and to give assistance to applicants, respondents and others (s 78). In practice, these functions were usually
exercised by other WA delegates, in particular regional and case managers. The former State Manager also exercised certain statutorily delegated functions under the Public Service Act 1999 and the Financial Management and Accountability Act 1997 and related regulations. The WA State Manager role (which has not existed since June 2012 following an organisational restructure) did not involve having direct responsibility for the management or administration of any native title matter or matters. Particular future act matters, including those relating to Yindjibarndi Aboriginal Corporation, are managed and heard by independent members of the NNTT appointed under s 111 of the Native Title Act 1993. Native title claims were mediated by independent members of the NNTT assisted by NNTT case managers.

(4) The Attorney-General has not conducted an investigation into the allegations. The position of WA State Manager was declared redundant in June 2012, and Ms Lillian Maher left in the NNTT in August 2012. During her employment, Ms Maher was bound by the Australian Public Service (APS) Code of Conduct in 13(7) of the Public Service Act 1999. As Ms Maher has now left the employment of the APS, a code of conduct investigation cannot lawfully be pursued by the NNTT agency head under s 15 of the Public Service Act 1999. The NNTT has engaged a consultant (pursuant to the NNTT Registrar's powers to engage consultants under s 132 of the Native Title Act 1993) to review the allegations and the NNTT's procedures and processes for identifying, declaring and managing conflicts of interest. It is anticipated that this review will be completed in February 2013.

(5) No. The NNTT Registrar published an intranet direction on 13 December 2012 (attached) to all employees requesting they complete a Declaration of Interests template. The Attorney-General wrote to the NNTT President in January 2013 (attached) requesting confirmation of full compliance with this request before March 2013.

(6) No. Conflict of interest declaration forms are completed by each employee and kept on file by the NNTT Registrar. They are not publically available as they contain personal information as defined by s 6 of the Privacy Act 1988. Personal information may only be disclosed in the specific circumstances listed in in Regulation 9.2 of the Public Service Regulations 1999 or s 14 of the Privacy Act 1988 (Information Privacy Principle 11). This includes situations in which the individuals are aware that their information is usually passed on or have consented to its disclosure, or disclosure is necessary to avoid threats to life or health, required or authorised under law or reasonably necessary for the enforcement of the criminal law.

(7) See answer to (5) above.

(8) Yes. In addition to the review outlined in (4), and the intranet direction outlined in (5), the NNTT to date has taken the following measures to ensure compliance with relevant conflict of interest policies:

- The NNTT President and Registrar published an intranet announcement on 19 November 2012 reminding all personnel of their obligations to avoid conflicts of interest in the performance of their duties (attached). The NNTT Registrar published a further intranet announcement on 17 December 2012 (attached) reminding all personnel about the NNTT requirements about engaging in outside work.
- The NNTT Registrar discussed the conflict of interest requirements with all NNTT managers on 11 December 2012.
- The NNTT Registrar reiterated the NNTT's avoidance of conflict of interest requirements at the NNTT President and Registrar's End of Year Address to Members and Staff on 12 December 2012.
- The NNTT Registrar directed the Human Resources Manager of the Federal Court of Australia on 19 November 2012 to ensure that each new NNTT employee receives the NNTT's Conflict of Interest Guidelines in the Induction Pack.
- The NNTT Registrar on 8 January 2013 directed NNTT senior legal officers to undertake an internal review of the policies and procedures listed in question (2) above.
(9) Yes. The Attorney-General's Department sought clarification from the NNTT President who stated that he was aware of Ms Maher's relationship with Mr Gallagher but was not aware of her role in MGA Consulting.

(10) No. While the Attorney-General's Department sought clarification from the NNTT President as outlined at (9), the Attorney-General has not received any formal correspondence from the NNTT President. The Attorney-General wrote to the NNTT President in January 2013 (attached), and will publish this letter on the Attorney-General's Department website at <www.ag.gov.au>.

National Culinary Herb and Spice Industry Levy Consultation
(Question No. 2633)

Senator Ronaldson asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 November 2012:

(1) What fees were provided by the Rural Industries Research and Development Corporation to Mr Peter McFarlane of McFarlane Strategic Services to consult with industry on the establishment of a herb and spice levy.

(2) Can the Minister confirm that the total number of votes received in favour of a herb and spice levy was sixteen.

(3) Why did the departmental Chief Plant Protection Officer make statements to Fairfax newspapers on 5 September 2012 stating that no tomato/potato psyllid had been detected in Australia given that, according to the department's Operational Science Program Bulletin published in May 2012, a live psyllid had been detected in New South Wales in a consignment of tomatoes from New Zealand.

(4) What proportion of total departmental biosecurity resources at Australian airports are allocated to flights arriving from New Zealand.

(5) Given that on 12 July 2012, a live psyllid was found in a consignment of tomatoes from New Zealand at the Crewe Place Australian Quarantine and Inspective Service (AQIS) facility in New South Wales, can AQIS advise when the Chief Plant Protection Officer became aware of this incursion.

(6) What is AQIS' involvement in working with customs, Treasury, health, transport and other portfolios in rolling out the Government's new duty-free tobacco restrictions, including how many inter-departmental meetings have been attended, and how many work hours have been spent enforcing this new regulation.

(7) Given that, since 2006 AQIS has required tobacco companies to treat tobacco and non-tobacco materials under quarantine rules, thereby restricting industry's recycling of packaging waste in Australia while, at Australian international airports, bins have been installed to collect excess contraband and airports take excess product 'to the tip' on a daily basis, can the Minister advise how seized tobacco is managed after it is 'taken to the tip', including how it is rendered 'un-smokable' to ensure the product does not find its way into Australia's black market, equivalent to 12 per cent of the legal market.

(8) How many full-time equivalent staffing positions will be reduced within border compliance-connected departments that deliver policy support related to customs, policing, passenger facilitation and quarantine services due to the efficiency dividend implemented during the 2012-13 financial year, including how many of these positions will be at Australian air and sea ports, and can a breakdown per international entry point and agency that will be providing fewer frontline officers be provided.

(9) What proportion of the total amount of confiscated material seized or voluntarily declared at Australian airports originates from passengers on flights arriving from New Zealand.

Senator Ludwig: The answer to the senator's question is as follows:

(1) Mr Peter McFarlane of McFarlane Strategic Services was the Principal Investigator for the National Culinary Herb and Spice Industry Levy Consultation project.
During the consultation process some 1000 copies of the levy proposal booklet were printed and distributed to industry participants, including direct mail plus email copies to over 500 stakeholders, with supplementary distribution through regional industry associations, wholesale markets, state agriculture departments, and other industry networks.

A total of 21 regional meetings were convened during October and November 2010. Some 95 stakeholders made direct input on the levy proposal, including 75 verbal depositions at seminars and farm visits, plus 20 email / post submissions were received.

Mr McFarlane received $24 700 in payment for his role as Principal Investigator and $11 200 in travel and accommodation expenses during the project.

(2) The Department of Agriculture, Fisheries and Forestry received advice on 10 May 2011 from the Australian Herb and Spice Industry Association of a Declaration of Result for the herb and spice levy ballot issued on 5 May 2011 by the Australian Electoral Commission. The result was that, from the 34 ballot papers returned for scrutiny, there were:

- 11 votes in favour of the research and development levy proposal (23 votes against, no informal votes);
- 15 votes in favour of the Biosecurity levy proposal (19 votes against, no informal votes); and
- 12 votes in favour of the Plant Health Australia subscription levy proposal (22 votes against, no informal votes).

(3) The statement attributed to the Chief Plant Protection Officer that appeared in the Sydney Morning Herald and The Age on 5 September 2012 was a partial extract. The full statement was that "Since 2010, 13 000 tonnes of New Zealand tomatoes and capsicums, also susceptible to the disease, have been imported under strict biosecurity rules with no detection of the psyllid or the bacteria in the Australian environment."

This was also stated in DAFF's media release of 17 August 2012 (http://www.daff.gov.au/about/media-centre/dept-releases/2012/zebra-chip).

The detection of a psyllid in a consignment under quarantine supervision does not constitute an "incursion in the Australian environment".

(4) The allocation of biosecurity resources is not allocated against flight origin.

(5) The Senator's question implies that there has been a psyllid incursion in the Australian environment. There has not been a detection or an incursion of the tomato potato psyllid in the Australian environment.

