COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

Senate

Official Hansard

No. 11, 2014
Monday, 1 September 2014

FORTY-FOURTH PARLIAMENT
FIRST SESSION—FORTH PERIOD

BY AUTHORITY OF THE SENATE
INTERNET
The Journals of the Senate are available at

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the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2014

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General
His Excellency General the Hon. Sir Peter Cosgrove AK, MC (Retd)

Senate Office holders
President—Senator Hon. Stephen Parry

Deputy President and Chair of Committees—Senator Gavin Mark Marshall

Temporary Chairs of Committees—Senators Christopher John Back, Cory Bernardi, Sam Dastyari, Sean Edwards, Alexander McEachian Gallacher, Susan Lines, Deborah Mary O'Neill, Nova Maree Peris AOM, Dean Anthony Smith, Zdenko Matthew Seselja, Glenn Sterle, Peter Stuart Whish-Wilson and John Reginald Williams

Leader of the Government in the Senate—Senator Hon. Eric Abetz

Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC

Leader of the Opposition in the Senate—Senator the Hon Penny Wong

Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy

Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield

Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips

Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz

Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC

Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion

Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash

Leader of the Opposition in the Senate—Senator the Hon Penny Wong

Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy

Leader of the Australian Greens—Senator Christine Anne Milne

Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus

Deputy Leader of the Palmer United Party in the Senate—Senator Jacqui Lambie

Chief Government Whip—Senator David Christopher Bushby

Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston

The Nationals Whip—Senator Barry James O'Sullivan

Chief Opposition Whip—Senator Anne McEwen

Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart

Australian Greens Whip—Senator Rachel Siewert

Palmer United Party Whip—Senator Zhenya Wang

Deputy Palmer United Party Whip—Senator Jacqui Lambie

Printed by authority of the Senate

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<td>Abetz, Hon. Eric</td>
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<td>Back, Christopher John</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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<td>Peris, N.M.</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

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

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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Assistant Minister for Employment</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Bruce Billson MP</td>
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<tr>
<td>Acting Assistant Treasurer</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Steven Ciobo MP</td>
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<td><strong>Minister for Agriculture</strong></td>
<td>The Hon Barnaby Joyce MP</td>
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<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<td>The Hon Sussan Ley MP</td>
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<td>Senator the Hon Scott Ryan</td>
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<tr>
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<td>The Hon Ian Macfarlane MP</td>
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<td>The Hon Bob Baldwin MP</td>
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<td><strong>Minister for Social Services</strong></td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
<td>Senator the Hon Marise Payne</td>
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<tr>
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<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
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<tr>
<td><strong>Minister for Communications</strong></td>
<td>The Hon Malcolm Turnbull MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td><strong>Minister for Sport</strong></td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon Fiona Nash</td>
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 10 am, read prayers and made an acknowledgement of country.

MOTIONS

Iraq

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:01): I seek leave to move a motion relating to parliamentary approval for the deployment of Australian troops in Iraq.

Leave not granted.

Suspension of Standing Orders

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:01): Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely a motion relating to parliamentary approval for the deployment of Australian troops in Iraq.

There is no greater responsibility that a parliament has, that a Prime Minister has, than to send our armed service men and women into a war zone, into a war. I believe it is time that the Australian parliament was brought into this debate and given the ability to approve such an action, if that is what is being put to the parliament by the Prime Minister of the day. Already we are into mission creep. We had the Prime Minister tell us that it was humanitarian aid we were involved in, and we wholeheartedly support that. But then, after that, we discovered that now Australian aircraft are being used or have been agreed to be used to send arms into northern Iraq. We also hear from the Minister for Defence that the Super Hornets are on standby to be deployed. Even though the Prime Minister was telling us last week that there had been no agreement to send troops, we hear that the SAS troops are already there. Is that the case? How long are they going to be there?

What is the extent of our engagement and, more particularly, what is the legality behind Australia’s engagement? International law has to apply to everyone, including Australia. The point here is there has been no United Nations resolution in relation to this matter. The question that I asked the minister and the Prime Minister is: has the Iraqi government actually asked Australia to send these armaments, to send SAS forces? Has the Iraqi government done that or not?

Have we learnt nothing from the engagement in Iraq in 2003? We then had Prime Minister Howard run straight along behind the United States President, Bush, and the British Prime Minister, Tony Blair—and what a mess that left. The vacuum in Iraq was such that the ethnic tensions that have been there for hundreds of years came to the surface. We have had a Prime Minister in Iraq, al-Maliki, who did not run an inclusive government, who preferred the Shiahs against the Sunnis, which has given a large amount of the tension that is there now. What is to say that engagement of troops in Iraq will not simply drive an even more united, committed and disastrous move for an Islamic state than is already occurring?
The point here is: very few people believe that the Prime Minister of Australia has a strategic plan for Australian engagement in Iraq. Everybody believes that we are simply running behind President Obama, who himself last week said he does not have a strategy. We want to know what the objective is. I would like to hear from the government why they think there is any likelihood of success when there has not been success before from following the United States into these conflicts.

Of course it is true that barbaric acts are being carried out by the Islamic State—we know that. There are equally barbaric acts being carried out in Nigeria, in the Congo. We know that there has been Russian engagement in the Crimea and in east Ukraine. But the point is we have an international law regime which we must uphold, because if you do not uphold international law on all occasions then there is no international law, as Professor at ANU Don Rothwell has said today.

It is critical that we come back to this idea. Isn't it time that the Australian people, through the Australian people's parliament, were fully informed? It is wrong that we hear from the Prime Minister one week that nothing has been decided, that no troops have been deployed, and then we read in the papers that the SAS troops are actually to be deployed to go with these armaments, if they are not already there. I think it is time the government gave us a much clearer explanation. But the point remains: the Australian parliament now needs to be consulted and approval needs to be sought from the representatives of the people before we put in harm's way our Australian armed service men and women. It is a fundamental principle that I think the Australian community supports and I urge the parliament to suspend standing orders to allow us to have the debate.

Senator JOHNSTON (Western Australia—Minister for Defence) (10:06): No government takes the putting of young Australians in harm's way other than with the utmost seriousness. This is probably the most important decision a Prime Minister or his cabinet can ever make. What we have seen recently in Iraq has, I think, no comparison in recent history. We have seen the town of Mosul and the towns of Ramadi, Fallujah and Tikrit fall to ISIL. We have seen mass executions. We have seen what is tantamount to ethnic cleansing and we have seen almost genocide unfolding in the Levant, across Syria and across Iraq. I want to mention in the chamber today a couple of villages. Amerli, of course, is one village and the other is Kojo village, 12½ kilometres south of Sinjar. I think there will be much more said about these two villages because they are on the precipice of a humanitarian disaster.

The fact is that this organisation, ISIL, the Islamic State, has moved through Iraq with lightning speed. It is a force to be reckoned with. It is a manoeuvring force, and I am using military terminology there. It has the capacity to scope out the towns that it has taken and seize control of them. It has a number of tanks, a number of aircraft and a number of enablers which give it a completely different complexion to anything we have hitherto seen in the Levant. The only force that has provided any reasonable resistance, any protection to the civilian population, has been the Kurdish forces in the north-east of Iraq.

What we have done so far is we have delivered very successfully, from the back of a C130 Hercules, humanitarian relief in the nature of food and water to the people who were isolated in the Sinjar mountains, and we participated with our friends and allies in delivering those goods to preserve those lives. There is also Amerli village. We will continue to assist in providing those people with some respite. But, most importantly at the moment, having said
that the Kurds are the only force that have provided any resistance, we would not want to see that resistance fail for want of ammunition or other supplies—and, of course, we will participate with our friends and allies. This matter in Iraq has engaged and has the support on our side of the Saudis, the Iranians, the Jordanians, the Turks, the UK, the French, the Germans, the Italians and the European Union.

These decisions are, as I said, not made lightly; they are made in very, very grave circumstances of extreme consideration. The fact is that, were we to delay making decisions as the events confront us, people's lives would be seriously at risk, as we have seen so far. There have been mass executions across Iraq, and we need to protect these people. Debating what operational activities the Australian Defence Force will undertake would be completely counterproductive to protecting those lives. That has never been done before in our history. The Prime Minister and the cabinet, taking their responsibilities seriously, recommend to the Governor-General that Australian forces be deployed. This is the way we have always done our business.

The fact is that the Greens have always argued the case that they do and they can continue, of course, to argue that; but from an operational perspective, from the perspective of providing urgent relief to these people, the Greens' quest is not the way to go.

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (10:11): I indicate that Labor will not be supporting this motion for the suspension of standing orders. I would like to begin by expressing my support for the ADF personnel currently involved in humanitarian operations in Iraq. They are doing great work to help prevent genocide against minorities in northern Iraq and, as always, they are undertaking their task with great professionalism.

It is the role of parliament to debate issues of concern, to act as a focal point for discussions which take place in the Australian community. That role is particularly important when we are discussing such important issues as the deployment of Australian Defence Force personnel. It is Labor's view that debates like this should take place in a structured way to ensure that all voices can be heard. It should not be done like this, as a stunt to score cheap political points. That is why Labor does not support the suspension of standing orders.

What the Greens are trying to do here is conflate two issues: the appropriate role of parliament and their desire to see parliamentary approval for the deployment of ADF personnel. As I have said, Labor fully supports the role of parliament as a place of debate, but that should not be confused with requiring parliamentary approval.

The role of the parliament in approving military action is fraught with danger. The government must retain maximum flexibility to respond to threats to Australia's national security quickly and efficiently. Requiring a statement from the government prior to deploying ADF personnel and assets could unnecessarily increase risk to the deployment.

Furthermore, the government of the day has access to classified information which the parliament does not. Australia's defence and national security agencies provide information to the government which must remain secret for a whole range of reasons, including for the safety and security of our ADF personnel. A requirement for parliamentary approval could also create situations where ADF personnel are deployed to a warlike environment without
the appropriate legal authority or important legal protections. Executive government is the most appropriate body to exercise civilian control of the Australian Defence Force.

The Greens do themselves a great disservice trying to conflate these issues. It is appropriate for the parliament to debate government decisions that involve the deployment of ADF personnel, for that should be done in a considered way, not through a stunt like this. We do not support the suspension of standing orders, but we are sure that the parliament will be debating this very, very soon.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (10:15): I think it is important to provide some context before I move to the substance of what is a procedural motion. Australia will join international partners to help the anti-ISIL forces in Iraq. Following the successful international humanitarian relief effort, air dropping supplies to the thousands of people stranded on Mount Sinjar in northern Iraq, the RAAF will now conduct further humanitarian assistance. The United States government has asked Australia to help transport stores of military equipment, including arms and munitions, as part of a multinational effort. RAAF C130 Hercules and C17 Globemaster aircraft will join aircraft from other nations, including Canada, Italy, France, the United Kingdom and the United States, to conduct this important task.

Australia's contribution will continue to be coordinated with the government of Iraq and regional countries. As the Prime Minister has made clear previously, the situation in Iraq represents a humanitarian catastrophe. Australia remains in close contact with the United States and other international partners and will continue to work to alleviate the humanitarian situation in Iraq and address the security threat posed by ISIL. There have been no formal requests for combat forces and no decision taken to get further involved in the conflict. What is happening currently is an intervention with the Iraqi government in support of the Iraqi government.

I think it is important to note in relation to the announcement by the Prime Minister yesterday that the regular conventions have been followed in the decision-making process: discussion at the National Security Committee of the cabinet, decision by the cabinet and consultation with the opposition. The Prime Minister has acknowledged the cooperation and bipartisan support of the opposition in this matter and the fact that the government is following the precedent in relation to decision making of previous governments.

It is also important to note that there are the regular forms of this place available to senators to discuss matters of public importance, both domestic and foreign. Those forms are available and I am sure that colleagues will avail themselves of those over the period ahead. The government also will be using the regular forms available in this place to provide updates to the Senate and the parliament in relation to the activities that Australian Defence Force personnel are engaged in. I think it is very important that those regular forms are used in an orderly and planned way and that all colleagues have the opportunity to avail themselves of these processes. We do not think that the nature of the motion put forward by the Australian Greens should intervene in the ordinary course of the business of this place. Yes, there are important matters that Australia is involved with overseas and those should be canvassed appropriately in this place, but there are also important domestic matters which the parliament must continue to pursue. For that reason, the government will not be supporting the Greens'
motion to suspend standing orders. We think it is important that government business as scheduled for today proceed.

The PRESIDENT: Before I invite Senator Faulkner to speak, I indicate that I will come back to the crossbenchers after Senator Faulkner.

Senator FAULKNER (New South Wales) (10:19): I have consistently argued that the defence of the nation, its people and our interests is a paramount responsibility of all governments. It is true that under our system of government the decision to deploy members of the Australian Defence Force, whether it be for combat operations, for peacekeeping or for disaster relief, is made by the executive government. I last spoke in the Senate about the rationale for this longstanding constitutional practice about three years ago, on 7 July 2011. I would commend that fulsome speech to the Senate.

I do accept that any decision to deploy the ADF is a great responsibility for the executive government. It is as onerous and as serious as political leadership in this country can be. But, while I do not support a change to require the Australian government to seek parliamentary approval to take military action or deploy the ADF, I would strongly encourage the government to be as open and as transparent as possible about this current deployment of Australian Defence personnel.

In another life, as defence minister, I made clear my intention to provide to the parliament regular reports on Australia's role in Afghanistan and our progress in that conflict. Those statements were very substantial in their nature. They were a frank and objective assessment about our involvement in the International Security Assistance Force. I placed as much information on the public record as I could, and that included a significant number of major ministerial statements.

I would strongly commend this approach to the government. I would suggest that the defence minister, Senator Johnston, make a ministerial statement on this matter as soon as he is able to do so, and then I would suggest that the government facilitate full debate in this chamber around that statement. I do not believe that we should suspend standing orders this morning to demand that such a debate, in the terms that have been referred to all senators, should take place this morning. But I do believe that it is reasonable to ask the government, through the minister, to make a statement to the Senate as soon as practicable.

I also believe it is reasonable for the Senate to request the government to facilitate a full debate on these matters in this chamber at the earliest opportunity. That is the approach that I would commend to the Senate. It is responsible, it is serious and it is open. And, as all senators know, it is consistent with past practice in this chamber and it is consistent with good practice in this chamber. I would say that it puts good practice above partisanship and above politics, and that is exactly what we should do in this circumstance. I would say that that would be the parliament at its best and I would say that that would be the Senate at its best, and that is the approach I would commend to all parties.

Senator LEYONHJELM (New South Wales) (10:24): I do not necessarily approve of the approach taken by the Greens here in procedural terms, but I do want to put on the record the fact that the Liberal Democratic Party, as a matter of policy, asks that all commitment of troops overseas for conflict purposes require a two-thirds majority of both houses of
parliament. There is a significant principle at stake here, and that is who—the executive or the parliament—should be responsible for sending our young men and women into danger.

The risk is that, if it is left to the executive, there is significant potential for adventurism, for political posturing and for engaging in activities that are not in the national interest. I am not suggesting that applies in this instance. In fact, I am quite in favour of supplying the Peshmerga with military equipment and I hope it leads to a Kurdish state. But this is a very profound decision. It is too profound, too serious, with too many implications, to be left to the executive.

This same debate occurs in the United States. There is a constant tug of war between the congress and the President as to who should commit forces to military action overseas. Technically, congress has the right to declare war yet the President goes to war, notwithstanding no declaration of war, and there is a constant argument about it.

It is also not about flexibility or operational matters. We are talking about the commitment of forces, not what they do, not how they operate, not when they go, not when they come home. It is not what they do while they are there; it is whether they go at all. It is about deployment per se. That is a profound matter and it should be up to the parliament to decide when that occurs.

Senator LU DLAM (Western Australia) (10:26): I rise today to commend to the chamber this motion. I listened very carefully to Senator Faulkner's comments because he obviously has history with this issue—and we have spoken of changing this long-held tradition of the executive unilaterally deploying Australian troops into harm's way—and also because Senator Faulkner was for a period of time the Australian Minister for Defence. I have heard nothing at all this morning from any side of the house that would undermine the basic principle that we seem to be hearing from all sides: that if it ain't broken then don't fix it. I would put to all of my colleagues in here that it is broken. Otherwise we would not be in this situation.

I took on the so-called war powers bill. This bill, the Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill, has been on the Notice Paper since the mid-1980s. The Australian Democrats introduced it, Senator Bartlett had carriage of it when I came into this place in 2008 and it was the first bill that I introduced. It is profoundly important.

If you believed that this extraordinarily important decision making should remain entirely behind closed doors in the hands of the Prime Minister on the advice of his National Security Committee and the cabinet, with secret briefings with the opposition, you would have to go back and look at how it is okay for Australia to retain this tradition when our parent parliament in Westminster and the United States congress—kindred democracies all around the world—put these decisions to their legislatures and effectively trust that the collective intelligence will be greater than that of the executive sitting alone, responding to imperatives that are occurring largely under the table.

That is what happened in 2003, when we went into arguably an illegal invasion of Iraq on the basis of just such an imperative. Then the executive authorities had the nerve to turn around and blame the security agencies and the analysts, who had been telling them all along that there was no link between the Iraqi government and the gruesome attacks on the United States on 9/11 and that, furthermore, there were no weapons of mass destruction in Iraq and
had not been since 1991. The intelligence agencies and analysts were telling the government that. You went to war nonetheless. If that example does not persuade this parliament that something needs to change, what on earth will it take?

That ripped the lid off Iraq, because there was almost zero tolerance among the secular Baathist regime in Iraq for the kind of hideous extremism that we see prevailing in the north-west of that country today. Now there is an explosion of sectarian tensions. We helped ignite that in our illegal invasion of that country on the behest of the executive. Millions of people around the world, including me, demonstrated and marched and tried to stop that war—and civil society was right and you were wrong. I think it would be easier to listen to your argument about this present deployment if there was even one small admission of culpability for the disaster that is unfolding there at the moment.

We heard the Prime Minister at his press conference yesterday saying this is a strictly humanitarian role, but we know, for example, that it is almost certain that Pine Gap is being used for drone targeting inside Iraq and elsewhere; that the SES are on the ground; that the Royal Australian Air Force has fighter-bombers either on their way or on very high alert; that we are now apparently running Russian or eastern European weapons in to protect Kurdish minorities in the north-west. We are practically at war. This has long since ceased to be any kind of humanitarian gesture.

If this were put to a vote, and Senator Conroy and Mr Shorten have already put a view into the public domain, it may well be that this parliament would accept the deployment. But you, Senator Johnston, and the rest of the executive and your colleagues would be forced to circumscribe, put some boundaries around, the scope of the deployment. I suspect the reason that you will not do that is that we are once again—Korean War, Vietnam War, first Iraq war, second Iraq war, Afghanistan war—acting at the behest of the United States government, not the people of Australia. Have we not proven ourselves yet to the United States government? Can we not stand on our own feet, as Canadian authorities have done, as the British have done, as New Zealand authorities have done, as other countries have done? What is it that is special about Australia that says we have to simply keep following in the slipstream of this great power that has made so many grievous strategic errors in recent history?

So, yes, we will return to this debate, and I think it is appropriate that it happen this morning. I commend this motion to the chamber.

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

The Senate divided. [10:35]

(The President—Senator Parry)

Ayes ....................13
Noes ....................44
Majority ...............31

AYES

Di Natale, R                    Hanson-Young, SC
Lambie, J                       Leyonhjelm, DE
Ludlam, S                       Milne, C
Rhiannon, L                     Rice, J
Siewert, R (teller)             Waters, LJ

CHAMBER
AYES
Whish-Wilson, PS
Xenophon, N

NOES
Back, CJ
Bilyk, CL
Brown, CL
Bushby, DC
Canavan, M.J.
Colbeck, R
Day, R.J.
Fawcett, DJ
Gallacher, AM
Ketter, CR
Ludwig, JW
Macdonald, ID
McGrath, J
McLucas, J
Nash, F
O'Sullivan, B
Polley, H
Ruston, A
Seselja, Z
Sinodinos, A
Sterle, G
Williams, JR

Bernardi, C
Birmingham, SJ
Bullock, J.W.
Cameron, DN
Cash, MC
Conroy, SM
Edwards, S
Fifield, MP
Johnston, D
Lines, S
Lundy, KA
Madigan, JJ
McKenzie, B
Moore, CM
O'Neill, DM
Parry, S
Reynolds, L
Sealion, NG
Singh, LM
Smith, D
Urquhart, AE (teller)
Wong, P

Question negatived.

BILLS
Social Services and Other Legislation Amendment (Seniors Health Card and Other Measures) Bill 2014
Second Reading

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

Senator MOORE (Queensland) (10:38): The Social Services and Other Legislation Amendment (Seniors Health Card and Other Measures) Bill 2014. Has a number of schedules. We know that here and in the House today the major focus on this bill will be around changes brought forward by the government on their Seniors Health Card. But I think it is important to put on record straight away that we will be moving amendments that will separate schedule 1, which is about the Seniors Health Care Card, to the other machinery-of-government type changes that are included in this bill.

We will be opposing the government's proposition around the Seniors Health Card, for a number of reasons. We know that the Seniors Health Card has been an important element in our social security network. We know that because we actually introduced it, and we believe that it has a strong role—or, indeed, it did have a strong role—in the way our social security
system operated for those people who were ineligible for the pension because of their income assets base but were still being looked at by our government to see how special processes in our system could relate to them. In particular, the Seniors Health Card was focused on issues around bulk billing GP appointments so that GPs would always have the discretion to offer bulk billing for patients who came to them with a Commonwealth Seniors Health Card. It also focused on reduction of out-of-pocket hospital medical expenses, another thing that was seen as important and that many people in this situation did use. Another big issue was discounts, and I know so many people in this place talk with people who are older and talk about the way that they balance their incomes.

One of the very important aspects of this healthcare card has been that it has had a history across the states of accessing a range of discounts and processes, mainly, as we have discussed many times, by state and local governments. There was an identification that whilst you were not on the age pension at least you had this healthcare card, which had been given by the Commonwealth and which was a trigger point for some people to receive payments. The way the current scheme works is that this healthcare card is available for people who have incomes of $50,000 or less who are not eligible for the pension but have those income restrictions and also for a family receiving family payments.

The major reason we are concerned about this particular change is that at the current time—when there has been such rhetoric put out by the government about the need for tougher measures, the need for targeting, the need for ensuring that every dollar is spent most effectively in our system—we do not believe it is appropriate to look at a process that, according to the figures we have been given, will add just under $100 million to the budget over a period of time when we have seen in this place the range of proposals that have been brought forward by the government in a budget that is attacking people across the board, attacking people who are most vulnerable. We do not believe that this is the time to bring in a process of raising entitlement, of making it harder for people to access services, particularly as those things I have read into the record—the areas where this card was being used—are all, in other parts of the budget that has been brought before us, under attack by the same government.

The first issue was access to GP bulk billing. While we have not seen the legislation, we know—and the whole of our community has been talking and arguing and debating the proposal being put forward by the government—that every person who accesses a GP service will, for a period of time, have to pay a contribution. We call it a tax. I know that the government does not use that terminology, and I am sure that will be part of any comment that is made. But, for the same people to whom this proposal in front of us, in this bill, will extend an opportunity, the government is taking away that very opportunity. We have heard this proposal debated, and we have heard it presented by the health minister since the budget was announced—a clarity of explanation, although we sometimes think it has not been that clear, but a clarity of intent—that every person who would be accessing a GP service would be expected to be paying a co-contribution. So, if you have your Commonwealth Seniors Health Card, you still will be paying a co-contribution. On that basis, I wonder whether this will actually respond to the group that the now government went out to encourage for their support, if that particular aspect of having the healthcare card will not have the same impact.
I also talked about the aspects of PBS medicines in terms of being able to access the system that we treasure so much in this country. Mr Acting Deputy President, as you know, in the same budget the government has put forward a proposal which will increase the co-contribution for all people who would be accessing that same system. So, again, the value of this card, which I know has been the subject of discussion for a long time, will be eroded in the very same budget as the government brought forward the proposal to extend the eligibility and the number of people who will be entitled to use this card across the country.

The other aspect is one that so many of us talked about after the budget came through. Older people across our community came to us with concern about the proposal by the government, which has been put forward and passed, to limit the Commonwealth contribution towards discounts and concessions through the ending of the partnership between the Commonwealth government and the state governments on a range of concession measures. Many states have had their own systems around this, and then the state governments woke up and found that the Commonwealth contribution towards their concession systems was going to be reduced. There was great concern by state premiers across our country. In my own state, we have the unedifying spectacle of our state Premier and Treasurer saying originally that they were not going to increase the state contribution to allow the same range of concessions to be available to people who had access to either the pension or the Commonwealth seniors healthcare card. But then, because of community pressure, they had to change their minds because it was such an important element. So another core use of the Commonwealth seniors healthcare card is at risk.

The bill before the Senate today allows indexation of the eligibility rates for this card, which effectively widens the eligibility numbers across the country. We do not have figures around how many more people will be able to access the card, but the budget papers clearly say that this will mean an expenditure of over $90 million from the budget for the increased access that people will have to the Commonwealth seniors healthcare card.

Another point is that the same budget introduced two other proposals around the same card. One, of course, is the proposal to include a particular form of superannuation to be taken into account when people are being assessed for eligibility for the healthcare card. This change will reduce the number of people who will be able to access the Commonwealth seniors healthcare card. So we have this bill, which provides for the changing of the process to an indexation model; and then we have another proposal coming before the parliament which will change the eligibility to get the card. The government is increasing the number of people who will be able to access the card and, with another piece of legislation, reducing the number of people who will be able to access it. This causes immense confusion in the community.

Another concern, raised by members in discussing this legislation when it went through the House, is the fact that so many things are happening at the same time to the same group of people that there is a great lack of understanding and confusion about exactly what is happening to them, what they will be able to claim and what will happen in the future. If there is so much playing around in this space in one budget, their concern is, most clearly, what will happen in the future. The budget, with two different pieces of legislation, affects the same group of people with the same card. The budget is bringing about so many changes to people looking at moving into their retirement years. All of those changes, as you know, Mr Acting Deputy President, are planned to be introduced in 2017, whereas this particular change is
scheduled to come about much quicker than that. But, again, there is this lack of clarity in the community about exactly what people's entitlements are and what the government is planning, with the range of things that are happening at the same time in the social welfare area.

We have changes to the pension, with the eligibility age being extended to 70. So many people have expressed great concern. They are worried about their futures. There are a range of issues around indexation of the pension. The term 'indexation' has been used in many ways. At the same time that we are looking at introducing an indexation model for the Commonwealth seniors health card, we are looking at changing indexation of family payments and of the pension in the future.

I do not believe people in the community have a real understanding of the range of changes they are facing. We will be discussing legislation dealing with these changes later this week and later in the session. I am particularly concerned about the amazing and quite targeted cuts to a range of social welfare payments. We have seen cuts to family payments, in the area of youth unemployment and in the way that all pensions will be indexed. All of these things have been targeted for quite significant savings. The rationale behind all of this that has been presented to this parliament and to people in the wider community has been the budget crisis, with the terrible cost of our social welfare system to the community.

We have consistently heard about breaking the age of entitlement. That is to ensure that people across our nation will look at themselves and ask whether or not they are entitled to a particular payment and whether or not they should be entitled to a particular payment from the government. A pile of guilt has been put on people of all ages across our community, from young people looking at leaving school and moving into the workforce to people who are balancing families and work responsibilities to people who are getting older and looking at retirement. Changes have been proposed around all of their entitlements. Most concerning for so many of us are the issues around the disability support pension. People who have significant disabilities have been told that there will be changes to our system to make it more effective, to make it more targeted, to ensure that there is no waste and, as the government has described it, to stop our community from having a sense of entitlement.

Everyone is concerned about what is going to happen to them because of changes being made to the way their payments will be delivered. While that process is occurring, the bill before us today actually widens an entitlement by just under $100 million. That is money which could be extraordinarily well targeted to other areas, particularly with regard to the horror of the youth unemployment measures that will be put forward in this place. Under this bill $100 million will be put into a program which is in place, which has been working and which has been particularly developed to give people access to bulk billing, to PBS medications and to various discounts in their states, all of which have been subject to other budget bills. This has been put forward as a spend. We do not support the spend in this current process.

We do support considering the way that our whole social welfare system works. We do support looking at the processes that are being put in place by this government to look at simplifying our social welfare system. We support having a debate and communication within the community about how we can make the system more direct and simple. At the same time that the McClure process is going on, this bill comes before us because it was a government commitment during the election campaign.
I will not go down the track of talking about broken promises. I will not go down the track of talking about how many promises were made during the election campaign, which the government are now moving away from because of what they have described as the dire financial crisis. We have a whole range of promises that were made to people that can be broken because of a changed position because we have to be more focused, we have to be more responsible, we cannot be looking at entitlement. We can move away from those, but we would bring forward this process, which would extend eligibility for a number of people to entitlements—and people are already questioning whether or not they are going to be real.

We will not be supporting schedule 1 of this bill. We will be moving an amendment which separates schedule 1 from the rest of the schedules. We support the other schedules; they are machinery-of-government issues that need to be tidied up. There are times when these kinds of machinery-of-government issues are brought forward and just have to go through the parliament to make sure that they are clarified and that the system can be more straightforward. So we do support those. We are wondering why they have been linked to this particular bill, but we know in some cases it is just a matter of putting things together to get them through the parliament.

We actually support the Commonwealth Seniors Health Card. It has a true purpose. We do not believe that an indexation change effectively targets the group and the kinds of services that we have in place for this. We think it is not a timely introduction of the spending measure—again, a spending measure of almost $100 million, and there are differences around how close that figure gets. But in a budget which has so seriously attacked the entitlements of many people in our community, which has been backed up by a government saying we need to make these changes, I do not feel that changing an indexation measure for the Commonwealth Seniors Health Card is the best way forward. There are opportunities for us to have discussions over the next couple of years, when we are looking at the social welfare system and how it works best, to ensure that we can get something that is workable that does not confuse, because too often there is added confusion when you make changes.

This particular payment has not been subject to indexation in the past; we are now introducing that. We are changing indexation with other payments. This is not what we consider the best way for our welfare system at the moment and we do not support this change.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:57): The Greens will not be supporting this measure. We do not believe it is part of a well thought out approach to how we best support people in our community. At a time when the government are targeting the youngest in our community, forcing them to live on no income—not just low income but no income—for six months or potentially more, a year; at a time when they are targeting age pensioners, people that are on the pension, by increasing the retirement age and by reducing the indexation, which will have a very real impact on those people; at a time when they are reducing indexation on the disability support pension and, in fact, making other changes that will significantly affect people living with a disability; at a time when they are yet again targeting single parents; at a time when they are reducing payments to families that will have a significant impact, it is not the right time for the government to make another ad hoc decision to keep a promise. How about keeping their promises about Medicare? Remember the Prime Minister said he was going to be Medicare's best friend. Well, if that is
its best friend, I would hate to see its worst enemy! The government promised they would not impact on the pension: 'Don't worry, the pension changes will not come in until 2017.' Well, every Australian can see through that transparent attempt to make it look as if they are not doing anything to pensions. They are also changing asset limits.

There is a very long list of how this government is making decisions about our income support system that will significantly affect, quite clearly, the most disadvantaged. We do not think it is an appropriate time for the government to then change the indexation of the seniors card, particularly when counting super in is not being dealt with in this piece of legislation. It is being brought in in other legislation that brings in all the awful changes, is also out of whack with this bill and grandfathers a whole number of people in a way that we think is disproportionately helping one group of people when this budget so badly affects so many others in our community.

This budget is brutal to those on low incomes. The government made that decision for the budget knowing full well—having had advice—that it will disproportionately hurt the most disadvantaged in our community as will the other measures that have been brought in, such as co-payments on prescriptions, such as co-payments on visits to the doctor, such as uni fees—the list goes on and on.

With all that impact on the most vulnerable Australians, the government decides to move on this—at a cost of $100 million. What will that money mean to young people who will be living on nothing for six months or longer? We heard again today from the Brotherhood of St Laurence. Its latest report showed just how many young people are going to be affected by that measure and also by the government's flawed approach. We are freezing eligibility thresholds, and we have the co-payment. We have many measures that are negatively impacting on the most disadvantaged in our community.

This bill seeks to change the indexation of the Commonwealth seniors health card. As Senator Moore said, it has not been a regular process. Given that we do have concerns about indexation and the way the government is producing indexation on the age pension, on parenting payments—which kicks in straightaway; it is not wait until 2017, and that indexation is being changed on the DSP—you would think we would support this.

You have to look at this in the context of the flawed approach through the budget. The card does give access to cheaper prescriptions, medical services and other concessions, and the government estimates that this will allow an extra 27,000 retirees over the next four years to qualify for the card. At the same time, the government is not introducing its legislation to deal with the changes, to count-in super, until next year and that will grandfather the current recipients. In other words, there will be a group of people in here who still will not have to count their super payments into their income. We do not believe this is an appropriate approach. I should flag here that we will support the amendments circulated by the ALP, which seek to omit schedule 1, and then support the rest of the bill. However, if those amendments are not successful we will not be supporting the bill.

I know this card is highly valued among a number of older Australians, because it does provide a number of benefits. However, we have to look at this budget and how people will be severely impacted by it, and we have to it weigh up. Eligibility for this card has to be reached by pension age—but not to qualify for a payment from Centrelink or Veterans' Affairs. These people need to provide a tax file number, and meet the income test and residency
requirements. Almost 300,000 self-funded retirees receive discounts on PBS medicines, GP visits and hearing aids through this.

While retirees must earn less than $50,000 a year if single and $80,000 if part of a couple, to qualify for the card income earned from super investments is treated as tax free and is not considered when determining eligibility. This is the government’s chance to look at retirement. As was pointed out earlier, we also have the McClure review at this time, which looks at other welfare payments. There have been some pretty wild suggestions made through this review into income support, and I know that a number of organisations are calling for a retirement review as well. We think that is the time we should be looking at those sorts of payments. In fact, the argument was made by ACOS at the inquiry we had, two weeks ago, into the government’s other bills that bring in those severe cuts I have just been talking about.

In order to have a meaningful discussion about retirement incomes, superannuation needs to be included. I know the government has this on its radar but surely we should be making sure that these changes are aligned. The government is bringing in a series of changes that significantly hit older Australians. We have to remember that we also have a group of older Australians who have fallen out of employment, are suffering from age discrimination and are not able to regain employment. They are not getting adequate support to regain employment because they are not necessarily gaining access to the appropriate training and support through our employment system.

These people will be stuck on Newstart, which this government also has not increased or seen fit to change in the budget. It is bringing in a lot of cuts to people but not bringing in changes that will make a significant difference. We have a lot of Australians who are living on $36 a week. They are living below the poverty line. If we have a little money to invest, that is where we should be investing it. We need to make sure we are supporting the most vulnerable in our community. The government needs to be investing that money where it will help those hardest hit by this budget—and not using it to justify the most significant cuts.

Pensioners will be significantly hit by this budget. Unless you fix things that are impacting on older Australians there are many who will be significantly disadvantaged by an increase of the retirement age to 70. They will be forced to live on the inadequate Newstart for a significant period. There are a number of measures that already hit older Australians significantly that will reduce their standard of living. I have already touched on the fact that the government is reducing indexation of the pension. We had evidence to the Senate inquiry that when it comes into full effect it will amount to up to $80 per week for an age pensioner. That is a significant amount for people to lose from the budget.

The other measure we are looking at is the extension of the retirement age, which will mean more people—unless we address the barriers to employment—trying to survive on Newstart. Rather than looking at this measure in isolation, we also need to be looking at—as I touched on earlier—that we could do with that money. For example, we could better target it to support the most vulnerable in our community. We could improve our employment services, particularly targeting older Australians. It is hypocritical for the government to be flagging this particular issue when they are actively seeking, for example, to cut the low-income superannuation contribution and ignoring the impact it will have on many Australians, particularly older women. Then, of course, there is the impact of the Medicare co-payment.
and its impact on pensioners and older Australians—as was discussed a bit earlier by Senator Moore.

I am sure that the people who would receive this would be very happy to be able to access this card if this CPI increase were delivered. The problem is that this is being done in the face of harsh cuts to the most vulnerable members of our community. What about the single parents who are going to lose access to the pensioner education support scheme yet again? What about people living with a disability who are going to lose access to the pensioner education supplement, and the impact that has on their lives? What about the cruel measure in which the government is reducing portability of DSP from six weeks to four weeks? Again, that is targeting, demonising and implying that people are living on the largesse of Australia while travelling overseas. I have had a number of people with disability that have contacted my office expressing severe concern about that.

I have had a number of pensioners contact my office expressing the most significant concern about GP co-payments, about having to pay more for their medications and about the impact of, in particular, the indexation measure that will reduce their pensions by $80 per week. This is an inappropriate increase. It is inappropriate for the government to say that it is keeping this promise but forgetting all the other promises that it made while it tears down universal health care, while it tears down people's aspirations for higher education and while it makes it harder for single parents and for young people. For young people—that is the key. That is the key thing that I just cannot get over. How can you expect young people to live for six months on nothing? Soon we will resume debate in this place about the stronger penalties provision. How can you expect young people to survive? What do you think their reaction will be when they hear this? 'Look! They have indexed the Commonwealth health card so that a couple more people will be able to get a little more help at that end when you are condemning us to live on nothing.'

Yes, we should be helping older Australians. I do not want anybody listening or reading this debate later to think that we do not think that helping older Australians is not important, because it is. I have just outlined the impacts that this government's budget is having on older Australians. But the government is choosing to help a small group while, at the same time, condemning people to have to survive later when taking 80 bucks out of their pension a week.

I know how much that will hurt people. I know how much that will hurt age pensioners. Remember, age pensioners are not earning the income earned by a certain group that this government is rewarding. So let us look at how, overall, we can help older Australians and make sure that we are not advantaging one group while disadvantaging another, because that is not being fair to older Australians. Let us not do that while condemning hundreds and thousands of people to surviving on less, because that is also what this budget is doing.

We will not be supporting this measure. As I said, we will be supporting the motion to split this schedule and then voting against that schedule and for the other schedules. But, if that motion is not successful, we will not be supporting this bill.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:12): I thank colleagues for their contribution to the debate. This is a fairly straightforward piece of legislation. The primary purpose of the bill is to honour and give effect to an election commitment by the coalition—that being, to index income thresholds for the Commonwealth seniors health card. As colleagues know, the
seniors health card is available to self-funded retirees—people who are of pension age but who do not qualify for the age pension.

A person must satisfy the seniors health card taxable income test to qualify for the seniors health card. To satisfy that test, the person's adjusted taxable income must not exceed the taxable income limit that applies to the person's family situation. At present, those income limits are set at $50,000 for singles and $80,000 for couples. I think it is important to note and underline that these taxable income limits are not indexed, and that they have been at these levels since 2001. After the taxable income limits are indexed by this bill, more people will satisfy the seniors health card taxable income test and, therefore, qualify for the seniors health card. More people will get to keep their card despite small increases in their income beyond the current limits. This means that more seniors will be able to access the concessions that come with the card, including medicines listed in the Pharmaceutical Benefits Scheme at the concessional rate.

The income limits will be indexed annually, starting on 20 September 2014, and will be based on movements in the consumer price index. This measure applies to the seniors health card under either the Social Security Act 1991 or the Veterans' Entitlement Act 1986. As colleagues in their contributions have indicated, the bill will also make some minor and technical amendments. These are mainly to reflect the recently changed Public Service administrative arrangements. I commend the bill to my colleagues.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator MOORE (Queensland) (11:15): As I said in my remarks in the second reading debate, we are keen in this bill to split the element to do with the seniors health card from the other machinery of government issues. We oppose the seniors health card supplement in schedule 1 but we remain supportive of the rest of the bill. So I move our amendment (2) on sheet 7549:

(2) Schedule 1, page 6 (line 1) to page 7 (line 26), to be opposed.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:15): I would like to make clear, for the benefit of colleagues, that if this amendment were successful it would, in effect, see the gutting of this bill. It would see the thresholds not indexed, as is the intent of the legislation. I think it is important that colleagues are clear on that.

As is the perversity of the wording of motions in this place, in order to support the bill as it stands, colleagues need to vote yes. Colleagues who wish to support the opposition's proposition would vote no. If colleagues want the bill to stand as printed they will need to vote yes.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:16): Just to be clear, as I articulated in my contribution in the second reading debate, we will be voting no because we do not think this particular measure is appropriate at this time. We will be voting no.

CHAMBER
The DEPUTY PRESIDENT: The question is that schedule 1 stand as printed.
The committee divided. [11:21]
(The Deputy President—Senator Marshall)

Ayes ...................... 36
Noes ...................... 31
Majority ............... 5

AYES

Back, CJ
Birmingham, SJ
Bushby, DC
Cash, MC
Day, R.J.
Fawcett, DJ
Fifield, MP
Johnston, D
Lazarus, GP
Macdonald, ID
McKenzie, B
Nash, F
Parry, S
Reynolds, L
Ruston, A (teller)
Seselja, Z
Smith, D
Williams, JR
Bernardi, C
Brandis, GH
Canavan, M.J.
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lambie, J
Leyonhjelm, DE
McGrath, J
Muir, R
O'Sullivan, B
Payne, MA
Ronaldson, M
Scullion, NG
Sinodinos, A
Wang, Z
Xenophon, N

NOES

Bilyk, CL (teller)
Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lines, S
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ
Wright, PL
Brown, CL
Cameron, DN
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Ludlam, S
Lundy, KA
McEwen, A
Milne, C
O'Neil, DM
Rice, J
Singh, LM
Urquhart, AE
Whish-Wilson, PS

PAIRS

Abetz, E
Cormann, M
Mason, B
Ryan, SM
Wong, P
Polley, H
Faulkner, J
Peris, N

CHAMBER
Question agreed to.
Bill agreed to.
Bill reported without amendments; report adopted.

Third Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:07): I move:

That this bill be now read a third time.

The PRESIDENT: The question is that the bill be now read a third time.

A division having been called and the bells being rung—

The PRESIDENT: Before I proceed to the division, the television screens have been indicating that this is a quorum and not a division. I feel as though there is a fair representation in the chamber but, if any senator wants me to call the division again, I will. As there has been no request or indication from the whips, we will proceed to the division.

The Senate divided. [11:30]

(The President—Senator Parry)

Ayes ......................35
Noes ......................30
Majority.................5

AYES

Back, CJ
Birmingham, SJ
Bushby, DC
Cash, MC
Day, R.J.
Fawcett, DJ
Fifield, MP
Johnston, D
Lazarus, GP
Macdonald, ID
McKenzie, B
Nash, F
Parry, S
Reynolds, L
Ruston, A (teller)
Seselja, Z
Smith, D
Xenophon, N

NOES

Bilyk, CL (teller)
Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lines, S

Brown, CL
Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lines, S

Cameron, DN
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Ludlam, S
Question agreed to.
Bill read a third time.

Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014

Second Reading

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

Senator SINGH (Tasmania) (11:32): I rise to speak in opposition to the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014. Labor opposes this bill because it clearly does absolutely nothing either for environmental protection or for biodiversity conservation. That is something that has been very much a commonplace mainstay of this government—doing nothing for environmental protection and nothing for biodiversity conservation.

What Labor also opposes in this bill, apart from the watering down of the critical water trigger, is the creation—in the now-customary shambolic manner of the Abbott government when engaging in law reform—of a sprawling and inefficient new regime of environmental approvals. It might be termed an 'eight-stop shop' in which the central authority of the Commonwealth for environmental approvals is delegated down to the level of state governments and territories, and even to local councils. There will be at least eight different jurisdictions' worth of green tape. It is not a one-stop shop but a shopping mall.

Neither the Minister for the Environment nor the Prime Minister has once said that this bill is designed to improve environmental outcomes. This bill is designed to fast-track developments that negatively impact environmental issues of national significance. This government will not make a decision that explicitly protects Australia's environment. This bill is another crystal-clear demonstration—as if we needed one—of this government's conviction
that the environment is an obstacle to be cleared and not an asset to be managed. By giving these powers to states and territories we will see significant transformation in the way in which the environment is considered and decisions are made around it by government. Under these changes, the government will trust Campbell Newman to approve the dredging and dumping of hundreds of thousands of tonnes of mud on the Great Barrier Reef. They will put Colin Barnett in charge of the Ningaloo Reef. They will put Will Hodgman and his clear-felling administration in charge of Tasmania's iconic, World Heritage listed forests.

But the bill goes to something beyond the pro-development at any cost attitudes of state governments. It provides the ability for these same state governments to accredit local government to undertake critical assessment and approval processes. The Mayor of Mackay will have more practical influence on the state of the Great Barrier Reef than the Australian Minister for the Environment. Allowing states to approve state backed projects that impact on environmental issues of national significance is worrying enough, without further diluting accountability by putting local government in charge of Australia's natural assets.

One of Labor's serious concerns with the whole process is the lack of quality and consistency of processes between the states. In fact, this bill specifically mentions the inconsistency—while doing nothing to address it. The bill acknowledges the different systems and standards in each state but ignores any issues that this might present. At the same time it mentions, for the first time, local governments having the power to approve developments that currently need to go through, at a federal level, a robust process that is consistent across this country.

The government is adamant that it will maintain environmental safeguards; but it is unclear how it will do so as it devolves approval powers to severely compromised state government departments. We know the real work of delegating approval powers is being done in the bilateral agreements with the states. We know the work is being rushed by an underfunded task force in an undermanned federal department. I understand there has been a lot of emphasis in recent discussions about this bill on the threat it poses to the water trigger. On that issue, I would like to note and at least acknowledge Tony Windsor's work in the last parliament on getting the water trigger recognised as a matter of national environmental significance and his ongoing support of the independent expert scientific committee and the importance of the water trigger mechanism. However, if only the water trigger is protected by amendment at the cost of allowing the bill to pass, then all of the other matters of national environmental significance lose their protection under the EPBC Act.

This bill, along with the bilateral agreements being developed, will mean that World Heritage sites like the Great Barrier Reef and the Tasmanian wilderness, nuclear activities such as uranium mining, and threatened species protected under international treaties will be, at best, put in the hands of state governments. Labor oppose this bill because we believe the national government is responsible for matters of national environmental significance. It is important to highlight the flaw in the logic upon which this bill is based. In the same breath as recognising that some approvals are of such significance to Australia that they should be designated as national, it allows the national government to evade its national responsibility for them and, instead, handpasses responsibility to states and councils that are less equipped to make the hard, legally sustainable decisions necessary in this area and less interested in
taking the long-term and wide-ranging perspectives on the Australian environment that the Commonwealth must.

It is important to remember that UNESCO's World Heritage Committee report expressly referred to this bill when it described as premature the notion that the Commonwealth's environmental protection powers would simply be handed over to the Queensland government. The Great Barrier Reef not only is one of the seven wonders of the world but also literally underpins billions of dollars of economic activity in the Queensland area and the work of 60,000 or more employees, largely in the tourism industry. This is an incredibly important matter for Australia from an environmental, social and economic perspective. The possibility that the reef would be put on the in-danger list would have very serious ramifications for Queensland's tourism industry, as much as it would reflect the very serious state of crisis that the reef finds itself in environmentally.

The centrality of the Commonwealth to decisions affecting matters of environmental significance across the country is well established in Australia and emerged as a result of dedicated activism and prolonged struggle to save our wilderness. Just as Tasmania is now a central node in questions of national significance around ecology, conservation and clean energy—with the Abbott government's pathetic attempts to delist parts of its World Heritage area at this year's UNESCO meeting—so it was that the decision over the Franklin dam in Tasmania in the 1980s played a central part in the establishment of the authority of the Commonwealth in protecting matters of national environmental significance.

The Franklin dam judgement of the High Court ensured that the role of the national government was recognised and its laws would prevail in relevant areas of the protection of the natural environment. And now the draft bilateral agreement with my home state of Tasmania has been released. The draft agreement could present an opportunity to improve the overall environmental assessment regime in Tasmania. But it will not. The EPBC Act objectives of 'protecting the environment' and 'promoting the conservation and ecologically sustainable use of natural resources' have been replaced in this draft agreement with less direct objectives of avoiding 'unacceptable impacts on matters of national environmental significance'. That is not good enough. The Tasmanian Environmental Defenders Office—another environmental protection and obstacle to development defunded by the Abbott government—has also noted that rigorous, efficient and effective assessments are not possible unless adequate resources are available.

As Will Hodgman's Liberal government takes the axe to native forests and its Public Service, there is no prospect of the Tasmanian environment department being able to carry out rigorous, efficient and effective assessments. They might be swift assessments, but they are not good ones. Such regulatory work requires a national perspective as well as an international one, with the Commonwealth sitting at the nexus between the international community and the laws and agreements which govern international environmental regulation and cooperation. It is important that the level of government that mediates between the domestic and the international levels also has appropriate powers to look after Australia's commitment in these areas. The exercise of the Commonwealth's powers in this area are, however, appropriately limited to certain categories to ensure that they are used only in some circumstances. The decision must be connected by one of nine matters of national environment significance to trigger the Commonwealth's involvement. The Commonwealth
has a greater capacity to consider the relevant issues in these matters through the Department of the Environment than many state environmental departments—resourced, as they are, to provide state-specific rather than nationwide advice and often under budget constraints. They are not responsible for international obligations and are also not appropriate bodies to assess the impact of environmental matters that cross the borders of several states, as many major questions of environmental impact assessments do. Furthermore, whereas some states may have particularly strong economic interests in one area or another, the Commonwealth is able to take an overarching perspective on these matters without the potential for conflict that a different level of government would bring to the task.

Given the extensive negative environmental effects that this bill carries with it, it is timely to reflect on the Abbott government's record on the environment. I would like to call upon the representatives of the government in this chamber to speak up and tell us about its achievements in protecting the environment. Now is an opportunity to inform the Australian public just what their policy priorities are in regard to environmental protection and to tell us what they think are their greatest environmental successes have been.

I ask this question in all honesty because, as we near the first anniversary of this Abbott government coming to power, the only actions that are able to be identified in this area are those that are failures. There is an extensive list, which I will assist those opposite by quoting from.

The first, of course, is a double failure: the attempt to remove 74,000 hectares from the protected forests and landscape of Tasmania listed as a World Heritage Area. This was a failure in two parts. The first was the attempt to pursue the delisting, making the claim—that later to be contradicted by the government's own environmental department—that the areas were degraded and failing to recognise the need for continued protection of Tasmania's remarkable wilderness. The second failing was in the government's incompetence in executing its policy, with the application being soundly rejected by the UN committee, with Portugal describing it as a 'feeble attempt to remove protection from an important area'.

Another important failure of the government was the defunding of the Environmental Defender's Offices and its abolition of the Climate Commission. This assault on the environment went hand in hand with its removal of the price on carbon, in doing so playing its part in exposing Australia to the unpredictable and dangerous effects of climate change. While it had promised to implement its own policy to replace the price on carbon and engage in direct action so far this has not occurred, leaving the country without a policy in this important area—having taken this country completely backwards on climate change policy.

Another prominent failure is the removal, at the stroke of a pen, of Australia's system of maritime reserves—the largest in the world. Will we see them being re-proclaimed at some stage in the future? Perhaps—I do not know. The only certainty here is that on questions of environmental protection the government, as it stands, cannot be trusted. Of course, on top of that, we are yet to see where the government will go in relation to the renewable energy target—a bipartisan policy for so long, going back to 2001 under John Howard's leadership. And yet, through the politically-motivated Warburton review and its findings as of last Friday, we are clearly put on notice by this government that its response will certainly be nothing but negative and another broken promise when it comes to a bipartisan policy position in supporting the current legislated renewable energy target in this country.
Labor continues to support streamlining and improving environmental standards and environmental assessment processes for major projects, but final approval on matters of national environmental significance should remain with the national government. Labor began negotiations with the states to establish agreements to reduce regulatory double-up in 2012. Throughout these negotiations it became clear that some states could not be trusted with Australia's unique environment. The Australian government has a responsibility for protecting Australia's precious environment and the EPBC Act in particular accounts for matters of national environmental significance.

The Abbott government clearly has no interest in protecting Australia's environment for the future. Not for our future, but for our children's future. Since coming into government, Tony Abbott and Greg Hunt have made bad decision upon bad decision that have hurt our environment. At this time I have not heard a single response from the government about what is going on within it as a government, its response to UNESCO at an international level or any success or positive outcome in environmental policy that it is doing within itself.

But this is the furthest that this government has gone in terms of putting our environment at risk to irreparable damage by leaving decisions of national environmental significance to state premiers and local councils. It is something that Labor takes very seriously. It is something that Labor will not support, because we need to have our national government in charge of the assessment processes for those important projects that have major national significance. That is why Labor will not support this bill. I conclude my remarks on that note, to say that Labor will not support this bill.

Senator Waters (Queensland) (11:50): I rise to speak with the most vehemence possible in opposition to this ridiculous Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014. Surprise, surprise! Tony Abbott wants to trash the environment and make it even easier for the big miners and big developers to trash the place. Well, he has gone too far—far too far.

We have had 30 years now of the gradual stepping up of the Commonwealth government to take on more responsibility for the environment. It has been through international developments with things like the World Heritage Convention, the biodiversity convention and the Ramsar Convention. Of course, there was that famous High Court case of 30 years ago, where the federal government stepped in and said, 'No, you can't dam the Franklin; this is of world heritage significance.' That was when we established the principle that the federal government had a role to play in protecting the environment. Up until then it had basically been up to the states.

