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

**SITTING DAYS—2012**

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

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

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

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

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

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

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

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Sen. the Hon Stephen Conroy MP</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>Sen. the Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Sen. the Hon Jan McLucas MP</td>
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<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
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<td>The Hon Greg Combet AM MP</td>
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<td>Sen. the Hon Kate Lundy MP</td>
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<td>The Hon Brendan O'Connor MP</td>
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<td><strong>Parliamentary Secretary for Foreign Affairs</strong></td>
<td>The Hon Richard Marles MP</td>
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<td>The Hon Tony Burke MP</td>
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<td><strong>(Vice-President of the Executive Council)</strong></td>
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Monday, 10 September 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 10:00, read prayers and made an acknowledgment of country.

PARLIAMENTARY REPRESENTATION

South Australia

The PRESIDENT (10:00): I have received, through the Governor-General, from the Governor of South Australia, a copy of the certificate of the choice by the Parliament of South Australia of Anne Sowerby Ruston to fill the vacancy caused by the resignation of Senator Mary-Jo Fisher. I table the document.

Senators Sworn

Senator Ruston made and subscribed the oath of allegiance.

CONDOLENCES

Milosevic, Lance Corporal Stjepan
Martin, Sapper James Thomas
Poate, Private Robert Hugh Frederick
McDonald, Lance Corporal Mervyn John
Galagher, Private Nathanael John Aubrey

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (10:05): by leave—I move five motions relating to the deaths of Australian defence personnel in Afghanistan together:

(1) That the Senate records its deep sorrow at the death, on 29 August 2012, of Lance Corporal Stjepan Milosevic, during operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(2) That the Senate records its deep sorrow at the death, on 29 August 2012, of Sapper James Thomas Martin, during operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(3) That the Senate records its deep sorrow at the death, on 29 August 2012, of Private Robert Hugh Frederick Poate, during operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(4) That the Senate records its deep sorrow at the death, on 30 August 2012, of Lance Corporal Mervyn John McDonald, in a helicopter crash while on combat operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(5) That the Senate records its deep sorrow at the death, on 30 August 2012, of Private Nathanael John Aubrey Galagher, in a helicopter crash while on combat operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

This was a terrible two days in Australia’s military history, and I know all the Senate sends its support and best wishes to the families of the deceased soldiers and their colleagues.

The PRESIDENT: I ask honourable senators to stand in silence to signify their assent to the motions.

Honourable senators having stood in their places—

Question agreed to.
COMMITTEES
Rural and Regional Affairs and Transport References Committee
Meeting
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (10:09): by leave—I move:
That the Senate Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.15 pm, to take evidence for the committee's inquiry into the management of the Murray-Darling Basin.

Question agreed to.

BILLS
Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Leave granted.

The speech, in continuation, read as follows:
However, I note there were some recommendations directed to the Commonwealth government and it concerns me that nearly three years later a response from the government remains outstanding. I take this opportunity to urge the government to finalise and table its response to this committee's recommendations, and those of any other committees inquiring into issues of coal seam gas but to which it has not yet responded, and also identify what, if any, action was taken as a response.

Coalition support
The coalition supports this bill before us today, and the establishment of this committee, given it explicitly provides for independent expert input to the debate and into particular developments. This input should all help improve public confidence in the environmental safeguards we afford our critical and precious water resources as well as the environmental approval processes surrounding the coal seam gas industry and ultimately the industry itself.

This can only be a good thing, provided the input is provided in an appropriately timely fashion as we would hope will be the case. It will also assist, particularly state governments, balance the interests—or better provide for the co-existence of—the agricultural and mining industries.

I note and welcome adoption in the other place of a coalition amendment that we believe improves the bill, and the credibility of the committee, through the minister ensuring that a majority of the members possess qualifications and expertise in one or more of the areas of geology, hydrology, hydro-geology and ecology.

Given that amendment, and for the reasons I have outlined, the coalition supports this bill.

What this bill does not address, and which remain to be addressed, are legitimate concerns particularly among farming communities about the long-term impacts of coal seam gas developments and a landowners right to say 'no' to development on their land.

As I say, these important issues and concerns remain to be addressed.

But this bill is a positive step forward in terms of environmental protections and greater public confidence in those protections.

Senator WATERS (Queensland) (10:10): I rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee
on Coal Seam Gas and Large Coal Mining Development) Bill 2012. While the Greens will be supporting this bill because it does take us some small way towards addressing the huge problems with coal seam gas and large coal mines, we think it is far too little too late. The Greens have long raised the well-founded concerns of the Australian community about the risks coal seam gas and coal mining pose to our groundwater resources, to our climate, to our good-quality agricultural land, to our regional communities across Australia and to our environment, particularly the Great Barrier Reef—with massive dredging for export.

The coal seam gas and coal mining industries are rapidly expanding across Australia’s rich farming regions, which we have in short supply, particularly in my home state of Queensland. They are just eating up the landscape, and we are seeing the industrialisation of rural Australia. Our good-quality food-producing land and its ability to feed us and the world—because we remain net food exporters and should continue to be—and the groundwater that the productivity of that land often depends on, are so precious they should be off limits to big mines and to coal seam gas.

That is the Greens’ position, which I have raised many times in this chamber. We are backed by expert bodies like the CSIRO and the National Water Commission, who still do not know what the long-term and cumulative threats posed by these industries are, particularly to our water resources and the climate but also more broadly to our environment and communities. This is despite claims from APIA last week that CSIRO had backed coal seam gas and said it was safe for groundwater. Of course, CSIRO came out and said, ‘No way; that's not what we said at all. We still don't know what the long-term risks are.’ Yet approvals have been issued by both state and federal governments without the understanding of those long-term impacts.

Vale the precautionary principle—it has been sacrificed for short-term private profits, some small amount of royalties and the promise of jobs, which never eventuate in the orders of magnitude promised by the big miners or which are simply fly-in fly-out or drive-in drive-out workers who drive up the cost of living for locals and destroy families.

We just do not know if CSG is safe for our land and water when we lack the information about its long-term impacts, and when the government has done little of its own research—the Namoi catchment study being one welcome exception to that—and simply relies on the so-called evidence of the miners themselves. But look at the scoreboard. Urban and rural Australians worried about our land, our water, our climate and the Reef have been shocked by the recent rash of disasters associated with the expanding coal seam gas industry. There has been gas bubbling up through the Condamine River bed, close to CSG mining operations, in recent months; there was contamination of the Springbok aquifer in Queensland in 2009—a very worrying occurrence; there was the release of CSG polluted wastewater during the 2011 floods; there was a gas well blow-out and drilling fluid leak near Chinchilla; and of course there was the recent spill disaster in the New South Wales Pilliga Forest.

Much more needs to be done to reign in the unbridled acceleration of these fossil fuel industries. The Greens generally support this bill, but it needs to be given teeth, and much more needs to be done to investigate and properly regulate this industry before any more approvals are hastily granted. The Greens will continue to push for far better oversight and management of these industries, for the future of Australian
communities and for our generations to come.

Despite the lack of information about the long-term impacts of coal seam gas, Australian farmers still have no right to say no to coal seam gas mining on their land. I have introduced a bill to allow farmers to choose if they want CSG on their property, given the huge uncertainties about its long-term risks to their land. It was originally Tony Abbott's idea—but, unfortunately, the next day he changed his mind. What a tragic shame.

A couple of weeks ago, the latest community in the Darling Downs in Queensland faced the invasion of their land from coal seam gas. Cecil Plains, with some of the best soil in the Downs, was being invaded by Arrow Energy's exploratory drill rigs, the fourth of the big CSG miners with megaprojects in Queensland. That community was going to blockade. Thankfully the company have now deferred their plans, but for how long we do not know. The blockading is pretty unusual in rural communities, just like the Country Women's Association, who recently protested for the first time in their 90-year history against coal seam gas. This threat to people's farmland and the security and cleanliness of their water supply is really mobilising people. Farmers on the rich Cecil Plains, many of whom are generational family farmers, are the latest in a long list of communities who are banding together, protesting and blockading against the cowboy, bullying and divisive tactics of CSG companies to force their way onto their farmland. That forcing is completely legal. The farmers cannot say no; they cannot refuse entry. My bill to give them that right is desperately needed. I want to take this opportunity to commend and pay tribute to the Lock The Gate Alliance—both the organisation and its members—and all of the farmers and city folk too who have banded together against the might of coal and coal seam gas giants. More power to their arms.

I have twice moved in this place for a moratorium on coal seam gas until we understand more about the risks of this industry. Sadly, the two big parties sided with the big miners and ignored the community. When I moved a motion reflecting the first few paragraphs of the Nationals' own policy on coal seam gas, they did not come into the chamber to vote and back their own policy, which had wisely called for land and water to be safe.

I have also proposed a nationwide Senate inquiry into coal seam gas to get the whole picture of the true environmental, coastal, economic and social impacts of coal seam gas across the whole country. We looked at CSG in the Murray-Darling inquiry. I had the pleasure of sitting in on the Rural and Regional Affairs and Transport References Committee for that inquiry, but CSG is going to go everywhere—of course, it is shale gas in WA—and we did not get the chance to properly consider the marine impacts of exporting most of that gas and the port expansions that entails, let alone the pressure on household gas prices from limiting domestic supply.

Lastly, the Greens have been calling for independent Australian studies of the life cycle carbon emissions of coal seam gas. There are none currently, so there is no proof that this so-called transition fuel is any more climate friendly than coal. Let's be clear: now is not the time to be opening up yet another fossil fuel industry. That is why the Greens have been calling for independent Australian studies into the life cycle carbon emissions of coal seam gas and better monitoring of fugitive emissions from leaking gas wells and pipes.
We welcome this bill as a first step towards better protecting our water resources from the risks posed by large coalmining and coal seam gas. The bill, which sets up an independent scientific expert panel to advise on the risks associated with coal seam gas and coal mining projects, recognises that there are serious gaps in the science about the potential threats posed by these industries. We acknowledge the significant reform that Mr Windsor has achieved in securing the government's commitment to this bill and recognise that this is an issue of utmost importance to his region, but it is shared by so many rural communities across eastern Australia. This bill is an improvement on the current state of affairs, where major mining developments are being considered for approval in our prime natural and agricultural areas without being underpinned by adequate and independent science about the risks evolved, but it is toothless. This bill does sets up under our federal environmental laws a committee which can advise governments, but only state governments can act on the advice and even then, under the funding agreement that they get 50 grand for, they only have to consider the advice of this committee.

As a former environmental lawyer, I have seen the weakness of mere consideration. Decision makers can consider information and then totally disagree with it or disregard it. What recourse does the federal government have if state governments choose private profit over the wellbeing of our groundwater-dependent communities, industries or the environment? The answer appears to be: none at all. Unlike other issues regulated by the federal environment act, the federal minister will not be able to call in a project and review the decision because the federal minister has very limited remit to consider water issues.

That brings me to the key problem that we have with this bill: the fact that there is no point in setting up an advisory body on water issues when the minister has no power to act on water impacts under our environmental laws as they currently stand. As people may know, our federal environmental laws are like a silo, so the federal minister can consider only the impacts that are listed in one of those silos, like threatened species, World Heritage areas, Ramsar wetlands and a few others.

Water is not on that list, and water—its depletion and its contamination—is the key problem that communities and the Greens have with coal seam gas. So, while the federal minister has this great expert panel, he or she will only be able to consider its advice in really quite narrow circumstances, where, for example, national threatened species will be impacted. That is fine where there is a groundwater-dependent threatened species, as there is in Queensland, which was why the minister could impose conditions on water for the big three Queensland CSG projects in the first place, but there will not always be groundwater-dependent threatened species on that threatened species list that will allow the federal minister to properly consider the water impacts of mines and coal seam gas.

The minister needs powers to consider water in and of itself. Without that, despite the existence of this new committee, the federal minister will not be able to stop projects where the science indicates that there are broad risks to our communities, our water systems and the environment from these proposals. Those responsibilities will stay with the state governments. Given the state's track record, we think it is high time that the federal government stepped in to manage the major risks posed by these industries to our ground and surface water. To this end, I have introduced a separate bill
to protect water from coal seam gas mining which would add the impacts of mining on water to our environmental laws as a matter of national environmental significance.

We will continue to push for the federal government to step up and we hope to secure support for this bill in the Senate in coming months. But the Senate inquiry into that bill recommended that it not be passed, which, unfortunately, shows me that the government and the opposition are really not interested in the federal government playing a proper role to regulate coal seam gas or to refuse it, let alone condition it to try and protect land and water.

Senator Heffernan: Excuse me: I am.

Senator Waters: Of course, there are some exceptions. I might mention Senator Bill Heffernan, who is opposed to coal seam gas for all of the same reasons the Greens are.

We have an information gap about CSG in particular, and I have already cited concerns of learned bodies like the National Water Commission and the CSIRO, so it is great that this committee will lead a research program, albeit mostly at the behest of the minister, with only a handful of matters that the committee can of its own volition investigate. But without the ability of the federal minister to actually act on that advice and protect our water resources, I am afraid this bill is simply green wash. The government foolishly keeps issuing approvals before we have the full scientific picture before us. We need that five-year moratorium while that science is being done. Mr Bandt, the Greens member for Melbourne, proposed this amendment when the bill was in the lower house but, sadly, it was not supported. Once again, all of the old parties voted it down and backed the big miners over the community and the environment. It is of great concern that the old parties continue to ignore the legitimate concerns of the community and water experts like the CSIRO and the National Water Commission.

The Greens are not alone here; rather, we are speaking for the many Australian communities that have spoken out so strongly against coal seam gas, with a recent
poll indicating that 68 per cent of people wanted a moratorium on coal seam gas until it has been proven safe. So I look forward to representative democracy working and hope that the will of the majority of people will be reflected in this chamber when it comes to a vote on that amendment.

I will also move amendments to improve the transparency and independence of this committee, firstly to ensure that all advice from the expert panel is published online at the time that it is presented to the state or federal government decision maker. This gives the public a chance to see that expert advice and to urge decision makers to take evidence based decisions and thus improve the quality of decisions made. We believe the community has a right to know what our decision makers know about the risks posed by major coal and CSG projects when making approval decisions.

The second tranche of amendments goes to conflict of interest of the committee members, which is of utmost importance in a committee that is entitled 'independent'. Genuine independence, as well as the appearance of independence, is crucial both to community confidence in this new committee and to its provision of unbiased advice. Currently the act, the regulations and the bill require that members of the committee disclose any potential conflict of interest at a meeting. Minutes are taken and under a policy decision, not a statutory one, they are published online. But the conflict disclosures are in the appendices of the minutes, which are not online. This amendment is needed so that the public can have the opportunity to scrutinise such conflicts and check whether they are being properly managed. We believe the community has a right to know whether the expert panel's advice is free from any undue influence.

I would urge the government when appointing members to this new committee to consider carefully the balance between field expertise by not appointing people who are currently on the payroll of the mining and CSG industry. Some members of the interim committee have received substantial research funding from the industry. While they would not have to do this if the government properly funded research development in our tertiary institutions, such links do undermine public confidence in the independence of advice provided to government by that committee.

I have some other amendments which enhance the independence of the committee both from industry and from government, including providing that committee members have security of tenure for a minimum of three years and that they have adequate support to do their job properly and allowing the committee, importantly, to conduct research and investigations of their own volition, not just when directed by government.

The last tranche of my amendments is about the health impacts of coalmining and coal seam gas. Many communities are already experiencing health impacts from large coalmines and the air pollution that they generate. Many Australians, including the medical bodies that gave evidence to the Senate inquiry into this bill, have significant concerns about the potential health impacts associated with coal seam gas mining. In the lower house, amendments were proposed to explicitly list areas of expertise that should be represented on the committee and these included geologists, hydrologists and ecologists, but no human health experts. It is imperative that the health impacts of coal seam gas are considered by this committee, given the chemical cocktails that are pumped into coal seams in fracking fluids and the naturally occurring carcinogenic BTEX—
that is, benzene, toluene, ethylene and xylene—that can be mobilised by that fracking process and that could end up in drinking water if connections between aquifers are made. We believe that it is simply an oversight not to have the health experts on the scientific panel, and that oversight clearly needs to be corrected. So we look forward to the support from both sides of the chamber to ensure that this committee can consider the important health impacts of coal and coal seam gas mining.

In conclusion, I hope that the Senate concerns itself much more with coal seam gas in the years to come and in the more immediate future with the amendments that I have proposed. I want to note for any listeners or avid readers of Hansard that I am disappointed that the government, on my last check, has not provided any speakers to support this bill, bar the obligatory opening and closing speakers. I note also that, at last count, there are only a handful of Liberals who are speaking on it too. I think communities concerned about coal and coal seam gas will be disappointed that the two old parties are not taking this issue seriously enough to speak on this bill and, in doing so, to reflect upon the impact of coal seam gas on their constituents. I dearly hope that this does not signify a continuation of a situation where only the Greens are prepared to stand up for rural communities to protect our precious farmland and water from the voracious coal and coal seam gas industries. We would really like some company.

Senator McKENZIE (Victoria) (10:28): I apologise for my smile as I rise to speak after Senator Waters's outline on the lack of—and I would like Hansard to record this in capital letters and bold, please—the OLD PARTIES. I am a senator in one of the oldest parties in this place. It has a very long, strong and proud tradition of standing up for regional Victorians. I think if the senator looked at the speakers list for this bill she would see that we are in the majority, not the Greens.

I rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012. The bill amends the EPBC Act to establish an independent expert scientific committee on coal seam gas and large coalmining development as a statutory authority. The authority would be responsible for providing federal, state and territory governments with scientific advice on coal seam gas and large coalmining developments which may have significant impacts on water resources.

The bill necessitates the federal environment minister to seek and consider advice from the independent expert scientific committee on any coal seam gas or significant coalmining project that might adversely affect surface water, groundwater, a water course, lake, wetland or aquifer. There are concerns, particularly in Queensland and New South Wales—and I might say increasingly in Victoria—where coal seam gas development has escalated and jurisdictional laws have been found wanting, bearing in mind this is a state issue. The Nationals seek to address this by ensuring the natural inequity in power between farmer and miner is rebalanced, with a fair return for access. Additionally, following concerns raised internationally of the potential for water contamination by the processes involved in mining coal seam gas, Australians need to have confidence that mining will not cause damage downstream.

The independent expert scientific committee stems from the National Partnership Agreement on Coal Seam Gas and Large Coal Mining Development. Victoria became a signatory to this
agreement on 5 June 2012 and, in signing the agreement, federal and state governments acknowledged a critical need to strengthen the science that underpins the regulation of these industries and committed to ensuring independent expert advice on all relevant project proposals will be available to local communities, government and industry.

Through provisions of this bill, specifically section 505C, the independent expert scientific committee will have five to eight members, each of whom will possess scientific qualifications—not human health, but a range that is specific to the task at hand being assessing the impact of mining on water assets—and who will be appointed in a part-time capacity by the federal environment minister. The terms and conditions of their appointment will be consistent with other statutory entities established under the EPBC Act. A sensible coalition amendment in the House of Representatives will ensure, as the committee's fundamental purpose is to advise on scientific issues relating to water and coal seam activity, that a majority of the members will have advanced qualifications and expertise in the key fields of geology or hydrology.

Section 505D of the bill prescribes a time line for the committee's primary role of advising on projects that could significantly impact water resources as being within two months of a request. A second key function of the committee is to advise the federal environment minister regarding bioregional assessments prior to and post their commission. The independent expert scientific committee would also be required to collect, analyse and disseminate scientific information, advise on research priorities and make information on leading practice standards accessible to the public.

I could not be more supportive of the notion of using credible science as the basis for decision making. It is something this government should strive to undertake with more regularity. Science and innovation are critical to the future of our nation, giving rise to solutions that will improve and enhance our way of life. But science can be politicised, which is why a combination of scientific fields and disciplines suggest debate on protecting water resources during the exploration and extraction of coal seam gas. The precious resource of water needs to be protected, and we have learnt from past errors in assuming that all will be well for the environment during mining. But miners and mining have changed; legislation has assisted in that and this is another of the building blocks.

The issue of water tables becoming contaminated is a serious issue because there is a lack of evidence, as Senator Waters mentioned in her contribution, and this body will contribute to assisting in filling in the gaps and improving our knowledge around what the impacts are and where.

Coal seam gas, which is an end-use product, is identical to natural gas, and is being promoted as a cost-effective energy supply with lower greenhouse gas emissions than coal. Coal seam gas developments are proposed in areas where coal deposits are not commercially viable or are technically impossible to mine by conventional methods. Gas, usually methane, is extracted by drilling a well into the coal seam and taking out the water, which depressurises it and releases the gas to the surface. This technique is usually seen at depths of 200 to 1,000 metres. Some wells need hydraulic fracturing, known as fracking, to free the coal seam gas. This involves pumping large volumes of water mixed with sand and sometimes chemicals into the stream under high pressure, which fractures the coal seam and allows the gas to
flow. This technique is used in a small number of cases—about eight per cent in Queensland's black coal seams. Due to the nature of Victoria's extensive brown coal resource, fracking is unlikely to be required to free the coal seam gas. Regardless, the Victorian coalition government has acted to allay community fears by announcing a moratorium on fracking approvals, effective as at 24 August 2012.

Exploration of coal seam gas commenced in Australia in 1976 and the first commercial operation started 16 years ago in 1996. Australia may have coal seam gas reserves of up to 40 billion barrels of oil in energy equivalent terms—enough to meet our country's energy needs for 40 years. Demand for natural gas in my home state of Victoria is expected to double by 2030. With this in mind, it is expected that the industry will grow substantially over the coming decades. Coal seam gas, if managed appropriately, has the potential to deliver an economic boom that could revitalise parts of regional Australia. As a party committed to the regions, the Nationals are keen to ensure that this does not come at the cost of food production, the environment or local livability—something the Greens might like to consider with their proposals for the Murray-Darling Basin Plan: food production, the environment and local livability.

Recognising that the coal seam gas industry requires a comprehensive policy approach that responds to the environmental, social and economic impacts of its development, the Nationals were key in setting up the Senate's inquiry into coal seam gas last year. I commend my colleagues, particularly Senator Nash, who will be speaking to this bill later, for their efforts in that regard. The Nationals have also outlined a blueprint for coal seam gas development in Australia, with five core principles that articulate our concerns—coal seam gas development, if it goes ahead, must not damage aquifers or water quality; coal seam gas development should not be able to compromise farmland; concerns about proposed coal seam gas development near residential areas should be considered; landholders should be compensated and given a return from the development of their land; and the regions deserve their fair share of the revenues from coal seam gas developments in their communities.

There are some concerns about coal seam gas mining and the potential damage to water assets: namely, that dewatering coal seams could depressurise adjacent aquifers used for domestic and agricultural water, causing bores to decline in quality or to fail; that chemicals used in the fracking process might contaminate aquifers; the risk of cross-contamination if coal seams and other aquifers connect; and the lack of information on the cumulative impacts of multiple coal seam gas developments need to be taken into account. My home state has strict regulations in place—considered the best in the nation—and the state is working to ensure landholders rights, agricultural land, the environment and the water table are further protected. Victoria governs coal seam gas exploration in order to protect our environment and to protect the rights of landholders and local communities. For example, chemicals used in the hydraulic fracking process in other jurisdictions are unlikely to pass the Victorian government's stringent requirements set out for the protection of our groundwater. Late last month, the Victorian coalition government announced a total ban on the use of BTEX chemicals such as benzene and toluene in any mining activity. Last month's reform also saw the Victorian coalition government place a hold on issuing new coal seam gas exploration licences and a commitment to using
environmental impact statements at the exploration stage to improve management in mixed land-use areas. I commend the state government for their efforts in safeguarding the interests of Victorian communities. In my state, gas has been safely and successfully extracted both onshore and offshore for more than four decades. The production of coal seam gas is still some way off but a small number of exploration licences have been issued in Gippsland, the Otways and Bacchus Marsh.

The independent expert scientific committee will be an additional, much welcomed resource to assist the Victorian government to make sound decisions regarding coal seam gas and large coalmining developments on behalf of Victorian communities and to learn from the experiences of other states, as state environment ministers can also request advice of this body.

The Senate referred this bill to the Senate Environment and Communications Legislation Committee, of which I am a member, for inquiry in March and report in June. I take this opportunity to acknowledge the organisations and individuals who provided submissions, as well as my fellow committee members for their contributions throughout that particular inquiry—and Senator Waters made a very valuable contribution throughout the inquiry. The Environment and Communications Legislation Committee found that there was broad support for environmental decision making based on scientific evidence. The absence of a clear definition of a term used throughout the bill, 'significant impact', was raised in numerous submissions to the committee. The committee has noted that the department intends to produce public information clarifying the definition once a body of evidence is sufficiently established.