(6) DAFF was not involved in discussions relating to the recent changes in the duty-free tobacco concession. DAFF officers do not enforce this new regulation. DAFF officers will refer tobacco products to the Australian Customs and Border Protection Service if such products are detected during the course of a biosecurity inspection.

(7) This question is best put to the Minister for Home Affairs who manages the disposal of tobacco products seized at the border.

(8) There are no Department of Agriculture, Fisheries and Forestry staff who deliver policy support functions at airports and mail centres. With respect to operational staff, there has been no reduction in the number of operational staff as a result of the 2012-13 efficiency dividends.

Questions about the impact of the efficiency dividend on the Australian Customs and Border Protection Service; the Australian Federal Police and the Department and Immigration and Citizenship should be put to either the Minister for Home Affairs or the minister for Immigration and Citizenship.
(9) For the period 1 December 2011 to 30 November 2012, 6.5 per cent of seizure lines within the Department of Agriculture, Fisheries and Forestry's Mail and Passenger System (MAPS) were recorded as being seized from or surrendered by passengers arriving on flights from New Zealand.

**Treasury**

(Question No. 2637)

Senator Ronaldson asked the Minister representing the Treasurer, upon notice, on 29 November 2012:

With reference to the announcement made by the Treasurer prior to the 2012-13 Budget, that relief would be granted to businesses struggling in the 'two-speed economy' by implementing a Tax Loss Carry Back initiative, how many tourism-connected businesses have benefited from this measure.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

Company loss carry-back will first apply to losses incurred in the 2012-13 income year.

Data is not yet available in respect of those that have benefited as the tax returns have not been lodged. The returns will be lodged progressively from 1 July 2013.

However, Treasury estimates that 110,000 businesses are expected to benefit from the loss carry-back measure in the first 4 years of its operation.

Treasury also estimates that around one in nine accommodation, cafe and restaurant businesses and one in eight cultural and recreation service businesses will benefit from the loss carry-back measure in the first 4 years of its operation.

**Employment and Workplace Relations: Staffing**

(Question No. 2638)

Senator Ronaldson asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 29 November 2012:

(1) Given that the Department of Resources, Energy and Tourism asserts there is a 36,000 employee shortfall in the tourism sector and that labour force vacancies will rise: (a) what work has been undertaken to address this by the Minister and the Minister's department, and has it been successful; and (b) how many individuals are involved in the Seasonal Worker Program, what paperwork is an operator required to complete in order to participate in the scheme, and can copies of this paperwork be provided.

(2) With reference to the funding secured to expedite research on tourism employment 'hotspots' over the next 12 months: (a) how much has been allocated for this project; (b) what work does this involve; and (c) what key performance indicators have been set for this project. (3) Given that matched funding has been promised for consequent training in the National Workforce Development Fund (NWDF), how much has been allocated and what timeframe is set for the roll out of the NWDF.

(4) Can a report be provided on the development of the careers promotion campaign, building on the Discover Tourism and Discover Hospitality websites.

(5) Does the Seasonal Worker Program underway apply to all types of tourism connected businesses, such as restaurants, or does it only apply to accommodation providers, and how many businesses are currently participating.

(6) Can an update be provided on the labour agreement for temporary skilled migrants for tourism and hospitality.

(7) (a) Has the trial of an $18 million over 4 years Pacific Seasonal Worker Pilot Scheme for workers from the Pacific and East Timor in select industries been a success; (b) against what key performance
Senator Wong: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) (a) The employee shortfall in the Tourism and Hospitality Industry is driven by a complex mix of factors, including fluctuating demand (due to seasonal change and economic conditions), high job turnover, low retention and casualisation of the workforce.

The Department of Education, Employment and Workplace Relations (DEEWR) provides assistance to employers to meet their labour needs via Job Services Australia and the Seasonal Worker Program. On top of this, DEEWR has a range of labour market strategies focused on better connecting job seekers with jobs in specific industries and/or regions. One example of this related to the tourism industry is DEEWR funding the Australian Hotels Association and Restaurant and Catering Australia to act as Employer Brokers, working in association with Job Services Australia and large employers in the Tourism and Hospitality Industry to address labour shortfalls through recruitment of jobseekers.

While the Employer Broker program has now ended, success is evident in improved engagement between large hotel chains and Job Services Australia providers in facilitating recruitment for entry level jobs. Facilitating recruitment for highly-skilled and challenging occupations such as chefs is more difficult. The Department is currently working with the Department of Resources, Energy and Tourism and industry representatives to support more effective workforce strategies for cooks and chefs. The Department's focus is on facilitating effective recruitment and career development strategies for both employers and jobseekers.

(b) Under the Seasonal Worker Program, up to 12,000 places are available to Australian employers. There are 10,450 places available for the Australian horticulture sector over a four year period and 1,550 places for a trial of seasonal labour mobility arrangements in certain regions with Australia's accommodation, aquaculture, cane and cotton sectors over a three year period.

In order to participate in the Seasonal Worker Program, an interested business must complete:

- A 'Request for Expression of Interest' form and submit it to DEEWR for assessment. This form is available on the DEEWR website at http://deewr.gov.au/Employment/Programs/seasonalworker/Pages/InformationforApprovedEmployers.aspx;

In addition, approved businesses must complete a recruitment plan and submit to DEEWR for assessment prior to recruiting seasonal workers.

(2) (a) The total budget for the 'hot spot' Tourism Employment Plans is $1.1 million.

(b) The Tourism Employment Plans involve a four stage process of regional consultation, mapping and gapping of existing programs, development of immediate and medium term labour and skills solutions tailored to the needs of the area and development of a sustainable model to carry the Plan forward.

(c) Individual key performance indicators and metrics are developed in consultation with each region as part of the final Tourism Employment Plan.

(3) Through the National Workforce Development Fund the government is providing over $8.3 million and industry is providing $3.7 million for the Workforce Futures project that will support workforce development and training in the sector. This includes $2.4 million in government funding and $2.2 in

QUESTIONS ON NOTICE
industry funding for targeted skills development. The project has commenced, and is due to be completed by 30 June 2015.

(4) The key deliverable of the Career Promotional Campaign project is the development of a toolkit that comprises a package of materials that promotes tourism and hospitality career pathways for careers in high demand occupations and regions. The campaign is complementary to existing resources including Discover Tourism and Discover Hospitality. The package of materials is being developed by the National Tourism Alliance and are scheduled to be publicly available in February 2013.

(5) The Seasonal Worker Program is not open to all types of tourism businesses. The three year trial of seasonal labour mobility arrangements is limited to accommodation providers in selected locations (corresponding to the Tourism Employment Plan ‘hot spots’), including Broome in Western Australia, Kangaroo Island in South Australia, Tropical North Queensland and the Whitsundays in Queensland, and the Northern Territory. Seasonal workers can be employed as bar attendants, baristas, food and beverage attendants/waiters, café workers, garden labourers, housekeepers, kitchen hands and public area cleaners. Accommodation providers in the selected regions are anticipated to participate in the program from April 2013, when they may experience a seasonal peak in demand for labour.

(6) The Government is considering options for the development of a template Labour Agreement for a range of occupations sought by the tourism and hospitality industry such as highly experienced front-of-house workers, including waiters, concierges and reception staff. The Minister for Immigration and Citizenship is the decision maker on all Labour Agreements.

(7) (a) The objective of the Pacific Seasonal Worker Pilot Scheme was to test whether a low skilled seasonal labour mobility program could contribute to economic development in participating pacific island countries. The Pilot was demand driven, and available to employers in the Australian horticulture industry unable to find enough local labour to meet seasonal demand. A small scale trial was also conducted in the accommodation sector in Broome with workers from Timor Leste during the final year of the Pilot.

The objectives of the Pilot were successfully tested and the Australian Government announced the introduction of the Seasonal Worker Program from 1 July 2012.

(b) An evaluation report on the development impacts of the Pacific Seasonal Worker Pilot Scheme has been completed. The report is available at:

http://ideas.repec.org/p/wai/econwp/11-09.html

(c) Of the 2500 visas available under the Pilot, a total of 1633 visas were granted, predominantly in the final year due to alleviation of climatic conditions such as drought, and improvement in the economy after the global financial crisis.

Under the Seasonal Worker Program, up to 12,000 places are available to Australian employers. There are 10,450 places available for the Australian horticulture sector over a four year period and 1,550 places for a trial of seasonal labour mobility arrangements in certain regions with Australia’s accommodation, aquaculture, cane and cotton sectors over a three year period. The number of places available each year is scheduled to grow, providing a total of up to: 2,000 places in 2012/13; 2,500 places in 2013/14; 3,250 places in 2014/15; and 4,250 places in 2015/16.