Thank goodness that that decision was taken, because prior to that, and in the intervening 30 years, we have seen continued poor decision making by state governments right across the country, continually putting the interests of short-term, private profits and promises of jobs—that rarely eventuate, I might add—ahead of protecting the environment—ahead of clean water and clean air and a sustainable future for all of us. We have had that for 30 years now, with the Commonwealth stepping in only for the worst of the worst projects—only when there is likely to be a significant impact; a very high threshold—a matter of national environmental significance. Already, it is just a sliver of the thousands of proposals that go ahead every year. The Commonwealth only ever looks at the worst of the worst, and it has been able to stop some of those most damaging projects.
We saw a couple of years ago, to my great disappointment, a proposal by the then Gillard government to give away those approval powers that the Commonwealth had fought so hard to win over 30 years to state governments, who have a terrible track record of, as I say, letting anything go and letting those private interests trump the public interest of a healthy environment. With concerted community and environment sector campaigning, and with some internal advice that revealed what an absolute dog's breakfast that plan would turn out to be, thankfully the Gillard government resiled from that proposal to hand off those powers.

We are absolutely thrilled that the Labor Party have now changed their view and have today and at other times in recent months confirmed that they agree the federal government should keep what limited environment powers it has to try to protect things such as World Heritage, species that are nationally threatened and internationally significant wetlands. We really welcome that and thank them for that.

I am particularly concerned about the Abbott government's plan not just to give away approval powers as the previous government planned but to, with this bill today, make that go even further. Nothing is sacred with this bill. The water trigger is on the chopping block. People might recall that, in the last parliament, the Greens, the Independents and the then Labor government finally came to an agreement whereby the federal government would start protecting water federally from things such as large coalmines and coal seam gas. We know the huge damage that can be done to aquifers when you punch a hole through them to try to get to coal seam gas. We know the contamination risk is very real—both from the fracking fluids and from the mobilising of naturally occurring carcinogens in the geology. We know the potential for the groundwater table to drop once you start messing with that pressure. So we know the need for the water trigger. I was so pleased when Tony Windsor agreed with the Greens that we needed to keep that power in federal hands. That is why this Abbott government needs this bill. It is because they want to give that away, as well as everything else. Well, 'Over our dead bodies' is what we are saying today.

But it does not stop there. This bill, completely unbelievable in its appallingness, says it is not just the state governments that should take over national environment decision-making powers. It says it is okay for local councils to do that as well. I am a huge fan of local councils and, in the main, I think they do an excellent job within their jurisdictions. But I do not think we should be giving them control over the management of World Heritage areas and internationally significant wetlands. They do not have the expertise for that, and they do not have the personnel to properly perform the role. That particular part of this bill is an absolute outrage.

The third and sneakiest part of this bill is to do with the federal standards, which this government has crowed about and said, 'It does not really matter who is in charge; it will be the same standards being applied by the faceless men making these decisions.' One of the amendments in this bill says that those very standards actually do not have to be reflected in state laws and therefore can be ignored. It makes an absolute farce of the claim that federal standards would ever be adhered to. If they are not in the state laws then of course they are not going to be adhered to. Where is the obligation to adhere to them? The absence of logic in this government's rhetoric boggles the mind. They are the three key awful changes that this bill would facilitate.
There are two stages to this process. The actual hand-off of powers happens by agreement between the Commonwealth and the states, because John Howard put that provision into these laws when they first passed 14 years ago. So there are deals already being done with the states to give away federal environment powers. The Greens intend to block those as well when they come to this chamber. I hope that we will have the support of other parties to do that as well.

We need to stop both this bill and those bilateral agreements to make sure that the Commonwealth can still look after World Heritage and things such as the Great Barrier Reef and water that stands to be affected by coal and coal seam gas.

The government have gone to great pains to claim that there will be all sorts of safeguards, that nothing bad is going to happen and that it does not matter who is making the decisions. They have said that that is irrelevant. There are so many reasons why that is wrong. I will touch on some of those today. I have already mentioned the fact that those standards will not now need to be reflected in state law if this bill passes. That makes a mockery of the claim that the standards would be upheld. We know that the states simply are not going to act in the national interest. That is not their job. Why would they? They are state governments. They are meant to act in their state's interests. They are not going to and nor are they obliged to act in the national interest.

My concern is also that when many of the proponents for the most damaging developments—large infrastructure projects such as ports and the like—are state governments you will have the fox in charge of the henhouse if this government's proposal goes through. What an absolute conflict of interest. How they cannot see that flagrant conflict of interest and how they can live with not putting in any parameters on managing it is beyond me. We know that the standards will fall when the decision maker changes. We know there will be these huge conflicts of interest that will not be able to be managed. We know that those standards will not be reflected in law, and we know that the state laws are already atrocious when it comes to looking after the environment. There have been countless legal analyses of them. No state or territory in the whole country currently meets the standard that the federal environmental laws do. They are just not strong enough. So the notion that you can somehow give the states more powers and that miraculously they will start caring about the environment is truly ridiculous. We know they are not up to the job.

We know that there have been many staff sackings not just federally but also at the state level. In my home state of Queensland, Campbell Newman has been on an absolute rampage to sack almost 14,000 public servants and a large proportion of those from our environment department. We know that there have been 220 staff sacked from the environment department. Where are the personnel to take on this additional federal responsibility? They are not there; they have been sacked or pressured to take a voluntary redundancy. There are not the people to do this work. There is not the legislative safeguard to ensure that the same sort of decision would be made. There is no guarding against this massive conflict of interest of states ticking off on their own projects.

The government might say, 'That is fine. We've got this great call-in power in our draft agreements with the states,' but I have had a very close look at that and it will not work. There is a highly prescribed test for when the Commonwealth minister can miraculously have a state of mind where he or she knows that something fishy is going on at the state level and can call that back in—but it has to be before the state has already issued the approval. How are they
going to know that something fishy is going on when they are moving staff on from their own assessment department, and when it is in the state government's interest not to tell people that they are dodgy? I mean—hello, how could that test ever work? The state governments are not going to dob themselves in, so the federal minister will never know, in a timely enough manner, when to step in in the time frame that this so-called safeguard provides. It is a complete farce. The Commonwealth already has only a tiny shred of environmental responsibility and this safeguard, which, frankly, reads like it has been written to fail, would not provide any protection at all.

In the short time that we have had Campbell Newman as our Premier in Queensland, he has set about attacking the environment like there is no tomorrow—perhaps he is intending on there being no tomorrow. I have a list of more than 30 changes: be they repeals, be they watering downs or be they abolitions.

Senator Ian Macdonald: Hear, hear!

Senator WATERS: I know there is support from Senator Macdonald for such an anti-environment agenda. We did not need any confirmation of that, but thank you anyway, Senator Macdonald. I will just catalogue some of those. In those two years there were more than 30 changes made to our environmental laws in Queensland. The Great Barrier Reef, which is very close to my heart, is on the radar of the World Heritage Committee for possible inclusion on the World Heritage list of sites in danger if we continue to trash it with mass dredging and dumping and new and expanded ports for fossil fuel export, which will, of course, damage the reef by way of climate change impacts. When asked about all of those concerns and the international shame that the Newman and Abbott governments are bringing to Australia based on how we treat our reef, Campbell Newman says:

'We're in the coal business.'

That was his response to concerns about the future of the Great Barrier Reef, the 69,000 people who rely on it staying healthy and being on the World Heritage List for their job and the $6 billion that reef tourism brings in every year. Our Premier says, 'We're in the coal business.'

Apparently we are also in the uranium business, because Campbell Newman has lifted the ban on uranium mining in Queensland. He is allowing the release of legacy mine water. It is no longer just a pilot program. He has now locked that in and extended that out, so we are now treating the reef like a toilet bowl with dirty mine water that is polluted with all sorts of heavy metals and other toxins.

The shale oil mining ban has been lifted as well, thanks to Campbell Newman. The right as a member of the public to object to mines that you are concerned about, for whatever reason—be it your own private interest or be it environmental concerns—has been removed as well. Campbell Newman is shutting down community input into that process.

The Stradbroke Island mining issue has been very controversial. He got a rather large in-kind contribution from a Belgian mining company in the course of his election campaign. That is on the public record. Sibelco helped him out to the tune of about $90,000. What do you know—once he assumes the premiership he then retrospectively reinstates their expired mining lease. If that is not corruption, I do not know what is.
The list of changes goes on. Of course he has defunded the environmental defenders office, because they actually care what the law says and they want people to be able to enforce it—so they must be silenced. He has disbanded the office of climate change, cut the solar feed-in tariff and junked the support for the Solar Dawn project. I have already mentioned the job cuts. He has cancelled our state planning policies, particularly the coastal state planning policy which might have actually helped the Great Barrier Reef. It is now more expensive for community groups to challenge poor and unlawful decisions in the courts. He has released a port strategy that is a glossy version of 'business as usual'. It is fine for cows to go into national parks now. It is fine for hotels to be built in national parks now. Vegetation management—protections for vegetation have been watered down. The waste management levy has been scrapped. Fancy that! Other states are now dumping their waste in our state because it is cheaper for them to do so, as though we are somehow the rubbish tip of Australia. Protection for our pristine and free-flowing wild rivers is gone—abolished. That was about two weeks ago. The list does go on.

Campbell Newman is an absolute disaster for Queensland and, in particular, a disaster for Queensland's environment. We have heard how he has taken money in, I believe, a corrupt manner prior to the election and then granted a particular favour for that Belgian mining company. We know his views on the Great Barrier Reef and just last week he backflipped on a clear commitment to the World Heritage Committee. I should have referred to 'Premier Campbell Newman', if that is the point of order.

Senator O'Sullivan: On a point of order, Mr Acting Deputy President: there are provisions in our standing orders that speak to members of one parliament making assertions against the members of another parliament. I would ask that the clerk give advice in relation to what is a very, very serious allegation against the Premier of the state of Queensland.

Senator WATERS: It sure is.

The Acting Deputy President (Senator Smith): I did not hear the allegations that Senator Waters might have made, but if Senator Waters did make inappropriate allegations then I encourage her to withdraw them.

Senator Fierravanti-Wells: On the point of order, Mr Acting Deputy President: I heard Senator Waters distinctly make reference to 'guilty of corruption'. I think on that basis I would also invite Senator Waters to withdraw her comments.

Senator WATERS: In relation to the direct assertion that Premier Campbell Newman is corrupt, I withdraw that direct assertion, but I do note that the inference remains. When you take money and then retrospectively validate an expired mining lease, it is open to conclude that that is, in fact, what has happened. I will leave it at that.

Senator Ian Macdonald: It is even a greater crime on behalf of the senator to say that Campbell Newman, I assume personally, took money. That is an outrageous slur. Not only is it an outrageous slur but it is entirely incorrect and it does not improve the reputation of the Senate for senators to be making those sorts of unwarranted and unsubstantiated allegations.

Senator WATERS: I do not know whether Premier Campbell Newman would be similarly offended by that statement. I believe that he did receive about $90,000 of in-kind support from Sibelco, a Belgian mining company. Perhaps Senator Macdonald might like to take that up in his party room. I might continue if I may—
Senator O'Sullivan: In her efforts to qualify her statements, they are becoming more damaging. This is outrageous.

The ACTING DEPUTY PRESIDENT: The point of order is?

Senator O'Sullivan: I make the point that these allegations need to be withdrawn in the spirit of the standing orders, which indicate that we ought not make these allegations against members of another parliament.

The ACTING DEPUTY PRESIDENT: Thank you. I note that Senator Waters has withdrawn the allegation.

Senator Ian Macdonald: Mr Acting Deputy President, on either Senator O'Sullivan's point of order or on a new one: in withdrawing them, Senator Waters actually alleges that Mr Newman—I assume personally—received $90,000 from a Belgian mining company. That is grossly offensive, grossly against standing orders and, by the way, completely untrue and unfactual.

Senator WATERS: I have already responded to exactly the same point of order that Senator Macdonald raised last time by clarifying that I did not assert that he had received the money personally but that he had received in-kind support to the extent of $90,000. I think that is perfectly clear.

Senator Ian Macdonald interjecting—

The ACTING DEPUTY PRESIDENT: Senator Waters, please continue with your contribution.

Senator WATERS: With great pleasure. As I was saying, the record of the Newman government—

Senator Fierravanti-Wells: Mr Acting Deputy President, I am concerned about this exchange—

The ACTING DEPUTY PRESIDENT: And the point of order is?

Senator Fierravanti-Wells: I would appreciate if the matter could be reviewed. Perhaps Senator Waters could reflect on precisely what it is that she said. Could the matter be considered and potentially reviewed by you and by the President, because I am concerned that some of these matters remain on the record and have not been properly and fully withdrawn.

The ACTING DEPUTY PRESIDENT: I will report back to the President. If he has anything further to add, he will add it. Senator Waters.

Senator WATERS: As I was saying, the terrible record of the Newman government on environmental issues and, frankly, many other civil liberties issues—the list could go on—with regard to the Newman government's agenda in the last two years leads us to the inescapable conclusion that these are the last people that you would put in charge of internationally significant environmental icons that are not only beautiful, bring many tourists to our shores and make our hearts sing but also bring in an awful lot of economic support for our economy in Queensland. Every year reef tourism brings in $6 billion. This is why for the last two years we have been opposing the plan to put the state governments in charge of what is a national responsibility. They have demonstrated time and time again that they are not up to the job of protecting the environment, and why should they be responsible for carrying out international obligations? That is the national government's role. So we will be opposing this
bill in absolutely every part. We have been holding discussions for the better part of those two years—and, obviously, in particular earnest in recent weeks with the crossbenchers about the need for them to vote to retain the federal government's ability to protect these beautiful and significant environmental icons.

There has been quite a lot of talk about whether we should just keep the water trigger. Of course the water trigger is very close to our hearts, being part of the engineering that resulted in that getting onto our law books, but it is not just water that is important. World Heritage is important. The Great Barrier Reef is important. Internationally significant wetlands are important. Nationally threatened species are important. We have these federal environmental laws because these things matter and they are too precious to lose to the wanton neglect and greed of state premiers. When it comes to the vote, I hope the crossbenchers bear that in mind and that we are able to keep all of our federal environment powers and not just the water trigger.

It is no surprise that we see this sort of nonsense from the Abbott government. From their short time in government I have a list of about 18 changes—and even that is already out of date—where they have wound back national environment protections. This one-stop shop has been the grossest one in my view, but getting rid of our science and climate change ministers is maybe not such a great idea when we are facing a climate crisis. Of course, there was defunding the EDO on top of those Queensland cuts, so the poor Queensland EDOs now have no public funding at all for the first time in more than 25 years.

They abolished our carbon price, to the great shame of future generations. They abolished the Climate Commission, tried to get rid of the CEFC and ARENA and approved the world's largest coal port in the Great Barrier Reef. That is on this government's hands as well. They cut the Reef Rescue funding and set up some dodgy offsets fund instead of actually supporting the current scheme that was working. They abolished the water commission, tried to delist the Tassie forest World Heritage listing, considered that we have too much forest locked up in national parks and said, 'The foresters are really the true conservationists.' If it were not so alarming, it would be incredibly amusing.

They are trying to get rid of our world-leading marine national parks and ticking off on all of these Galilee megamines that will single-handedly contribute enormously to worsening climate change—and for what? To make a few people a bit richer. That is not a good deal in my view. They are continuing to deny landholders the right to say no to risky coal seam gas and other unconventional gas on their land. Seriously: why should these people bear the risk and why should we trash our aquifers and groundwater—the most precious resource we have in the driest inhabited continent on the planet—for the sake of a few multinationals' bottom line? Again, not a good deal for Australia.

They are continuing attempts to repeal the mining tax, abolish the biodiversity fund, put a go-slow on the Cape York World Heritage nomination against the wishes of many of the traditional owners and cut Landcare funding. This government is set on destroying the environment, and this bill today is the latest instalment. I think it is one of the worst because it winds back 30 years of protection for the national environment wherein we say the states are not there to do the job of the national government. They should not have to care about international obligations; it is the national government's job to do that. We say that, actually, icons like the Great Barrier Reef and internationally significant wetlands, species and water
are too important to simply wash your hands of them because you cannot be bothered having those responsibilities anymore.

I hope today we will see a vote that sees this bill consigned to the dustbin of history permanently.

Senator IAN MACDONALD (Queensland) (12:14): I am genuinely delighted to participate in this debate on the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014, which will bring sense and protection to Australia's environmental assets and the way we deal with them. I have just had the misfortune of having to listen to 20 minutes of what were effectively lies and unsubstantiated accusations against very responsible, honest and effective people in our country. Unlike the Greens political party—

Senator Ludlam: Mr Acting Deputy President, I rise on a point of order. I ask you to call Senator Macdonald to order. You do not get to accuse other parliamentarians of lying in here, which is what Senator Macdonald quite clearly just did. I ask you to ask him to withdraw that statement please.

The ACTING DEPUTY PRESIDENT (Senator Smith): Senator Macdonald, if you did make those accusations, I encourage you to withdraw them.

Senator IAN MACDONALD: What I said, Mr Acting Deputy President, was I had to listen to 20 minutes of lies. If that offends Senator Ludlam's sensitivities, I will say, 'It was 20 minutes of mistruths and false accusations of receiving money.' I know that Senator Milne and Senator Brown, the previous leader of the Greens, received some $1.5 million in cash from someone who wanted to trash the environment in Tasmania. But it is okay when it happens to—

Senator Milne: Mr Acting Deputy President, I rise on a point of order. Senator Macdonald is right out of his depth on this one. I urge him to stick to the facts.

The ACTING DEPUTY PRESIDENT: There is no point of order.

Senator IAN MACDONALD: That was hardly a point of order, Mr Acting Deputy President, as you quite rightly ruled. Isn't it funny that Senator Milne sat there and said nothing when erroneous, mischievous and deliberately false accusations were made against the honourable Premier of Queensland but when a correct accusation is made about the largest ever single donation given to any political party—and I assume, in the way the Greens use the terminology, to Senator Milne—she raises a point of order? It demonstrates, like everything Senator Waters, the previous speaker, just said, the abject hypocrisy of the Greens political movement.

The Greens will be moving motions later today about youth unemployment—we must have more jobs for young people. We certainly must, but how do you do it? You do it by developing our country in a sustainable and careful way. That is what the coalition has always stood for. You will never hear this from the Greens, but every single positive environmental measure that has ever come through this parliament has been done by the Liberal and National parties. This goes right back to the time of the first Minister for the Environment, who was a Liberal. Saving Fraser Island was done by a Liberal government. Establishing the Great Barrier Reef Marine Park Authority and protecting that very significant resource were done by a Liberal government. I can go on and on. All of the significant environmental
advances in our country have been as a result of the work of Liberal and National governments. But would you believe that from listening to the previous speaker?

We again had false accusations about Abbot Point and trashing the Great Barrier Reef. They were absolutely false. Dr Russell Reichelt, a respected scientist, actually said at the beginning of his evidence to a committee inquiry called by Senator Waters that the Great Barrier Reef is currently in great shape and tourists are coming to it and are loving the experience. Forget about what some Greens dominated world body says; ask the tourists who go there and ask the Australian scientists just how great the Barrier Reef is. It has to be looked after, but it is resilient and it will continue to prosper under the careful management of both the Commonwealth and the Queensland governments.

I mentioned youth unemployment. The Greens political party want to stop all development. They succeeded with forestry and are hell-bent on stopping the coal industry. They will not stop until they stop all industry in Australia. But you will notice that the Greens, like all other Australians, very much enjoy the great standard of living we have here, a standard of living that allows all Australians to go on holidays and have nice houses, nice cars and TV sets. The Greens very much welcome and enjoy the wonderful standard of life we have in Australia, but when you want to do things that create the wealth that builds Australia's standard of living the Greens are totally opposed to them. So the hypocrisy is absolutely palpable.

As I said earlier, I am delighted to see this bill. It has been a long time coming, although I might add that the Environment Protection and Biodiversity Conservation Act, which sometimes, when it suits, the Greens say is the best piece of environmental legislation you have ever seen, was of course introduced by a Liberal minister—by then Senator the Hon. Robert Hill. I say somewhat proudly that I was his parliamentary secretary for the environment at the time. Again, in spite of what the previous speaker said, the coalition government has shown yet again that it is to the forefront of every significant piece of environmental legislation in this chamber. That world-breaking, significant legislation actually provided one-stop shops because I think all Australians understand that, whilst we have to be careful, we do not want to chase away would-be investment by doing the same thing twice, and that is what has happened in recent times.

I mentioned the Abbot Point project. Would you believe that that went through a very rigorous assessment by the then Queensland government? It was a Labor government, but did we hear the Greens complaining about it then? No, that did not worry the Greens because it was a Labor government.

**Senator Waters:** Mr Acting Deputy President, I rise on a point of order on mistruths in the chamber, which Senator Macdonald seems to hold dear. We have consistently opposed new fossil fuel developments no matter who has been ticking off on them.

**The ACTING DEPUTY PRESIDENT:** Thank you, Senator Waters. That is a debating point.

**Senator Waters:** If Senator Macdonald does not realise that, he has not been paying attention.

**The ACTING DEPUTY PRESIDENT:** Excuse me, Senator Waters. There is no point of order.
Senator IAN MACDONALD: One day, I hope, the Greens might understand standing orders and what a point of order is. I repeat: the Queensland Labor government, which was in power because of the Greens political party—the Greens keep giving second preferences to the Labor Party, putting them in power—approved the Abbot Point project and the Greens mumbled a basic support with a couple of objections but did nothing about them. But if it is a Liberal-National Party government who does it, you get the sort of trash that you heard earlier in this debate.

Abbot Point is a great example of where a most rigorous process was embarked upon by the then Queensland Labor government. It was approved subject to many conditions and then, lo and behold, when the proponents, the Queensland authority, started to do the work, they then found out that they had to go through exactly the same process yet again with the Commonwealth government. That is just one example. I have been involved over many years in trying to help some constituents of mine—actually they are not from my state—who wanted to invest in aquaculture in my state. They spent literally millions of dollars—I saw their EIS; it was a pile of paper three-quarters of a metre high. But they eventually got the approval from the Queensland government. They did that because the Queensland government, together with the Great Barrier Reef Marine Park Authority and the Queensland Department of Environment and Heritage Protection, established a set of guidelines for discharges from the prawn farm into the Great Barrier Reef. That was an expensive process. It was endorsed by the Queensland Environment Protection Agency and GBRMPA and it cost $4 million or $5 million. When everything was approved and ready to go, we found that this organisation had to turn around and go through the same process again with the Commonwealth government, who then imposed a different set of rules.

This process would employ something like 200 young people in rural North Queensland, where I live. Are the Greens interested in jobs for those 200 young people? No, they are among those who want to stop any aquaculture development in Australia. Recently, there was a proposal—this is fairly well known—to have a major new aquaculture venture in Australia so we would not have to import foreign aquaculture seafood product and so we would not put undue pressure on the wild stocks in Australia. But, when the Greens and their mates got going and raised all of these hurdles, what happened to that foreign investor? They said, 'It is all too hard in Australia; we will go overseas.' So someone overseas gets the jobs for their young people and then they import that product into Australia. The hypocrisy of the Greens political party is abjectly palpable.

If we are going to have a prosperous Australia and if we are going to give meaningful jobs to our young people, we have to have the type of development that is proposed by the aquaculture farm or by North Queensland Bulk Ports. I only mention those two because they spring to mind immediately. Senator Waters had a list. I could go through a list as long as this chamber. With bureaucracy, red tape and lies they have stopped development in Australia for no environmental gain. Senator Waters has talked about the carbon tax. We all know about that farce. Not only did it send Australian jobs overseas but it did not do a thing for the world environment—1.4 per cent of carbon emissions come from Australia. The Greens wanted the world's biggest carbon tax to reduce that by 5 per cent. That would not have made one iota of difference to the world's environment or the world's climate, yet the Greens were determined
to have that carbon tax and ensured that Ms Gillard broke her promise to introduce such a measure. The hypocrisy—nothing achieved for the environment but everything achieved to the detriment of Australia and Australian jobs.

This bill has all the protections. Contrary to what Senator Waters has said, it does not do away with Commonwealth environmental requirements. What it does do is get one authority, one body, to assess both the state and Commonwealth requirements. So, if the Commonwealth does have requirements, they will still be in place. They are not being abolished by this, in spite of what Senator Waters has said and what other Green senators who might speak on this might say—might try to mislead you about. This one-stop shop will simplify the processes and will improve the environmental protection. But it will mean that those proposing these developments can do so at a reasonable cost and not spend the same money twice over, not go through the same hoops again. The prawn farms I talked about, which would have been the saviour of youth unemployment in my part of rural North Queensland, has been delayed yet again. It has been going, to the best of my knowledge, for more than 10 years now. These could have been jobs for our young people. It could have been product that Australia was not only producing for Australians but exporting overseas. But because of this red tape—not the environmental conditions so much as the delays and the cost of doing these things—we are losing investment and losing jobs for young people.

I want to emphasise that the Commonwealth will retain an important role under the one-stop shop proposals. The Commonwealth will remain accountable for its obligations under the EPBC Act, including international treaties. It will retain an approval role for actions in Commonwealth waters, on Commonwealth land or undertaken by Commonwealth agencies. It will have an ongoing role in ensuring the commitments under the bilateral agreements between the states and the Commonwealth are met. If a Labor state—it would only be a Labor state—wants to do the wrong thing by the agreement between the states and Commonwealth, then the Commonwealth has the power to call those agreements in.

This shows that by eliminating the dual state-and federal-approval process businesses will not have to address the same hurdles a number of times, but the same high environmental standards will be—and must be—retained. This provides for a simpler, faster assessment-and-approval process for business. If it is not going to meet the approval of the different agencies, the state and the Commonwealth, then it will not get approved; it does not matter who the assessment agency is. This is the point the Greens political party would have you believe.

It is typical, again—I want to emphasise this—of the hypocrisy of the Greens political party. They work on the basis that you can tell any lie you like as long as you achieve your ends, at the end of the day. The ends of the Greens, at the end of the day, are to shut down any development, any process, in Australia that builds employment and our standard of living—notwithstanding that they continue to be very willing participants in the wonderful standard of living we have in Australia.

I have been in the Senate quite some time. The thing people have approached me about most often since I have been in the Senate has been this ludicrous provision of dual agencies dealing with the same process, whether it be in education, health or—most importantly, in the context of this debate—the environment. I emphasise to those who might be listening to this debate, there will be no lessening of the Commonwealth standards of the environment. It is the Liberal and National parties in this chamber that have always been at the forefront of
protecting Australia's environment. We will continue to do so, because we understand that our environment and natural assets are very important to Australia, and we certainly do not want them trashed.

We will continue to maintain the sorts of standards introduced by Liberal and National party governments and eventually supported by all other political parties. Because the Greens have a philosophical hatred of anyone who is not from the left of politics, they will continue to distribute misinformation about anyone who happens to have a different view from them, on any subject.

I congratulate Campbell Newman and his environment minister, Andrew Powell, on some of the initiatives they have undertaken since being in power. They are initiatives that did not do anything to protect the environment but actually helped the development of my state of Queensland, which was being crushed under a $95 billion debt left to them by the previous Labor government. Campbell Newman is an honourable man, a most honest and rigorous man. The suggestion that he took money from anyone is just so outrageous as to be unbelievable—unlike the Greens political party and its leaders, who take lots of money from Mr Wood and others to pursue their process.

Campbell Newman has done a wonderful job in Queensland. After almost 20 years of Labor rule, something had to be done to get our state out of the doldrums. I am delighted that Mr Newman has done that. I am delighted that he has done it in a very careful and balanced way, particularly when it comes to the environment. He and Mr Powell have been proactive in ensuring the protection of our natural assets. I am delighted that my state has come on board with the Commonwealth in this one-stop-shop process, which will continue careful management of our natural assets but will do so in a more competitive way that builds upon Australia's standard of living.

I certainly support this bill, which has been a long time coming. It is a bill that was very much a part of our last election commitments, which were overwhelmingly endorsed by the Australian public. It is the sort of initiative that must happen. I certainly hope that senators will support the bill when it comes to a vote.


Firstly, submissions were overwhelmingly of the opinion that the bill would lead to a more complicated process—an eight-stop shop where each jurisdiction has a different approvals process. Secondly, the clear majority of evidence to the committee was that the bill does not contain adequate safeguards to ensure the maintenance of current environmental standards. I remain particularly concerned at this evidence, given the track record of the Abbott coalition government over the past year on the environment. Thirdly, the arguments in the chairs report, in support of the bill, were mostly mere assurances from the environment department about the adequacy of the proposed processes. This was due to the overwhelming number of submissions that provided strong evidence, highlighting flaws in the bill and the government's policy.
Further, public comment in support of the bill, in the chair's report, was largely focused on the perceived reduction in cost for industry. However, the department could not outline what had changed since the 2012 decision, by the previous Labor government, to stop the process to progress approved bilateral agreements, apart from an election commitment by the Abbott coalition government. Despite the flawed chair's report into the bill, it was clear from the inquiry that the bill should not pass. It fails to reduce regulation and it fails to maintain and strengthen environmental protection.

In 2011, the then Labor government released its response to the independent review of the EPBC Act, commonly referred to as the Hawke review. In its response, the Labor government committed to achieving better environmental outcomes while improving the efficiency of the management of matters of national environmental significance and providing more certainty for business. This included a shift from individual approvals to strategic processes and the development of more efficient assessment and approval processes. Following this response, COAG agreed in April 2012 to prioritise approval bilateral agreements under the EPBC Act. Discussions about approval bilateral agreements were held with the states and territories, and a draft framework of standards for the accreditation of environmental approvals was released in November 2012.

At its meeting of 7 December 2012, COAG considered issues related to reform of environmental regulation. While discussions with all jurisdictions were constructive, the Labor government concluded that the significant challenges that emerged meant that providing both certainty and consistency for business and maintaining high environmental standards could not be achieved through an approval bilaterals process and did not progress this agenda. Instead, a focus was put on meeting common information requirements, eliminating duplication and avoiding delayed approval processes.

The current government often refers to the approval bilaterals process, begun under the previous Labor government, as part of an argument for Labor's hypocrisy. This is clearly a misleading argument, as Labor explored the option of pursuing approval bilaterals with the states and found that they would not lead to better environmental or business outcomes. This remains the position of federal Labor. Federal Labor shadow minister Mark Butler summarised Labor's opposition to these changes in his second reading speech on the bill:

But at the end of the day we take as a matter of principle the view that matters of national environmental significance—which is the scope of matters covered by this legislation—must remain the province of a national government. That is not a party political perspective. Whether it is a national coalition or national Labor government and whether it is state Labor or state Liberal governments, our view is the same: the Commonwealth should have responsibility for matters of national environmental significance, for a whole range of reasons that I have tried to outline.

I now turn to specific concerns with the bill and the arguments in the chair's report that I raised in the inquiry's dissenting report. Nearly all of the submissions received opposed the one-stop-shop reforms for some, or all, of the following reasons: that it will add complexity to approval processes; that it will not result in any efficiency gains; that, currently, no state or territory has sufficient resources or the appropriate environmental processes in place to adequately assess actions that may impact on national environmental standards; that it would result in a diminution of current environmental standards pertaining to matters of national environmental significance; and that it would create potential conflicts of interest.
The chair's report dealt with complexity, for the inquiry uses an extract from the department's submission that highlights that the lack of consistency between the Commonwealth and states and territories can lead to differences in processes in outcomes and time frames, to argue in support of the changes. However, the bill will clearly not result in one uniform environmental approvals process for all states and territories. There will continue to be a lack of consistency between the Commonwealth and states and territories in assessing matters of national environmental significance because the bill allows states and territories to keep their own processes as long as they meet national standards rather than seek to harmonise approvals processes for matters of national environmental significance.

The bill will entrench the differences between states and territories. Companies that operate across jurisdictions will be required to have understanding of each individual jurisdiction's processes for matters of national environmental significance rather than just maintaining an understanding of the Commonwealth's processes. The chair's report highlights that many submissions believe there would not be efficiency gains and cost reductions from the bill. The chair's report specifies that the largest regulatory costs for proponents are typically in the assessment phase, which is already completed in conjunction with states and territories, only typically requires an extra form to be completed and is normally completed within a few weeks.

The chair's report notes that a cost-benefit analysis, conducted by Deloitte Access Economics, from the Minerals Council submission concluded that there would be over $1 billion in net benefits to business and government over a 10-year period if bilateral agreements, along with administrative reforms, were implemented. Examination of the cost-benefit analysis uncovers that the net benefits from just the bilateral agreements is around one-third of the total claimed in the Minerals Council submission. The cost-benefit analysis undertaken by Deloitte Access Economics focused solely on net benefits to government, industry and the economy from bilateral agreements and administrative reforms and assumed that environmental outcomes would remain constant.

Finally, the chair's report notes evidence from the Department of the Environment that it conducts different analysis to that done by states and territories. However, in this evidence, it appears that the department generalises away the importance of its own specialised analysis regarding matters of national environmental significance. It is true that, under the current model, proponents are dealing with two regulators as part of the same project approval process. However, these two regulators are analysing the application on very different scales. As the department outlines, the Commonwealth department must have regard to matters of national environmental significance, while the states and territories have regard to whole-of-environment impacts within the jurisdictions' borders.

The chair's report also uses evidence from the department of potential savings for a project proponent but does not consider any increased costs to the Commonwealth and/or to the states and territories. As states and territories have no experience in approvals relating to the nine matters of national environmental significance, they will need specialists capable of regulating proposals to the national standard. Further, as the Commonwealth will retain call-in powers on all delegated approval, it will need to retain staff to complete an approval in the case of a call-in. As the purpose of those reforms is to make the approvals process more efficient, while keeping environmental outcomes constant, I am concerned that the
Commonwealth will either have to keep a large number of staff with excess capacity to deal with call-in or see a large delay in project approvals. Further, I am concerned about the capacity of smaller states to approve projects relating to matters of national environmental significance at a national standard. A state regulator may only practice regulation with regard to specific matters of national environmental significance on a small number of occasions. This raises the potential for mistakes, and costs to proponents from appeals and damage to the environment.

The chair's report mentions the evidence from Environmental Justice Australia, that the bill will create further uncertainty in the approvals process. Further, Glen Klatovsky, of The Places You Love Alliance, provided evidence to the hearing that he felt that the Business Council of Australia appears to be less certain about the concept than they were in 2012, because of the potential exposure to litigation from poor processes of states and territories.

It is interesting to read the Business Council of Australia's submission to this inquiry. They really emphasise the need for Commonwealth officers to be in each of the states and territories to actually ensure that this can work. This is at a time of massive job shedding, at both federal and state levels. The Business Council of Australia's submission noted a need for close administrative cooperation between the Commonwealth and states to ensure consistency in decisions. As Mr Klatovsky summarised in his evidence, the Business Council of Australia proposed that an expansion of the Commonwealth Public Service to oversee state agencies was 'critical' to support the transition and 'remove duplication while maintaining environmental outcomes'. The Business Council did not propose a time frame for the cessation of the extra Commonwealth staffing or if some Commonwealth staff would assist more than one jurisdiction.

I was surprised by this submission, given the vast recommendations to slash the Commonwealth Public Service in the Business Council of Australia's commission of audit. I would have liked to question the Business Council of Australia on this proposal but the council refused the committee's invitation to appear at the hearing. This was despite the hearing being held in Melbourne, the location of the head offices of the Business Council of Australia.

The chair's report summarises arguments proposed in many of the submissions that bilateral approvals agreements will see a 'potential diminution' in national environmental standards. A number of submissions argued that there was therefore a need to keep national protection measures on matters of national environmental significance.

I note that the department's evidence was focussed around a range of oversight measures, including the process for the approval of the bilateral agreement, five-year reviews, unscheduled audits, a senior officers committee and a call-in power for the Commonwealth. It will be interesting to see if government senators are able to explain how the Department of the Environment will have the capacity to perform these extra functions, given the staff reduction I highlighted earlier.

I am also concerned that Minister Hunt, being responsible for approving a bilateral approvals agreement and for oversight of state government processes, has broken key election commitments on funding for the Emissions Reduction Fund, Landcare and the One Million Solar Roofs program. Minister Hunt has also approved spoil from dredging to be dumped
within the Great Barrier Reef Marine Park area, and is setting up to destroy the renewable energy target.

I believe this short track record shows that Minister Hunt is incapable of standing up to his cabinet colleagues even to maintain national environmental standards, as is prescribed in the policy. The view is shared by the World Heritage Committee, who in June this year delivered a harsh verdict on the government's failure to protect the Great Barrier Reef. At its annual meeting the committee voted to keep alive their threat to list the Great Barrier Reef as being in danger. The committee also labelled the handover of federal environmental approval powers to the Queensland government as 'premature'.

The chair's report summaries concerns of a number of submissions that the states and territories do not have the capacity and are not ready to implement bilateral approval agreements and processes. The only arguments the chair's report provides against these propositions are that the draft approval bilateral agreement with New South Wales allows for the embedding of officers from the Department of Environment and that the Commonwealth relies on state government processes in the assessment phase.

As raised earlier in the dissenting report, the notion of embedding Department of Environment officers in state governments was raised in the Business Council of Australia's submission, in what has been inferred to mean that the BCA has little confidence in the capacity and readiness of states and territories. In regard to the duplication of effort, I note that there have been long-standing assessment bilateral agreements with states and territories and that this method of assessment has significant value for all parties.

The chair's report notes that a number of submissions highlighted that there are potential conflicts of interest in a state or territory government's role as a proponent of a project. The chair's report fails to include the evidence from Dr Chris McGrath that the draft approvals bilateral agreements were, before the election, not going to allow states to make decisions over projects where they were the proponent. Dr McGrath said of the Abbott government:

... the government and the current environment minister said before the election that they would be not allowing states to make decisions over projects where they were the proponent as well as a couple of other things ...

Dr McGrath also stated his concerns in evidence to the hearing:

Under the Queensland approval bilateral, you are giving the decision to the state Coordinator-General, who is a public servant whose core purpose is to develop the state. It is not about protecting the environment at all.

In relation to schedule 3, part 1—amendments relating to water resources—the schedule will not remove the water trigger from matters of national environmental significance, but will allow for the minister to accredit state and territory processes to approve matters previously prohibited for approval by a state or territory government. There were a large number of arguments against the delegation of powers around the water trigger because of the cross-jurisdictional boundaries of water and the insufficient capacity or conflict of interest of state and territory governments.

The water trigger was put in place because of state and territory governments' inability to adequately deal with threats to water resources, particularly cross-jurisdictional water resources such as the Great Artesian Basin and Murray Darling Basin. Because of the very nature of the issue, the specific requirements of the water trigger are to not duplicate.
acknowledgement the water resource is of national significance and that a national approach to decision making is needed.

In relation to schedule 3 part 2—amendments relating to bilaterally accredited authorisation processes—there were a large number of people who made submissions who opposed the accreditation of state government policies and processes, primarily because these changes are not subject to public or parliamentary oversight. Ms Walmsley from the Australian Network of Environmental Defenders Offices summarised the concerns of many submissions in evidence to the hearing:

In a lot of jurisdictions, a significant amount of detail is in a policy or a guideline. If they are accredited, the Commonwealth may be able to say, 'At the point of accreditation, yes, those standards were in the guidelines.' But, without parliamentary oversight or scrutiny, guidelines can be changed at a state level, and they regularly are. Even if a standard may exist in a guideline at the time an accreditation is officially done, those guidelines may change.

Mr Bradley Tucker from the Wentworth Group of Concerned Scientists provided the committee with substantial evidence regarding the draft policies under the New South Wales and Queensland bilaterals, saying:

They are delegating approvals under bilaterals that have draft policies which give state bureaucrats discretion without having to justify their discretion. That, to me, in no way would satisfy the protection of a matter of national environmental significance!

Dr Chris McGrath described the lack of parliamentary oversight as 'a minefield' in evidence to the hearing and expanded on this point. In response, the chair's report includes an answer from the department that there must be a 'legislative hook' for a policy or process. However, the chair's report does not provide evidence that there would be legal enforcement of standards in approved state and territory policies and guidelines. Labor senators consider it inappropriate to give this level of flexibility to state and territory governments.

Schedule 5 relates to miscellaneous amendments. The miscellaneous amendments will increase the range of entities allowed to approve actions to potentially include local government or a state or territory environmental court or tribunal. Quite rightly, a number of submissions were opposed on the grounds of capacity to act in the national interest, potential conflicts of interest, and negative impacts on maintenance of strong environmental standards. The department sought to highlight that the amendment will change the focus from the identity and legal status of the decision maker to the decision maker's ability to adhere to high environmental standards. However, Mr Graham Short from the Association of Mining and Exploration Companies said to the hearing that AMEC was not supportive of this concept:

There are already some issues that have arisen by various planning processes and planning schemes and town planning schemes by local authorities that do not have an understanding of the mining industry … I am pretty sure that our membership would not support the concept of local councils or local authorities being involved in the decision-making process.

There was also strong opposition in a large number of submissions to the devolution of decision making to local government or a state or territory environmental court or tribunal.

It is clear that this bill should not pass. It fails to reduce regulation, and it fails to maintain and strengthen environmental protection. Minister Hunt needs to take his role as environment minister seriously. Prime Minister Abbott has dismally failed the Australian environment in the past year. The Prime Minister and the environment minister need to find the middle
ground. They need to find a balance between development and environmental protection. At present, they are failing this nation and failing future generations.

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:55): I oppose the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill, which has been put forward by the Abbott government. It is the biggest systemic assault on the environment since the time that the Commonwealth took any responsibility for environmental decisions at the time of the Franklin dam. Why do I say that? Because up until now we have fought any number of environmental battles around Australia in the states, and it has been the Commonwealth that has given us the opportunity to expose what can only be described as corruption at the state level which has enabled any number of developers to get what they want at the cost of the environment. In the mid-1990s the Howard government came up with the Environment Protection and Biodiversity Conservation Act. There were many of us at the time who opposed that legislation because it was so weak, and what is so fundamentally wrong with the EPBC Act is that it gives the minister way too much discretion. It has allowed, over the years, many ministers to turn their back on serious information which would have jeopardised projects. Most recently, under the former Labor government we had the minister, Tony Burke, not taking account of the expert advice he was given on threatened species when it came to the Tarkine. That matter was able to go to court.

Now we have a situation where the Abbott government has said that it is not interested in second-guessing the states or local government in assessing any claims by developers when state governments or local governments give them the blind eye and instead the Commonwealth will just pick them off. It is utterly and absolutely disgraceful and it dismantles our national system of environmental regulation and planning approval. What we will have in its place is a framework for the systemic destruction of our environment, readying the ground for degradation of our land, water and precious native species by vested interests, and the undermining of our World Heritage areas into the bargain.

If this bill passed the Senate it would see Australia's environmental standards drop as those state governments which nurture developments get the right to tick them off in an uncritical way. As I have said, our current system has been in place for quite some time and it is imperfect, but at least it has ensured that many of our very special national places and icons survive to this day. It is because of Commonwealth laws that we have the Great Barrier Reef protected and not scarred by oil rigs; state governments have been stopped from compromising water security with coal-seam gas development; and we have prevented the extinction of some of our precious wildlife—although, I add, Australia has an appalling reputation when it comes to extinctions and we are currently facing more extinctions not only because of climate change but also because of habitat loss and disease and invasive species. What an indictment it is on this country that our koala is threatened by a failure to look after its habitat, by disease and of course by climate consequences.

When I got into politics in 1989 it was because the Tasmanian government of Robin Gray was so determined to promote North Broken Hill's pulp mill project—a native forest based project using elemental chlorine in the bleaching. They were going to dump all that polluting water with organochlorines into Bass Strait but the Tasmanian government loved it—it was so in the pocket of North Broken Hill at the time that North Broken Hill recalled the Tasmanian parliament on its own letterhead for doubt removal legislation, to remove any doubt as to who
was running the state and who would determine the environmental laws. It was so bad the graffiti around Tasmania was 'Vote 1 North Broken Hill and cut out the middleman.' Around Australia at the moment there would be plenty of people saying, 'Vote 1 Whitehaven and cut out the middleman,' or 'Vote 1 Santos and cut out the middleman,' or 'Vote 1 Adani and cut out the middleman.' You could go right round the country and do it: 'Vote 1 Woodside and cut out the middleman,' when it comes to James Price Point. It is happening already, but at least we have some recourse to the Commonwealth legislation. Under this legislation there will be no recourse. We will just be handing over environmental powers to the states and giving the tick to corruption.

I reiterate: it is a tick for corruption. Look at ICAC in New South Wales. Week in, week out, it is exposing ministers taking donations to tick off projects—to tick off coalmines and coal-seam gas, to tick off property development, to tick off whatever they like. Week in, week out, there were brown paper bags. Why do we think that would not happen, if we have a situation where the people ticking off on the environmental considerations are the very same people who are receiving the brown paper bags with no Commonwealth oversight? It is a disaster for this country.

I want to talk about Tasmania. As I mentioned a little while ago, there was a situation with the government of Robin Gray. It has remained the same since with the Gunns pulp mill; the Gunns pulp mill was first dreamt up by John Gay and Paul Lennon in a restaurant, on the back of an envelope. They chose to get together and promote that pulp mill. When it was clear that the planning and consideration process in Tasmania might find that the project was wanting the premier of the day, Paul Lennon, withdrew the project from the proper planning process because John Gay and Gunns wanted it taken out of the assessment. The only recourse we had was to come to the Commonwealth and say, 'Look, what on earth is going on in Tasmania?' We were not particularly impressed by the response from either Peter Garrett or Malcolm Turnbull, who were the relevant ministers at the time under successive governments, but at least we had the opportunity of taking it to the Commonwealth. There is no doubt whatsoever that, if this bill goes through, the Tarkine will be opened up to mining and logging willy-nilly. We have a situation where the Tarkine is Australia's largest remaining tract of cool temperate rainforest and is now becoming a mining precinct. It will put our Tasmanian devil, for example—already critically endangered—under greater pressure.

We have a situation where the National Heritage Council said the Tarkine needed to be protected; but the federal minister of the day came out at that time, with Paul Howes from the union movement, and stood there and said: 'We have chosen to ignore the Commonwealth environmental law. We have chosen to go against what we are expected to do because we want those mines to open in the Tarkine.' That was appalling, but at least there was some transparency about it. The Tasmanian government will offer no transparency. They will just tick off on any mine in the Tarkine at any time.

So much for the arguments about jobs and economic benefit. We had former Minister Tony Burke and Paul Howes again standing there in Braddon ahead of the last election, telling Tasmanians that this would be a bonanza. This would be jobs for, and returns to, Tasmania. What have we had since? Shree Minerals dug a great big hole in the ground that is not viable. What are we left with? We are left with nothing but a great big hole in the ground and no money to rehabilitate the place. The Premier of Tasmania at the time, Lara Giddings, gave the
companies a royalties holiday. They were laughing as they were sitting there and we are left a
great big hole in the Tarkine.

Now we have exactly the same thing with Venture Minerals at Riley Creek—exactly the
same thing. Yet the people who stand there and let this environmental vandalism occur just
wander off to the next thing and pretend it has not happened. Under the Liberal government in
Tasmania, you will see the Tarkine ticked off for any mining anywhere, and any logging
anywhere and anyhow. It will be a complete disaster. I have zero confidence when large
business—any business, in fact—can exert such influence over the Tasmanian government or
any local government in Tasmania. You will see not only environmental destruction but also
stupidity—giving them royalties holidays, so they do not even pay anything—and the
community will be left with the mess. The only good thing I can say in relation to the long
saga of Gunns and the former Tasmanian Premier, Paul Lennon, and the appalling processes
that went on with that, is that John Gay was found guilty of insider trading in relation to the
Gunns pulp mill. He was only fined $50,000, which was an affront to everyone around
Australia who is trying to get serious on white-collar crime. I am very pleased to say that
ASIC is now pursuing John Gay for the $3 million he made insider trading on the Gunns pulp
mill proposal.

It is not just pulp mills—it is fish farms as well. They are being approved around Tasmania
again, again with a cursory glance. There was an advisory panel which originally considered
new farm licences or expansion applications, taking into account community and
environmental concerns, but as soon as this panel recommended against the expansion of a
fish farm, the minister of the day in Tasmania changed the act to give himself the power to
approve such applications. Who is going to tell me that it will be any different under this
particular act? Coming to Queensland I have had my colleague Senator Waters outlining what
is going on in Queensland. It is just disgraceful—the Great Barrier Reef has been ticked off
by the Newman government as a highway for coal. They ticked off Abbot Point and dredging
to dump into the Great Barrier Reef Marine Park. They have even approved the Adani
Carmichael coalmine in the Galilee Basin against the advice of the independent expert
scientific committee on CSG and coal. The committee was worried about the impacts on the
Great Artesian Basin—but was Campbell Newman, the Premier of Queensland, worried? Not
at all. He was just ticking off on that. What is more, the Campbell Newman government was
offering multinationals discount royalties for opening up the Galilee Basin. Any state
government offering discount royalties is not going to be doing anything to seriously assess
the environmental impacts. And, of course, it is going to get us into serious difficulty under
the World Heritage convention because UNESCO is going to see straight through this.

As a state party, Australia has an obligation to uphold its responsibility under the World
Heritage convention. I can tell you, all this dumping into the reef and all the ports up and
down the reef are certainly not consistent with our international obligations. The former Chief
Scientist of the Australian Institute of Marine Science said that the decision to allow dumping:

… has to be a political decision. It is not supported by science at all. I was absolutely flabbergasted
when I heard of that decision.

Also, with the Newman government, the vegetation management framework is to be changed
so that it will allow for clearing of 700,000 hectares of forest and woodland. We have this
outrageous scenario in Queensland already such that Tony Fitzgerald, the corruption fighter,
said: 'Queensland risks going back to the dark ages now that access can be purchased, patronage is dispensed with, mates and supporters are anointed and retired politicians exploit their connections to obtain success fees for deals between businesses and government.' Does anyone seriously think that in Queensland the environment would be taken into account or taken seriously?

Let me move to New South Wales and the Whitehaven Coal mine. What a disgrace it is, where we have ICAC coming out and showing clear corruption. We cannot trust state governments with transparency and the public interest. With Whitehaven, again, this offset policy that is already there is being exploited—and what has the Commonwealth done about it? Not very much. What will the state do about it? Zero. Whitehaven came out and put in a false claim that it has an offset for the white-box gum grassy woodland when there is only 0.1 per cent in its original range there. We have a scenario where it was proven that Whitehaven misled the Commonwealth. Why didn't the Commonwealth take legal action against Whitehaven? It was because, after we went to a lot of trouble at the Commonwealth level, Whitehaven has had to nominate some other blocks and that was considered to be an appropriate response, instead of going after them for white-collar crime, which we should have done. Nevertheless, at least it got exposed at the Commonwealth level.

In New South Wales, it would have been buried because, as we know, ICAC heard allegations that Nathan Tinkler, the owner of the Maules Creek mine during most of its assessment phase, attempted to buy influence with politicians using prohibited donations to subvert the planning process in relation to a number of developments. I am really appalled. I congratulate everyone who is standing up for the Leard forest and standing up for the environment against corruption in New South Wales and against the state government's shonky environmental assessment processes.

Again on World Heritage in Tasmania, there was the Tasmanian government, supported by the Abbott government in this case, removing 74,000 hectares of our high-conservation value forest from a World Heritage area. Of course, Australia was held to account by the World Heritage Committee and, at this point, those forests are now safe. But, if you hand over all environmental decision-making powers to Tasmania, I can tell you that the Hodgman government would be stupid enough to submit yet another application to take those forests out of the World Heritage area and humiliate Australia again.

You cannot trust state governments to look after areas of national environmental significance. They never have done, from the Franklin River to the Barrier Reef to any of our major World Heritage areas. You simply cannot trust the states, and you would trust local government even less when it comes to those major development proposals. This is a recipe for more corruption, more brown paper bags, certain adverse environmental impact and destruction of forests, of reefs and of the environment, any which way you look at it. That is why we are standing here so strongly opposing it.

Let us look at threatened species. The handover of environmental powers looks likely to exacerbate extinction, particularly with the Leadbeater's possum in Victoria. It has been reduced to fewer than 1,000 animals, but the Victorian government insists on continuing to cut down the trees that the animals rely on. Do you think that handing over the environmental powers to Victoria is going to protect the Leadbeater's possum? Of course it will not. In fact, an audit of threatened species and planning laws across all Australian jurisdictions by the
Australian Network of Environmental Defenders Offices found that no state or territory biodiversity or planning laws currently meet the suite of federal environmental standards necessary to effectively and efficiently protect diversity. Particularly in relation to fast-tracking, the audit found that state and territory provisions for speeding up approvals effectively override threatened species laws in all jurisdictions.

The implementation of the legislation would certainly drive many more plants, animals and birds—for example, the swift parrot—to extinction. We will see an assault on places of World Heritage significance, places of outstanding universal value to humankind. We are not going to stand here and let that happen. In this country, we do not just need to maintain environmental laws with the Commonwealth; we actually need much stronger laws. In my view, we need a new act which recognises the assault that the environment is under, which strengthens existing laws and which has a trigger for climate change as well. Not only do we need to protect so many of our precious places and species around the country but also we need to recognise that we must build connectivity. We need to build corridors so that, as climate change advances, we have some hope of building resilience in populations—plant, animal and so on—that are under pressure. We need a serious engagement with the environment. After all, if you do not protect the environment, you have nothing left. It is what sustains us with life on Earth. It is under pressure as never before, with massive population explosion, massive habitat reduction and massive pollution. We are seeing our natural world under assault as never before and now is the time to protect it, not sell it out in this country by handing over to state governments the ability to destroy it and to take money in brown paper bags at the same time.