During the inquiry a number of entities raised concerns about duplicating federal and state processes in assessing water resource impacts. Industry, businesses and the communities reliant upon them are already choking on burdensome red and green tape. Labor promised when elected that they would introduce one in, one out—meaning that new regulations would be matched by repealing others. Instead, since 2007, more than 18,000 regulations have been added by the Rudd-Gillard government and only 86 have been repealed.

The NFF, the National Farmers Federation, in their submission to the committee noted that community concern often stemmed from a lack of credible information that the community can obtain. This body—when it is set up—will have a key role in actually disseminating the information around the issues of coal seam gas and water tables. Regrettably and incorrigibly green groups are quick to fill this void with misinformation that sometimes only feeds the angst—as we are currently seeing in Gippsland, in the southern end of my state. This web of mistruth is perpetuated by some, with the Australian Greens wrongly claiming in their additional comments to the inquiry report that Australian farmers have no rights in relation to coal seam gas activity on their land. This is simply false. It is unhelpful behaviour. In fact, just last month in my home state, the Victorian Farmers Federation stated that 'Victorian farmers have the strongest land rights in Australia when it comes to dealing with mining ventures'—although I acknowledge the New South Wales Farmers Association and the VFF both say that farmers should have a right to refuse coal seam gas mining on their properties. Given the Nationals core principles around these issues, we seek to strengthen landholders’ rights, particularly around these issues.
The Greens want a five-year moratorium on coal seam gas, but they neglect to acknowledge that much of the scientific data we seek is actually gathered through the exploration and mining phases under rigorous environmental regulation. While industry and government would do well to strengthen communication with communities connected to the exploration licences and mining activity, the information proposed to be available via the independent expert scientific committee will certainly assist in this regard—providing confidence, as decisions will be based on science and not politics or persuasion. The coalition welcomes the independent expert scientific committee as a positive step forward towards improving public confidence in the environmental integrity of the coal seam gas industry and the role that this body will play in developing research. Obviously, from our perspective, there is still a long way to go in this regard, and I welcome the Victorian government's decision.

Senator IAN MACDONALD (Queensland) (10:43): I am pleased to participate in this debate on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012—after my colleague Senator McKenzie, from rural Victoria. Like Senator McKenzie, I could not help but laugh when I heard Senator Waters, from Brisbane, lament the speakers list on this bill and claim that there were not many Labor speakers—and she is right about that—and not many coalition speakers. The speakers on the list before me are Senator Waters, from Brisbane; Senator McKenzie, from rural Victoria, in Bendigo; and myself from rural Queensland, where I live in Ayr, a sugar-growng area. Regrettably, there is not a lot of gas around the lower Burdekin, but I travel widely in rural and regional Queensland.

Then we have Senator Williams from Inverell in New South Wales, in an area where this is very important. We then have Senator Nash from Young out in Western New South Wales, again where the coal seam gas is very important. We have Senator Joyce from St George in rural Queensland, again an area where this is important. Senator Heffernan is from Junee in Western Queensland, again an area where this is a real issue—

Senator Heffernan: Rural New South Wales.

Senator IAN MACDONALD: Sorry, rural New South Wales. Senator Heffernan, how can I possibly accuse you of being a Queenslander, although I know you are a great supporter of things rural and regional and particularly North Queensland and Northern Australia? There we have the speakers list. Senator Waters has the hide to say that the coalition is not interested in this. Enjoy your time in the city of Brisbane, Senator Waters. Those of us who actually live and work in rural and regional Queensland, Western Australia, New South Wales, Victoria and South Australia do really care about rural and regional Australia. It is interesting that I mentioned that list. It is quite interesting to see that there are so many senators on this side of the chamber who live and work in rural Australia. When you look at the other side of the chamber, at the Labor Party and the Greens, very few of them live...
and work outside of the capital cities of their particular states.

As has been indicated by Senator Richard Colbeck, leading on behalf of the coalition, the coalition will be supporting this bill. The history of this, I understand, is that Mr Oakeshott and Mr Windsor, in trying to grab back a little bit of favour from their electorates—it would be a futile exercise to do that—proposed the scientific committee and, as part of one or another deal they did with the Independents and Greens—we have lost track of them all—the Labor Party have done this deal to bring this bill forward. We support it with an amendment to ensure that, if it is going to be a scientific committee, it would have a preponderance of scientists.

I just highlight to the Senate that this is another game of catch-up by the Independents I referred to, the Greens and the Labor Party on an issue that is of particular importance to those of us who live in rural and regional Australia. When I say catch-up, I alert the Senate to the fact that the Queensland government has, as one of its first activities, one of its first actions following the landslide election earlier this year, set up the GasFields Commission. The state government established that GasFields Commission to manage the coexistence between rural landowners, regional communities and the coal seam gas industry. The Queensland GasFields commission is based in Toowoomba. It is formed as a statutory body under legislation that has gone through the Queensland parliament. As part of the Newman LNP government's commitment to give local communities more direct say on the prudent development of the coal seam gas liquefied natural gas industry. That commission has been established. I am delighted to see that it is chaired by a very significant Australian, Mr John Cotter, a former chairperson of the Surat Basin Coal Seam Gas Engagement Group and also a very distinguished past president of AgForce, the major rural lobby in Queensland. John Cotter is a person I have known for a long period of time. With someone of that calibre leading the GasFields Commission, you can be assured that it will work honestly, openly and accountability and will deliver on the goods that it is required to do.

In addition to that, I will tell you who is on the Queensland GasFields Commission board. It includes, as well as Mr Cotter, Mr Don Stiller, a landowner and former mayor of Taroom. Taroom is a shire right in the centre of the coal seam gas assets in Queensland. It also has on the board Mr Ian Hayllor, a cotton farmer and irrigator, who has a long involvement in managing coexistence through his role as Chair of the Basin Sustainability Alliance. There is also Councillor Ray Brown, Mayor of the Western Downs Regional Council, and Mr Rick Wilkinson, the Chief Operating Officer of the Australian Petroleum Production and Exploration Association. You have Professor Steven Raine, who is well known as a leading academic and soil scientist from the University of Southern Queensland, a great university based in Toowoomba and, of course, very much involved in issues relating to coal seam gas. As well the board comprises Mr Shane Charles, the CEO of the Toowoomba and Surat Basin Enterprise, who has had more than 20 years experience as a lawyer. This bill is from the Labor Party and the New South Wales Independents—and forgive me, New South Wales Senator, for maligning your estate by referring to those two as New South Welshmen—who are trying to catch up to what the Campbell Newman Liberal National Party government has already done in Queensland.

The role of the GasFields Commission in Queensland is to assess the potential for coexistence. It has power to be provided with
information from government agencies within specified time frames, including information provided to government agencies by other parties. It has power to compel landowners, companies and other parties involved with or impacted by the onshore gas industry to provide information relevant to the purpose and functions of the commission and the ability to specify time frames. It has power to publish and communicate information. It has the ability to seek external advice. It has the ability to convene advisory panels and reference groups as required, including convening the Gasfields Community Leaders Council, which is an interesting innovation. The commission also has power to review regulatory frameworks and legislation. As I say, its role is to advise government. It has a dispute resolution capacity. It has an ability to identify, develop and recommend leading practice relating to matters relevant to the commission's purpose. It has other powers and responsibilities to make good recommendations to the government. That is a good indication of what the federal government should have done three or four years ago, not when pushed by one of the so-called Independent members who prop up the dysfunctional government before us. As always with the Labor Party, they are good on rhetoric and good at trying to play catch-up and follow other people's leads but always a bit slow and a bit dysfunctional in how they work.

I hope that when they consider appointments they do not just go to the normal old group of leftie scientists that you see hanging around the Department of Climate Change and Energy Efficiency. I hope when they are looking for a chairman they get someone better than Professor Flannery, whom, you might recall, they appointed to the Climate Commission. This is the guy who warned everybody about six-metre tide rises so that everyone living along a waterway got really scared about the future of their home, then he slipped down and bought a property right on a big river in the north of New South Wales. I hope that the Labor Party, if they are going to appoint people to this commission, actually appoint people who are independent and are experts on this issue and not just, as I say, run-of-the-mill Labor Party branch members or Greens supporters just to give them another sinecure, as the government are so adept at doing.

About 90 per cent of Queensland gas is supplied from coal seam gas operations, and it represents approximately 10 per cent of Australia's gas production. So it is an industry that is particularly important to my home state. In Queensland alone, coal seam gas development is expected to deliver some 18,000 jobs and about $850 million per year in royalties. That is particularly significant for Queensland. I heard former Premier Bligh on the radio last night radio rewriting history in one of these soft interviews by the ALP—sorry, the ABC; excuse me for confusing the ABC and ALP. In that interview, Ms Bligh told us about all the jobs she created in Queensland, because she had made an election promise to do that. She is partly right; she did create a lot of jobs—mostly part-time jobs in the public service. It has been left to the new government to look through the waste of resources and find where public servants were appointed for no other reason than the promise Ms Bligh made that she would create new jobs—so she created them in the public service.

The coal seam gas industry will deliver 18,000 real jobs to Queensland, and this is why the industry is so important and that is why the Queensland government were first off the mark in appointing the Gasfields Commission. As well, the coal seam gas industry will deliver about $850 million each
year in royalties to Queensland. That is very important for Queensland. From the days of Joh Bjelke-Petersen and subsequently, Queensland has had the best financial records of any state government around. But under 20 years of Labor, Queensland now has a debt which is bigger than the federal government debt under Hawke and Keating. The Costello commission of audit—which comprised not only the well-known Peter Costello but also the Vice-Chancellor of James Cook University in Townsville, my home town—indicated that the Queensland government was looking at a massive blow-out in its debt position, upwards of $100 billion. And as a result, Queensland lost its long held triple-A credit rating. For ages Queensland had a sound set of books; bring in the Labor Party and the triple-A credit rating was lost and it was downgraded to double-A. Things were destined to get worse, despite Ms Bligh and the former Labor government selling off anything they could get their hands on—like Queensland Rail, after promising they would not do that. They sold the family jewels, so to speak, but we still have this huge debt. This $850 million in royalties from coal seam gas will help the Queensland government coffers and help the government go ahead and create real jobs, real employment, real progress and real activity in my state.

It is very important that this independent expert scientific committee, being set up belatedly by the federal government, does make a contribution and works very closely with the Gasfields Commission of Queensland. It is always very important to say that farmers deserve to be able to farm their lands. They deserve to be treated fairly and equitably in any mining operation. That can be done. It is not rocket science to do that. The coal seam gas industry, the farming community and the towns and communities that make their living out of both farming and mining, including coal seam gas extraction, have to work together. It can be done. It will be done by the Newman government in Queensland because that is a government which can do things—I emphasise 'can do things'.

Senator Furner interjecting—

Senator IAN MACDONALD: Here we have one of the few Labor party senators from Queensland who is game to put up their head. He says they are sacking people. They are sacking the sort of people that his party simply put into jobs to honour a promise from Ms Bligh that she would create new jobs in Queensland. As I said before, she did. She just created a few more public service jobs that did absolutely nothing. I have to say that I am, as are most Queenslanders, very grateful to Campbell Newman for getting some sense back into the management of our state. We do need front-line public servants. You have all seen the leaks about the Queensland budget that is coming up. There will be investment in front-line services, not in backroom boys who get there by backroom deals with a Labor Party who has been in power in Queensland for over 20 years, give or take 18 months in the middle, and who had entrenched a system in the bureaucracy that had to change, that will change—and I am delighted that Campbell Newman, the Premier of Queensland, is doing that.

As I said: good luck to Campbell Newman and the GasFields Commission that he set up long before the federal Labor Party got round to doing anything about it. This commission has already got runs on the board. It has started its work. It is well on its way. If the scientific committee that we are setting up today by this legislation is a genuine one, if it is independent and if it is expert, then I know that it will be able to work very closely with the GasFields Commission in ensuring
that our rural lands are protected, that our food production is protected and that our farmers and landowners are treated fairly but, at the same time, we have an industry that provides 18,000 jobs and $850 million worth of royalties to my state of Queensland each year. On that basis, I support this bill with the amendment proposed.

**Senator HEFFERNAN** (New South Wales) (11:03): I also rise to talk on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012. This bill could be in danger of becoming a bill that you use when you want to be seen to be something but doing nothing—it could be. It has the potential to do that. I just point out to the minister's adviser that two government ministers have told me privately that the one thing the federal government knows about coal seam gas—listen carefully—is that they do not want to own the problem. 'Bill, you must understand we don't want to own the problem. Let the states own the problem.' It is a serious problem. I have to say that that is fair enough. If this bill, as the Greens have pointed out, is used as political cover to get everyone past the next election, including the coalition, good luck to you all. But if it is used, as Senator Macdonald has pointed out, to effectively dissect the problem, analyse where it is going to take us and do something about it, it will be a good thing.

Sure, I chaired the coal seam gas inquiry. There has been a lot of thunder and lightning since then. No-one has been able to shoot down the inquiry of the Senate, of which Senator Nash was a member. When Anna Bligh rang me about it, I said, 'Anna, you haven't read the inquiry's findings, but you will find that the government also signed up to the unanimous report.' In fact, she had not even read her own advice, the Queensland advice, which said, 'Do not proceed till you've done certain things.' But, because they had two of the large miners already approved before they got the advice, they gave approval to the third large miner—without naming them, but everyone knows who they are—to go ahead with mining based not on the new science, which said, 'Beware of this,' but on the fact that the other two miners had got their approval. It was a political decision.

So I ask the chamber and I will ask John Cotter, who I know well—he is a good bloke, and I will be putting some weight on him—to make sure this is not a bullshit process, because the debate has been. Yes, Madam Acting Deputy President, you are wondering about that. Do you want me to withdraw it?

**The ACTING DEPUTY PRESIDENT** (Senator McKenzie): I think so.

**Senator HEFFERNAN:** Righto. It is a wooden-headed process.

**The ACTING DEPUTY PRESIDENT:** Thank you.

**Senator HEFFERNAN:** But there are a few simple questions that this committee has to answer. As we all know—but I will say this for those who do not know—coal seam gas has reserves of, probably, 490 TCF, which is trillion cubic feet in the old language, which converts to about 480 PJ—petajoules. That is, according to Minister Ferguson, roughly two centuries of supplies of gas. Anyone that was on the committee is tuned into the argument about protecting farming land, but a lot of the banking thinkers in parliament are not tuned into it because of the huge amounts of money involved and the royalties et cetera. But I hope this committee gives consideration to where we are going to be in 100 years, because, believe it or not, there is potentially as much gas out in Central Australia as there
is in all the prime farming areas. The only problem is that the miners do not want to get it because it is more expensive to get it to the coast, because the bulk of this gas is destined for export.

Santos have won the lottery amongst the miners. Santos have a lot of the gas tied up in Central Australia. They say, and the New South Wales government says, and Barry O'Farrell has said—and thank God he took a bit of my advice—that, if you are driving in a fog, you turn your lights on and slow down. To his credit, he is trying to do that. But Santos are holding the cards for New South Wales, because they have plenty of unexploited gas reserves. At the present time, with the exploited gas reserves, New South Wales has four years of supply left, and no doubt Santos will be trying to get the best commercial deal for themselves with New South Wales in rewriting the contracts, because they have plenty of supplies left out there.

We took some information in the inquiry, and I hope this new committee listens, and I wish I were on this new committee; that is a message to the government. We discovered that it takes about 300 to 400 years to rebalance some of the aquifers that are being extracted now. So when APPEA—who, to their great credit, I debated the other night in the concert hall in Angel Place in Sydney, and they lost; there were over 800 people there—put out a thing the other day which said everything is jake, the CSIRO had to correct them, but the gas industry did not accept the correction. They said, 'We note your comments.' That is the danger for this committee—I hope the Senate is listening—because that is the industry being told by Australia's most eminent scientists that what they put out in a press release was wrong, yet the industry did not take the correction. They just said, 'We note your comments,' which is bloody absurd.

Can I just say that no-one in this debate has been able to explain to me—I hope this new committee do, and it will be wonderful if they do, because it will probably shut the industry down under the present arrangements—what they are going to do with the annual production of 700,000 tonnes of granulated salt. Granulated salt stores uncompressed—that is, coarse granulated salt, and bear in mind that I do not have any notes, Wacka—at 806 kilograms per cubic metre. So with the 700,000 tonnes, because it stacks at 32 degrees, if you stack it 10 metres high then it is going to be 32 metres wide and 5½ kilometres long. That is the annual salt extraction under the present proposed extraction rates of coal seam gas. Twenty million tonnes of salt for the known life of the known tenements for which there is no useful purpose, no safe storage. It is the most toxic substance for agriculture. When we asked them, 'What are you going to do with this salt?' they said, 'We're going to store it in an approved storage.' What is an approved storage? They did not know. Yet the Queensland government, in their rush, because they are broke, as is New South Wales, to get the money said, 'Go ahead. We'll figure that out later.' No known safe storage; no known commercial purpose. We on the committee—and I hope this new committee takes the advice—say that this salt should not be stored in the Murray-Darling Basin, in an agricultural area. Go figure out the cost of fixing that. When the CSIRO says—they have said this to the Senate committee—that some of it will take, depending on the aquifer, 300 to 400 years to rebalance the aquifer, I hope this new committee does not just say, 'We note that.' To get to the contamination of the water is another issue.

In the United States they have been locked up in the courts for 20 years arguing about this. Bakersfield is suing a miner for $2
billion because the miner has permanently contaminated the water supply, and yet we are saying, 'We'll keep going'—because the industry is keeping on going—and part of the politics and all the garbage behind the wooden headed people is that we need the gas. Santos has more gas than they know what to do with if they want to exploit it in South Australia. We absolutely do not know the connectivity with the aquifers. We do know—we took evidence on the Walloon Springbok aquifer being contaminated—that several bores out in paddocks were dewatered.

What was the Queensland government's attitude to this? Bear in mind that John Cotter has to deal with this. They said, 'We're not going to take a precautionary principle approach to this. We're going to take a make-good principle, so that after the damage is done we'll come along and repair it.' As I said to them, 'All right, I've got 500 cows at the back of Longreach or somewhere, at Roma, on a bore, and it has disappeared.' The reason these things disappear, to put it into language that people can understand, is: two big fat blokes are leaning against a thin fibro wall; one walks away from the wall and the other bloke falls through the wall. But, while they were both leaning against the wall, the wall stayed in place. That is exactly what is happening under the ground. We have low geological fault lines and Mother Nature has balanced the pressures. It is like putting a prick in a balloon—once you depressurize one you alter the behaviour of the aquifer. That is what is happening. The CSIRO does not know the answer. They have told us that. We do not know the answer. What the Queensland government has said—and I presume others will say this in due course, and maybe even the Victorian government will say this, because they think the attraction of the royalties and the gas is more important than where Mother Earth is going to be in 100 or 200 years—is, 'We'll fix all that up later.'

In the United States there is shale gas. Senator Nash, the committee wants to look at the shale gas industry. By the way, at the Olympic Dam site they were going to have to dewater an aquifer in the process of getting to the new uranium resource base down there. In the United States some of the wells are 80 years old and, like some of the buildings in Darling Point in Sydney, the salt gets at them and they fall apart. The concrete rusts. Over in the United States they are locked up in the courts as to who is legally responsible. The Queensland government has taken a decision whereby the legal responsibility of a miner ceases when they seal the well—and the problem may not occur for another 50 years! So, Wacka, your grandkids will have to deal with that. These are problems that this committee—and I will be on them like nobody's business—has got to solve, because we do not have an answer to this stuff.

It is a great trick to buy your science—and that is what the coal seam gas industry has been doing. Good luck to them. If they can solve these problems then I am happy to have the industry. Let us take Origin Energy. At the present time there are about 40,000 wells in Queensland, and two of Origin's tenements are going to produce in their life four million tonnes of granulated salt. So we are talking about a stack that is not 32 metres wide but 70-odd metres wide, 10 metres high and 25 kilometres long. That is just from one licence holder's known tenements. I note that in the debate with the mining club—and, by the way, the mining club sent out an email saying, 'Let's stack Recital Hall, out at Angel Place, with mining people,' which they did not succeed in doing and we succeeded in winning the debate—they did not want to talk about salt. Rick Wilkinson did not want to talk about salt. He did not want to talk
about contamination of the aquifers, because the industry does not know the answer. Yet we are saying: 'She'll be right, mate. She'll be right on the night.' So the industry has bought the science.

A lot of the science going on at the universities is now paid for by industry. In the case of agriculture, it is paid for by Monsanto and other people who exploit research. They are putting in the money. And, sure, they are giving out footy jumpers to various towns—you know, 'We're great for the town.' Go to Roma: the rent was $220 or $240 for a three-bedroom home; it is now $850. So, if you are working at a service station, you cannot afford to rent a home. What we need to do is to make sure that this committee is smart enough to understand when it is being had with science. Achieving independent science is very difficult if the government does not put up the money for it. Industry is smart enough to know this. It is like having a good tax accountant: if the tax law changes you get a good accountant to manage your affairs to get around the new law.

Here is a press release from my good friend Martin Ferguson—I think he is a cousin of mine—which says that there are 390 trillion cubic feet—10 times the size of Gorgon—of known possible reserves in Australia. So we have got a good reserve. We have enough reserves in Central Australia not to have to go into the farming land. I have to say that, to his credit, James Balderstone said to the committee: 'We won't go where we're not invited.' Not too many have done that. Also there will be—and there should be—no-go zones, because, as everyone has heard me say for some years now, the global food task is going to be far more important than the global energy task. By 2050, barring a human catastrophe, there will be nine billion people on the planet and 50 per cent of those people will be poor for water. It is estimated that one billion people will be unable to feed themselves—all science has some vagary in it. Also, two-thirds of the world's population will be living in Asia, with 30 per cent of the productive land of Asia having gone out of production, and the food task doubling. If you think the present situation with people coming across from Indonesia is a problem, there will be six billion people on the planet who will possibly be displaced. That is a much bigger problem than the global energy task.

I want to raise one other issue, which is a change in the law in Queensland. An amendment bill went through parliament last week, without any apparent consultation with peak landholder groups, which will see hundreds of Queensland farmers unable to claim compensation for the impacts of coal seam gas and other petroleum development on their business and lifestyle. Guess what?

In a change via the Mines Legislation (Streamlining) Amendment Bill that was considered minor by the present government, the definition of the occupier of the land was altered in the Petroleum and Gas (Production and Safety) Act 2004. The change effectively means that farmers who operate their business through family trusts, companies or partnerships without formal leasing agreements in place may find themselves ineligible for compensation. This is a sleight of hand by the government: 'Come to the footy box with us. Here's a glass of wine.' The amended wording of this act now effectively means that only the occupiers are those with registered leases. So if a share farmer gets his crop ruined for some reason, he cannot claim compensation under the act. Now that is another one for Mr Cotter to deal with.
behind the scenes. I have to say I am pretty distressed about the fact that the government would be so cunning as to do something like that. Whose side are they on? Sure, more people live in the western suburbs than all of rural Australia, and in New South Wales all but 12 per cent of people live in Sydney, Wollongong and Newcastle and they all think the food is in Coles, Woolies and ALDI. We have got to think about where it is going to be by 2070 with 12 billion people on the planet, barring a human catastrophe, and China having to feed half of its population from someone else's resource—which is why I have to hurry up to 1S3 and have a discussion about foreign investment, which is all about the changing world, the redefinition of sovereignty and sovereign wealth funds. I think even China, the central government, is getting the message that we do not want them to be able to come out here under the old foreign takeovers act, which it is—and the Foreign Investment Review Board aims up that and, to his credit, Brian Wilson recognises it—and treat whatever they acquire here as the homeland back home.

But back to this: it has been a great pleasure to be able to address the Senate. I would like to put John Cotter and this committee on notice that we do not want a political fix that gets everyone past the next election. We do not want the federal government to say, 'We don't own the problem. This is a way of getting around it.' This committee can only give advice; it cannot compel anyone. They can tell them to go to hell like the gas industry told the CSIRO to go to hell. I would like to be on it but, failing that, I will be watching it. Thanks.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:22): I commend the previous speakers, my colleagues Senator Macdonald and Senator Heffernan for highlighting—and of course Senator McKenzie; my apologies for that, thank you, Senator Macdonald—the importance of the protection of the long-term environment. Being in this place is all about managing our nation for future generations. I say that when I look back on what our previous generations did in this country: establishing the land; establishing our exports; the shearers getting our first industry off the ground for our first exports; and what our predecessors did to preserve Australia for us. It is our obligation to see that we preserve Australia for future generations, not just for 20, 30 or 40 years; let us look down the road at 400 or 500 years time and how we are going to see Australia. This is what we need to protect.