Infrastructure and Transport

(Question No. 2639)

Senator Ronaldson asked the Minister representing the Minister for Infrastructure and Transport, upon notice, on 29 November 2012:

(1) With reference to the Office of Transport Security: (a) will the Enhanced Cargo Examination Program continue following the cancellation of Government funding; and (b) from where will the program now receive funding.
Tuesday, 26 February 2013

(2) With reference to the 2012 report of the Steering Committee overseeing the Joint Study on aviation capacity for the Sydney Region: (a) will the department adopt Recommendation 6 of the report; if so, how will the review be undertaken and what is the timeframe; (b) are there any operational or technical reasons why Recommendation 7 could be rejected in favour of moving regional services outside of the slot management system at Sydney Airport; and (c) will the department adopt Recommendation 8; if so, how will the this review be undertaken and what is the timeframe.

(3) With reference to the Australian Rail Track Corporation (ARTC): (a) what are the comparative maintenance costs attributed to passenger and freight operations on the interstate rail network; and (b) why does the current ARTC access pricing regime fail to reflect this difference.

Senator Kim Carr: The Minister for Infrastructure and Transport has provided the following answer to the honourable senator's question:

(1) (a) Yes.
(b) Industry participants will have to plan for and purchase equipment where appropriate to meet enhanced air cargo examination requirements as they are introduced.

(2) Please refer to the response to written Question on Notice No. 60, provided to the Committee as part of the Budget Estimates in May 2012, which addresses these questions.

(3) (a) Maintenance costs on the mixed-use interstate network are generally not related to whether the traffic is freight or passenger. Average axle loads and speeds do not vary substantially between interstate freight and passenger traffic on the interstate network. ARTC is therefore not able to allocate costs with any level of accuracy to the various freight and passenger uses across the different regions of the interstate network.
(b) See answer to part (a). Maintenance costs are an element but there are a range of additional factors that impact pricing and ultimately the ACCC is able to arbitrate on ARTC pricing decisions if agreement with customers is not able to be achieved.

Illegal Trade in Wildlife
(1) What is the process for dealing with an introduced wildlife disease that is not officially recognised as infectious in Australia.
(2) Is proventricular dilatation disease officially recognised as infectious; if so, when was it officially recognised as infectious.
(3) Is Customs aware of other potentially infectious diseases that may be introduced to Australia via the illegal trade in wildlife that are not currently officially recognised as infectious; if so: (a) what are the diseases and how are they spread; (b) what threat do they pose to native species; and (c) what is being done to prevent the introduction of these diseases.
(4) What is the process for officially recognising a disease as infectious.
(5) How are quarantine requests on wildlife enforced.
(6) If a disease is not officially recognised as infectious, how are quarantine requests handled.
(7) What is the process when a disease is diagnosed in Australia which is not officially recognised as infectious, but is in other countries.
(8) Does the department track international developments in wildlife diseases, what domestic risk analysis is conducted and what budget is allocated to this work.
(9) How does Customs proactively monitor and investigate wildlife smuggling activities.

(10) What assessment has been undertaken in recent years to estimate the volume of the illegal trade in wildlife.

(11) What has been the budget for wildlife smuggling investigations and activities for each year in the past 10 years, including 2012.

(12) How are the risks of official diseases and potential new diseases factored into the allocation of resources for wildlife smuggling activities and investigations.

(13) What measures are being taken to prevent wildlife smuggling and the introduction of diseases by wildlife smugglers.

(14) In the past 10 years: (a) how many instances of wildlife smuggling has Customs dealt with; (b) how many of these have led to seizures; (c) how many wildlife smugglers have been prosecuted and can the details of these prosecutions be provided; and (d) how many convictions have been made and what were the penalties imposed.

Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) For illegally imported wildlife, the Australian Government Department of Agriculture Fisheries and Forestry (DAFF) biosecurity import policy is to euthanize the detained species in quarantine regardless of its disease status.

(2) 'Proventricular Dilatation (Macaw Wasting Disease)' is officially recognized as infectious through listing in Schedule 3 of the Quarantine Proclamation 1998 (Cth) as a quarantinable animal disease. Proventricular Dilatation has been listed since before 2008.

(3) Biosecurity matters are the responsibility of DAFF.

(a) Significant potentially infectious diseases that may be introduced through imported wildlife are listed in Schedule 3 of the Quarantine Proclamation 1998 (Cth).

(b) The threats that exotic infectious diseases pose to Australian wildlife species can only be inferred from the scientific literature and can only be verified in the face of an introduction.

(c) A range of quarantine measures prohibiting the importation of wild animals and their products are enforced at the border.

(4) Schedule 3 of the Quarantine Proclamation 1998 (Cth), which lists quarantinable animal diseases, is regularly reviewed by the responsible policy areas within DAFF.

Diseases become officially recognized through being made 'notifiable' under individual state and territory legislation. A national list of notifiable diseases, agreed to by Animal Health Committee, informs the state and territory listing. Notifiable disease listing considers diseases notifiable to the World Organization for Animal Health (OIE) and diseases of concern or potential concern to Australia. State and territory authorities additionally proclaim diseases as notifiable under their legislation that are of specific concern to that state or territory. Infectivity is only one consideration taken into account when assessing whether to make a disease 'notifiable'.

(5) The principal Commonwealth legislation regulating quarantine is the Quarantine Act 1908.

The Quarantine Act provides measures for, but not limited to:

(i) the examination, exclusion, detention, observation, segregation, isolation, protection, treatment and regulation of vessels, installations, human beings, animals, plants, or other goods or things; or

(ii) the seizure and destruction of animals, plants, or other goods or things; or

(iii) the destruction of premises comprising buildings or other structures when treatment of these premises is not practicable; and

________________________________________________________________________
(iv) having as their object the prevention or control of the introduction, establishment or spread of diseases or pests that will or could cause significant damage to human beings, animals, plants, other aspects of environment or economic activities.

States and territories also have their own legislative arrangements and the Commonwealth works with the states where incidences of biosecurity concern are detected beyond the border.

See answer to question 1.

See answers to questions 1 and 3 and 4.

The Australian Wildlife Health Network (AWHN), an initiative of DAFF, provides ongoing scanning for international developments in wildlife diseases. Scanning activities result in a weekly report on current hot topics provided to DAFF, and a weekly digest circulated to a subscription mailing list. Selected reports are also shared with the Australian Government Department of Health and Aging (DoHA), and the Australian Government Department of Sustainability, Environment, Water, Population and Communities (SEWPaC). These reports can inform domestic and import risk analysis. Scanning is one of a number of core responsibilities of the AWHN. Funding to cover all core activities is provided by the Wildlife and Exotic Disease Preparedness Program (WEDPP), a national partnership program managed by DAFF. In 20011-12 total funding from WEDPP for all AWHN core activities was $201,000 (GST exclusive).

DAFF funds Australia's OIE Wildlife Focal Point, who maintains contact with counterpart Wildlife Focal points in the region through regular workshops and meetings to track developments in wildlife diseases and be alert to potential risk to Australia. The budget for the OIE Wildlife Focal Point is part of the DAFF Wildlife Health sub program budget.

DAFF also provides funds to support FAO regional wildlife programmes and activities under the Partnership on Global Animal Health and Biosecurity initiatives 2011-2013. These wildlife projects seek to improve regional wildlife health capacity and to improve Australia's understanding of the role of wildlife, in emerging infectious diseases and specific disease that pose a risk to trade and public health in Australia and the region. The budget for 2011-13 for the wildlife component of the Partnership is $517,132.

DAFF provides a delegate to the FAO Scientific Task Force on Wildlife and Ecosystem Health which meets annually in the region to discuss international developments in wildlife disease. The budget for the participation in the Task Force is part of the DAFF's Wildlife Health sub program budget.

DAFF conducts biosecurity risk assessments before a particular species is approved for importation. International disease intelligence informing biosecurity risk assessments is gathered from a variety of sources, not limited to scientific publications, government documents and in-country missions. The budget for biosecurity risk assessments covers all species and not just wildlife. Announcements to conduct a biosecurity risk assessment are made on an irregular basis and consequently the resources dedicated to particular species vary.