Senator BACK (Western Australia) (13:15): It is with pleasure that I rise to support the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014, and support the minister, the Hon. Greg Hunt, with his second reading speech in the other place.

There are three criteria that all of us would recognise as being essential for any project before it would come to fruition. The first is broad community support, the second is environmental sustainability and the third is economic sustainability. Any project that does not get the tick-off on each of those three is not going to survive; it is bound to fail. And, as previous speakers have said quite rightly, community support is essential. But the point that I would make as a proud Australian and as a proud Western Australian is: which is the community that is most likely to be interested in and affected by any decisions that are taken with regard to the environment? Of course, it is the local community. It is the community of people who enjoy the asset, who enjoy that environment and who would be likely to be adversely impacted by it.

We have heard in the discussion today the various mechanisms that are in place in this country for members of the community to be able to represent their concerns right through the various agencies, like ICAC in New South Wales agencies right through to the courts. And we have seen it over time in this place. But the concern that I have is just this basic assumption that a group of bureaucrats here in Canberra for some reason or other are going to be able to determine decisions on those areas of Australia about which they know little, if anything and, indeed, about those which should rightly be allocated to the local communities
who will be affected by them. This is my main reason for supporting the bilateral agreement implementation bill that is before us.

Mr Acting Deputy President Edwards, you well know, as a proud member of our party, that it was a senator from your state, the Hon. Robert Hill, then Minister for the Environment in 1999, who actually introduced the Environment Protection and Biodiversity Conservation Bill. It was regarded at that time, and probably still is, as being the foremost legislation in the world in this area. But it was always predicted and always contemplated that provisions to allow for the creation of a one-stop shop be placed into the EPBC Act since the time it was introduced.

I think that is interesting for people who are listening to this debate today; there is nothing new, there is nothing unusual and there is nothing different about the introduction of the one-stop shop. What it says is that each of the states and territories in our federation, who have responsibility for land and related management—those, indeed, who send us to this place as the states' house—should have that responsibility. And that is what Minister Hunt is doing by introducing this legislation. I would suggest that those who are opposed to this particular amendment in the EPBC Act either have no faith or confidence in their own state instrumentalities or the local communities who actually represent them.

Senator Siewert: Yep! Got it!

Senator BACK: And I have Senator Siewert saying, 'Yes, I've got it'. Through you, Mr Acting Deputy President, to Senator Siewert: I have an enormous amount of confidence in my fellow Western Australians and I am going to point out in the time I have available during this contribution those areas in which we can demonstrate that Western Australia are best placed to actually make the decisions we make in protecting the environment of our state. I will come back to that of course.

So what does happen in this particular instance? Rather than have this duplication that we see all too often—and I will show examples of it over time, where there is simply frustration, wasted time, wasted funds, wasted resources and wasted money—we will have a circumstance now in which under the normal course of events these environmental decisions and approval decisions will be taken at the state level. But, contrary to what the previous speaker, Senator Milne, in her gloom-and-doom predictions, had to say, we know that under the legislation the Commonwealth will maintain its role. It will remain accountable for its obligations under the EPBC Act. It will retain—I say again it will retain—an approval role for actions in Commonwealth waters, on Commonwealth land or by Commonwealth agencies. It will have an ongoing role to ensure that the commitments under these bilateral agreements are met.

Indeed, as Minister Hunt has said, if anything it will enhance environmental responsibility on behalf of those to whom responsibility will be given, because before they can satisfy the minister of their capability to actually join into these bilateral arrangements they will have to convince him that they have legislative arrangements in place to be able to give effect to the commitments that they will actually undertake.

Senator Waters: No they won't!

Senator BACK: Isn't it amazing, Mr Acting Deputy President: when anyone other than the Greens has something to say in this place we are always debrided and chided. And yet we
will stand here and sit here and listen with courtesy to those who have a different opinion to us.

Senator Cameron: I'll remember that!

SenatorBACK: Exactly, so—thank you very much. Those who have an different opinion to us, and I hope Senator Cameron is taking careful note, as indeed I am sure he is.

What will this do? It will give some business certainty. We will not have these lengthy and duplicitous arrangements that we have seen in the past. It will allow the better sharing of environmental information and data between business, governments—be they local, state, territory or federal, across boundaries—and, of course, the wider community. What it does do is eliminate that need for this multiple jumping of hurdles simply because of a difference between jurisdictions with very little, if any—in fact no—environmental advantages to be retained.

We will see increased use of strategic approaches under the EPBC Act, such as the environmental assessments, to improve the environment. I make the comment again that it will certainly be better, easier, simpler and faster for business to be able to put forward their proposals, to have them evaluated and to have them approved or rejected with or without amendments. I make the comment again as a person coming from a business background that any project that does not have community support, environmental sustainability and economic sustainability is not going to survive in any case. Those are three very powerful parameters. We are going to see a situation in which we are only going to need one application, one assessment process and one approval decision in normal circumstances. This is going to be enormously to the benefit of not only business but community confidence.

We will at all times, as the minister has assured us, make sure that the environment is protected. We will see more transparency around decisions being taken. We will see better access to information. We will make sure that there are—and these are points that the minister himself has made—audits, five-yearly reviews, reporting mechanisms and an escalated dispute resolution process in place to resolve any issues. There is the fact that, as I say again, the federal environment minister will retain the ability to call in the assessment and/or approval process if he or she has concerns about engagement with the community or environmental sustainability. The minister will retain under the EPBC Act the capacity to suspend or cancel an agreement. Naturally, the minister will continue to take responsibility for the bilateral agreements in place and have the necessary influence should he or she be concerned about the compliance by the states with that process. All of those points need to be made.

I now want to go to the question of the water trigger. As a Western Australian senator, this is not an area about which I have specialist knowledge, simply because it has not been the subject of such intense scrutiny in Western Australia as it has been on the east coast. But it is my understanding that currently the act does not allow for the accreditation of a state or territory process for the purpose of approvals relating to the developments about which we are speaking. This amendment will actually give the states the particular powers to do that. The state approval processes will have to meet the higher environmental standards to be accredited. It is quite interesting. As the minister has said, he will ensure that the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development will be
made available to those relevant states to help them determine the success or otherwise of those projects.

I want to turn now to some examples of anomalies that we have seen in environmental approvals not just specifically between Commonwealth and states but in general. In 2013 we had occasion to meet with the then shadow minister and the now minister for minerals and resources, Ian Macfarlane, in the town of Kalgoorlie. We met with mining exploration companies as a result of the doubt at that time and that still lingers today, as a matter of fact, because of the fact that the mining tax has not been repealed. I think eight or 12 of the big mining exploration companies were in town with their drilling rigs because mining exploration had effectively come to a halt. We were asking them if they could explain to us some of the areas where red tape might have been interfering with their operations.

One of them mentioned a drilling exploration exercise some 200 kilometres north-east of Kalgoorlie. Senator Siewert would also know the area north-east of Kalgoorlie. It is remote country. This particular company wanted to move their operations some half a kilometre from where they were doing exploratory drilling to a new location. They seemed to be having an enormous amount of difficulty getting approval. So eventually somebody got in a motor car and drove from Kalgoorlie to Perth, went to the office of the relevant department and asked, 'What is going on?' This was after some six weeks of the staff sitting around idle. They said, 'You have not given us the last of the environmental information we require.' The bloke asked, 'What is the information you require?' They said, 'Your crews are staying in caravans. Presumably they are washing up in their caravans. You have given us no undertaking as to what is happening to the waste water coming out of the sinks of the caravans 200 kilometres north-east of Kalgoorlie.' We asked, 'What has that exercise cost you?' The fellow turned to us and said, 'I don't think you want to know.' Whilst this is not directly related to this particular amendment in front of us, these are the sorts of things we have to stop. We have to cut out this type of red tape.

I want to refer to the Busselton hospital project in the south-west of Western Australia. I am happy to say that it is now underway. It has started construction. The Barnett government has an excellent program to build hospitals around both metropolitan and rural Western Australia. I do not know that the ringtail possum is particularly under threat in Western Australia. It seems to me that everybody I speak to has seen immeasurable numbers of them. Certainly in my own circumstances I have particularly seen them in the ceiling of my home in North Yunderup. Nevertheless, that project was held up for many, many months because nobody seemed to be able to come to an understanding as to how they were going to deal with the possum numbers in Busselton. I do not know the details, but I do know that the project was held up for some period of time.

Another project is in Bunbury, the largest regional city south of Perth. It is a ring-road that will bring access to the port of Bunbury. It is being held up at this very moment because of environmental concerns over the shifting of the Preston River. The Preston River is already a man-made channel because that river was diverted many years ago. It is currently in limbo awaiting environmental approvals at both state and federal level. Another that comes to mind is Mangles Bay at Point Peron near Rockingham—just at the Causeway, for those of you who know the naval base HMAS Stirling. That project originated in 1989, at which time they started public and environmental reviews. In 2014, with a series of sensible demands and
requirements by the state environment minister, Albert Jacob, it was eventually approved subject to it coming to Canberra, to Minister Hunt. The issues with the proposal related to the destruction of seagrass beds, and the requirements placed on the project were for the revegetation or re-establishment of areas two or three times larger than those that were to be destroyed and, of course, substantial sums of money associated with the rehabilitation of the Cockburn Sound. But you have to ask: if we have been engaged in this exercise for almost 25 years, why is it necessary to have federal government approval, Minister Hunt's approval, for something that has been the subject of so much investigation and which clearly meets the three goals that I have spoken about?

When it comes to our state, which I can speak of with more authority than others, I go to the move made by Premier Barnett in 2009 when he declared the Camden Sound whale sanctuary, some 400 kilometres north of Broome. Premier Barnett did not wait around for federal government intervention. Off his own bat, he made the decision that that whale sanctuary at Camden Sound, one of the largest in the world, would be protected for the humpback whales.

I go to the then Minister for Fisheries, Hon. Norman Moore MLC, now retired after a stellar career in the Western Australian parliament. It was Norman Moore, as fisheries minister, who dealt with issues associated with the declining rock lobster fishery. He was able to reverse that decline and turn it around by bringing in sensible policies, practices and procedures. He allowed an extension of fishing to 365 days a year but placed a quota on the fishermen—so now they can decide when they will fish. Will they fish to maximise the Christmas market? Will they fish to maximise the Chinese New Year market? In the meantime, the fishery re-established its internationally acclaimed reputation.

I go to the highly sustainable Exmouth Gulf prawn fishery. There is no need for federal intervention—decisions are made by the state. Within the Shark Bay Marine Park is the Shark Bay fishery, which is managed within the marine park to ensure the taking of prawns, scallops and crabs is sustainable. That is an important point. Every time you talk to the Western Australian Fishing Industry Council, they want to tell you about sustainability. The abalone industry is highly managed and about to expand a high-value marine product. I remind Senator Johnston that in the Peel-Harvey you cannot take crabs from today until 31 October or you will be the subject of either a $3,000 fine or a year in jail—or, indeed, both. So I urge you to keep your nets out of the water.

The point I want to make is that in all of these cases it is the local community, it is the state and local government, it is the people who are most affected by the environment in which they recreate, live and flourish, who should be driving this agenda. I had the opportunity for some seven years, on an island off the coast of Fremantle, Rottnest Island, to be part of, to guide, to lead and to implement many of these environmental policies. They had nothing to do with the federal government. They were driven by the community that used the island and loved the island. I could speak for some time about both the marine and the terrestrial environmental initiatives that we undertook on that island as a result of those three criteria: economic sustainability, environmental sustainability and, of course, community support. I urge my colleagues in the Senate to support this legislation which sets up administrative arrangements that were envisaged at the time of the 1999 act.
Senator SIEWERT (Western Australia—Australian Greens Whip) (13:35): I rise to make a contribution to the debate on the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014, which, as Senator Waters and Senator Mills have articulated very clearly, we do not support. I will give some examples showing why it is so important that we do not hand off all of these powers. I would also like to address some of the points that Senator Back brought up, because I was involved in a number of the debates over the particular projects that Senator Back cites as examples of why powers should be handed off. I will address those first.

With Mangles Bay and its seagrass beds, the company and the people that have repeatedly impacted on seagrass beds in that area of Cockburn Sound had not been able to demonstrate that they could, in fact, restore those particular types of seagrass beds—that they could grow them and sustain them. They made claims at the time that they would be restoring two or three times more seagrass than they destroyed; however, they could not prove that it could be grown. They also consistently failed to take into account cumulative impacts. It is the same repeatedly across Australia—companies are saying, ‘We can manage the impacts, there will only be a small impact,’ but fail to take into account that we are not dealing with pristine environments anymore. We have, as a country, significantly damaged large areas of Australia. So you cannot consider a project in isolation.

I would like to give three examples of why this particular piece of legislation will be a disaster for situations in Western Australia. Each of the examples I use here have the common factor of the state government being the proponents. First I would like to go to the great white sharks and the culling of sharks in Western Australia. It is the state government that are the proponents. What you are saying is the state government should now be doing their own assessment of their own project. Guess what. I give you 99.9 per cent certainty that they are going to say, ‘This is a fantastic idea.’ They are failing to tell us information about the sharks. The government on no scientific basis are ignoring 300 marine scientists and ecologists—who know a little bit about what they are talking about—saying this is a bad idea. They are failing to tell the community and the EPA that in fact there had been some surveys done of what the community thinks. This goes to the point that Senator Back made about how, if projects are not acceptable to the community, that is one of the indicators that it is not very good and would be unlikely to get up. The community in Western Australia overwhelmingly does not support the shark cull, which fortunately now is being subject to federal assessment.

The recent research paper, which was, we are told, commissioned by the state government, was not previously released to the WA community, and the findings showed that the majority of respondents surveyed do not support the killing of sharks off the coast in an effort to reduce the risk of shark incidents. It also provided insight into what Western Australians thought about the risks posed by sharks and how they should be dealt with. Fairfax Media obtained a copy of the research, which was compiled by Marketforce and based its findings on the responses of 768 Western Australians. Fewer than 20 per cent of respondents said they agreed with culling sharks that came near the coast of Western Australia. More than 50 per cent of respondents said that, although more needed to be done about sharks, culling was not the answer. The survey also showed that most respondents did not believe there was anything that could be done to increase the safety of water users from sharks. The top response to the question, ‘What else do you think should be done about sharks off the Western Australian
coast?’ was ‘nothing’. Most respondents believed individuals were responsible for ensuring their own safety about sharks, with the state government the second-most-voted-for option when it came to responsibility for safety. The survey identified increased aerial surveillance as an initiative that made more people inclined to use beaches in the metro area, while in regional areas the corresponding initiative was warnings of the tagged sharks from WA’s shark-monitoring network.

This is clearly an issue that the state government should not be let anywhere near approval of, because they are the proponents. This is crazy thinking. It is absolutely crazy that they could ignore the science. It was a knee-jerk reaction built to get a little bit of lift in the polls, but it did not, because most Western Australians do not support it. Why would you think it is appropriate to hand over that decision to the state government on its own project?

Then there is the James Price Point proposal. The state government was the proponent for compulsorily acquiring the land, was pushing the joint ventures to go there and then carried out its own assessment, which was rejected by the court, which said they would have to do it again. Why would you expect that they are going to carry out an unbiased assessment when they are the proponents? Again, it is crazy thinking. It is why you cannot hand off these approval processes.

Another example is the Carnaby’s cockatoo. Anybody in Western Australia and particularly Perth knows about Carnaby’s cockatoo. You get this most wonderful sense every time you hear them and see them flying near you. BirdLife Australia has been conducting the Great Cocky Count in Western Australia for a significant period of time. I am sure people Australia-wide know the wonderful work they do. They have just released another report in Western Australia on Carnaby’s cockatoo. We know they have been declining, but over the last five years the cocky count in Western Australia has documented an annual decline of 15 per cent in Carnaby numbers. This is now sparking very strong fears that the species could be extinct on the Swan Coastal Plain within the next 20 years.

The species has lost considerable habitat; 1,000 hectares of Swan Coastal Plain native vegetation is being cleared every year, and this is critical habitat for the birds. What has been happening is we get this wonderful offsets theory. They allow clearing in the metro area and say it will be offset somewhere else because we will protect a bit of bush elsewhere. That, of course, is not in the metro area, where the cockies are.

The birds, not being able to access the native vegetation, have actually been making the pine plantations just north of Perth their home, and they have done that very effectively. However, the pine plantations are having a negative impact on the groundwater table on which Perth depends and a lot of our ecosystems depends—particularly the species using the Yanchep caves. It is a very complex ecological equation. The new habitat that they have moved into—the pine plantations—are now being cleared out of the Gnangara pine plantation. That is now impacting on the numbers of cockatoos. This is where it gets complicated. As I just said, the pine plantations are having an impact on the water table and on particular species in the Yanchep caves, but the point here is the vegetation is being cleared and not replaced. It is not being staged.

This is a species that is actually listed under the Environmental Protection and Biodiversity Conservation Act, so it is a trigger for Commonwealth involvement. We think there needs to be an assessment there. Again, here it is the state government that are the proponents of the
clearing and very often the people who give permission to clear some of the Banksia woodland, which is particularly important. I note here too that there has been the ongoing issue in Western Australia of clearing the Underwood Avenue bushland, which the University of Western Australia owns. That is critical habitat for Carnaby’s cockatoos. BirdLife Australia's Head of Conservation, Samantha Vine, said:

The Gnangara Plantation is the single most important feeding habitat for the species [on the Swan Coastal Plain]—it sustains thousands of Carnaby’s for several months each year. However, its trees are being harvested and not replaced, taking away a major source of food and important roosting sites.

And she went on to say that there needs to be action taken.

This is another example of where the state government is the proponent. It also has the solution at hand. It could and should be making sure that there is habitat available and plan in advance replacing that pine plantation as it is cleared because it has known for a long time that that is critical habitat for Carnaby's cockatoo. I certainly do not want the situation where metropolitan Perth no longer hears the cries of and sees the magnificent Carnaby's cockatoos.

This is yet another example of where we need the federal government to have environmental powers. The Western Australian state government has demonstrated again and again that we need the federal government to have environmental powers. This is because in some instances it is incapable of making the decision. Sharks is a classic example. I am deeply worried about the future of the Carnaby's cockatoo since to date the state government has shown no ability to plan to make sure this habitat is replaced.

If the company had not pulled out—making the decision somewhat different—the state government would have approved the James Price Point proposal. That is why we need the federal government to have powers and use the powers available under the Environment Protection and Biodiversity Conservation Act. It is not good enough to rely just on the state, because they will not do the right thing. They put development ahead of protecting the environment. It was quite obvious in Western Australia that that is exactly what they were doing with James Price Point.

In Western Australia when James Price Point was being assessed they could not find five members of the Environmental Protection Authority to make the decision. Because four of them were conflicted it was left to one person. That is the mob that this federal government wants to hand over the approval powers to. That is not good decision making. That is not protecting the environment. That will not protect the sharks of Western Australia, Carnaby's cockatoos and all the other unique and special environments we have in Western Australia. We do not support handing over these approval powers.

I worked in the environment movement for a very long time before I came to this place. Consistently I would hear, 'The Environmental Protection Act in Western Australia is holding up all these developments.' When the EPA did an assessment of 'holding up all these developments', they found that most of the time it was when they had gone back to the industry and said that they needed clarification of a particular point or had done their bit of the process and were waiting for the proponent to get back to them. It was the proponents themselves who were the blockage.

Some people who want to weaken our Environment Protection and Biodiversity Conservation Act and want to weaken the state acts as well use the argument of too much red tape and blockages as a way of undermining environmental protection. There is no doubt in
my mind that if they had their druthers they would not want any environmental protection legislation at all. They use red and green tape as an excuse when what they really want to do is get rid of environmental laws. Well we are not going to support that. We need a stronger environmental protection act—not a weaker act. We should not hand this power over to the states, who are the proponents of many of the proposals that are getting assessed. We will not be supporting this legislation.

Senator LUDLAM (Western Australia) (13:49): I rise to add my remarks on the Environmental Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 to those of my Western Australian colleague, Senator Rachel Siewert. The Australian Greens have a proud record—one that stretches now across two decades—of standing up for protection of the environment whether it be on big picture issues, like marine conservation, climate change, nuclear and protection of country from uranium mining, or much more backyard, localised issues with groups stepping up to protect a beloved area of urban bushland. In adding to the remarks of Senator Siewert I want to start with the big picture and then bring it home to parts of my home town that are very precious to me and to many others.

Why would you even have national environmental law? I want to acknowledge the extraordinary work that my colleague Senator Waters undertook as an environmental lawyer and campaigner with the EDO and the expertise she has brought into this place. There would not be too many people in this building who know more about the history and purpose of national environmental law than Senator Waters.

I want to look at the 30-year arc when we finally had an agreement unfolding out of the historic events on the Franklin River. I am going back many years now, but there were some issues for which the Commonwealth of Australia needed to take responsibility. The head of power that this law was brought into being on was around our international obligations to uphold treaties on issues like climate change, to protect World Heritage areas and to protect Ramsar sites for migratory birds. That I think was a profound step change in thinking in this country—that there are some issues that the national parliament, even though it might be 3,000 or 4,000 kilometres from whatever is being considered, should take a strong role on. That is why, for example, if you have a multinational corporation proposing to blast uranium out of Kakadu National Park and sell it to the Russian government—

Senator Bernardi: Hear, hear!

Senator LUDLAM: ‘Hear, hear,’ says Senator Bernardi. Maybe that decision should not be left to the Northern Territory mines department. There are bigger issues at play. We are living through what has been termed the Holocene extinction, the sixth major extinction in the history of life on this planet. Going back through the geological record, which is indistinct obviously the further back you go, depending on how you read the numbers—

Senator Bernardi interjecting—

Senator LUDLAM: Madam Acting Deputy President, could you please ask Senator Bernardi to just shut the hell up for a little bit while I speak. That would be greatly appreciated.
The ACTING DEPUTY PRESIDENT (Senator O'Neill): Order, Order! Senator Bernardi's comments were not that interruptive given the standard of some of the debate in this place. Senator Ludlam please continue with your remarks.

Senator LUDLAM: Thanks!

Senator Bernardi: On a point of order, Madam Acting Deputy President: Senator Ludlam's comments were entirely unparliamentary. I would ask you to request that he withdraw them.

The ACTING DEPUTY PRESIDENT: Senator Ludlam, I ask you in the interest of the chamber to withdraw the comments that have caused offence to Senator Bernardi.

Senator LUDLAM: You petal! I am deeply upset that I have caused offence to Senator Bernardi.

The ACTING DEPUTY PRESIDENT: Just simply withdraw, Senator Ludlam.

Senator LUDLAM: I withdraw those comments because time is short.

The ACTING DEPUTY PRESIDENT: Please continue with your remarks.

Senator LUDLAM: In this context of a mass extension event that is unfolding around the world, in the way that scientists identify such things, EO Wilson in 2002 calculated that: If the current rate of human disruption of the biosphere continues, one-half of Earth's higher lifeforms will be extinct by 2100. This is a very live area in earth system science and biology. Nonetheless, this is the context in which the Australian Greens frame this debate in this place. It is not an issue that we in Australia are alone in needing to grapple with and confront, but these are issues that are global in scope and have been unfolding for decades.

In my own home town of Western Australia, we live within what is called the 'Southwest Botanical Province' and it is one of only 25 biodiversity hotspots in the world. To qualify as a biodiversity hotspot, globally and internationally, an area needs to be acknowledged as a significant reservoir of biodiversity. It needs to have at least 1,500 endemic species—species of plant life and animal life that do not exist anywhere else—and needs to have lost at least 70 per cent of its primary vegetation. The Perth metropolitan area is one of those places. Impacts from bulldozing and clearing for the suburban expansion of one of the lowest density and most car dependent cities in the world, from agriculture and from water draw-down; climate change; changing coastal dynamics resulting from construction on the coastline; damage from eutrophication in the Swan River from various chemicals that have been poured in on top of the catchment—all of these things, land clearing in particular, have led to an extraordinary extinction cascade on the Swan Coastal Plain. Perth being the only city in the world based in a natural landscape and dominated by banksia woodlands, we call it a place that is too precious to lose. It is a place that is very precious to Western Australia and to those who live there.

As Senator Siewert quite rightly pointed out, why would you hand back these decision-making powers on individual clearing proposals when the state is the proponent and they are proposing it? You are asking these people to regulate themselves. They are out there demanding that this happen, that this land clearing occur and that these developments to go ahead. To then expect the EPA to come out with some backbone and say 'no' is extremely optimistic. That is why environmental campaigners in Perth know EPA as an acronym that
stands for 'every project approved'. That is not strictly correct. When you go back and look at the record of the EPA, every now and again they do knock one back—and then it is promptly overridden by the state government. That has happened a couple of times, including on Barrow Island, where Gorgon proposes and is now undertaking the process of smothering hectares and hectares of that landscape with concrete for the Gorgon gas development.

I will give two quick examples, both very close to home, of where the state government is a proponent of a project that Mr Abbott thinks they will be perfectly qualified to assess themselves. One is Point Peron—a legally questionable and deeply unpopular land grab by Cedar Woods and LandCorp that proposes to flatten nearly 70 hectares of urban bushland. There will be dredging impacts and there will be seagrass impacts in Cockburn Sound. The decision is before the Commonwealth minister as we speak because federally listed species are potentially impacted, including nearly 30 migratory birds and a very rare form of freshwater lake with a community of thrombolites—very ancient communities in that freshwater lake. It is one of the oldest living species on the planet. These are legitimate issues of national environmental concern. That is why the act was drafted to allow the Commonwealth to take an interest in such matters. It is extraordinary to see the coalition lining up today to hand those powers back to the very same authorities who are proposing the project in the first place.

The second example is in another part of town that is very close to my heart—the Roe Highway Extension. Again it is a state government proposal. They have come up with it. The land is vested in Main Roads Western Australia until we can get it off the planning scheme. As at the last estimates hearings, they were proposing to blow nearly $900 million. It would be the most expensive segment of freeway that has ever been built in Western Australia—for no purpose, because the Fremantle Eastern Bypass no longer exists. So it is a freeway to nowhere and the state is the proponent.

I look forward to putting this legislation to a vote and to maybe serving another one back up to the Abbott government—it is a bad idea that should not be passed into law—to, in the hope that we prevail, acknowledge all of those in Western Australia who stand up for our precious environment, whether it be those communities at Point Peron in the Beeliar Wetlands who are stepping up to protect it, those in the south-west who are protecting the magnificent tall forests of that area, those who stood at Camp Walmadan at James Price Point, or those who are fighting to protect Western Australia from its first commercial uranium mine, the nuclear trigger. No matter what you might think of the handback of powers, there was a black-and-white commitment made before the election by the Abbott opposition that the nuclear trigger would stay in Commonwealth hands. That has now been washed out into the rest of this legislation as well.

This is fundamentally untrustworthy and misguided decision making. Whether it is communities in the midwest or the Kimberley standing up against fracking or neighbourhood groups who simply want to protect their area of urban bushland from the bulldozers, the Greens are in here to represent you today and to stand with those in the Labor Party and on the crossbench who do not want to see this reckless, so-called handback of powers to the state governments who have shown themselves, year after year, to be unable to protect the environment that we depend upon.
QUESTIONS WITHOUT NOTICE
Iraq and Syria

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Defence, Senator Johnston. Can the minister update the Senate on current and proposed Australian government involvement in humanitarian and other action in Iraq?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:00): I thank the senator for his question and I thank him for his contribution earlier today on a motion to suspend standing orders. As you know, the Australian government has taken a very strong position in condemning the actions of the Islamic state in Iraq and the Levant, including the reports of atrocities against civilians, minorities and the security-force opponents of that organisation. ISIL's activities in Syria and Iraq are a major threat to regional and international security. The Prime Minister has said it is important to do what we reasonably can to overt a potential genocide.

We have agreed to joint airlift of military equipment to the Kurdish Peshmerga. This has been agreed to after a request from the Obama administration and with the permission of the Iraqi government. Other countries that are involved in the airlift of military equipment include the United States, the United Kingdom, Canada, France and Italy. We will transport stores of military equipment, including arms and ammunition, as part of a multinational effort with Royal Australian Air Force C130J Hercules and see C17A Globemaster aircraft, as deployed to the task, as set out and planned by our coalition partners.

We stand ready to participate in further humanitarian airdrops in Iraq. Australia has conducted two humanitarian airdrops to this point, consisting of high-energy biscuits, bottled water and hygiene packs, the latest of which was conducted yesterday to civilians in the isolated Amerli region, which has been surrounded by ISIL forces. We have not yet received a request of any further potential Australian involvement in further military activity. I will leave it there, thank you.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. Could the minister outline any parameters of Australia's military engagement in Iraq?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:02): As situations now stand, it would be important for me to underline that since we observed the mass executions, the beheading of a person on the internet and the threat to behead a further US national journalist on the internet the readiness level of the Australian Defence Force has come up. We also—as the good senator would know—have about 60 Australians fighting with this and other terrorist organisations, so there is a domestic component to our consideration as to how we go forward. The Australian Defence Force is ready. We have received no request or participated in formal planning with respect to military operations. Our focus has been the immediate preservation of life at Sinjar, where we first carried out our humanitarian drops—and I can tell you I was with the team that did that work last Friday. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (13:59): Mr President, I ask a further supplementary question. I thank the minister for his answer so
far. Will the minister make regular ministerial statements to the parliament on the current deployment to Iraq, to ensure that the parliament and the Australian community is kept updated about Australia's military engagement?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:03): Again, I thank the senator for his question and I can confirm that the government will make regular ministerial statements, in line with previous practice. Indeed, I see Senator Faulkner entering the chamber. I want to say that we would want to carry out ministerial information into this chamber, just as he did when he was the Defence minister. Today you should be aware that Prime Minister Abbott has given a detailed ministerial statement. That will be tabled in this chamber following question time.

I underline my appreciation for the bipartisan way in which we are going forward on this. This is something that the government is agonising over. We do not deploy young Australians into a theatre, such as we have observed in Iraq, lightly. Our risk assessment is deep and constant. We are very conscious of the very heavy burden of responsibility that sits upon us as we go forward with this problem.

Royal Commission into the Home Insulation Program

Senator McGrath (Queensland) (14:04): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General acquaint the Senate with the findings of the report of the Royal Commission into the Home Insulation Program, tabled by the Prime Minister today?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:05): Senator McGrath, as you say earlier today the Prime Minister tabled in the other place the report of the Royal Commission into the Home Insulation Program conducted by Mr Ian Hanger QC. The royal commission found that the tragic deaths of four young workers would not and should not have occurred had the home insulation program been properly designed and implemented.

The royal commissioner found that the cabinet process and the decision making in relation to the home insulation program was, to use his words, 'unorthodox'. He found that warnings by senior officials were frequently and routinely ignored. Among other things—and I am quoting from the words of the royal commissioner—the urgency with which the program was rolled out:

seems to have infected the entire program and caused less than adequate attention and consideration to be given to questions of risk generally, of personal safety and of compliance.

It occurred 'notwithstanding any deficiencies or compromises that were necessary to achieve that goal’—the goal being to have the program rolled out in the shortest possible time. He went on to say the fact that the date had been believed to have been inflexible' says a lot about the government at the time'.

A weekend within which to consider draft Guidelines for a $2 billion scheme was grossly inadequate and is indicative of the undue speed which always attended the HIP.

The program failed because of the need for 'undue speed' in its implementation.
Senator McGrath (Queensland) (14:07): Mr President, I ask a supplementary question. May the Attorney-General advise the Senate of the lessons to be learnt from the findings of the royal commission?

Senator Brandis (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:07): Yes, Senator McGrath, I can. The overwhelming lesson to be learned from the findings of the royal commission is that bad policy and bad process have consequences—in this case, tragically, lethal consequences. What occurred need not have occurred, should not have occurred and, but for bad policy and bad process, would not have occurred. The report makes several recommendations in order to avoid such serious failings ever happening again. In particular, it recommended that, before charging an agency with the implementation of large or complex programs, some assessment should be made of the agency's capacity to deliver it. It recommended that the Australian government should use the experience of the HIP as a means to learn from the many mistakes identified in the report—many of which could be traced to overconfidence. (Time expired)

Senator McGrath (Queensland) (14:08): Mr President, I ask a further supplementary question. May the Attorney-General inform the Senate how the government intends to respond to the report of the royal commission into the home insulation program?

Senator Brandis (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:08): As the Prime Minister indicated earlier today, the government will provide a preliminary response to the report and its recommendations by 30 September and will provide a final response by the end of this year. Some of the recommendations were anticipated and the necessary remedial measures have already been put in place. Others, in particular those relating to addressing the economic and social damage caused by the former government to the industry, will require more deliberation. Might I, Mr President, take the opportunity in responding to the second supplementary question to thank the Royal Commissioner, Mr Hanger, for his work, the senior counsel assisting, Mr Wilson, and the other counsel assisting his staff. Lastly, may I thank the families of the victims who participated in this royal commission in what must have been a very trying experience for them.

Pensions and Benefits

Senator Polley (Tasmania) (14:09): My question is to the Assistant Minister for Social Services, Senator Fifield. I refer to the government’s heartless and short-sighted decision to axe the dementia and severe behaviours supplement on 26 June this year. Can the minister explain why he waited over a month after the budget to make this announcement and did not engage in any detailed consultation with providers prior to the announcement?

Senator Fifield (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:10): Senators who followed the community affairs committee through estimates will know that I advised the budget estimates committee that there were significant issues with the dementia and severe behaviours supplement. I have also ensured that the aged-care committee, which is an advisory group to government, was advised that there were significant issues.
I might just refresh the memory of colleagues who may not remember from last Thursday—although, I am sure you were hanging on every word and do—that the previous government introduced in August last year the dementia and severe behaviours supplement. They allocated $11.7 million for the last financial year. That actually came in at $110 million. In fact, over the forward estimates, on a no-policy-change basis according to the design of the former government, there would have been not an expenditure of the $52 million that the made budget provision for; in fact, it would have been $780 million. Over a 10-year period, it would have been $1.5 billion. It would not be responsible for the government to do nothing in the face of that. The only responsible thing to do was to conclude that particular supplement.

I must make clear that those opposite, who have been skulking around aged-care facilities and unnecessarily causing concern and distress to residents, are leaving the impression that the dementia and severe behaviours supplement was, in fact, the base and core funding for people with dementia. It is not. In our aged-care system, about half the people who are in residential care have dementia. This was not the core funding for them. This was funding which was intended for people who had severe behaviours related to dementia.

Senator POLLEY (Tasmania) (14:12): Mr President, I ask a supplementary question. I refer to comments by Marcus Riley, Acting Chairman of Leading Aged Services Australia, that, and I quote:

“This funding withdrawal will have a devastating impact on individuals who need extra support. Our research shows that it will also damage industry’s ability to invest in training and dementia-specific care environments.”

Does the minister agree?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:12): The first thing that Senator Polley and Mr Shorten need to do is to actually understand what they are talking about. Mr Shorten this morning, with Senator Polley, at a press conference said—

Senator Jacinta Collins: Hasn’t George warned you about overconfidence?

Senator FIFIELD: He called for the reinstatement of what he called the 'dementia and other diseases supplement'. In fact, there was no such supplement. It was the dementia and severe behaviours supplement. So he does not even know what the supplement was intended to do in the first place. His other mistake was to refer to it as a $16 supplement paid to people—

Senator Moore: Mr President, I rise on a point of order. It is on direct relevance. We appreciate the minister's comments about the newscast this morning. This question was specifically about a quote from Mr Marcus Riley. Could we get to that quote before the end of the minister's time?

The PRESIDENT: Thank you, Senator Moore. The question also contained a fairly long preamble. And the minister has 30 seconds to answer the question.

Senator Wong: Mr President, with respect—

The PRESIDENT: Is that a point of order, Senator Wong?

Senator Wong: On the point of order, there is no preamble. It is simply—

Senator Ian Macdonald: He has ruled on the point of order!
The PRESIDENT: Order!

Senator Wong: I appreciate, Mr President, with all of the interjection in the chamber you may not have had the opportunity—

Senator Ian Macdonald: He has already ruled on the point of order!

The PRESIDENT: Order, Senator Macdonald!

Senator Wong: You may not have had the opportunity to listen to the question. There is, actually, very little preamble. It is simply a reference to the comments and then a full quote. The question is whether or not the minister agreed. That is the only point in the question.

The PRESIDENT: And, Senator Wong, you were rising to your feet as I was continuing to explain that I heard the question, I have heard the answer—a part of it so far—and the minister has 30 seconds left to answer the question.

Senator FIFIELD: Thank you, Mr President. Mr Shorten also this morning referred to the cutting of a $16 payment to people living with dementia. The payment never went to people living with—

Senator Moore: I rise on a point of order with respect to direct relevance. You drew the attention of the minister to the question and there has been no return to the specific question that was asked.

The PRESIDENT: He was on his feet for five seconds. He has 23 seconds left.

Senator FIFIELD: Thank you. The issue remains that of third-party comment. Let me refer to Dr Stephen Judd. It is reported:

“The cessation had to happen,” he said. “There is still a place to have a supplement but it has to be focused and targeted to that small group with severe behaviours—

Senator Moore: I rise on a point of order, again, with respect to direct relevance. We still have not got to the question asked by Senator Polley: the comment made by Mr Marcus Riley, and the minister's opinion of that question.

The PRESIDENT: I draw the minister's attention to the question. The minister has eight seconds to answer the question.

Senator FIFIELD: I thought it would be helpful to the chamber to have another third-party comment.

Senator POLLEY (Tasmania) (14:15): I have a further supplementary question. How long will age care providers, dementia sufferers and their families have to wait until the minister announces his new policy?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:16): If there is to be a finger pointed at anyone over the failure of the dementia and severe behaviours supplement it should be pointed at those opposite, for their flawed design and budget blow-out. Let me quote Mr Ian Yates, chief executive of COTA:

COTA Australia agrees with Stephen Judd that termination of the supplement was inevitable. Many providers were receiving very substantial extra funds without validation and with no guarantee of better outcomes for people with severe dementia symptoms.
Senator Moore: My point of order is with respect to direct relevance. The particular question was about the time we have to wait for the minister's new policy. It was not asking for new information from other third-party people.

The President: I draw the minister's attention to the question that was asked.

Senator Fifield: I make it clear that the policy and design of the former government is gone. It is not coming back. We are going to work cooperatively with the sector to see if we can come up with something that is better targeted and better focused than those opposite came forward with.

Anzac Centenary

Senator Williams (New South Wales) (14:17): My question is to the very capable Minister for Veterans' Affairs, Senator Ronaldson. Can the minister update the Senate on how the coalition government is supporting local communities to mark the Centenary of Anzac.

Senator Ronaldson (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:17): I thank the senator for his question. I remind honourable senators and indeed members of the community that this is Legacy Week. I encourage all senators to buy a badge and support the work of this fantastic organisation.

As you would be aware, the Centenary of Anzac is our nation's most defining period of commemoration, reflection and remembrance. I am very pleased today to announce a further 119 grants worth more than $975,000 across 47 electorates under the Anzac Centenary local grants program. As the honourable senator is aware, in the budget this year we increased funding to the 150 lower house members by $3.75 million, taking it to $18.75 million, and nearly 330 grants have now been approved under the project.

We are determined to ensure that no matter where Australians live—metropolitan, regional or rural—they have the best opportunity to participate in the Centenary of Anzac. I was very pleased to be at Point Nepean, on 5 August, for the first-shot commemoration. Some $10,000 was put into funding the electorate of Flinders under the program.

Many communities across Australia did have a number of commemorative events to mark the beginning of the First World War as well as the first recruitment drives conducted to support the Australian naval and military expedition which set out for the then German New Guinea in August 1914.

The communities across Australia have come forward with some fantastic programs, and it is my great honour to be carefully considering those. There are some 1,700 applications—(Time expired)

Senator Williams (New South Wales) (14:19): I have a supplementary question. Can the minister advise the Senate what projects, specifically in my home state of New South Wales, have received funding to date through the Anzac Centenary local branch program?

Senator Fifield (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:19): I acknowledge the hard work of Senator Williams in regional New South Wales. He does a fantastic job. The Coffs Harbour RSL has benefited from over $24,000 for displays and commemorative events around Anzac Day next year. There will be a military tattoo at the Camden Show in 2015. At the Casula High School
in Werriwa they will construct a new memorial, and at Thirroul war memorial $3,600 will be
spent replacing pavers.

There will also be $37,000 spent re-enacting the Kangaroo march—the recruitment march
that went from Wagga Wagga to Campbelltown in 1915. Senator Williams will be pleased to
know that the Tenterfield Show Society has been granted $1,500 to advertise events for the
show next February, which will focus on the Centenary of Anzac.

In the electorate of Parkes, more than $37,000 worth of applications have been approved—
(Time expired)

Senator WILLIAMS (New South Wales) (14:20): I have a final supplementary question.
Can the minister advise the Senate whether local communities can still apply for funding
under the Anzac Centenary local branch program?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the
Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:21): I again
thank Senator Williams for his question. In mid-July this year I wrote to all members in the
other place to say that if they had not expended their $125,000 then the opportunity was open
until the end of September for projects to be topped up or to submit new projects. Some
projects required extra funding, and if the members in the other place require extra funding
then they should apply. I should also say that the Saluting Their Service grants program is
also taking applications for projects which commemorate the Centenary of Anzac. This has
been a fantastic program, and when you see the breadth of activities that local communities
throughout Australia have submitted under this program, Mr President, you will be proud, as I
am and as I am sure all honourable senators will be. This will be a marvellous period of
commemoration.

Iraq

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:22): My question is to
the Minister representing the Prime Minister, Senator Abetz. Has the Prime Minister taken
legal advice as to whether or not Australia's participation in military action delivering
weapons to Kurdish fighters in northern Iraq is legal under international law? If so, will the
Prime Minister table that advice and tell us whether or not the action that Australia is
now taking is legal?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting
the Prime Minister for the Public Service and Minister for Employment) (14:22): There are
illegalities occurring in Iraq and Syria as we speak—people being beheaded and the mass
killing of hundreds of innocents and captured soldiers. It is brutality writ large, and what is
the concern of the Australian Greens? Whether the delivery of humanitarian aid is within
international law. I would have thought a question about what the international community
can do to work together to stamp out this evil might have been more appropriate for the
Leader of the Australian Greens to ask. I also indicate that in the operation that Australia is
involved in we are joined by Canada, Italy, France, the United Kingdom and the United
States. I simply ask fellow senators and anybody listening: who do you think are the ones on
whom international law ought to apply—on Canada, Italy, France, the United Kingdom, the
United States and Australia, or on ISIL, a force that is evil writ large? We as a government
make no apology for joining with other freedom loving democracies to ensure that the Kurds
and others who are facing what is on the verge of genocide, without putting it too strongly, quite frankly get the protection they deserve. That is what we are seeking to do in conjunction with a request from other governments but also with the support of the Iraqi government.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:24): Mr President, I ask a supplementary question. I take it from the minister's answer that Australia does not care about whether military action we take is legal or not, and so I ask whether the Iraqi government has directly invited Australia to intervene militarily in northern Iraq. If so, when, who made the invitation and to whom was it made?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:25): Just to remove any doubt whatsoever, I assure the honourable senator and the Australian people that everything that we as an Australian government are doing in this most hideous theatre on the world stage at the moment is clearly within the law.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:25): Mr President, I ask a further supplementary question. I ask the minister again: has the Iraqi government directly invited Australia to intervene militarily in northern Iraq? If so, when, who made the invitation and to whom was it made? Otherwise, without a UN Security Council resolution, it is illegal.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:26): This might be helpful for Senator Milne to get a headline, but with great respect she is wrong in relation to her assertion as to what international law may or may not require. One wonders whether the over one million displaced Iraqis were consulted in relation to the actions that have been taken against them. We, as a nation, are joining with other peace-loving democracies in an attempt to lessen the huge horrific burden, indeed extinction, that some of these people are facing. I would have thought, as a minimum, we might have got unanimity from this place, and if not unanimity at least silence and not what appears to be an unfortunate siding with the view that Australia should not be involved in this very important humanitarian exercise.

Medibank Private

Senator BERNARDI (South Australia) (14:27): My question is directed to the Minister for Finance, Senator Cormann. Is the minister aware of assertions that the sale of Medibank Private will push up the cost of premiums, and can the minister advise the Senate why that assertion is wrong?

Senator CORMANN (Western Australia—Minister for Finance) (14:27): I thank Senator Bernardi for his question. Sadly, I am aware of such assertions. Of course they are totally dishonest and inaccurate assertions being made by the Labor Party. Let us talk about the facts. The government has decided to proceed with the sale of Medibank Private, as has been our policy for a very long time and as has been authorised by the Australian parliament since 2006.

Senator Wong: You're top of the class, Mathias.

Senator CORMANN: I hear Senator Wong interjecting. In the six years of the previous Labor government the previous Labor government never moved to rescind the Medibank Private Sale Act, so presumably, as Minister for Finance, Senator Wong was entirely
supportive of that measure. The reason these assertions are inaccurate is that Medibank Private operates as a commercial business in a highly competitive market. It also operates in a highly regulated market, and the setting of health insurance premiums is regulated. Given that Medibank Private operates in a commercial and competitive market with 34 health funds, Medibank will of course continue to have to be mindful of the premiums it charges members and policyholders in the context of the competition it faces from other funds. The Labor Party might not take my word for it, but this is the verdict of an ABC Fact Check, which says:

Medibank Private operates like a commercial business, with performance measured by the amount of profit it makes. A privatised Medibank Private may try to raise premiums, but it will still have to deal with strong government regulations and a highly competitive market.

Guess what—the Labor Party in government turned Medibank into a for-profit business. They then fleeced them, with special dividend after special dividend—$600 million of special dividends that this senator took out of Medibank when she was minister, and guess what? That put upward pressure on premiums—(Time expired)

**Senator BERNARDI** (South Australia) (14:29): Mr President, I ask a supplementary question. Could the minister advise the Senate why it makes sense to proceed with the sale of Medibank Private?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:30): There is absolutely no reason why the government, in 2014, should still own and operate a private health insurance business. Private health insurance in Australia is a highly-competitive and very effective market. We have 34 health funds competing for business in order to provide services to people who want, essentially, to take out health insurance in order to facilitate access to affordable private health care. The Labor Party always jumps up and down and plays politics with this, but they actually are secretly in favour of privatisation. They are in favour of selling Medibank. Why otherwise did Labour not once move to repeal the Medibank Private Sale Act 2006 in their six years in government?

It was none other than the Labor Party that turned Medibank Private into a for-profit business. That was all part of an orderly progression toward privatisation. (Time expired)

**Senator BERNARDI** (South Australia) (14:31): Mr President, I have a further supplementary question. Could the minister please advise the Senate what the government intends to do with the proceeds of the sale of Medibank Private?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:31): I thank Senator Bernardi for that supplementary question. It is a very important question. The important point here, of course, is that Medibank Private in private ownership will continue to perform a very important and very valuable service for people across Australia. Indeed, in private ownership, we believe, they will perform that service much better than they currently can while they are owned by the government. It will also help us to release capital that is currently locked up in Medibank Private so we can reinvest it in productivity-enhancing infrastructure for the future, which will help us grow the Australian economy more strongly.

*Senator Wong interjecting—*

**Senator CORMANN:** The Labor Party is not interested in any of this.

**Senator Wong:** Oh, we are not interested!

**Senator CORMANN:** Senator Wong is in here interjecting.

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**CHAMBER**
Senator Wong: I am.

Senator Cormann: Senator Wong was the minister for finance who fleeced Medibank Private policyholders of $600 million in special dividends that she took out of Medibank Private because Labor was always desperate for more cash—always mismanaging the budget.

(Time expired)

East Timor

Senator Xenophon (South Australia) (14:32): My question is to the Attorney-General. It relates to reports in the Fairfax media today on Witness K, the former ASIS officer and key witness for East Timor in the dispute over the Timor Sea oil treaty between Australia and East Timor and allegations of spying by Australia on the East Timor cabinet and its negotiating team. Will the Attorney-General give an undertaking that Witness K will be able to travel to The Hague to testify on the matter before the International Court of Justice, provided there are undertakings that the identities of current and former ASIS officers are not disclosed?

Senator Brandis (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:33): Thank you very much, Senator Xenophon. I read the report by journalist Tom Allard in the Fairfax press this morning. The report is, in important respects, inaccurate. The Australian Federal Police have confirmed they have received a referral in relation to this matter. As the investigation is ongoing, it is inappropriate to comment further. The journalist claims, and I quote him:

The referral was understood to have come from Senator Brandis or his department.

That statement is inaccurate. The AFP received the referral from ASIO, acting under section 18 of the ASIO Act.

Senator Xenophon, in relation to the assurance you seek, you are surely aware—indeed, as your question acknowledges—this is a matter that is currently before an international arbitral tribunal. I am sure you understand that it is the longstanding practice of Australian governments not to comment on matters currently before international arbitration.

Senator Xenophon (South Australia) (14:34): Mr President, I have a supplementary question. Can the minister at least indicate, as a general principle, whether Witness K, or a key witness in such a matter, ought to be allowed to give evidence—even via video link—to The Hague if he is not allowed to travel overseas? Does the Attorney-General agree that Witness K being prevented from giving evidence could potentially impede a fair and just determination by the International Court of Justice?

Senator Brandis (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:35): Senator Xenophon, I am simply not going to run a commentary on the case.

Senator Xenophon (South Australia) (14:35): Mr President, I have a further supplementary question; I will try again. Can the Attorney-General confirm that, until this dispute between Australia and East Timor, it was the practice of Australia in such matters to agree to a median line for such maritime borders? Why was this not agreed to here?
Xenophon, that is not correct. It has been the policy of successive Australian governments that Australia should delimit its maritime boundaries through negotiations rather than resort to third-party dispute settlement, and that is the case here. You are also wrong, Senator Xenophon, in the suggestion that a median line is the only applicable principle. One thing your question ignores is the fact that the Australian continental shelf to the north-west of Western Australia runs beneath the Timor Sea very close to the southern coastline of East Timor. The median line principle, or the equidistance principle as it is sometimes referred to, is sometimes used, as the International Court of Justice affirmed in the North Sea continental shelf case in 1969 and again at the beginning of the Guinea-Bissau arbitration in 1986. It may be displaced by other circumstances.

Live Animal Exports

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:36): My question is to the Leader of the Government in the Senate, Senator Abetz, representing the Minister for Agriculture. Will the minister inform the Senate of the importance of live animal exports to Australian agriculture and the national economy?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:36): I thank Senator O'Sullivan for his question. The live animal export trade is vitally important to the Australian economy and in particular to its agricultural sector.

The coalition is working to deliver a sustainable livestock export trade that increases economic returns to our farmers and exporters for the long term whilst also providing much-needed foods for the countries receiving our product. This government supports the live export trade and since February 2014 has successfully negotiated access to another four markets: Egypt, Bahrain, Iran and Cambodia. From the combined efforts of government and industry, we are now seeing over one million head of cattle and two million sheep being exported in the past 12 months. For live cattle, this represent a 54 per cent increase compared with the same period last year.

The value of the live export trade, including cattle, buffalo, sheep and goats, between September 2013 and June 2014 has now exceeded $1,000 million. Added to this, might I add, Indonesia is now taking about 59 per cent of our exports. In your home state, Townsville has seen a 4,000 per cent increase in numbers, Darwin 48 per cent, Broome 56 per cent—and so the list goes on. The exports to China have increased by 59 per cent, to Indonesia by 130 per cent, to Malaysia by 44 per cent, to Thailand by 63 per cent and to Vietnam by 726 per cent. Cattle exports to Asia increased by 115 per cent. What it shows is that the market has been re-established by good policy through the coalition.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:38): Mr President, I ask a supplementary question. What impact has this growth in the live cattle export trade had on jobs in Western Australia, Queensland and the Northern Territory and, in particular, Minister, on Indigenous employment?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:39): I thank Senator O'Sullivan for his supplementary question. This is a very welcome increase in the export trade which will enable sustainability and growth within this sector for farmers,
primary producers, all the logistics that are involved, and the exporters as well. I might say—and Senator O'Sullivan is right to concentrate on this—that it is, in particular, good news for the viability of a number of Indigenous cattle stations and all the people that they employ. In fact, there are 96 Indigenous owned pastoral leases across Western Australia, your home state of Queensland and the Northern Territory. There are 14,000 Indigenous people living on, or near, these pastoral leases. They all stand to significantly gain from this government's re-enhancement of our live exports and ensuring more sustainable markets for the future. *(Time expired)*

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:40): Mr President, I ask a further supplementary question. Minister, in light of the live cattle export industry's value to the national economy, can you outline the biggest threats to this industry?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:40): We have already seen firsthand the devastating impact of poor government decision making, and also those who seek to constantly attack the industry, allegedly on the basis of animal welfare. Can I simply highlight that Australia is the only one of more than 100 countries that export live animals that requires World Organisation for Animal Health welfare standards to be met as a minimum for exported livestock. We are the only country. We are leaders in this area. If anybody is concerned about animal welfare, they should be cheering on the Australian industry, which those opposite closed down. I do accept that they closed it down on the basis of the agreement that they had with the Australian Greens at the time, and I note in fact that today is the fourth anniversary of that signing.