The coalition will not be opposing this legislation. I was quite alarmed at a public meeting in Gloucester several months ago where the member for Lyne, Mr Oakeshott, said, 'This legislation will overrule the state's legislation.' That is wrong. We know that is not going to be the case, and Mr Oakeshott perhaps should not tell porky pies at public meetings like that or anywhere else. But to say that this would overrule the state legislation is simply wrong. We know the Constitution. We know who is responsible for land. Of course it is the Crown, the state. We also know that, until 1981, oil, coal seam gas and coal under the ground was the right of the property owner in New South Wales. But, of course, the then Neville Wran Labor government took those rights off the farmers. Back in 1915 in Queensland and I think in 1971 in South Australia those property rights were removed from the farmers.

There is no question that we live in a world of energy. We are not going to see farmers go back to the Clydesdale horse or the single-furrow mouldboard plough and go out and farm their couple of acres. The world would not be fed if we went back to those
days. We need energy, but we need to make sure that we protect our land. I believe that the greatest asset Australia has is the topsoil, the farm soil, the important six inches of soil on top of our farming land that has to grow our nation's food—not only for us but also for the millions of people around the world who rely on Australia to feed them. As Senator Heffernan said, with a projection of more than nine billion people on this planet by 2050, more and more the world will rely on Australia to feed those people. If we do not, people will starve—and desperate people lead to desperate situations.

I just want to comment on a point that Senator Macdonald made in relation to Queensland looking for royalties et cetera. I was thinking only the other night that back in 1996, when Mr Howard and his team were elected to government in Australia, we had a population of around 19 million and the debt was $96 billion. We are now seeing Queensland with a debt of around $70 billion—going to $85 billion by 2015 or 2016 and talking $100 billion before 2020. That is not 19 million people; that is about $½ million people. Queensland is effectively bankrupt. It has had its credit rating downgraded, as Senator Macdonald said, and it is paying high interest rates. Now, of course, the Newman government has to make hard and unpopular decisions to try to save Queensland from going bankrupt. But that is typical once you have had years of a Labor government; everyone knows that the cheque account is left empty—not only empty but way, way down into the red.

After many decades of balanced budgets and being debt free, Queensland grew into a great state—with tourism, primary industries, the expansion of rural power right out to the western areas of the state and the bitumen roads. A great state was built during the sixties, seventies and eighties, but sadly we now see the financial mess that Queensland is in now. And, hence, we come back to this very important legislation that we are talking about. Senator Heffernan made the point that we cannot rush this and spoke about Premier Barry O'Farrell in New South Wales saying, 'When in a fog put your headlights on.' What a good analogy! If we rush this and we destroy our environment for future generations, they will look back at us and say, 'Why did you pollute our underground water? Why did you bring all that salt out and why is it being washed around the place now?'

I want to refer to New South Wales, being a senator from New South Wales. It was a New South Wales Labor government that went out willy-nilly issuing exploration licenses, huge licenses everywhere. For example, we had Shenhua in the Liverpool Plains—that magnificent farming country where the country there is so flat. Mother Nature has built it so flat that if one of the large dams there is full of water and there is some wind, it will go for hundreds of metres along the farmland. That is how flat the land is. There are huge supplies of water under that ground. If you planted the Liverpool Plains country down into vegetables—and Senator Nash would have more idea than I would, having been on a committee—you would be able to feed millions and millions of people. It is great country, with great soil, and a lot of the area has a tremendous amount of water underneath it. That cannot be damaged. There is no point going into 20 or 30 years of extracting energy to destroy farming country for thousands of years. Remember when I started this speech I said it is about the future—not just 20 or 30 years, but hundreds of years to come. That is what we need to protect.

I pay credit to the New South Wales government, who have not issued an exploration licence or a mining licence and have banned many of the chemicals in the
fracking process that can cause damage. I will quote from one of Minister Chris Hartcher’s media releases, which says:

Minister for Resources and Energy, Chris Hartcher today released a draft Code of Practice for CSG explorers and new Community Consultation Guidelines as part of a suite of tough controls regulating the industry under the NSW Government’s Strategic Lands package.

It is still coming out; it has been put on ice. They have slowed down because they realise the dangers this could cause to farmland and the danger for future generations. The media release further says:

The draft Code will be released for public comment for a period of eight weeks to allow the community and stakeholders to have a say.

I notice that the President of the NSW Farmers Association, Ms Fiona Simson, says that the NSW Farmers Association are not against mining but they are adamant about protecting their farmland, and so they should be. I often think that in this country we take the supply of food for granted. I remember back in 1995—and I remember the time well because that is when my father passed away—when a parish priest, Father Joe Adriano, came to Inverell and one night we sat next to a creek fishing. He is from the Philippines. He said to me, ‘John, you are so lucky in Australia.’ I said, ‘Why is that, Father Joe?’ He said, ‘You walk into your supermarkets and your supermarket shelves are full of food. You walk into the butcher shop and there is meat everywhere. In the Philippines many of the shelves are empty; they simply do not stock the food.’ That is what this legislation is about: a scientific study, $150 million, I believe, to see that we do not mess this up, so that our supermarket shelves, our butcher shops and our fruit and vegetable shops are full of food, that we do not leave our country in a desperate state.

Senator Heffernan and his committee have done an enormous amount of work on this, and their inquiry is continuing. I am very pleased that it is in the hands of Senator Heffernan. He has a huge amount of knowledge of this issue. It is about protecting the environment for the long term, not destroying it for short-term gain. It must be protected for thousands of years to come. The legislation establishes an independent expert scientific committee on coal seam gas and large coalmining development. It will advise on research priorities and bioregional assessments in areas of high potential impact from coal seam gas and/or large coalmining developments, and provide the environment minister and state and territory ministers with expert scientific advice on developments that have a significant impact on water resources. States only have to take into account the advice; they do not need to act. It will not change existing exploration or extraction licences; indeed nothing will change due to this legislation.

We need to protect prime agricultural land. We need to provide farmers with a real return not just compensation and we need to make real investments in regional Australia. The Independents have received no assurance on any of these matters when doing this deal with the Gillard-Green-Independent alliance government that is supposedly running this country.

This matter of course has been debated strongly at National Party gatherings. At our federal council in August last year, the Nationals adopted a coal seam gas policy. We are saying that, if properly managed, coal seam gas has the potential to revitalise parts of regional Australia, delivering a new economic boom; if poorly managed, it could become an environmental and social disaster. That is what the balance of this is, and I think Senator Heffernan made it quite clear: poorly managed it could become an environmental and social disaster.
I have seen the economic benefits of this. In July last year, I took my wife away for a week’s holiday to Queensland. We got advice from Senator Macdonald: 'Because of the floods et cetera, we need to get behind Queensland. If you are going on a holiday, go to Queensland.' We had seven days off—two days driving up to Airlie Beach, three days at Airlie Beach and two days driving home. In seven days off, we had four days on the road, which was good because my wife and I have always lived in rural Australia and we wanted to look at the cattle, the pasture feed and the crops et cetera. When we got to Injune, it was dark and there were kangaroos about so we thought we would check into a motel for the night. Senator Macdonald is laughing and I know why. We could not get a motel room in Injune. Luckily, they work closely with the motels in Roma and there was one motel room left there. So we went down and stayed the night at the Budget Motel in Roma, where there are great proprietors and we had a lovely meal at the restaurant. I said to the manager, 'Are you full all the time?' He said, 'Basically.' It is a boom for hotels, motels and restaurants. This is the wealth it is bringing into some of these regional communities. When you go to other towns that do not have a big industry like that you wonder how the businesses are surviving. Retail sales are down and retailers are doing it really tough.

So it does bring economic benefits, but I come back to the point about managing the environment. That is the critical issue here. This scientific committee will, hopefully, have a huge input into the protection of our farmland and the balance needed. There is worry about what is being proposed. There have been huge protests and outbursts, and certainly people have stated their side of the argument on the Liverpool Plains, that magnificent part of the country. I have visited areas in Queensland where these measures have also been proposed. Landowners are very concerned and so they should be. We are lucky enough to live in this country. Regardless of how long we live, the land will stay afterwards. When we pass away the land will not disappear; it will be here for good, hopefully. Managing that land is of vital importance.

I want to discuss the five points that emerged from the National Party Federal Council last August. First, no coal seam gas development can be granted if it damages aquifers or water quality. That is absolutely essential. As Senator Heffernan has pointed out, if we destroy that aquifer we can destroy the irrigation ability of that productive land for thousands of years to come—not only hundreds but thousands of years. Second, coal seam gas development must not compromise prime agricultural land. We must protect our ability to deliver food security, not only for our nation but, as I said earlier, for a hungrier world for generations to come. Third, coal seam gas development should not occur close to residential areas. Those who have reasonable expectation of a quiet life around their homes should be able to enjoy it. Fourth, payments to landowners should not be limited to compensation. They deserve a proper return on the development of resources that occurs on their land. Fifth, the regions that deliver much of the wealth from coal seam gas deserve a fair share of the revenues to be reinvested in their communities. In other words, if wealth is created in a regional area, some of the tax collected by this place should go back there to help their infrastructure and give them a fair share. That is where the wealth cake of this nation is produced, basically: in rural and regional areas, whether it be agriculture, mining or whatever. Of course, there is also a lot of regional tourism and, in many areas, education.
The big concern to me is the damage to underground aquifers and the pollution caused when fluids are drawn from the ground to get the gas running. They are the two big concerns and we have to consider how we deal with them. As I said, if we destroy our environment, generations and generations to come will say: 'What did they do back then in those early years of the 21st century? Why didn't they care about the future? Why did they leave us in this mess?' That is what we cannot allow to happen. It is about protecting our environment for future generations, especially our farmlands.

The New South Wales farmers have played a vital role communicating with the New South Wales government. It is essentially a state issue under the Constitution. This scientific committee may be of great assistance. Before we do anything wrong, let us make sure we get this right and learn more about the difficult issues that will emerge. No doubt the Rural and Regional Affairs and Transport References Committee will learn as they go along in this inquiry towards delivering their recommendations, because this will be an ongoing issue. One inquiry may conclude; then another will start up when another problem comes along. This is about getting the management right. As I said, future generations will be unforgiving if we make a mess of this. We hope the legislation coming through, along with scientific knowledge, research and learning, will assist in ensuring that process is done properly. But it is going to be a tough ask. As I said, it was quite amazing when the member for Lyne stated that this scientific committee can overrule the states. That is wrong; that is not correct. The states have control and we need to support them in every way we can. We need to ensure that the states do their job correctly through all sorts of state bodies to see that the environment, especially our farms, is protected for many generations to come.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (11:40): I rise to make remarks on the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012. In doing so I have to echo some of your comments, Madam Acting Deputy President McKenzie, and comments of Senator Ian Macdonald about our mirth on hearing comments of Greens Senator Waters about the Greens being the only ones representing the regional communities. I do not want to verbal Senator Waters, so this is not exact, but she gave the impression that the Greens were the only ones representing the regional communities. I do not want to verbal Senator Waters, so this is not exact, but she gave the impression that the Greens were the only ones representing the regional communities. This gave rise to a certain ironic degree of mirth. I know Senator Waters is genuine in her intent, but for the Greens to say they are in any way, shape or form the champions of regional Australia is absolutely ridiculous. It is so far off the mark I do not know where to start.

Firstly, let us take the carbon tax. The Greens support a carbon tax, probably one that is much tougher than the one we have at the moment. What is that going to do? It is going to hit regional communities harder than anywhere else. Farmers are at the bottom of the food chain. All of the extra costs on electricity, transport, fuel and fertiliser are going to land with the farmer and there is nowhere to pass those costs on. Secondly, the Greens want a higher target for the Murray-Darling Basin water extraction. They want to take more water from regional communities. How that is going to help regional communities or prove that the Greens are the champions of regional communities is completely beyond me. The Greens were instrumental in the government making the decision to shut down the live...
export trade—indeed, they want it shut down all together. The list goes on. They want to end logging in native forests and we know the impact that would have on regional communities. For Senator Waters to say that the Greens are the only party championing regional communities is absolutely laughable. I ask the Australian people to have a look at exactly what the Greens stand for and exactly what they have in their policies, including things like death duties, and not just take on face value comments by Greens in this chamber that they are the champions of regional communities, because they clearly are not.

The issue at hand today is coal seam gas. I have to say that the Nationals over a year ago pushed very hard to get a Senate inquiry into coal seam gas. I also acknowledge the very real concerns of the chair of the committee, Senator Bill Heffernan. While Senator Heffernan and I might not always see eye to eye, he certainly has a great deal of knowledge and I have a great deal of respect for the way he is doing his job as chair of that committee, as he well knows. I know Senator Macdonald has also had some real concerns about coal seam gas. The committee very thoroughly looked at the whole issue of coal seam gas. We ended up with 24 recommendations that, after some very intensive work, we believed will go some way to addressing this issue.

What becomes immediately apparent, and I think this is the key for everyone, is there is a range of things but the key issue is the impact of coal seam gas mining on aquifers. We all agree that mining where it is appropriate does have some benefit for regional communities, and I think most people acknowledge that. What we have to do, though, is make sure that mining is undertaken where it is appropriate. I know that Senator Joyce would agree with me on precisely this point, that where appropriate it should go forward. It is where it is not appropriate, it is where the impact is going to be negative, that we have to be absolutely sure that we have the policy framework right to make sure that those regional communities are not harmed in any way, shape or form.

The potential impact on the aquifer is huge. Senator Heffernan was absolutely right when he said there are so many unanswered questions. There is such a lack of detail in so many areas. The CSIRO indeed, as Senator Heffernan said, could not answer many of our questions. It becomes absolutely clear that the work needs to be done. The coalition will absolutely be supporting this piece of legislation. We will support government and Independent legislation where it is good, where it aligns with our policy. We often hear—don't we, Senator Joyce—that we are maligned for the fact that we are saying no and speaking against government policy. If the Labor government did not continue to give us such bad policy, we would not have to say no. It is as simple as that. This is one occasion where we are certainly supporting this piece of legislation, because it is a good step forward in terms of the oversight.

The potential impact on the aquifer is not something that you can change down the track by throwing money at it. That is apples and oranges. If there is irreversible damage done to aquifers you cannot fix them by throwing a bucket of money at them. You simply cannot do it. That is why it is so key that we get it absolutely right. While I recognise that this is predominantly a state issue, there is obvious capacity for Commonwealth involvement as this goes forward.

I commend the New South Wales state government, particularly the Nationals, for putting some focus on this and for trying to find a way forward that is going to make sure we get the right outcomes. It was the state
Labor government that made such a mess of this and did not do one thing to try and address the concerns that were being raised by the community. To their credit, the New South Wales state government has. I also place on record my commendation for the Central Council Natural Resources and Energy Policy Committee that put in an excellent submission to the draft strategic regional land use plan, again showing the Nationals’ very real concern and understanding of this issue, the impact that bad decisions have had and the impact that not making the right decisions going forward will have.

On this side of the chamber the coalition is very pleased that the government is taking this issue seriously. A year ago no-one was really talking about this. No-one was really saying anything about it. I have to say that I am very proud of the fact that it was the Nationals that pushed so hard to start having this issue addressed. My colleagues have done a tremendous job in making sure that we do address the issue, because it has to be done. I am a farmer; I live in the middle of New South Wales; I have been to the Liverpool Plains that Senator Williams was so eloquently describing before, and there are serious issues up there. They do not want to get it wrong. I completely understand that, because it is an issue of potentially impacting our prime agricultural land, our food producing land. There is no doubt that food security is going to be one of the key issues for this nation in decades to come. There is absolutely no way around that. Anybody who has any sort of foresight into where we are going as a nation and how we are going to plan knows that we have to take food security as a key priority as we go forward over the coming decades.

Tied into that is that we have to make sure that our policy around coal seam gas mining is absolutely right and does not have any negative impact on the food producing land, otherwise we are going to potentially compromise our food security into the future. Every time I say that, somebody jumps up and down and says, ’We export more than 60 per cent of what we produce. It's not going to be an issue, and food security’s fine,’ and I absolutely agree today, now, but that sort of short-term thinking is not going to place us as a nation where we need to be in 30, 40 or 50 years time. The decisions we make now about our prime agricultural land and how it is operated and how we make sure we remove any threats are vitally important to how we are going to be standing in food security in 10, 20, 30, 40 or 50 years down the track for our next generations.

We hear a lot of discussion around the carbon tax debate, around global warming and around the next generations. It is absolutely vital for future generations that we get this right, because we cannot reverse it. If we have a negative impact on the aquifers, if our aquifers are stuffed because bad policy allowed that to happen, we cannot fix it with a bucketload of money. It is absolutely impossible, and that is why we are being so vigilant on this side of the chamber about making sure we get it right.

There are a whole range of areas we need to cover. My colleague Senator Williams raised before, as did my very good colleague sitting behind me here, Senator McKenzie, the fact that the Nationals nearly a year ago now had their principles out in place about how we saw the future for coal seam gas, and we were absolutely focused on making sure we got this right in terms of the principles.

Obviously, no coal seam gas development should occur where there is going to be a potential impact on the aquifers that I have discussed. We need to make sure that we protect our prime agricultural land. We need
to make sure that people in residential areas are not untowardly impacted by the development of coal seam gas. They have gone there for 'quiet enjoyment' of the area—I think that is the phrase Senator Joyce uses so eloquently; and I am sure he will be discussing this as well. It is about people's right to have that.

It is also about regions being able to benefit from any of this development. We need to be very clear that regional communities in the future do deserve a return; they do deserve to be the beneficiaries of expansion and of the growth of the nation. Far too often we see regional communities being left behind. We see this divide that still exists between city and country. John Anderson gave a speech—I think it was way back in about 2001—called 'Two Nations', discussing bridging the divide between city and country. I do not know that we have actually progressed far since then.

When we look at this whole picture of coal seam gas development, where are the opportunities for the regions? Where is the potential benefit for those regions as a result of development in this area? We are certainly not saying: 'Shut the industry down'. Of course we are not; that would be simplistic and stupid, and we are not saying that. What we are saying is: it has to be where it is appropriate and all of these things have to be taken into account.

We need to see a return for landholders. This industry has really been like a horse getting out of a stable and bolting before anybody realised what was going on, particularly when we look to Queensland and the amount of coal seam gas development there has been there. With respect to the pecuniary interest of the landholder, it has been so ad hoc to date, when the coal seam gas development is on their land. So much of it has been in secret, as we found through the Senate inquiry. There has not been transparency. There has been no template, if you like, for how this should happen. As a result of that, Senator Joyce and I made some additional comments, when we reported on the coal seam gas inquiry, saying that there should be a default position that the titleholder of the land should be entitled to one per cent of the gross income from the wellhead on the property.

For all intents and purposes, that was to get some structure into this, to get some process, so that landholders knew a base from which they could work. It was so they would know there would be something underpinning the arrangements and the discussions with somebody developing or a company developing coal seam gas on their land. It certainly seemed just fair that as a starting point we at least have a discussion around what is appropriate and not just leave it to nebulous discussion around the issue between companies and landholders.

I can absolutely understand why landholders get so—I will not say 'emotional' because it is not just emotion; they are actually basing this on fact and how they see the future of their regions—intense and so strident in their views about the coal seam gas development and indeed in their local regions. Quite often, even where the coal seam gas development proposal might not even be on their land but is next door, those landholders do not look to get any benefit from a company that is looking to develop on that land and yet they still may well be very much impacted.

Some time ago I was in the Liverpool Plains, and I thank Judi Sheedy, Xavier Martin and others there who were very clear in painting the picture of how they saw the impact on their land and on their community from the development of coal seam gas. And I come back to the issue of 'where
appropriate’. If it is not appropriate, it simply should not be going ahead.

Senator Heffernan was absolutely right when he said that there are still so many unanswered questions. This committee will hopefully go some way to eking out the information that we need and some of the answers that we need, so that we can be absolutely certain that there is going to be no negative impact on this land and on these communities from coal seam gas mining. We certainly do not have all the answers here today and we certainly support the government in the committee that they have put together. It is a step forward, but we have to be absolutely vigilant. I think Senator Heffernan may have used the word ‘vigilant’, or he may have used another more colourful word—expert in colour and movement that he is. But he is absolutely right: we have to be vigilant about how we now go forward.

As I have said before, if we make mistakes, there is so often no path to rectify. I think we are all in agreement that we have to get it right. We absolutely have to get it right. There is no room for hit and miss. There is no room for ‘Oh, well, maybe it will be okay,’ or ‘Perhaps that will be alright.’ There is no room for that at all. It has to be underpinned on science—and herein lies one of the reasons that the coalition is supporting this bill. We are supporting this because it is an independent expert scientific committee.

I do note that the coalition moved in the other place an amendment around the issue of the qualifications for those on the committee. We wanted it to be much more specific and to include but not be limited to those with qualifications relating to ecology, geology, hydrology, hydrogeology, natural resource management and health. That is just sensible. We felt that there needed to be a lot more rigour around the appointment and the qualifications that those members of the committee would have. It made sense to get that right so that this committee can appropriately do the work. I understand the concerns around the lack of enforceability, but it is indeed at least a step forward.

We on this side of the chamber know that this issue is absolutely core to regional communities—absolutely core. While some might say that not enough has been done, I can certainly guarantee those people that we will be doing absolutely everything we can to make sure that there is no negative impact on those landholders and those communities. The Nationals are absolutely mindful that we have to get this right. We absolutely have to get this right. We will not brook anything that is going to create a negative impact for those regional communities, that is going to have a negative impact on those aquifers or that is going to have a negative impact on that prime agricultural land. That is core—that is what we do, and we will continue to do it and we will continue to make sure that we get the best outcomes that we possibly can for those people who live in rural and regional communities.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (11:59): I rise today to add my comments to those of my colleagues Senator Nash, Senator Williams and Senator McKenzie. I think it is also important at this juncture to acknowledge others who, although at times I might fight absolutely virulently against, have had a part in this too. I would like to commend the work on this issue that Tony Windsor has done. I think it is important that an issue such as coal seam gas rise above a partisan political position and become something that represents a joint concern. I also acknowledge the concerns that are held by the Greens, and I also commend the Labor Party for their approval of this appropriation so that we can try to get
somewhere and move forward with this—
that tortured term 'moving forward'!

Just in the last fortnight, I have spent some time at the University of Southern Queensland with Professor Jan Thomas and Professor Steven Raine, discussing precisely how to do a greater investigation of some of the quandaries around coal seam gas. We have had a period where a portion of the Condamine River has basically been expressing gas. Gas has been bubbling up, almost champagne-like, and people are starting to ask where this comes from and what is causing this. We also had an old well that caught on fire. To be honest, I do not think it would be a coal seam gas well; it was probably more of a research well, and that also raises concerns.

The concerns that everybody has, of course, surround the fact that, when we get to this issue of 'make good', you cannot actually make good. If you get this wrong, that is it. In a town like mine, St George, our water supply that we use for domestic use comes from underground; it is bore water. If you compromise that in some way then we do not have a water supply in town. We have river water that is used on gardens, but the water supply for the town is bore water. The water supply for stock use, which supports the cattle industry, is bore water. You have all the intricacies that are there with something that is so complicated. You cannot compromise it or you will destroy it.

To give you an example, we are finding that some of the water that they have been bringing up in test samples—they can test the last time it saw light; I do not understand it, but there is an isotope that signifies how long it has been away from light—has been away from sunlight for 10 million years. That means you are borrowing from a resource that was put in place 10 million years ago. That is an interesting sort of bank account to be reaching into. Obviously you are borrowing from a weather event of 10 million years ago. This means you have to be absolutely focused on the fact that the resource you are using is an extremely precious one. Water runs downhill. If you take water from the bottom of an aquifer, quite obviously things are going to percolate and permeate down. Whether that happens overnight or over hundreds of years I do not know; that is for research to find out.

So I hope that in this appropriation funds are moved to a university that is proximate to that area—that is, the University of Southern Queensland, which is in the middle of that area—and has the capacity to deal with issues such as this and that, in so doing, people are able to go out into the field that is literally at their back door. I know that the farmers east of the Condamine River have a facility that is not down in Brisbane, partially sponsored by the mining companies. There is one in Brisbane, but the mining companies are among the people that support it, which might call into question the independence. I am sure they wouldn't not be independent, but it could possibly call into question how it is perceived in regard to their independence. I think it is very important to have one that is unambiguously independent—that is, it is fully funded by the government—and is in situ in the area, which is the Darling Downs. That would be the University of Southern Queensland. So I recommend that the government look at utilising the facilities that are present at the University of Southern Queensland, because they are on board with this and are fully aware of it. If we want to try to dispel some of the fears that are there then the best place to do it is one that is in the backyard of the people who hold—and rightly hold—the greatest fears around the uncertainties of coal seam gas.