The Customs and Border Protection Service (CBP) advised that they utilise a number of strategies to address illegal imports and exports of wildlife. These include:

- working with the community and industry partners through the Customs Watch program to encourage the reporting of suspicious activity;
- working closely with partner agencies such as DAFF and SEWPaC;
- maintaining an active watching brief, both tactical and strategic, on wildlife import and export issues and implementing tactical interventions as required; and
- dealing with detections of illegally imported or exported wildlife with appropriate treatments which range from seizure and the issue of a warning, through to investigation and prosecution.
(10) SEWPaC has advised me that while some estimates of the extent of the global illegal trade in wildlife exist, due to its very nature, estimating the volume/value of illegal trade in wildlife is difficult and the veracity of any estimates is difficult to determine. The same would apply to any attempt to estimate the volume of illegal trade of wildlife to/from Australia.

(11) SEWPaC has advised me that there is no specific budget for Wildlife Investigations. SEWPaC employs dedicated compliance and enforcement officers and environmental investigators, whose duties include investigations of wildlife smuggling when required.

(12) SEWPaC has advised me to refer to the response to question 11 above.

(13) SEWPaC has advised me that they liaise closely with a number of national and international agencies to share intelligence on wildlife smuggling. Australia is currently the Chair of the Coalition Against Wildlife Trafficking (CAWT), which consists of government and non-government representatives from around the world. CAWT partners seek to address the growing threats to wildlife from poaching and illegal trade, working individually and jointly toward achieving the Coalition's goals. CAWT aims to focus public and political attention and resources on ending the illegal trade in wildlife and wildlife products.

Also see answers to previous questions.

(14) CBP advises that:

(a) Between January 2002 and October 2012, CBP detected 7378 wildlife specimens.

(b) All of these wildlife detections resulted in seizure.

(c) CBP prosecuted 79 people in the last ten years. These typically resulted from detections of specimens imported or exported through international airports. These included reptiles and birds and their eggs in addition to a number of offences relating to the possession of illegally imported specimens.

(d) Prosecution was successful in 64 cases, resulting in $275,872.70 in penalties, 16 imprisonment sentences ranging from 2 months to 3.5 years and 15 good behaviour bonds and suspended sentences ranging from 2 months to 4 years.

Agriculture, Fisheries and Forestry: Greyhound Exports
(Question No. 2649)

Senator Rhiannon asked the Minister for Foreign Affairs, upon notice:

(1) For each year in the past 5 years, can details be provided of how many greyhounds have been exported from Australia and to which countries, including how many to each country and what animal welfare frameworks each country has in place with specific regard to greyhounds.

(2) If the Government does not know these details, why not.

(3) How many greyhounds are exported specifically to mainland China and Macau, detailed separately, and how many of those dogs are being exported for the gambling industry.

(4) Is the Minister aware that: (a) greyhounds exported to Macau are treated in conditions described by Macau's Civic and Municipal Affairs Bureau animal control department as ‘terrible', and that every dog imported from Australia was dead within 3 years; (b) these imported animals are kept in cages so small they can barely turn around; (c) from 21 October to 31 December 2009, 302 of the 655 imported racing dogs at the Macau Canidrome greyhound racetrack suffered injuries; (d) more than one healthy greyhound a day is killed at the Macau Canidrome greyhound racetrack; and (e) in 2010, 383 imported dogs, almost exclusively from Australia, were culled at the Macau racetrack.

(5) Is the Minister aware of the international campaign to ban greyhound exports to Macau because of the cruelty and suffering meted out to greyhounds.

(6) Given that new export rules for the live export industry require an independently audited supply chain in the importing country to meet animal welfare standards: (a) what welfare standards are in place
for the export of Australian greyhounds, particularly given widely recognised animal welfare issues in the industry; and (b) if there are no welfare standards along the supply chain, why is Australia allowing the export of dogs to destinations known for cruelty.

(7) Given that Greyhounds Australasia is holding a formal review of regulatory backing to ensure greyhounds cannot be exported to countries that do not meet animal welfare standards: (a) how is the Government supporting this review; (b) how is the Government working with Greyhounds Australasia to facilitate regulations to disallow export of greyhounds to countries and industries where cruelty has been recorded or raised; (c) is the Minister aware when the review will be completed; and (d) has the Minister or any Government representative been asked to provide input and/or support for the review, given that it involves Government support for export; if not, has the Government sought to provide input and if not, why not.

(8) Is the Minister aware of the petition sent by an alliance of Chinese animal welfare groups to the Prime Minister (Ms Julia Gillard), calling for a ban on greyhound exports to Macau; if so, has the Minister or Prime Minister provided a response.

(9) Does the Australian Government subsidise or support in any way the greyhound export industry; if so, how.

**Senator Ludwig:** The answer to the honourable senator's question is as follows:

(1) The department, through the Live Animal Export Program, provides the certification required for a dog to be exported. This activity is regulated under Part 3 of the *Export Control (Animals) Order 2004*.

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<tr>
<th>Country</th>
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<th>Number in 2010</th>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>797</strong></td>
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* The department does not have information available prior to 2010 regarding the number of greyhounds exported due to data being collated by species to a country not by breed.

(2) Please refer to the answer to question 1.
(3) Please refer to the answer to question 1.

The department can not specify how many greyhounds are exported for the gambling industry as there is no legislative requirement for information to be provided on the purpose or end use of the export of companion and other animals.

(4) The Australian Government is aware of allegations by animal welfare groups about mistreatment of greyhounds in Macau. The Australian Government has not been provided with substantiated evidence to support claims of adverse animal welfare outcomes.

(5) The Australian Government is aware of the campaigns.

(6) (a) The Export Supply Chain Assurance System is for the export of feeder and slaughter livestock only and does not apply to the export of companion and other animals.

All dogs exported from Australia are required under the Export Control (Animals) Order 2004 to be inspected by a veterinarian. Each dog must be found to be in good health and fit for travel by the veterinarian before the department will issue an export permit and health certificate.

(b) The Australian Government has not been provided with substantiated evidence to support claims of adverse animal welfare outcomes.

Australia supports the efforts of governments in other countries to improve animal welfare in many ways, including through providing information on animal welfare standards and systems used in Australia.

(7) (a) The Australian Government has provided advice to Greyhounds Australasia when sought.

(b) The Australian Government is aware of the Greyhounds Australasia review.

(c) Yes

(d) The Australian Government has been consulted and will in due course consider the recommendations from Greyhounds Australasia's review.

(8) The Australian Government is aware of a petition that was sent to the Prime Minister in November last year. The Minister of Agriculture, Fisheries and Forestry was provided a copy and has not yet responded.

(9) No

**Fair Work Act 2009**

(Question No. 2650)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 7 December 2012:

In the development of the *Fair Work Act 2009*, or since, has the Government shared any legal advice that it obtained with any interested parties; if so, for each occasion on which legal advice in relation to the Fair Work legislation has been shared, can details be provided that indicate: (a) who the parties were; (b) the date or dates on which the legal advice was so shared; (c) the reason for sharing such legal advice; and (d) whether the legal advice was shared with any other party, and if not, why not.

**Senator Wong:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

To the extent that the Government has shared any of its legal advice, it has done so in confidence and in a manner consistent with the Commonwealth’s right to maintain legal professional privilege over such advice.

Identifying those instances where the Government may have shared any of its legal advice, the form or nature of any information shared and the reasons for doing so are unable to be provided as doing so would involve an unreasonable diversion of departmental resources to attempt to answer it.
Global Microcredit Summit
(Question No. 2656)

Senator Rhiannon asked the Minister for Foreign Affairs, upon notice, on 12 December 2012:
(1) Did any representatives from AusAID or the Minister’s office attend the Global Microcredit Summit in Spain, in November 2011; if so, who attended; if not, why not.
(2) What plans are currently, or have previously been, in place for the Minister or AusAID to engage with the outcomes and learning of the Summit.

Senator Bob Carr: The answer to the honourable senator’s question is as follows:
(1) AusAID was unable to attend the Global Microcredit Summit as there were a number of competing priorities at that time.
(2) A number of AusAID’s microfinance partners, including the Consultative Group to Assist the Poor and Women’s World Banking, participated in the Summit as panel members. AusAID engages regularly with these partners to share information and lessons learned on microfinance programs.

In Feb 2012 AusAID hosted a panel discussion to discuss the outcomes of the Summit. Participants included representatives from CARE Australia, Credit Union Foundation of Australia, Opportunity International Australia, RESULTS International Australia and World Education Australia.