Prime Minister's Science, Engineering and Innovation Council

Senator KIM CARR (Victoria) (14:41): My question without notice is to the Minister representing the Prime Minister, Senator Abetz. Last Tuesday, the Prime Minister said, 'This is a government which is dedicated to science.' In light of this statement, can the minister explain why the Prime Minister has not met with his science, engineering and innovation council during his first year in office?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:42): It is the height of cheek to have that question from a former minister who presided over cuts to ANSTO, CSIRO and the Cooperative Research Centres—indeed, I think he saw the demise of three of them during his time in government. Senator Carr presided over huge cuts in these areas, so for him now to pretend to be their champion is, I must say, a little bit rich.

The Prime Minister is well known for his support of science for research. Indeed, in my home state of Tasmania we have seen an absolute commitment to the Antarctic endeavours with funding for a ship that Labor promised but without funding. As was their wont in so many areas, including in the scientific space, Labor made the promises but then never budgeted for them or provided the funding base. What did we do? We actually provided the funding base for a replacement vessel for the *Aurora Australis*, which will assist—

Senator Moore: Mr President, I have a point of order, on direct relevance. There was only one question and it was: why has the Prime Minister not met with the Prime Minister's Science, Engineering and Innovation Council during his first year in office?
The PRESIDENT: There was a preamble in relation to the science portfolio as well. Senator Abetz has 42 seconds left to answer the question. I remind the minister of the question.

Senator ABETZ: The budget also provides $28 million for science for Australia's future, and so the list goes on. Whether the Prime Minister has or has not met with the particular council to which the honourable senator refers I do not know, but what I am happy to do is to see if the Prime Minister wants to add anything to my answer.

Senator KIM CARR (Victoria) (14:44): Mr President, I ask a supplementary question. Given the abject lack of dedication to science displayed to date, can the minister guarantee that there are no plans to downgrade the Prime Minister's Science, Engineering and Innovation Council, which has been advising Australian prime ministers for 25 years? Can the minister assure the Senate that there are no plans to have the council report instead to the industry minister?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:44): To whom or what the council might report from time to time will not necessarily determine the government's approach. What I can indicate to the senator is that the Prime Minister is absolutely committed to the wellbeing of science and future research. Indeed, that is why one of the very important parts of this year's budget was the new Medical Research Foundation, the funding source for which I understand the Labor Party are committed to opposing.

So what they say and what they do is that they come into this place, saying, 'We champion research; we champion a vessel for Antarctic research,' but then you ask them the fundamental question, 'Where is the money for this medical research coming from?' 'Oh, we're going to block that in the Senate,' in other words, no funding.

What about this ship for the Antarctic? 'Oh we didn't make any provision for that either.'

(Time expired)

Senator KIM CARR (Victoria) (14:45): Mr President, I ask a further supplementary question. If, as the Prime Minister claims, this is a government which is dedicated to science, why does this government have no science minister? Who is the Prime Minister's chief source of scientific advice? Maurice Newman, perhaps—Mr global cooling?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:46): I think Senator Carr might like to be reminded as to why Professor Penny Sackett resigned halfway through her five-year term. I dare say that is a chapter of Senator Carr's ministerial history that he would not necessarily want to be reminded about.

The government's commitment to science is well and truly on the table—

Senator Kim Carr: No science minister! No science policy!

Senator ABETZ: And we have the bellowing Senator Carr, who knows full well that responsibility for science lies within the industry portfolio and that we did not go down the track of their former minister, Mr Emerson. I think that half his letterhead was filled with up with all the ministerial responsibilities.
Can I say that we have truncated all that? For example, instead of my title being 'Employment and Workplace Relations' it is now simply 'Employment'. We have truncated the title—(Time expired)

Higher Education

Senator McKENZIE (Victoria) (14:47): My question is to the Minister for Human Services, Senator Payne, representing the Minister for Education. Can the minister inform the Senate how students will benefit from the government's higher education reform package?

Senator PAYNE (New South Wales—Minister for Human Services) (14:47): I particularly thank Senator McKenzie for her question. She, of course, has an ongoing interest in the area of education and I am very glad for that.

This government's higher education package is going to bring about enormous benefits for Australian students. Above all, it is going to mean that they can get a world-class education in the courses they want and with support that they want. Universities and other higher education providers who are going to compete for students will mean that students are the winners out of that process. Of course, for the first time the Commonwealth will be supporting all Australian undergraduate students in all registered higher education institutions in higher education diplomas, advanced diplomas and associate degrees, as well as bachelor degrees. The strong assessment of that support will mean over 80,000 new students a year by 2018. As well as that, in the vocational education and training sector another 80,000 students will benefit through the abolition of the 20 per cent loan fee for VET FEE-HELP.

Interestingly, the Commonwealth scholarships scheme is going to provide what will likely be the largest scholarship support system in Australia's history for students, particularly those from disadvantaged backgrounds, which will include many students from rural and regional Australia. Above all, it will particularly help students with living costs. We are also acting to ensure that the HELP program remains sustainable.

Of course, no higher education student needs to pay a cent up-front for their course and no-one needs to repay a cent until they are earning over $50,000 a year.

Senator McKENZIE (Victoria) (14:49): Mr President, I ask a supplementary question. Is the minister able to inform the Senate whether speculation about student fee levels for undergraduate degrees is correct?

Senator PAYNE (New South Wales—Minister for Human Services) (14:49): This is a very important question from Senator McKenzie, given the irresponsible nature of some of the scaremongering that has been going on in the public debate.

We have already seen the behaviour of universities. We have seen them set fees already. They set them for postgraduate coursework degrees and they set them for international students. And in that, in so many cases, they act responsibly and reasonably in that process. Competition is what will force universities to set fees reasonably. If they charge too much they are going to have empty lecture theatres because students will not enrol with them. In fact, Vicki Thomson, the executive director of the Australian Technology Network, has said recently in the Australian, and I quote:

… there is nothing to fear from deregulated fees for undergraduate degrees.

Ms Thomson wrote:
... the university sector is not looking to introduce standard $100,000 degrees and deregulation won’t deliver them.

Those who have brainwashed some journalists and independent senators to accept that we plan to do just that deserve to be shot down.

(Time expired)

Senator McKENZIE (Victoria) (14:51): Mr President, I ask a further supplementary question. Can the minister inform the Senate what university leaders have said about the importance for the future of higher education in Australia of freeing up or deregulating our higher education system?

Senator PAYNE (New South Wales—Minister for Human Services) (14:51): Let me start, perhaps, with Dr Caroline Perkins, the executive director of the Regional Universities Network; or, perhaps, Mr Conor King, the executive director of the Innovative Research Universities; or, perhaps, Professor Ian Young, the vice-chancellor of the Australian National University; or the vice chancellor of the University of Adelaide; or—

Opposition senators interjecting—

Senator PAYNE: They do not want to hear this, Mr President! Last Thursday, Universities Australia provided a release which said to the Senate to approve the higher education package:

The peak body representing Australia’s universities calls on the Parliament to support the deregulation of Australian universities with changes to the Government's proposals that will assure affordability for students and taxpayers.

... ... ...

... the Parliament had a once in a generation opportunity to shape an Australian higher education system that is sustainable, affordable and equitable in serving the best interests of students and the nation.

That is Universities Australia, that is on the record and that is what we are going to do. (Time expired)

Higher Education

Senator O’NEILL (New South Wales) (14:52): My question is to the Minister representing the Minister for Infrastructure and Regional Development, Senator Johnston. Is the minister aware that regional universities are often amongst the largest employers in their regions? Is the minister also aware that the vice-chancellor of Victoria’s Federation University, David Battersby, said, ‘There is every indication that regional Australia will suffer a disproportionate impact from the budget measures relating to higher education’? Minister, has the government done any analysis of the economic impact of its short-sighted higher education policy on regional economies? If not, why not?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:53): I thank the senator for her question. It might be a surprise to her to know that many, many people on this side spend many hours of every day dealing with regional Australians as to their futures and educational prospects. What happened in the last four years of the previous Labor government in investment and understanding of what was going on in regional Australia was a complete fiasco. There is no better example of their complete disdain for regional Australians than the termination without notice of live exports from the Northern Territory—
Senator Moore: Mr President, I rise on a point of order on direct relevance. Unless the minister is going through a long preamble to his answer, the question that is before the chamber is on any analysis of the economic impact of the short-sighted higher education policy on regional economies. If we could get to that area, it would be very useful.

The President: There were four direct elements to the question asked by Senator O'Neill. The minister has one minute and 12 seconds left to answer.

Senator Johnston: I can directly assist the senator. Higher education funding, including the total Commonwealth Grant Scheme funding for student places and regional loading, is going up under this government. Support for an uncapped number of diplomas, advanced diplomas and associate degrees creates great opportunities for regional students and for universities. There is only one party, one side of this political debate, that supports regional Australia—and we are all sitting over here. That side have done nothing for regional Australia.

Deregulation allows regional universities to position themselves much more effectively and, may I say, attractively to do high-quality degrees with high student satisfaction, good employment outcomes and a great quality of life, at a fee that is—

Senator O'Neill: Mr President, I rise on a point of order on relevance. There are seven seconds to go and there has still been no indication from the minister of any analysis of the economic impact and no admission that the regional universities are not at one with the government. None of the question that was asked has been answered.

The President: Minister, do you wish to conclude your answer?

Senator Johnston: The Quality Indicators for Learning and Teaching and student and employer surveys will help set out the pathways—(Time expired)

Senator O'Neill (New South Wales) (14:56): Mr President, I ask a supplementary question. In light of the evidence from vice-chancellors and independent commentators that some rural campuses will be forced to close if the government's reckless higher education package is implemented, has the government considered adjustments or support measures for regions that lose the jobs and economic activity that these campuses provide?

Senator Johnston (Western Australia—Minister for Defence) (14:56): This is just outrageous scaremongering from a group of people who have absolutely nothing to offer regional Australia. Those opposite have no understanding and no knowledge of regional Australia. The higher education reform package is a fair and balanced package which spreads opportunities for students and ensures Australia is not left behind in global competition. Regional students and their communities are among the big winners of the Australian government's higher education reforms introduced into this year's budget. The key measures include: expanding the demand-driven Commonwealth funding system for students studying for higher education diplomas, advance diplomas and associate degrees, costing $371.5 million over three years; extending Commonwealth funding to all Australian higher education students in non-university higher education institutions—(Time expired)

Senator O'Neill (New South Wales) (14:57): Mr President, I ask a further supplementary question. Is the minister aware that one of his colleagues in the other place, the member for Macmillan, Mr Broadbent, has challenged the government on its cut to university funding because of its impact on regional economies and rural families? Isn't it time to admit
that it will take more than a few extra scholarships to avoid the massive damage that you are set to do to regional economies?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:58): One thing I can say is that, within the government, there is healthy and useful debate about how best to serve the interests of regional Australia, particularly in education. The reason we have that debate is that there is a complete vacuum from over on the other side. We are the ones who will see regional Australia right in every respect through public policy. They have consistently done nothing for regional Australia.

Aged Care

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:59): My question is to the Assistant Minister for Social Services. Can the minister advise the Senate of the reasons for the design failure of the dementia and severe behaviours supplement?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:59): I thank Senator Bushby for his question. I guess I can surmise why he is asking the question—because of his failure to hear my answers because of what was coming from the other side in response to Senator Polley's questions.

Senator Bushby asks for the reasons for the design failure of the scheme. I would have thought those opposite would know, but clearly they do not. Let me share it with them. The blow-out occurred because of serious design failures. Let me be very specific about what they were. As a result of the design of the former government, there was no validation process to check whether or not the claims were for those people the scheme was designed to support—that is, 2,000 people with dementia exhibiting severe behaviours—and there was no validation process to check whether or not it was effectively supporting management of those severe behaviours.

I know my colleagues had difficulty hearing the statistics I referred to before, so I will repeat them. The previous government in the last financial year budgeted $11 million for the scheme. It came in at $110 million. Over the forward estimates, they budgeted $52 million. On a constant policy basis it would have been $780 million, and over 10 years it would have been $1.5 billion. The design of those opposite was meant to see 2,000 people qualify, with aged-care providers to receive that supplement. At the end of the last financial year it was 29,000 people, not 2,000—29,000 people. As I have said in answer to probably three or four questions in this place on the dementia and severe behaviours supplement, although we were not the people who created this problem, although we were not the people who created this design flaw, it nevertheless fell to us to address the situation.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:01): Mr President, I ask a supplementary question. Can the minister advise the Senate on alternatives to the action he has taken?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:01): Yes, I can. Those opposite do have an alternative plan, which is more of the same. Mr Shorten was in an aged-care facility today where he said, 'Look at the ALP website; look at our petition.' He did not say, 'Look, we realise we fundamentally made a hash of the design of the scheme.' He did not say that. He did not say, 'Our design resulted in a fundamental budget blow-out.' What he said was, 'We're
going to reinstate it.' So it is incumbent upon the Australian Labor Party to indicate where they are going to find $780 million over the forward estimates—money that is beyond the $52 million that was budgeted for. Where are they going to find, over 10 years, $1.5 billion? You would think that they would at least have the good grace to say, 'Look, we're looking at an alternative proposal.' No, they are not. What they are proposing is more of the same. I feel for Mr Bowen and I feel for his counterpart, the shadow minister for finance. They would have slapped their heads, thinking, 'What has Bill Shorten put us into here?' (Time expired)

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:02): Mr President, I ask a further supplementary question. Can the minister update the Senate on consultations with the sector in relation to the future of dementia care?

Senator Polley interjecting—

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:03): There is a strange noise emanating from over there. I cannot quite work out what it is but it has been fairly constant. The government has been actively consulting with the aged-care sector on this issue. As I indicated on Thursday, the government is going to be holding a forum in coming weeks to bring together relevant stakeholders and experts to consider strategies to improve care for people with dementia in residential settings. It is important to note that it will consider the issue in the context of dementia care being core business for all aged-care services and will also acknowledge the need for specialist support for clients with more severe behavioural symptoms. Again I say: this is not a problem of this government's creation but it is one that we are determined to find a solution to.

Senator Polley interjecting—

Senator FIFIELD: Mr President, there is still that strange noise emanating from somewhere in the vicinity of Tasmania over there. I do not know what it is, but it is incoherent and incomprehensible. (Time expired)

Senator Abetz: Mr President, I hasten to add that Senator Fifield meant to refer to 'a certain element of Tasmania'. I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator KIM CARR (Victoria) (15:04): I move:

That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

Since taking office a year ago, the Abbott government has shown its profound hostility to science and the role of scientific advice in public policy. This is a government that demonstrates no understanding of the importance of science to the industrial and social transformation of this country. This is a government that has no effective science strategy, no commitment to science research infrastructure, no commitment to a scientific labour force strategy and no interest at all in scientific and industrial collaborations. This contrasts with the
previous government, which had a comprehensive 10-year innovation strategy and which increased support for science and research by 35 per cent during our time in office.

This is a government that has, in fact, cut the budgets of the CSIRO and our other national science agencies, and it has threatened just recently to further cut university research because it cannot get its way in regard to its vandalism of the Australian university system. But the most blatant display of contempt we have seen from this Prime Minister is his refusal to seek advice from those who are given the task of advising him on science. The Prime Minister's Science, Engineering and Innovation Council has met since the election. Since it was formed in 1989 as the Prime Minister's Science Council, the council has played an indispensable role in policy formation under both coalition and Labor governments. It provides a whole-of-government approach, coordinating advice from a range of agencies and experts.

You can contrast this Prime Minister's attitude with that of the Labor Party and the Labor government, but I do not think this government would take much notice of that. What you can do is contrast sharply the attitude of this Prime Minister to that of the previous Liberal Prime Minister, Mr John Howard. He understood the importance of this council and treated the council's work with great seriousness. I am led to believe that he took the responsibility for expanding the functions of the council during his tenure and gave it much greater resources. It hardly ever missed a meeting throughout the period of the previous conservative government.

This is in sharp contrast to the action of the Abbott government. He prefers to take the advice on scientific matters not from scientists but from ideologues and business leaders such as Maurice Newman or Dick Warburton. These are people who are climate change deniers or climate change sceptics and, of course, ideologues in the war against science. It is strange indeed that the position appears to have been undermined so dramatically under this government. Sadly, on critical issues we see that the government is in the grip of the merchants of doubt—the merchants who, of course, have been championed by the former member for Indi, Sophie Mirabella, when she was in fact the shadow minister for science, who took the view that there had to be a vendetta against the CSIRO, that there had to be an attack upon the very principles of evidence based research and that there ought be a war against science because scientists in this country had the temerity to actually suggest that we had to have a meaningful response to climate change.

This is why this is a government that has cut the budget of CSIRO by $114 million and cut $120 million from the Defence Science and Technology Organisation and $16 million from Geoscience Australia. This is a government that has taken the better part of $2 billion out of the innovation programs that assist industry with transforming itself by taking advantage of scientific discoveries and new technologies. In total, this budget has cut some $836 million specifically from scientific programs. We have seen the better part of 1,000 scientists lose their job, yet this is a government that claims it is interested in a cure for cancer. How can you have a cure for cancer when you have so little understanding of the fundamentals of science?

(Time expired)

Senator BERNARDI (South Australia) (15:09): It is extraordinary to hear Senator Kim Carr and how he could not contrast this government's performance with that of the previous government. He had to look back on and praise the conservative Howard government, celebrating it. For once in my life, I wholeheartedly agree that Prime Minister John Howard
was an exemplary Prime Minister. He was the man who, with Peter Costello and the rest of the team, left Australia with zero debt.

But what I find startling is that the highlight of the tenure of the former minister for science was to send Twitter messages into outer space, waiting for some aliens to respond. That was a policy of the previous government. It was an extraordinary farce, but Senator Kim Carr as science minister championed it and is still waiting for some answers.

I would like to reflect on the current Chief Scientist, who said:

… over the years, really - and I'm not just focusing on the very last budget - but over the years—

so you could presume the last six or seven years—

… we've had short-term policies, we've had stop-start policies, we've had trimmings here and cuts there and all of those sorts of things…

That is what Senator Carr presided over as science minister. He is talking about the alleged failure of the Prime Minister to meet with the Chief Scientist thus far, but I would like to make this single point: when the former Chief Scientist, Penny Sackett, appeared before Senate estimates prior to her resignation, she was asked how many times the former Prime Minister Kevin Rudd met with her. The answer, of course, was zero—not once, nada, zilch. He did not bother to meet with the Chief Scientist once.

So you have the science minister sending Twitter messages into outer space and you have the former Prime Minister jetting around the world, whipping up obscure programs on the back of coasters with Senator Conroy, and they say that they were focused on doing the right thing by the country. It would be a joke if it were not so serious.

What is serious is the amount of money that this government is investing in science. There is $8.6 billion this year alone in science, research and innovation, but it is targeted. It is focused. It is not being squandered like so much of taxpayers' money was squandered under the previous administration. It is being spent in a methodical and important manner. We are investing about $5.8 billion over the next four years for science and research in the industry area alone. It is a substantial amount of money, particularly given the state of the finances that the Labor Party and those in opposition.

I remind the Australian people and the Senate that, when Labor came to power in 2007, there was zero debt for this country—no national debt. When it left power in 2013, there was nearly $200 billion worth of debt—$200 billion worth of spending that has been put on the taxpayers' credit card.

Senator Conroy: Oh my goodness! Did anyone notice the recession? I'm sending you to ABC Fact Check!

Senator BERNARDI: Senator Conroy is interjecting, of course, because he is appalled at his own legacy—that he could cook up a $90 billion broadband policy on the back of an envelope with Mr Kevin Rudd, who failed to meet with the Chief Scientist, and then take the holier-than-thou approach that they were responsible economic managers. It is a worry.

What is extraordinary is the delusion that resides on the other side—that somehow they had saved the world from some catastrophe. They have not. What they successfully did was put Australia in a much worse financial position than it otherwise has been in in our country's history. We know that. We know there is a lot of sandbagging going on on the other side. They have written eight books about their tumultuous government, for which they told us
repeatedly everything was splendid. They are ripping each other to shreds. It is extraordinary. I read one book in which they were demonising Senator Wong, who holds herself up as saving the country. You have Wayne Swan sandbagging: ‘It’s all everyone else’s fault.’ I can’t wait for the Senator Conroy book. He doesn’t like anyone because no-one likes him, and so he is going to be bagging everybody! It will be a very thin book, I suspect, if it is built around policy support.

Senator O’Neill interjecting—

Senator BERNARDI: Senator O’Neill, I am delighted that you like Senator Conroy. That is a very rare admission. I ask anyone else—(Time expired)

Senator POLLEY (Tasmania) (15:14): Today, 1 September, marks the beginning of national Dementia Awareness Month. Nothing was made more stark than when, in this chamber today, it was said to the community that we need a minister for ageing. The Assistant Minister for Social Services, Senator Fifield, refused to answer the question that I put to him today. Not only did he refuse to answer my questions today; he could not even answer his own dorothy dixer when it came to dementia care in this country. He failed yet again to tell us what the government's policy is, and then he accused the shadow minister for ageing, Mr Neumann, and me for skulking around aged care facilities. I have got news for you and the people on that side, and that is: I am never going to apologise for going out and listening to the sector. I am not going to apologise for speaking up for people who are suffering from dementia. I am certainly not going to apologise for speaking up for those people who care for those suffering from dementia. And I certainly will not stop coming into this chamber and showing the inadequacy, the lack of heart and the lack of respect that this government demonstrates towards the people of Australia.

This is awareness month for people suffering from dementia. This month Alzheimer's Australia, an organisation which I have a tremendous amount of respect for, want to highlight the importance of breaking down the barriers and reducing the stigma associated with dementia and the social isolation of those people suffering from and diagnosed with dementia. One of the friendliest things that Senator Fifield and Mr Abbott can do is to not only tell the Australian community but also demonstrate to them that they are prepared to put money back into supporting those people who are suffering from dementia. But what we get yet again in this chamber is nothing from the minister.

We now know about this issue—we did not know at that time—because of the advice we have been given. We set out a dementia supplement, which was obviously needed in this country, to assist those people in aged care with severe behavioural issues. The new incoming government would have been briefed as to what was happening in that area, along with everything else. But what did they do? They did absolutely nothing. They sat on their hands and waited until after the budget and then on 26 June—unfortunately my wedding anniversary—the minister skulked into this chamber and made an announcement to take away that supplement, without any consultation at all with the sector, without going around and listening to the sector—and then he condemns us for going out and listening to the sector!

Every Australian, unfortunately, will know in the coming decades that a family will be directly affected by this terrible disease. We now have the opportunity to sit down with you, Minister. We are quite prepared to sit down with you and with the sector at the table and come up with a new policy. We are going to be very sensible. We want to see a solution to
this issue because, despite your actions, despite what you say in this chamber, I have no doubt that you do have sympathy for people who have been diagnosed with dementia. But we do not want just sympathy. What we want is a vision. We want a policy. So I am inviting you to join with us in trying to bring that about so that those people who are suffering from dementia and those people who are caring for them are given the support to have the extra training and the extra programs that are going to help these people with their severe behavioural problems. This is a good month to do it, Minister. I urge you to take the opportunity this month to do something about it, to demonstrate your support for those people. For you to condemn the shadow minister and the Leader of the Opposition for visiting an aged care facility is outrageous.

We went out to the Kangara Waters aged care facility in Belconnen here in Canberra. They look after 16 people with severe dementia issues. They have had to cut the services that they are providing to those people. These are real people—16 people who have unfortunately been diagnosed with dementia—and they met all the relevant criteria for the supplement that was given to them. All they are asking from you, Minister, is to go out and listen to and consult with them, without making these decisions on the run because they suit your budget agenda. The people who are suffering from dementia and the providers who are caring for them deserve better. They really do deserve better from this government.

You have broken so many promises that perhaps, Minister, you would like to share with us when you are actually going to announce your policy. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:20): Members opposite have made a lot of comments today about consultation and engaging with the sector, and I think in this example it is a good example of where we do need to listen to what the sector has been saying. I would like to come to Mr Ian Yates, Chief Executive of COTA Australia, and to his comment on this issue. He said:

COTA Australia agrees with Stephen Judd that termination of the supplement was inevitable. Many providers were receiving very substantial extra funds without validation and with no guarantee of better outcomes for people with severe dementia symptoms

Mr Stephen Judd from HammondCare said:

its cessation had to happen … There is still a place to have a supplement but it has to be focused and targeted to that small group with severe behaviours …

And my emphasis there is on the word 'severe'. Mr Bernie McCarthy, a clinical psychologist and dementia educator, said:

Claims were being made for people who were not eligible for the supplement. Some providers had as much as 60 per cent of their resident group on the supplement and this was a clear abuse of the supplement.

So the coalition does consult. We listen to people who are expert in the industry. Clearly, what they are telling us about this supplement is that it was poorly targeted; it was not actually a good use of taxpayers’ money to meet the needs of those people who do have severe behavioural issues associated with dementia. The figures speak for themselves in that, when you looked to try and understand how large that small group with severe behaviours was, the forecasts that came out were budgeting some $11.7 million in the first year.
It was introduced in 2013—it had never existed before. Around 25,500 people ended up receiving the supplement, which is far beyond the 2,000 people that were estimated to be covered. That meant that targeted funds did not go to the areas most in need. Every portfolio is under funding pressure—it does not matter from which side of politics. We, as the people who are given the responsibility by taxpayers to make good decisions about the use of funding, need to make sure that available funding is spent effectively and meets real need.

The program was designed to reach 2,000 people, but, because of poor design, is being spent on nearly 26,000 people. That is why over the forward estimates—the four years beyond the budget—it was to cost $780 million and over 10 years it was to cost $1.5 billion. How can we say that we are going to be good stewards of taxpayers' money if we, instead of making good use of that $1.5 billion over a 10-year period, are putting it into a program that has been so poorly constructed that experts from the field say, 'The supplement must be stopped.'? I will quote Mr Yates again:

Many providers were receiving very substantial extra funds—that is the $1.5 billion we are talking about—without validation and with no guarantee of better outcomes for people with severe dementia symptoms.

This government is saying, 'We will continue to provide support through the aged-care funding instruments to make sure that people—whatever their needs—get support.' Particularly when it comes to dementia, we are committing some $200 million in additional funding to dementia research in order to understand dementia through advisory services, the national pensioner support program and dementia training study centres. We are investing in the sector to improve the quality of treatment and any programs we put in place to specifically deal with dementia. That is the sign of a good government. A good government looks at a problem, consults with the sector, puts in place funding to research and understand the problem and then makes sure that its programs are measured so that it knows how effective they are, and only on that basis does it continue to put taxpayers' money into the problem.

(\textit{Time expired})

\textbf{Senator O'NEILL} (New South Wales) (15:25): I stand to take note of Senator Fifield's and Senator Johnston's answers on questions related to the government's gutting of the Dementia and Severe Behaviours Supplement, and also of the potential withdrawal of funding from the regional universities removing themselves from the regions. There are more than 330,000 Australians living with dementia, and their carers should also take note of the senators' answers here today, because they reveal the perverse priorities of this government. We have just had the senators talk about 'most in need', and one senator claimed that 26,000 dementia patients were not in need of this assistance. I ask him: if he were speaking to the families of those people, would he have the gall to say that to their faces?

This is a government determined not to care for Australians in so many ways—in this instance, not to support people with dementia or those who spend their lives caring for others but to forgo all those things for the sake of saving dollars. This government worships at the altar of the dollar. It has forgotten that taxpayers' money is supposed to serve the interests of the people. The people never figure in the responses that we get from this government. The Assistant Minister for Social Services, Senator Fifield, today defended his sudden decision to axe the DSBS without consultation, warning or notice to alternative aged-care providers. The
Senate was treated to the usual speech: ‘It has become the blame game and the government's going to be responsible.’ Responsibility means looking after people. That is what this government has forgotten. It is completely disgusting to think that a government would so quickly and willingly rip support payments away from people living with dementia and severe behavioural needs and their carers—money that goes to the training and recruiting of very specialised dementia staff who provide the best care to residents with severe dementia. The minister went so far as to say that this money is not 'core funding', as though it makes it okay that it has been ripped away from these people and from the services and communities that are providing the care. It is an utterly heartless and short-sighted decision that will hurt more than 300,000 people now and many thousands more as our population ages.

We need to do more for dementia not less, as this government would have us do. The minister and his colleagues are burying their head in the sand, trying to walk away from a condition that affects so many Australians. This small payment went a long way to supporting carers for people with dementia and in managing and assisting people with severe behaviours. Sadly for Australians working with, caring for or loving people with dementia and severe behaviours, this is yet another example of Tony Abbott's cruel and unfair budget. It is hurting the most vulnerable Australians. It is always the same target. The previous Labor government did a lot of the heavy lifting in the aged-care sector to make it more sustainable and fairer for the whole community. This government that said, 'There will be no surprises,' is continuing to give us a series of nasty surprises, so often that it has almost become normal for them. I am certainly not surprised that this government has cut this important payment, because that is what it does to everything that is of value to people, the people who drive the Australian economy and need the care of this government that is abrogating its responsibility at every turn.

I want to make a few remarks in the time that is remaining to me about the disgraceful response that we got from Senator Johnston today. I come from a regional area that has benefited, like all regional areas that have acquired a university in the last 20 to 30 years. Universities like the University of Newcastle, and its outreach to the Port Macquarie campus and the Central Coast campus, have transformed satellite communities, bringing investment, research capacity, innovation and, dare I say, science into the fields of ordinary people in those regional communities. It has brought money; it has brought jobs; it has brought expertise. Right now, we are seeing the greatest existential threat to universities in this country. The University of Newcastle, the University of Tasmania, and Charles Sturt University—three that I am very passionate about and familiar with—are now under threat from this government who wants to wreck access to universities and wreck the regional economies that thrive and grow around them. This government knows no bounds to its heartlessness. *(Time expired)*

Question agreed to.

**PERSONAL EXPLANATIONS**

Senator WHISH-WILSON (Tasmania) (15:30): I seek leave to make a personal explanation under standing order 190, as I claim to have been misrepresented.

The DEPUTY PRESIDENT: Leave is granted for one minute.
Senator WHISH-WILSON: Last Thursday during question time, when Senator Abetz was talking about the unspeakable evil in the ISIS regime in the Middle East, I yelled out, 'and what caused this?' It was a simple question. However, it was reported in the Channel 7 national news on Thursday night that I had suggested it was the West's fault. Now—apart from the fact that that trivialises what I thought was a very important question, and something that I have thought very deeply about—that put words into my mouth. It was a misquote.

I wanted to highlight that question. If we can't answer the question: what has caused the growth in this disease of radicalisation of individuals and groups across the Middle East—what has caused this instability? If we can't answer that question now, then how can we answer the question of how we are going to prevent that from occurring in the future? It is a question that I would like to see debated. What the situation here today shows is that—although the journalist went on to say that I had gone against the golden rule of politics by 'playing politics on issues of national security'—our parliament has a role in asking important questions of the executive. It was an important question. I hope that we have the chance to debate these issues in the chamber in coming days.

The DEPUTY PRESIDENT: Thank you, Senator Whish-Wilson.

NOTICES

Presentation

Senator O'Neill to move:
That the Select Committee on Health be authorised to hold a public meeting during the sitting of the Senate on Thursday, 4 September 2014, from 3.15 pm to 4 pm.

Senator Dastytari to move:
That the time for the presentation of the report of the Economics References Committee on its inquiry into forestry managed investment schemes be extended to 31 March 2015.

Senator Smith to move:
That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, from 10.30 am, as follows:
(a) Thursday, 25 September 2014;
(b) Thursday, 2 October 2014;
(c) Thursday, 30 October 2014, followed by a public meeting;
(d) Thursday, 27 November 2014, followed by a public meeting; and
(e) Thursday, 4 December 2014, followed by a public meeting.

Senator Wright to move:
That the time for the presentation of reports of the Legal and Constitutional Affairs References Committee be extended, as follows:
(a) Manus Island Detention Centre—to 27 October 2014;
(b) Australian Federal Police—Oil for Food Taskforce—to 26 November 2014; and
(c) illicit firearms—to 2 December 2014.

Senator Whish-Wilson to move:
That the Senate—
(a) notes that:

(i) Captain Paul Watson is one of the founders of the Sea Shepherd Conservation Society,
(ii) in September 2012, at the request of Japan, INTERPOL published a Red Notice for Captain Watson,
(iii) the Sea Shepherd Conservation Society, including Captain Watson, may be invited to give evidence to the Foreign Affairs, Defence and Trade References Committee inquiry regarding the Southern Ocean, and
(iv) in recent weeks Captain Watson has visited France without any consequences arising from the Red Notice; and

(b) calls on the Government to allow Captain Watson to visit Australia without interference, arrest, detention or extradition in relation to the INTERPOL Red Notice.

Senator Whish-Wilson to move:

That the following bill be introduced: A Bill for an Act to amend the Corporations Act 2001, and for related purposes. Corporations Amendment (Financial Advice) Bill 2014.

Senator Hanson-Young to move:

That the Senate—

(a) acknowledges the positive role that South Australian wind, solar and other clean renewable energy projects have had in creating jobs, supporting local economies and ensuring a sustainable energy future for the nation;
(b) recognises that:

(i) the move towards renewable energy in South Australia has created thousands of jobs and pushed down wholesale power prices, without creating supply problems, and
(ii) the following projects, which have all been put at risk by the release of the Government’s Warburton Review, would see billions of dollars invested in the South Australian economy and create more than a thousand jobs:

(A) Senvion Australia’s Ceres wind farm on South Australia’s Yorke Peninsula, which would invest $1.5 billion into the economy and create more than 500 jobs,
(B) Infigen Energy’s Woakwine wind farm in South Australia’s south-east, which would see more than 150 jobs created, and
(C) Pacific Hydro’s Kyneton wind farm in the South Australian riverland, which would see more than 500 jobs created;

(c) calls on the Government to give the South Australian renewable energy industry the confidence and certainty that it needs by recommitting to the full Renewable Energy Target.

Senator Ludlam to move:

That the Senate—

(a) notes:

(i) increasing tensions and armed aggression by the Government of Russia in eastern Ukraine,
(ii) comments by Russian President, Mr Vladimir Putin, that ‘I want to remind you that Russia is one of the leading nuclear powers’, and
(iii) that Australia has already applied sanctions to the Russian Government in response to their actions in Ukraine; and

(b) calls on the Government to immediately cease uranium exports to Russia.
BUSINESS

Rearrangement

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:32): by leave—I move:

That the Joint Select Committee on Northern Australia be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.30 pm to 5.30 pm.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:33): by leave—I move:

That the time for the presentation of the report of the Community Affairs References Committee on speech pathology services be extended to 2 September 2014.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for today, proposing the disallowance of the Fair Work Amendment (Protected Industrial Action) Regulation 2014, postponed till 3 September 2014.

Business of the Senate notice of motion no. 2 standing in the name of Senator Dastyari for today, proposing the disallowance of items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 2 September 2014.

Business of the Senate notice of motion no. 3 standing in the name of Senator Heffernan for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 2 September 2014.

Business of the Senate notice of motion no. 1 standing in the name of Senator Hanson-Young for 2 September 2014, proposing the disallowance of the Migration Amendment (Repeal of Certain Visa Classes) Regulation 2014, postponed till 24 September 2014.

MOTIONS

Child Care

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:34): I move:

That the Senate—

(a) acknowledges:

(i) the support Family and Early Learning Centres provide to children and families around Australia, and

(ii) the contribution of these centres to closing the gap on early childhood learning outcomes;

(b) notes:

(i) the funding for these centres ceased with the expiry of the Council of Australian Governments' National Partnership Agreement on Indigenous Early Childhood Development on 30 June 2014, and

(ii) that centres are having to suspend services and not renew contracts with staff as a result of funding uncertainty; and
(c) calls on the Federal Government to guarantee funding for these important centres now and into the future.

Question agreed to.

Australian Animal Health Laboratory

Senator DI NATALE (Victoria) (15:35):

That the Senate—

(a) notes recent cuts to jobs at the Australian Animal Health Laboratory of the Commonwealth Scientific and Industrial Research Organisation (CSIRO), which conducts research into infectious diseases such as Avian Influenza, SARS, the Hendra virus and most recently Ebola; and

(b) calls on the Government to reverse the $111 million cuts to the CSIRO contained in the budget.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 399 be agreed to.

Division required [15:39]

(Deputy President—Senator Marshall)

Ayes ...................... 33
Noes ...................... 28
Majority ............... 5

AYES

Brown, CL
Cameron, DN
Dastyari, S
Faulkner, J
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
McEwen, A (teller)
Milne, C
Muir, R
Peris, N
Rice, J
Singh, LM
Wang, Z
Whish-Wilson, PS
Xenophon, N
Bullock, J.W.
Conroy, SM
Di Natale, R
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Lundy, KA
McLucas, J
Moore, CM
O'Neill, DM
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ
Wright, PL

NOES

Abetz, E
Bernardi, C
Bushby, DC (teller)
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Leyonhjelm, DE
McGrath, J
O'Sullivan, B
Back, CJ
Birmingham, SJ
Canavan, M.J.
Day, R.J.
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
Nash, F
Payne, MA
Question agreed to.

**Global Fund to Fight AIDS, Tuberculosis and Malaria**

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:42): I move:

That the Senate—

(a) notes:
(i) That the Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund) has made significant gains in slowing the spread of these diseases,
(ii) a total of $12.2 billion has been raised thus far by nations and private donors around the world, short of the target of $15 billion for the 2014-2016 funding period,
(iii) the United States Government has pledged to donate an additional $1 for every $2 other donors pledge by 30 September 2014,
(iv) the Government of the United Kingdom has pledged to donate a further $300 million if the $15 billion target is reached, and
(v) Australia has pledged $200 million to the Global Fund for the period 2014-2016;

(b) calls on the Australian Government to utilise the generous incentives being offered by the governments of the United States and United Kingdom by making an urgent pledge of an additional $125 million to the Global Fund.


The ACTING DEPUTY PRESIDENT (Senator Marshall): Leave is granted for one minute.

Senator FIFIELD: The Australian government supports the work of the Global Fund to Fight AIDS, Tuberculosis and Malaria. On 3 December 2013 the Minister for Foreign Affairs announced that Australia would commit $200 million over three years to support the Global Fund, the equal highest contribution by an Australian government. Australia is a top-10 donor country to the Global Fund. This contribution is part of an estimated $270 million that Australia will provide to fight HIV-AIDS in our region over the next three years. Australia is also represented on the boards of the Global Fund and UNAIDS, where we continue to advocate strongly for our region. Given this substantial commitment of $200 million for the
Global Fund, the government will not be making a further contribution during the current funding period.

Our responsible position stands in contrast to the action taken by Labor and the Greens. In government, Labor cut funding to the Global Fund by $10 million to pay for the onshore processing of asylum seekers. They also left no money in the forward estimates to provide for future contributions to the Global Fund. We are—as you know, Mr Deputy President—cleaning up Labor's budget mess. Australia's contribution to the Global Fund is appropriate for a sustainable, affordable and responsible aid program.

Question agreed to.

BUSINESS
Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:44): by leave—I move:

That—
(a) any proposal pursuant to standing order 75 shall not be proceeded with; and
(b) a ministerial statement relating to Iraq be called on immediately and considered for not more than 2 hours.

Question agreed to.

MINISTERIAL STATEMENTS
Iraq and Syria

Senator JOHNSTON (Western Australia—Minister for Defence) (15:45): On behalf of the Prime Minister, I table a ministerial statement on Iraq and I move:

That the Senate take note of the document.

Speaking to that, if I may, can I first of all inform the chamber that Australian aircraft have participated in humanitarian airdrops to people trapped on Mount Sinjar and just yesterday to the besieged inhabitants of the small town of Amerli in the north-east of Iraq. Yesterday's airdrop was mounted in conjunction with American, British and French aircraft. In coming days, Australian aircraft will join an airlift of supplies, including military equipment, to the Kurdish Peshmerga regional government in Erbil. American, British, French, Canadian and Italian aircraft will also be involved. The involvement has been at the request of the Obama administration and with the approval of the Iraqi government. So far, we have met requests for humanitarian relief and for logistical support. So far, there has been no request for military action.

In line with important speeches made on behalf of the opposition this morning, on a motion to suspend standing orders, the government will continue to keep the opposition leader and opposition spokesperson informed on these matters through the briefing process. I think that is incumbent on the government for it to retain integrity and credibility on this matter. I think that this prime ministerial statement goes a long way towards satisfying what has become best practice in such matters, as adopted previously by ministers for defence—indeed, may I say, by former Minister for Defence Faulkner.
Having said that, I will deal very briefly with precisely what has been undertaken so far. On 31 August, a Royal Australian Air Force Hercules C130J aircraft located in the UAE completed an airdrop to isolated civilians in the Amerli region. The aircraft delivered 15 bundles of Australian humanitarian supplies, including high-energy biscuits, bottled water and hygiene packs designated to feed and hydrate some 2,600 people. They are capable of sustaining them for some 24 hours. This is the second humanitarian aid drop that Australia has conducted.

On 14 August, a Royal Australian Air Force Hercules C130J transport aircraft located at Al-Minhad Air Base in the United Arab Emirates delivered supplies to the Yazidi civilians trapped on Mount Sinjar by ISIL forces. The cargo delivered to Mount Sinjar included 150 boxes of high-energy biscuits and 340 boxes of bottled water, which is enough to sustain 3,700 people for 24 hours. We continue to talk to our partners about how we might further contribute to international efforts to protect people against the advance of ISIL terrorists.

There is a huge humanitarian disaster potentially unfolding in the Levant, across Syria and in Iraq. The UN High Commissioner for Human Rights, Navi Pillay, has said that Islamic State and allied fighters were committing ‘grave, horrific human rights violations on a daily basis.’ Dr Pillay said that these include targeted killings, forced conversions, abductions, trafficking, slavery and sexual abuse. Among those directly targeted have been Christians, Yazidis, Shabaks, Turkmens and Shias. Human rights groups say that abductions, arbitrary detentions and torture are all strategies used by ISIL militants. The victims include people suspected of simple crimes like theft and drinking alcohol.

The UN reports that ISIS has reportedly killed hundreds of Yazidi men and kidnapped Yazidi women and girls. Hundreds of, mostly Yazidi, individuals were reportedly killed, with up to 2,500 kidnapped at the beginning of August this year. Of those who refused to convert, witnesses report that the men were executed, while the women and their children were taken as slaves and either handed over to ISIL fighters as slaves or threatened with being sold. There are also reports of Yazidi women being used as human shields.

Christians in Mosul were reportedly directed to convert to Islam, leave or face execution. Yazidis have also reportedly been ordered to convert to Islam or face death. ISIL has reportedly executed 700 members of the al-Sheitaat tribe in north-eastern Syria. Members of the Shia Turkmen community in Amerli have been besieged by ISIL and associated armed groups since 15 June. Residents are enduring harsh living conditions with severe food and water shortages and a complete absence of medical services.

I turn to what we all have seen more recently: ISIL's video of 19 August showing the beheading of US journalist James Foley and the threat to kill another captured US national, Mr Steven Sotloff. A photo reportedly originating from the Twitter feed of Australian Khaled Sharrouf, a member of ISIL, shows a young boy—reported to be his son—holding the severed head of a man reported to be a Syrian government soldier. The human rights office of the United Nations Assistance Mission for Iraq has verified reports of a massacre of up to 670 prisoners from Mosul's Badush prison on 10 June. May I say that there are many, many more examples that I have to report to the chamber of the sorts of atrocities that we have come to understand are being used in a tactical, deliberate and considered way by ISIL terrorists.

We have responded to requests from the United States, as have other friends and allies, to assist in the provision of heavy-lift aircraft to provide the humanitarian relief that we have. I
pause to say that this is an extremely serious and difficult situation for the country of Iraq. They have been taken by surprise to some extent. As I said this morning during the motion to suspend standing orders, the only force that appears to have had any real success in resisting this onslaught has been the Peshmerga Kurds. So it is that we have said that we will support them in the provision of vital ammunition should that be required.

I commend the Prime Minister's statement to the Senate. I think it is very important to be viewed as setting out Australia's current situation with respect to the unfolding situation in Iraq. It establishes the benchmarks and the basis for the action that we have taken so far. I underline the fact that there has been no further request made to Australia for military support of military action. Having said that, I again commend the statement of the Prime Minister to this chamber and say that this is a most grave and serious situation that requires right-thinking nations to respond appropriately. Given what I have said to the chamber this afternoon, I believe that Australia has done just that.

Senator Wong (South Australia—Leader of the Opposition in the Senate) (15:53): I rise to speak on the motion to take note of the Prime Minister's statement. Decisions to send Australian service men and women into theatres of war or regions affected by military conflict are amongst the most difficult and serious decisions—if not the most difficult and serious decision—that any government can make. They are the most serious and difficult decisions because they involve placing the men and women of our defence forces in harm's way and asking them to undertake dangerous and risky missions on behalf of our nation. They are also amongst the most important decisions that any government can make because they involve our nation's security, safety, values and role as a member of the international community of nations.

I rise to indicate that the opposition supports the decision by the government to deploy members of the Royal Australian Air Force on a mission to provide supplies to the Kurdish regional government in northern Iraq. These supplies will help Kurdish fighters to defend their territory and their people against the vicious assaults that we have seen from ISIL forces in recent weeks—and these have been shocking and vicious assaults. They amount to a program of ethnic cleansing by ISIL against minority groups. There have been massacres, there have been women forced into sexual slavery, there have been forced religious conversions and much more.

The RAAF has already played its part in humanitarian missions in Iraq over recent days. These missions have delivered food and water to besieged groups of civilians trapped on Mount Sinjar and in the town of Amerli in northern Iraq. The Prime Minister has announced that Australia will now join other countries in an airlift of supplies, including military equipment, to the Kurdish authorities in Erbil. The opposition supports the government's decision. We do so because we believe it is in Australia's national interest to play an appropriate role in the international efforts to help potential victims of ISIL—to help assist and protect them, and to help them defend themselves.

Mr Shorten, the Leader of the Opposition, set out in the House earlier today three key principles which motivate the Labor Party in this matter. The first is the responsibility to respond to humanitarian crises and to take action to prevent genocide. Australia is a country which believes in helping others. In times of natural disaster at home and abroad, we have played our part in helping those who are affected. In times of security crises, civil strife and
military conflict in our region and beyond, Australia has accepted the responsibility to be part of international action to protect the innocent and the vulnerable. Over the years, we have taken part in such missions in places ranging from Cambodia to Rwanda, from Somalia to East Timor. Where there is a threat of genocide against a whole population it is important for the international community to take action.

Australia's former foreign affairs minister Gareth Evans has been at the leading edge of thinking in recent years about the international community's responsibility to protect people facing such a threat. The tests for assessing whether intervention is justified to protect threatened populations which have been suggested in these debates include whether a genocide or potential genocide is imminent, whether the intervention is a proportionate response to the threat and whether the intervention has international support. Labor believes those tests are satisfied in the circumstances we now face. There is a clear risk of massacres and persecution that would amount to genocide. The intervention that has been proposed is a proportionate response. It involves Australia participating in an airlift of supplies to help Kurdish forces to defend those who are at risk. The intervention is also at the request of the United States administration and is supported by the government of Iraq. The airlift will also have the participation of Britain, France, Canada and Italy.

The second key principle for Labor is the need for a democratic government of unity in Iraq—a government that can provide cohesion for that country and can protect its minorities. The third principle for taking a stand is to remove the motivation, and deny the opportunity, for Australian citizens to travel to that part of the world as foreign fighters. It is for these reasons that Labor supports the government's decision.

There are some who have made comparisons between the 2003 US-led invasion of Iraq and today. It is well known that the Labor opposition at that time opposed Australia's participation in the Iraq war. Today, I lay on the record—as did Mr Shorten—a number of key differences. Today the Iraqi government is speaking with the international community, seeking our humanitarian assistance. Today we have a United States administration adopting a more methodical and internationally inclusive approach. Today we can also look to the nations of the region, the Arabic leaders, for their part in the solution to this problem. As I said, there are significant differences between the Australian involvement in Iraq in the early 2000s and what is being proposed by the government today. The US-led intervention did not have widespread international support and did not have the support of the majority of the Iraqi population. That is not the case with the current intervention.

The opposition also acknowledges the consultation and briefings that have been extended by the government. In coming days, I urge the government to be as open and transparent with the parliament and the public as is possible. As my colleague Senator Faulkner, a former defence minister, has indicated, the public and the parliament should be provided with information and updates about the mission and its outcomes. It is consistent with the approach that we have articulated on a number of occasions, including most recently this morning, that Labor has sought the government's agreement for this debate—a structured and sensible debate.

In the debate this morning on the motion to suspend the standing orders that was moved by the Greens, Senator Faulkner reiterated Labor's position. We believe under our system of government a decision to deploy members of the ADF, whether for combat operations,
peacekeeping or disaster relief, should be made by the executive government; however, we also believe that a government should be as open and transparent as possible and provide to the parliament regular reports on Australia's role. As Senator Faulkner said this morning, Labor strongly commend this approach to the government and, consistent with that desire for appropriate debate, we sought agreement from the government for this two-hour debate today.

In many ways the most important people—the people who are most in our thoughts today—are those Australians who are directly affected by this decision. The people most affected by these decisions are not members of parliament, the media who report on these decisions and the experts and pundits who comment on them; they are the men and women of the Australian Defence Force and their families. These are the people most affected in the most profound way. This is why those of us who make these decisions and debate these decisions should do so in a sober, serious, considered and responsible manner. I say to members of the ADF who take part in this mission: we are extraordinarily grateful for, and humbled by, your service.

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:01): I rise today to comment on the Prime Minister's statement that has been tabled in the parliament. It is a statement that tries to justify the engagement of Australian military aircraft in supplying arms to the Kurdish fighters fighting ISIS in northern Iraq. I think we have to step back from a lot of the language that is being used by the Prime Minister to justify Australia's engagement. The fact of the matter is that before you commit troops anywhere you need to have a very clear understanding of what is in the national interest, what is likely to be achieved and what the risks associated with that engagement are and look at where we have been in the case of Iraq up until now. What is the strategy? When asked last week President Obama himself could not answer the question: what is the strategy? He did not have a strategy.

The real concern that Australians have is that this is another case of Australia just running straight after the United States. We have had it throughout our modern history. Nobody who remembers the Vietnam War will forget 'All the way with LBJ'. That was the way it was presented. We saw exactly the same with John Howard, George Bush and Tony Blair—weapons of mass destruction lies. Now we have a circumstance where there has been no attempt to justify why it is in Australia's national interest to be engaged in military involvement in Iraq and how it would not be counterproductive—and I am most interested to hear from the government why it would not be counterproductive given that ethnic tensions in Iraq have gone on for hundreds of years and will continue to do so. There is a lot of equal debate as to the extent to which the involvement of Americans, Australians and the British in Iraq will unite the jihadist Sunnis against the Shiahs even more so and that is especially because of the involvement of Saudi Arabia.

Whilst I appreciate the horrendous abuses of humanity and the offensiveness of those to Australians as we see the beheadings, the cruelty and the killings that have been going on, I can tell you that there were horrendous killings in Sri Lanka during the civil war and there is ongoing killing of the Tamils right now, and not only do we not intervene but we appease that regime. There are horrendous crimes being committed in the Congo and we have stood by and not thought it was appropriate for Australia to intervene there. What about Boko Haram? Let us go to them for a moment. We know that they are an equally jihadist, extremist Islamic
organisation. They are disappearing women and young girls, raping them and selling them in Nigeria yet we have not intervened in Nigeria.

Let us talk for a moment about the chemical weapons used against the Syrians. I want to return to Saudi Arabia because Saudi Arabia regularly beheads people, regularly crucifies the bodies of those who have been beheaded and engages in extremism. You cannot consider this whole debate without considering the role of Wahhabism in Saudi Arabia. The West has been happy to stand back and not intervene in Saudi Arabia. In fact, where is the West calling out Saudi Arabia in the current circumstance? As recently as a week or so ago we had reports from Saudi Arabia applauding ISIS fighting the Shias in Iraq.

So before we get into military engagement in Iraq we had better ask some serious questions. Why are we there? I would argue that we are going to be there because we are blindly following the United States. Is there a clear and achievable overall objective? I do not believe so. Afghanistan in 2003—and Iraq now—demonstrates that there will not be an overall objective, except trying to retreat at some point in the future because nothing the West can do is going to end the ethnic division in Iraq. What we should have been doing is challenging the government of al-Maliki to be inclusive of all the ethnic minorities—to actually be an inclusive government. But we allowed that government to get away with preferencing the Shias consistently and excluding the Sunnis. So it is hardly surprising that the spoils of victory seem to be taken on one side of the ethnic divide or on the other side of the ethnic divide.

The Greens are asking, first of all: what is the legal justification under international law for us to be engaging in military action? Humanitarian assistance is one thing—we totally support humanitarian assistance and did support the dropping of water, food and so on. That was critically important and continues to be so. But once that crosses the line and we start transporting armaments—the SAS troops will no doubt be there, then we have the Super Hornets on high alert—it will morph into military action. My question is: how is that legal? There are only two ways that could be legal. One is if the UN Security Council were to pass a resolution. The other is if the government of Iraq has asked for it.

Today I asked a direct question of the Minister representing the Prime Minister about whether the Iraqi government had requested Australia to be a part of a mission to take munitions and weapons to the Kurdish communities fighting ISIS—and did not get an answer as to whether Australia had been directly invited. Why does international law matter? The Prime Minister said:

Australia is not a country that goes looking for trouble but we have always been prepared to do what we can to help in the wider world.

... ... ... 

In good conscience, Madam Speaker, Australia cannot leave the Iraqi people to face this horror, this pure evil, alone or ask others to do so in the name of human decency what we won’t do ourselves.