We acknowledge that the coal seam gas industry is going to continue, and I suppose
that is where there is a difference between us and other political parties. We are not calling for a moratorium on coal seam gas, because of the vast investment that is already in place. We do say that there are areas of prime agricultural land where coal seam gas should not be. Prime agricultural land is seen in its most evident form once you get east of the Condamine River, Haystack Plains, Jimbour Plains and Breeza Plains. These areas are unambiguous. They are a very small portion of the Australian agricultural footprint but they are quite obviously prime agricultural lands. If you want to look at the economic advantage of it—I find the process of that argument rather insidious—then you have to look at the forward cash flow of these assets over thousands of years, because that is how long they will be here for. As assets, they go for tens of thousands of years, and if you compromise those assets you cannot get them back.

Prime agricultural land is the most vital asset. To be honest, if we need another Harbour Bridge we can build one. If we need another Opera House then, if we really want to, we can build one. If we need another Stock Exchange, we can set one up. But, if we need another section of prime agricultural land, we cannot get it. The only prime agricultural land that is present on the planet is what is here now—that is it. So it is the most precious of resources; it is the most limited of resources. Even if you want to compare it with gold, there is a vast capacity for a greater production of gold. All you have to do is go deeper and increase your refining techniques so that there are greater mechanisms to go to 0.5 grams per tonne. There is more gold out there. It is deeper and more remote but, as a resource, it is present. The only thing that determines whether people are willing to get that resource is price. If the price of gold goes up then vastly more resource becomes viable to mine it. But it does not matter where the price goes with prime agricultural land: it is a totally and utterly limited quantity. Therefore, it should be absolutely at the forefront of what we believe is important.

I heard that one of the biggest issues discussed at the start of the APEC conference was food security. In Australia we say: 'Oh, food security is a myth. We don't have to worry about it. It's not really important. It's not an issue for us.' Well, it is. It is an issue for us because it is an issue for the globe. If it is an issue for the globe, it is an issue for us. Therefore, we have to see things through the prism of whether they are a threat to food security. Are they also a threat to Australian food security? And is Australia doing its diligent most to make sure that it protects its food-producing asset? We need to make sure that, no matter what aspersions may be cast our way, we are basically given latitude to have the same sense of parochial protection for our farming assets that every other place in the world has for theirs. The blessing that Australia has is that we have never had a period of privation, except for the time shortly after European settlement when people starved. But other countries have had privation and, therefore, they see the food security issue as front-and-centre important.

The next point is quiet enjoyment, which Senator Nash spoke about. Quiet enjoyment, of course, comes from leasing contracts. When you rent or lease a house, people must allow you the quiet enjoyment of your residence. It is something that we also want to make sure continues in this area. It is another issue that I think some of this $150 million can be used to look at. There are social and economic effects and the tolerances involved there in how close mining can go to suburban areas. We know full well that currently there are coal seam gas exploration licences for the centre of
Sydney held by Dart Energy. How insane is that? How is that going to work in Annandale? It works well politically for us because it has given us a great new vessel of people who are just as angry as some of the people in regional Australia are, and we need to get them on side. Unfortunately, the ridiculous granting of exploration licences in the Sydney Basin has done precisely that. There are also exploration licences on the north coast. If someone says, 'Where is coal seam gas?' then the answer is, 'It is where coal is.' Where is coal? It is in a vast section of Australia. We know it is in South Australia. The industry has not started there but it is on its way. It is everywhere you go. That is why it is so important to get this right. We are not talking about the Water Act, which is what this appropriation is about. We are talking about the protection of prime agricultural land. We must look at the return that goes back to the landholder and to the area.

In a meeting once more on coal seam gas that we had last Friday just to show you how much moment this issue has, all the mayors from the Paroo, the Bulloo, Maranoa, Balonne, my area, Dalby, Toowoomba and Stanthorpe got together. They could bring up any issue they wanted. We had federal ministers and state ministers there. Guess what issue they brought up? It was coal seam gas—right there. That was it. Coal seam gas was issue No. 1, 2, 3, 4 and 5 and then other issues. Why? Because we acknowledge the wealth that is coming and going to come from this resource. APPEA states that about $80 billion will flow to the state governments but about $260 billion by tax revenue will flow to the federal government coffers and the increase to the size of the Australian economy will be in excess of half a trillion dollars. That gives you an understanding of just how massive this industry is.

What we are looking at in our area is: what is actually coming back to us? If you look at the Warrego Highway as an example of a highway for which the traffic is a great benefaction to the wealth of our nation that is literally going to bring in hundreds of billions of dollars in tax revenue, hundreds of billions of dollars to the growth of our economy, and ask, 'What sort of investment is being made in this infrastructure?' It is an abomination. It is literally turning into something that would suit a road in Central Africa but not a major arterial road to one of our greatest resource provinces in Australia. The reason why it is falling to pieces is the traffic on it. The traffic is absolutely overwhelming. If you go down James Street in Toowoomba, it is quite scary at times. The number of trucks that are going through there as you turn right across the oncoming traffic is really something to behold, not one semi but multiple. We are talking thousands of movements a day going through a major town. You cannot do that. We have got to make sure that this investment goes back to the Toowoomba bypass. We really need a four-lane highway to Dalby, because that is the amount of traffic that is on the road. If people say, 'That's ridiculous', then we should say: 'Look at the money you are getting out of the joint. Don't you think that it warrants some sort of investment back into the area?'

I want to do a comparative analysis to assuage any belief because it always gets thrown: as soon as you ask for money, it is morally justified if it happens in an urban environment; do it in a regional area and, apparently, it becomes pork barrelling. Let us look at a comparative analysis of other areas, other parts of the world. Fortunately, I was invited to the United States about a month or so ago and I looked at the
investment in a comparative way in Texas to what is happening in our area. The East Texas gasfields, which are the source of the wealth—I know they talk about West Texas barrels of crude but the East Texas oilfields is where the wealth of Texas came from—is an area that goes between Houston, San Antonio and Dallas-Fort Worth and has a population similar to Australia’s and an economy that is bigger than ours. It was built on the wealth of six billion barrels of oil equivalent of resource. With all these places—there is 14 inches of rain in areas, so it is not that it is not a great agricultural sector; there is intensive livestock which utilises the providence of other areas—a massive amount of wealth has been reinvested into that area from the wealth that came from that area. They did that and also the University of Texas—one of the top 50 universities in the world; better than any of our universities, unfortunately—one on six billion barrels of oil. The investment is on multiple layers and goes to the benefit of the United States of America and, most specifically, to the benefit of the people who live in the area where the resource comes from.

If we look at what the resource worth is of the Surat Basin, that is three billion barrels of oil equivalent—with the Bowen Basin it makes five billion barrels of oil equivalent. So you have got five billion barrels of oil equivalent as opposed to six billion barrels of oil equivalent which built up the wealth in Texas. So these people have every right to say: ‘What’s coming back to us? What wealth is flowing back into these regions?’ Do not tell us about a new freeway in Brisbane or a new electric railway line in Sydney. Show us on the roads; show us in the hospitals. For the first time at Dalby we have had in excess of $1 billion worth of expected housing development. The wealth has to start flowing back for the development of the infrastructure because that is an overwhelming goal, I think, across all parties. We have visionary people either side of the chamber and we want to develop new areas. We want to see the providence of a nation not just in the expansion of the status quo but in the development of new areas—that can be Dalby, Kununurra or Alpha—things that show that we are taking the next step and we are going to be better placed. These are the things that we need to do.

We can look at the population centres of what this wealth supports, just to show the expansion. In 1872 there were 1,000 people in Dallas Fort Worth, like Weipa, except Weipa is bigger. It was a small town. The population of Dallas Fort Worth now is 6.2 million. It goes to show what happens when you have the objects of government basically investing where they make their money and reinvesting back in those areas. What they have delivered is an economy that would be slightly smaller than California’s but bigger than Australia’s. That is the sort of thing that we can do as a nation if we want to.

Quite obviously the landowners are getting absolutely ripped off in Australia about this. It was an asset that they formerly owned. Let’s get this on the record. Hydrocarbon materials were vested in the landholder. Oil, gas, coal was vested in the landholder. It was excised from the landholder in Queensland in 1915 with the Petroleum Act to protect us from the Kaiser. We beat the Kaiser but they never gave the asset back, so it was stolen. When you take something without paying for it, it is stolen. In 1953 it was taken from the territories. In 1971 it was excised from South Australia. They only finished excising it off the states in 1983 in New South Wales. So this was an asset of the landholder. The whole principle of why I do not believe in socialism is that socialism says that you can take an asset off
an individual vested in the state without payment. I do not believe in that. It is most definitely on the landholder's land—there is no doubt about that. In the United States, the landholder gets up to 25 per cent of the gross at the wellhead. In Australia they are sometimes getting a case of beer or $240. In some instances it is 1,500 bucks and they think they are killing the pig. A fraction of a fraction of one per cent is going back to the landholder in Australia and it should be more.

I read today—it was in one of the papers; it was completely misrepresented—that someone said some landholders are getting $400,000 a month. That is rubbish. There is no landholder in Australia getting $400,000 a month from coal seam gas. The evidence that we got from the Senate inquiry, which was chaired by Senator Heffernan and the terms of reference were written by me for the investigation into coal seam gas, showed that people were not getting that. There are multiple levels we have to look at: a better return to the landholder, vastly greater investigation into the effects of what is happening in the aquifers, protection of prime agricultural land and the maintenance of the quiet enjoyment of people. This is something that I hope we all support across the chamber. It is good to show this on an issue that is important, from the Labor Party's side to the National Party's side to the Liberal Party side to the Greens, and I commend the work of the Independents in the other place. Hopefully we can bring about a better outcome.

Senator XENOPHON (South Australia) (12:19): I refer to some of the comments made by Senator Joyce in terms of his trip to the United States. Clearly that is an issue with which policymakers have struggled. The issue of compensation to landholders is fundamental. It was just two years ago that an American documentary film, *Gasland*, written and directed by Josh Fox, focused on the implications of slick-water fracking. Whilst that was related to something geologically quite different from what occurs here in Australia, it is analogous to the sorts of issues that face communities, including communities feeling disempowered, the impact on water, the impact on prime agricultural land, issues of compensation and fairness, and also the difficulty that the US congress has had in dealing with this in an effective way. These are issues that will not go away. We are actually getting to a tipping point with these issues, and part of that tipping point is this piece of legislation, which I think goes some way but not far enough in dealing with these fundamental issues.

At the heart of this bill is a proposal to create an Independent Expert Scientific Committee, with the acronym IESC, to give advice on coal seam gas and large coalmining developments. The IESC has a role to provide scientific advice to the Commonwealth and state and territory governments on coal seam gas and larger coalmining developments when they have a significant impact on water resources. The bill also requires the Commonwealth environment minister to consider the advice of the IESC when it is predicted to have an adverse effect on a matter of national environmental significance. This new body will consist of at least five but not more than eight members. These members, with the notable exception of the chair, are required to possess qualifications relevant to the task at hand, namely ecology, hydrology, geology, hydrogeology, natural resource management and health. It will also be able to collect, analyse and publish scientific information in relation to the impacts of coal seam gas—and I welcome the step towards greater accountability and transparency in relation to this.
Over the next 20 years, it is estimated that there will be 40,000 coal seam gas wells in Australia. Conservative estimates suggest coal seam gas wells could suck 300 gigalitres, or 300 billion litres, of water from the ground each year. There is no question that there are a number of factors to consider when it comes to the approval and monitoring of coal seam gas developments. I welcome the establishment of the IESC to provide independent scientific advice on the implications that such developments may have on water resources. But there is a question of the effectiveness of this legislation. I can indicate my broad support for a number of the Greens amendments in relation to ensuring that the system is transparent and robust and that it has the teeth that it needs to be truly effective in monitoring these developments. That is why I think it is important, if we have a framework of legislation, to make sure that we give it the necessary powers and tools for enforcement so that it actually works.

There are some parallels here, I think, to what has occurred in my home state of South Australia in the uphill battle it has had in securing a sustainable water supply for both urban and agricultural use. South Australia is in the unenviable position of being located at the bottom of the Murray-Darling Basin and, for decades, has battled through drought and upstream overallocation. Perhaps most cruelly, South Australian irrigators capped their water usage back in the late 1960s to protect the health of the river but now can access hardly any of a $5.8 billion federal fund for water-saving efficiency measures because they are already too efficient to qualify. When you consider that South Australia uses just eight per cent of all the water in the Murray-Darling Basin system yet stands to lose the most from a plan unless it is properly structured and takes into account early adoption of water efficiency measures, it is worth drawing a parallel with what is happening here. If we had listened to objective, robust, independent scientific advice, I do not think we would be in the mess we are in now in the Murray-Darling Basin and, in particular, South Australia would not be as vulnerable as it is now.

There is no question that we need a plan for the Murray-Darling Basin, but you need not look any further than the difficulty that the federal government has had in trying to implement its plan to realise that foresight is a gift that eludes many. Again, if we had looked at the facts—if we looked at the science and at the environmental, social and economic impacts much earlier—I do not think we would have got into this position, where it is so difficult to reform the basin because there are so many vested interests that have become entrenched. That is the concern I have in relation to coal seam gas. So what occurs in the Murray-Darling Basin should serve as a timely reminder to both state and federal governments that we need to think ahead and act now to preserve our natural environment and the health and livelihood of those who depend on it.

While I support this bill in its second reading stage, I believe it needs to be improved. I think this needs to be the first tranche of many more amendments that we need to tackle this. The issues that were raised by Senator Joyce in terms of compensation are important. I have concerns with coal seam gas mining, and I know that many in this place share these concerns. I note the work that Senator Waters has done on behalf of the Australian Greens. I note the work that Senator Heffernan, Liberal senator from New South Wales, has done in chairing the inquiry and the commendable work that he has done. I note the concerns expressed by Senator Joyce and his Nationals colleagues in relation to coal seam gas and I note the work
that the Independent member for New England, Tony Windsor, has done in relation to this. You know that something big is happening when Senator Joyce gets up to praise Tony Windsor, and you know that this is something that transcends ideology and partisan or political divide. And, of course, the government needs to be commended for introducing this piece of legislation in response to those concerns and actually taking some action on this.

The issue of coal seam gas mining is far from straightforward. Professor of Agricultural and Resource Economics, Alan Randall, wrote this in the Sydney Morning Herald on 20 August last year, and it is worth commenting on:

... large-scale development comes with an extensive catalogue of potential environmental impacts: a voracious demand for water, especially groundwater; treatment and disposal of contaminated waste water; disturbance and fragmentation of land surface; increased seismic activity; contamination from drilling and hydro-fracturing fluids; land subsidence; potentially irreparable damage and destruction of aquifers; and the liberation of methane and carbon dioxide ... into the atmosphere.

That gives you a snapshot of the real challenges that we face with coal seam gas. It is a serious concern. There is so much about coal seam gas that we simply do not know, and it is our responsibility to take as many precautionary steps as we can to prevent environmental disaster for future generations. The precautionary principle should apply here.

The impact of water extraction on groundwater will be significant, particularly on the Great Artesian Basin and the overlying sub-artesian aquifers. There are also concerns about the chemicals which are used to mine coal seam methane and naturally occurring contaminants released from the coal seam during mining—which, according to Dr Helen Redmond from Doctors for the Environment, could harm human health, including increasing the risk of cancer. While the appointment of an independent scientific panel that can assess a coal seam gas or coal mining development's impact on water resources is a welcome step, I believe that as members of parliament we should be going further to protect communities given the potential health risks.

The minister has said that this bill will provide 'more certainty for regional communities around coal seam gas and large coal mining developments, jobs and investment, and the protection of water resources.' But once the resources have been mined out of the ground and the mining company has packed up its operations, what of the landholders? What of the legacy of that? They will be the ones trying to grow crops or feed cattle well after the resources have been dug up.

We must also consider the importance of agriculture in Australia and the need to ensure that Australia's food bowl is able to thrive for centuries to come. I note that Senator Joyce said in his contribution that one of the key issues at the APEC summit in Vladivostok has been food security. We cannot underestimate that, and I think we have been mugs as a nation in not having forward planning and a long term vision in terms of food security. Australia has approximately 398 million hectares of agricultural land and, sadly, a very small portion of that is considered 'quality' land—about two per cent. Do we really want to risk this country's food security by allowing mining to occur on farming land that has serious potential consequences with regard to groundwater contamination?

I think Senator Cameron has been very critical of economist Henry Ergas in the past, and probably still is—that is part of a robust
debate in terms of a contest of ideas—but I do not think Mr Ergas could be considered to be a bleeding heart on a range of issues. I think that Senator Feeney is probably agreeing with me. We seem to have unanimity in terms of Mr Ergas. I think what Mr Ergas—as an economist who has taken an almost clinical view of this—has said is worth repeating. He said:

... the objective should not be to maximise the size of the coal-seam methane industry, but to make the best use of our resources. And if using resources for one purpose clashes with their use in another, then the benefits from the first must be balanced against the costs to the second. There is therefore nothing efficient about greater gas extraction if its value is less than the harm it imposes on farmers and rural communities.

That is something that I think we should all take heed of. I think Mr Ergas, as an economist, has summed it up very well.

While I support this bill at its second reading stage, I believe that as a parliament we must go further to ensure that we do not wander blindly into a future environmental and public health disaster. Our food security ought to be a paramount consideration. That is why it is important that we do everything we can to strengthen this bill even further.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:30): I rise in support of the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012. My congratulations to those who crafted such a snappy title! The debate we have had over this bill since it was introduced into parliament on 22 March 2012 is a clear indication of the importance members and senators attach to the issues surrounding coal seam gas and coalmining. It is a reflection of the interest and concern shown by many Australians in the wider community. It is important to note that this bill was referred to the Senate Environment and Communications Legislation Committee, which then recommended that it be passed.

The government has become aware of the widespread opposition to coal seam gas and coalmining expressed at many meetings, demonstrations and even marches up and down the country. However, it believes much of this concern stems from a lack of available hard scientific data on the effect of these types of developments on Australia’s land and water resources. We believe this bill will address these concerns by establishing an independent statutory committee to provide scientific advice to relevant governments on coal seam gas and large coalmining developments when they are likely to have a significant impact on water resources. The independent expert scientific committee, which will come into being under this legislation, will advise the minister on research priorities that address critical gaps in our scientific understanding. It will scope and oversee research commissioned by the minister in line with those priorities. When requested, it will provide further evidence to inform regulatory decisions made by federal, state and territory governments.

An interim scientific committee was appointed by the minister in January 2012, and it has commenced work on the first five bioregional assessments in regions facing significant levels of coal seam gas and coalmining development, including the Galilee, Gunnedah, Gloucester and Clarence-Moreton basins. The interim committee has played a valuable role in providing the government with independent expert scientific advice on a number of projects, including approval under the Environment Protection and Biodiversity Conservation Act 1999. It is now expected that the interim committee will hand over its work to the new
committee during the short and seamless transition period in September.

There is a clear mandate for the committee to operate in a very transparent way, with all of its advice on specific development projects as well as the outcomes of any research commissioned and bioregional assessments being published on its website. Above all, this will be an expert scientific committee. Members will be appointed on the basis of their relevant scientific qualifications or other expertise, such as experience in relevant disciplines. The committee has been provided with $150 million to progress its activities. These include support for bioregional assessments and investments in projects that will provide information on the impact of coal seam gas and large coalmining developments on water resources. The work of the committee will be supported by a national partnership agreement between the Australian government and relevant state and territory governments where coal seam gas and large coalmining developments take place or are likely to take place. So far Queensland, New South Wales, South Australia and Victoria have signed up to the agreement.

Providing a rigorous science basis to underpin approvals is a paramount objective of this government. The committee will play a vital role in this, as it will ensure that independent scientific evidence is available to all governments when they consider applications for these types of developments. It will provide local communities and other stakeholders with accessible and reliable information that will build and engender greater confidence in government approval processes for coal seam gas and large coalmining developments.

I foreshadow that the government will move amendments during the committee stage to clarify that the bill will not commence retrospectively on 1 July 2012 and to resolve requirements regarding the qualifications and expertise of members. The effect of these amendments will be to remove retrospectivity from the commencement of the provisions and to allow the responsible minister to recognise qualifications and relevant experience in appointing members of the committee. I thank senators for their contribution to this important debate and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**In Committee**

Bill—by leave—taken as a whole.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (12:35): I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill, and seek leave to move the two amendments to the bill together.

Leave granted.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (12:38): On behalf of the government I move amendments to the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012:

1. Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:

   A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

2. Schedule 1, item 4, page 4 (line 30), after "qualifications", insert "or expertise".
These amendments will, firstly, change the date on which the provisions come into force to a single day to be fixed by proclamation. However, if the provision or provisions do not commence within the period of six months beginning on the day that this act receives the royal assent they will commence on the day after the end of that period.

Secondly, we are inserting the words 'or expertise' to clause 505C(5)(a) to clarify requirements with regard to expertise and qualifications for members of the committee. This will require the minister, when appointing members to the committee, to ensure that each member other than the chair possesses appropriate scientific qualifications or expertise that the minister considers relevant to the performance of the committee's functions.

These amendments are now required because (1) the delay in the legislation passing the Senate would otherwise create a requirement for requests for advice on proposed actions to be referred to the statutory committee retrospectively from 1 July 2012 onward, and this would unnecessarily delay project proposals already considered by the interim committee in July; and, (2), paragraph 505C(6), an amendment passed during consideration of the bill by the House of Representatives, stipulates that the minister must ensure that a majority of committee members possess scientific qualifications and expertise in relevant scientific disciplines. This new amendment will make 505C(5)(a) consistent with 505C(6) when read together, because reference to expertise as an employment requirement then exists in both paragraphs. The effect of this amendment will be to allow the minister to consider expertise gained through means other than formal scientific qualifications, for example, relevant experience, in appointing members of the committee.

We have consulted with the opposition in the preparation of these amendments and I commend these amendments to the Senate.

**Senator COLBECK** (Tasmania) (12:38): I just indicate the opposition's support for those amendments. The opposition appreciates the consultation that the government has undertaken and also is cognisant of the need to change the dates around the commencement so that there are no issues around retrospectivity. It also appreciates the government's acceptance of opposition amendments in the other place and the clarifications that have been provided around those.

Question agreed to.

**Senator WATERS** (Queensland) (12:39): I have a number of questions for the minister. I will then, by leave, move some of my amendments. But firstly I am interested in the fact that this bill sets up a committee under federal laws to effectively advise state governments. Just having a squiz through the wording of the bill, I see there is nothing in the bill that compels the states to seek advice from this committee. The only compulsion is contained in the national partnership agreement on CSG, which of course has a $50,000 price tag attached to it if states agree to sign up. So my question is: was any consideration given to reflecting that mandatory nature in the actual bill itself? Secondly, can you please update us as to whether the states have indeed legislated for the need to consider this committee's advice?

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (12:41): I am advised that there is an agreement between the federal government and state governments entitled the national partnership agreement. Within the terms of that agreement, state governments are required by 30 September to identify a protocol as to how they are referring projects
through to the committee that would be established by this legislation.

Senator WATERS (Queensland) (12:42): Can you clarify the enforceability of that agreement?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:42): I understand that COAG will be undertaking a review of obligations that the parties have taken on under the national partnership agreement and that it would be enforced through COAG arrangements.

Senator WATERS (Queensland) (12:42): Do I take that to mean that the $50,000 will be withdrawn from states that do not comply with that time frame?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:42): I think the sum you are referring to is $50 million rather than $50,000. Sums of $50 million have already been paid and others will be paid subject to the deliberations of COAG, and the review of the obligations contained in the partnership agreement.

Senator WATERS (Queensland) (12:43): Forgive me; I found your last response a little hard to follow. The $50 million will be 'reviewed' if the states do not meet that 30 September time frame; meaning that money will be subject to be brought back by the Commonwealth? I am just seeking to understand that process.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:44): As I understand it, some of the $50 million has been paid and the remainder will be paid subject to COAG's review of obligations found under the national partnership agreement.

Senator WATERS (Queensland) (12:44): So, of the money that has already been paid, what mechanism is in place to ensure that those legislative amendments at the state level are made in compliance with that agreement, given that the money has already been paid?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:44): Not all of the $50 million has been paid, so first let me clarify that. Second, there is an obligation on states to make legislative changes by the 30 September deadline. The protocol is that the legislative changes would need to be made with effect for next year.