Myanmar: Development Assistance
(Question No. 2657)

Senator Rhiannon asked the Minister for Foreign Affairs, upon notice, on 12 December 2012:
(1) With reference to the official development assistance administered to Burma, can the Minister confirm that the total AusAID budget for Burma is $63.8 million, as specified on the agency’s website; if not, what is the correct amount.
(2) Given that, according to the AusAID website, the Government provides $52.8 million through the country program and $11 million through regional and global programs, on which projects is this money spent, and what amount goes to each project.

Senator Bob Carr: The answer to the honourable senator’s question is as follows:
The AusAID budget for Myanmar for 2012-13 was $63.8 million as indicated on the AusAID website, with $52.8 million allocated for the Myanmar country program, and a further $11 million allocated under regional and global programs.

On 17 December 2012 I announced that the Australian Aid budget for 2012-13 would be adjusted to meet other pressing government priorities. The precise impact of that decision on Australian aid funding to Myanmar is currently being discussed with affected partners. The revised country program budget will be publicly available in early 2013.

AusAID: Agent Orange
(Question No. 2658)

Senator Rhiannon asked the Minister for Foreign Affairs, upon notice, on 12 December 2012:
(1) How much money has AusAID spent on Agent Orange responses in Vietnam in the past 10 years, including land rehabilitation, education and services for Agent Orange affected people?
(2) Can a simple breakdown be provided detailing the partner, amount, sector and province in which this money has been spent?

(3) In the past 10 years, has Agent Orange ever featured in the AusAID health strategy, Asia regional strategy or Vietnam strategy, including related land rehabilitation, education and services for Agent Orange affected people?

**Senator Bob Carr:** The answer to the honourable senator's question is as follows:

1. The Australian Government has supported two projects relating to Agent Orange in Vietnam. These were both funded during 2005-06. One project received USD7,000 (approximately AUD9,050) and the other project received VND75,000,000 (approximately AUD6,250).*

2. Details of how this funding was spent are as follows:

   **Thanh Xuan Peace Village in Hanoi**

   The Thanh Xuan Peace Village, established in 1991 with support from the International Peace Village Oberhauzen and the German Government, provides rehabilitation for children disabled due to Agent Orange, and has special education and vocational training for the disabled. AusAID provided USD7,000 (approximately AUD9,050) for the purchase of a surgical laser.

   **Phong Dien Blind Association in Hue**

   Phong Dien, a rural district of the Hue province, is affected by Agent Orange and unexploded ordnance. Australia provided VND75,000,000 (approximately AUD6,250) for the construction of a new five room building used as accommodation for the blind during their vocational training, and as a storeroom.

(3) No.

*Figures estimated using 2005-06 conversion rates.

**Manus Island**

(Question No. 2659)

**Senator Rhiannon** asked the Minister for Foreign Affairs, upon notice, on 12 December 2012:


1. Can the Minister confirm that none of the costs incurred under the MOU will be considered official development assistance (ODA); if not, which components will be considered ODA-eligible.

2. Which, if any, of the costs incurred under the MOU will be considered ODA.

**Senator Bob Carr:** The answer to the honourable senator's question is as follows:

The Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) provides guidelines on the appropriate use of aid funds to assist asylum seekers. Australia complies with these guidelines transparently.

The OECD DAC has advised AusAID that some costs relating to the establishment of an offshore processing centre on Manus may be eligible. For example upgrades to public infrastructure on Manus Island, to the extent that they meet the ODA test of having the economic development and welfare of developing countries (in this case PNG) as the main objective. As a result, only those costs which confer a benefit to the population of Manus can be counted as ODA.

Items such as the construction, maintenance and security costs of the offshore processing centres, costs of assessing and processing the status of asylum seekers (including legal costs) and costs for deportation...
or other involuntary measures to repatriate individuals assessed as not being a refugee are not considered ODA eligible under the OECD DAC definition.

**Live Animal Exports**

(Question No. 2660)

Senator Rhiannon asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 12 December 2012:

(1) With reference to the independent inquiry conducted by the Pakistan Ministry of National Food Security and Research on 11 October 2012, which questioned the authenticity of the Certificate of Health No. 612-000891, issued by the Australian veterinary authorities and signed by the authorised Australian veterinary officer 27 days after the ship had left Australia:

   (a) how could an Australian veterinarian in Perth sign documents on 1 September 2012, given that the ship and sheep in question left Perth on 4 August 2012;

   (b) how did Pakistan obtain overnight Exporter Supply Chain Assurance System (ESCAS) approval, given that it takes months for other countries to follow the same process; and

   (c) was this documentation rushed in order to obtain the ESCAS approval to land the sheep in Pakistan.

(2) Given that these sheep were then taken to the PK Livestock and Meat Company, jointly owned and operated by Australian exporter the Wellard Group, which is a slaughter house and not a quarantine station, that Pakistan Animal Quarantine Rules (1980) did not authorise the director of the Animal Quarantine Department (AQD) to act as quarantine officer, and that rules established under the Pakistan Animal Quarantine Act (1979) were violated, why has Wellard’s export licence not been revoked.

(3) Can the Minister advise exactly how the Memorandum of Understanding or ESCAS are working to protect animals rather than commercial interests and institutionalised corporate cruelty.

(4) With reference to public claims made by Wellard (http://www.pkmeat.com/pdf/PK%20Meat%20Company%20Profile%20(English).pdf), including that ‘[o]nly animals that pass the health screening test are brought for slaughtering, under strict veterinary supervision’ and that ‘PK Livestock has become one of the largest exporters of chilled [and frozen] mutton and beef, supplying ... meat across the Gulf region’:

   (a) what sanctions will be brought against Wellard; and

   (b) why would Wellard deny work to its own abattoirs in Australia to have the animals slaughtered overseas after they have been forced to endure suffering.

(5) Can the Minister confirm reports that the sheep that were buried alive were subsequently dug-up and sold.

(6) Why does the Minister not accept the findings of the independent report by economic consultants ACIL Tasman, including that 1 300 full-time jobs would be created if livestock were slaughtered in Australia rather than enduring the inhumane treatment they receive offshore.

(7) What further evidence does the Minister require to acknowledge that acceptable standards of animal welfare cannot be enforced after animals are exported from Australia.

(8) With reference to the announcement by the Australian Chief Veterinary Officer (CVO), that he will conduct a review into whether the Mark IV restraint box meets World Organisation for Animal Health (OIE) guidelines and ESCAS requirements:

   (a) can the Minister advise when this review will be completed and whether it involves a direct assessment of cattle being slaughtered using this restraint box; and
(b) given that the CVO has stated that 'proper use of the Mark IV restraint box is consistent with the requirements of the OIE Code', what steps has the Minister taken to ensure that the CVO's statement cannot be exploited as an endorsement of this product.

Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) (a) The Australian Department of Agriculture, Fisheries and Forestry (DAFF) issued a Certificate of Health to Accompany Animals or Animal Reproductive Material (Certificate number 612-000891) on 1 September 2012 for 22 000 slaughter sheep consigned to Pakistan.

The Australian health certificate was only issued by DAFF after Australian officials confirmed requirements with the relevant Pakistan authority. On 24 August 2012 the Pakistan Ministry of National Food Security & Research provided a copy of formal animal health import requirements (Pakistan Import Permit F. No. 12-1/76).

On 31 August 2012 DAFF sought confirmation from Pakistan that the Australian health certificate and assurances were acceptable to Pakistan. The Pakistan Ministry of National Food Security & Research replied on 31 August 2012 and confirmed their requirements for the Australian animal health certificate.

The Australian health certificate confirmed the health status of the sheep based on the original inspection of the consignment by Australian veterinarians which was certified on 4 August 2012. This health certificate was issued in accordance with Pakistan requirements.

The shipment was inspected by Pakistan veterinary health officials on arrival in Karachi and was confirmed as meeting Pakistan import requirements.

(b) The exporter's ESCAS application for Pakistan met all regulatory requirements. The exporter had been working with the importer since June 2012 to establish ESCAS compliant processes in the facility with the view to commencing exports to Pakistan.

(c) DAFF fully assessed the ESCAS application submitted by the exporter. Following careful consideration, DAFF made a decision to approve the ESCAS on the basis it was satisfied the ESCAS would ensure the livestock would be transported, handled, slaughtered and subjected to any other related operations in accordance with the relevant OIE recommendations. The exporter's ESCAS application for Pakistan met all regulatory requirements.

(2) It is not appropriate for the Australian Government to comment on the enforcement of Pakistani law.