If we do not abide by international law, however, how can we ask any other country to abide by international law? That is the point. International law applies to everyone or it applies to no-one. If we speak to North Korea, to China or to anyone else about international law, we expect the same law to apply everywhere—not to run a different line when it comes to Iraq.
As to our culpability in Iraq, there is no doubt. After the 2003 engagement in Iraq, we left a major vacuum which has been filled by this ethnic violence and tension that has gone on ever since and, I would argue, has been made worse by the nature of the al-Maliki government. The question is whether the Iraq's new government will be strong enough to be able to be inclusive enough to start to reduce the level of tension. I have some very serious concerns. I do not think it is good enough for the government to just say, 'These are shocking atrocities; therefore we will go in.' That has not been our position in Sri Lanka, Congo, Nigeria or Saudi Arabia. But it suddenly is our position in Iraq. I want Australia to have a foreign policy that is independent and asks: 'Why is this action in the national interest? How is it legal under international law? What is the plan and where will it end? What are the risks? Are we simply cementing a stronger jihadist movement against the West; therefore acting against our long-term security and our long-term national interest?' I speak for many Australians— (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (16:11): Labor supports the deployment of ADF personnel to Iraq based on three key principles outlined earlier today by Mr Shorten. There is no more difficult decision a government can make than putting Australians in harm's way. It is a decision that should never be taken lightly. It is only ever done following careful consideration. In opposition, Labor has been constructive and cooperative when it comes to the decision to deploy Australian Defence Force personnel to support the humanitarian effort in Iraq.

I want to put on the parliamentary record that the government did provide the opposition with some advance notice of these actions before they were announced. The opposition has also received briefings from the government and Defence officials. The Prime Minister himself has said he will consult with the opposition on these matters. I trust that will continue. It is appropriate that matters of national security should remain above politics. As I mentioned this morning, it is Labor's view that debates like these should take place in the parliament. I am pleased that there is now an opportunity for this important issue to be debated in the Senate and that senators who wish to make a contribution are able to do so.

There will be differences of opinion in this debate, but all voices should be heard—which leads me to some frustration I have with some of the reporting of this morning's debate. It was very clear that this morning's debate was not about stopping a debate on our involvement in Iraq. It was about whether or not a motion should be passed calling on an entirely different but related matter. The reporting this morning indicated that Labor voted against a debate on this issue. I want to put on the record that that is completely inaccurate. We are here now today because both the government and the Labor have a commitment to transparency, to ensuring that all senators get an opportunity to have their say.

Labor fully supports the actions of the federal government to deploy Australian Defence Force personnel to Iraq to support humanitarian operations. There are many vulnerable people in Iraq who need our help and who need it now. Islamic State is a barbaric organisation that is engaged in the massacre of innocent people. The Australian people have seen what sort of brutality they can inflict. Disgusting images of beheadings have been beamed into our lounge rooms. There have been crucifixions as well as the mass murder of people who do not bow to their demands to convert to their extremist version of Islam. There are people living in northern Iraq who face potential genocide. Ancient cultures face being wiped out.
As a country we have a responsibility to protect people who are faced with such a grave situation. We have a responsibility to protect people who are being systematically persecuted for their beliefs in the most horrific ways imaginable. We have a responsibility to protect civilian populations from potential genocide and ethnic cleansing. Labor is proud to support the efforts of the Australian Defence Force as they embark on a humanitarian mission. The Kurdish Peshmerga have been an effective fighting force encountering IS forces and preventing, as much as possible, the atrocities being committed by IS. Providing arms and equipment to the Peshmerga will help them continue these efforts.

As we also know, a Royal Australian Air Force C130J Hercules aircraft has delivered 15 bundles of Australian humanitarian supplies to the isolated Turkmen civilians in the northern Iraqi town of Armili. The mission provided support to as many as 12,000 residents of the town who have been besieged by IS for more than two months. This included food, bottled water and hygiene packs. This follows the aid drops undertaken to the Yazidi civilians trapped on Mount Sinjar. The people we are helping are in desperate need of assistance. Australia should always be willing to provide humanitarian assistance wherever and whenever it can.

Our RAAF personnel are doing a tremendous job, and they can be rightly proud of the work they are doing. Whilst this is a humanitarian mission, we cannot overlook the dangers involved for our service men and women. Like they always do, they are performing their tasks with great professionalism and dedication, and with the full support of the Labor Party. I have been lucky enough recently to meet some of the pilots and crews of the C130s, one of the aircraft being used for these humanitarian missions and, can I say, Australia's mission in Iraq is in safe hands. They are doing and will continue to do Australia proud.

Their work is part of a global effort. Australia is not acting alone. We are acting at the request of the United States and with the support of the Iraqi government. Other countries involved include France, Italy, Canada and the United Kingdom. Labor continues to support this multilateral humanitarian approach that has been adopted by the international community. It is important that we continue to work with other nations to provide humanitarian assistance to Iraq following the establishment of the new government, expected to be next week. The need for a fully functioning and united Iraqi government cannot be understated. While the international community must do what it can to support the humanitarian action in Iraq to prevent genocide, ultimately it is the Iraqi government that must take on the threat posed by IS.

I am pleased that the minister has provided a statement to the parliament and I note his commitment to continue providing updates to the Senate. As part of these updates, it is important that the parliament be provided with detailed information about our mission parameters in Iraq. As this deployment continues, it is also vital that the government continues to keep the Australian people and the parliament in its confidence so that the overwhelming support for our deployment is maintained.

I want to reiterate: Labor supports this deployment. We have a responsibility to do what we can to protect people from potential genocide and ethnic cleansing. It is important that we continue to keep working with our friends to ensure that we are providing assistance when and where it is needed. We can do the most good when we work together towards a common purpose. One thing we must ensure is that we continue to focus on the people who need our
assistance. Furthermore, let us all continue to support our men and women in uniform who are out there helping the helpless in Iraq. I thank the minister for his update.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (16:18): I commend the opposition, the Australian Labor Party, and opposition leader Mr Shorten, and join the remarks made by Senator Conroy in acknowledging that it is a responsible and very appropriate position the Labor Party has taken with respect to this very complex and vexed question.

When I came to this place I promised myself I would make every effort not to buy into raw politics wherever I could. But I have to confess I am finding it increasingly difficult to stare down the devil of temptation. I have to say that the position taken by the Greens on this issue completely confounds me. Had Australia—and other free nations—adopted this sort of position during the course of the Second World War, the argument would be that we should not have attended and we should not have participated—that we should have sat by, idly, whilst 5.7 million people of the Jewish faith were subject to the most horrific genocide that has ever been reported.

In modern times, governments have taken similar attitudes where, in my view, they have been too slow to respond. All of us can remember the events in Somalia, the Balkans, recently in Syria, Afghanistan and Cambodia. Indeed, if the argument being presented by the Greens were to be adopted, the USA would not have responded to the horrific events with the World Trade Centre incident.

It defies logic that, at this point in time, while there are tens of thousands of people who are confronted with this behaviour by the Islamic State, we could be discussing finite matters about whether we attend it or we do not. We ignore the fact that there are 11,000 nationals across the world from free nations like Australia who have taken up arms in this. Australians born to this soil—to this country that you suggest we need to hold proud—are over there decapitating citizens in the Middle East. Not one word from colleagues in the Greens, not one word, with respect to that behaviour—

Senator Di Natale: That's rubbish. That's rubbish.

Senator O'SULLIVAN: You should be talking about how we deal with that issue.

Senator Di Natale: That is disgraceful.

Senator Wright: Don't mislead people.

The DEPUTY PRESIDENT: Senator O'Sullivan, I would ask you to address your remarks through the chair, thank you.

Senator Di Natale: Mr Deputy President, on a point of order: have you just asked Senator what's-his-name to withdraw that comment?

The DEPUTY PRESIDENT: No. I reminded Senator O'Sullivan to address his remarks through the chair.

Senator Di Natale: I ask that Senator O'Sullivan withdraw those comments.

The DEPUTY PRESIDENT: That is not actually a point of order.

Senator Di Natale: That is a slur on the Greens. He is effectively saying that we are complicit in the beheading of people in Iraq.
Senator O'SULLIVAN: I did not say that. I did not say that.

Senator Di Natale: I ask Senator O'Sullivan to reflect on those statements and to withdraw that statement.

The DEPUTY PRESIDENT: There is no point of order. Senator O'Sullivan.

Senator O'SULLIVAN: If Senator Di Natale has a couple of minutes later, I am happy to go through a little spelling program. My name is O'Sullivan; I wear it proudly.

Emotions run very deep on this. I suspect that, in the time that we have been here debating these issues, there are people in the Middle East in these conflicts who have lost their lives, and that will continue unabated while we talk. This is not a time for talk. I have gone on the public record encouraging my own government to consider an expansion of humanitarian measures, including lifting the number of refugees from that region who could be removed from that conflict and brought here immediately. I feel very strongly about these issues. I feel very strongly about the position the Greens have taken—the same party who supported policies that saw over a thousand refugees die on the high seas, drowned; men, women and children. I say to you: you need to consider these issues as if you had a personal interest in the people on the ground in Iraq, as if your heritage was Kurdish.

Senator Di Natale: The Kurds don't want it.

Senator Edwards: That's not true.

Senator Di Natale: The Kurds don't want it.

Senator EDWARDS: You haven't been there.

The DEPUTY PRESIDENT: Order!

Senator O'SULLIVAN: Through you, Chair: the Greens ought to—

Senator Di Natale: Check your facts.

Senator O'SULLIVAN: I've got a few bob. I am happy to buy them all a ticket to the front line, where the Kurds are fighting this at the moment—

Senator Dastyari interjecting—

Senator O'SULLIVAN: and we will see whether the attitudes being presented do not change.

The DEPUTY PRESIDENT: Order! Senators, if you could just come to order.

Senator O'SULLIVAN: A coalition of all the free nations, all the important free nations—Canada, Italy, France, Britain, the United States and ourselves—have for once, in my view, moved responsibly, in a prompt fashion. We responded early with humanitarian support, where we provided these people with the basics of life: food, water and limited access to shelter. Now we are confronting the issue of being able to equip them so they can respond to defend their lives. It is as simple as that.

Yet there are those who want us to debate this to the death. There are those who want to bring our parliament, both the House of Representatives and this Senate, to a standstill for days, when they know full well that that opportunity would turn into an absolute political free-for-all. It does not matter how many days, weeks or months we spend in this place; I have a sneaking suspicion that I will never agree with the policies that you pursue. For saving
the lives of people, you should be making the argument about increasing refugee intakes in this particular circumstance and keeping them alive long enough—

**The DEPUTY PRESIDENT:** Senator O'Sullivan, again I would ask you to address your remarks through the me.

**Senator O'SULLIVAN:** My apologies. Our government, the coalition, have responded in, I think, a very even, measured way, with the support of the opposition, the Australian Labor Party, who I often disagree with but never on the issue of their social soul, never in relation to some of the arguments for those people who are most in need. This is a time for us here, for our government, to extend hope to these people. This is a time for us to support the people who will be engaged in our military response, in the assistance we are providing to the Kurds. This is a time for us as a nation to come together as one, with one voice, to do whatever is available to us within our broad bailiwick to provide the best and most comprehensive humanitarian services to people who are right now facing their mortality in the face of evil. This is a time for consolidation. This is a time for us to operate with our hearts and to provide support to these people in whatever fashion we can.

**Senator DASTYARI** (New South Wales) (16:29): I want to begin by saying that these are never easy debates. These are never easy issues. I do not envy anyone who has the responsibility for making these kinds of decisions, especially when they relate to the lives of others. I want to say, though, that I respect the fact that good people can disagree with each other, that different views can be held and that, while my view may not concur with all views that are expressed in this parliament and in this chamber, I certainly respect the fact that in a debate like this good people with good intentions can have different views from the one that I will be sharing with this chamber.

I rise today to join my colleagues in this parliament in expressing, in the plainest terms, my great concern for the lives and livelihoods of the people of northern Iraq and north-western Syria, who are being butchered with medieval brutality by the so called Islamic State.

A lot of my friends in this chamber who know me well, know my story. They know that when I was five years old I fled Iran during the Iran-Iraq war to come to this country. I came to this country because it was a place of peace, a place of hope and a place of opportunity. I also came here because I wanted to be part of a country—party of a society—that would not turn its back on others. I believe the Australia of today has a responsibility for those who are suffering in northern Iraq and Syria. I believe that Australia, as an independent middle power, has a responsibility to do what we can, in a reasonable and sensible fashion, to minimise and, wherever possible, stop genocide, stop hurt and stop suffering.

There are senators here today who have raised the fact that previous governments and the current government have perhaps not done enough in other areas, in other conflicts. Senators have raised the spectre of Sri Lanka or sub-Saharan Africa. Let me put my view on the record. I believe Australia, as an independent middle power, should and can do a lot more in a lot of different areas. We should be using our aid budget. We should be using our resources. We should, where appropriate, be expressing our influence and our power to do the right thing by those who are suffering. But that debate, which is a separate debate, does not negate the fact that there is horror, genocide and brutality going on right now. And right now there is something we, as an Australian parliament, can do about it.
Two weeks ago today, I was standing in a refugee camp in Jordan not far from the Syrian border, hearing the stories of the tens of thousands of people who have fled Syria and a few who have fled Iraq. They were fleeing the horrors of the so called Islamic State but also the horrors of the Assad regime. These people had given up everything to flee the brutality that they were facing.

And only a few days ago, I met a man who had just arrived in the camp with his entire family from northern Syria. He was unshaven. He was scarred. He was burnt by the sun. He had been walking for 30 days with his three children and his wife. He was fleeing. We have a responsibility to those people. As global citizens—as a global middle power—we have a responsibility to do what we can to make sure that the suffering of those people does not go on.

It is an honour to be part of this kind of debate. As other colleagues have reiterated, there is no greater responsibility in the service of our nation than any decision to deploy the men and women of our defence forces. It is always a serious and difficult decision. I accept the fact that different people will come to this with different views but I want to reiterate the statements made by others in the opposition to affirm our appreciation for the fact that the government and the Defence officials provided us with briefings before this was announced. I add my voice to others in this place in condemning the actions of the barbaric murderers who have butchered their way across the Kurdish territories.

We cannot simply stand by and allow actions like this to proliferate in our world. This is not a situation that should be allowed to be tolerated. The fact is that we can have a different debate about what decisions have been made in the past and about what actions have or have not been taken. We can debate about the initial entry into Iraq and whether it was or was not appropriate and, if we could do it all again, what should or should not be done. But the fact remains that right now, right here, there is something the Australian government can and should do.

I also want to raise my voice in support of the many Syrian, Iraqi and Kurdish nationals who are living in Australia, whose stories are not that different from mine. Many of them faced brutality under the Saddam regime when they migrated to this country, in way that is not dissimilar to the experiences of my family when I migrated to this country. They voice concerns and worries about what is going on in Iraq and northern Syria.

None of this should be conflated, in any way, with some kind of endorsement of the actions of the Assad regime or of al-Nusra or of any of the other players in that regime. No; what we are saying is: if there is genocide going on in the world and we can stop it, we have a responsibility to stop it. If there is horror, pain and suffering and we—as an independent middle power—have the ability and the opportunity to do something about it, we should not shy away from that simply because it is too difficult or because the local politics make it all too hard. This is about doing what is right. This is about doing what we have all been sent here to do. Frankly, this is what Australia does best.

I appreciate the right of the government to make these decisions; I also appreciate that this is not a government that has made this decision likely, that it has the support of the defence forces and that it has taken the relevant and necessary steps to properly brief the opposition before making this announcement, as it appropriately should have done. I call on the defence minister to keep his commitment and maintain a level of dialogue with the opposition as these
events unfold, and I also want to reiterate what the leader of the Labor Party, Bill Shorten, said earlier. In support of the decision he outlined two tests for the opposition—firstly, whether this is about responding effectively to the humanitarian crisis in Iraq to prevent genocide and to relieve suffering; and, secondly—I think this sometimes gets overlooked—are we doing what we can to promote a unity government in Iraq that is inclusive and that can achieve national cohesion and reject sectarianism and the alienation of minorities. It has to be about the long-term interests of Iraq.

Frankly, we as an Australian parliament, as an Australian government and as the Australian people cannot sit idly by, cannot allow these events to happen on the other side of the world, and argue that because it is so far away, because it has not directly impacted us yet, because it is on the other side of the world, we do not have a responsibility and that we do not have a role. Where there is pain, where there is suffering, where there is hurt, where there is genocide and Australia can do something about it, we always have a responsibility to play our role.

Senator LUDLAM (Western Australia) (16:39): I want to add some comments to the comments I made this morning, recognising it is likely that the Senate will be debating legislation later this week about parliamentary approval for a deployment. I will reserve my comments on the issue until Thursday, in large part. I contrast the way Senator Dastyari approached the debate with the approach of the previous speaker, Senator O’Sullivan. I do not want any of us on this side of the chamber to be put in the position where, if we do not agree with another speaker, we are pro beheading or we are pro the kind of vile activities we see the so-called Islamic State perpetrating in the territory over which it has control. That is an incredibly degrading way to conduct the debate and I do not think any of us should descend there.

One of the reasons we believe this debate should be brought forward—and we acknowledge that it has been—is that the situation is inordinately complex. We are attempting to help—and I will extend this courtesy to those on the other side of the chamber because everybody who has lined up has expressed a willingness to help and that is why there is such broad support for humanitarian intervention in the areas where we may have some agency to do something—but the line between humanitarian intervention and armed aggression in another part of the world is incredibly fine and it is difficult to draw that line. We have already seen the concept of humanitarian assistance ranging from air drops of food, first aid equipment, water and some of the other materials that Senator Johnston outlined to the Senate earlier in the day to the provisioning of weapons to a group that Australia in part has listed as a terrorist organisation, the PKK, who are well and truly entrenched in that theatre of war. The minister was unable to explain earlier how we can prevent this weaponry falling into the hands of those who Australia has listed as a terrorist organisation. We have gone from humanitarian intervention to drops of weapons by the Royal Australian Air Force from Russia or Eastern Europe—flights that will almost certainly need to be protected by SAS troops, if they are not already there, either to secure the landing areas or to secure the flight crews when they arrive. As I mentioned this morning, the Pine Gap installation is almost certainly being used to guide drone attacks inside Iraq and perhaps inside Syria—we do not really know.

We have already well and truly blurred the line, and I would argue crossed the line, from humanitarian intervention to again being a combatant in this theatre of war. Maybe that is something that those on the other side are completely comfortable with, but that is why the
The Australian government seems determined to take its lead from the United States on undertakings that are never made public until many years after these engagements. I listened to Prime Minister Abbott's comments very carefully, and he said there is no intention to put Australian boots on the ground; that is what President Obama has said—as though our foreign and defence policy is being guided entirely by decisions taken in the White House. No other sovereign country does that—nobody does that. It is something that appears to have uniquely evolved here in Australia.

I will have more to say about this on Thursday, but the reason why parliamentarians from the major parties in this place would refuse to submit a vote to parliament on any given deployment, no matter how meritorious, is it would prevent these kinds of blank cheques being written to the United States government. I suspect you would find, as has been made clear by Senators Wong and Conroy this morning, that the deployment is strongly supported by the ALP. It means that vote would be carried—it would be carried in the House of Representatives and it would be carried in the Senate. It is not that the government's objectives would necessarily be put at risk, but you would have to stand up and justify them.

Because Prime Minister Abbott appears to have made undertakings to the President of the US—in what looks to us like an open-ended commitment—it is worth looking to some of the more moderate voices in the US defence and national security establishment about how this debate is playing out in the United States where, unlike Australia, the invasion of Iraq came at an extraordinary cost of US lives. It goes without saying—or it has largely gone without saying—that it came at an extraordinary cost of Iraqi lives.
Joe Cirincione is one analyst whose views should be more widely considered here in Australia. This is something that he wrote in 2004 under the general principle of 'first do no harm'. In 2004, he wrote the following:

It was almost inevitable that a U.S. victory would add to the sense of cultural, ethnic, and religious humiliation that is known to be a prime motivator of al Qaeda–type terrorists.

This was written in the context of President George Bush's infamous 'mission accomplished' stunt on the deck of a US aircraft carrier, which has continued to resonate. Mr Cirincione continues:

It was widely predicted by experts beforehand that the war would boost recruitment to this network and deepen anti-Americanism in a region already deeply antagonistic to the United States and suspicious of its motives. Although this may not be the ultimate outcome, the latter has so far been a clear cost of the war. And while a successful war would definitely eliminate a 'rogue' state, it might—and may—also create a new 'failed' state: one that cannot control its borders, provide internal security, or deliver basic services to its people. Arguably, such failed states—like Afghanistan, Sudan, and others—pose the greatest risk in the long struggle against terror.

I read that—it is 10 years ago, this year, that it was written—and thought he had more or less accurately predicted the collapse of that part of Iraq into what could effectively develop into a full-blown civil war and the establishment of a terror state where none existed before.

Chas Freeman Jr, who is a former US diplomat, writes more recently—only this past July—in an article called 'Obama's foreign policy and the future of the Middle East':

To begin. If we are at all honest, we must admit that the deplorable state of affairs in the Middle East—in Egypt, Iraq, Israel, Jordan, Lebanon, Palestine, Syria, Iran, the Persian Gulf and Arabian Peninsula, and, peripherally, Afghanistan—is a product not only of the dynamics of the region but also of a lapse in our capacity to think and act strategically.

In other words, there are voices—wiser voices, which we have heard largely in the Australian context—in the United States cautioning very strongly against further open-ended military commitment to this part of the world. That is partly because it may well make things worse to give credibility to, and increase, that sense of isolation and attack by foreign powers on an organisation like the Islamic State, rather than deferring to their neighbours, who by and large utterly loathe the existence of this new creation. It may very well be the thing that consolidates them and allows them to continue their recruiting. There are voices in Australian foreign and defence policy establishment who have been quite compelling in running the argument that this might be exactly what they are after—that it plays to their narrative. Again, this is precisely the kind of reason why these measures should be subjected to full debate that is respectful, rather than simply hurling abuse across the chamber.

**Senator O'Sullivan:** Mr Acting Deputy President, I rise on a point of order. I did not raise a point of order and disrupt Senator Ludlam while he was speaking, but he asserted at the outset that I had made an allegation that the Greens were complicit in beheadings. I find that offensive and I would like it withdrawn.

**The ACTING DEPUTY PRESIDENT (Senator Seselja):** Senator O'Sullivan, I am advised that it is appropriate, where there is either offensive language or other things you take objection to, to take the point of order at the time, but there are other forms of the house where these sorts of things can be clarified. Senator Ludlam, on the point of order.
Senator Ludlam: I am happy to speak to it. A check of the *Hansard* record will show I did not actually say those words, otherwise I would of course withdraw them. I am trying to, hopefully, raise the tone of the debate after the sort of accusations that have been levelled before.

The ACTING DEPUTY PRESIDENT: All right. We will leave it there.

Senator EDWARDS (South Australia) (16:50): I also rise to make a contribution to this most important matter. I acknowledge the previous contributions made by Senator Conroy and Senator Dastyari and join with them in their sentiments.

Today is the day that South Australia swore in a new governor, Governor Hieu Van Le, who came to these shores in 1974. He entered Darwin and then went on to educate himself. He has made a wonderful contribution. Indeed, Senator Dastyari's own life story is compelling for his family's efforts to escape tyranny, terrorism and abject poverty. The way they have made their way here is no different to what we see playing out in the Sinjar mountains in northern Iraq right now.

Senator Ludlam, I understand you have these fears; nobody likes going to war. But I can also recount many stories of people who have been touring in places like Cambodia, now, and who have visited the killing fields of Pol Pot. I can also recount the stories of people who have been to Auschwitz and other places of oppression, terror, tyranny and genocide. There are still ramifications throughout the Balkans of the genocide that occurred there in the 1990s.

Are we going to ignore again all the hallmarks of genocide, or potential genocide, again in northern Iraq? That is our question. Nobody likes putting our soldiers in harm's way, but that is indeed why we have soldiers and that is indeed what they do. They go and they serve and they defend our country. This is a terribly complex issue. There are centuries of complexity in this region. In 1922, the League of Nations—I think they called it the British mandate—drew some boundaries and said, 'We'll have Syria, we'll have Iraq and we'll have Afghanistan.' That, then, was supposed to provide stability to the region. I would argue that it probably has not provided the stability that the world would have liked. Indeed, north-western Syria now is under siege with Sunnis killing Shiites and Shiites trying to kill Sunnis. Kurdistani people are in fear and Christians in northern Iraq are being persecuted. These are undeniable facts. This is what is going on. I know it is undeniable because I was recently in the region and I have received privileged briefings. I have travelled with members from the other side and I know that we have an understanding of this.

Senator Ludlam, in your contribution you wondered how we know where these arms are going. We do know where they are going because for every drop that is made there is an eye on it and there are protection forces on every drop that goes there. I can assure you of the professionalism of our Australian Defence Force and I can assure you that they are working at the highest levels with our coalition partners. We have people embedded in places within that region who are privy to the best intelligence. They do know. They have eyes on all the conflict zones. They have eyes into these issues, and I feel sure that they give the best advice to the people in executive government who are making decisions.

Senator Ludlam also made the statement that we had crossed the line with humanitarian aid. We did supply humanitarian aid, but now we are going to supply military aid because the situation has escalated. We do not have time to run a democracy in a place where people are
being hunted down and murdered. We do not have time for it. We have to act. We have to act within a time in which we can save people's lives. The Peshmergas in northern Iraq are simply better placed to deal with this threat against the tens of thousands of people who will be put at risk by this oppressive and opportunistic regime that is sweeping through northern Iraq and north-western Syria. This regime is taking advantage of the fact that the Iraqi government has not come into full formation—but it will. In this next week or so we have an obligation. Yes, we do. We have seen that the US, the Canadians, the French, the people of the United Kingdom and the Italians have all joined forces to protect these people. We have rallied to the call. I think it is a little disingenuous to interpret somebody's Sky News interviews—in this case the Iraqi ambassador's—without the ability for us to refer to those comments. I did not see the contribution from the Iraqi ambassador, and I am sure that Senator Ludlam is not misrepresenting what he thought he took away from that interview, but I feel that, if we are going to be making something objective of that, we should all have the opportunity to review it and come back in here and talk about it.

Australia is not resiling. I note Senator Gallacher on the other side, in the opposition, and I hope that he makes a contribution on behalf of South Australians because we feel strongly about this. Also, Senator Wong is waiting patiently to make a contribution.

Senator Whish-Wilson interjecting—

Senator EDWARDS: They will appreciate the $5 million that we are supplying to the Iraqi government. That is our humanitarian aid—we have not stopped giving it. And we have offered 4,400 places to the Yazidi people, who have been terrorised over recent weeks. We look to resettle these people in the short term so that we can take them out of harm's way.

We also note that there are Australians fighting in these areas. There are about 160 Australians fighting—more than we there have ever been—for the Islamic State. This will cause us a great deal of concern in the future if these people are to seek re-entry to this country.

We are not in a position to lay idle. The Persian Gulf, the Suez Canal and those straits around the Horn of Africa—they know these areas. There is one known as the 'hash highway' or the 'smack track'. These are places where we not only look to ensure that people's lives are not put at risk; they are also regions where lives from around the world are destroyed by drug importation and people-trafficking from Somalia. These are the things that we are looking to act upon. I do not know whether you can ever countenance tolerance of a group of people who will strap an explosive-laden vest with ball bearings to a seven-year-old boy and walk him into a market place and detonate him. These are the types of people who have no respect for life. They have no respect at all. They have no respect for women—they trade in women; they trade in children. These are not people whom we are going to be able to sit down and have a cup of tea with. I do not know why it is that Senator Ludlam thinks that the Islamic State plays by Queensbury rules. They do not. They are not to be tolerated in any way, shape or form in a civilised society.

I understand that the issue is complex. I understand that the issue is distressing. I understand that putting our Australian diggers in harm's way is a big decision. However, we need to do whatever we can to support humanity in this region. It is not something where we can just idly sit by and let another chapter of this world's history write down that we ignored a genocide. I thank you for the opportunity, Mr Acting Deputy President.
Senator GALLACHER (South Australia) (17:00): I also rise to make a contribution in this debate. I want to start by going back over a little of the history of the debate.

Very clearly, since 1901 neither the Australian Constitution nor the defence legislation has required the government to gain parliamentary approval for a decision to deploy forces overseas or, in the rare cases that it has occurred, to declare war. The Australian Democrats, the predecessors of the Australian Greens, have long had the view that they would like to remove the exclusive power of the government to commit Australia to war or to deploy troops overseas.

The most recent inquiry reported on 25 February 2010, when the Senate Foreign Affairs, Defence and Trade Legislation Committee reported on an Australian Greens’ Bill—the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]. The committee concluded that the bill could not be considered a credible piece of legislation and recommended that the bill not proceed. However, the committee also stated:

The committee is not in any way against the involvement of both Houses of Parliament in open and public debates about the deployment of Australian service personnel to warlike operations or potential hostilities. It agrees with the views of most submitters that the Australian people, through their elected representatives, have a right to be informed and heard on these important matters.

It is also worthwhile taking a few minutes to go a little further back in this debate and examine some of the earlier legislative proposals.

As I said, the Australian Democrats in particular initiated steps to remove the exclusive power of the government to commit Australia to deploy personnel into warlike activities. It goes back to 1985, when Senator Colin Mason from the Australian Democrats introduced the Defence Amendment Bill 1985, which sought to require parliamentary approval in most circumstances before Australian troops could be deployed overseas. The bill proceeded to the second reading stage, but without government and opposition support it did not pass.

During these debates over committing troops to Iraq in 2003, Senator Andrew Bartlett and Senator Natasha Stott-Despoja also introduced a private senator’s bill, the Defence Amendment (Parliamentary approval for Australian involvement in overseas conflicts) Bill 2003. The bill proposed to repeal and substitute section 50C of the Defence Act 1903, which allows the deployment of troops overseas.

So, there is a long history of those people in the Democrats and the Greens having this view that the Australian government should be required to seek parliamentary approval. This has really been a baton which has been passed from the Democrats. With no Democrats remaining in the parliament after June 2008, in September of that year Senator Scott Ludlam of the Australian Greens introduced a bill of the same name—the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]. It too sought to repeal section 50C of the Defence Act 1903 and to replace the section with a new provision which would require parliamentary approval before troops could be deployed overseas. The bill was introduced on 17 September 2008 and on 20 August 2009 was referred to the Senate Foreign Affairs, Defence and Trade Legislation Committee once again. The committee reported, basically, the same result—it was not supported.

So, this is not a new debate. And I am sure that this debate will continue as long as the Greens, or a like-organisation, are represented in this parliament. And they have every right to argue this way, but my position is to support both the Leader of the Opposition, the Hon. Bill
Shorten, and the Prime Minister of Australia, the Hon. Tony Abbott. They, and in particular the Prime Minister and the executive, have—as earlier contributions have said—been made privy to all the security assessments that would be necessary to make this extremely important decision. I have to say that if this has worked since 1901 then I have no reason to believe that it should be changed here in 2014.

In brutal political terms, if a government makes a misstep in this place they will suffer at the appropriate time when the electors of Australia make a judgement. But one thing I am absolutely certain of is that once a prime minister and cabinet make this decision, that our people—Australian service men and women—are committed to areas of conflict, then they need the 100 per cent support of the Australian people. They need 100 per cent of what is necessary for them to do their job in the best possible way. If they are to put their lives at risk then the Australian people should be 110 per cent behind them.

I accept the debate in this place about whether we should or should not have parliamentary approval before this happens. The reality is and the history is that it has been debated quite a number of times before and it has not found the support in this Senate or in the other place to change it. So when we have these momentous decisions made—and the awesome responsibility for those who make those decisions is evident—then I think it is incumbent on everyone to accept what the legal situation is.

I well remember when Prime Minister John Howard committed troops to Timor. There was a lot of debate in some quarters of the union movement and some quarters of the ACTU about not resourcing that effort. I know from my own particular time at the Transport Workers Union that, once we understood that it was the Prime Minister's right under the Constitution to commit our troops to Timor, we knew it was our duty as unionists and citizens to make sure that the people who were carrying out that task were resourced in a way that made sure they were safe, were secure and had 110 per cent of the capability to carry out those very onerous duties.

There is no clearer situation than what is confronting us in this awful conflict. It is extremely clear that the Iraqi army faced not only a homicidal but suicidal force that has captured sufficient territory and controls enormous amounts of resources and wealth. There are also the Kurdish people who are attempting to look after their own people who have been displaced and pushed back. I do not think it needs a tremendous degree of common sense to understand that what we are doing, in conjunction with all of the other countries that are contributing, is a very sensible thing to do. From time to time, we are put in these situations where someone has to make a call. The Hon. Tony Abbott, the Prime Minister of Australia, has made a call. The Leader of the Opposition is in extreme agreement, I would say. We all know it is a very difficult and onerous situation. We hope and wish if we commit people to areas of conflict that those people can do their jobs safely and well and that we can have an outcome that we as Australians can be proud of.

We will continue to have this debate. There is no possibility of it going away. As I said earlier, it has been around since at least 1985 when it was raised by the Australian Democrats. It has been picked up by the Australian Greens. That is their prerogative. But I think, in these cases, the parliament should get behind our service men and women once they have been committed to any area of conflict under a rightly constituted authority.
Senator WHISH-WILSON (Tasmania) (17:10): When I think back to what got me into politics or set me on my path into politics it was the Iraq war, which I totally opposed. I have never felt so strongly about anything in my life as I did about Australia being involved in the coalition of the willing and going back to Iraq. Call me a sceptic or cynical but just about everything I have heard in the chamber here today reminds me of 2003, 10 years ago, where we were going into a country where there was an 'evil' dictator—and, no doubt, in many ways he was—taking human lives and threatening all of us and our national security with weapons of mass destruction. But, thinking about it simply, what really annoyed me was the level of mediocrity around the debate and all the spin and obvious BS that went into sending our troops over to Iraq.

In the last week, we have been hearing a lot about 'evil'—'unspeakable evil', 'unfathomable evil' and 'pure evil'. What I and, I think, a lot of Australians would like to see is some truth, honesty and perspective around that word. While it might be the case that in many people's minds the atrocious and despicable acts we have seen on social media are evil, that evil did not just spring out of the ground. It did not just happen overnight. The radicalisation of people such as we have seen with the ISIL group and other groups around the world has taken a while to build. It is like a disease that needs the right conditions. What are those conditions that lead to people going into foreign countries and beheading westerners? We could probably argue this for at least the eight minutes I have left. But certainly I would put down things such as hate, revenge, a common unifying enemy, religion, ignorance, stupidity and of course things of a broader perspective such as regional instability.

There are some differences today to what there was back in 2003, but there are also a lot of similarities. When we invaded Iraq we had no long-term plan for keeping the peace. No doubt many wars have been fought by men and women who have wanted to win the peace, but what actually puts them there in harm's way in the first place is what I am interested in—the decisions that we make in places like this one. Why do we go to war? We are about to commemorate 100 years of Anzac. Looking at the Great War, or 'the war to end all wars', we know it certainly did not end all wars. Something we need to focus on a lot more clearly is the strategic objective in Iraq and how we can actually have peace in that region. If we do not ask the simple question, 'What caused this and how did we get to this?' and understand the evil that has been created in the Middle East and answer that question now, we are not going to be able to answer that question in the future. That is what we need to answer to have stability and a lasting peace in the Middle East.

Senator Wong said in her speech that the difference this time is that we have widespread international support—at least, I am pretty sure that is what she said. It is my understanding, as Senator Milne has eloquently pointed out today, that we do not have widespread international support for this and nor do we have a vote or a resolution from the United Nations. If we do not learn from history, we are bound to repeat the mistakes of the past. I think most Australians would agree that invading Iraq over 10 years ago was a mistake. I do not think there would be anyone, even in this room, who would not agree that the region is in much worse condition than it was before we invaded Iraq. As Senator Ludlam mentioned earlier today, I would like to see truth and honesty in this debate about our role and our culpability. It would be good to see some recognition that we have been part of the problem.
that we are now having to face. If we do not find a long-term solution, there is no doubt our children will also face this problem in generations to come.

I think we need to find better words than 'terrorist' and 'terrorism' because, to me, this implies a very one-sided view of the world. Often our forces could be seen by Iraqi civilians as being terrorists. 'Terrorist' is a word that is very commonly used against us by those same people in Iraq who have been radicalised—anything that creates terror is, by definition, terrorism. We use that word because it is a very simple word to use and it demonises people.

I also agree with Senator Ludlam that the reason these awful acts are being put on social media—appalling acts that are almost incomprehensible to a lot of people—is to influence debate in the west. I cannot help feeling that they want us to come over there and continue the holy war of the jihad that we so easily got ourselves into almost a decade ago and that has spread right across the Middle East in the past 10 years.

It has been noted by one journalist today that, by questioning or criticising Australia going back to war in Iraq, which is what we are doing without a proper parliamentary debate and without a vote of parliament—a separate issue but just as important—we are somehow playing politics with national security. Apart from the threat that the government has tried to portray, that these people will pose a threat to national security, we still have do not have a compelling answer to why this is in Australia's national interest. Machiavelli once wrote:

*Never do your enemy a small harm.*

I wonder what the long-term plan is here and what the next ask will be in Iraq.

We have heard from the US Department of State and we have heard in this parliament that the ISIL threat is unlike other threats that we have seen in the past. If we think back to that disease and the conditions that you need for radicalisation and groups like this to emerge, how is it that they got to this stage? What could we do to effectively cut off the conditions of that disease? You do not get an army, and the capability to do what they are doing, without funding. How is it that this group has come to be so well funded, so well organised and so full of recruits who are full of hate over such a period of time? That is something we could focus on and something we have hardly heard anything about. That is another part of the debate that we need to enter into.

I am also very interested in Senator Dastyari's comments about Australia being a medium-sized power that should project its conscience overseas. I have only been in the veterans' affairs portfolio for a short period of time, I acknowledge, and no doubt my colleagues Senator Wright and Senator Lambie could talk more expertly about the problems that our soldiers are currently having with their deployment and the amount of time they are being deployed to places like Afghanistan and, previously, Iraq. Do we really have the resources to commit ourselves to more troops on the ground and to more resources in these countries? When will it end? These are the things that we need to debate. How is it possible to ring-fence a conflict like this? How is it possible to influence outcomes through peaceful means, through negotiations, through cutting off the financing of organisations like ISIL rather than going in—undeclared, using the power of the executive?

This is the same political party that made the decision to send us into Iraq in the first place, the same political party that ignored the experts and that ignored tens of thousands of Australians who marched in the streets—and I was one of them—saying: 'Don't go into this
country and do this without a full UN resolution. Don't go in at the behest of the US.' What was the plan? Was it to secure oil fields? Was it to allow multinationals to open up business in Iraq? What was the purpose of it? Was it to get rid of a dictator who had weapons of mass destruction—which turned out, as many people had suspected, to be a total fabrication? I am happy to be proven wrong, but I am sceptical and cynical of this government's desire to get so readily and so eagerly involved in this conflict without a long-term plan, without a strategic exit and without an explanation to the Australian people of where the risks lie should this conflict to continue and how long it will take.

Senator Fawcett: Mr Acting Deputy President, I rise on a point of order. I wanted to do Senator Whish-Wilson the courtesy of being able to get to the end of his speech, but I want to draw your attention to a remark he made that imputed that Australian soldiers could have been seen as terrorists in Iraq. I trust that was not his intention, but I ask you to ask him to withdraw that and to clarify it for the record—because I think that would be a dreadfully unfair and untrue imputation upon the servicemen and women of Australia.

Senator WHISH-WILSON: On the point of order, Mr Acting Deputy President: that is not what I imputed. You are now playing politics with my speech, Senator Fawcett. I said any soldier in any country can be seen as a terrorist by their enemy, and that the word 'terrorism' is a word we should consider not using—that we should come up with a better explanation. Now that you have deliberately put that on the record, you will probably want to take it out of this chamber and give it to the media and say that I have called our soldiers terrorists. That is neither what I said nor is it the context of what I said, Senator. I do not believe that I have to withdraw that comment and you should go back and have a look at the Hansard. (Time expired)

Senator Seselja: There is no point of order.

Senator REYNOLDS (Western Australia) (17:22): I would like to first thank the Minister for Defence for his statement on this issue today. I also stand to speak strongly in support of the government's position as I believe that this is both a humanitarian emergency and also a national security threat that we cannot ignore. I would also like to acknowledge the opposition for their bipartisan approach on this important issue.

I have noted that the Australian government strongly condemns the actions of the Islamic State of Iraq and the Levant—ISIL—and in particular reports of atrocities against civilians including minorities and security force opponents. I firmly believe that ISIL's activities in Syria and Iraq are a major threat to regional and international security as acknowledged by previous speakers on both sides of the chamber. I agree with the Prime Minister that many Australians are understandably apprehensive about the risk of becoming involved in another long and costly conflict in the Middle East, but I also acknowledge that there is no greater responsibility for any federal government than national security and defence, and that is the safety and security of all Australians. I know firsthand that any actions taken by the government are taken with great care, deliberation and caution.

Despite the previous speaker's comments, these are not taken lightly or on a frolic of their own by an ideologically driven government. I believe that gone are the days when defence and national security threats were clearly identifiable at our physical borders. With globalisation and free movements across borders, the threats are much harder to identify and much harder to combat. Doing anything involves serious risks and weighty consequences, but...
doing nothing involves risks and consequences also. As Australians, whether you were
holidaying in Bali, whether you were working in the World Trade Centre or whether you were
flying home from Europe on a family holiday, the threats today are very real and do go well
beyond our borders.

Just as the threats are very real, so are the humanitarian consequences of what is currently
occurring in Iraq and Syria. I believe there is no question that it is now a humanitarian crisis
in Iraq on a grave scale—one that I personally believe we cannot morally turn our backs on.
Appeasement and turning a blind eye are not options. Terrorists do not respect weakness.
They do not respect our compassion and, as we can now see yet again, they are ruthlessly
exploiting it. I think the rapid escalation of events clearly demonstrates that they are and are
willing to keep on no matter what is said by the previous speaker. I believe without question
that doing nothing means leaving millions of people exposed to death, forced conversion or
ethnic cleansing, and I believe evidence of all of those is now apparent.

ISIL and other opposition groups have maintained pressure on government forces to the
north, north-east and west of Baghdad and have now pushed into Kurdish areas, with ISIL
now in control of a number of towns and cities. This has caused the current humanitarian
危机, which was acknowledged clearly by the United Nations when on 14 August they
declared a level-3 emergency for Iraq so that they could facilitate mobilisation of additional
resources in goods, funds and assets. This is not something that the government has made up.
This is something that the United Nations has acknowledged is a very clear current
humanitarian threat.

So far this year it is believed that over a million Iraqis have been driven from their homes
and that up to 1.8 million are now internally displaced people in Iraq, with over 600,000
displaced in August alone following an upsurge of violence in various parts of the country. I
agree with the Prime Minister, who said today that it is important to do what we reasonably
can to prevent this genocide. I also acknowledge that there are no easy ways of achieving
this, but it does not mean that we should not try just because it is not within our physical
borders here in Australia. I believe we have a moral responsibility to do what we reasonably
can. We have all seen the truth of what is going on on our screens and on social media. We
have seen the beheadings, the crucifixions and the mass executions. People and cultures that
have existed for millennia have been faced with extermination. Thousands of women have
been forced into sexual slavery. We should not call this horrendous movement even by
'Islamic State'. I do not believe it is a state as we would define it; it really is a cult or, as it was
described today, a death cult. So in good conscience I do not believe that Australia can leave
the Iraqi people to face this horror, this evil alone or turn our backs on their request—and,
Senator Whish-Wilson, we are not doing this unilaterally; the Iraqi government has asked for
our help in the humanitarian aspects.

The threat to Australia and Australians from these conflicts is, as I see it, real and growing.
I know it is not just a humanitarian crisis; there is a real national security threat to Australians
both here and overseas. This is because of the serious concern that a growing number of
Australians are travelling to Syria and Iraq to support, get involved with and participate in the
fighting. Alarmingly, the number of Australians involved in Iraq and Syria is significantly
higher than in previous foreign conflicts such as Afghanistan. There is no question that
Australian citizens, including dual nationals, are currently fighting overseas in Iraq and Syria
and may return home to Australia. At least 60 Australians have been identified by our intelligence agencies as currently fighting in Iraq and Syria, and up to 150 Australians are under investigation in connection with this conflict. Many are travelling to join the particularly murderous terrorist group now calling itself the Islamic State or, as we have said, ISIL. ISIL has been listed as a terrorist organisation under the Australian Criminal Code, which imposes strong penalties. But this is not just unilateral Australian action; this group has also been designated by the United Nations Security Council’s Al-Qaida Sanctions Committee. It is not just the Australian government but also the United Nations that have recognised that this is a terrorist organisation.

This heightened threat to Australia requires very comprehensive and decisive action on behalf of the Australian government. Strong and comprehensive international engagement is required if we are to share information effectively and be able to count on other countries for cooperation in the case of terrorism and any terrorism related emergencies involving Australians here and overseas.

I have the utmost respect for our service men and women who are putting themselves in harm’s way in a variety of areas across the world. We ask a lot of our men and women in uniform. I know that they will carry out their duty with the highest level of professionalism and in doing so make Australia proud. I also know that the Australian government do not do this lightly; they do it because it is in our national interest to do so.

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (17:31): Mr Deputy President, this is not my first speech. I acknowledge that the immediate fight in Iraq against these brutal, inhumane, bloody murderers will save innocent lives; however, what is the long-term strategy? Has the total costs of going to war been calculated or has the total cost of going to war been covered up? If past experience is anything to go by then it would appear that the government and Labor are charging into battle without a plan to properly care for the soldiers and their families—God prey—on their safe return. This is an issue that I have discussed at length with younger veterans. One wrote to me:

Is the Government prepared to factor into the cost of this latest operation the future ongoing expense—over the course of the lives of those that we are sending away to actively participate in this deployment on our behalf?

Will the Government be prepared to put this decision to the floor of parliament, in order to determine bipartisan support—so that the troops have no doubt in their minds future Governments will not backflip—in the decision to support this involvement—at the long term psychological expense of the participants—who win, lose or draw must live with the consequences of our decision from this day forward.

I also spoke to the Australian Defence Force Welfare Association about this issue last week. The Defence Force Welfare Association is made up of honourable men and women who were and are prepared to risk all to protect Australia and their brothers and sisters in arms. The Defence Force Welfare Association was formed in 1959 by a small group of serving and retired Australian Defence Force members from all services. They were frustrated by the fact that no organisation was properly protecting the interests of serving and former members of the ADF. Members of the DFWA are not radicals. They are proud Australians. They are thoughtful, measured and slow to anger and they have serious reservations about
committing Australian military forces to further military operations in the Middle East without proper debate. Is this motion that has been sprung upon us proper debate? Today I give warning to this parliament that the men and women of the Defence Force Welfare Association are very angry. I share their anger because, just like the schoolyard bully, this government and its members are deliberately picking on soft targets.

This government has failed to support the people our nation has sent into battle and harm's way in the past. Will the government automatically give gold cards to every troop placed in harm's way in combat or will they continue to force our veterans to fight for the best medical care our nation can offer? Will we have the situation where the new veterans created by this conflict say, 'I would rather face the Taliban or ISIS than face the DVA'?

This Liberal-National government have an appalling record of caring for our veterans. They cover up the suicide rate of our veterans because they are ashamed of the amount of young veterans killing themselves. The Liberal-National Party have chosen to take money away from Australian war widows and totally or permanently incapacitated former service personnel. According to the latest Defence Force Welfare Association's monthly magazine update, their reaction to Mr Abbott's veteran budget measures was 'incredulous disbelief'. The DFWA newsletter reads:

Foremost, disappointingly the budget had the effect of not only reducing the compensation payments of all disabled veterans but had a particularly severe likely impact on the most disabled, namely those who are on Special Rate or TPI Pensions. War Widows Pensions and those on Income Support Supplements were also affected.

What kind of person would take money away from war widows and those badly injured fighting Australia's enemies? I will tell you. The same kind of person who would salute the flag and shed a tear at an Anzac Day commemoration while taking a $211 education bonus from the orphans of soldiers killed or badly wounded in battle. It is the same kind of person who would deliver a casual shrug and offer the comment 'shit happens' when learning of the death of another Australian digger in Afghanistan and then stare bizarrely at a TV reporter for 24 seconds when confronted with those comments and offer no apology. That is the sort of man I am talking about. That is the kind of person Australia today has as a leader. Until we have leaders who can live up to the Anzac legend and not off it, we are going nowhere fast as a country. I find it very hard to trust their decisions.

There are another five significant adverse budget measures that the Australian Defence Force Welfare Association has identified. Perhaps these should be fixed before we go sending any new troops into battle. They are: axing of the longstanding three-month backdating of the veterans disability pension claim; axing of the senior supplement of gold card holders who do not receive income support; axing of the federal government's share of an agreement with state governments to fund service pensioners concessions for travel, electricity, phone and council rates; withdrawing the provision to not count as income military superannuation when applying for a Commonwealth seniors card; and withdrawing of indexation on the clean energy supplement added to Veterans' Affairs pensions and payments, causing it to quickly lose real value over time.

This government is aware of the Australian Defence Force Welfare Association's concerns in regard to these outrages and now the government is aware of my anger and concerns. I have one message: fix it now before you commit any more troops to the battlefields. The
spirit of our Vietnam veterans has been left behind in the fog. Will the spirit of those who have fought in the Middle East be left behind in the Desert Storm? That is the only question when it comes to looking after these men and women on return that you need to ask yourselves.

Senator XENOPHON (South Australia) (17:38): There are a number of issues that confound the proposition that parliament should be required to approve troops prior to their deployment. It is important to distinguish between routine or non-warlike military activities, including peacekeeping, capacity building in other countries, humanitarian assistance and anti-piracy actions, and activities involving the rescue or extraction of Australian citizens from threatening situations overseas; covert operations, such as those involving special forces; and, most importantly, full-scale deployment. These involve varying degrees of emphasis on the role of intelligence and classified materials that are available only to the executive.

There is also the requirement for Defence to mobilise its forces safely and effectively. All cases are not alike and parliament's role differs where the specific constraints differ. The Constitution does not say anything about where the power to deploy troops lies. It is assumed that this is part of the executive power under section 61. There is no constitutional requirement for the executive to seek the blessing of the Australian parliament before troops are committed to war. There is no constitutional need to even debate the decision to deploy troops. The power to deploy troops overseas lies with the Minister for Defence under section 50C of the Defence Act 1903. The Minister for Defence has the legal authority to deploy troops and can require members of the Australian Defence Force to serve overseas.

It is understandable why the community is rightly conflicted about this state of affairs. Clearly, in a democracy the legitimacy of a military operation derives, in large part, from a community consensus, yet it is only the executive which has all the classified information obtained by the intelligence agencies. Where then should the line be drawn? When it comes to routine or non-warlike military activities, such as deploying peacekeeping troops to East Timor, capacity building in places like PNG or the Solomons, or any operations where classified intelligence or military urgency are not factors, troops should not be deployed except with parliamentary approval.

What the government says of the present situation in Iraq and Syria is that time is of the essence. We need to avert a humanitarian catastrophe. Essentially, we are facing crimes against humanity. Urgency is the key. However, once the urgency has passed and the troops and resources have been deployed, I believe it is reasonable for the parliament to have a say and that the continued deployment should be subject to parliamentary approval. This is not only logically sound but also provides a valuable check on the executive being dragged into a quagmire.

Let us look at the current circumstances. The trigger, no doubt, was the events following the coalition of the willing invading Iraq in 2003, overthrowing the brutal regime of Saddam Hussein and then, recklessly, dismissing the entire army and dismantling the Ba'ath Party. These last two events fuelled an insurgency, ignited a vicious civil war between the Shiites and the Sunnis, increased Iran's influence and, most tragically of all, led to hundreds of thousands of deaths. Meanwhile, at the regional level, tensions between the Sunnis and the Shiites also increased. For instance, Saudi Arabia backed the crushing of the Arab Spring in order to defeat the Shiites, particularly in Bahrain.
Conflicts between the Shiites and Sunnis have spilled over into the region, most tragically in Syria, which has in turn spawned the so-called Islamic State, which Prime Minister Abbott has quite rightly called a 'death cult'. According to authoritative and credible reporters in the Middle East, including Patrick Cockburn of The Independent newspaper, it is Saudi Arabia that is pursuing its own geopolitical interest by backing this 'death cult', a terrorist organisation that poses a greater existential threat than al-Qaeda. I therefore support humanitarian relief and logistical support as set out in the Prime Minister's address today. This statement also emphasises that there has been no request for military action. However, I am seriously concerned that the Prime Minister has not mentioned in his statement the role of the United Nations in sanctioning this action. Given that Australia is currently a member of the UN Security Council, we have a critical role to play to ensure that this is brought before the United Nations.

Indeed, the role played by Australia in relation to the downing of MH17 over Ukraine and the role played by our Minister for Foreign Affairs has been commendable—and it is leadership that we need to show again in this conflict. We must all be alert to the grave dangers of escalation. We must also learn from the catastrophic consequences of George W Bush's handling of Iraq and Australia, seemingly heedlessly following the US without question. A parliamentary debate and an eventual approval is desirable to avoid the mistakes, not just of the recent past but of previous conflicts, such as Vietnam. Minor incremental increases in the mission can lead to a qualitatively different scenario before we know it. Finally, I wish our troops well. I am sure they will do us proud.