Senator WATERS (Queensland) (12:45): Thank you. I am pleased to hear that there is perhaps some wriggle room in the nature of those amendments. The national partnership agreement terminology is that the states need to amend their laws in order to 'take account of' this committee's advice. I have some very firm views on how that term has been interpreted in other environmental laws, but this is obviously just a partnership agreement and not a law. Can the parliamentary secretary shed any light on his understanding of whether 'take account of' means 'comply with' or whether it simply means 'read and then shred if inconvenient'?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:45): Unfortunately, I do not have any advice for the Senate on the meaning of that terminology.

Senator WATERS (Queensland) (12:46): Parliamentary Secretary, can you advise why that requirement to 'take account of' is not reflected in the bill before this place?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:46): There has been a decision made about what is found in the legislation and what is found in the agreement, and it is the view of government that those arrangements...
are sufficient to meet the intent of the bill and the intent of government.

Senator WATERS (Queensland) (12:46): Thank you. So clearly the intent of government is to set up a committee which has no teeth, which can provide advice if requested by the federal minister—which he then cannot act on because he has no water power—and which may be requested by the states and then can be ignored. Is that accurate?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:47): I do not think that was really a question, was it? Obviously that is your view or perspective on the proposition that is before the Senate. It is not the view of government.

Senator WATERS (Queensland) (12:47): Thank you. I certainly would have preferred to see a much stronger bill than the one before us. If the view of government and the intention of government were in fact different then perhaps they ought to have reflected that in the bill before us. But I would like to move now to a matter that I just alluded to, and that is the ability of the federal minister to even act on the advice given by this new committee. I refer specifically to proposed section 131AB, which is item 2 of schedule 1 of the bill. It is clear that the minister has to seek advice if he thinks there is going to be an impact on water resources, as long as there is also going to be an impact on a matter protected by part 3, which is a matter of national environmental significance. Does the parliamentary secretary understand that my interpretation is correct in that the federal environment minister still cannot act on this advice unless there is going to be an impact on an existing matter of national environmental significance, of which water is not one?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:48): I am getting some advice for you on that, Senator, but I understand that it is broader than you have described it and that the minister has other triggers to act as well. But perhaps I will take that on notice.

Senator WATERS (Queensland) (12:49): With respect, it is a fundamental question. I would expect that the drafters of the bill are fully aware of the existing triggers in our environmental laws, as I am. Water is not one of them, and the whole basis of the bill is only enlivened if there is going to be a significant impact on one of those matters. My question is: is it correct to say that the advice of this committee will have no influence whatsoever over a minister's approval decision unless there is a matter of national environmental significance that is already protected by the act? That is, if there is a coal seam gas development, it will not matter a whit what this committee says because there is no water trigger in our environmental laws.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:50): Looking at the relevant provision 131AB(1)(b) parts (i) and (ii)—

Senator Heffernan: I remember that.

Senator FEENEY: I will now read it for the benefit of the senate, you will be thrilled to know, Senator Heffernan:

(b) the Minister believes that the taking of the action:

(i) is likely to have a significant impact on water resources; and

(ii) may have an adverse impact on a matter protected by a provision of Part 3.

I understand that those powers mean that the minister has a wider discretion than you are describing.

Senator WATERS (Queensland) (12:50): With respect, I would ask you to check with
your advisers on that point. The whole purpose of having an adverse impact on a matter protected by part 3 is that part 3 only protects those matters from significant impact. Therefore, the threshold is not lowered from the standard test in the act. I would be thrilled to be corrected, but my understanding is there is still no power for the minister to act on this advice, even if the advice says there is going to be terrible impacts from coal seam gas or large coal mining, unless the impacts are on one of those listed matters of national environmental significance, of which water is not one.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:51): I think it is also worth noting that sitting alongside this are the state referrals that go through the protocol, which means that state ministers, or for that matter territory ministers, can also take account with regard to state matters.

Senator WATERS (Queensland) (12:52): That did not really answer my question, but I think it does serve to illustrate that my understanding is correct. This bill sets up a committee to primarily advise the states who only need to take account of the advice according to an agreement—not this bill—and who can take account of and then shred the advice. The federal minister cannot act on it unless there is an impact on a threatened species, a Ramsar wetland, a migratory species, a nuclear reaction, Commonwealth waters or a World Heritage site. When will the government consider adding water to our environmental laws so that they can actually do something to protect it from coal and coal seam gas?

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:52): I do not have an answer to that question, Senator. The legislation is before you. I obviously take account of and note your critique of that legislation, but I am not in a position to comment about what future governments and future legislation might encompass or not encompass.

Senator HEFFERNAN (New South Wales) (12:53): Clearly, this is evidence—and I have studied this for a long time—of what I said earlier in the day, that this legislation would be good if it got the right set of teeth, but as it is it is designed, as the minister—not Minister Burke, another minister—said, to make sure the Commonwealth does not own the problem. That is all it is about. You can take as much advice as you like, but you do not have to act on it and the states can do whatever they like. Sure, we need the advice and, as Senator Colbeck has pointed out, we do not really know what is going on with the aquifer. It would be good if this brings forward some science, because the CSIRO does not even know. The CSIRO tells the Senate committee: ‘It could take 400 years to rebalance the aquifer, but we do not really know. And we do not know why the Springbok and Walloon aquifers were contaminated and we do not know why those cattle—’. There is actually a bore drain south of Mount Isa that is running blue water, but they do not know why.

The one thing we do know is that the Commonwealth does not want to own the problem. This legislation could be good legislation if the Commonwealth accepted responsibility for the problem, but they do not. The responsibility for the problem is with the states and this legislation ensures it stays there.

Senator WATERS (Queensland) (12:54): Minister, I now want to move to the question of salt. It was raised by a number of speakers in the second reading debate on this bill—that is, the sheer vast amount of salt that will
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:55): That will be a matter for the committee. Obviously this committee has been established to explore and ensure that there is better understanding of the various challenges that exist in this space. I suspect, with respect to salt and fugitive emissions, you have described two of those issues. Those issues are very much the kinds of issues that this committee is being established to deal with.

Senator WATERS (Queensland) (12:56): I am pleased to hear that but unfortunately I am perplexed, because that is not reflected in the wording of the bill. Can you take me to the section where the committee is empowered to consider the impacts on our environment from the greenhouse gas emissions of coal seam gas and the salt produced from the mining? I am afraid I am not able to find that myself in my reading of the bill.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:56): The committee is not constrained from looking at the matters you have described and on a reference from the minister would be one of many ways in which the committee could do the kind of work you are describing.

Senator WATERS (Queensland) (12:57): With respect, Minister, I think the committee is constrained by the functions set out in clause 505D, which all come back to the impacts of coal and coal seam gas on water resources rather than on the climate, on the land, on regional communities, on the reef or on anything else for that matter. Again, I would be happy to be wrong about that, Minister. Could you please clarify that.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:57): If those issues, being salt and fugitive emissions, have an impact on water then that would trigger the jurisdiction of the legislation.

Senator WATERS (Queensland) (12:57): Minister, that was my earlier point.

Senator HEFFERNAN (New South Wales) (12:58): The salt will have an impact on the land because there is no known safe storage. We are talking about 700,000 tonnes of salt per year for which there is not an approved storage. It is the most toxic substance to agriculture. Forget about the connection to water; this is after the brine has been distilled. What we are talking about is 20 million tonnes of salt for the known tenements for the life of that tenement for which there is no known commercial purpose and no known safe storage, and it is not included in this legislation because this legislation is dodgy.

Senator WATERS (Queensland) (12:58): Minister, I was pleased to hear you express earlier that you thought that salt and climate should be within the remit of this committee, and I would be very eager for you to raise that with your colleagues and amend this bill accordingly, because certainly the Greens will support that. I would now like to move
to the issue of the scope of the bill generally and its framework, where it is setting up an advisory committee effectively to advise the states, and the view expressed by both sides of the chamber during various iterations of debate on this topic that somehow coal seam gas should only be a matter for the states and that the federal government should have very little to do with it. Can the minister please advise whether or not the government shares that view.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (12:59): I am advised that while states do have responsibility for these matters, this legislation has at its very heart the notion that better scientific analysis and better transparency will be achieved through the agency of Commonwealth legislation.

**Senator HEFFERNAN** (New South Wales) (13:00): The legislation deals with most serious problem we have got besides the contamination of the aquifers, which we do not understand. CSIRO does not understand it; no one understands the interconnectedness at the low geological point fault lines with the repressurisation of the balances. How does this legislation enable anyone to deal with salt? Do not give some bureaucratic, BS answer.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (13:00): I am advised that we can only look at the issue of salt insofar as it impacts on—

**Senator Heffernan:** Water!

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (13:01): Right.

**Senator HEFFERNAN** (New South Wales) (13:01): With great respect, that absolutely makes the point. This is completely and fundamentally flawed legislation. Salt is the most toxic substance tied to agriculture and yet this legislation, as the minister points out, is silent on salt. I presume, Minister, you understand that it is the most toxic substance for agriculture. I presume you know that the 700,000 tonnes is a big heap—5½ kilometres long, 32 metres wide, 10 metres high, stacked at 32 degrees, per annum—and this legislation is silent on what you do about that. How inadequate and how boofheaded would the parliament of this nation be not to address that.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (13:03): Senator Heffernan, I will take your point as debate. The government notes, and thanks you for, the fact that you will be supporting this legislation.

**Senator WATERS** (Queensland) (13:03): Minister, I want to take you back to your answer to my previous question when I asked what the government thought was the role of the federal government in this sphere in regulating coal seam gas and you said you thought this bill would deliver better transparency. My question is then why are we not waiting for this committee to do its research before issuing more approvals for coal seam gas? If you indeed want that transparency, why are you not letting this committee do its work before just approving yet more coal seam gas wells across the entire nation?

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (13:03): It is not government policy that investment in this particular industry and these various technologies be ceased by a moratorium.

**Senator WATERS** (Queensland) (13:04): To use your own word, what 'transparency' are you seeking, then? Can you please explain your previous comment.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (13:04): What I am saying is that while this
legislation will, in the government's view, strengthen the process going forward, it does not bring about a moratorium on current investment. The industry does not cease to exist until this committee is established and has completed its work.

Senator WATERS (Queensland) (13:04): I am aware of that. How on earth are you attempting to strengthen the process if approvals can be issued before the advice of this committee is even given? I am just struggling to understand the logic there.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:04): There is nothing I can add to the answer.

Senator WATERS (Queensland) (13:05): by leave—I move Australian Greens amendments (1) and (2) on sheet 7233 together:

(1) Schedule 1, item 4, page 4 (line 29), omit "(other than the Chair)".
(2) Schedule 1, item 4, page 5 (line 9), at the end of subsection 505C(6), add:

; (e) public health.

These two amendments effectively add to the experts that this committee needs to be comprised of. Currently there are only four areas of scientific expertise that need to be included on the committee specifically, and that is geology, hydrology, hydrogeology and ecology. This amendment seeks to add public health to that list. The reason for that is the huge concern in the community about both coal seam gas and large coal mining and their impact on community health. There is a litany of examples in the coal-mining sphere, and the Hunter Valley is obviously the most pressing one, but there is also a huge concern within the medical community, as well as within communities themselves, about the health impacts of coal seam gas, particularly the chemicals that are used in hydraulic fracturing fluids—or fracking fluids, as they are known—and the naturally-occurring chemicals that can be mobilised through that fracturing process. This amendment seeks to ensure that the committee can have experts amongst its members who are able to reflect on those impacts and address some of the concerns in the community and the medical community about public health.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:06): This amendment is not supported. The intent of the committee is adequately met through the provisions of the bill, including the amendment moved by Mr Macfarlane and agreed by the House of Representatives. Relevant expertise will be sufficiently represented. It is important that the chair can bridge science and government, and the government will be seeking a chair that has that capacity. The second amendment is not supported. The clauses covering the composition and expertise of the committee that are included in the bill do not preclude the appointment of experts in other relevant discipline such as public health.

Senator WATERS (Queensland) (13:07): Minister, is there an intention to include public health experts if they are, as you say, not precluded?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:07): It is at the discretion of the minister. I am happy to pass on your query to him and see if there is any further information he would like to provide.
Senator WATERS (Queensland) (13:07): Thank you, Minister. Perhaps you could pass on to the minister our strong urgings for him to include public health experts on that committee.

Senator IAN MACDONALD (Queensland) (13:08): Minister, could I get a comment on how these appointments are actually to be made?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:08): At this stage no decisions have been made. I am happy to take that on board and see if Minister Burke would like to outline the process.

Senator IAN MACDONALD (Queensland) (13:08): Minister, I am sure you would have listened to my second reading debate contribution to this bill.

Senator Conroy interjecting—Senator IAN MACDONALD: I am sure you would have listened to my second reading debate contribution to this bill.

Senator IAN MACDONALD: I am sure you would have been listening, Minister. I was just making the point that I hope you make better decisions on the appointments to this commission of inquiry than you did, for example, to the climate commission. I will not repeat it and malign the chairman yet again, but clearly the government has shown a lack of any sense or reasonableness in the appointment of some of its committee chairmen, and I gave an instance. I would just like to know, before voting on this bill, what the process is going to be. Is the minister just going to slip around to the local Labor Party branch and see which members might be looking for a job this week, or is there some process or some form for how people who have a real interest in this have an input into the selection process? If this is to work it has to be a genuine, above board and competence based process. I am interested to know, before I vote on the bill, just what the process is going to be.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:10): I am not sure we will be able to provide you with all of that information the you sought in the chamber in the time left for debate, but I am happy to see what information can be made available.

Senator IAN MACDONALD (Queensland) (13:10): Minister, the time left for the debate could be five minutes or it could be five hours. As far as I know, the Greens have not agreed to guillotine this bill through the chamber so I suspect the debate will go on for as long as is necessary. There must be a process. I am sort of joking when I say you just do not slip down to the local Labor Party branch and find out which one of them has not got a job from your government yet and appoint them if they happen to have some sort of university science degree. I am pretty certain that is not the case. There must be a process. If you are not aware, Minister, your advisers should be aware of just what that process is. It would be useful if you could just tell the chamber what it might be.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:11): The old Prime Minister's Christmas card list has been the style in which your previous government made major appointments, but I can assure you we do go to greater lengths than checking Mr Howard's Christmas card list before we make those appointments. That may be your suspicion because of how you
are used to making appointments and how your party and your previous government made appointments, but I can assure you we will have a proper process. As I said, if there is any information that I am able to gain for you in the near future I will see what I can gather for you.

Senator IAN MACDONALD (Queensland) (13:12): Thank you, Minister. I had hoped that you might be able to do that before we actually have to vote on the bill. There must be a process, surely. This is the chamber, this is the time, this is the process for telling the elected representatives of the people just what the process might be. Perhaps your advisers are writing out a note for you to say what that might be.

While I wait for that answer, could I ask a further question. How will this commission interact with, for example, the Queensland's GasFields Commission? As I am sure you heard me say in my speech in the second reading debate, it has already started doing similar work to what I understand this process will bring. In my speech I indicated this was a bit of a catch-up. The Queensland GasFields Commission has now been operating for some time and it is, broadly speaking, seeking to achieve the same end result as this particular bill. My question is: what will this bill do that the Queensland government's GasFields will not do, and how will this commission interact with the Queensland commission?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:15): I do have a little bit of extra information for you. I understand that there will be some consultations between the minister and his state counterparts, but as to the interaction, I have no confidence in the commission, following the savage cuts that the Liberal-National Party government in Queensland is engaged in at the moment. Sit down boofhead!

Senator Colbeck: Chair, he should withdraw—

Senator CONROY: What, 'boofhead'?

Senator Colbeck: It is a reflection on the Senate.

Senator CONROY: Senator Heffernan would take that as a term of endearment, wouldn't you, Senator Heffernan, in the normal, run-of-the-mill course of events?

The TEMPORARY CHAIRMAN (Senator Pratt): Order, Minister! Would you please direct your remarks through the chair.

Senator CONROY: I will happily do that. Senator Heffernan might be shocked, but I will withdraw it.

Senator Heffernan: Is that the completion of your answer?
The TEMPORARY CHAIRMAN: No. Are you standing on a point of order, Senator Heffernan?

Senator Heffernan: No, I want to make a point.

The TEMPORARY CHAIRMAN: No.

Senator CONROY: I am not sure that, following the savage cuts to staffing that are taking place in Queensland—all of those good Queensland public servants that are losing their jobs because of the Campbell Newman government—are going to be in a position to fully undertake their remit. I would hope they are, but I do not have any confidence. But I am very confident—

Senator Heffernan: Madam Temporary Chairman, I rise on a point of order—

Senator CONROY: If it is a point of order, Bill, cool, but you do not get to comment until I am finished.

I would hope that commission gets its opportunity following the savage cuts that are taking place in Queensland—all of those good Queensland public servants that are losing their jobs because of the Campbell Newman government—it will be doing its job. And if that committee in Queensland is left able to do its job after those savage cuts then it might be worth a conversation.

Senator IAN MACDONALD (Queensland) (13:17): I enter into this debate to try to get some serious answers. The second reading speech people spoke far and wide across a range of issues, but in the committee stage I am trying to get some answers. If Senator Conroy has nothing to do but sit here and trade political insults then I am quite happy to do that all day and all night if needs be.

But I asked a serious question. Just responding to Senator Conroy: if you want to know, and clearly you did not hear my second reading speech, the previous Labor government went to an election some time ago promising to create X number of jobs: a completely baseless promise—a bit like the promise that there will be no carbon tax under a government I lead. It was a promise made by a leader of the Labor Party, which she had no intention of meeting—notwithstanding her trying to rewrite history last night in a very soft interview with what I mistakenly called the ALP but I corrected myself to say the ABC. It is hard to tell the difference at times. Ms Bligh was trying to rewrite history, but the mere fact of the matter was that she promised she would create thousands of new jobs and had no intention of doing it. She had no money to do it; she had bankrupted the state. The only new jobs she created were make-work jobs for public servants in the back room and no frontline services. Fortuitously, as a Queensland taxpayer, I am pleased that my government is now getting rid of those public servants who were not actually making a contribution to the job. Leaks in the paper suggest that more and more workers at the frontline will be engaged after the budget is brought down this week in my state of Queensland.

Senator Conroy: It's a pretty broad front line in Queensland!

Senator IAN MACDONALD: Wait and see. You were the one who wanted to have a bet with me on who would win the Queensland election. At least most of your colleagues would only bet on how big the margin would be. I think you are saying that the Labor Party was going to win it! So I take no notice of your predictions of what a decent government in Queensland might be.

The Queensland coalfields commission is made up of a number of people, as I read out in my second reading speech. They will be there until the job is finished, Senator, so there is no suggestion of them not having the wherewithal to do what they want to do. But
I come back: it makes a bit of a mockery of the system when this committee stage is meant to try and get sensible answers to reasonably sensible questions—I say 'reasonably' because I do not want to get—

Senator Conroy: Senator Heffernan is behind you, and he wants to speak next.

Senator IAN MACDONALD: Well, he will, too, and he has a very sensible question. But can I repeat mine? There are now three questions that I would like answered: can you tell me the broad parameters of how your commission is going to be selected? There is no rocket science in that; no great secret about that. Surely, the government must have a view on how you appoint people to these commissions rather than slipping down to the local Labor Party branch and seeing who has not yet been given a job? Surely, you can tell me what that is?

Secondly, you can tell me what this commission will do that the Queensland GasFields Commission is not already doing? That is a reasonable question. Thirdly, I am just trying to get an indication of how this scientific commission will interact with the Queensland GasFields Commission, that has actually now been operating for several months. It has been building up a bit of expertise and it has broad community support—mayors, scientists, lawyers, farmers and landowners in Queensland, all contributing towards an outcome which I assume that this commission being set up by this legislation is also intending to achieve.

So they are three reasonable questions, Minister, and I would appreciate an answer.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:22): I think that you have actually repeated at least two of those for the third time. And I can understand why you are actually embarrassed about what is going on in Queensland. You may be happy to be sacking public servants, Senator Macdonald, you may be happy—

The TEMPORARY CHAIRMAN (Senator Pratt): Order! Minister, please address your remarks through the chair.

Senator CONROY: My apologies, Madam Temporary Chair. Senator Macdonald may be happy that thousands and thousands of Queenslanders are losing their jobs. As to—

Senator Heffernan: Madam Temporary Chair, I rise on point of order. I am disgusted, the point of order being that this is a—

The TEMPORARY CHAIRMAN: Order! There is no point of order. Minister, you have the call.

Senator Heffernan: All we have had now for 20 minutes is just garbage—

The TEMPORARY CHAIRMAN: Order! Senator Heffernan, that is not a point of order.

Senator CONROY: As I said, Senator Macdonald, I will see if there is any further information—I have said this now three times—that I can obtain for you while this debate is going on.

Senator HEFFERNAN (New South Wales) (13:23): Minister, you are fresh in the chamber on this bill: could you just confirm to me that this bill, which is designed to do research on the coal seam gas industry, excludes in its ambit investigating the problem of salt and the land? It does include the impact on water but not on land. Could you just confirm that?

While you are confirming that I have to say that we have been in touch with the minister on this issue.
**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:24): I am sure that he enjoyed your personal visit.

I am advised that the legislation is to provide scientific advice to the environment minister in relation to proposed coal seam gas developments or large coal-mining developments that are likely to have a significant impact on water resources.

**Senator HEFFERNAN** (New South Wales) (13:25): Thank you very much, that is an excellent answer. What it does is point out the complete flaw in and the urgent need for an amendment to this legislation to include the impact of salt, not on water but on land. It is the most toxic substance in agriculture, and yet that is outside the ambit, allegedly, without an amendment to deal with it. This is cuckoo land stuff! I would hope that the minister's office is listening—he has his adviser there. All we need is an amendment to include the impact of salt on bloody land! For God's sake!

The TEMPORARY CHAIRMAN: Senator Waters—

**Senator WATERS** (Queensland) (13:26): Thank you, I—

**Senator Heffernan:** Hang on, I want an answer!

**Senator Conroy:** It was not actually a question! It was a statement.

**Senator Heffernan:** The question is: is the government prepared to move that amendment—

The TEMPORARY CHAIRMAN (Senator Pratt): Senators! I am going to draw us back to the question before the chair, and we might return to general debate. We have had some indulgence in broader debate.

The question is that Greens amendments (1) and (2) on sheet 7233, moved by Senator Waters, be agreed to.

The committee divided. [13:31]

(The Temporary Chairman—Senator Pratt)

Ayes ...................... 10
Noes ...................... 30
Majority ............... 20

AYES

Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Back, CJ
Bushby, DC
Colbeck, R
Cormann, M
Edwards, S
Farmer, ML
Hogg, JJ
Ludwig, JW
Macdonald, ID
Marshall, GM
Moore, CM
Ruston, A
Smith, D
Sterle, G
Urquhart, AE

Ayes: Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

Question negatived.

Senator WATERS (Queensland) (13:33): I rise to speak on Australian Greens amendments (3), (5), (7), (8) and (9) on sheet 7233. They relate to the scope of the committee to set its own agenda, if you like, rather than simply be asked by the federal minister to investigate certain matters. Clearly the importance of this amendment is to enable an independent committee to be independent and to ensure that the relevant experts on the committee—which sadly do not include public health, following from the
vote we just had—can, of their own volition and their own expert judgement, investigate the various impacts of coal and coal seam gas on water resources.

In the government's bill, there are a handful of things that the committee is able to investigate of its own volition. Unfortunately, they are only three out of a reasonably long list, and those are: improving the consistency and comparability of research; publishing information about the development of standards for protecting water resources; and collecting, analysing, interpreting and disseminating scientific information about coal seam gas and water. So my first question, Minister, is: what resourcing will be provided to the committee so that it may have the capacity to perform the functions that, as written, it is currently allowed to perform of its own volition without a reference from either the state or the federal minister?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:35): These amendments are not supported. The committee provides its advice under direction from the appropriate minister of state. This is critical to ensure that the committee's work is focused on the priority issues under its mandate and to ensure consistency with the arrangements agreed between the Commonwealth and states under the national partnership agreement.

Senator WATERS (Queensland) (13:35): Minister, I draw your attention to proposed section 505D, subsections (1)(e), (f) and (g), where the committee is able, without reference from the federal environment minister, to perform those functions that I listed before. If your rationale is that the committee may not ever use its own judgement, why the existence of those sections?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:36): I wonder if you could just clarify that question. The officers were not quite sure.