In regards to potential regulatory actions, DAFF is currently undertaking an investigation of the alleged ESCAS non-compliance. Any regulatory action which may be applied to the exporter, is subject to the outcomes of the investigation. The results of this investigation outlining any regulatory action, proportionate to the confirmed non-compliance, will be published on the DAFF website.

(3) Memorandums of Understanding (MOUs) of trade in live animals have been negotiated with ten of Australia's trading partners in the Middle East and north Africa since 2004. The MoUs provide for government-to-government assurances on animal welfare and safety for Australian livestock shipments to these countries. While not legally enforceable as these MoUs are less-than-treaty status, they nevertheless encourage importer countries to treat Australian livestock exports to international standards and guidelines. The Exporter Supply Chain Assurance System (ESCAS) also requires that exports of Australian livestock meet international animal welfare standards and guidelines to the point of slaughter. However, ESCAS is implemented by Australian exporters rather than on a government-to-government basis.

(4) (a) Please see response to question 2 above about potential regulatory actions.

(b) It is not government practice to comment on the commercial matters of licensed livestock exporters.
DAFF has no information to confirm (or otherwise) that culled sheep were subsequently removed from slaughter pits and sold.

The department cannot comment on the Minister's views of the findings of the ACIL Tasman report. However, in its report *An economic analysis of the live exportation of cattle from northern Australia*, ACIL Tasman acknowledges that there are significant issues that need to be managed in order to be able to process more cattle from northern Australia. These issues include:

- The climate is harsh, soils are not highly productive. It is more difficult to finish cattle to slaughter weight in northern Australia than in other regions of Australia;
- The annual wet season means it is difficult to maintain a consistent supply of livestock necessary to sustain a northern meat processing sector;
- Other hurdles, which have traditionally been difficult to overcome in northern Australia, include access to skilled labour and infrastructure requirements such as power, water, gas, roads and ports; and
- Uncertainties associated with the Indonesian government's live cattle and meat trade policies currently act as a disincentive to the construction of a northern Australian cattle processing facility.

The Exporter Supply Chain Assurance System (ESCAS) regulatory reforms which were phased in over the course of 2012 aim to ensure that the treatment of exported livestock meets, or exceeds, international animal welfare standards, and provides a mechanism for DAFF to investigate allegations of animal welfare breaches and to take appropriate regulatory action against exporters.

(a) The review is currently being finalised. It did not involve direct assessment of cattle being slaughtered used the Mark IV restraint box.

(b) The manufacturer of these restraint boxes was asked and has modified his advertisements to remove implied endorsement of this product.

Regardless of the type of restraint box used, exporters must provide evidence that the livestock will be handled in accordance with internationally accepted World Organisation for Animal Health (OIE) standards up to and including the point of slaughter. The supply chain must be assessed by an independent and suitably qualified auditor to demonstrate compliance with the animal welfare standards along the supply before animals can enter the supply chain.

Medicare

(Question No. 2662)

Senator Di Natale asked the Minister representing the Minister for Health, upon notice, on 17 December 2012:

For the 2009-10 and 2010-11 financial years, detailed separately, what was the total Medicare Benefits amount paid at in-hospital and out-of-hospital rates, and the amount paid in total, for pathology and diagnostic imaging services to: (a) the ten private providers who receive the most revenue for each of the broad types of service, including totals for each provider; (b) public hospital providers, as a total figure; and (c) all other providers, as a total figure.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

Medicare Diagnostic Imaging Services

The information on the Medicare benefits paid at in-hospital rates and out-of-hospital rates for diagnostic imaging services for 2009-10 and 2010-11 has been provided on the following basis:

- diagnostic imaging providers have been identified using their Location Specific Practice Number (LSPN);
• public hospital providers have been identified as diagnostic providers in public hospital facilities, such as radiology, nuclear medicine and radiation oncology departments. It also includes private specialist radiology, nuclear medicine and radiation oncology practices, either co-located with a public hospital or a private hospital co-located with a public hospital.

• the in-hospital rates represent Medicare benefits paid to private patients in public hospital, diagnostic imaging services provided to public patients are funded through the case-mix funding arrangements agreed by the National Healthcare Agreement with the Commonwealth and States and Territories and do not attract Medicare rebates;

• Medicare funded diagnostic imaging services provided to private patients in hospital settings attract 75 per cent of the Medical Benefit Schedule (MBS) fee, services provided out-of-hospital attract a MBS fee of 85 per cent of the MBS fee.

The table below provides information on:

(a) the ten private providers who received the most revenue for each of the broad types of service, including totals for each provider for 2009-10;

(b) information on public hospital diagnostic imaging providers as a total figure reflecting diagnostic imaging service provided to private patients in public hospitals; and

(c) information on all other providers as a total figure.

### Medicare Diagnostic Imaging: Financial Year 2009-10 based on date of processing

<table>
<thead>
<tr>
<th>LSPN</th>
<th>Total Benefits $</th>
<th>Hospital Benefits $</th>
<th>Non Hospital Benefits $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top private provider 1</td>
<td>14,588,553</td>
<td>5,123,369</td>
<td>9,465,184</td>
</tr>
<tr>
<td>Top private provider 2</td>
<td>11,523,212</td>
<td>1,610,866</td>
<td>9,912,346</td>
</tr>
<tr>
<td>Top private provider 3</td>
<td>10,472,221</td>
<td>3,684,368</td>
<td>6,787,852</td>
</tr>
<tr>
<td>Top private provider 4</td>
<td>9,889,522</td>
<td>1,141,264</td>
<td>8,748,258</td>
</tr>
<tr>
<td>Top private provider 5</td>
<td>9,416,710</td>
<td>3,165,962</td>
<td>6,250,748</td>
</tr>
<tr>
<td>Top private provider 6</td>
<td>9,015,120</td>
<td></td>
<td>9,015,120</td>
</tr>
<tr>
<td>Top private provider 7</td>
<td>8,627,319</td>
<td>2,032,219</td>
<td>6,595,100</td>
</tr>
<tr>
<td>Top private provider 8</td>
<td>8,373,444</td>
<td>1,205,846</td>
<td>7,167,598</td>
</tr>
<tr>
<td>Top private provider 9</td>
<td>8,217,296</td>
<td>1,544,217</td>
<td>6,673,079</td>
</tr>
<tr>
<td>Top private provider 10</td>
<td>8,099,307</td>
<td>1,608,908</td>
<td>6,490,400</td>
</tr>
<tr>
<td>Public Hospital providers</td>
<td>443,447,802</td>
<td>47,966,888</td>
<td>395,480,914</td>
</tr>
<tr>
<td>Other providers</td>
<td>1,603,445,696</td>
<td>86,342,338</td>
<td>1,517,103,358</td>
</tr>
<tr>
<td>Total</td>
<td>2,145,116,203</td>
<td>155,426,245</td>
<td>1,989,689,958</td>
</tr>
</tbody>
</table>

(1) Location Specific Provider Number is a Diagnostic Imaging practice and may comprise individual or multiple practitioners

(2) Benefits paid for Medicare 'fee-for-service' claims (excluding Bulk Bill Incentive payments)

Note: Public hospital LSPN's may provide services to private patients

The table below provides information on:

(a) the ten private providers who received the most revenue for each of the broad types of service, including totals for each provider for 2010-11;

(b) information on public hospital diagnostic imaging providers as a total figure reflecting diagnostic imaging services provided to private patients in public hospitals; and

(c) information on all other providers as a total figure.