Senator DI NATALE (Victoria) (17:43): I seek leave for a five-minute extension on proceedings.

Leave granted.

Senator DI NATALE: There is no more important act for a government than committing troops to war, something I referenced in my first speech. To send young men and women to spill their blood on foreign shores is the most solemn of any duty that a government must embark upon. I do, however, resent the implication that, if you do not support this action, somehow you support the savagery that is going on in Iraq and are complicit in the barbaric acts that we are witnessing. We are better than that. Let us agree that what is going on in Iraq right now is barbaric, cruel and heinous, that our responsibility is to protect the innocents and that what we are witnessing is an affront to our common humanity.

I also understand the urge of many people who want us to act, just to do something. I have been feeling that way for more than a year while watching the butchery in Syria. I felt that way most recently while watching bombs land on young children in Gaza, while their buildings collapsed around them, while that conflict does nothing but to perpetuate the cycle of violence. I am not a pacifist. I do think that sometimes there is a case for military action; in fact, it was the Greens who were most vocal in calling for an intervention into the conflict in East Timor, and it was the government of the day that was reluctant to intervene.

My concern is largely pragmatic. There are very eerie echoes here of the conflict, in Iraq, in 2003. Have we learned nothing? What if our actions make the situation worse? What if we provide an even greater focus for more radicalisation and extremism? What if this is a rallying point for the enemies of justice? If the lessons from the war in Iraq were not that, then we have learned nothing. Let us not forget that a commitment of Australian troops also exposes
Australians to dangers. The tragic beheading of an American journalist should give us pause for thought, but it is this rush to war that blinds us to other options.

We know that Turkey has been involved in an armed struggle against the Kurdish people who have been fighting for an independent state for many years. We know that many of the Islamic State fighters are entering Iraq through Turkey. They are not flying into Syria or Iraq. Many of them are landing in Turkey and making their way into Iraq. We know that Turkey has been retreating on the issue of human rights for years. If we are serious about this conflict then we must confront these issues. We cannot ignore these questions.

We cannot ignore the fact that the PKK, which was proscribed as a terrorist organisation—largely because of our relationship with Turkey—is now potentially going to be the beneficiary of Australian weapons. I have worked very closely with members of the Kurdish community, and it is their wish that we do not get involved in a military sense but that we support greater humanitarian intervention, that we recognise their fight for self-determination—something they have been fighting for many decades—the full expression of their cultural and political rights and that we do not turn a blind eye while their people are being detained, arrested and imprisoned in places like Turkey and Iraq. If we are professing to speak on their behalf, let us talk to them.

Finally, we need more honesty in this debate. There would be a lot more respect if we came into this chamber and heard from both sides of politics, who said: 'We've been asked by an ally to intervene and we are honouring that request.' That is the basis of this intervention. I believe Australia needs to take its own place in the world and emerge from this adolescent dependence we have on our good neighbour. Decisions that were once made for us in London should not now be made for us in Washington. We need a full and frank debate. We need to make sure that it is this parliament, the democratically elected members of this chamber, that makes this decision.

Question agreed to.

 DOCUMENTS

Royal Commission into the Home Insulation Program

Tabling

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:49): I table the report of the Royal Commission into the Home Insulation Program.

ABC and SBS Efficiency Review

Order for the Production of Documents

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:49): I also table a document relating to the order for production of a document concerning an ABC and SBS efficiency review.
COMMITTEES

Community Affairs Legislation Committee

Additional Information

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (17:49): I present additional information received by the Community Affairs Legislation Committee in its inquiry into the provisions to the National Health Amendment Pharmaceutical Benefits Bill 2014.

Senator DI NATALE (Victoria) (17:50): I seek leave to make a short statement on that report.

Leave not granted.

Community Affairs References Committee

Corrigenda to Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:50): I present a further corrigendum to the report of the committee of Australia’s health-care system.

Ordered that the document be printed.

DOCUMENTS

Departmental and Agency Contracts

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red. Letters of advice are tabled in accordance with the order of the Senate in relation to departmental and agency contracts.

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

BILLS

Land Transport Infrastructure Amendment Bill 2014

Consideration of House of Representatives Message

Message received from the House of Representatives informing the Senate that the House has agreed to the bill with amendment.

The DEPUTY PRESIDENT: The President has received messages from the House of Representatives forwarding the following bills for concurrence.

Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014

First Reading

Bills received from the House of Representatives.

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:51): I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.
Bills read a first time.

Second Reading

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:52): I table a revised explanatory memorandum relating to Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014 and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CORPORATIONS AMENDMENT (STREAMLINING OF FUTURE OF FINANCIAL ADVICE) BILL 2014

INTRODUCTION

This Bill delivers on the Government's election commitments to improve the former Government's Future of Financial Advice legislation and also implements the agreement reached by the Government on further improvements with the Palmer United Party and the Australian Motoring Enthusiasts Party.

The improvements in this Bill will deliver more affordable access to high quality financial advice by removing unnecessary and costly red tape, while maintaining all the important consumer protections that matter for consumers.

Importantly, consistent with the Government's commitments made before the last election, the statutory requirement for financial advisers to act in the best interest of their clients remains in place, as does the ban on conflicted remuneration, including in relation to general advice.

It was always clear that Labor's Future of Financial Advice laws needed improving.

Indeed, Allens Linklaters, a leading international law firm, recently described the former Labor government's FOFA laws as:

"Some of the poorest quality legislative provisions we have ever seen".

They went further to say that FOFA, as legislated by Labor:

"...adds considerably to the regulatory burden for industry participants and regulators".

When the previous government announced the detail of its FOFA law changes back in April 2011 the Coalition's position was very clear.

We expressed our concern that investors receiving financial advice would face more red tape, increased costs and reduced choice if those laws were passed in full.

Our fundamental concern was and remains that over time fewer Australians would be able to access or afford high quality financial advice under Labor's FOFA.

We made it clear that we supported sensible financial advice reforms which increase access to affordable, high quality advice as well as transparency, consumer choice and competition.

We explicitly supported the introduction of a statutory best interest duty for financial advisers and the ban on conflicted remuneration or commissions which distort investment advice.

However, we also pointed out that any reform in this area needed to strike the right balance between appropriate levels of consumer protection and ensuring the availability, accessibility and affordability of high quality financial advice.

We remain concerned that FOFA, as previously legislated, reduces affordability and accessibility of financial advice in Australia.
Labor's FOFA changes did not strike the right balance. As the then Minister, Bill Shorten must have known they did not, given he refused to put those FOFA changes through the former government's own required regulatory impact and cost-benefit assessment.

After those FOFA changes were passed by the House of Representatives in March 2012, the Coalition formally announced the policy which we took to the last election, including:

- the complete removal of the requirement for an investor to keep re-signing contracts with their advisers on a regular basis (Opt-In);
- the simplification and streamlining of the additional annual fee disclosure requirements;
- improving the Best Interest Duty test; and
- providing certainty around the provision and availability of scaled advice.

This Bill delivers on those commitments.

It is designed to improve FOFA by clarifying its operation and to more effectively align it with what was envisaged by the original Parliamentary Joint Committee inquiry into financial products and services in Australia — the genesis of the original legislation.

This Bill also takes into account the relevant recommendations of the recent Senate Economics Legislation Committee inquiry into the Bill and makes further improvements to the Statement of Advice provisions, consistent with an agreement reached between the Government, the Palmer United Party and the Australian Motoring Enthusiasts Party.

There has been a lot of misinformation from the Opposition, and others, that the Government's amendments will weaken the consumer protections currently afforded under FOFA.

This is not the case.

In fact, the ABC's Fact-Check described Opposition claims that the Government was re-introducing commissions for financial advisers as inaccurate and "scaremongering".

As consistently indicated by the Government all of the key consumer protections of FOFA will stay.

For instance, the requirement that advisers must act in the best interests of their client will remain.

Advisers will also need to provide appropriate advice …warn the client if advice is based on incomplete or inaccurate information …and prioritise the client's interest ahead of their own.

A ban on conflicted remuneration for benefits received in relation to personal advice will remain whilst allowing those advisers not providing personal advice to a client to more efficiently provide general advice.

Let me be clear, the general advice provision in this Bill does not re-introduce commissions.

In this Bill we have put this completely beyond doubt, by expressly providing that payments commonly known as commissions are not permitted.

Clients will also continue to receive information about the fees they are paying, including fee disclosure statements for clients who entered into arrangements post the 1 July 2013 FOFA start date.

The Government has consulted extensively on this package of amendments.

The Department of the Treasury, in its Regulation Impact Statement, estimated that the amendments would result in ongoing cost savings of approximately $190 million per year, with one-off implementation cost savings of around $90 million.

The Government believes that high quality, affordable financial advice should be within reach of all Australians, and that a strong financial services industry, unburdened by excessive and inefficient regulation, is essential to ensuring that Australians have access to affordable high quality advice.

This package of amendments delivers these outcomes.
FOFA TIMELINE

The Government has made it clear for a number of years that we support sensible financial advice reforms that increase access to affordable, high quality advice as well as reduce the regulatory burden on industry and investors.

In February 2012, Coalition members recommended 16 changes to FOFA in their Dissenting Report of the Parliamentary Joint Committee on Corporations and Financial Services' inquiry into the original FOFA Bills.

The Coalition then re-affirmed its commitment to make these changes in its July 2013 pre-election Policy to Boost Productivity and Reduce Regulation.

Since the 2013 election, the Government has publicly canvassed these reforms on numerous occasions.

The Government has conducted extensive consultation with a range of stakeholders, including financial advisers, industry associations, consumer advocacy groups, training and consultant businesses, academics, law firms and individuals.

KEY AMENDMENTS

Best Interests Duty Test

One change which has attracted substantial attention is the amendment to the Best Interests Duty Test.

Under the current law, advisers are required to act in the best interests of their clients. This requirement is enshrined in subsection 961B(1) of the Corporations Act.

This requirement remains in place, unchanged; there is no amendment to this requirement at all.

The current subsection 961B(2) outlines the steps an adviser may go through to show that he or she has satisfied the duty to act in the best interest of his or her client.

The first six steps of this subsection remain effectively unchanged and are a comprehensive set of steps that provide certainty about the application of the best interests duty to both financial advisers and investors seeking financial advice.

The change to the best interests duty in the Bill is to remove the seventh step in section 961B(2), which is an open-ended, 'catch-all' requirement.

In the Government's judgement, this catch-all provision creates too much complexity and uncertainty for advisers and consumers.

The Government's change to remove this step will provide certainty to industry regarding their obligations under the duty.

The Government has been open to suggestions on other specific requirements that could be included to improve the operation of the best interest duty.

However, when asked, even the most vocal critics of the change have not been able to point to another specific requirement a financial adviser should be asked to comply with in order to satisfy the best interest duty.

As such, the Government will proceed with removing the uncertainty caused by the catch-all provision.

Scaled advice

Another important change the Government is making relates to better facilitating scaled advice.

Scaled advice refers to the provision of advice which is limited in scope to some extent; for example, advice on superannuation products rather than a holistic financial plan.
This Bill will explicitly permit scaled advice; this will help advisers provide low cost advice services and — importantly — enable more consumers to access advice.

All the best interest protections continue to apply to scaled advice.

**Removal of the Opt-in requirement**

FOFA currently requires all clients to re-sign their contract with their financial adviser every two years or it lapses — also called the 'opt-in' requirement.

This requirement adds an unnecessary layer of red tape.

It offers very little consumer protection beyond that already afforded to clients by open and transparent advice about fees charged combined with the clients' ongoing ability to opt-out of their financial advice arrangements at any time.

Removing the opt-in requirement is an important step in winding back some of the unnecessary regulatory burden imposed on advisers and their clients by the previous Government.

**Removal of retrospective additional annual Fee Disclosure Statements**

Imposing a retrospective additional annual fee disclosure requirement is another change made by the previous government which did not properly balance the significant additional costs it imposed on advisers and their clients with the marginal additional benefit.

The Government has acted to remove that retrospective requirement imposed by the previous government to provide a yearly fee disclosure statement to clients who entered into their ongoing arrangement prior to 1 July 2013.

The requirement to prepare a fee disclosure statement for pre-1 July 2013 clients is expensive, given that the age of many legacy systems often requires advisers to manually collate and review data.

Indeed, industry has estimated that it costs around twice as much to provide a fee disclosure statement to a pre-1 July 2013 client as it costs to provide one for a new client.

In removing this costly obligation, the Government notes that these clients will continue to receive disclosure statements directly from superannuation trustees and product manufacturers that identify the fees paid to an adviser.

Of course, today's computer systems are specifically developed to prepare fee disclosure statements and can do so cost-effectively. As such, industry will continue to be required to provide post-1 July 2013 clients with a fee disclosure statement.

Over time, an increasing portion of clients will receive such an additional annual fee disclosure statement.

**General advice**

The current ban on conflicted remuneration captures a far wider range of circumstances than was originally intended, and has resulted in significant compliance costs for industry.

For example, the ban captures employees involved in preparing and providing general advice (such as website designers or general information seminar providers) who are not in a product sales related area.

The Government initially proposed to exempt all general advice from the ban on conflicted remuneration.

During the consultation process, stakeholders raised concerns that consumers may not appreciate the difference between general and personal advice and that a broad exemption may create opportunities for regulatory arbitrage.

The Government has listened to these concerns.
It is important to note that it was never the Government's intention to allow the payment of commissions on general advice.

To this end, the Government is introducing a targeted general advice provision. There are five limbs to this provision, and all of the limbs must be satisfied to ensure a particular benefit is not conflicted remuneration.

Importantly, there is a specific limb that clarifies — beyond a doubt — that payments known as commissions – upfront or trailing commissions – cannot be paid.

To prove how serious the Government's intentions are, the FOFA Bill includes regulation-making powers that may prescribe circumstances in which all or part of a benefit is to be treated as conflicted remuneration.

Therefore, if — contrary to our clear expectation and intention not to bring back conflicted remuneration — developments warrant our intervention, we could address any issues very quickly through regulations. We do not believe this will be necessary.

**Statements of Advice**

The Government is introducing additional improvements agreed with the Palmer United Party and the Australian Motoring Enthusiasts Party.

These further improvements will ensure that all the essential protections of FOFA are front-of-mind for clients as they will be explicitly listed on the Statement of Advice an adviser provides to their clients.

The amendments will also require any instructions a client seeks for further or varied advice to be in writing, signed by the client, and acknowledge by the adviser.

Statements of Advice will also need to be signed by the adviser and the client.

Specifically, in this Bill, the Government is implementing its agreement with the Palmer United Party and the Australian Motoring Enthusiasts Party that the following requirements in the Corporations Act 2001 have to be explicitly listed in the Statement of Advice provided by financial advisers to their clients and signed off by both:

- That the adviser is required to act in the best interest of their client and to prioritise their client's interests ahead of their own, consistent with the requirements in subsection 961B and 961J of the Corporations Act 2001;
- That any fees are disclosed and that the adviser will provide a fee disclosure statement annually, if the client enters into, or has entered into, an ongoing fee arrangement after 1 July 2013;
- That a client has the right to return financial products under a 14-day cooling-off period in accordance with the requirements currently provided under Division 5 of Part 7.9 of the Corporations Act 2001; and
- That the client has the right to change his or her instructions to their adviser, if for example they experience a change in their circumstances.
- Any instructions to alter or review instructions must be in writing, signed by the client, and acknowledged by the adviser.
- The requirement for an explicit statement by the financial adviser that he or she genuinely believes that the advice provided to the client is in the client's best interests, given the client's relevant circumstances.

As well as implementing those changes to the Statement of Advice provisions the Government is also progressing implementation of the agreement with the Palmer United Party and the Australian Motoring Enthusiasts Party to establish an enhanced public register of financial advisers.
A dedicated industry working group has consulted with all relevant stakeholders to develop the best way of setting up this public register of financial advisers.

The industry working group has recently reported to the Minister about:

- The scope and content of such a register (including a record of each adviser's credentials and status in the industry);
- Reporting obligations for licensees and/or advisers;
- Responsibility for providing information and input of data; and
- Potential privacy issues.

As well as delivering on a specific commitment in the Government's agreement with the Palmer United Party and the Australian Motoring Enthusiasts Party on further improvements to our financial advice laws the establishment of an enhanced public register of financial advisers also deals with recommendation 44 of the recent Senate Economics References Committee inquiry into the Performance of the Australian Securities and Investment Commission.

**ASSOCIATED REGULATIONS**

The majority of these FOFA changes have been in place through regulation since 1 July 2014.

By adopting this approach, the Government has provided certainty for all stakeholders on the timing of these amendments, thereby reducing regulatory costs and encouraging more affordable financial advice.

The interim regulations (those made redundant by the legislative amendments) will be repealed following passage of the legislative amendments.

**CONSULTATION**

I talked earlier about the extensive consultation undertaken by the Coalition in the development of these amendments.

Whether it was through the initial deliberations of the Parliamentary Joint Committee inquiry in 2009, the debate on the original FOFA bills in 2012, campaigning during the 2013 election period or the more recent consultation on the draft amendments, as well as through the inquiry undertaken by the Senate Economics Legislation Committee, the Government appreciates the input of all stakeholders.

The views received from all stakeholders have informed and shaped the final form of this Bill.

I would like to thank all stakeholders for their valuable contribution into this process.

**CONCLUSION**

In conclusion, this Bill fulfils the Government's election commitment to keep the important consumer protections in our financial advice laws that matter, while removing unnecessary and costly red tape pushing up the cost of advice for financial advisers and their clients.

Australia needs a robust but efficient regulatory system, which is competitively neutral so that people saving for their retirement or managing financial risks and opportunities through life can access affordable high quality advice.

The improvements in this Bill help deliver such a system.

Advice will continue to be in the best interests of the client, … conflicted remuneration which could distort the advice given will continue to be banned … while unnecessary red tape which only serves to increase the costs faced by consumers will be removed.

Consumers will continue to have access to high quality financial advice which over time should become more affordable instead of less affordable.

The Government also understands that not everything that needs to be done in this space can be achieved through more legislation or regulation.
More needs to be done by the financial services industry itself to keep lifting professional, ethical and educational standards across the financial advice industry.

The Government appreciates and supports the significant efforts that have been made across the Australian financial advice industry in recent years to lift professional, ethical and educational standards.

We will continue to work with all stakeholders on initiatives to further lift professional, ethical and educational standards into the future.

In this context, the Government will continue to progress the implementation of the enhanced Public Register of Financial Advisers announced on 17 July 2014.

Ultimately what we all want to achieve is that Australians saving for their retirement, or managing their retirement, have access to high quality advice they can trust and which is affordable. This Bill and various related initiatives help deliver on that objective.

COMPETITION AND CONSUMER AMENDMENT (INDUSTRY CODE PENALTIES) BILL 2014

Today I introduce the Competition and Consumer Amendment (Industry Code Penalties) Bill 2014.

This Bill is the first step in the start of a new era in franchising. It is the start of an improved, fine-tuned regulatory system for the franchising sector, which represents a significant part of Australian small business.

The first Franchising Code of Conduct was introduced by the Howard Government in 1998.

The stated purpose of the Franchising Code of Conduct is 'to regulate the conduct of participants in franchising towards other participants in franchising'. And, overall, it has to be said that it has done this quite well over the years.

The Code has been reviewed many times—there have been eight reviews into the franchising sector or how it is regulated, at the Commonwealth and State level, in the last eight years. It has been amended from time to time by governments on both sides of the divide to patch up holes. But it is now 16 years old and beginning to look its age.

That is why we will be introducing a new Franchising Code. One that simplifies and modernises the way franchising is regulated. One that fulfils our election commitment to refine the Franchising Code to strengthen its effectiveness, improve its responsiveness to the sector’s unique commercial characteristics and tensions, and guard against additional state-based regulation.

The franchise industry is very important to the small business community, with around 73,000 units employing over 400,000 Australians and producing a sales turnover of an estimated $131 billion annually. It gives the public access to successful Australian enterprises as well as some of the most recognisable international brands.

Indeed, the franchising sector displays great capacity for nurturing innovation and entrepreneurship - the majority of franchise systems in Australia are developed right here rather than being overseas imports. Through these measures the Government will ensure Australia maintains world-class franchising regulations to give this important sector the confidence and support it needs to flourish.

We want to promote growth in the sector, reduce red tape and make sure that all participants in the industry follow best practice principles. The Government is also committed to guard against separate and additional state regulation to maintain a consistent national framework.

The purpose of this Bill is to enable the Government to include civil penalty provisions in the new Franchising Code. A breach of a civil penalty provision will expose a franchisor or franchisee to an infringement notice issued by the ACCC or a pecuniary penalty imposed by the Court. The question of pecuniary penalties for breaches of the Franchising Code has been considered many times in the past. Pecuniary penalties were recommended for breaches of the Code by the 2008 Parliamentary Joint...
Committee. Similar calls were made in 2008 by committees inquiring into franchising regulation legislation in South Australia and Western Australia.

In 2013, Mr Alan Wein conducted the most recent review of the Franchising Code. This independent review involved comprehensive stakeholder consultations across the franchising community and found that there was widespread industry support for introducing pecuniary penalties to deter breaches of the Franchising Code. The Coalition welcomed the Wein review and recommendations, and at the time stated that it was a ‘useful road map to franchise reform.’

Building on Mr Wein’s recommendation and the strong feedback from stakeholders, in April 2014 this Government took swift action to develop and release exposure drafts of the Bill and new Franchising Code for public comment. Feedback on the proposed reforms was very positive, receiving widespread support across the sector.

The ability to include civil penalty provisions in the Franchising Code is a key component of the reform package.

The Competition and Consumer Amendment (Industry Code Penalties) Bill 2014 will facilitate a change to the way that the Franchising Code of Conduct is enforced by amending the *Competition and Consumer Act 2010* to:

- allow regulations to be made that prescribe a pecuniary penalty not exceeding 300 penalty units for a breach of a civil penalty provision of an industry code; and
- allow the industry regulator, the Australian Competition and Consumer Commission, to issue an infringement notice where it has reasonable grounds to believe a person has contravened a civil penalty provision of an industry code.

These measures will more effectively deter breaches of the Code and enhance the enforcement tools available to the ACCC by allowing it to take rapid action when breaches of the Code do occur. This will facilitate greater compliance across the sector and may assist in reducing the number of protracted, costly disputes.

This will promote better practice in franchising, which will, in turn, make the sector more attractive to investors, both locally and internationally. Penalties will not apply to other industry codes unless separate policy and regulatory action is taken to specifically introduce penalties under those codes.

The Bill sets the upper limit for a pecuniary penalty for a contravention of an industry code at 300 penalty units, currently $51,000. The amount of an infringement notice issued by the ACCC for a code breach is 50 penalty units, $8,500, for a body corporate and ten penalty units, $1,700, in any other case.

These penalties are reasonable and moderate. They represent a penalty amount with targeted application to provide a balanced, lighter touch approach that will give the Code ‘teeth’ while preserving the co-regulatory principles of industry codes.

Pecuniary penalties will only apply to provisions of the Franchising Code that are fundamental to the purpose of the Code and where non-compliance is likely to cause significant detriment to the other party.

By allowing the ACCC to issue an infringement notice for a breach of the Code, the Government adds increased flexibility and agility to the regulator’s enforcement armory. Infringement notices allow breaches to be dealt with in a timely and cost efficient manner without the need for a court order in appropriate circumstances.

As I said earlier, this Bill is the first step in a new era of regulation for the franchising sector. The Bill is part of the Government’s comprehensive package of reforms to improve the way the franchising sector is regulated.

The Government will bring forward a new Franchising Code of Conduct to be progressed later this year, subsequent to the passage of the Bill. The new Code will enhance and update the current code.
The new Code will introduce an overarching obligation for parties to a franchising agreement to act in good faith in their dealings with each other. Introducing a specific duty to act in good faith will finally answer the calls from the franchising community and numerous reviews. It provides a malleable tool to deal with the diversity of issues that often stem from the unique interdependent relationship in franchising. Good faith under the Code will have the same meaning as at common law, but we will be providing some guidance for participants around what might be considered good faith.

The obligation to act in good faith and the introduction of pecuniary penalties, will promote better conduct, enhancing the attractiveness of franchising to entrepreneurs and investors. These measures go to the heart of strengthening business relationships and will underpin the wider reforms that we are making to franchising regulation.

The new Code will also:

- improve disclosure, including the introduction of a short, easy to understand information statement for prospective franchisees;
- cut red tape by clarifying and streamlining provisions;
- improve the transparency of marketing funds;
- make franchisors more accountable where franchisees are required to pay for significant capital expenditure; and
- offer extra protection to franchisees by limiting, in a fair and balanced way, the enforceability of restraint of trade clauses at the end of a franchise agreement in special circumstances.

The proposed reforms will strike the right balance between the rights and obligations of franchisors and franchisees, while maintaining the freedom of the parties to make their contract as they see fit, in order to provide certainty.

Further, they will result in an estimated compliance saving of $8.6 million annually for the sector.

The new Code regulations will be progressed through the Federal Executive Council later this year once the Bill is passed by the Parliament. The new Franchising Code is expected to take effect from 1 January 2015.

3 Franchising Australia 2012, Griffith University, 2012, p. 2.
Bill read a first time.

Second Reading

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:53): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

MINERALS RESOURCE RENT TAX REPEAL AND OTHER MEASURES BILL 2014

This Bill repeals the Minerals Resource Rent Tax, which is more commonly referred to as the mining tax.

The Government is reintroducing this legislation in order to meet both our 2010 and 2013 Federal Election commitments.

This Bill removes the former Labor Government's failed mining tax, and all expenditure linked to the non-existent proceeds of this tax.

This Bill discontinues or re phases expenditure measures linked to the mining tax by the former Government, on the expectation that their cost would be met by the proceeds of mining tax revenues.

As we now know, the failure of the mining tax to return any meaningful revenue meant the former Government had to borrow money to pay for these unsustainable commitments.

Updated costings for the Bill we are introducing today reveal that removing the failed mining tax and all related expenditure improves the Budget position by nearly $17 billion over the current forward estimates.

Updated estimates for projected mining tax revenue reveal that it is expected to raise just $668 million over the same period.

This Bill seeks to repeal or re-phase more than $17 billion of legislated expenditure.

The Government cannot afford to keep borrowing money to pay for this kind of unfunded spending.

By repealing or re-phasing the measures related to the mining tax, this Bill is a necessary step in repairing the damage caused to the nation's finances, and puts the Budget on a more sustainable footing going forward.

The application dates of the measures in this Bill will be fixed by the Treasurer's proclamation once Royal Assent is received.

Schedule 1—Repeal of the MRRT

Australia's mining tax has had a long and tortured journey.

It was of course born out of the Henry Tax Review, which was commissioned by the first Rudd Government.

One of the key recommendations was for a Resource Super Profits Tax (the RSPT). The original RSPT was forecast to raise $49.5 billion over a five year period from 1 July 2012.

This was to be a big hit to one of Australia's most successful industries and, ultimately, the announcement, consultation, and handling of the RSPT, was a large contributing factor to the downfall of former Prime Minister Rudd.

In taking over the Prime Ministership, the former Gillard Government famously struck a deal with three of Australia's biggest miners, RIO, BHP Billiton and Xstrata, and from this the Minerals Resource
Rent Tax was born. The new version of the mining tax also included an extension of Petroleum Resource Rent Tax to onshore projects.

Forecast revenue on the new version of the mining tax was significantly revised down when compared to the original Resource Super Profits Tax. It was forecast to raise $26.5 billion compared to $49.5 billion over the five year period from 1 July 2012.

Following the second version of the mining tax, there were three further variations, and forecast mining tax revenue has been written down in nearly every subsequent Budget and MYEFO update.

The Government received just $600,000 (net of refunds) for the June 2014 quarterly instalment of the mining tax.

As previously mentioned, the mining tax, if allowed to continue, would be expected raise just $668 million over the forward estimates.

The mining tax has many design flaws which will preclude it from raising meaningful revenue, particularly when Government administrative costs are taken into account.

We persistently called on the former Government to explain how key details of their mining tax worked, particularly in relation to the upfront tax deduction from the market valuation method which is used to calculate tax liabilities for the Minerals Resource Rent Tax.

A common statement thrown about by those still clinging to this failed tax is that the mining tax was necessary to have the industry pay its way. In 2011-12 the Mining companies paid over $24 billion in company taxes and royalties.

The mining tax is a flawed tax.

And what is worse, it imposes large administrative costs on operators in the resources sector trying to comply with the complex tax.

The repeal of the Minerals Resource Rent Tax will save millions of dollars in compliance expenses for small, medium and large entities.

So far, in the two years of its existence less than 20 taxpayers have contributed to paying the net $340 million raised by the mining tax but over 125 miners have been required to submit mining tax instalment notices while making no net payments.

That is around 125 taxpayers are all complying with the mining tax legislation, but not actually paying any tax.

Therefore, not only is the MRRT a complex and unnecessary tax which has failed to raise the substantial revenue predicted by the former Government, it imposes a significant regulatory and compliance burden on the iron ore and coal mining industries, and damages business confidence which is critical to future investment and jobs.

Some have been claiming that just because the mining tax has raised so little revenue, it could not possibly damage investor confidence.

This argument ignores the importance that foreign companies place on investment decisions, especially in high cost countries like Australia.

Unexpected cost imposts imposed on business with no warning, and unnecessary ongoing compliance burdens are deterrents for foreign investors.

And this is exactly what the mining tax is. The repeal of the mining tax will restore confidence and promote activity in the mining industry, creating jobs and contributing to the prosperity of all Australians.

It sends a clear signal that Australia is determined to remain a premier destination for mining investment, and is once again open for business.
Mining companies in Australia will continue to pay their fair share of tax through State royalties and company tax.

We need to do what is responsible and repair the Budget, and the removal of the mining tax and its associated expenditure is a step in the right direction.

**Schedule 2—Loss carry back**

Schedule 2 of the Bill repeals the mining tax related loss carry-back provisions that enable companies making a tax loss of up to $1 million to recoup taxes paid on an equivalent amount of taxable income in a prior income year.

Companies will not lose access to their tax loses. Rather, consistent with arrangements prior to the MRRT-related amendments, companies will carry their tax losses forward to use as a deduction for a future year.

The removal of this measure will improve the budget position by $1.3 billion over the forward estimates.

**Schedule 3—Small business instant asset write-off threshold**

Schedule 3 of the Bill amends the instant asset write-off threshold provisions.

The instant asset write-off amount was increased to $6,500 in two stages as part of both the Mining and Carbon Tax packages.

The mining tax package dealt with the increase from $1,000 to $5,000, whilst the Carbon Tax package dealt with the increase from $5,000 to $6,500.

This legislation before the House returns the write-off amount back from $6,500 to $1,000, effective from the income year in which proclamation occurs.

Consistent with arrangements that existed prior to the MRRT related amendments, small business entities will still be able to deduct the value of a depreciating asset that costs $1,000 or over but over a longer time frame.

The single small business pool arrangements will be preserved to maintain lower business compliance costs.

Under these arrangements, assets costing $1,000 or more will be allocated to the existing general small business pool and depreciated at a rate of 15 per cent in the first year and 30 per cent in subsequent years.

If the value of the general small business pool is less than $1,000 at the end of the income year, the small business can claim a deduction for the entire value of the pool.

The improvement in the budget position from reducing the instant asset write-off from $6,500 to $1,000 will be $3.2 billion over the forward estimates.

**Schedule 4—Deductions for motor vehicles**

The Bill also provides that motor vehicle purchases made by small business entities will no longer be eligible for an accelerated deduction of $5,000.

Motor vehicle purchases by small business entities using the simplified depreciation rules will instead be treated as normal business assets under the concessional capital arrangements available under Subdivision 328-D of the Income Tax Assessment Act 1997. Under these arrangements they will be depreciated at a rate of 15 per cent in the year which the asset is first used or installed for use and then 30 per cent for all subsequent years.

If this Bill is passed without undue further delay, the removal of this measure will improve the budget position by $550 million over the forward estimates.

**Schedule 5—Geothermal energy**
The Bill will repeal the extension of the income tax exploration provisions to geothermal energy exploration so that geothermal energy exploration and prospecting expenditure is not immediately deductible. Rather, normal capital depreciation rules will apply, simplifying a company’s compliance requirements.

Amendments are included to provide a capital gains tax (CGT) roll-over in cases where a geothermal exploration right is merely exchanged for a geothermal extraction right relating to the same area. This ensures that a capital gains tax liability will not be inappropriately incurred, consistent with the treatment of other mining rights.

The removal of this measure will improve the Budget position by $15 million over the forward estimates.

Schedule 6—Superannuation Guarantee Charge percentage
The rate of the Superannuation Guarantee will be paused at the rate which is currently legislated for the proclamation year. The Treasurer will, by a non-disallowable legislative instrument, have the power to amend the SG charge percentage, which will allow him to pause the rate for the following three income years, and then increase the rate in increments of 0.5 percentage points each year, until the rate reaches 12 per cent.

If this Bill is passed without undue further delay, this measure will result in the SG rate being paused at the 1 July 2014 rate (9.5 per cent) and remaining at that rate until 1 July 2018 when it will increase to 10 per cent on 1 July 2018 and then by 0.5 per cent every year thereafter until the rate reaches 12 per cent on 1 July 2022.

These amendments to the superannuation guarantee will improve the Budget position by $2.6 billion in cash terms over the forward estimates.

Schedule 7—Low Income Superannuation Contribution
Schedule 7 of the Bill abolishes the Low Income Superannuation Contribution (LISC).

The Government will revisit concessional contribution caps and incentives for lower income earners once the Budget is back in a strong surplus.

The White Paper on the Reform of Australia’s Tax System to be prepared before the next election provides an opportunity to consider the appropriate taxation of superannuation contributions, including for low income earners.

Low to middle income earners may be eligible for the superannuation co-contribution to boost their retirement savings.

The removal of the low income superannuation contribution will improve the Budget position by $3.6 billion in cash terms over the forward estimates.

Schedule 8—Repeal of income support bonus
The Bill repeals the income support bonus. The Coalition made very clear in the lead-up to the last election that, if elected, we were committed to getting rid of the mining tax and all of the unfunded spending promises, including the income support bonus.

Participation in the workforce is the best way to ensure economic stability and the payment system is geared to promote this while ensuring that a safety net exists for those requiring help.

This Bill will abolish all future payments of the Income Support Bonus from a date fixed by proclamation following the passage of the Bill.

The removal of this measure will improve the Budget position by around $1.3 billion over the forward estimates.

Schedule 9—Repeal of schoolkids bonus
The Bill also repeals the schoolkids bonus. The Government intends to offer a more efficient, targeted approach to improving education outcomes for students through effective education policies, rather than bonus payments to individuals.

If this Bill is passed without undue further delay, the removal of this measure will improve the Budget position by almost $4.7 billion over the forward estimates.

**Conclusion**

By abolishing the failed mining tax and repealing or re-phasing the measures related to the mining tax, this Bill is a necessary step in putting the Budget on a more sustainable footing going forward.

Full details of the measures are contained in the explanatory memorandum.

Debate adjourned.

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

**Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator SESELJA** (Australian Capital Territory) (17:54): It is a great pleasure to be speaking to the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 today—one which I wholeheartedly support. The coalition, as has been noted by other speakers, has a proud record of environmental protection in this country. But what we have never done is taken an extreme view that constantly says all development is bad and all development that may have an environmental impact is, therefore, prohibited, as some in our community would seek to do. We have always sought to strike the right balance between the need to develop our nation and to develop new jobs and new industries with the need to always bear in mind the impact on our environment, the need to mitigate any impacts on our environment from development and the need to constantly keep this in mind.

In this spirit, in the lead-up to the last election, the coalition consulted widely with businesses, industry representatives and not-for-profit organisations about the regulatory burden they face. Time and time again, we learnt that unnecessary red tape is a burden on businesses looking to get ahead. In government, we have delivered on our commitment by holding the first repeal day on 26 March, when more than 50,000 pages of legislation and regulations were repealed to save over $700 million across the economy. We are committed to further deliver on our pre-election commitment to make Australia open for business by creating a one-stop shop for environmental approvals.

The one-stop shop will slash red tape and increase jobs and investment while maintaining or improving environmental standards. To ensure Australia's ongoing security and prosperity, it is important we do everything we can to allow businesses do their work and grow the economy. For too long, there has been duplication of federal, state and local process, adding complexity and cost to environmental approvals across the country. This government will create a one-stop shop that will streamline and simplify the environmental assessment and approvals process. The high environmental standards under national environmental law will
be maintained. There is no change to those standards. However, the government will deliver benefits for business and the community by cutting this red and green tape.

This bill amends the environmental protection to facilitate the efficient and enduring implementation of the Australia government's one-stop shop reform for environmental approvals. Provisions to allow for a one-stop shop have existed in the EPBC Act since it was introduced. The government is delivering on the original intent of the act. When fully implemented, the one-stop shop will simplify the approvals process with a single entry point at the state level for approvals. The government is in the process of consulting and developing bilateral agreements with the states and territories to implement this policy. These negotiations are at different stages for each state and territory, so it is vital that we get the mechanisms in place so that these agreements can be implemented as soon as possible and the cost burden on business is removed.

The government will achieve the one-stop shop through a three-stage process: signing a memorandum of understanding with each of the willing states on the key principles and confirming cooperation on achieving a single process; agreement on bilateral assessments and updating those which have already been in place; and agreement on bilateral approvals within 12 months. By eliminating duplication, we can enable Australian business to do their work, while maintaining a high standard of environmental protection.

In its submission regarding the bilateral agreement between the Commonwealth and the ACT, the Property Council of Australia welcomed the one-stop shop and noted:

The experience of the industry with the EPBC Act has been characterised by a lack of clear definitions, rules and tests which has resulted little consistency or certainty in its administration. The property industry is among the hardest hit by the ongoing failure to streamline assessment processes. With over 200 residential and over 100 commercial property developments being referred to the Commonwealth in the past 12 months, construction costs and delays could be substantially reduced through the implementation of assessment and approval bilateral agreements. It is worth noting that the property industry is one of those industries that are most significantly affected. We have seen it in my territory of the ACT, and we see it all over the country.

We see this view of the world most notably propagated by the Greens. It is, effectively, anti any development. The Greens will always say that they are not anti development but that they are anti that development; they just happen to be anti the particular development that is on the table right now. They say that they are just anti this particular mine. They say that they are not anti mining; they are just anti that mine.

I thought it was interesting that Warren Mundine challenged the Greens recently by asking, 'Where is one area where you would support a new mine in this country? Where would you support one new mine in this country?' They would not point to it because, in the end, they fundamentally oppose mining and development. That extreme view of the world is not one that this government supports. That view of the world leads to increasing costs, increasing complexity and reduced economic development.

It is often said, of the local experience in Canberra, that if we were trying to build Canberra—the bush capital—now, with all of the constraints that some would seek to place on development, the vast bulk of the city would never be built. With any development there is
always an environmental impact. The role of government is to make sure that that impact is mitigated and managed. You simply cannot have any development without having an environmental impact.

We have seen, locally, examples of calls for the EPBC Act to be used and that cross-over between state and territory law—the duplication at a Commonwealth level. We saw in the main development front of Canberra in Gungahlin. The Greens representative—now the only Greens representative in the Assembly—Minister Shane Rattenbury had a view on a suburb called Throsby, one of the largest new suburbs in the growing part of Gungahlin, which was proposed to be developed. His view, basically, was that there should be no development at all because there were environmental issues. He said:

Throsby is the perfect case in point of the kind of area for which we should perhaps just put aside all notion of development ... the Greens' view is that Throsby may well be a complete no-go zone.

We need to fight that kind of attitude when we see that kind of example of 'No development here!' When you look at the way Canberra was developed you see that it always took account of environmental issues. Large green zones in the middle of suburbs protected native flora and fauna—and that protected amenity, but it allowed development in those areas. That is the fundamental balance that we always seek to get, but which some in the community do not accept.

Some people do not accept that you can find a balance. They do not accept that you can have a housing development, a mine or other developments and then remediate, in some cases, or—when it comes to residential development—arrive at a situation that takes account of the local environment, adds to amenity but still supports the desire for new, affordable housing. And that is what this government wants to do.

This government wants to maintain high environmental standards but not take this no-development approach which says, 'No development here,' or 'We don't like that development because we don't like any development,' which is the view of the Greens and some in the community.

Likewise, the Minerals Council of Australia, in their submission regarding the proposed bilateral agreement between the Commonwealth and New South Wales, said that they support the government's 'commitment to implementing a single accredited project assessment and approvals process'. They also noted:

Continuing the momentum will be important to the successful roll out of these important reforms.

The Queensland Resources Council said that they are:

QRC is highly supportive of the assessment bilateral and soon to be approval bilateral arrangements between the State and Commonwealth Governments. They allow for greater alignment of duplicative regulatory processes as well as providing a more facilitative process for resource projects that are large, usually complex and multi-faceted.

QRC strongly believes government needs to implement a one stop shop approvals process as soon as possible.

Furthermore, they noted:

Certainty of process is highly critical for resource projects including timeframes for each step in the process. This enables greater planning and delivery of vital information to the project assessor.
The Business Council of Australia, in their submission regarding the Queensland agreement said:

If implemented effectively, the Australian Government’s policy to streamline environmental assessments and approvals whilst maintaining environmental outcomes will foster investment and put downward pressure on business and consumer costs.

We also had Tourism and Transport Forum Australia note:

A single approval process under the EPBC Act will benefit the economy by providing investors greater certainty and confidence to inject money into new tourism products and experiences.

Those were five endorsements from different industry groups across the economic spectrum. This government wants to help their businesses thrive as part of a strong economy. That is why we are committed to cutting this red and green tape. They have each noted that this one-stop shop is an important economic measure for their ongoing success. They have also noted how vital it is that there is certainty and clarity about the process. That is what this bill achieves: certainty and clarity.

Areas of savings for business will include lower costs, as business will need only one application, assessment process and approval decision; and faster approvals, as business will no longer engage with the Australian government or wait for approval to follow a state or territory approval. This will typically save 30 to 40 business days. The legislation will provide more certainty for investors with a simpler, streamlined regulatory system which is good for Australia's international investment reputation.

The Commonwealth will maintain an important role in the approval process. The Commonwealth will still be accountable for its obligations under the EPBC Act, including international treaties. The Commonwealth will retain an approval role for actions in Commonwealth waters, on Commonwealth land, or by Commonwealth agencies. And the Commonwealth will have an ongoing role in ensuring the commitments under the bilateral agreement are met.

Environmental standards are not being weakened by this policy; in fact, they are being strengthened. States and territories must demonstrate their environmental assessment and approval processes meet the high standards set out in the EPBC Act. States and territories are working closely with the Commonwealth to demonstrate that their processes meet these high standards. In some cases, this may mean changes to account for matters of national environmental significance.

The one-stop-shop will also promote sharing of environmental information and data between business, governments and the community. Transparent and accessible information will improve our collective ability to understand and suitably manage our environment. The one-stop shop will also promote the increased use of strategic approaches to improve the environment such as strategic environmental assessments under the EPBC Act. Strategic assessments consider the cumulative impacts of environmental pressures and plan for better environmental outcomes.

By eliminating the dual state/federal approval process businesses will not have to jump over the same hurdle multiple times, but the same high environmental standards will be maintained. Some of the technical amendments to this bill will also provide certainty for proponents about the practical operation of the bilateral agreements. It will remove the need
for proponents to make unnecessary referrals to the Commonwealth. These amendments also recognize that states and territories have set up their processes in ways that best reflect the circumstances in their state or territory. These technical amendments will ensure the focus of accreditation is on the process meeting the highest environmental standards, rather than on technicalities. The amendments also clarify that, in addition to the terms of the bilateral agreement, the minister can take into account all matters, such as state or territory policies and plans, that might be considered relevant when deciding whether to accredit a state or territory process. In addition, a new provision to provide ongoing certainty to the community about the operation of the agreement will allow bilateral agreements to remain in force when state and territory governments make small changes to legislation and processes, where the substance of the arrangement or process continues to meet the highest Commonwealth environmental standards. The amendments will also allow bilateral agreements to refer to and incorporate documents, such as policies and guidelines, which change over time. This is particularly important to ensure that environmental decisions reflect the latest science and best practice.

The Commonwealth will work collaboratively with states and territories to ensure that high environmental standards are maintained. A comprehensive assurance framework will be implemented, including: transparency around decisions and access to information, which will allow the broader community to be part of the monitoring process for the one-stop shop, state and territory audits, transitional and five-yearly reviews of bilateral agreements, and reporting mechanisms to enable the Australian government to fulfil its reporting obligations under the EPBC Act and internationally; an escalated dispute resolution process to resolve any issues; the federal environment minister will retain the ability to call in the assessment and/or approval of a project; and, in extreme circumstances, the minister has power under the EPBC Act to suspend or cancel an agreement. States and territories will be accountable to the community and business, as well as the Commonwealth. This is good policy. It is good for the environment and it is good for business.

We all know the economic landscape of Australia is changing—this government is committed to cutting red and green tape so that businesses can be enterprising, can invest and can create the jobs we need. This government is committed to finding a genuine balance between the needs of our economy—the need for development, the need for jobs and the need for affordable housing—and the genuine needs to protect the environment, the genuine desire of our community to maintain high environmental standards. That is the path we are taking. It is not one that says that all development is bad; it is not one that seeks to unreasonably frustrate development; it is not one that seeks to unduly delay development with all of the costs that go with that. Those costs are passed on—when it takes too long to construct new housing, we see the cost of new housing go up. We see the great challenges for families to get into home ownership as we have seen affordability get out of control in many parts of our nation. Costs are passed on in the way of fewer jobs. We have recently seen mining developments and other developments unreasonably frustrated, and that affects jobs in the construction industry and jobs right through the economy. It is not good enough to take the approach to the environment we have seen from some I have quoted, which is effectively to oppose any development because it will have an environmental impact. All development has an environmental impact. What we need to do as a government, what the government has a responsibility to the community to do, is find ways of facilitating reasonable development, of ensuring that it can proceed on a reasonably timely basis, whilst ensuring that it does not do
undue environmental damage, that it does not have an undue environmental impact. That is what this legislation is about. It is an important piece of legislation and an important reform, and I commend it to the Senate.

Senator O'NEILL (New South Wales) (18:12): In my speech on the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill I want first to put on the record a few of the facts that have been glossed over. Those opposite have made significant efforts to disappear the facts from this debate. I would also like to talk about what the bill is seeking to do in a practical way, and then I will make some closing remarks about the Abbott government's environmental record so far—a record that sheets home why this bill is such a dangerous piece of legislation.

I want to commence with a very short story about a delightful four-year-old I met one Sunday morning at the EV Church at Terrigal, in the electorate of Robertson on the Central Coast, which is where I live. She came up to speak to me after the opening of the church—I think she had just finished having a great time on the bouncing castle. She made her mother bring her over to me because she wanted her mother to show me a picture on her phone that she was very proud of. It is a picture that hangs in this little girl's home—on the great gallery of Australia, on the fridge, held there with a fridge magnet. I will describe the picture. There is a small, banana-type boat. There are two characters sitting in the boat by the name of B1 and B2. Behind them, Tony Abbott is seated and behind Tony Abbott is the young girl herself, watching the action. The boat is exploding with litter. Her comment to me was, 'This is the boat on the Great Barrier Reef. I want to go there and see it one day. I've got B1 and B2 in the boat with me 'cause I'm watching them to make sure that Mr Abbott doesn't get rid of them. And all that rubbish in the boat—that is what he wants to throw over the side! I am watching Mr Abbott and I can tell you that I am not very happy with the choices he is making.' This was from a very articulate and forward-looking four-year-old. A four-year-old was able to explain her concern about the environment in those sorts of terms. She is spot-on in her assessment of what Tony Abbott wants to do in terms of the Great Barrier Reef: Abbot Point and the massive expansion he seeks to approve is part of that threat. She identified the threats to other things that create this wonderful community we have in Australia, including the ABC.

That sort of perspective on what this government is doing is absolutely lucid. What we see in the commentary from those opposite is the exact opposite of lucidity; it is obfuscation at every turn: 'Let's just do the old trick—try and hide the facts from people.' It is as if the EPBC Act is going to cause a failure of Australia's development capacity. That is the argument they are putting, that this is green and red tape that should simply be removed: 'Get out of the way of great development and it will create jobs.' But we must not forget that the reality is, with 250,000 development applications put forward in Australia each year, the number to which this piece of legislation applied was 400. It was 400 out of 250,000—and it applied to those 400 because they were of national significance.

I am proud to be here representing the great state of New South Wales but the work of this parliament means we need to look to the nation. We have a responsibility to the nation—to all the people of every state—and we need to look after our environment critically, as part of a legacy to give to all Australian. We see in this legislation a hint of what we have seen in many other pieces of legislation that have come before the chamber from those opposite: that is, a
delight in removing from themselves the responsibility for the work of government at a federal level, palming it off to the states. We have seen it in the arguments they have put forward in the areas of health and education and again we hear them say: 'Hands up! We don't need to be involved. Let's just remove ourselves from this place and hand it over to the states. That'll be fine. It's not a federal government responsibility.' We see every day that they have asked the Australian people to elect them to do less. That is what this legislation is about: enabling them to do less. There will be less scrutiny, less care for the country and less looking after sites of national significance.

If I move to this bill, we can see that what it does is pave the way for Tony Abbott and Greg Hunt to simply abrogate their responsibilities to others, namely the states. Under the sorts of changes they are proposing we will have Campbell Newman approving dredging and dumping on the Great Barrier Reef. I know that would cause incredible concern to the people of Queensland. I had the pleasure—prior to starting my family—of travelling around the entire country with my husband. The three days we spent at the Ningaloo marine reserve in Western Australia, just parked in our campervan at Turquoise Bay, was one of the periods of my and my husband's life that we recall with great joy. Anybody who has travelled around Australia—all those grey nomads, some of whom might be listening right now, know what a treasure a place like the Ningaloo marine reserve is. Intuitively, like that four-year-old I referred to at the beginning of my speech, Australians know that Colin Barnett is not the kind of person to be trusted with such a national treasure. He is not that sort of person; his record speaks volumes. Down in Tasmania, there are iconic World Heritage listed forests—and Will Hodgman will be in charge. This is not a good combination and Australians know it.

I stand here proudly as a Labor senator, part of a Labor Party with a fine record of looking after the environment. Labor were the first to have an environment minister. The legacy we leave in the state of New South Wales is a massive expansion of forests for Australians—of national parks and the amenity they provide. This is Labor's legacy. We understand about the interaction between the economy, people and our natural environment. We seek a balanced, integrated model of that. What those opposite seek to do is always to upset that balance in favour of speed and dollars over people.

Development is critical. Indeed, my family—all my brothers and my father—have spent most of their lives involved in civil construction and the rolling out of new suburbs and subdivisions to provide sites for people to live. The processes of our governments can be slow in some cases. But to pretend in this place that a one-stop shop is going to eliminate those sorts of sticking points that happen as developments are pushed through is an absolute misrepresentation of reality. Make no mistake: there will be no one-stop shop; that is just another slogan—another slogan that has been proven to reveal the lies rather than the truth of what those opposite say. The one-stop planning shop will not come into being. Be very clear: people who propose developments of all kinds will have to put them through their local council and their state just as they currently do. Those two bodies will have to have a conversation. But this legislation is taking away the capacity for the federal government to have oversight of that process where a matter of national significance is involved. It is an abrogation of responsibility, in my view.

What is even worse is that beyond shifting the responsibility to another level of government—namely the state government—this legislation is also seeking to provide the
ability for those same state governments to give to local government the capacity to undertake critical assessment and approval processes. It is like it is a train of thought: 'We'll abrogate ourselves of responsibility; we'll hand it on to the state but we'll build into it a capacity for them to abrogate their responsibility and hand it to local government.' There are fine local government counsellors and people working in those great parts of our community who do wonderful work. But is the decision making and the correct, detailed and careful investigation into the impact of development on sites of national significance really the work of your local council? In my area, provision of roads is the main focus of local councils, and they are resource poor. They became even more resource poor after this government came in and took away all their school improvement and financial assistance grants. Delays to local road construction have now increased because of the choices that this government has made. More and more pressure is being shifted from this government, which wants to do less and less and heap more and more on those who have the least capacity to pay. To do the kind of careful assessment required for looking into the future across decades in the interests of the Australian people is not the work of local government. Yet that is what this legislation is seeking to achieve.

Also of great concern to me as a Labor senator is the whole renunciation by the government of their sense of responsibility to quality and consistency in the processes between the states. It is ironic that in the bill itself they talk about inconsistency when what they are creating is a structure which will create incredible inconsistency and incredible inequality between the states. This bill mentions for the first time local governments having the power to approve developments across the country, taking away that sense of common transparent reality for all regions around the country. I am very concerned that the bill, along with the bilateral agreements being developed, will mean that World Heritage sites, nuclear activities, uranium mining and species protected under international treaties are going to now be put in the hands of state governments—or at least, in the first instance, in the hands of state governments, but then potentially in the hands of your local government. World Heritage listed sites will now potentially be in the hands of local governments. This is not a step forward for Australians. This is not an advancement of our nation. There is no 'advance Australia fair' in what they are doing here. It is taking away the probity that necessarily needs to be applied to the quality of a proposal for development and it will have implications for generations.

I would like to speak briefly about what it could mean to the state of New South Wales. In 2013, the former Minister for the Environment, Robyn Parker—who had an unpleasant engagement in a public place with the Orica incident in Newcastle—made the claim with regard to a major logging development that 'logging protects koalas'. Let me say it again because I could not believe it when I heard it: 'Logging protects koalas.' That was the argument of the Minister for the Environment in New South Wales. I am sure, if I asked a four-year-old, they would be able to come up with a more lucid and accurate statement than that. That is the level that this legislation is proposing to drop the decision making to, with the threat that it could fall to local government, which is even less resourced.