Senator WATERS (Queensland) (13:36): Certainly. My amendments go to expanding the scope of the committee's work program so that it can do more of its own volition. Your comment in response to my first question was that you thought the committee should not have any of its own discretion to do its own work. My question is: why have you got sections in there that enable it to do so if that is your view?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:37): I was just consulting with the officers. They are in a position where they could put suggestions to the minister, but essentially the work plan is at the direction of the minister.
Senator WATERS (Queensland) (13:37): Okay. That is not really what is written in the bill, but if that is how you are intending to interpret it then well and good. I ask that you perhaps clarify that for the officers who will be responsible for implementing these provisions. I have made clear that our view is that this committee, if it is to be a genuinely independent committee, should in fact have its own ability to determine the issues that it considers, and I have moved amendments to that effect. I understand the government does not support those.

I would also like to ask you, Minister, while we are looking at this particular section, to clarify. With respect, I raised this with the parliamentary secretary earlier, and there was a little confusion as to the scope of the government's bill, so perhaps you might put beyond doubt the government's response. The scope of this committee to consider impacts of coal and coal seam gas is to my mind very clearly limited by this section to their impacts on water resources. It will not be able to consider the impacts of coal and coal seam gas on anything other than water resources—land, climate, people or the Great Barrier Reef.

Senator Conroy: You're terrifyingly sounding like Senator Heffernan!

Senator WATERS: Can you confirm if my reading of that section is correct?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:38): I think Senator Heffernan asked a similar question. As I said, you are terrifyingly sounding like him. But I think your interpretation is correct.

Senator WATERS (Queensland) (13:39): Yes, Senator Heffernan did take up that issue after I raised it in the chamber, and I completely agree with him on that front. I think this committee should expand out its consideration of impacts not just on water resources but to coal and coal seam gas on the environment full stop. I understand the minister's office may have something to say in that regard shortly and I await that with great interest. Without further ado, I seek leave to move amendments (3), (5), (7), (8) and (9) on sheet 7233.

Leave granted.

Senator WATERS: I move:

(3) Schedule 1, item 4, page 5 (line 13), before "within", insert "on its own initiative or".

(5) Schedule 1, item 4, page 5 (line 18), before "within", insert "on its own initiative or".

(7) Schedule 1, item 4, page 5 (lines 24 to 32), omit paragraph 505D(1)(c), substitute:

(c) on its own initiative or at the request of the Environment Minister—to provide advice to the Environment Minister about:

(i) how bioregional assessments should be conducted in areas where coal seam gas development or large coal mining development is being carried out or is proposed; and

(ii) priority areas in which bioregional assessments should be undertaken; and

(ca)at the request of the Environment Minister—to provide advice to the Environment Minister about bioregional assessments commissioned by the Minister;

(8) Schedule 1, item 4, page 5 (line 33), before "at", insert "on its own initiative or".

(9) Schedule 1, item 4, page 6 (line 22), before "at", insert "on its own initiative or".

Senator XENOPHON (South Australia) (13:39): I indicate that we have just had a vote on the issue of whether land use will be included in terms of the Greens amendments that were defeated. There was a line of questioning of the government by a number of members of the Senate, in particular Senator Heffernan, on the issue of salinity. I think there is a genuine concern that what
this bill is intended to do will not be effective unless it also includes the issue of land use. I foreshadow, given the responses of the government in respect of this and discussions I have had with both Senator Heffernan and Senator Waters, that I will be seeking to move quite urgently an amendment on the issue of adding to the scope of what the committee can look at to include not only water resources but land use. I am hoping that that amendment can be circulated very shortly as a direct result of the line of questioning of the government in respect of this. I am very grateful for what Senator Heffernan raised about issues of salinity, because I do not think it has been adequately covered by the responses of the government.

I understand that the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities may have something more to say about this shortly, but I think the way to guarantee that this committee will do what it is intended to do is to include references to land use in addition to water resources. So, as a result of the discussions I have had with Senator Heffernan and also a discussion I have just had with the shadow minister for the environment, Mr Hunt, as well as my colleague Senator Waters, I wanted to flag that to my colleagues and to the minister. I think it is important that we get this right and we make sure that it is what it is intended to be: a robust scientific analysis of the impact of coal seam gas. It will be incomplete if it simply includes water resources. It will not necessarily cover the issues of land use—for instance, the issue of salinity.

The TEMPORARY CHAIRMAN: The question is that Australian Greens amendments (3), (5) and (7) to (9) on sheet 7233 be agreed to.

The Senate divided: [13:46]

(Ayes: Di Natale, R, Ludlam, S, Milne, C, Sewert, R (teller), Whish-Wilson, PS, Xenophon, N)


Majority: 15

AYES: Hanson-Young, SC, Madigan, JJ, Rhiannon, L, Waters, LJ, Wright, PL


Question negatived.

Senator WATERS (Queensland) (13:48): I want to discuss with and ask some questions of the minister about the scope of the committee's work program. It is something we touched on already today. My earlier amendment to add public health experts to the committee was unsuccessful, which I think is an absolute travesty given the huge health impacts of coal mining on communities across this nation and the huge concerns—valid ones, backed by medical experts—of the health impacts of coal seam gas on communities. I think it is an abrogation of public duty that health is not going to be included in the remit of this committee.
The amendments I moved earlier, which were unsuccessful, are reflected in some other amendments that I will move in due course to extend the function of the committee to properly consider those matters. Now even if we do not have a public health expert specifically listed as part of the committee, the minister explained that that did not preclude a public health expert from being a member of the committee and therefore I certainly think that my subsequent amendments are incredibly worthwhile. These amendments would extend the program of the committee to consider not just information requested by the federal or the state minister about coal and coal seam gas mining on water resources but also, importantly, any associated environmental and health impacts. This fundamentally goes to the scope of the committee's work.

Of course impacts on water are the main concern with coal seam gas mining, but there are also increasingly serious concerns about salt, as has already been raised by a number of senators in this chamber, and the land impacts of salt. I am old enough to remember when salinity was the biggest problem facing this country—before climate change rightly supplanted that, but of course the two are linked—so my amendments would enable the committee to properly consider those impacts on land from the vast amounts of salt that are extracted as part of the coal seam gas process.

It would also enable the committee to reflect upon the climate impacts of coal seam gas, which frankly have never been properly examined in this nation—certainly not in an independent way. There have been some industry studies done in Australia and there have been some non-industry studies done in other jurisdictions, but there has never been any Australian independent science looking into the genuine climate footprint of coal seam gas. There are a lot of claims made by the industry that it is clean and green. Unfortunately, that is not backed up by any independent evidence. We in this chamber, certainly Senator Milne and a number of the other Greens, have been urging government to step in and properly consider whether those claims do in fact hold water—not to mix metaphors—and to do its own studies in the genuine footprint of coal seam gas when it comes to climate.

It is not just the burning and transport of the gas or the liquefaction so that it can be exported—that is, of course, an incredibly energy-intensive process; it is also the leaking wells and pipes. That is not only a massive concern for the climate but also a public health risk. This stuff is flammable. I have actually stood on a pipe in the Pilliga as part of the Senate committee inquiry into the Murray-Darling, which had some subsidiary terms of reference to consider coal seam gas. I went to the Pilliga, where I stood on a very rusty pipe and heard gas escape. If that is not an advertisement for the need for not only better maintenance but also better studies about the effect of those leaking pipes, I do not know what is. It seems incredibly obvious that, particularly in a state forest which have not seen rain for a while, you do not want flammable gas leaking out. Particularly in an age of climate change you do not want methane, which is incredibly greenhouse gas intensive, far more than CO₂, leaking out unaccounted for.

I understand that the NGERS process requires some accounting, but there is no proper monitoring of the pipes and wells that leak. So this seems to me to be an incredibly necessary scope for this new committee to consider the climate impacts and the salt impacts, in fact any associated environmental and health impacts of coal and coal seam gas mining. As I said, the impacts on water resources are a key concern...
in relation to coal seam gas, but the impact on public health are of immense concern, particularly for communities such as the Hunter Valley. I know my colleague here Senator Rhiannon has spoken regularly of her concern and the community's concern about the impact on the health not just of adults but of children, whose lungs are far more susceptible as they grow to particulate matter and other pollutants in the air.

This amendment would enable the committee to effectively and properly consider not just the water impacts of coal seam gas mining but also the impacts broadly of this industry on our environment and on human health. It is a great shame that this chamber seems to be profoundly uninterested in properly regulating coal seam gas. We have here a bill that the government was, effectively, strong-armed into in order to get a vote for the minerals resource rent tax out of Tony Windsor. Credit has to go to Mr Windsor for extracting this bill, which does at least improve the situation a little.

I remain concerned that this is a beat-up, because this committee with its very narrow scope of inquiry does not need to have its advice acted upon in any event. My question for the minister is: if the minister receives advice from this committee on that very narrow question of the water impact only of coal and coal seam gas mining, what conditions can the federal environment minister place on an EPBC referred project to deal with those water impacts of coal seam gas? If there are no other matters of national environmental significance affected, what can the federal minister do to act on this advice?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:55): This amendment is not supported. The provisions as they currently stand are appropriate and any such addition would increase the committee's remit beyond the original intent of a focus on the impact of coal seam gas and large coalmining on water resources. If there were impacts on water resources, including water quality, the consequential impacts—

Senator Waters interjecting—

The TEMPORARY CHAIRMAN: Minister, Senator Waters is having trouble hearing you.

Senator Williams: Read louder.

Senator CONROY: Anything could assist Senator Williams.

Senator Williams: It's not me; it's Senator Waters. I am trying to help her.

Senator CONROY: I am happy to start again. This amendment is not supported. The provisions as they currently stand are appropriate and any such addition would increase the committee's remit beyond the original intent of a focus on the impacts of coal seam gas and large coalmining on water resources. If there are impacts on water resources, including water quality, the consequential impacts to the environment and health will be assessed within the current remit of the bill.

Senator WATERS (Queensland) (13:56): Thank you, Minister. Yes, that is my understanding of this limited scope of the bill. My question went to a broader issue: what can the federal environment minister do if he is given advice by this committee about the impact on water of coal or coal seam gas mining and there are no other impacts on matters of national environmental significance identified? Can he put conditions on?

Senator CONROY (Victoria—Minister for Broadband, Communications and the
Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:57): The remit was established, and this is the legislation to create what was agreed between a range of parties. As I said, you are seeking to broaden the scope, which is your entitlement. This is what the committee was set up to do, not to go into some of the areas that you are suggesting that it should.

Senator WATERS (Queensland) (13:57): With great respect, Minister, that did not answer my question at all. I will put it for a third time: what can the federal environment minister do if he is provided with advice by this committee that signifies there will be impacts on water resources but no other impacts on matters of national environmental significance? What is the federal environment minister empowered to do to act on that advice in that circumstance?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:59): And this is the fourth time that I will give you the same answer, which is that I am happy to take this to the minister to see whether there is anything further he would like to add.

Senator WATERS (Queensland) (13:59): Minister, the answer is none, because there is no water trigger in our environmental laws. It is a very basic point that I would hope folk in here would be familiar with. It goes to the fact that this committee will be entirely toothless and, frankly, a waste of money. I very much look forward to a detailed response from the minister that confirms the limits of his jurisdiction. What I would really like to read about is when the minister would like to expand his powers rather than shrink them. It seems perfectly obvious that our environmental laws are insufficient to deal with these issues.

Progress reported.

QUESTIONS WITHOUT NOTICE
Superannuation

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Finance and Deregulation and the Minister representing the Minister for
Financial Services and Superannuation. Will the minister rule out making any changes to the taxation treatment of superannuation funds or superannuation income which would disadvantage superannuants and self-funded retirees?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:00): I apologise—I may not be quite as loud as I usually am, which is probably something Senator Brandis will be very happy about. Through you, Mr President, I thank Senator Brandis for the question. I am not surprised that Senator Cormann does not want to ask this question.

Senator Fifield: He's feeling neglected.

Senator WONG: I am sure he is not feeling neglected. As the senator knows there is always, in the lead-up to budget updates, speculation about matters that government might or might not be considering. A lot of that speculation is not correct. As was the case under Mr Costello and as remains the case under us, the government is not going to—

Senator Abetz interjecting—

Senator WONG: I will take the interjection from Senator Abetz that Mr Costello has become a precedent. Let me tell you, Mr President, the only party in this chamber that is saying, 'We will comply with Peter Costello's Charter of Budget Honesty' is the Labor Party. The only party which will comply with Peter Costello's Charter of Budget Honesty is the Labor Party. I wait for the modest members, those Costello acolytes and all of those who think fiscal credibility is so important, to stand on their feet and say that I am misrepresenting them—that they too will ensure that they comply with the Charter of Budget Honesty that Peter Costello introduced.

When it comes to super I would make this point: we are the party of superannuation. We built occupational superannuation against the opposition of those opposite. If anybody ever wants to see the credibility—or lack thereof—of the Liberal Party when it comes to super, go and have a look at the debates when the SGC was first introduced and see how bitterly and vehemently they opposed it. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. Given that the minister has conspicuously failed to rule out any changes to the taxation treatment of superannuation funds and superannuation incomes which would disadvantage superannuants and self-funded retirees, is it the case that Australia's superannuants and self-funded retirees are going to be paying the price for this government's $120 billion budget black hole?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:03): Oh dear, Mr President. I note that Senator Brandis is not on the shadow ERC, and so he would not understand a couple of things. One is that you do not budget over 10 years; second, if you are going to budget the spend you probably should budget the saves as well—which I am sure he will not do. If he is worried about black holes he should have a chat to his mate Senator Cormann about the fact that the coalition have made very clear that they are going to cut services. They are going to cut services to Australians to fill the $70 billion black hole that they themselves have admitted to. This is not my figure; this is Mr Robb's figure and it is Mr Hockey's figure. If Senator Abetz cannot recall the shadow Treasurer and the shadow finance minister actually referring to that figure, I am very happy to come in here and table the transcripts of the interviews in which they did so.
When it comes to superannuation I would remind those opposite of this: we are the ones, on this side of the chamber— *(Time expired)*

**Senator BRANDIS** (Queensland—Deputy Leader of the Opposition in the Senate) (14:04): Mr President, I ask a further supplementary question. Is the minister aware of reports that the government is currently considering cutting tax concessions for self-managed superannuation funds and raiding $1.4 billion from retirement savings? Are those reports true?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:04): I refer to my answer to the primary question, because it was the same question, but I would also remind the chamber of this in response: we on this side are increasing the superannuation guarantee from nine to 12 per cent. Who voted against that? Those opposite. We on this side have reduced taxes on low-income earners—the one in three who earn under $37,000—

**Senator Brandis:** Mr President, I rise on a point of order. The answer is not directly relevant to the question. In both the primary question and the two supplementary questions I have asked specifically about the taxation treatment of superannuation funds and superannuation income. On three occasions I have given the minister the opportunity to rule out the changes that it has been suggested the government intends to the taxation treatment of superannuation funds and superannuation income. The question is about the taxation of superannuation and on the third go it is time for you, with respect, Mr President, to ask the minister to direct herself to the question asked.

**Senator Jacinta Collins:** Mr President, on the point of order: the question I heard was much broader than just the tax treatment. He was talking about superannuation changes, and the minister has been addressing the question.

**The PRESIDENT:** I believe the minister is answering the question and the minister has 39 seconds remaining.

**Senator WONG:** As I was saying, if we want to talk about tax treatment of superannuation, those opposite have voted against the tax break for low-income workers when it comes to super. You voted against it, so do not come in here and say you care about superannuation when you know you have opposed the tax cut for those in Australia earning under $37,000 a year. On this you are completely hypocritical.

**Senator Cormann:** It has nothing to do with tax.

**Senator WONG:** Senator, it has everything to do with tax because you are the ones who voted against this tax break. You voted against this tax break on super for low-income workers in Australia. Everybody knows what your priorities are.

**James Price Point**

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:07): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy, and relates to the James Price Point gas hub. In the light of evidence that Woodside asked the Western Australian government to withdraw warnings from the Department of Indigenous Affairs that the company might be acting in breach of the Aboriginal Heritage Act, a breach which could put its directors in jail, and that the Western Australian government did so, how can the federal government continue to have any confidence that the WA assessment and EPA reports on which the federal minister must rely have not been corrupted?
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:07): I thank the senator for her question. Minister Burke is aware there is a range of views in relation to this proposal. He will not be in a position to make a decision on the plan to develop the precinct until all matters required by the terms of the strategic assessments have been appropriately investigated. The Western Australian Environmental Protection Authority has finalised its draft recommendation report with draft approval conditions and completed a two-week public appeals period. Minister Burke is advised the West Australian Office of the Appeals Convenor is considering appeals received before providing a report to the Western Australian environment minister for final decision. Minister Burke will not be in a position to make a decision on this proposal until the Western Australian government has finalised its strategic assessment documents to meet the terms of the strategic assessments agreement.

Minister Burke has received an application under sections 9 and 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 to protect an area near James Price Point. The act requires that a report be commissioned in response to the section 10 application. The environment department is currently consulting interested parties on Minister Burke's behalf as part of the section 9 process. During the course of consultation the applicants stipulated conditions for the management of culturally sensitive evidence which Woodside Energy Ltd and the Western Australian government refused to accept. Attempts to resolve this impasse delayed the decision-making process. As the applications are the subject of a legal decision-making process, it would be inappropriate for me to comment any further.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:09): I thank the minister for his response and I would ask this supplementary. When was the application for the sections 9 and 10 declaration received by the minister? How long has he had it and why is it taking him so long to get to the point of protecting the area from serious and immediate threat of desecration?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:10): The sections 9 and 10 were received I think in June 2011 and June 2012 respectively and, as I said, this is a matter of ongoing legal dispute and I am not in a position—and in fact it would be inappropriate for me—to comment any further. But I absolutely reject the premise on which the question was based.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:10): Mr President, I ask a further supplementary question. In the light of the minister’s answer, the whole point of the sections 9 and 10 is serious and immediate threat. How can the government explain to the people concerned that sitting on this for more than a year is responding to a serious and immediate threat? In the light of Woodside's behaviour and the revelations, when is the federal government going to investigate what is clearly an attempt to repress serious information from an assessment process?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity)
I am not sure if there is a lot I can add to my previous answers but I am happy to take on notice any part of that question to see if Minister Burke is able to add anything further for you.

Health

Senator URQUHART (Tasmania) (14:11): My question is to the Minister representing the Minister for Health, Senator Ludwig. Can the minister advise the Senate on how the Gillard government is ensuring that children and low-income Australians have access to high-quality oral health care?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:11): I thank Senator Urquhart for her continuing interest in this portfolio of health. The Gillard government believe that we have a responsibility to ensure Australians who are least able to afford to go to the dentist can do so. This is particularly the case when it comes to children. Medicare has been a basic right for Australians for decades, yet millions of people in this country still go without adequate dental care. Poor childhood oral health leads to poor adult oral health and has wide-ranging impacts on general health and wellbeing, leading to a greater strain on our health and hospitals system now and into the future. Labor's dental health reform package will deliver a better system of dental health care for Australians that is accessible, affordable and focuses on prevention. Labor's dental health reform over the next six years includes $2.7 billion to ensure that more than three million children will be eligible for government subsidised dental care, in the same way they are now entitled to Medicare funded GP visits, and $1.3 billion for additional services for an additional 1.4 million adults on low incomes, including pensioners and concession card holders and those with special needs. There is $225 million for dental capital to support expanded services for people living in outer metropolitan, regional and rural and remote areas so that Australians, regardless of where they live, have access to high-quality dental care. In addition to the new dental measures, the government will continue to deliver on current investments in dental health. We have delivered practical improvements to dental care like subsidising around 1.6 million dental check-ups for teenagers—

(Time expired)

Senator URQUHART (Tasmania) (14:13): Mr President, I ask a supplementary. Can the minister advise how this new funding affects the $515 million pledge by the Gillard government to dental reform in the 2012-13 budget?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:14): I thank Senator Urquhart for her supplementary question. Labor's dental health reform package will be in addition to the $515.3 million that the Gillard government has already pledged in the 2012-13 budget. The budget funding will make a significant improvement to the dental system and it represents a significant down payment on the new national dental scheme.

The $515 million budget funding will be used to crack down on public dental waiting lists, where 400,000 people across the country are waiting to receive dental care. It will also provide additional dental training, the promotion of oral health care and improved dental facilities in rural and remote areas. Australia's dental workforce will also be strengthened by $36 million on increasing
the number of placements available on the Voluntary Dental Graduate Year Program from 50 to 100 placements each year to 2015. (Time expired)

Senator URQUHART (Tasmania) (14:15): Mr President, I ask a further supplementary question. Can the minister advise why this program will be replacing the existing Chronic Disease Dental Scheme?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:15): I thank Senator Urquhart for her supplementary question. The dental health reform package will replace the Medicare Teen Dental Plan and the Chronic Disease Dental Scheme. The Howard government's dental scheme was poorly targeted, saw significant waste and overservicing, and failed to address the capacity constraints of existing public dental services. Those from the opposition would know that quite well.

The scheme introduced by Mr Tony Abbott as health minister was not means-tested, which meant millionaires could get $4,250 of free dental care. It was a dental scheme that meant that pensioners with high oral care needs could be left behind and not get the help they need, while all you on the other side could do was target those who could afford oral health, and they got subsidised by your scheme. It was not targeted, which meant patients could get gaps, crowns and often cosmetic work—(Time expired)

Carbon Pricing

Senator CORMANN (Western Australia) (14:16): My question is to the Minister representing the Treasurer, Senator Wong. How much less revenue will the government collect from its carbon tax over the current forward estimates as a result of its decision to remove the floor price on carbon?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:16): Obviously that question is not something that I am going to be responding to, because those issues are amongst those that need to always be considered in the context of the budget. As the senator knows, whether it is on this issue or on a range of other budget estimates, I have told him previously in this place that the government considers these issues and considers the budget estimates in the budget update context. That remains the same for this issue as for any other budget estimate.

Senator CORMANN (Western Australia) (14:17): Mr President, I ask a supplementary question. Does that mean that the minister has just confirmed that the government expects to lose billions of dollars in revenue as a result of the decision to remove the floor price on carbon? Given that the minister is not prepared to stand by the estimates that were in the budget based on a $29-a-tonne assumption, does that mean that the minister acknowledges and recognises there will be a significant budget black hole? (Time expired)

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:18): That was really an exercise in theatrics. The senator would know, because he has asked me ad nauseam, that I do stand behind the Treasury modelling. I refer him to both my public statements—which occasionally he does read; he tweets about them—and the statements in the chamber in response to him. I have said on many occasions that we stand by the Treasury modelling, which is still the best estimate of what will occur in relation to economic impact, global carbon prices and so forth on a whole range of issues associated with the carbon package. I fail to see how the senator
can draw the conclusion he has drawn in the supplementary question from my primary question answer.

**Senator CORMANN** (Western Australia) (14:18): Mr President, I ask a further supplementary question. If the minister really stands by the budget estimate of a $29-a-tonne carbon price in 2015-16, why then did the government decide to remove the $15 floor price on carbon? Is it not the case that the government is well aware that this decision to drop its floor price on carbon is contributing to Labor's $120 billion budget black hole, which comes on top of its $174 billion in already accumulated deficits?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:19): The question on the $15 floor price is a question that should be addressed to the Minister representing the Minister for Climate Change and Energy Efficiency.

**Senator Cormann:** Mr President, I rise on a point of order. The minister just challenged that the question was appropriately directed to her as Minister representing the Treasurer. This was a question that went directly to the revenue assumptions in the budget. It is a question that is directly relevant to the portfolio that she represents in this chamber and she should be answering it.

**The PRESIDENT:** There is no point of order. The minister had answered the question and had sat down. I cannot instruct a minister how to answer a question, as I have said before.

**FV Magiris**

**Senator WHISH-WILSON** (Tasmania) (14:20): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. In 2005, the then Liberal fisheries minister, the Hon. Ian Campbell, and AFMA refused to allocate a Commonwealth fishing licence to the supertrawler Veronica II. This followed the banning of the Veronica from fishing in New South Wales, Western Australian and South Australian waters over concerns regarding the lack of scientific research conducted in the small pelagic fisheries. Can the minister update the Senate on what has specifically changed in the past seven years—

_Honourable senators interjecting—_

**The PRESIDENT:** Just wait a minute, Senator. You are entitled to be heard in silence. Across the chamber, order!

**Senator WHISH-WILSON:** Can the minister update the Senate—

_Honourable senators interjecting—_

**The PRESIDENT:** Order! Just wait a minute, Senator Whish-Wilson. I will give you the call. You are as entitled as anyone else in this chamber to be heard in silence. Senator Whish-Wilson.