### Medicare Diagnostic Imaging: Financial Year 2010-11 based on date of processing

<table>
<thead>
<tr>
<th>LSPN</th>
<th>Total Benefits $</th>
<th>Hospital Benefits $</th>
<th>Non Hospital Benefits $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top private provider 1</td>
<td>13,588,553</td>
<td>5,123,369</td>
<td>9,465,184</td>
</tr>
<tr>
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<td>1,610,866</td>
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</tr>
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<td>3,684,368</td>
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</tr>
<tr>
<td>Top private provider 4</td>
<td>9,889,522</td>
<td>1,141,264</td>
<td>8,748,258</td>
</tr>
<tr>
<td>Top private provider 5</td>
<td>9,416,710</td>
<td>3,165,962</td>
<td>6,250,748</td>
</tr>
<tr>
<td>Top private provider 6</td>
<td>9,015,120</td>
<td></td>
<td>9,015,120</td>
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<tr>
<td>Top private provider 7</td>
<td>8,627,319</td>
<td>2,032,219</td>
<td>6,595,100</td>
</tr>
<tr>
<td>Top private provider 8</td>
<td>8,373,444</td>
<td>1,205,846</td>
<td>7,167,598</td>
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<tr>
<td>Top private provider 9</td>
<td>8,217,296</td>
<td>1,544,217</td>
<td>6,673,079</td>
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<tr>
<td>Top private provider 10</td>
<td>8,099,307</td>
<td>1,608,908</td>
<td>6,490,400</td>
</tr>
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<td>395,480,914</td>
</tr>
<tr>
<td>Other providers</td>
<td>1,603,445,696</td>
<td>86,342,338</td>
<td>1,517,103,358</td>
</tr>
<tr>
<td>Total</td>
<td>2,145,116,203</td>
<td>155,426,245</td>
<td>1,989,689,958</td>
</tr>
</tbody>
</table>
### Medicare Diagnostic Imaging: Financial Year 2010-11 based on date of processing

<table>
<thead>
<tr>
<th></th>
<th>APA Total Benefits $</th>
<th>Hospital Benefits $</th>
<th>Non Hospital Benefits $</th>
</tr>
</thead>
<tbody>
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<td>Top private provider 1</td>
<td>15,079,645</td>
<td>5,266,425</td>
<td>9,813,219</td>
</tr>
<tr>
<td>Top private provider 2</td>
<td>12,724,207</td>
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<td>4,004,883</td>
<td>6,499,941</td>
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<tr>
<td>Top private provider 4</td>
<td>10,193,418</td>
<td>3,854,208</td>
<td>6,339,209</td>
</tr>
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<td>Top private provider 5</td>
<td>9,496,687</td>
<td>1,062,265</td>
<td>8,434,422</td>
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<td>Top private provider 6</td>
<td>9,305,624</td>
<td>9,305,624</td>
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</tr>
<tr>
<td>Top private provider 7</td>
<td>9,229,967</td>
<td>2,261,166</td>
<td>6,968,801</td>
</tr>
<tr>
<td>Top private provider 8</td>
<td>9,214,218</td>
<td>1,941,181</td>
<td>7,273,037</td>
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<tr>
<td>Top private provider 9</td>
<td>8,320,694</td>
<td>1,247,877</td>
<td>7,072,817</td>
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<tr>
<td>Top private provider 10</td>
<td>8,169,653</td>
<td>1,686,553</td>
<td>6,483,100</td>
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<tr>
<td>Public Hospital providers</td>
<td>468,757,861</td>
<td>51,275,511</td>
<td>417,482,350</td>
</tr>
<tr>
<td>Other providers</td>
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<tr>
<td>Total</td>
<td>2,290,149,193</td>
<td>166,813,683</td>
<td>2,123,335,510</td>
</tr>
</tbody>
</table>

(1) Location Specific Provider Number is a Diagnostic Imaging practice and may comprise individual or multiple practitioners

(2) Benefits paid for Medicare 'fee-for-service' claims (excluding Bulk Bill Incentive payments)

Note: Public hospital LSPN's may provide services to private patients

### Medicare Pathology Services

The information on the Medicare benefits paid at in-hospital rates and out-of-hospital rates for pathology services for 2009-10 and 2010-11 has been provided on the following basis:

- pathology providers have been identified by Approved Pathology Authority (APA), which is an entity that may comprise multiple practitioners and laboratories;
- 'State or Territory Government or Other Public Body' have been used as a proxy for public hospital pathology providers given the way the data is collected (ie. some State Governments have centralised pathology providers that undertake services for public hospitals);
- Medicare funded pathology services provided to private patients in hospital settings attract 75 per cent of the Medical Benefit Schedule (MBS) fee, services provided out-of-hospital attract a MBS fee of 85 per cent of the MBS fee.

The table below provides information on:

(a) the ten private providers who received the most revenue for each of the broad types of service, including totals for each provider for 2009-10;

(b) information on public hospital pathology providers as a total figure; and

(c) information on all other private providers as a total figure.

### Medicare Pathology: Financial Year 2009-10 based on date of processing

<table>
<thead>
<tr>
<th></th>
<th>APA Total Benefits $</th>
<th>Hospital Benefits $</th>
<th>Non Hospital Benefits $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top private provider 1</td>
<td>654,734,880</td>
<td>59,469,552</td>
<td>595,265,329</td>
</tr>
<tr>
<td>Top private provider 2</td>
<td>11,211,171</td>
<td>11,211,171</td>
<td></td>
</tr>
<tr>
<td>Top private provider 3</td>
<td>540,845,538</td>
<td>24,505,305</td>
<td>516,340,233</td>
</tr>
<tr>
<td>Top private provider 4</td>
<td>207,633,164</td>
<td>15,747,006</td>
<td>191,886,158</td>
</tr>
<tr>
<td>Top private provider 5</td>
<td>69,705,476</td>
<td>13,058,702</td>
<td>56,646,774</td>
</tr>
<tr>
<td>Top private provider 6</td>
<td>25,733,203</td>
<td>258</td>
<td>25,732,946</td>
</tr>
<tr>
<td>Top private provider 7</td>
<td>19,133,238</td>
<td>4,260,603</td>
<td>14,872,635</td>
</tr>
<tr>
<td>Top private provider 8</td>
<td>14,323,926</td>
<td>4,484,276</td>
<td>9,839,650</td>
</tr>
</tbody>
</table>
Senator Bushby asked the Minister representing the Minister for Regional Australia, Regional Development and Local Government, upon notice, on 18 December 2012:

With reference to the funding allocated under the Better Regions Program for the redevelopment of the North Bruny Community Centre:

### Franklin Electorate: North Bruny Community Centre

(Question No. 2663)
(1) In the original application put forward by the Kingborough Council for the redevelopment of the centre, what was cited as requiring redevelopment and what were the proposed new additions.

(2) Was the funding provided for the redevelopment of the centre subject to any conditions; if so, what were those conditions.

(3) Were the additions of medical rooms and postal facilities contractual obligations under the original Better Regions Program grant, or was it expected that they would be built using that grant.

(4) Under what conditions can the plans outlined in the original contract be changed, and what approvals are or would be required for changes to these plans.

(5) To what extent could the plans be changed without approval from the department.

(6) What checks and balances are in place to ensure that entities have complied with their contractual obligations under this funding.

(7) Can a detailed breakdown be provided of the costs and expenditures for the redevelopment of the centre.

Senator Conroy: The Minister for Regional Australia, Regional Development and Local Government has provided the following answers to the honourable senator's question:

(1) The application submitted by Kingborough Council requested funding to refurbish current facilities and to extend the Dennes Point Hall to become the North Bruny Community Centre, in order to provide a shop, community dining area, community art gallery, hall and medical health and consulting rooms.

(2) The Better Regions funding provided for this project was not subject to any conditions.

(3) Better Regions funding was allocated toward construction and fitout of both the extension and refurbished sections of the Community Centre.

(4) A request to vary the terms of the Funding Agreement can be made to the Department. The request would need to be assessed and considered by the appropriate delegate. If approved, a revised Schedule to the Agreement would need to be agreed in writing and signed by both parties.

(5) Under Clause 27.2 of the Funding Agreement between the Commonwealth and Kingborough Council, no variation to the Agreement is binding unless agreed in writing and signed by both parties.

(6) Better Regions Projects were monitored throughout their lifecycle with mandatory progress reporting against agreed milestones. Progress payments were based on the provision of sufficient evidence of completion of construction and/or activity stages.

On 15 June 2009, a compliance visit to the project was conducted by an officer of the former Department of Infrastructure, Transport, Regional Development and Local Government.

(7) Project budget during construction:

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Cost Item</th>
<th>Description</th>
<th>Amount (GST Exclusive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better Regions Program</td>
<td>Plumbing</td>
<td>Plumbing works, excavation costs and materials.</td>
<td>$35,500</td>
</tr>
<tr>
<td>Better Regions Program</td>
<td>Building Costs</td>
<td>Constructors costs, electrical wiring and materials.</td>
<td>$84,272</td>
</tr>
<tr>
<td>Better Regions Program</td>
<td>Fit Out</td>
<td>Internal painting costs</td>
<td>$22,000</td>
</tr>
<tr>
<td>Kingborough Council</td>
<td>Approvals and Construction</td>
<td>Government and Planning Approvals</td>
<td>$162,768</td>
</tr>
</tbody>
</table>

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QUESTIONS ON NOTICE
This budget identified that in kind contributions were to be provided by Michael Way, Isle Drafting; North Bruny Community and Cultural Centre Committee; Kingston Mitre 10; and Kingborough Council.