In New South Wales, under the O'Farrell government, we have seen nine members step aside from the Liberal Party, two of whom gave up their seats immediately and who have now decided to allow by-elections to be held in their electorates around Newcastle. Those votes
will be taken and the new members will come in. We have seen nine members remove themselves from the Liberal Party because of ICAC investigations. Amongst those investigations, there have been significant comments made in the public place about the role of developers and developers' dollars in getting a hearing with the government of the day—the Liberal government. It is an incontrovertible fact that the influence of property developers of the unscrupulous kind is now on display for all the people of New South Wales to see. What they had as their protection when people did the wrong thing was federal oversight. Labor embraced that responsibility at a national level to make sure that there was some oversight.

The reality is that this government does not want to see. It wants to turn its head away. It is happy to support people who think that logging helps koalas. It is happy to see dumping on our reef. It is happy to see care for the Ningaloo marine reserve go to Colin Barnett. It is happy to see the potential destruction of things of national importance because it wants to do less. That is its mantra. The coalition are not up to the responsibility of government and to taking seriously their role as a federal body of oversight to act in the national interest. We should be scared about what this legislation can deliver because of what the government wants to do. Its qualifications in this area are already well and truly on the record.

First of all, it is pretty clear that they do not have any credibility when it comes to the environment because they do not even have a minister for science to speak to the issues of the environment. In fact, they have spent most of the last six or seven years decrying environmental fact. We have a Prime Minister who said that climate change is 'crap'. Now that man, with that eloquent speech, is, sadly, the leader of this country. It is his legislation that we are dealing with right here. The record of the government is astounding. Apart from the backward moves on climate change risking outstanding World Heritage icons, they have gone into government rushing through environmental approvals. They have disallowed the endangered community listing of the Murray River from the Darling River to the sea and, against all reason and sneakily, they have gone about having the world's largest marine reserve system reproclaimed to undo the care and management plans that gave them effect.

As I said earlier, this government has begun, right now, processing the handing over of environmental approval to the states—

Proceedings suspended from 18:30 to 19:32

Senator O'NEILL (New South Wales) (19:32): To continue my remarks on the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014: this is a bill, by the way, which actually does not explain what it is about to do, which is to rip away the protection of the Australian environment.

As I said earlier, this government already has an appalling record. It has begun to hand over control of the Great Barrier Reef to Campbell Newman and to Colin Barnett the control of the Ningaloo Reef, and so many other great national treasures. It has all but abandoned efforts to have Queensland's Cape York added to the World Heritage listing, it has approved every request for development in the Barrier Reef catchment that has landed on the minister's desk, despite UNESCO threatening to list the reef as in danger. This government continues to act not only as economic vandals against Australia's interests but environmental vandals, and to have a fake veil that this is in the economic interests of Australia. It is absolutely not in the economic interests of Australia.
This side of the chamber—and I stand here representing the Labor Party—stands proudly on the record of Bob Hawke and those who preceded us in establishing the first environment ministry; establishing forever and for us the Antarctic reserve, preventing unwarranted development of a pristine environment. That is Labor's strong record. We do not just talk about it; we deliver it in government. And this government has come in and is determined to pull it apart.

This government has disenfranchised communities across Australia by ripping Commonwealth funding from the Environmental Defender's Offices. They have taken away the money from the people who can stand up and defend the environment. They have ripped out the capacity of our country to be able to look after those things which are in our care at this time. They have taken us backwards on every front in the environment. They have repealed carbon pricing and ignored climate change. They want to axe the Australian Renewable Energy Agency, the Climate Change Authority, the Clean Energy Finance Corporation and the renewable energy target. There is nothing of environmental significance and benefit to this country that this government is not prepared to rip away.

I agree with the four-year-old I mentioned at the beginning of my comments. I, and many Australians, are not very happy with the choices Mr Abbott is making in the national interest, because they are in the national disinterest. (Time expired)

Senator WHISH-WILSON (Tasmania) (19:35): What is truly unique and iconic about my home state of Tasmania has been saved by federal oversight in recent decades. I think about the things which have put Tasmania on the map globally and what brings us nearly a million tourists a year from all around the world. They have spent billions of dollars of revenue in our economy. They come to see the iconic wilderness in Tasmania's World Heritage areas. They go to the Franklin-below-Gordon, judged recently as one of the greatest whitewater rafting rivers in the world. They come to our national parks, which are loved and known all around our country and all around the world.

When I look at these special areas, they were hard-fought for and won not just by conservationists but by lots of people around this country. In the end, while they exist in Tasmania they are owned and are the property of all Australians. In fact, when they go into World Heritage they are, of course, the property of everyone around the world.

When I think about what actually got the global Green movement going it was an absolutely stunning and unique piece of wilderness down in the south-west of Tasmania—a beach that you can land aircraft on that literally became a chapel of the open sky to lots of Tasmanians who would go there with their children on the weekends. It was called Lake Pedder.

Lake Pedder was lost in 1973 to a Tasmanian state government hell-bent on development. It galvanised the global green movement. People do not realise that the Greens in countries and parliaments all around the world now started with a fight to save Lake Pedder. That then morphed into a campaign to save the Gordon-below-Franklin. I am pleased to say that one of my predecessors, Bob Brown, Prime Minister Bob Hawke and others all came together to save that truly unique piece of wilderness for every Australian and everyone around the world. That, once again, would not have happened if the federal government had not stepped in to check the attitude of the Tasmanian government.
This issue is something near and dear to my heart because my own experience, which has led me to parliament, involved fighting what I thought was a rogue corporation—and I think history will find me to have been correct—and a rogue state government that wanted to build one of the world's biggest pulp mills in the Tamar Valley. Not only would it have led to thousands of truck movements in the beautiful tourist valley; they would have dumped 30 billion litres of industrial waste in the ocean every year. They would have dumped that into the Bass Strait. They would have dumped that into a very productive salmon fishery just kilometres from seal colonies.

As I know from personal experience, the state government was not prepared to properly assess the risks of this project to the environment, the community or even the local economy. So I and some other surfers, who are quite hard to get off their backsides sometimes, went and met with this company, Gunns Ltd, and asked them what this pulp mill business was all about. We were not happy with the response we got, so we tried to get information off the state government. A friend of mine paddled from Byron Bay down to Hobart on a sea kayak to raise money and eventually we raised enough to fund a big international report which we submitted to the Resource Planning and Development Commission in Tasmania. That was an independent assessment of what was going to be the single biggest private investment in Tasmania's history. But it was also going to lock in the destruction of four million to five million tonnes of native forest a year. It was going to be used to make pulp to send overseas into the Chinese and Japanese markets.

Those forests are now protected, thanks to the Greens and also to Labor. They have now gone into World Heritage protection. The Liberal Party has tried to rip up that World Heritage agreement in recent months. But those forests have been saved for future generations because we have had checks and balances.

Back to the pulp mill, although the RPDC process was underway, my friends and I put in a 68-page submission. I took a year off from the university study I was doing to get this done. I cared enough about it to do that, and the community cared too. But our community process was ripped out from underneath our feet as Gunns pulled out of the resource planning development process and the state Labor government fast-tracked assessment, using parliament as a planning body to bring in this pulp mill.

When we thought all was lost, we found when we went up to see the federal environment minister, who at that time was Peter Garrett, that the ocean outfall was a big problem. No-one had done the work on that. The state government was prepared to just tick the boxes. Luckily, Mr Garrett made the company go back and do that two- to three-years worth of modelling studies they needed to do. Eventually the GFC came along and the company could not raise the finance for its project. My opinion is that it was never going to be profitable in the first place, aside from all the environmental issues.

It was that federal oversight in that critical area where state responsibilities merge with federal responsibilities that meant we actually got some proper scrutiny of the risks of this project. I lived and breathed that, including making several trips to Canberra with other community groups to speak to anyone who would open their door to us. That federal oversight was critical. This is just one example of that. Tasmania dodged a bullet by not building that project. It was never going to be economically successful. It promised so many people so much, but it was never going to be able to deliver and survive in a global economy.
Also, those forests have now been saved. That ocean is still full of fishermen and surfers like me who are quite happy to go and recreate there. This is just one example of the types of projects that are happening right around the country. I wanted to share my experience on this issue.

We need federal oversight. It was a Liberal government that brought in federal oversight. As environment minister, Senator Robert Hill established the EPBC Act, set up the National Heritage Trust and set in train a process of expansion of marine parks and national parks across this country. Until now, that policy framework has been largely untouched by parliament. Especially over the last decade we have had debates on this and a comprehensive review was done in 2009 by the Rudd government. That also found that the EPBC Act needed to be strengthened, not weakened. But, unfortunately, that review was shelved.

This Liberal government is unwinding the work that was done during the Howard era to have sensible checks and balances in place to make sure that rampant state governments, wanting development at all costs to fill up their coffers, with no thoughts for the long term or the sustainability of these projects, have checks and balances in place from federal oversight. That is why the Greens do not believe that handing power from the Commonwealth to the states and putting the environment at risk is a sensible thing to do. There are good reasons why the EPBC Act came into being in the first place. If you want to see what those good reasons are for yourself, come down and visit Tasmania, walk in the World Heritage forests, go rafting in the Franklin and go visit the Tarkine. It is now under threat from mining. The only thing that has held that up so far is, once again, Federal Court action which found that the EPA in Tasmania run by the local government—surprise, surprise!—was not doing its job.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (19:43): I, too, rise to speak on this EPBC Act amendment bill. I find it quite interesting that we seem to be debating the idea that some terrible thing is going to happen instead of focusing on coming up with a situation where regulation does not become a burden to the productivity of our country going forward. This immediate assumption that every time we do anything we have to have some level of regulation for regulation's sake is quite silly. I think we should be approaching regulation on the basis of asking, 'What is it that we need to do to ensure that we protect'—as Senator Whish-Wilson just talked about—'our environmental assets and to make sure that we are looking after our communities?'

It strikes me as odd that we jump to the immediate assumption that, if we are going to try and reduce the level of regulatory burden on a process, it is necessarily bad. I think that we can have a reduction in regulation that will be of no detriment to our environment and at the same time will allow our economy, our communities, our businesses and our country to move forward.

I was reading this a minute ago:

The truth is business regulation is now right out of control. The quantity and complexity of regulation today is eating away at the entrepreneurial spirit of Australian business.

You might ask, 'Who said that?' Kevin Rudd said that in an address to the National Press Club in April 2007. It is very interesting that even the previous Prime Minister understood the burden of regulation. It is also really interesting that, subsequent to that, we went on to see, in the six years that Labor were in office, the introduction of 21,000 additional regulations. The
result of that was that Australia's position in global competitiveness rankings actually fell—so you cannot have it both ways.

According to the latest data from the Australian Bureau of Statistics, multifactor productivity, assessed using quality-adjusted hours worked, fell by three per cent in Australia from July 2007 to June 2012. A study by The Economist's Intelligence Unit in August 2012 ranked Australia as the second worst of 51 countries for productivity growth, ahead of only Botswana—Australia is actually regulating itself out of the marketplace. You have to wonder what particular benefit is being generated for Australia by doing this. All we seem to be doing is making our businesses totally non-productive. When the previous government was in office it did not sit down and look at ways to address the issue of why Australia was going backwards so rapidly in this space. That is exactly what we are seeking to do here.

We understand that there are regulatory requirements to ensure that we do not end up damaging our environment so that we can be sustainable into the future, but let us not put our sovereign position in such a state that nobody in the world wants to undertake any developments in Australia. We have to realise that capital is mobile and that it is becoming more and more mobile as time goes by, so now we have a situation where a company has the choice of undertaking an investment in Australia or undertaking an investment somewhere else in the world. They will, of course, weigh up the complexity of the environments they are looking at to determine where that investment should be made. I do not need to remind senators in this place that Australia does not have the kind of capital available to meet the development needs of our country going into the future, so we do have to rely on this mobile international capital. If we continue to add regulatory burden at the rate we are adding it at the moment, we are going to see a lot of this capital dry up and go somewhere else. That is not going to be good for our country, our economy, our people, our communities and the prosperity of this nation into the future.

You can look at the reviews, reports and investigations into establishing what is happening in this space. The Productivity Commission found that there are multiple layers of environmental regulation for many, many projects. They went on to say that it is not uncommon for major projects to need 70 different types of approval. If every single one of those 70 different types of approval actually had a different and specific benefit, and addressed something different with no duplication, I do not think it likely that anybody in Australia would have a problem with this. The biggest problem we have is that, with these massive numbers of approvals, many of them are duplicated. If we are seeking to ensure that a project proponent only has to deal with one approval process—and deal with it only once—on a particular issue, I cannot see how that can be a bad outcome for Australia or a bad outcome for our environment. The Business Council of Australia identified a recent major project development which required four different assessment processes by four separate government agencies, federal and state, and all of them requested similar information. So you can understand why businesses in Australia and businesses seeking to be involved in the Australian marketplace are very, very keen to reduce the level of regulatory burden.

Another piece of evidence that was found in the Productivity Commission's report was that meeting the regulatory requirements for one major project cost its proponent $25 million. It involved 4,000 meetings and resulted in a 1,200-page report—and, after two years of assessment, the project was subject to 1,200 state conditions, 300 Commonwealth conditions
and a further 8,000 subconditions. The company actually had to employ an extra 50 people for a period of two years just to meet the environmental regulatory requirements that Australia demanded of this particular project.

As you can see, it is not that anybody here is seeking to create a situation where we are going to shortcut regulation, shortcut compliance and shortcut protection; all we are saying is: let's not do it one, two, three, four, five, six or, in this case, 70 different times. Let's do it once. Let's get a one-stop shop and let everybody speak to each other so we can actually facilitate the efficient, effective and responsible approval of projects without actually putting so much burden on the proponents that many of them choose not to go ahead with their projects in Australia.

And it is not just in the mining space. We seem to hear so much about the mining space, but we have environmental and regulatory burdens. You have only to look at the impact on the Great Barrier Reef of the speculation and misinformation in relation to the marine parks. With the lack of certainty, people just are not going up there anymore. So we need to have a look at regulation in the broadest possible sense to make sure Australia is not turned into a Second or Third World country simply because we have scared everybody away.

One of the things I have said many times before in this place is that it always terrifies me when our Greens senators on the other side in particular get up and talk about the idea of the federal government and federal politicians knowing best. I do not profess to know any more or any less than anybody else. I have been put here to make judgements in relation to matters that are under federal jurisdiction, but for us to believe in centralised control and that we somehow know more and better than people who are closer to the coalface, I think, shows a level of contempt that I do not think is very complimentary of us. I know that those opposite have a more centralised viewpoint about how we manage what we do, but I am a great believer in decentralisation. I am a great believer that the people who are closest to the coalface have the best information about what is going on. That is not to say that we do not have to have some very strict and very robust structures, conditions and processes in place to make sure we protect the assets of all Australians, but to say that everything has to happen at a national level simply because we know better than everybody else is the height of arrogance and conceit. I certainly do not believe that I do.

The other issue in this space is that it is very easy to get people in the general public to become scared if you actually work up a campaign of scaremongering. I am sure the public out there, from all the hoo-ha that has been going on around this environmental approval process, probably think that the federal government actually wants to put in some approval process that is going to have a detrimental impact on the environment. I think it is irresponsible for us standing here to be misleading the public in that way. What we need to be doing is telling the public the truth: that we are trying to strike a balance with sensible, responsible, environmentally responsible development without scaring everybody away. I am really disappointed at the level of scaremongering and this absolute assumption that, just because we want to reduce regulation, we are somehow going to end up with a worse outcome. I think that is entirely irresponsible.

The idea is a one-stop shop slashing unnecessary—I emphasise the word 'unnecessary'—red and green tape. We are not slashing red and green tape for the sake of slashing it; we are only slashing red and green tape that is unnecessary. It is the responsibility of government not
just to protect the environment, as some in this place would think, but also to protect jobs. We need to protect Australian businesses. We need to protect Australian communities. In making policy decisions in this space we need to be mindful of a whole raft of things. You cannot just say that one thing gets priority and everything else just gets shelved; that is not the way a responsible government behaves. For us a one-stop shop is there to get rid of unnecessary red and green tape. It is to get rid of duplication of requirement, whether it be at federal, state or local levels in terms of the processes. We need to try to remove cost from the proponents getting their projects to a point of approval. We need to make sure that, at the same time, we maintain high environmental standards. I do not think anybody has ever suggested that we should reduce our environmental standards. All we are saying is that we do not believe we need to continue on with this ridiculous duplicated situation. I think it is very important that we establish the fact that that is what we are trying to do with this particular bill. We are simply seeking to streamline a process that at the moment is cumbersome, time consuming and has massive levels of duplication.

I was listening to Senator Whish-Wilson earlier when he was talking about his favourite state, Tasmania, and the wonderful natural assets that Tasmania has to brag about. There is certainly no doubt there are some beautiful areas of Tasmania; but, in the process of turning more than half of Tasmania into a national park, what has happened to Tasmania? There have been numerous reports written about how the green tape is basically strangling Tasmania. It is strangling its economy; it is strangling its farmers. I think we need to get a much better balanced approach to this because Tasmania has suffered at the hands of the overregulated green environment over there. Independent studies have been commissioned, and they suggest that the compliance burden on Tasmanian businesses probably exceeds $1.3 billion annually. I come from a small state myself, and $1.3 billion is an awful lot of money in the economy of a state with a reasonably small population. I know Senator Whish-Wilson wants to look after his environment, but he also has to look after his community and the people who live in Tasmania.

In South Australia of recent times we had a very disappointing situation where the Olympic Dam mining expansion did not go ahead. For a state like South Australia, that was a massive blow. That project was projected to create 10,000 jobs in South Australia. Ten thousand jobs in a regional area would be a massive injection of prosperity, commitment and long-term opportunity, especially for a state with a population base as low as South Australia’s. There were to be 6,000 construction jobs in building the expansion of the mine and 4,000 permanent jobs attached to the mine expansion operation itself.

This was to be a $30 billion investment in South Australia. There would not have been just the investment by BHP Billiton and the jobs created directly by this development; there would have been huge knock-ons for the regional communities that would have supported the activities. I was in Whyalla a few months ago. On the back of the belief that the expansion was going ahead there was huge investment in the development of housing in the area because people were thinking that the area would start expanding and people would not necessarily want to live on site. It is a community that is reasonably close. So they made huge investments because of the opportunity that was to be generated by the Olympic Dam mine expansion. So of course there was huge regret and great disappointment in South Australia when we found out that the expansion was not going ahead.
I speak about this project in South Australia because obviously anything that happens in South Australia is of particular interest to me as a South Australian. This kind of issue has been replicated across Australia. Our country's sovereign risk is permanently put under pressure simply because we have got in place an uncertain and challenging environment. Proponents are choosing not to invest in Australia because they are not sure what is going to happen. They are never sure when the rules are going to change. So we need to be very clear here. When we put rules in place we need to make sure they are entirely transparent so everybody knows what the rules are, everybody knows what they have to comply with and all the people of Australia can see whether those conditions and rules are protecting the very assets they want to see protected. At the same time we need to make sure that we have not got the ridiculous situation where we are continuing to put burden after burden on our developers and businesses and continue to push them offshore.

As you would know from the discussions during your time in this place, Madam Acting Deputy President Peris, there have been many instances over the last two years where Australian policy has scared off businesses from investing in Australia. I commend the establishment of a streamlined regulatory process in relation to developments in Australia. As I said before and will say again in front of my Green colleagues on the other side of this place, there is no way in the world that I and my colleagues are going to support a process that is going to damage our environment. We are merely seeking to have a process that is fair, responsible and not overly burdensome and that still delivers the outcome without the ridiculous, unnecessary and continued duplication of activity that we have seen over the past six years as our regulatory environment went berserk.

Senator WRIGHT (South Australia) (20:03): I oppose the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014. As an Australian Greens senator from South Australia, just like my colleague Senator Ruston—and I will take issue with some of the things she said in a minute—it is absolutely my responsibility to oppose this backward step in environmental regulation. I need to oppose this bill not just because I owe it to my beautiful home state—much of which is uniquely and hauntingly arid; it is the most arid state on what we know is the most arid continent of the world—that has wonderful wildlife and stunning wild places but because, despite the reassurances the government are giving us that they would not do anything to harm the environment, I have a duty to act on the environmental threats facing our whole country in this second decade of the 21st century. I am not prepared to put my head in the sand. Sometimes I wish I could because it is very frightening to hear what the scientists are telling us.

I was a teenager in the 1970s. In the 1960s and 1970s we started as a human species to become aware of the frightening effects that our species was having on the viability of the planet. We had an increasing understanding of the effects of pesticides in the environment. We had an increasing understanding of the effects of pollution. We had an increasing understanding of the effects of a burgeoning human population and the effects of our technology on the finite nature of the planet as we became more and more aware of what a fragile, self-contained planet we live on. Of course at that time we started to see an increase in environmental protection laws with the Environmental Protection Agency in the United States.
and an increased understanding around the world that we needed to take responsibility for what we were doing or we would end up with nothing.

It is with great alarm that I see we are going backwards at a rate of knots at the moment. I have to pinch myself sometimes and question: is there something I am missing? Is it in fact that these days we need fewer protections than we were putting in place in the 1960s and 1970s? Is it that we have sorted these problems? Is it that we can be complacent now about the risks to our current generation and the future generations that will be inheriting the earth from us? Of course not. There is a change, a short-sightedness and I think in some ways nihilism now. There is a sense that we need to give in to certain hedonism and we cannot be making those responsible decisions that we were previously making.

I will cut to the chase because absolutely nothing in this bill will protect the environment. Instead it is very clear that this bill will fast-track damaging projects and leave a legacy that will be mourned by Australians in the future as they tally up the damage. The Australian Greens have long supported a strong role for the Commonwealth in protecting the Australian environment. That is because it is in our national interest to have robust national environmental protections to fulfil our international obligations, to protect nationally significant matters and—one of the basic reasons we needed the national government to step up to protect the environment—to mitigate the risk of the development auctions that occur when states offer the lowest common denominator of environmental protections to the highest bidders.

We only have to look around Australia today to see places that would have been trashed and gone but for the willingness of Commonwealth governments to step in and take leadership on behalf of the whole community. In 1982 I was arrested in the Franklin Dam blockade and every time I return to Strahan, I am reminded of the beauty of the Gordon and Franklin rivers still flowing free. I am reminded of what we could have lost and I do not meet anyone now who says to me: 'We should have dammed those rivers. We should have dammed the Franklin.' It was only because a Commonwealth government in 1983 was prepared to step in and use its powers in the face of a recalcitrant, irresponsible and bloody-minded Tasmanian government that the Franklin River was saved. The Franklin River was saved because of the very environmental laws that are being trashed by this government in 2014.

Our environmental laws are failing us already. There is absolutely no shying away from that fact. We have already lost valuable places and wildlife to thousands of incremental and sometimes large-scale damaging developments that have already gone ahead. Senator Ruston talked about the importance of jobs—and of course jobs are important. But it is not a jobs-or-the-environment debate, because without an environment we have no jobs. In fact, without an environment, we have nothing—people tend to forget that we are indeed an animal species and we rely on an environment to survive. That is what we have to remember whenever we are thinking about the laws that we make in this place.

In my home state of South Australia, we have faced a long and difficult battle to protect precious Kangaroo Island from offshore oil and gas exploration. Our environmental laws have been less and less effective over time since the Abbott government came into power. Its streamlined processes have made it easier for oil and gas companies to get into pristine waters like those off the coast of Kangaroo Island. Although the proposal to conduct seismic testing in the area was originally deemed a controlled action under the EPBC Act, the government's
reduction in standards for environmental approvals has given the final decision to the National Offshore Petroleum Safety and Environmental Management Authority, NOPSEMA.

Although the EPBC Act controlled action was on the basis of listed threatened species and communities, listed migratory species and Commonwealth marine areas, NOPSEMA has recently given Bight Petroleum approval to conduct seismic testing in the waters off Kangaroo Island. This is despite the concerns of the community and the many people on the Kangaroo Island whose livelihoods are at risk due to these activities. Their jobs are at risk because of these activities and none of the economic benefits that will flow from the oil and gas exploration will come back to that precious community of 4,500 people off the coast from Adelaide. It is a tourism destination that has been called 'the jewel in South Australia’s crown’—and it will not be protected.

If passed, this bill we are debating tonight would facilitate the handover of Commonwealth powers to approve damaging projects under the EPBC Act to state and territory governments, local governments and other unspecified bodies. State governments do not have a good record when it comes to environmental protection. South Australia is no exception. Recently, the South Australian government has approved mining on the Yorke Peninsula. It is a mine that will be 2.4 kilometres long, one kilometre wide and 450 metres deep. The mountain of overburden from the digging up of that hole in the ground is equivalent to a multistorey building. The life of the mine is 15 years. As a result of that mine, many hectares of some of the best barley-growing land in South Australia will be put out of production for ever.

Senator Williams: It is all rot.

Senator WRIGHT: It is on the record. The environmental assessment shows that. So do not tell me it is rot. That is a decision that this government is prepared to make because it does not have an eye on the future. South Australia has a very small amount of arable farming land and the government is prepared to allow a 15-year mine to put that farming land out of commission. One of the issues that has been raised about that mine is that an estimated 3 million kilograms of dust will be produced annually. It is a copper, gold and ore mine that could include radioactive uranium and its decay products, called 'radon gas' and 'radon daughters'. That has been acknowledged in the studies undertaken by the proponents of the mine themselves.

There is a concern that the dust blowing from the mine will affect other farming land and the residents living on the Yorke Peninsula. That is the sort of decision that the South Australian state government is prepared to make. I am also particularly alarmed by the proposal in this bill to hand over the recently gained federal protection of water from significant impacts by coal and coal seam gas mining, better known as ‘the water trigger’. This move is a slap in the face to all communities facing the onslaught of coal and coal seam gas mining on their land, affecting their water supplies. Giving away these newly acquired federal powers to act in the national interest to protect water, and by extension farmland, communities and the climate, is nothing but a capitulation to the big miners—the mates of the government. I have visited the south-east of South Australia and I have spoken with winegrowers and graziers—people the National Party profess to represent—who tell me how concerned they are about their precious and finite water supply. They want their water to be protected from unconventional gas mining. They are concerned that people like the National
Party, who profess to stand up for them, are deaf to their concerns when it comes to passing legislation in parliament. Shame!

This bill puts the water trigger in its sights, so I do not support this bill. I do not support this bill, because I care about South Australia. I do not support this bill—because I am a Greens senator and I care about the environment of Australia and I care about future generations. The Australian Greens do not support this bill and we will continue to be strong and resolute in our opposition. We are a voice for the environment and a voice for all those Australians who do know that we need to protect our environment and want to see that environment protected.

Senator WILLIAMS (New South Wales) (20:14): I cannot start my debate without referring to Senator Wright's comments. She is very concerned about the wonderful wildlife. It is amazing how the Greens are just happy to lock-up country—lock it up and leave it and let it burn. Senator Debate interrupted. Natale is in the chamber. Let us talk about the Black Saturday bushfires, when thousands of hectares of land were burnt because of the fuel levels.

Senator Di Natale: Don't go there!

Senator WILLIAMS: I'll go there all right. Lock up country and leave it, and do not control the fuel levels on it—burn the country; kill the animals. There are 90 million tonnes of CO2 in the atmosphere—that is not counted, because the grass will grow again and that will neutralise it, according to the Greens. It is just amazing. What you need to do is talk to Professor John Wamsley and learn about managing the environment. You have no idea. You are environmental wreckers, because you lock-up country, let the fuel growth, let the lightning strike it—and burn it from one end to the other.

Go up to the Pilliga—where it burnt, four years ago, from one end to the other. And you are concerned about the koalas. I showed a Greens senator this week a photo of a koala out the front of my house. It will not get burnt, because the farm where the koala lives is managed. The fuel levels are kept low.

Let's go back to what went wrong and why. In the last hundred years, 50 per cent of the threatened species have been listed in Australia and 50 per cent of the species that have become extinct are in Australia. I will tell you why it is. Along came to Australia a thing called a fox. It killed the native animals that grazed the country that kept the fuel levels down. Now we have the Greens and their National Parks Association locking-up country. The Labor Party is in bed with the Greens in New South Wales, locking-up all of its land, and it is not managed. It will burn and it will burn. It is only a matter of time that the red gum forests in the south of the state, around Deniliquin, will burn and destroy that timber, and the animals live in it. You must control your country and manage it. This is a problem. So much land is locked up, and it is not managed. That is a fact of life.

They will not allow grazing. They do not allow sheep and cattle in there to reduce the fuel levels. Once the fuel levels become greater than five or 10 tonnes to the hectare, with a 40 degree day and a 50 kilometre wind the fire is uncontrollable. Some of that country that burned in Victoria had up to 150 tonnes to the hectare of fuel—grass and twigs six millimetres in diameter or less. It was uncontrollable. Lives were lost. It was an absolute disgrace. One day you will learn to manage the environment instead of letting it burn and destroy the timber, with the hot fires in the crown of the trees. The fires are that hot. And the
native grasses and the seed on the ground. God help the animals there. I am glad that I manage my little place I live on, and I am sure that Senator Nash and her husband, Dave, are exactly the same.

Senator Nash: That's right.

Senator WILLIAMS: When it comes to environmentalists, the greatest environmentalists in this country are our farmers. They have the national interest of their land for their generations to come. If you want to look after the farmers, the first thing you need—to look after the environment—is for the farmers to have money. But no, you want to stop the live export of cattle and let the cattle producers in Australia go broke. What a disgraceful situation that was when you were part of the last government and you signed an agreement to ban live exports of cattle to Indonesia. It caused so much financial suffering to those especially at the top end who were devastated with the loss of jobs and income and now have to face their bank managers.

Senator Di Natale: Madam Acting Deputy President, on a point of order: I know we give people quite a bit of latitude in this place to range freely, across many topics, when discussing a bill, but we are four minutes into this and all we have heard is a critique of controlled burns—which have nothing to do with this bill—and we have had a critique of the live-animal export trade. I am just trying to work out how either of those points are even the faintest bit relevant to the bill we are discussing.

The ACTING DEPUTY PRESIDENT: There is no point of order.

Senator WILLIAMS: Thank you, Senator Waters. I enjoy your interjection. Senator Nash was with me on the weekend and we had a friend talking about the environment at our National Party council.

Senator Waters: Are you talking about the 20 grams—

Senator WILLIAMS: No, what we were talking about was this. He travelled in an aeroplane with a Greens senator who carried a leather handbag—and flew in an aeroplane made of aluminium, from bauxite, and lots of electricity. The hypocrisy is amazing, it really is. Let's talk about the EPBC Act.

Honourable senators interjecting—

Senator WILLIAMS: I have livened them up on my right! That's good. Who introduced the act? Answer the question.

An honourable senator: John Howard!

Senator WILLIAMS: Senator Robert Hill, a Liberal senator in this place, introduced the act to protect the environment. It is as simple as that. I know the truth hurts you—

The ACTING DEPUTY PRESIDENT: Senator Williams, please ignore the interjections.

Senator WILLIAMS: It is very difficult when you hear the rubbish coming from them. It is very hard to ignore them. I will take your advice and I will ignore them. The background of this bill:

Amends the Environment Protection and Biodiversity Conservation Act 1999 in relation to bilateral agreements by providing that: states and territories can be accredited for approval decisions on large
coal mining and coal seam gas developments likely to have a significant impact on a water resource; all states and territories can be declared under the Act for the purposes of requesting advice from the Independent Expert Scientific Committee (IESC); states and territories undertake to seek and take advice from the IESC for approval bilateral agreements which may have a significant impact on a water resource; the IESC provide advice to the Commonwealth about the operation of a bilateral agreement in relation to large coal mining and coal seam gas developments likely to have a significant impact on a water resource; an approval process can be completed when an approval bilateral agreement is suspended, cancelled or ceases to apply to a particular action;

I will repeat that so the Greens can hear it:

... an approval process can be completed when an approval bilateral agreement is suspended, cancelled or ceases to apply to a particular action; state and territory processes that meet the appropriate standards can be accredited for bilateral agreements ...

We went to the election promising a one-stop environmental shop. It is called reducing red tape, reducing green tape and reducing costs. The coalition's commitments to high environmental standards remain. I will give you an example: the Green Army Program of $300 million over four years. Just a couple of weeks ago, I met EnviTE, which is revegetating coastline at Byron Bay. It is part of the Green Army Program carrying out environmental improvements.

This legislation is about the establishment of a one-stop shop and slashing at red tape and at cost. If a business wishes to put in a plan for a development, why should they go through paper after paper and questions after questions, then feed it to the federal government, do the same thing to the state government, and then, in many cases, also do the same thing for the local government? It is triplication—that is what it is. It costs time; it costs money. It has no benefit in the long term. That is why we, on this side of the parliament, are adamant that the high level of standards of environment protection must be maintained.

A report in 2012 found that 44 per cent of businesses spend between one and five hours a week complying with government regulatory requirements—sitting there filling out forms, applying for forms, reporting business activity and completing compliance forms. Seventy two per cent of business said that the time they spend on red tape had increased in the preceding two years. Cost to business is cost to our nation. Never forget it: it is a fact that we live in a free-enterprise economy and our nation's wealth is derived through the private sector. Governments do not have money; we take money off the people. John Laws has been telling me that on the radio for 40 years—governments do not have money. The stronger the private sector, the stronger the whole nation.

If you want to look after the environment, the first thing you need is money. That is why I suggest people have a look at a map of Australia. I do not know exactly how much is in the hands of farmers and graziers, but I will have a guess of 50 per cent plus. How can they look after the environment and how can they be green when so many are so far in the red? That is the issue. And I take you back to the banning of live exports of cattle. What an absolute disgrace. Those people did not have enough money to pay their bank interest every month, let alone look after the environment. If you fill the farmers' pockets with money, they will spend that money on preserving their land for future generations. That is the most vital thing.
I bought a small block of land of 400 acres 12 months or so ago. The first thing I did was get the bulldozer in. That was the first thing—and I get a laugh from Senator Rhiannon, or whoever, on my right. I rebuilt the contour banks. I pushed them up four or five feet high so that, when we get a thunderstorm, that valuable topsoil is not going to be washed away. The greatest asset of our nation is our topsoil. You must have good, healthy soil to grow healthy food. If you have soil washed down a river, it is gone forever. That is the first thing I did, for environmental reasons—to protect the soil. It is vital, but we give little attention to soil. We give more attention to trees, in many respects—and those on my right are having a bit of a chuckle over there. 'Trees are more important,' they say. Look around us; everything we see in this building either comes from trees—the timber I am touching now—or is dug out of the ground. The big difference is this: what is dug out of the ground is finite. It will finish; the hole will be emptied. The tree is renewable; it is a renewable resource. Just like growing a wheat crop and harvesting a wheat crop, timber is the same.

I was amazed when I went to Pilliga state forest just a few weeks ago. There is an area left for timber milling. All the poor, twisted, inferior timber is for the timber mills to mill. It is useless. The good timber is locked up in the national park. Well, we know what is going to happen to that. It is going to burn—nothing surer. As sure as I stand here, it will burn.

Fifty four per cent of those people in business said that complying with government regulations had prevented them making changes to grow or expand their business. We talk about jobs, but you need to grow your business. First of all, you need to maintain your business so that you do not go broke. Then you need to grow your business to employ people. Fifty four per cent said that complying with government regulations had prevented them making change to grow and expand their business. Red tape stifles jobs, investment and expansion. We are committed to cutting red tape and green tape. This was an election promise that we stand by—a one-stop shop to remove the cost on business and to see the environment is protected, no matter what application it is.

As I said, this legislation is about cutting duplication of federal, state and local processes. It is keeping it simple by simplifying the environmental approvals process with a single entry point. It is just simple—one lot of bookwork and one lot of approval, but stringent regulations with a high bar as far as environmental approvals go. The business and community benefits from these simple procedures of simply reducing the time and the cost of filling in forms. The cost is a big saving to business. The Commonwealth maintains an important role under the one-stop shop. That is a fact—the Commonwealth maintains that important role. The Commonwealth remains accountable for its obligations under the Environmental Protection and Biodiversity Conservation Act 1999, including international treaties. It retains an approval role for actions in Commonwealth waters, on Commonwealth land or by Commonwealth agencies. It has an ongoing role in ensuring that the commitments under the bilateral agreements are met. States and territories must demonstrate their approval processes and meet the high environmental standards set out in the EPBC Act. I will repeat that: states and territories must demonstrate that their approval processes meet the high environmental standards set out in the EPBC Act.

The one-stop shop will also promote sharing of environmental information and data between business, government and the community. That is important. When you gather the
information, it is important to share it so that all can learn more and maintain that high level of environmental standards.

Transparent and accessible environmental information will improve our collective ability to understand and sustainably manage our environment. Eliminating the dual state-federal approval process will mean that businesses will not have to jump over the same hurdle multiple times, but the same high environmental standards will be maintained. The one-stop shop will also promote the increased use of strategic approaches to improve the environment, such as strategic environmental assessments under the EPBC Act.

Strategic assessments consider the cumulative impacts of environmental pressures and plan for better environmental outcomes. Business will have lower costs. There will be certainty for investors. It will boost productivity and create jobs. There will be a fast approval process, and transparency will mean that the environment will be protected.

There will be a five-yearly review of agreements and an escalated dispute resolution process to resolve any issues. The federal environment minister can still call in the assessment and/or approval of a project. That is most important. In extreme circumstances the minister has the power under the EPBC Act to suspend or cancel an agreement. That is also important; I will repeat it. In extreme circumstances the federal minister has the power under the EPBC Act to suspend or cancel an agreement.

This is simply a case of reducing costs and red tape and green tape paperwork. It delivers on an election promise to develop a one-stop environmental shop. It does not lower the bar one bit for environmental standards. Sure, many around me oppose mining. I get quite amazed about that. What should we do? Should we drive around in cars made of tree leaves or ironbark off an ironbark tree? No; the things we have these days are made from stuff that comes from the ground. I know that many opposite me in this place would like to return us to the Stone Age. With a bit of luck that will probably not happen, unless they happen to get their way. I do not include you, Senator Bullock. I delete you from that comment.

I commend this bill. It is about cost reduction, paperwork, red tape, green tape and an election promise. That is why this bill should be supported.

Senator RHIANNON (New South Wales) (20:32): I congratulate my colleague Senator Larissa Waters for her coverage and the details that she has presented on the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill. This is legislation that is certainly not needed. Her colleagues have outlined a very clear case of why, around the country, we still need a federal level of oversight.

I will start off by giving you a couple of quite small examples that underline the importance of the legislation. These are examples just from the Bathurst area. The RTA started bulldozing a $3 million bridge realignment. It turns out that this is where the Bathurst copper butterfly is. I notice that the previous speaker, Senator Williams, has left the chamber now. He will often have a laugh about these sorts of things but they are very important in terms of our biodiversity. It is actually very impressive how all levels of government have
responded with a rescue plan. It has involved two local government councils, five state government agencies, two Commonwealth government departments, community groups, industry and landholders, coming forward with a very clear plan to save this really stunning butterfly, the Bathurst copper butterfly. The bridge realignment was about to wipe out the site. The site had not been identified by the EIS consultant. Fortunately, an on-site consultant identified the species, and that immediately helped stop the project, with the federal government department coming in very quickly with back-up as to why the protection was needed.

Staying in the Bathurst area, the Bathurst City Council, on another occasion, was bulldozing trees along the river but 80,000 grey headed flying foxes use this area as their temporary camp. The ecologist referred from the federal department was able to get the work stopped immediately when he recognised that this was important habitat.

These are just some small examples, but when you move over to look at the role of the mining industry in New South Wales you start to butt up against some really big cases that further underline the problems of the laws in New South Wales and the network of deceit and corruption that is going on. That further underlines why we need another layer of government protection. This example is from Bulga in the Upper Hunter. As I said, it is another reminder of why we cannot leave environmental protection up to the state government. Rio Tinto, one of the world's biggest mining companies is involved here. It wants to undertake open-cut mining in a biodiversity offset area, where there is some very significant environmental species. We also have an endangered ecological community—the Warkworth Sands Woodlands—and a number of threatened animal species.

I will give you a little bit of history. Rio Tinto had promised to permanently protect this area but there has been broken promise after broken promise. They have lost two court cases and we are seeing an alarming level of collusion with the current state government. A lot of this is not before ICAC at the moment, but when you look at how the scandals have rolled out with respect to Labor, it is extraordinary how the coalition—the Nationals and Liberal Party—in New South Wales are doing things that are not that dissimilar.

Rio Tinto is just too close to government departments. Within days of Rio Tinto receiving environmental requirements for its Warkworth coalmine expansion plan it was able to respond. If you listen to these statistics you will see that what they were able to produce in record time is simply unbelievable—'unbelievable' in the true sense of the word. Rio Tinto received the requirements for both its Warkworth and Mount Thorley expansion projects on 22 May. About three weeks later—on 15 June—it submitted its response. That response was huge—two 400-plus-page environmental impact reports, along with 33 attached consultants reports running to thousands of pages.

How can you do that in three weeks? How did they know what was required? They could do this because they are in the tent, so to speak. They are in the tent with the relevant government department. The reports that are now out are that Rio Tinto had been workshopping the response required with representatives of the department of planning in New South Wales for some considerable time. Again, this is a real reminder of why we need another level of government, why we need this EPBC Act. It can assist in a whole range of ways.

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Monday, 1 September 2014

SENATE

CHAMBER
Staying in New South Wales, just moving a bit further north, we come to Maules Creek—an area becoming more and more famous for some outstanding nonviolent protests. Here we come up against the New South Wales Deputy Premier, Andrew Stoner. He did some interesting things when he was in opposition that are starting to catch up with him. When he was in opposition, he met with Aston Resources chairperson, Mark Vaile—well known here, obviously, as a former Deputy Prime Minister. He was lobbying for Maules Creek. This unsavoury web is even more extensive because, as well as the previous Deputy Prime Minister, Aston’s lobbyist for Maules Creek in 2010 was Liam Bathgate, of Australian Public Affairs—close to Mr Vaile and a former New South Wales National Party secretary. He contacted the planning department four times in 2011 relating to the Maules Creek project, and set up meetings where Mr Vaile did the lobbying for the coal loader and associated projects.

We are still joining the dots on everything that has gone down here, but we do know that Buildev, the company involved, was donating heavily to both sides of politics. There are some interesting connections there across the political divide, a lot of them involving Mr Obeid. In the case of the Aston donations to the National Party, we find out that they were never disclosed. Donations from a developer should be disclosed while the planning process is going on. The company pleaded guilty and paid a $20,000 fine. I acknowledge that we are still learning about the ins and outs of that story, but I share it with the Senate tonight because it further underlines the problems that many people in local communities have when they are up against laws that are stacked against them and when they are up against departments that are colluding with mining companies and developers—they need another layer of protection in the law and from the federal government.

I congratulate Senator Larissa Waters for her comments about the water trigger and the EPBC Act. This is another area that has been important for New South Wales—particularly for NSW Farmers. We have heard particularly National Party senators tonight denigrating this legislation and trying to negate its importance for farming communities trying to protect their water resources—clearly essential if we are going to have high levels of productivity for the farming land that we are fortunate to have. One example is the Liverpool Plains. This water trigger has become so important because those coal seam gas and coalmining projects can no longer just be given the go-ahead unless independent scientific advice concludes they will not damage our water resources. That was an important protection put in place, and many communities are looking to activate that. Around the Liverpool Plains, I have come to understand from my many visits how aquifers work and why they need to be protected. The industry complains that they have uncertainty with this legislation but the uncertainty is just that they may need to wait a bit longer while these studies are undertaken. Surely such investigation should be the priority; surely the Nationals in this place should raise their voice strongly for that. There are so many reasons just from New South Wales alone for having this legislation at a federal level. It needs to be retained and it should be improved for the environment.

**Senator EDWARDS** (South Australia) (20:42): I rise to speak on what is a bill not only of great environmental significance but also of the real economic importance. The Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill will slash red tape and increase jobs and investment while maintaining and improving
environment standards. It is not uncommon for major projects to need 70 different types of approval. I am sure the Greens senators in the chamber are acutely aware of all these approvals, because fundamental to their opposition to this bill passing is their relevance. They are implacably opposed to all reforms that would streamline development in this country.

As an example, an upstream LNG program could require up to 390 regulatory approvals through state and federal agencies. The Port Phillip Bay Channel Deepening Project was subject to over 70 different pieces of environmental legislation and policy, most of which were at the state level. Imagine a project where it cost $25 million to meet regulatory requirements alone, that had 4,000 meetings and a 1,200-page report which, after two years of assessments, was subject to another 1,200 state conditions, 300 Commonwealth conditions and a further 8,000 subconditions. We do not need to imagine this—it actually happened. The Business Council of Australia identified another recent project which required four assessment processes by four separate government agencies at both federal and state levels, all asking the same questions.

The one-stop shop will slash red tape and will increase jobs and investment, and it will maintain, or more likely improve, environmental standards.

The duplication of federal, state and local processes adds complexity and cost to environmental approvals across this country. The one-stop shop will streamline environmental assessments and approvals by removing all that unnecessary duplication between the Australian government and the states and territories, and will deliver benefits for business and the community. It will achieve this while maintaining high environmental standards.

It is all about increasing jobs and getting investment into Australia at a time when the ramping up and establishment of the mining industry is winding down as we go into a production phase. This will be very important. We are not looking to diminish any of the environmental standards. In fact, we are looking to improve on those. The duplication—gone; streamlining environmental assessments—present. That is what this act does—it just removes the unnecessary duplication between those state and territory local agencies, and it will deliver. When fully implemented it will simplify environmental approval processes with one single entry point.

The bilateral agreements with each state and territory, which will be agreed upon by the Commonwealth government with each of those jurisdictions, will ensure the observance of the law and that the intention of the environmental protection and biodiversity conservation act will be maintained. I am very proud to say this act was introduced by a South Australian senator, Robert Hill, at the time minister for the environment—a fellow well-known to me for his care for the environment—

Senator Singh: You have no idea what bill you are debating now. You raise Robert Hill in this context! You have no idea.

Senator EDWARDS: and a person who was at the forefront of this legislation. Through you, Madam Acting Deputy President, Senator Singh is somewhat shrill in here.

Senator Singh: You have raised Robert Hill in this context!

Senator EDWARDS: I will tell those listening—

The ACTING DEPUTY PRESIDENT (Senator Lines): Order! Senator Singh.
**Senator EDWARDS:** that the creation of a one-stop shop has existed in the EPBC Act since it was introduced. Through you, Madam Acting Deputy President, Senator Singh knows that.

**Senator Singh:** He would never have done this and you know it!

**Senator EDWARDS:** Senator Singh is mischievous in interjecting, saying otherwise. It has existed and it has been ingrained in this legislation since the time it came into existence.

**Senator Singh interjecting**—

**Senator EDWARDS:** No need to point, Senator Singh. I do have a right to be heard. I have not interjected tonight myself. I would like to get my contribution on the record.

**Senator Singh:** You shouldn't say such furphies then, and you wouldn't get interjections!

**The ACTING DEPUTY PRESIDENT:** Senator Singh, order, please!

**Senator EDWARDS:** I will also let you know the delays in all of this—

**Senator Colbeck interjecting**—

**The ACTING DEPUTY PRESIDENT:** Order! Senator Colbeck, I heard you make a slur then. Do you wish to withdraw it?

**Senator Colbeck:** What was the slur?

**The ACTING DEPUTY PRESIDENT:** I heard you say 'crap' towards Senator Singh.

**Senator Colbeck:** Prime Minister Gillard used the word crap.

**The ACTING DEPUTY PRESIDENT:** I am asking if you will withdraw it. It is not your role in this place to argue with the president and you did not have the call. I was calling senators, including yourself, to order.

**Senator Colbeck:** That is acceptable. I accept that.

**Senator EDWARDS:** I thank you for that protection, Madam Acting Deputy President. As I was saying—

**Senator Singh:** Madam Acting Deputy President, I rise on a point of order. You asked Senator Colbeck to withdraw the inference he made towards me. I am asking you to act on that ruling.

**Senator Colbeck:** On the point of order, Madam Acting Deputy President: I did not make a reflection on any senator in this place. If I had, and you had asked me to withdraw, I would certainly have withdrawn it.

**The ACTING DEPUTY PRESIDENT:** I did draw it to your attention and you chose to argue with me. You might just help proceedings by withdrawing your comment so that we can move on and give Senator Edwards the call.

**Senator Colbeck:** Madam Acting Deputy President, if you are asking me to withdraw a term that Prime Minister Gillard used in public debate a number of times, I am—

**The ACTING DEPUTY PRESIDENT:** It is not a debating point.

**Senator Colbeck:** I am about to say I am happy to withdraw that remark.

**The ACTING DEPUTY PRESIDENT:** Thank you, Senator.

**Senator EDWARDS:** As I said before I was interrupted, the delays in approvals can cost millions and millions of dollars. I have experience in that because tragically, in 2012, stage 2
of the Olympic Dam in South Australia was delayed indefinitely by BHP. It was a tragic blow for the working men and women of South Australia who were looking forward so much to the growth and the prosperity that would have provided. You can lay a lot of that squarely to the environment: it was incumbent on that company to perform, or to jump through the hoops, so that it could get its approval. It got its approval; the delays in getting its approval were some years. What happened then? It built uncertainty, and time is a great destroyer when it comes to mining because mining is a global business and we are exposed to global production pressures. Markets change; markets go up and down. Countries become unstable; countries become stable. With all of these processes—the approval processes, all the hurdles the Greens senators in this chamber would love to see doubled and tripled—it became moribund; completely bound up in the approval process. The mining industry would be captured by this ideology which would stop investment. That is what happened in the case of South Australia. There is no other reason that can explain why a company would go through so much investment in approvals and the many delays that they had to put up with. It must have been heartbreaking for all the people who worked on that task force within BHP to finally come to a point where the years had passed so much that the very aspiration which they had when they went for those approvals was no longer the driver for why they would develop that mine.

Let me talk about environmental standards. They will be strengthened under this change. Before the Commonwealth environment minister can enter into any bilateral agreement with the states and territories, they must demonstrate to the minister that their environmental assessment and approval process meets the very highest environmental standards set out in the act. That is evolving, and the community has an expectation. It is not just the franchise of the Greens in this chamber to protect the environment—although they would tell you otherwise. People on this side of the chamber are as concerned as they are on the other side of the chamber about environmental outcomes not only for Australians but also for the planet. The minister will still ensure that the states and territories meet the highest possible standards in environmental protections. This may indeed mean that some of the states and territories will have to make changes to meet the minister's high standard of regulatory and environmental approvals. They must clear that high-jump bar before the minister will sign off on their right to be the sole arbiter when it comes to this act being implemented.

It also introduces certainty, with profitability and prosperity for industries which this country has enjoyed over the last generation. It will introduce business certainty. There are a number of people on the other side who have been in business and know business. Senator Bullock, Senator Sterle and Senator Bilyk, you know that business needs certainty. We on this side of the chamber all know it because we have all had to convince a bank manager about the certainty of our business plan. If you go into a bank and say to the manager, 'I want to build a mine,' or, 'I'm a production company,' or, 'I'm an explorer,' or, 'I want to raise $10 million on the stock exchange,' the first thing the banker will ask is, 'Have you got your approvals?' You might say, 'Well, no, I haven't got my approvals, Mr Banker. But I know the system here in Australia. I will have to go through the Commonwealth, I will have to go through the state or territory, and then I will have to go through the local government. I will have to deal with all of those, not necessarily all at one time, and there may be some duplication.' By then your banker's eyes will have glazed over. By then your banker will be looking at you, saying, 'Oh, really? What you are now going to have to do is go out to the equities market and sell your story around the traps with all the stockbrokers so that you can raise your money.'
This bill introduces certainty. It is a one-stop shop. You go to that agency and you get your approval and you meet those standards which our society, quite rightly, across this country expects. Our federal government, which holds ultimate authority over this act, gets what it expects and gets certainty. It will also strengthen the system. It will improve all those environmental standards that we are looking to achieve. As I said, the Greens do not have a franchise on environmental responsibility. They try to assert themselves over it, but they do not have it.

The bill will also mean that, if we get agreement and get these amendments through this chamber, there will be, for the first time, a sharing of environmental information and data between businesses, governments and the community. This means that, according to this legislation, information will be shared between the Commonwealth, the states, local governments and businesses, and all that data will finish up in the ABS. How sensible would that be, instead of silos of governments with bureaucrats protecting their information and not passing it on? This is what the information age is all about. It is about sharing that information. It is about getting that data so that we can improve the social, business and environmental outcomes that we all want. That level of sharing provides transparency that we have not had before. It provides transparency on environmental information and our collective ability to understand and manage the key issues in our environment. The elimination of the dual state-federal approval process will remove that one big hurdle that stops investment.

Business does benefit—and, God forbid, we need businesses. Do not tell the Greens, but we do need businesses and we do need profits. We want profits because profits are reinvested to grow businesses. When you grow businesses you employ more people. When you employ more people you have fewer people on welfare. When you have fewer people on welfare that is less of a burden. Then we might have a chance to pay back some of the debt that the Rudd-Gillard-Rudd Labor government left us with.