**Senator WHISH-WILSON:** Thank you, Mr President. Can the minister update the Senate on what has specifically changed in the past seven years in relation to granting a licence to the even larger floating industrial fish factory, the FV Magiris, recently renamed, in what is perceived as an 'up yours' to the Tasmanian public, the Abel Tasman?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:22): I thank Senator Whish-Wilson for his question. It is unfortunate that he has not done his homework on this. It was in fact Senator Ian Macdonald who back in 2005 issued the direction, as I recall, to AFMA. If I go through the history—which Senator Whish-Wilson obviously does not want to do—it will show that before the agriculture minister at the time, Senator Ian Macdonald, issued a direction to AFMA, the MV
Veronica was a particular type of vessel that was seeking to fish within our waters.

Rather than go through the long history, I will just say that the rules were changed after that by Senator Macdonald with the direction to AFMA—and it was a very sound direction. It moved the situation to a circumstance where we would concentrate on output controls versus what would commonly be described as input controls. Output controls meant that we would look at issues around the total allowable catch rather than at the type of gear or effort that went into fishing. Input controls, such as restrictions on vessel gear or gear size, are designed to limit catches by deliberately impeding the efficiency of fishing. This drives up costs and can lead to problems such as effort creep, where fishers are forced to invest in inefficient capacity to overcome restrictions, poor economic condition and overcapacity.

This government, like those before it, takes the position that output controls, particularly individual transferable quotas, are the preferred approach to fisheries management. (Time expired)

Senator WHISH-WILSON (Tasmania) (14:24): Mr President, I ask a supplementary question. Can the minister update the Senate on any recent discussions with key recreational fisher groups since they walked away one month ago from the government's voluntary working group in Tasmania over their concerns on the lack of scientific work underpinning a management plan to prevent potential localised fish depletion in Tasmanian and Commonwealth waters from the operation of the supertrawler?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:26): I thank Senator Whish-Wilson for his question. Again, one of the challenges is that if you do not do your homework in relation to these questions then they are missing facts.

If I could just inform the Senate about the facts: both AFMA and ABARES advise that small pelagic fisheries are known to be fast moving and wide ranging. The potential for localised depletion has long been recognised as an area of interest in the small pelagic fisheries. I note the recent report from eminent fishery scientists that states that factors in play in the fishery, taken together, 'give confidence that food-web impacts of the small pelagic fishery on predators and the small pelagic fishery species themselves, including through localised depletion, are unlikely'.

In terms of answering the part dealing with rec fishers, I can inform the Senate that I have had good discussions—including a roundtable—with rec fishers in relation to this issue. I attended their conference and spoke to them about this issue— (Time expired)

Senator WHISH-WILSON (Tasmania) (14:25): Mr President, I ask a further supplementary question. Can the minister comment on remarks made to the media by members of the Labor caucus, including ex-Prime Minister Kevin Rudd, over the weekend, concerning a private member's bill to ban supertrawlers from operating in Australian waters?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:26): I am not going to be drawn into a discussion. This is an opportunity to ask questions. What I can say is that it has been the tradition that those opposite and us—and, I suspect, the Greens—are entitled to provide their own private member's bills.
Senator Bob Carr: A noble tradition!

Senator Ludwig: It is a noble tradition, as Senator Bob Carr outlines. But can I say one of the important parts that is missed in this debate is that the Australian Fisheries Management Authority is an independent authority responsible for the sustainable management of Commonwealth fisheries. AFMA has continued to play that role very well. We know there is a view from the environment that it is a matter for Mr Burke to consider those questions, and these conditions which have now been added to the Abel Tasman to adopt world’s best practice to avoid interactions with threatened endangered species— (Time expired)

Broadband

Senator Cameron (New South Wales) (14:27): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advise the Senate on countries other than Australia who are building fibre to the home?

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:27): I thank the senator for his question. The opposition spokesman, the member for Wentworth, has attacked Australian technology writers for being pro-NBN zealots. He has called on them to look overseas. Well, we have gone looking. And what have we found?

In New Zealand they dumped fibre to the node and are now building fibre to the home. Just two weeks ago, New Zealand’s minister for communications on a visit to Australia was asked: ‘Why did you dump fibre to the node for fibre to the home?’ And this is what she had to say: ‘Because FTTH is the most comprehensive and future-proof network that we could build.’

I have previously informed the Senate of France Telecom which is building fibre to the home to 15 million French homes by 2020. The opposition spokesman, the member for Wentworth knows France Telecom well, as he is an investor in what he described as a ‘good-value share’.

So we turned to Spain. What is Spanish Telefonica doing? It is investing in fibre to the home. Telefonica commenced in 2011 what has been described as a ‘very aggressive deployment project’ to offer fibre to the home, including bringing 100-megabit services to 1.3 million premises in Madrid.

Mr Turnbull asked us to look overseas. We have, and what we see is fibre to the home in France, in Spain, in New Zealand. Mr Turnbull needs to commit to building fibre to the home for Australia’s future.

Senator Cameron (New South Wales) (14:29): Mr President, I ask a supplementary question. Is the minister aware of any claims of a lack of investment in fibre to the home in other countries?

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:29): The member for Wentworth asserted in Paris last year that where investment decisions are made by the private sector, FTTH is being reconsidered in favour of improved technologies over copper. Yet as I have just described, the private sectors in Spain and France are investing in fibre to the home. So let’s follow Mr Turnbull’s money, not his mouth. Let’s follow his money and see what it shows us. Did Mr Turnbull invest in Telecom New Zealand when they were building FTTN? No. Has Mr Turnbull invested in BT in fibre
to the node? No. Did he invest in France and fibre to the home? Yes. And what do we discover today? Ole! The Register of Members' Interests reveals that Senor Turnbull has invested in Telefonica bonds that are helping to finance Spain's fibre to the home. (Time expired)

Senator CAMERON (New South Wales) (14:31): Mr President, I ask a further supplementary question. Can the minister inform the Senate of any possibilities for Australians to invest in the National Broadband Network?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:31): The NBN is an investment by the Australian government in the future economic prosperity of our nation. It is being financed by the government as a piece of important national infrastructure that will also provide a return of seven per cent. The NBN is underway and will meet the target of fibre work for 758,000 premises to be commenced or completed by the end of this calendar year. In the future, NBN Co. will raise debt to complement the equity investments made by the Australian government. I do not know when NBN Co. will issue their bonds to finance the remainder of their build, but what I can promise is that we will hold a place open for Mr Turnbull so he can invest in fibre to the home in this country, like he has done in France and Spain. (Time expired)

Education

Senator MASON (Queensland) (14:32): My question is to the Minister for Finance and Deregulation, Senator Wong. I refer the minister to the Prime Minister's speech to the National Press Club last Monday, in which she was expected to comprehensively respond to the Gonski review. Given that the Prime Minister failed to provide any detail, when will the government finally come clean with the Australian public and release detailed costings of its school funding reforms?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:32): As I said previously, we on this side will comply with Peter Costello's Charter of Budget Honesty. I can make that commitment here in this chamber and I hear this well of silence over there from all the modest members and all the Costello acolytes, who love to tell me how wonderful Peter is, but do not want to comply with his Charter of Budget Honesty. The reality is that the Prime Minister gave a very comprehensive speech to the Press Club.

Senator Brandis: Where's the money coming from? When are you going to tell us?

Senator WONG: I do not know if those opposite have noticed that Mr Pyne has actually said that they may not repeal it and they may keep it, which means they are going to have to find the money too. I bet that did not go to the shadow ERC. Maybe Senator Mason could inform the chamber about that.

Senator Chris Evans: I don't think they have a shadow ERC!

Senator WONG: They keep adding people to it. Obviously the policy issue is one the Labor government does believe is extremely important. Education is something this government and this party have long prioritised. The Prime Minister laid out in very substantial detail how Australia has slipped down relevant world rankings.

Senator Brandis: I raise a point of order: the minister is not being directly relevant to the question. The question asked one thing: when will costings be released? That is the
only thing that was asked. No approach to answering that question has been made.

Senator Jacinta Collins:  This is becoming a habit, where Senator Brandis gets up and rephrases the question into how he thinks it has been put. I definitely recall Senator Mason referring to the Prime Minister's Press Club speech. In fact, he made certain descriptions of the speech, which Senator Wong has been highlighting as being simply not accurate.

The PRESIDENT:  I believe the minister has been answering the question. The minister still has 34 seconds remaining to address the question.

Senator Wong:  As I was saying, I was responding to the questions about the Gonski review and the Prime Minister's response. In terms of the decisions around funding, obviously all decisions need to be on a firm fiscal footing, which is why this government has a track record of making savings. It is why we are returning the budget to surplus. It is why we took nearly $34 billion worth of savings in the last budget and why we have taken $100 billion of savings—

(Time expired)

Senator Mason (Queensland) (14:36):  Mr President, I ask a supplementary question. Given the government has already spent $20 billion over the past five years on its education 'revolution', how can anyone believe this government when it embarks on the education 'crusade' with a $120 billion budget black hole, a policy that is unfunded and that will not be fully phased in for at least another eight years?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:38):  So this is the policy that you are now going to keep? That is the one you are asking me about? You are now going to keep—

Senator Brandis:  You don't know what the policy is!

Senator Wong:  I will take the interjection: Senator Brandis says, 'You don't know what our policy is.' Well, it sounds like you do not know. Are you repealing it or are you not? Are you funding it or are you repealing it? The reality is whenever this government has come to parliament with structural saves we have seen the opposition
say, 'We don't agree with it.' With the private health insurance rebate, the opposition's position is that it is better to ensure we continue to provide a tax break to millionaires than to fund a whole range of other health programs. That is the position of the opposition. You have no credibility when it comes to long-term structural funding changes—no credibility whatsoever. The party that decried changes in the budget as 'class warfare', then came in with their tail between their legs and voted for some of these policies, has no credibility. (Time expired)

Paralympic Games

Senator THISTLETHWAITE (New South Wales) (14:39): My question is to the Minister for Sport, Senator Lundy. With the London Paralympic Games now officially ended, can the minister update the Senate on Australia's performance at the games and our wonderful athletes' achievements?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:39): I thank Senator Thistlethwaite for his question. I know he is a big supporter of the Paralympics and has been keenly following it from home. Senate colleagues, as you would be aware, this morning Australian time the London 2012 Paralympics came to an end with their closing ceremony. The performances of our team are applauded and acknowledged. As stated by the President of the Australian Paralympic Committee, their results exceeded their expectations. In fact, the goal of the APC was to maintain a position as high as possible within the top 10 nations competing and, since the year 2000 games in Sydney, many of those countries have significantly increased their investment in paralympic sports, which has ensured a high level of competition across a larger number of countries. This has made our achievements in London all the more special.

All up, Australia won medals in nine of the 13 sports that we contested in London, including our first-ever medal in hand cycling and our first gold medal in equestrian since the year 2000. We had our first goalball team competing since Sydney and our swimmers had their best performance in the pool since 1984. We are all extremely proud of the performances of our athletes in London and the way in which they have represented Australia during, before and after competition. I would like to place on the record our collective gratitude to those athletes not only for the inspiration they provide to other people who have been living with a disability or have incurred a disability through a tragic event in their lives, but for the inspiration they provide which has permeated the whole of Australia and bought a great deal of joy and enthusiasm for the Paralympic Games.

Senator THISTLETHWAITE (New South Wales) (14:41): Mr President, I have a supplementary question. While in London, did the minister have the opportunity to meet those who played a role in supporting our athletes behind the scenes?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:42): I thank Senator Thistlethwaite for his question. The success of our athletes on the tracks, fields and courts is the result of years and years of hard work by the athletes, who we know work incredibly hard, but there is a vast support network sitting behind the athletes, as there is in every sport. I was fortunate while in London to meet many members of athletes' families, many of the team officials and the extensive group of volunteers who provided our athletes with
the support they need to perform at their very best. This expertise and the innovation that occurs have made the difference to our athletes and played a big role in many of them achieving their personal bests, in records being broken and in gold, silver and bronze medals being won. From the staging camp at Cardiff right through to the sports science and medicine, our innovation culture in high performance—(Time expired)

Senator THISTLETHWAITE (New South Wales) (14:43): Mr President, I have a further supplementary question. Can the minister update the Senate on the innovative new measures that the Australian Paralympic Committee used to keep Australians informed during the games?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:43): Thanks to the excellent broadcasting efforts by ABC TV, interest in the Paralympic Games reached new heights. The website of the Australian Paralympic Committee received a record increase in traffic, with over a million views during the games. Part of the team of volunteers led by Tony Naar from the APC worked for hundreds of hours pulling together information on the history of the paralympic movement in Australia, the Paralympians themselves and the classification system. This was done using detailed pages through Wikipedia—essentially, a crowd-sourcing exercise tapping into the wealth of knowledge that exists within and around the sporting and Paralympian community in Australia. Since the games began, these pages have been viewed more than 230,000 times. For everyone with a keen interest in the Paralympics—(Time expired)
Senate. What it demonstrates is a range of complex circumstances, including an increase in the Australian dollar and a range of other matters which have led to the closure. For any government, whether the Tasmanian government or the federal government, there is a range of available assistance for those employees who have lost their employment.

I turn back to the issue of the carbon price. Those opposite continue to blame the carbon price for everything they possibly can. They said the sky would fall in. Well, the sky has not fallen in. They said it would be a python squeeze. (Time expired)

Senator COLBECK (Tasmania) (14:47): Mr President, I ask a supplementary question. Minister, given that this is the second Tasmanian agricultural business in two weeks to demonstrate the validity of warnings from industry regarding government imposed costs, both citing energy prices and shipping costs, at what stage will you start to take notice of the warnings and take some action to support the industry that you represent in this place?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:48): I thank Senator Colbeck for raising this issue, because this government has taken the opportunity of meeting with the meat industry. Only last week I was at both Beef City Toowoomba and Nolan Meats in Gympie. This is a Gillard Labor government that listens to the industry rather than stay in Tasmania. We are committed to supporting jobs through the transition to a low carbon economy.

Senator Brandis: I do not think the Nolan brothers are big supporters of the Labor Party.

Senator LUDWIG: You do not want hear to this, Senator Brandis, because you would rather continue to run scare campaigns. Many processors have already begun investigating opportunities to become more energy efficient. (Time expired)

Senator COLBECK (Tasmania) (14:49): I have a further supplementary question, Mr President. Minister, how much more damage to Australia's agriculture and cattle industry will you preside over? Following on from the live cattle debacle we are now seeing the effects of the government's regressive cost impositions. What is left for the people of King Island, with the best-known clean, quality brand image in the country, who are left now with a brand image but no business? What is the minister intending to do?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): Senator Colbeck certainly mixed that question. In terms of live animal exports, what the opposition never did when they were in government was make sure that we have a future for this industry by putting in place a regulatory scheme that ensured animal welfare was taken into account. We now know that Mr Cobb agrees with ESCAS. Mr Cobb has also said that a coalition government supports a regulatory framework that ensures animal welfare is put at the heart of this. That is what you have stated too. What we have ensured is that the industry does have a future. Many meat processors also have an opportunity to partake of the $200 million Clean Technology Food and Foundries Investment Program to help processors to equip and help them invest for the future to reduce emissions. (Time expired)
APEC Leaders Meeting

Senator STEPHENS (New South Wales) (14:44): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister please update the Senate on the main outcomes from the APEC leaders meeting that concluded in Vladivostok yesterday?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:44): A major outcome from the APEC leaders meeting was the agreement to a list of 54 environmental goods that will attract a tariff of no more than five per cent by the end of 2015. As my colleague Dr Craig Emerson has said, this has been one of the most important trade liberalisation outcomes since the 1995 WTO Uruguay round of tariff cuts. It is also a significant outcome for APEC’s effort to transition towards a low carbon future. It demonstrates that despite the global economic downturn, a group of economies can work together to open up trade.

Australia has been a leading advocate of the environmental goods initiative since it was first proposed two years ago. The Vladivostok outcome will allow the market for environmental goods to grow more rapidly by lowering costs faced by consumers. Australian officials, it should be noted, played an important role in ensuring that there was a large number of goods on the reduced tariff list.

APEC leaders also agreed to a major new work stream on higher education. This will enhance cooperation between APEC members and facilitate trade in education services within the region, a critical market for Australia.

Leaders also agreed on a number of measures to enhance food security—to foster innovation and to reduce the cost of doing business. We cannot overlook the size of this market. APEC’s economies account for 56 per cent of the world’s GDP and more than 70 per cent of Australia’s trade in goods and services. By some measures the economies of APEC are our most important trading customers.

Senator STEPHENS (New South Wales) (14:53): Mr President, I ask a supplementary question. Can the minister outline to the Senate how the outcome on environmental goods will actually benefit Australia?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:53): The products covered by the commitment on environmental goods include solar water heaters, components to reduce the release of pollutants and machinery to process water and waste water. Australia’s export of environmental products on the list of 54 goods was valued at $1.2 billion in 2011. As Dr Emerson has pointed out, the total value of the environmental goods market in the APEC region is estimated at around $432 billion. In other words, there is a significant potential for Australian businesses in these sectors.

The outcome will provide Australian companies with more opportunities to trade with the region in crucial technologies such as solar cells, water treatment and environmental-monitoring equipment. As economies have a greater uptake of these products it will also provide Australian environmental services companies with further export opportunities. (Time expired)

Senator STEPHENS (New South Wales) (14:54): Mr President, I ask a further supplementary question. Can the minister also outline how the outcomes on higher education will benefit Australia?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:54): The Asia-Pacific contains some of world’s largest exporters and consumers of...
education services, Australia is already a major player in higher education in the region with $10 billion in exports in 2011. The new APEC program has the potential to take this further by making it easier for our universities to establish campuses in the region through improving the consistency and transparency of regulations. It will help young people get access to a wider range of quality education services and thereby improve skills throughout the region.

It will help Australian universities integrate further with the region. Many developing economies in the Asia-Pacific are moving into higher-value-added manufacturing and knowledge-intensive industries. Access to a wide range of quality education services is crucial for this type of economic growth, and it is crucial for Australia’s engagement in the Asia-Pacific more broadly. *(Time expired)*

**Olympic Dam**

**Senator EDWARDS** (South Australia) *(14:56)*: My question is to the Minister for Finance and representing the Treasurer, Senator Wong. I refer the minister to information obtained under freedom of information from the South Australian government on Olympic Dam that shows that $1.1 billion of economic activity will be lost and 5,000 jobs forgone over the next three years, while 25,000 jobs were to be created over the life of the project. What message does the minister have for the people of South Australia, where unemployment recently rose to 5.7 per cent and as high as 9.4 per cent in some electorates, like Wakefield?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) *(14:56)*: I think I was asked almost precisely the same question when I was representing the Minister for Climate Change, and the response I gave there in answer to—

**Senator Abetz:** And you didn’t answer it then!

**Senator Fifield:** Did you do a runner, Penny? You make it sound so long ago!

**The PRESIDENT:** Order! I will call the minister when there is silence.

**Senator WONG:** I was asked in that question what my message is to South Australians, and I will repeat: my message to South Australians is, ‘Do not believe Tony Abbott’s disgraceful—

**Senator Abetz:** Mr to you!

**The PRESIDENT:** Order! You need to—

**Senator WONG:** ‘Mr Abbott’s disgraceful scare campaign around Olympic Dam’, which I notice that you have all quietly walked away from. You were so gleeful about the Olympic Dam expansion not proceeding that you could not wait to get out there and blame the carbon tax and the mining tax—that matter which does not apply to the expansion—

*Opposition senators interjecting—*

**Senator Edwards:** Mr President, I rise on a point of order. It is a direct point of order on relevance. I asked Minister Wong what message did she have for the people of South Australia, nothing to do with what the Leader of the Opposition had or anything to do with the same.

**The PRESIDENT:** I believe that the minister is answering the question.

**Senator WONG:** Even George would have done better than that!

I have made clear our disappointment on this side of the chamber with the fact that the Olympic Dam expansion is not proceeding—something which has not occurred on that side. What we have seen is the gleeful jumping on that decision by the Leader of
the Opposition to try and make a political point. It was utterly disgraceful.

In terms of jobs, I was very pleased to join in South Australia, as the shareholder of the Australian Submarine Corporation, the Minister for Defence and the Premier, at the keel laying of the air warfare destroyers last week. These were jobs for South Australians. I am also very happy that we on this side have not jumped on the GST redistribution campaign that those opposite have. Perhaps the senator should go back to South Australia and tell South Australians that his leader supports taking a billion dollars of GST receipts off them.

Senator Edwards: What about jobs in Wakefield?

Senator Wong: You should go to South Australia, Senator, and tell them that Mr Abbott wants to take a billion dollars out of GST—(Time expired)

Opposition senators interjecting—

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

Senator Edwards (South Australia) (14:59): Mr President, I ask a supplementary question of the minister. I refer the minister to the announcement that Deepak Fertilisers and Petrochemicals Corporation will not proceed with a proposed plant near Whyalla due, in part, to the cancellation of the Olympic Dam project. The plant would have created 400 jobs during the $350 million construction phase and 80 jobs during the running of the plant. How many more lost jobs and lost economic activity will there be as the negative impacts of these mining and carbon taxes now build momentum through the economy?

Senator Wong (South Australia—Minister for Finance and Deregulation) (15:00): The mining tax did not apply to the Olympic Dam project, and the senator knows that. If he cares about jobs, particularly in the northern part of South Australia, why is he supporting removal of support for the car industry? He knows what effect that would have on the northern suburbs of Adelaide.

Senator Edwards (South Australia) (15:01): Mr President, I ask a further supplementary question of the minister. Given that ABS figures show that in the 12 months to July building approvals in South Australia plummeted by 23.6 per cent, the worst performance in mainland Australia, while early reports show that the value of construction work done over the last 12 months dropped by 14.6 per cent, also the worst performance in Australia, and new home sales fell by 8.9 per cent, the second worst performance in the nation, what is the government doing to reverse this downward trend?

Senator Wong (South Australia—Minister for Finance and Deregulation) (15:02): I suspect Senator Edwards perhaps might want to stand for preselection for one of the seats that looks like it has become available in South Australia and stand up in the South Australian parliament.

Senator Ian Macdonald: Why does she always attack the questioner?

Senator Wong: Oh, so sensitive, Senator! So sensitive!

Honourable senators interjecting—

The President: Order on both sides! Senator Wong.

Senator Wong: Thank you, Mr President. I have finished my answer.

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

Presentation

Senator Bilyk to move:
That the Joint Select Committee on Cyber Safety be authorised to hold public meetings during the sittings of the Senate to take evidence for the committee's inquiry into cyber-safety for senior Australians, from 4.15 pm to 6 pm, as follows:

(a) on Wednesday, 19 September 2012;
(b) on Wednesday, 10 October 2012;
(c) on Wednesday, 31 October 2012; and
(d) on Wednesday, 28 November 2012.

Senator Bishop 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 as follows:

(a) on Wednesday, 10 October 2012, from 11 am, followed by a private briefing; and
(b) on Wednesday, 31 October 2012, from 11 am, followed by a private briefing.

Senator Bishop to move:
That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 October 2012, from noon, to take evidence for the committee's inquiry into the review of Auditor-General's reports.

Senator Cameron to move:
That the Environment and Communications Legislation Committee and the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 13 September 2012, from 1 pm.

Senator Crossin to move:
That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 be extended to 20 September 2012.

Senator Cash to move:
That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 11 am, as follows:

(a) on Thursday, 11 October 2012; and
(b) on Thursday, 1 November 2012.

Senator Fawcett to move:
That the Joint Standing Committee on Treaties be authorised to hold public meetings during the sittings of the Senate to take evidence for the committee's inquiry into the ongoing review of tabled treaty actions, from 1 pm, as follows:

(a) on Monday, 29 October 2012; and
(b) on Monday, 26 November 2012.

Senator Moore to move:
That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 18 September 2012, from 11 am.

Senator Moore to move:
That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 11 am to 2 pm, to take evidence for the committee's inquiry into slavery, slavery like conditions and people trafficking.

Senator Nash to move:
That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 5.30 pm, as follows:

(a) on Wednesday, 19 September 2012; and
(b) on Wednesday, 10 October 2012; and
(c) on Wednesday, 31 October 2012; and
(d) on Wednesday, 28 November 2012.

Senator Siewert to move:
That the time for the presentation of the report of the Community Affairs References Committee on palliative care in Australia be extended to 10 October 2012.

Senator Siewert to move:
That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 18 September 2012, from 12.35 pm.

Senator Xenophon to move:
That the Joint Select Committee on Gambling Reform be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 4 pm, as follows:
(a) on Tuesday, 18 September 2012;
(b) on Tuesday, 9 October 2012;
(c) on Tuesday, 30 October 2012; and
(d) on Tuesday, 27 November 2012.