The final cost of the project after completion totalled $480,692. The increased cost of the Project was met by Kingborough Council.

**2012-13 Budget**  
(Question No. 2666)

**Senator Cormann** asked the Minister representing the Treasurer, upon notice, on 14 January 2013:

With reference to the removal of the word 'surplus' from the online version of the Budget 2012-13, in particular, the sentences 'The budget is returning to surplus as promised, with surpluses growing over the forward estimates. A surplus is appropriate given our strong economic fundamentals and an economy returning to growth':

1. When was the decision made by the Treasurer to retrospectively change the online version of the Budget 2012-13 to remove certain references to 'surplus'.
2. If the decision to remove the word 'surplus' was not made by the Treasurer, who made this decision.
3. When was the removal of the word 'surplus' from the Budget 2012-13 website first discussed with the department.
4. On what date did the Treasurer decide to replace the above sentences with 'Our strong fiscal position sends a strong message to international investors on the Government's commitment to fiscal discipline and provides a buffer in uncertain economic times'.
5. Was the new text for the website drafted by the Treasurer's office or the department.

**Senator Wong**: The Treasurer has provided the following answer to the honourable senator's question:

There has been no change to the 2012-13 Budget documents. Government websites are regularly updated to ensure members of the public have access to up to date and relevant information.

**Biosecurity**  
(Question No. 2669)

**Senator Milne** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 January 2013:

What was the total cost of the engaging in Biosecurity project.

**Senator Ludwig**: The answer to the honourable senator's question is as follows:

The cost of the Engaging in Biosecurity project was $1 172 000 (excl. GST) occurring over a period of four years from 2008 to 2011.

**Agriculture, Fisheries and Forestry**  
(Question No. 2670)

**Senator Milne** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 January 2013:

Can copies be provided of any reviews or assessments conducted by the department, or on the department's behalf, on the myrtle rust incursion, including any that cover the following topics:

(a) the adequacy of surveillance measures;
(b) the basis on which decisions by the National Management Group on eradication were made; and
(c) import decisions or import conditions for products that are at risk of being contaminated with myrtle rust or guava rust spores.

**Senator Ludwig:** The answer to the honourable senator's question is as follows:

The interim myrtle rust eradication program was conducted under the Emergency Plant Pest Response Deed which provides for financial and efficiency reviews. National Management Group did not seek an efficiency review of the interim myrtle rust response.

The department has not separately reviewed or assessed surveillance measures or decisions of National Management Group relating to the interim myrtle rust response.

The department is currently reviewing the import conditions for myrtaceous timber in consultation with the Australian Forest Products Association. The review will be finalised in the first half of 2013.

**Australian Quarantine and Inspection Service**

(Question No. 2671)

**Senator Milne** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 January 2013:

(1) On how many occasions in the past 5 years have yellow crazy ants been intercepted at the Australian border.

(2) Does the department have an annual summary document detailing interceptions of exotic organisms, including numbers, species, locations and countries of transport origin; if so, can copies be provided for the past 3 years, from 2009 to 2012.

(3) Does AQIS have a list of exotic species that are regarded as high priority threats to the environment to target for interception; if so, can a copy be provided.

(4) Over the past 3 years, how many interceptions have there been of species regarded as high priority threats to the environment, including the name and number of each species.

(5) What particular, if any, surveillance operations does AQIS have in place for exotic species that are regarded as high priority threats to the environment.

**Senator Ludwig:** The answer to the senator's question is as follows:

(1) The yellow crazy ant (*Anoplolepis gracilipes*) has been intercepted at the Australian border on 40 occasions in the past 5 years. Interceptions by region are: Queensland, 23 occasions; Western Australia, 9 occasions; Victoria, 4 occasions; New South Wales, 3 occasions; Northern Territory, 1 occasion.

(2) No.

(3) The department has the list, Australia's most unwanted, which targets ten species that are considered high priority threats to Australia's biosecurity: the Asian gypsy moth, Asian longhorned beetle, Asian tiger mosquito, black spined toad, burnt pine longicorn beetle, formosan termite, giant African snail, giant honeybee, khapsra beetle and the lesser auger beetle. With the exception of the Asian tiger mosquito and khapsra beetle, the rest could be considered threats to Australia's environment.

(4) Interception details of the ten species listed on the DAFF list of Australia's most unwanted are as follows:

<table>
<thead>
<tr>
<th>Species</th>
<th>Number of Interceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian gypsy moth, <em>Lymantria dispar</em></td>
<td>23 times</td>
</tr>
<tr>
<td>Asian longhorn beetle, <em>Anoplophora glabripennis</em></td>
<td>once in the past three years</td>
</tr>
<tr>
<td>Asian tiger mosquito, <em>Aedes albopictus</em></td>
<td>11 times</td>
</tr>
<tr>
<td>Black spined toad, <em>Bufo melanostictus</em></td>
<td>25 times</td>
</tr>
<tr>
<td>Burnt pine longicorn beetle, <em>Arhopalus ferus</em></td>
<td>58 times</td>
</tr>
<tr>
<td>Formosan termite, <em>Coptotermes formosanus</em></td>
<td>8 times</td>
</tr>
</tbody>
</table>

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**QUESTIONS ON NOTICE**
Giant African snail, Achatina fulica, intercepted 94 times in the past three years.
Giant honey bee, Apis dorsata, intercepted 12 times in the past three years.
Khapra beetle, Trogoderma granarium, intercepted two times in the past three years.
Lesser Auger Beetle, Heterobostrycus aequalis, intercepted 152 times in the past three years.

(5) The department conducts seasonal and ongoing surveillance of targeted exotic pest species that pose a high priority threat to Australia's biosecurity.

Seasonal surveillance operations conducted by the department include:
Asian gypsy moth targeted flight season; which targets vessels arriving from ports in the far east of Asia. During the annual flight season from 1 July to 30 September, the exotic Asian gypsy moth (Lymantria dispar) is attracted to the bright lights in these ports and settles on vessels at the loading docks. Vessels leaving these ports are a known risk pathway for the potential introduction of this pest into Australia. DAFF risk assesses these vessels prior to arrival and if required an inspection is performed of the vessel for the presence and eradication of the Asian gypsy moth.

Burnt pine longicorn beetle targeted flight season; which targets vessels arriving from ports in New Zealand. Each year the Ministry of Primary Industries New Zealand (MPI NZ) advises DAFF of the flight season of the burnt pine longicorn beetle (Arhopalus ferus) which lasts from November until April. This exotic forestry pest is known to take shelter amongst sawn and manufactured timber products during the flight season. While no immediate damage is caused to imported timber commodities, the association of burnt pine longicorn beetles with these commodities creates a possible pathway entry into Australia. Vessels entering Australia from New Zealand during this flight season are actively targeted for the presence of burnt pine longicorn beetles.

Ongoing surveillance operations conducted by the department include:
Northern Australian Quarantine Strategy (NAQS) program; DAFF runs the NAQS program which monitors the northern region of Australia from Broome to Cairns for targeted pests, weeds and disease through surveillance and quarantine operations.

DAFF Country Action List (CAL) and Risk Vessels; DAFF targets a range of high risk pests and other contaminants (such as soil) on imported sea containers and non-containerised (breakbulk) cargo. High risk pests include the giant African snail, black spined toads, exotic bees and ants. Containers from countries listed on the CAL are inspected prior to release from the terminal.

Khapra beetle country and commodity specific list; DAFF targets countries and commodities where the exotic khapra beetle (Trogoderma granarium) is known to occur. If established this beetle would have serious consequences for Australia's grain storage industry and jeopardise our export grain markets. Commodities that are host material for the khapra beetle are inspected to ensure that the threat from any potentially insect infestations is eliminated.

Mosquito vector monitoring program; DAFF monitors for exotic disease-carrying mosquito species at the perimeters of all Australia's ports of entry for international vessels and at Australia's international airports. Monitoring involves trapping of larvae and adults, and identifying them to detect exotic disease-carrying species.

National Sentinel Hive program; DAFF works closely with State and Territory agriculture authorities and representatives from Australia's honey bee industries to monitor air and sea ports around Australia for feral and exotic bee species that could arrive on vessels or airplanes. The National Sentinel Hive Program maintains hives at seaports around Australia that are inspected regularly for feral and exotic bee species, as well as several species of mites, including varroa and tracheal mites.