The increased certainty for investors, faster assessment and reduced costs will obviously boost productivity and lead to those jobs of which I just spoke. Business will rejoice if you all get together and pass this bill. It will lower the cost and it will lead to faster approvals and more certainty. The transparency, the audits, the transitional and five-yearly reviews which are proposed are all reporting mechanisms contained in these amendments, which will ensure that the expectations of our community in 2014 will be met. These are mature amendments in line and in keeping with what we expect and with what we expect of ourselves.

The federal environment minister, quite rightly, will retain the ability to call in an assessment and will still retain the right of veto for the approval of the project. In extreme circumstances the minister has the power under this bill to suspend or indeed to cancel an agreement. The states and territories will be accountable to the community and business as well as to the Commonwealth. I do not know why it is assumed in this chamber that we have any fewer people in our state and territory governments looking after the environment than we do here. These are all smart, intelligent people elected to state governments of all political persuasions and I am sure that they are eminently capable of carrying out the duties of their functions at a standard which the community desires at any point in time. I do not know why we think that we should assert ourselves over them. We will still have the right—the minister of the government of the day will have the right—to ensure that the standards are maintained.
In the short time that I have available to me now I will just go to a contribution that Senator Wright made in relation to our home state of South Australia and some of the concerns which she shared about a couple of issues there. She talked about her time of growing up in the seventies and the impact that our species had made through evolution. She spoke quite passionately about pesticides, pollution and the effect of our technologies. Of course, I agree with Senator Wright; there have been mistakes made. Pollution has been emitted and there has been the effect of technology. But that is exactly the evolution that Senator Wright talks of—there will always be an evolution. It is up to the responsible governments—state, territory, local and Commonwealth—to get this right. They will, and they have a good track record of getting it right.

If you talk about the environment protection agencies of the United States of America, we have our own contained at every state, territory and local government level. That is exactly what they are for. We have made a progression and we do, indeed, seek to continue to make progression all the time. That is what we are doing.

I do get somewhat concerned when emotive issues like oil and gas exploration and controlled actions on Kangaroo Island are raised, without any kind of substantiation about protection from what—what is the threat? What was it that the agency failed to do in the approval of these? It is just scaremongering and rhetoric that are provided in the contributions to this chamber and which go largely unchallenged. But I say to Senator Wright: if there are things where she believes there have been shortcuts in environmental approvals or if there is damage being done, do not talk about it in here. Bring it up! There is the approval of the Rex mine on the Yorke Peninsula—that is an area which is 0.05 per cent of that peninsula. I urge her to get behind that project.

(Time expired)

Senator DI NATALE (Victoria) (21:04): I too would like to commend the work of our spokesperson on this issue, Senator Larissa Waters, who has been a tour de force on the issue of protecting our environment and using our environmental laws to enable us to continue to protect the wonderful Australian environment.

When it comes to this specific bill, it is so bureaucratic and so dense that you almost need a hatchet to get through the thicket of bureaucratic complexity. The Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014—it says a lot, doesn't it? That is why we have a debate that has been reduced to a few slogans. We hear words like 'streamlining', 'duplication', 'certainty' and 'abolishing bureaucracy'. We hear about 'green tape' and 'red tape'. All I know is that this government is giving everyone the blues.

We hear about a 'one-stop shop'. What is a one-stop shop? If this bill is effectively creating a one-stop shop it has to have a drive-through so that any proponent can come into the shop, without getting out of the car, and have their approval waived through without having to do so much as the smallest bit of work. The simple message here is this: 'Let's cut through all the nonsense; let's cut through the slogans and the one-liners. Let's have an honest debate about what's going on here.' The coalition thinks that environmental protection has gone too far. They want to wind it back and they want to make it easier for business. That is the honest debate that we need to have.
Let's get beyond this nonsense around 'one-stop shops' and 'simplifying overburdensome regulation'; this is simply about whether our Australian environment needs to be protected or whether those protections should be weakened to allow developments across a number of industries to proceed. That is what it is about and that is the debate we should be having.

John Howard did not have the same view as this government—that is why these laws were introduced by the former environment minister Robert Hill. They did not believe that states would provide the protection that threatened species needed. That is why these laws were introduced. I do not think that handing over powers to the states is a bad thing because states are evil. There is a reality here: we have state governments with limited capacity to raise revenue who are always going to favour developments that they see might bring a few extra dollars to their state.

You do not need to look too far to see this. Look at what is going on in New South Wales with some of the scandals at the moment around a whole range of approvals. You do not need to look too far to know that when state governments are faced with these rivers of gold they find them very hard to turn down. That is why federal laws were introduced. It was because we recognised that a continent with the worst rate of species extinction anywhere in the world needed to have laws in place at a federal level that recognised the reality of what state governments do when faced with the prospect of a bucket of money through a development proposal versus protecting the environment. That is why these laws were introduced.

In my own state of Victoria right now we are having a debate about the unconventional gas industry. It is a boom that is going on apace. It is a boom that, if it has its way, will turn some of the most productive and important farmland anywhere in the country into an industrial wasteland. We have some of the best farms anywhere in the world. We have wonderful dairy country. We have a whole range of progressive farmers who are involved in closed loop systems and reutilising a lot of the waste that is produced on their farms. We have a wonderful agri-forestry industry. We recognise that we can have environmental benefits and productive farms going hand in hand. We have shelterbelts being planted to produce shelter for stock but also to control soil erosion and salinity. There is huge biodiversity. This is bringing in bird species that have not been seen in these areas for a long time, and there is timber to be potentially harvested down the track. We have some great things going on in western Victoria and yet here we have an industry that is looking to turn this farmland with its very precious water supply into an industrial wasteland. That is why we need these laws. We need these laws because we know that state governments will never stand up for the environment in the way that a federal jurisdiction will.

You only need to look at the current state government in Victoria and Premier Napthine's contribution to the review of the renewable energy target to see that. In the state government submission we saw a request to recognise gas as a renewable resource. Just think about that. It is a fossil fuel, millions of years in the making, and a state government wants an independent panel to recognise it as a renewable resource! You need look no further than that submission to understand what is driving the Victorian state government right now and what has been the driving force behind many state governments over the decades.

We should not be weakening our protections. We should recognise that we do not have a good record in this country when it comes to protecting our biodiversity, with among the greatest loss of species of any continent anywhere in the world. Instead, we should be beefing
up our protection. Rather than seeking to get rid of the water trigger that was introduced in the last parliament, we should be expanding that to ensure that it is not just coal seam gas but all unconventional gas that is subject to the water trigger. Why not add a greenhouse trigger to the EPBC Act so that any further developments that are proposed are tested by that measure? After all, there is no greater threat to biodiversity on this planet than climate change.

This is a very backward-looking measure. It undoes the work of previous Liberal governments that recognised that these laws were important. It is hard to believe that here I am, standing up and defending the environmental record of the previous Howard government. At the time, I thought things could not get much worse, but I was wrong. They are getting worse. This is not a debate about regulation. It is not a debate about red tape or green tape. It is not a debate about whether we have a one-stop shop. It is actually a debate about whether we want to protect our environment. That is what this is about. We have one party that says, 'We need to make things easier for big business,' and then we have those of us on this side of the chamber who think our environment needs to be protected.

The reason we are not having the debate in those terms is that the coalition know what the Australian people's view on protecting the environment is. They know that when measures come forward that mean we are going to put further pressure on our precious natural environment the Australian people do not like it. That is why we have had to have this phoney debate with this maze of complexity about what these laws actually mean. It is very straightforward: this is a choice between making things easier for big business and putting further pressure on our already strained natural environment. It is about whether we will protect what we have—building on it and making it stronger. Those of us on this side of the chamber will always stand on the side of making sure that our environmental protections are the strongest of any country anywhere in the world.

Senator CANAVAN (Queensland) (21:14): On the weekend I started reading Paul Kelly's book, the one he put out a couple of weeks ago, Triumph and Demise: The broken promise of a Labor generation. It is a bit of a yarn about the Labor Party. It is a sad book because it tells the story of the death of the modern Labor Party in some ways. It is continuing to be sad here tonight with the Labor Party seemingly opposing the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014, given it is something that they actually supported for many years and given that it is something that is meant to be pro-business and pro-development. But, once again, they are turning their backs on that aspect of their tradition and history, on the Hawke-Keating legacy if you like, and facing their future, which seems to be one of being wedded to the Greens. We do not have so much of an Australian Labor Party anymore; we have a Green Labor Party—a GLP has come into existence.

To start with, I just want to quote a little bit from Paul Kelly's book. In the book he tells the story of the COAG Business Advisory Forum. Chapter 30 starts by saying: The breach of trust between Julia Gillard and Australian business was sealed on 6 December 2012 when at the COAG business advisory forum Gillard pulled the plug on plans to rationalise the dual Commonwealth-state environmental approval project system. The forum chaired by the PM was a high-powered group that comprised the Premier, senior business figures and the peak business bodies. In the prelude to the meeting the Greens had waged a public campaign to kill the reform, and at the penultimate moment Gillard reversed the government's position.
The story is starting to come out here that it was actually the Greens who killed this reform and I think Senator Waters is taking credit for that—

Senator Singh: You didn't listen to my second reading speech then, did you?

Senator CANAVAN: No, I am sorry, I missed that, Senator Singh. It goes on to say that the President of the Business Council, Tony Shepherd, said:

We felt that we had made a lot of progress. Extensive work had been done at a public service level. The idea was to remove unnecessary Commonwealth-state duplication and have a single approval agency. We saw this as a tremendous breakthrough, saving time, energy and risk…

And then Tony Shepherd went on to say:

…and at the last minute we were told, 'The PM does not believe this is a good idea and we will not proceed.' We were extremely upset. We felt we had been misled by the government and I saw this as a breach of trust. We were dealing with a government that was not trustworthy.

It is unfortunate that the Labor Party is turning its back on that tradition. We know how costly these duplications of process are. This is not something new. This is not something that was thought up during the election campaign last year or by this government since it came to power. This idea that we need to streamline environmental approval processes in this country is something that has been debated now for many years, long before the COAG Business Advisory Forum in 2012.

Indeed, it was actually the Labor Party that led the charge on these changes. I went back and had a look at what happened. I remembered from my previous career at the Productivity Commission, before I came to this place, that this was one of the key reforms of the Rudd government. They had a name for those reforms: Towards a Seamless National Economy—very grand, very Kevin Rudd. This was one of the reforms—

Senator Singh: You need to read my speech! I talked about streamlining!

Senator CANAVAN: This was one of the reforms, Senator Singh, that you supported—not anymore, but you used to support it. It goes back to 2008 when Lindsay Tanner delivered a speech at the Sydney Institute. He said:

Streamlined environmental assessment processes will stop the time wasting process of two groups of environmental assessors looking at the same information and holding up approval processes.

That was in early 2008 and later that year we had the 2020 summit. Do you remember the 2020 summit? One of the ideas from that summit was to remove the duplication in environmental approval processes. The 2020 document says:

Rapid development, fast-tracking, time-sensitive—Australia's processes for developing project approvals in getting regulatory approval to be dramatically accelerated.

Now the Labor Party have walked away from that.

Craig Emerson, in 2011, told Madonna King, an ABC Brisbane radio presenter:

A better way is for the federal government to recognise the integrity of state environmental approval processes and avoid this duplication. It is one of the main complaints of business in this country, and that's what we're trying to do, streamline the process—not to weaken environmental standards, but not to have them duplicated.

And now they are walking away from that. As I said earlier, former Prime Minister Julia Gillard walked away from that in late 2012, but that was not the end of the story. There was one more convolution to happen in that four-month Rudd-Gillard-Rudd government—they
eventually brought Kevin Rudd back. Kevin Rudd came back and he gave a speech at the National Press Club. It was a very well-marketed speech. Perhaps you had something to do with it, Acting Deputy President Dastyari. Kevin Rudd had seven points—this was as late as July last year, only just a year ago—and the fourth point was:

We need a new approach to the regulatory impost of business from all levels of government. This particularly applies to multiple and conflicting environmental assessment requirements for state and federal governments. Surely it lies within our wit and wisdom to begin by integrating the assessment procedures and reports, at present separately mandated by the Commonwealth and the states.

That was just a year ago. Like many things in the former government, there was lots of talk, but they never actually got around to making any laws, to putting it in place and putting it into effect.

We see today that they are still taking their riding instructions from the Greens, that they are still in bed with this party. Today is the fourth anniversary of their marriage. We all remember the signing ceremony. We all remember the day, because it was the same day as today; it was on the day we had our wattles on our lapels—sorry, I do not have mine on tonight; I missed that. Maybe on this side of the House they will be a little bit tarnished, because it was four years ago that that wedding ceremony took place. We all remember it. We all remember the registry being signed by Bob Brown and Julia Gillard, and they had their little wattles on their lapels just like at a wedding ceremony. They signed the registry book. They went and had a party. They even had a hangover; it was called minority government. We lived with that for three years in this country. We are, unfortunately, still living with that because the Labor Party have not woken up to themselves yet and got on the side of jobs, economics and development—instead of just being anti all of those things, as they are being here tonight.

There was good reason that support for streamlining these environmental approval processes was bipartisan and something that both levels of government supported. There was a good reason for it—it was because it made a lot of sense. There were a lot of people making complaints about these issues, and I had some direct experience looking at them. I remember being up at Lake Argyle, at the Ord, a few years ago. The Ord is a remarkable place. I have been there twice in my life and I was astounded both times. I still remember flying into the place. The Ord, or Lake Argyle, is Australia's biggest dam. It is a dam of massive scale—something like 40 times the size of Sydney Harbour.

And, of course, those on my right will usually say that dams are environmental catastrophes, that any dam is going to wreck the environment. This is a dam that is nowhere near an environmental catastrophe; indeed, it is now an internationally recognised environmental asset. The Ord, or Lake Argyle, the lake formed by the Ord scheme, is now a Ramsar listed wetland—one of the few Ramsar listed wetlands in our country, and it is formed by a dam. It is an artificial, man-made lake; but, because it is a Ramsar listed wetland, every time we want to do something with the Ord we need to get federal government approval because Ramsar listed wetlands are one of the matters of national environmental significance under this act.

As you might know, the Western Australian government are putting forward a proposal to develop the Ord, to go to stage 2 of the Ord at the moment. I was talking to the project manager about this process, and they had to get EPBC approval. He had some
Commonwealth government bureaucrats come and visit him one day to discuss this approval. I remember him telling me that the bureaucrats asked him how often the river ran. He replied, 'It always runs,' and they did not believe him. They did not believe him, because it used to be a seasonal system, but with the dam it maintained continuous flows. It took him eight weeks to convince the Canberra bureaucrats that actually it does flow all the time because it is a dam and dams hold water up. When you hold water up, you sort of have water all the time—or at least you do in the Ord because it is very, very big.

There was another saga. Word came back from Canberra that they were worried about some migratory finches in this part of the world. They sent up a questionnaire asking this person how the finches were going to migrate over this road. He was going to build a road there as part of the project. He told them they were going to fly over it. The bureaucrat told him, 'I don't think you're taking me seriously,' and apparently he told him, 'I'm taking you deadly seriously.' Eventually he was able to get approval; but, because of how it works under the EPBC Act, he had to pay for an offset. The offset that they agreed on at the time was $1.5 million for shark research in the Indian Ocean. The Ord is on the Indian Ocean side of the country, but it is about 200 kilometres from the Indian Ocean. It is a long way. This project had nothing to do with sharks in the Indian Ocean, but that was decided as the environmental offset because he had to pay a penance. He had to pay a penance because he was obviously annoying some green god. He had to pay some money—some greenmail, if you like He wanted to fight that; he thought it was ridiculous to have to do that. He thought he should go through a regulatory process that was normal and sane; but, no, it was not normal or sane, and the Western Australian government told him: 'Look, don't worry about it. Just pay the money. It's only $1½ million.' Only $1½ million! But that is what happened.

There is another project I have some familiarity with, and it is the Nathan Dam in Queensland. That has gone through multiple sages through the EPBC Act. It was originally proposed in the Queensland parliament back in the 1920s. It was held up. It was approved by David Kemp about 12 years ago now but taken to court by the Wilderness Society or some green group. There was a landmark ruling that said the minister had not considered the indirect impacts of the dam. Those impacts included the fact that the water was going to be used for cotton production. Cotton production at the time used endosulfan, and endosulfan could possibly end up in the reef. That was all fair and reasonable, but the cotton industry does not use endosulfan anymore. It uses GM crops and does not use that, but the Nathan Dam still has not been built.

It has not been built, because a few years ago the Queensland government was trying to get approval—this was a Labor government at the time—for mining projects in the region. The federal department again had to be involved because we have these duplicative regulatory approval processes. The federal government said to them they found 850 boggomoss snails. The federal government said to the state government: 'You can't go ahead with the approval, because we've found these snails. You have to now go and do a few years of seeing if the snails can be relocated and still survive.' This was a snail-paced development, and it was held up by snails!

About 18 months later the Queensland Labor government found 18,000 of these boggomoss snails in the reef. They were living there and thriving. So they were allowed to restart the process but had lost 18 months in the interim. That project still has not been built. I
was happy to see on the weekend that the coalition government has shortlisted the Nathan Dam as one of 30 dams that have some promise, so maybe it will get built. Certainly if we pass this legislation it has a lot more chance to get built; and, if it has a lot more chance to get built, that will mean there will be a major project in Central Queensland. That will mean there will be thousands of jobs in Central Queensland. That will mean we will have water for a burgeoning coalmining industry in Central Queensland. That means we will have water for irrigation in Central Queensland and probably a future water supply for Toowoomba as well because water could go from there to it.

Those anecdotes are not the only reason we need to pass this bill. It is also true that the body I used to work for, the Productivity Commission—they did this work long after I was gone though—in 2013 did a major report on development assessment processes. That was a report commissioned by the former Labor government. They had some pretty clear findings from this report. They said a one-year delay to a major offshore LNG project cost in the order of $500 million to $2 billion. That is a lot of money. They found on page 197, I am reliably informed, that processes take too long or are highly uncertain. A Business Council of Australia told us it took 10 years to get some basic service centres approved in Western Australia. Another said it took five years to have a relatively straightforward mine deepening application approved. Not knowing how long the approval process will take is a deterrent to business investment. The Minerals Council of Australia stated that the average period for approval related activities for a thermal coal project was just over three years, compared to 1.8 years in the rest of the world. These findings led the Productivity Commission to recommend that government should aim to establish a one-project, one-assessment, one-decision framework by restarting negotiations on bilateral approval agreements between the Australian government and states and territories. Such agreements must assure the environmental standards are not compromised and the rights of appeal are no less than those in the EPBC Act.

Since then, of course, the government has put in place a water trigger, and some changes are being made to that water trigger. What we are doing is ensuring that the water trigger in this bill is treated exactly the same way as every other matter of national environmental significance in this bill. I accept that the water trigger is a very important part of this bill, that the protection of our aquifers in particular and all of our water resources is very important and that we should go through a process to make sure they are protected, but I do not believe that those aquifers and water resources are any more or less important than the Great Barrier Reef, are any more or less important than migratory species and are any more or less important than our natural springs and our Ramsar wetlands. So if those matters are treated in a certain way and they are all potentially subject to bilateral agreements with state governments, I see no reason why the water trigger should not be as well. As other speakers have said in this chamber, even after the changes in this bill the Commonwealth will retain the right to step in and cancel a bilateral agreement at any time and will retain the right to not approve a project before the state government provides that approval.

I want to finish though by talking about my state of Queensland and in particular the north of Queensland. This bill is very important for the Nationals because most of the projects we are talking about are in regional areas. They are mining projects, irrigation projects and tourism projects. The Greens opposed a tourism project near Rockhampton, where I am going
to live in a few months time. I could not believe they would oppose the Great Keppel Island project, but they opposed that too. That needed EPBC approval.

All these projects are in regional areas. That is where our wealth is created. The one project in particular that has really frustrated me over the last few years is the proposal to build a bauxite mine south of Weipa—the South of Embley bauxite project. It was a $1.5 billion project in an economically disadvantaged part of our nation. There are not a lot of jobs and growth in that part of our country, unfortunately. Many Indigenous people live there and there is great need for employment.

Rio Tinto proposed a few years ago to spend $1.5 billion developing this bauxite mine. On 13 September 2010, according to the Environment website, this project that was referred to the department was first released for public comment. It was approved initially, and then the clock was stopped and it was reopened again by Tony Burke I think in early 2011. Finally, after years of consideration, the Labor government approved this project on 14 May 2013, last year. There were 975 days between 14 May 2013 and 13 September 2010. It took the previous Labor government 975 days to say yes to a $1.5 billion project at Cape York. It was a disgrace because during that time the world moved on, prices had changed and Rio had changed—they had changed CEOs—and were not of such a mind to go ahead with it. There is still a chance it might go ahead. It has more chance of going ahead if we pass this bill.

We need to pass this bill because in this country we need to focus on how we are going to create jobs. In this country we need to focus on how we are going to get development projects approved so that we can do that, particularly in the areas I represent. I have been in this job only two months, but the thing that most people in Central Queensland talk to me about is jobs because in the last couple of years alone 10,000 jobs have been lost in our coalmining industry. I am not blaming anyone for that. Prices have fallen and it is a tough time in a cyclical industry. But by passing this bill we can help that industry create more jobs and make sure people have the opportunity and the dignity of having employment where they want to live and in the industry they want to work in.

Senator RICE (Victoria) (21:34): I speak in opposition to the Environmental Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014. We have heard a lot in this debate about what impact this legislation is likely to have on a whole range of special places and wildlife that are too precious to lose. In my first speech last week I spoke of the need to create the Great Forest National Park to protect the Leadbeater's possum, Victoria's faunal emblem, so I want to focus tonight on the impact that this legislation would have on these forests and on Leadbeater's possums.

The Leadbeater's possum, or *Gymnobelideus leadbeateri*, is a tiny possum that lives in the magnificent mountain ash forests of the central highlands of Victoria, right on Melbourne's doorstep, just to the east of the city. Fully grown it is about the size of your hand, with a long club-shaped tail much the same length. It is a magical little animal that Victorians are naturally very proud of. It was presumed to be extinct until it was spotted again in 1961. The possum is now listed as a threatened species in Victoria and is classified as 'endangered' under the EPBC Act. Currently a review is underway to list the species as 'critically endangered'.

The biggest threat to Leadbeater's possums is the loss of hollow-bearing trees due to logging and fires, as the possums need hollow trees in which to build their bark nests. These hollows take more than 150 years to develop in living trees. We are losing them due to
logging activity and bushfires. Logging of the mountain ash forests in the central highlands for woodchips for paper production has resulted in the loss of vast areas of Leadbeater's possum habitat. Devastatingly, almost half of their prime habitat and population was lost in the 2009 Black Saturday fires. Their population has dropped to fewer than 1,000 animals. Despite this, the Victorian government failed to adjust the regulations around logging in the remaining half of the possums' native habitat. It has been virtually business as usual, with only small changes to the area available for logging by VicForests.

The scientific consensus is very clear: the species is at great risk of extinction in the near future. Leadbeater's possums need national protection and strengthening, not winding back, of the national legislation that should be protecting them. Professor David Lindenmayer, a world expert on the mountain ash forests that the Leadbeater's possums call home, has called on the Victorian government to expand the current Leadbeater's possum reserve system to include all the remaining habitat in the new Great Forest National Park. This would protect the possums and be a really positive move for tourism, for water protection and for carbon stores. Furthermore, contrary to the wild assertions of Senator Williams earlier this evening, recent research by Professor Lindenmayer and Dr Chris Taylor has shown extensive logging can contribute to the severity of bushfires in wet forests. Regrowth forests are more fire prone than older forests, so stopping logging would mean greater protection from bushfires as well.

The pulp mill that receives the wood from Leadbeater's possum habitat in the Central Highlands is well on the way to using plantation wood. The Greens want to see this transition sped up so that we get clear-fell logging out of our native forests within a few short years. That is how we will be maintaining jobs and protecting our forests. That is the economic and environmental certainty that we should be working towards.

There is incredible community support to protect Leadbeater's possums too, which should be reflected in national legislation. The Friends of Leadbeater's Possum is just one of the hardworking community groups working to protect the possums. They are a group of volunteers who came together on National Threatened Species Day in 2004 to give a voice to these animals. National Threatened Species Day is on 7 September, this coming weekend, which is going to mark the 10th anniversary of the Friends of Leadbeater's Possum group. I commend their efforts and I will be joining them, MyEnvironment, the Knitting Nannas of Toolangi and other wonderful community groups and campaigners in the forests this weekend to celebrate their efforts with them and keep building the campaign for the protection of these possums.

What is required is the political will to act on the scientific knowledge and community support for protecting these magnificent forests and Leadbeater's possums. This bill is taking us backwards in this regard. We cannot rely on the Victorian government to protect Leadbeater's possums. We need strong national laws to protect these animals. The Victorian government is set to preside over the extinction of our own state faunal emblem by subsidising the ongoing logging of its habitat. Victoria's state owned logging company, VicForests, gets free access to Victoria's forest assets, an economic model that creates a distortion in the market by favouring the logging of Victoria's native forests over plantation forestry. In their 2012-13 annual report, VicForests promised a $1.2 million dividend last year, but they ended up paying nothing. They have not paid a dividend to the Victorian Treasury—that is us, the Victorian taxpayers, since 2007. In fact since 2005, VicForests has
accreed operating cash flow losses of $11.9 million on its core forestry activities and investment losses worth $10.2 million. Is this the economic certainty that this legislation is designed to facilitate? As my colleague Greg Barber at the Parliament of Victoria has noted, 'It's a terrible use of our native forests, which have more value in the water they produce and the carbon they store.'

Set against this backdrop of economic madness, the Victorian government has created a veneer of care for Leadbeater's possums. They set up an advisory group but included forestry industry representatives, including the Victorian Association of Forest Industries and the CEO of VicForests, in the group. How could this group provide unbiased advice with those interests involved? The advisory group came up with recommendations which were roundly criticised by expert biologists. The Victorian government's record of environmental vandalism cannot be ignored and it provides clear evidence that the Commonwealth must retain powers to protect our vulnerable species. Otherwise, it will be the 'one-stop chop' not the 'one-stop shop'.

I stand with my Greens colleagues in opposing this bill. This bill winds back decades of hard-fought environmental protections. The poor track record of state governments provided the original rationale for the EPBC Act. So the handover of approval powers is a serious backward step. Successive Victorian governments have not demonstrated any capacity to resolve the conflict between local economic development and the interests of our environment.

This bill also allows local governments and potentially other bodies, such as unelected expert panels, to be accredited to make approval decisions under the EPBC Act. I am very supportive of the work of local governments, having been a councillor myself, but they are simply not equipped to undertake this work with such important national consequences. As for the furphy that the state legislation will have to meet the national standards, as has been asserted in this debate by the government, this legislation actually says the state standards can be reflected just in policy and guidelines, not legislation. This is a major weakening of our environmental protections.

The Commonwealth needs to strengthen its environmental laws, not hand them over to the states or other bodies. All Australians have an interest in the protection of our native species and biodiversity. For this reason, the Commonwealth must retain strong powers for protection of species of national significance under threat, like Leadbeater's possums.

(Quorum formed)

Senator McKENZIE (Victoria) (21:45): I rise tonight to talk on the Environmental Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014. It is fabulous news. It is great to be here because this is a bill that we have been waiting to bring in. The level of environmental regulation and red tape that has been wrapping up great projects out in regional Australia has been phenomenal. It is costing jobs in my communities, from Gippsland right through to Capricornia in the north. To actually be able to get all the states on the same page to ensure that we can make arrangements to approve bilateral assessments and approvals is a good news story. It is indeed something that former Prime Minister Gillard wanted to make happen, who was proud to make happen, and then all of sudden, quicker than you can say 'Stab me in the back', it was done. Mr Acting Deputy
President Dastyari, I notice you are laughing at that particular comment but I think I have got more important things to do, such as talk about this fabulous bill before us.

So the one-stop shop that we would like to implement will simplify, as I said earlier, environmental approval processes with a single entry point assessment process and decision at the state level. It means no reduction in the integrity of the environmental assessment process; it just means state processes are going to have to be up with the federal environmental processes, so it is not as some would argue a 'watering down'. It is actually ensuring that right across the nation we make it easier to get environmental approvals, not that they are going to be any less rigorous.

We have also heard tonight of the importance of environmental standards. There are many in the chamber who are concerned that the government is sacrificing environmental consciousness for the sake of reduced cost, but what we are actually doing is improving our environmental standards. Before the Commonwealth environment minister can enter into a bilateral agreement, states and territories must demonstrate with confidence that their environmental assessment and approval processes meet the high environmental standards set out in our EPBC Act. It has to be a good thing to have the whole nation absolutely behind the high environmental standards. In fact, I would argue that this nation has some of the highest environmental standards in the world, particularly when you come from regional Australia. We are out there competing with our fabulous product on the international market, and our farmers are doing it whilst being incredible environmental managers and conservationists on farm, particularly with the way they manage their soil and water. This means the states and territories must make changes to account for matters of national environmental significance. It has to be a good thing. We have already seen some states like Queensland and New South Wales introduce legislative amendments to ensure that they are well placed to meet these high national standards. The one-stop shop will also promote sharing of environmental information and data between businesses, governments and the community, making it easier and simpler for businesses to do what is right and to meet our high environmental standards. Instead of having to jump through a variety of hoops at the local, state and national level, we are simplifying it for businesses so that they can get on with what they do best, and that is developing particularly regional areas in the context of being sympathetic and responsible with how their business practices impact on our magnificent natural environment. This side of the House is committed to getting the best result for our environment—

**The ACTING DEPUTY PRESIDENT (Senator Dastyari):** Thank you, Senator McKenzie.

**Senator McKENZIE:** I seek leave to continue my remarks.

Lever granted.

**ADJOURNMENT**

**The ACTING DEPUTY PRESIDENT (Senator Dastyari) (21:44):** Order! It being 9:50 pm I propose the question:

That the Senate do now adjourn.

**Queensland Government**

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (21:50): I rise tonight to address some serious allegations made in the Senate earlier today by Senator
Waters. Those allegations were directed at the Premier of Queensland, the Hon. Campbell Newman. This is the second time that Senator Waters has used parliamentary privilege to put forward facts that have been neither tested nor verified where the Premier of Queensland is concerned. Allegations have been made against senior and prominent members of the Queensland government and public service, including the Auditor-General, and reflections have been made on a number of public companies in my state who are involved in the resources industry. But tonight I want to specifically address the issues raised earlier today, where allegations were made. I will now refer to the Hansard record:

Sibelco helped him out to the tune of about $90,000. What do you know—once he assumes the premiership he then retrospectively reinstates their expired mining lease. If that is not corruption, I do not know what is.

There can be no more serious or more damaging allegation made against a person in public office than that of corruption. Senator Waters went on to say:

We have heard how he has taken money in, I believe, a corrupt manner prior to the election and then granted a particular favour …

The second most serious allegation that can be made against a member of any parliament or public official is that they grant a favour in exchange for a benefit or a payment. Even when Senator Waters was encouraged by the chair to withdraw the accusations, she reflected upon her withdrawal by saying,

… but I do note that the inference remains. When you take money and then retrospectively validate an expired mining lease …

Campbell Newman, the Premier of Queensland, did not receive one cent either in a monetary form or in some deferred benefit from the company—

Senator Ludwig interjecting—

Senator O'SULLIVAN: I will produce the evidence for you from Sibelco.

Senator Ludwig interjecting—

Senator O'SULLIVAN: I will take that on board.

The ACTING DEPUTY PRESIDENT (Senator Dastyari): Through the chair, Senator.

Senator O'SULLIVAN: I am speaking through the chair. I have learned that lesson earlier today. It comes as no surprise that her colleagues in the Australian Labor Party would support the practice of making these allegations, pulling these verbal stunts in this place for cheap publicity. The fact of the matter is that either the senator failed to do primary due diligence with respect to her allegation or she simply invented it. That is a very serious allegation. All that she had to do was the same thing available to 25 million other Australians—

Senator Waters: I rise on a point of order, Mr Acting Deputy President. I apologise for interrupting an adjournment, but I have to take this point of order. I have clarified my earlier remarks not once but twice today already. Perhaps Senator O'Sullivan might have more useful things to do with his time.

The ACTING DEPUTY PRESIDENT: There is no point of order.

Senator O'SULLIVAN: I would suggest through you, Mr Acting Deputy President, that Senator Waters takes it up with the staff at Hansard, because I have quoted from the Hansard
record of the event today. Had the good senator taken the time, as many Australians do, to conduct a search online free of charge at the Electoral Commission of Queensland—available also to all other Queensland senators, if they were to take the time to do due diligence on these allegations—she would have found that the $90,000 that she alleged was received corruptly by the Premier in exchange for favours was in fact the value of a third-party campaign. The campaign was conducted by the company in response to a campaign that was conducted in part by the Queensland Conservation Council. There is an interesting connection. The campaign was conducted by the Conservation Council in the seat of Ashgrove in relation to sand mining. The good senator has a very close connection with the Queensland Conservation Council. That should come as no surprise. I have done my homework. I am happy to give you these documents, and you can speak to them if you wish. The Queensland Conservation Council is one of 66 member bodies of the Environmental Defenders Office, where the good senator was employed. In fact, two of the board members are co-candidates for the Green party in the state of Queensland.

Senator Waters interjecting—

Senator O’SULLIVAN: Senator Waters, you should sit quietly and listen and learn about what a little bit of investigation and due diligence can do, because it will always, as sunlight does on moss, bring out the truth in the fullness of time.

Senator Waters: I am trembling in my boots!

Senator O’SULLIVAN: You ought to be, because I am just starting. Parliamentary privilege in Western democracies has been around for over 300 years. It is an essential element of the toolkit of the people who come to this place and our House of Representatives, enabling them to get on with their function. It is significantly important. We have an obligation and a responsibility to air in this place allegations that are of a serious nature and that may have an impact on the constituency of our country. Equally, we have an obligation to do the most basic due diligence. A simple Google search would have shown Senator Waters that the facts that she needed are on the public record, and would have prevented her from abusing the privilege of this place to make the allegations.

All I can say is that, at the end of events today, the victim of this is not the Premier of Queensland but Senator Waters. Her reputation will be measured against these occasions where she comes into this place and makes allegations that are completely in contrast with the facts on the public record, into which anybody can make the simplest of inquiries. I should not have to get up here all the time responding to these unfounded allegations by Senator Waters against the Premier of Queensland. I am happy to put some time aside for you, Senator Waters, and to give you a basic run-through on due diligence and investigative techniques. That will allow you to underpin the statements you make in this place in the future; to see that they are, at least from a basic perspective, accurate.

Australian Air Force Cadets

Senator LUDWIG (Queensland) (22:00): I wish to speak about an organisation I have been honoured to be closely associated with: the Australian Air Force Cadets. In the past month, I have had the privilege of spending time volunteering as a tow pilot with the AAFC No. 229 Squadron at a gliding camp in Warwick. The Australian Air Force Cadets is a youth organisation providing a variety of air-force related experiences in locations across the states
and territories of Australia, and it is administered and actively supported by the Royal Australian Air Force. The Air Training Corps, AirTC, was established in 1941 as pre-entry training for air and ground crew for the RAAF in World War II. The organisation has endured a rocky past, and at times has survived only due to its dedicated band of volunteers. In 2001, the organisation was renamed the Australian Air Force Cadets, with new squadrons and wings being formed in all the states and territories except the ACT. Cadets are high-school students and range in age from 13 to 17, and the organisation is now a large contributor to youth wellbeing across Australia. Each squadron around the country provides for various activities; however, there are additional dedicated flying squadrons as well.

The Queensland gliding squadron that I volunteered with was established in the early 1970s in Kingaroy after operating on an ad hoc basis for a number of years. Originally No. 9 Squadron was based at Kingaroy; the gliders are now based at Warwick as No. 229 Squadron under the direction of Queensland’s 2nd Wing. The Queensland air cadets have received two new gliders as part of a larger, RAAF-based program to support the AAFC with training equipment and facilities for the development of future pilots. The Bathurst cadet squadron has also benefited from this program, with a similar fleet of gliders and a recently developed training facility. This program is still being rolled out, with squadrons in other states soon to be in possession of gliders. The DG1000 gliders are high-quality, two-seat, training fibreglass aircrafts that will not only be utilised for a formal training program conducted during school holidays—there are about four camps per year—but also, along with the ASK21 Mi gliders, be able to provide a large number of Air Experience flights around the state on many weekends throughout the year. This is a new capability, and it will provide exposure to many more cadets, as the program is always oversubscribed: they are presently limited to about 25 cadets per course, and only those cadets are able to access the Warwick-based aircraft. This equipment will also provide access to the many cadets who do not achieve selection for the courses. These gliders will provide a training program that will continue into the next decade. These gliders, along with the motorized ASK21 Mi gliders, are being delivered by the end of the year as part of the RAAF initiative. This will give exposure to a much larger number of cadets across the entire state and will increase the skills of all the participants. I commend the Air Force for the provision of these gliders and facilities in its program, and for the foresight to develop facilities that will benefit future aviator training programs. The Air Force realises that the support of organisations like the cadets helps to generate interest in the Air Force and in the defence forces as a whole. They are also a useful outreach by the Air Force in providing civic engagement.

Good equipment, of course, is only half the battle. People make the AAFC, and many of the vital positions are supported by a band of volunteers. The volunteers engaged on the camp I volunteered on—and it is always difficult when you start to mention names; there were many persons who provided assistance—included: Chief Flying Instructor, AAFC Gliding Qld, Michael Maddocks; Level 3 Qualified Flying Instructor, Tony Scarlett; Qualified Flying Instructors included Julie Maddocks, Brian Allerby, Brian Marshall, Jenny and Jeremy Thompson, Erich Wittstock and Graham Logan; ground staff included Graeme ‘Crannie’ Cran; tow pilots included Val Wilkinson, Gary McMahon, Paul Hogan, Peter Young, and myself. The cadets themselves were an admirable group and came together from cadet flights from across Queensland.
It is not only the great qualities that these young people bring to the cadets but also the skills they develop through their engagement with the program: these young people develop skills and take on responsibilities that most teenagers never experience and, through this, they head into adulthood with a respect for their abilities, for themselves and for others, and with leadership qualities. I saw these young people developing their confidence, gaining respect from their peers, and developing as a team. I was very impressed and I think these young people will be fine leaders for tomorrow.

Seeing the hard work of the volunteers of the Australian Air Force Cadets reminded me of the hard work done by all volunteers in countless community groups across the country. I rarely agree with him—in fact, I would say it twice; I rarely agree with him!—but on this count I agree with the Prime Minister: 'Volunteering is a sign of a healthy and caring community.' However, I suspect that we may disagree on the other signs of a healthy and caring community. Volunteering is what one can do when living standards are high, when a strong social fabric is in place, and when social capital is in surplus. Of course, volunteering is not restricted to affluent areas; however, it is found in areas of social and community affluence rather than economic wealth. It is a sign of egalitarianism. It shows a community that has a sense of greater good, where people who want to teach others boost their pride in their community.

One of the real pleasures as Minister for Agriculture, Fisheries and Forestry was visiting—and helping fund—the many hundreds of volunteers involved in the Landcare program. This is a program concerned with environmental, social and productive land use regeneration and creation. The program leaders and workers are some of the hardest and most passionate working people in their respective communities. Two visits to local Landcare groups stick in my mind firmly: one was a visit to the Redcliffe area with Yvette D'ath and the other to the Kiama area, just south of Wollongong. Each was distinct—one was coastal, and the other was focused on a river system. Yet these two visit stick in my mind for three reasons, the first because of the local member Yvette D'ath's incredible lobbying abilities to get local groups both a fair hearing of their issues and outcomes for the environment and the second, I will confess, because the Kiama group was in the sand dunes and the surf was particularly good that day—something the local volunteers and I spoke about at great length. Finally, they do stick in my mind for the similarity in the determination and dedication of the program volunteers. What these people could and would do to serve their local community and environment in a thankless manner was a great inspiration and a true sign of a vibrant community full of people wanting to do their bit to improve the lot of all those who used and visited the area. They were not high-income areas but they were affluent in the spirit of the people and the community as a whole. It was simply tremendous to see their action at work.

I want to thank all volunteers and put in a plug for National Volunteer Week, held in May each year, and encourage all senators to recognise the hard work their local volunteers do to make the community better for all of us.

**Australian Broadcasting Corporation**

**Senator WRIGHT** (South Australia) (22:08): To begin:

While not necessarily essential for physical survival, I believe that an independent, quality, public broadcaster—free from commercial influence—is essential for the survival of our own quintessentially Australian culture and to provide the reliable, accurate information which is the currency of democracy.
That is an excerpt from my first speech to the Senate, delivered in August 2011. I went on to say:

I watch with concern as many of the qualities of the ABC we fought for in the 1990s are now under threat by decisions that are being made in 2011.

Exchange 2011 for 2014 and the situation is now even worse.

My advocacy for strong, independent, properly-funded public broadcasting has been ongoing for 20 years. In the late 1990s I fought passionately to save the ABC from vicious attacks and funding cuts from the Howard government, who had been elected on a lie that they would not cut the funding of the ABC. Within months of gaining office, they cut $50 million from the ABC and commissioned a review to cut further. The Mansfield review, on the contrary, found that Australians valued their public broadcaster to such an extent that would make commercial corporations envious.

But here we go again, and this time the cuts will prove to be so vicious and so ideologically driven that John Howard's attempts will look like a mere trim. Prior to the 2013 election, the coalition made a clear and unambiguous promise that ABC funding would not be cut. But many of us feared that was a farce and so it has proved to be. With a one per cent cut to the recurrent funding in the May budget, Managing Director Mark Scott reported after this that it will have an effect of $120 million over four years, with more to come. And it seems there is much more to come. So far we have seen the abolition of the Australia Network, and there are reports that the ABC management has been configuring losses of 500 jobs on the back of a further $50 million cut. But there may be even more jobs at risk—some reports suggest that figures as high as $100 million are being floated. Certainly ABC sources are saying, 'The situation is very dire.'

After all, the Institute of Public Affairs—the right-wing think tank that writes much of the Abbott government's policy—had a checklist of 75 radical ideas to transform Australia, and pride of place at No. 50 was: break up the ABC and put out to tender each individual function.

Why does this matter? Because information is the currency of democracy. Without reliable, accurate information, how can any citizen be confident that in exercising their vote or in forming their opinions they are exercising a real choice?

Just ask the citizens of Putin's Russia right now. I heard an interview with Keir Giles on ABC's Radio National this morning. It brought home to me the fundamental importance of having a reliable and accurate media that is independent of government and independent of other influence, like commercial influences. He was being interviewed by Fran Kelly on Breakfast. She put to him the suggestion that there is definitely a Russian backed rebel advance in the east of Ukraine. Keir Giles said:

The striking thing about this is how it looks from Moscow. ... Even the military involvement itself looks entirely different when you get it through the distorting mirror of Russian media treatment. We've been talking to lots of Russian friends and colleagues, civilian and military, over the past few weeks and the striking thing over there that comes through is that they are living in a parallel reality. It looks entirely different, what is going on down there.

... ... ...

They're only now just learning about the scale and extent of the of the Russian involvement there and the nature of the conflict simply because Russian soldiers coming back dead and injured, when they are supposed to have been sitting in their bases.
They really don't understand the situation. I'm talking about the ordinary Russians but educated, intelligent ones who are seeing things through the prism of the Russian media. We hear the most bizarre things coming from them. For example, to give you one example: they are convinced there will soon be a full-scale military attack not just on Russia but also on Scotland because Scotland is having its own separatist referendum and obviously England will be wanting to exert its territorial integrity. So the picture that they are getting there is ripe for the kinds of statements about nuclear weapons that President Putin has been issuing lately.

That is a really clear indication of the degree to which we rely on accurate, independent information in a democracy to understand the choices that we really have to make. The concentration of media ownership in Australia has never been more serious, which means that that source of information is concentrated in fewer and fewer hands.

I am extremely concerned about the South Australian situation. The ABC is extremely important to regional areas of Australia. One of the reasons that I fought so passionately to support the ABC in the 1990s was that the ABC is a voice that can unify Australia. It is our own independent cultural broadcaster. It captures the lived experience, the reality for Australians throughout Australia. It is pluralistic. It actually appeals to and represents the various interests that Australians have, whether it is classical music, local radio, country radio or the Bush Telegraph, which joins country people to city people so that city people can have an understanding about what it is like to live in rural areas. There are programs about culture, about religion, about popular music and about sport. Every Australia has a favourite aspect of ABC radio and ABC television.

There are 408 staff employed by the ABC in South Australia. About 350 of those staff are in Adelaide. Reports indicate that up to 150 of those jobs are currently at risk. If those jobs go, the ABC's ability to represent the people of South Australia will be severely curtailed. The recent Lewis review presents a substantial risk to the size and functionality of the ABC Adelaide operation. ABC Adelaide is one of the last ABC regional offices to retain internal TV production capacity. The executive summary of the Lewis review into ABC and SBS efficiency was leaked to News Corp and Fairfax. It reportedly showed how the ABC could save $70 million through back-of-house efficiencies and by outsourcing production to the private sector.

The Lewis review makes various recommendations which, if implemented, would have a direct impact on ABC Adelaide. They include outsourcing ABC payroll, which is run from Adelaide and employs more than 60 staff; outsourcing other support, administration and commercial functions, which employ an estimated 30 staff; and axing ABC internal TV production, which estimates indicate could directly impact more than 20 jobs and have indirect impacts on a further 30 to 40 jobs. It is not clear at this point what impact in jobs or services may flow from other Lewis review recommendations, which include selling studios and outside broadcast vans and discontinuing digital radio.

The government and the public are already getting more from less when it comes to ABC output. In 1996, the ABC budget accounted for approximately 0.44 per cent of total government expenditure. By 2012, this had fallen to around 0.28 per cent of total government expenditure. In the 1980s the ABC employed 6,000 staff; now it is just 4,600, which is a 23 per cent reduction. Among 18 major Western countries, Australia has the fifth-lowest level of
funding for public broadcasting. Our public broadcaster, considering the range of services and platforms it provides to the Australian public, is lean and mean. Funding to the ABC and SBS is only 50 per cent of the average funding in comparable countries, yet the quality of Radio National, of the debate, discussion and information that is available there is comparable to those countries. The quality of the programs we see on ABC television that are produced in Australia are still extremely good, despite those efficiencies.

The cuts and savings we have heard about so far are just the beginning. My colleague Senator Scott Ludlam has made an order for the production of documents, asking the Minister for Communications to publish the secret Lewis efficiency review. The minister was due to provide the review by today but it was not done. Again, we see secrecy. Again, we see that information is the currency of democracy. We need to have that information so that we know what is going on in Australia. That is why public broadcasting is so important.

St Patrick's Technical College

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (22:18): I rise to talk about St Patrick's Technical College near Elizabeth in South Australia. One of the great memories I have of my time in the other place as member for Wakefield was working with the Howard government and local industry in the northern suburbs of South Australia to establish the Australian technical college in Elizabeth. One of the unique features that made this model work and made it effective was the fact that rather than having an educational institution that just turned the handle and pumped out young people—who then went to try and find a job, hoping that their skills might actually suit the needs of an employer—these colleges were run by a board that was chaired by industry and by parents.

The whole curriculum and the whole way the place was run actually suited the employer's needs, right down to the kind of equipment that was there and the kind of training that was provided. Importantly, when the young people went to actually do placements with an employer, rather than the timing being set by the school, based around their requirements and their thinking as teachers, it was set around industry's requirements. It was timed to work in with industry so that an employer was able to work a young person into their work routine in a way that suited the business, and the young person got a lot more out of it.

The reason I bring up St Patrick's is that they have just graduated their 600th apprentice. St Patrick's is one of the very few technical colleges that survived the purge of 2007. When then Minister Gillard, the Minister for Education, took over, one of the first things she did was to get rid of the technical colleges, because they were seen as very much a product of the conservative government. That was a great shame, because the model worked. The fact that St Patrick's has survived is due in large part to its principal, Rob Thomas, and to the Catholic education sector. The Catholic education sector had been a partner in the school to start with, with the Commonwealth government. They thought it was such a good model that, when the colleges were going to be scrapped, they decided to take on the college and make it a fully-fledged Catholic school within their system, while continuing the model. It has worked: 600 young people have gained apprenticeships through that college.

I congratulate the college for what they have achieved over that time and the employers who have become involved on the board. Luke Forrest, who was a year 12 metals and engineering student and who was the 600th apprentice, is continuing his part-time, or school based, apprenticeship with them now. In November this year, he will actually become a full-
time employee of Stratco in South Australia. I thank those companies who are stepping up to the mark to provide that.

When the technical colleges were scrapped, quite an investment was made in infrastructure. The alternative plan was to have trade training centres at about 2,500 schools around Australia, and some $1.4 billion was spent on infrastructure. Whilst I applaud the fact that there was an attempt to make trade training more available, the key success factor of the technical college system was the fact that it was demand driven. The employers were the ones who drove the syllabus and drove the way it worked, so they brought young people into that relationship. By putting those young people back into a school as part of the broader school system, it went back to the old model of having it driven by educators as opposed to being driven by future employers.

Minister Ley has announced that there is going to be a review of trade training. In South Australia's case this is really important. While St Patrick's has survived, across the rest of the state only 0.8 per cent of 15 to 19 year olds are currently enrolled in school based apprenticeships—that is about one in every hundred. This is despite the fact that there is a skills shortage in South Australia, which includes gasfitters, plasterers, plumbers, bricklayers, concreters, electricians and carpenters. A model that worked was discarded and a lot of infrastructure was built. The government is now having a review done. Ms Patricia Scott is conducting a review of trade training and is particularly looking at how industry and employers can be re-engaged. Funnily enough, that was why the technical colleges worked: the people who needed the skills were involved in setting the curriculum, setting how students were trained and determining the equipment used. The review is also examining how industry and employers can be involved in the training delivery to identify the models of best practice, as well as strengthening those links between industry, employers and training organisations.

I am glad to see that from 1 July this year the government is offering loans of up to $20,000 over the life of an apprenticeship. That provides some cash flow for young people who need support with housing or other costs of living to get through their course. Just like a university student can get a loan to pay their fees and can pay that back once they have a sustainable income, the government has extended that to people who are getting a trade, so they can also afford the cost of their education. It is my hope that the outcome of this review will be a situation where—certainly in South Australia—we can learn from St Patrick's Technical College and the excellent work that Rob Thomas and his team have done and about that interaction with employers. Ultimately, what it will do is provide the environment and the means for young people in Australia to get trade training.

There is one more element I would like to discuss. Over the last 10 to 15 years—this has been market driven, rather than a policy of either side of politics—the market has driven a lot of outsourcing where, if they do not need to do it in-house, some of the trade work has been outsourced to small-to-medium-sized, or even family, businesses. In order to win that work, many of those businesses have to bid pretty lean. They do not have a lot of fat in their organisations anymore to do training, because they have had to bid pretty lean to win the work. The larger organisations, including government organisations, no longer train either. In particular I look at Defence and at the Defence Science and Technology Organisation, which used to be one of the principal training organisations in Australia for high-quality technicians and tradesmen, who often went on to have very successful careers in the private sector. I am
not saying that we should be going out and distorting the marketplace in terms of how companies work, but I flag the fact that unless companies rethink their process of outsourcing everything and cutting the margins down, we make it difficult to provide the environment for young people to come into a trade.

Where the Defence Force can play a part is the Skilling Australia's Defence Industry, or SADI, program. It was a good initiative of the Howard government that has been continued by successive governments. However, at the moment it is largely focused at the tertiary level, so we give people a master’s degree in systems integration or that kind of qualification. I think that we should be looking at how we can use the procurement process to say to a large firm that is bidding for work: 'Show us your training plan. We’ll give you this funding that would normally be delivered through SADI. Show us how you will flow this down to your second- and third-tier suppliers, which will enable them to bid lean to win the work. Show us how you’re going to work with them so they have the resources and ability to take on apprentices and grow that training pool.' That is not spending extra money, but it is using our procurement process to create an environment where the employer of a small family business that wants to take on an apprentice has the commercial viability to do that.

If we took those kinds of steps we would start rebuilding the base of skills that we need in our country without additional impost on the budget. It would be clever governance of this nation, reshaping an opportunity and an environment that we need if we are going to prosper and if we are going to give the young people in our community hope, a career and a direction for the future.

Senate adjourned at 22:28

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Commissioner of Taxation—Public Rulings—

Class Ruling CR 2014/66.


Veterans’ Entitlements Act 1986—

Amendment Statements of Principles concerning diabetes mellitus—

No. 88 of 2014 [F2014L01150].

No. 89 of 2014 [F2014L01151].

Amendment Statements of Principles concerning non-Hodgkin’s lymphoma—

No. 86 of 2014 [F2014L01148].

No. 87 of 2014 [F2014L01149].

Statement of Principles concerning malignant neoplasm of unknown primary site—No. 81 of 2014 [F2014L01143].

Statements of Principles concerning chronic lymphocytic leukaemia/small lymphocytic lymphoma—
Return to Orders

The Minister for Veterans’ Affairs (Senator Ronaldson) tabled the following document:

Communications—Australian Broadcasting Corporation and Special Broadcasting Service Efficiency Study—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield) responding to the order of the Senate of 28 August 2014 and raising a public interest immunity claim, dated 1 September 2014.

Departmental and Agency Contracts

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2013-14—Letters of advice—
    Agriculture portfolio.
    Department of Human Services.
    Health portfolio.
    Infrastructure and Regional Development portfolio.
    Prime Minister and Cabinet portfolio.
    Treasury portfolio.