Senators Back and McKenzie to move:
That the following matter be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 21 March 2013:
Teaching and learning – maximising our investment in Australian schools, with particular reference to:
(a) the effectiveness of current classroom practices in assisting children to realise their potential in Australian schools;
(b) the structure and governance of school administration – local and central – and its impact on teaching and learning;
(c) the influence of family members in supporting the rights of children to receive a quality education;
(d) the adequacy of tools available for teachers to create and maintain an optimal learning environment;
(e) factors influencing the selection, training, professional development, career progression and retention of teachers in the Australian education system; and
(f) other related matters.

Senator Abetz to move:
That the Senate—
(a) notes that the Supreme Court of Victoria twice declared the blockade of Grocon’s Emporium site on Lonsdale Street in Melbourne to be illegal; and
(b) condemns the Construction, Forestry, Mining and Energy Union’s blockade of this site, contrary to the rule of law.

Senator Abetz and Senator Joyce to move:
That the Senate—
(a) notes that:
(i) there is bipartisan support for foreign investment, provided that the particular foreign investment is not contrary to the national interest,
(ii) the Treasurer (Mr Swan) has approved the potential sale of Cubbie Station to a consortium 80 per cent owned by Shandong RuYi Scientific and Technological Group Co Ltd,
(iii) the Treasurer has failed to explain why the potential sale to a majority foreign-owned consortium of one of Australia’s most valuable irrigation properties, with a water licence equal to 6 per cent of the water use in the northern Murray-Darling Basin, is not contrary to the national interest, and
(iv) Annex II of the Treasurer’s own policy on foreign investment requires him to consider the effect of the proposal on:
(A) the quality and availability of Australia’s agricultural resources, including water,
(B) land access and use,
(C) agricultural production and productivity,
(D) Australia’s capacity to remain a reliable supplier of agricultural production both to the Australian community and our trading partners,
(E) biodiversity, and
(F) employment and prosperity in Australia’s local and regional communities;
(b) calls on the Treasurer to provide a statement detailing:
(i) how the Treasurer determined the ownership and control of the consortium, particularly in the context of the national interest,

(ii) why the Treasurer did not publish an interim order to extend the period of consideration by 90 days as required by Australia’s Foreign Investment Policy, and

(iii) why the sale is not contrary to the national interest and release the advice to the Treasurer from the Foreign Investment Review Board (FIRB) and associated documents, including what, if any, other options were considered; and

(c) calls on the Government to ensure that foreign investment transactions are transparent by:

(i) establishing a publicly available national register of all foreign acquisitions of Australian agricultural land,

(ii) reducing the financial threshold for FIRB examination of foreign acquisitions of Australian agricultural land, and

(iii) ensuring that at least one member of FIRB has experience in agricultural management.

Senators Bernardi and Fifield to move:

That the Senate—

(a) congratulates:

(i) the Australian Paralympic Team on their performance at the London 2012 Paralympic Games,

(ii) Mr Matthew Cowdrey for his achievement on becoming Australia's most successful paralympic athlete with 13 career gold medals, and

(iii) Ms Jacqueline Freney for winning eight gold medals and being the highest-ranked medallist for the London 2012 Paralympic Games; and

(b) acknowledges:

(i) the dedication and effort of the Australian athletes, coaches and support staff in representing our country, and

(ii) that the success of the Australian Paralympic Team is an inspiration to all Australians.

Senator Ludlam to move:

That the Senate—

(a) notes evidence provided at Senate Estimates on 28 May 2012 by the Secretary of the Department of Defence (Mr Lewis), regarding the 2013 Defence White Paper process not including a community consultation process, but instead engaging peak organisations, industry groups and think tanks; and

(b) calls on the Government to:

(i) detail which peak organisations, industry groups and think tanks will be afforded the opportunity to provide input into the 2013 Defence White Paper and the criteria for their selection,

(ii) state the reasons for not incorporating a public consultation component into the development of the paper, and

(iii) advise the Senate whether the Government is interested in hearing from the Australian public on the development of the paper; and if so, how.

Senator Waters to move:

That the Senate—

(a) notes:

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

(ii) that the Queensland Premier (Mr Newman) is ready to sacrifice the Great Barrier Reef for mining and development;

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

Senator Cormann to move:

(1) That the Senate:

(a) notes that:

(i) there continues to be serious doubt about the revenue the Minerals Resource Rent Tax (MRRT) will raise,
(ii) the Government has steadfastly refused to release the key Mining Tax revenue assumptions they have used, such as commodity price and production volume assumptions,

(iii) in order to secure Australian Greens’ support for the MRRT legislation in the Senate despite that lack of transparency, the Prime Minister (Ms Gillard) promised on 18 March 2012 that monthly updates on revenue collections from the MRRT would be published,

(iv) the MRRT legislation commenced on 1 July 2012,

(v) still no monthly updates of the revenue collected from the MRRT have been published by the Government, and

(vi) when the Government was previously questioned about its failure to publish monthly updates of revenue collections from the Mining Tax as promised, the Leader of the Australian Greens, Senator Milne, stated in the Senate on 15 August 2012 that the undertaking from the Government was that Treasury will make that material publicly available, and that will occur, yet it still has not; and

(b) calls on the Government to explain its continuing failure to provide monthly updates of the MRRT revenue collections as promised.

(2) That there be laid on the table by the Minister representing the Treasurer, no later than noon on the 30th day of every month, information relating to the MRRT revenue collected by the Government in the preceding calendar month, broken down by state or territory of collection and by commodity type.

(3) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.

(4) This order is of continuing effect.

Senator Siewert to move:
That the Senate calls on the Government to ban all super trawlers from Australian waters.

Senator Hanson-Young to move:
That the Senate calls on the Government to:
(a) halt the sale of Cubbie Station;

(b) release the written advice provided by the Foreign Investment Review Board to the Treasurer (Mr Swan) regarding the proposed sale of Cubbie Station announced on Friday, 31 August 2012; and

(c) complete and release a national audit of foreign ownership of water entitlements.

Senators Hanson-Young and Di Natale to move:
That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, and for related purposes. Migration Amendment (Health Care for Asylum Seekers) Bill 2012.

Senator Collins to move:
That the Marriage Amendment Bill (No. 2) 2012 be listed on the Notice Paper as a government business order of the day.

Senator Collins to move:
That, on Tuesday, 18 September 2012:
(a) the hours of meeting shall be from 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
(b) the question for the adjournment of the Senate shall not be proposed until 10 pm and standing order 54(5), relating to the adjournment debate, shall apply;
(c) consideration of government documents under standing order 61 shall not be proceeded with; and
(d) the routine of business from 7.30 pm shall be:

(i) consideration of the government business order of the day relating to the Marriage Amendment Bill (No. 2) 2012, and

(ii) adjournment.

Senator Collins to move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
International Monetary Agreements Amendment (Loans) Bill 2012
That, for the purposes of section 198AB of the Migration Act 1958, the Senate approves the designation of the Republic of Nauru as a regional processing country, by instrument made on 10 September 2012.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (15:02): I table for the information of the Senate a revised ministry list of 7 September and seek leave to have the document incorporated in Hansard. I failed to do it at the start of question time.

Leave granted.

The document read as follows—

SECOND GILLARD MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Minister Assisting the Prime Minister on Mental Health</td>
<td>The Hon Mark Butler MP</td>
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<td>Reform</td>
<td>The Hon Gary Gray AO MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
<td>Senator the Hon Jan McLucas</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>Treasurer (Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
<td>Senator the Hon Penny Wong</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
<td>Senator the Hon Penny Wong</td>
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<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Science and Research (Leader of the Government in the Senate)</td>
<td>The Hon Greg Combet AM MP</td>
<td>Senator the Hon Chris Evans</td>
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<td>Minister for Industry and Innovation</td>
<td>The Hon Greg Combet AM MP</td>
<td>Senator the Hon Kate Lundy</td>
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<td>Minister for Small Business</td>
<td>The Hon Brendan O’Connor</td>
<td>Senator the Hon Kate Lundy</td>
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<td>Minister Assisting for Industry and Innovation</td>
<td>Senator the Hon Kate Lundy</td>
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<td>Parliamentary Secretary for Industry and Innovation</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>Parliamentary Secretary for Higher Education and Skills</td>
<td>The Hon Sharon Bird MP</td>
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<td>Minister for Broadband, Communications and the Digital Economy (Deputy Leader of the Government in the Senate)</td>
<td>Senator the Hon Stephen Conroy</td>
<td>The Hon Anthony Albanese MP</td>
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<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>The Hon Simon Crean MP</td>
<td>Senator the Hon Stephen Conroy</td>
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CHAMBER
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Answers to Questions

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:03): I move:

That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Senators Brandis, Cormann and Edwards today.

It was interesting today—and I think it frames it—when Senator Ludwig stated, 'We're committed to a low-carbon economy.' He stated this with all the enthusiasm of a bereaved pensioner at the loss of their dearly loved pet. We slowly see every piece and everything that was formerly a structure of what was the Labor Party's raison d'etre—the reason for them to govern—taken away.

We had the carbon price. First of all, the carbon price started, and Senator Wong was crucial in this, because it was a big thing that was formerly a structure of what was the Labor Party's raison d'etre—the reason for them to govern—taken away.

We had the carbon price. First of all, the carbon price started, and Senator Wong was crucial in this, because it was a big thing that was formerly a structure of what was the Labor Party's raison d'etre—the reason for them to govern—taken away.
Prime Minister Gillard. We had the famous interview on the Brisbane River, where she said, 'There will be no carbon tax under the government I lead.' We all thought that that meant that there would be no carbon tax, so the greatest moral challenge of our time had become not a challenge at all—in fact, not even worth mentioning.

Then we had the thing called the election, at which point in time we thought that she would keep to her promise, but of course she did not; she met the Greens. The Greens trusted her to change her stated position, to change her word and to dispense with her word, and all of a sudden the carbon tax was back on the agenda. Then it was the greatest moral challenge of our time again. In fact, they locked it in and they were never going to change it. It was never, ever going to be amended, changed or affected in any way, shape or form. It was locked in. It was guaranteed. It was not going anywhere—until last week. Then it started going somewhere. They started removing it. All of a sudden the greatest moral challenge of our time became the greatest moral challenge of our time when you take into account the European scheme. So all of a sudden it is a complete change of position. Of course, that meant all their budgetary figures had completely fallen over, so it was very apt that Senator Wong, who was also supposed to be the finance minister, had completely stepped away from one of the main planks of her forward budget position.

This went hand in glove with the brown coal position. Brown coal used to be this filthy, dirty, naughty, immoral rock. A terrible rock was brown coal. It had to be dispensed with. It had to be removed from the face of the planet. We certainly could not have brown coal generating electricity. It was just out of the ballpark. We just could not have it—until last week. Now brown coal, with the maintaining of Hazelwood, is a noble, righteous, life-giving rock. It has changed position. The moral impediment of brown coal has now changed, because everything changes with the Labor Party. You cannot believe anything—just like Senator Chris Evans's position that the Pacific solution was a disgrace, and now it is a key plank of their immigration policy.

And then we have Senator Penny Wong. She was the climate change minister. Then she was jettisoned from that and became the Minister for Finance and responsible for climate change. Now she is not even that. She does not even want to mention it. She cannot mention the phrase 'climate change' now. Could it be that there is something going on in the Labor left? Could it be maybe a sense that they have no soul—a sense that everything they have been associated with they have basically dispensed with, that they are not prepared to stand by anything anymore because they do not have any ticker? There is nothing there. They are vacuous.

And we have budget honesty. What a joke! Where do we start? Do we start with the first debt ceiling of $75 billion or do we move to the next one, where Treasurer Wayne Maxwell Swan announced in 2008 that they would have a temporary limit of $200 billion? Or do you talk about the time they went straight through that to a permanent extension of a quarter of a trillion dollars? Or do we talk about the latest manifestation: the $300 billion debt ceiling. Or do we talk about the fact that they said they would never go near the quarter-trillion limit but now in questions on notice it has come back that they go right up to it? There is nothing. Now do we talk about the $120 billion black hole?

It does not matter how many tosses and turns they have; the one thing they cannot lie about—the one thing they cannot change—is
the absolute paucity of economic credentials and the massive debt that this crowd has got us into.

Senator CAMERON (New South Wales) (15:08): It is a bit rich to be lectured by Senator Joyce and the coalition on either climate change or economics. It is even richer to be lectured on economics by Senator Joyce, the shortest-serving shadow finance minister in the history of this parliament. How long did he last? Not very long. The Leader of the Opposition actually put him in there because he was supposed to be a great retail politician. I am not sure about the argument of being a great retail politician. He certainly is not an economist. He certainly has no capacity to deal in a rational way with the economic issues important to this country.

You only have to look at Senator Joyce last week, out there trying to oppose foreign investment in the farming sector of this country—opposing foreign investment in a farm that was in liquidation. Senator Joyce has absolutely no credibility when he stands up here and talks about economic issues, and I have to say neither has the coalition. We heard these arguments on economics today, but you only have to go back to the failed economics of the Howard government.

The Howard government were absolute economic vandals. They presided over one of the biggest boom periods this country has ever enjoyed. The money was flowing into that government hand over fist, so what did they do? It was tax cut after tax cut with absolutely no strategy, no economic basis—

Senator Fifield: We had a surplus—a smaller boom and a surplus!

Senator CAMERON: I will take the interjection about a surplus. It was like winning the pools: the money was flowing in. You have to have money in the bank when you win the pools. It is not about economic credibility. It is not about a surplus when you win the pools. The money was flying in hand over fist, and all you guys did was let money flow out as quickly as ever.

You just have to look at Peter Costello, whom you worked for, Senator Fifield. Peter Costello did not have the backbone or credibility within the coalition to actually stand up to John Howard on what he thought was the right thing to do: to stop that tsunami of spending that took place.

Senator Fifield: What have you done?

Senator CAMERON: I will take that interjection as well. What have we done? We kept this country out of a recession because of the global financial crisis. That is what we did. You did not face a global financial crisis. It has been wiped off the history of the country by the coalition as if the global financial crisis never happened.

We actually did something for the country. What you did was for your political position and trying to win votes. Even Senator Sinodinos accepts that. Senator Sinodinos was there when he called it 'a lucky dip'. The budget was a lucky dip under the coalition. It was about 'What can we dole out to what group who might vote for us?' It was not about economic credibility, and I always have a bit of a laugh when I hear them standing up here trying to defend the economic position of the Howard government.

You were economic incompetents. You were an economic rabble. You did nothing to build the future of this country. You did nothing for public schools in this country. The state school system was ignored. You did nothing on climate change even though you were supposed to be doing something, even though all the evidence before you was that something had to be done. For pure political reasons you did not deal with the big challenges for this nation. Why? Because
you are economic incompetents and political pariahs in this country. That is what the coalition are. You have not got an economic brain in your head, so don't lecture us about economics. You were a failed government on economics. The history of this nation will make it clear you were economic failures.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:13): God love Senator Cameron; he is one of our greatest electoral assets! But I too rise to speak to the motion of Senator Joyce in relation to answers from Senator Wong. We did ask Senator Wong questions today about tax treatment of superannuation income, the fiscal impact of abandoning the carbon tax floor price and Gonski and how it will be funded. We did not get any answers—no surprise there—but the reason we asked these questions is to point out the fact that this government's fiscal strategy is in tatters. That is nothing new; it always has been since almost day one.

You will know, Madam Acting Deputy President Moore, that this government have not delivered a single budget surplus—not one; not a single one. Listening to Senator Cameron, you would have thought they were paragons of economic and fiscal virtue, but this is not the case. What we hear, and Senator Cameron alluded to it, is that this government have had a lot of bad luck. Bad luck after bad luck; it is always circumstances beyond their control. They are the unluckiest outfit you have ever come across. And what we hear them say time and again is that the reason the budget is in deficit is because of revenue write-downs: 'It's not our fault. The world's a hairy place. Economic growth comes off in the region and around the world, and now revenues fall and that's just the way it is.' That is absolute rubbish. If you look at the budget papers, the overwhelming reason why the budget has been in deficit year after year, each and every year of this government, is due to policy decision. And by policy decisions, I mean decisions to spend money. Yes, there may have been some revenue write-downs, but that is not the reason why this budget is in deficit and every previous Labor budget has been in deficit.

This government has not learnt its lessons, which leads me to the $120 billion black hole that this government has from things like the dental program, Gonski, NDIS, border protection. We are seeing a pattern here where the government will have a grand announcement, there will be a little bit of detail—I will not say no detail, but a little bit of detail—there will often be a small amount of money and then there will be an attempt to demonise the states. It will pick a fight with the states to say that they are the ones in the way of reform. It then follows all of that up with a symbolic piece of legislation. In the case of Gonski, as far as we can tell, the legislation will essentially say it is a good thing if kids get a good education. As far as we know that is all that the legislation being introduced will say in relation to Gonski.

The whole purpose is to give the illusion of activity, just enough money and just enough detail to try to convince people of the government's bona fides. But the reality is that this government does not have the intention to follow through. For me, it is particularly disappointing in the case of the National Disability Insurance Scheme. I have to say I had actually believed that the government was genuine about introducing and fully funding the National Disability Insurance Scheme. I have believed that, and I have worked harder than just about anyone to look for the positives in relation to this government and a National Disability Insurance Scheme. There was only one-quarter of the funding in the last budget that the Productivity Commission said was necessary over the forward estimates to
complete the first phase of the NDIS, which caused me concern. The Prime Minister picking a fight with the states rather than having a cooperative attitude caused me concern. But for me the cock crowed a third time when the Prime Minister completely failed to accept our offer of a joint parliamentary committee to oversee the implementation of the NDIS. That is when I decided that this government was not serious. And now, confirming that view that I have, is Gonski and dental. I fear the NDIS may come a distant second or third to Gonski or dental. I expected better, and I do hope that the government will change its stance.

Senator BILYK (Tasmania) (15:18): I too rise to take note of answers given by Senator Wong today. There were quite a few questions to Senator Wong. In fact, I think Senator Wong probably gets the most questions at any one time, and I have to say I think she does a great job in setting out the facts and letting those on the other side know what irrelevant types of questions they ask us. They actually waste a lot of time in this chamber.

Some of the things that were talked about today—Senator Fifield was just talking about Gonski. You would have to be pretty naive not to realise that at least one person on the other side in the other place has done a complete backflip in respect of Gonski—that is, Mr Pyne. Mr Pyne has led the opposition down the track so that its education policy is now in tatters. He has isolated himself from the states and the majority of education stakeholders, and he has been forced into a humiliating backdown in respect of his earlier position on education funding reform.

What I am referring to is his interview on Insiders that I watched on Sunday morning. What that actually said to the people of Australia was that the opposition have got no clear plan to improve Australia's educational outcomes. They have not supported, for example, the BER project, which has been so important to so many schools—in fact to every school—throughout Australia. In Tasmania we have heard about some other states having a few problems with the BER. Of course when you are doing a major rebuild and building so much major infrastructure in a set time frame, nothing is ever perfect. We have acknowledged that on this side. But in Tasmania, there is not a school I go to that does not speak highly of the BER—including last week when I was up at Yolla District High School in north-west Tasmania having a look at their facilities. It is a great school and the students are great. I was there with some of my Tasmanian Labor colleagues from the Senate. The school could not speak more highly of the money that this government had spent in the BER. Let it be on the heads of those Tasmanian senators opposite, when it comes to election time, that the people of Tasmania are very clear to us about that.

Another thing that was mentioned during question time was the economy. If we have a look at the national accounts figures from last week, it gives us time to pause and reflect on our remarkable economic performance, particularly in the four years since the global financial crisis. They are a bit of a reminder to us that, even in the face of many challenges, we should never lose sight of our strong fundamentals, the resilience of our workers and businesses and our proven track record in dealing with global instability. The Australian economy grew faster than that of every single major advanced economy, both in the June quarter and over the year to June.

It was particularly pleasing to see that that growth was based broadly around households. Household consumption rose, and was supported by low unemployment and rising incomes even though global
turbulence is continuing. We are quite aware that that does weigh on consumer confidence. New business investment climbed, hitting a 40-year high as a share of GDP, as companies continued to invest in the future. New engineering construction reached a record high, with overall engineering construction 60 per cent higher over the year. Public spending increased, underpinned by investment in rail and energy infrastructure, and the rollout of the National Broadband Network—again, another great initiative by this government and one that the Tasmanian people just cannot get quickly enough. We have people ringing to say: 'When can we get on board? When does our turn come up? How can we get it?' It is not just Tasmanians but the whole population of Australia who understand the importance of making sure that we are moving forward and keeping up with the rest of the world, that we are able to communicate. (Time expired)

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (15:23): I rise also to take notice of answers given by Senator Wong to questions asked by Senators Brandis, Cormann and Edwards. I noted that, in her opening comments, Senator Wong studiously avoided answering any of those questions. She went right out of her way to avoid ruling out changes to superannuation that would disadvantage holders of superannuation accounts across the country. Similarly, she avoided any semblance of an answer to the issue of the impact on the budget of scrapping the carbon tax floor price. When Senator Edwards asked her about industry closures in South Australia, there was, once again, no substance whatsoever to her answers.

This is typical of the lack of transparency that is endemic in this government. They were elected in 2007 on the basis of something that I believe was called Operation Sunshine, which was apparently going to open the blinds and allow sunshine into the operations of the government. Five years later, we are yet to see even a little peek of sunlight coming in through the window. To the contrary, I think it has become noticeably darker in government since 2007. The government have become masters at trying to put forward ideas without actually giving any details or putting forward ideas that are not being funded, and I will get into that a little more in a minute, with a view to trying, as Senator Fifield put forward much more eloquently than I would ever be able, to create the impression that they are taking action on these issues. There is just enough information and just enough money to make it look like there is a possibility that they are taking some action but, in reality, there is no substance behind it and there is no money behind it.

It is highlighted by the fact that this nation is currently facing a $120 billion black hole as the government of the day, this Labor Gillard government, makes promise after promise of these massive and hugely costly programs that it will put in place—things like the National Disability Insurance Scheme and the Gonski educational changes. There is also the new-fangled dental scheme that will deal with the dental needs of millions of Australians, which I think is a particularly cruel one. There are Australians right across the country who have very urgent and painful dental needs that need to be addressed. We do need to work out how to deal with that. The Howard government put in place through the Chronic Disease Dental Scheme a very appropriate and well-funded way of doing so, but that scheme is going to be scrapped. The government is now promising a new dental scheme which will not come into effect for some years and, in the interim, there is nothing for those people who need urgent dental care. The reality is that there is no funding for the
scheme when it is due to come in in any event.

Senator Cameron entertained us with his standard fare, where he plays the man. He attacked Senator Joyce and spent some time getting stuck into him. Senator Joyce has a far better understanding of the welfare and needs of ordinary Australians out there across the country than Senator Cameron will ever have. Then he played the second of his standard tricks, which is to attack the economic record of the Howard government. He takes a very selective focus and ignores all the major economic indicators that matter to the welfare of Australians, such as fiscal responsibility and employment rates. Senator Abetz is in the chamber and, as the shadow minister for industrial relations, can attest to the fact that we had record low unemployment rates during the Howard years. Senator Cameron ignores the fact that real spending on health and education rose massively in the Howard years but has not continued to do so. There is the tax reform undertaken during the Howard years, the tax cuts that were provided to people across the income spectrum, and the environmental challenges that were addressed through initiatives such as Green Corps and Landcare. I ask Senator Cameron whether he recalls when the four biggest surpluses in this country were delivered. If he actually goes to the trouble of having a look, he will find that the answer is that they were in the last four years of the Howard government. In fact, when were the four biggest deficits that this country has ever seen? The answer is that they were in the first four budgets of this Labor government. I suspect that, when the numbers come in for the year that has just ended, we will probably find that it is the fifth biggest surplus—amongst the five biggest surpluses; it may well be higher than five.

Senator Fifield: Deficits.

Senator BUSHBY: I am sorry; yes, deficits. Senator Fifield is right: the deficits they have achieved have been all about their spending decisions not about revenue. (Time expired)

Question agreed to.

James Price Point

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:29): I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Milne today relating to a proposed gas hub at James Price Point, Western Australia.

It is ironic that today, as protesters scaled the James Price Point gas rigs in protest about what is going on over there, Woodside should put out a statement saying that people should express their views in a peaceful and lawful manner. This comes on top of revelations over the weekend that Woodside pressured the Western Australian government to withdraw advice that had been made to Woodside about Woodside breaching Aboriginal heritage law—which would in fact see the directors of Woodside liable if that breach was demonstrated. Woodside is asking the protestors to protest in a peaceful and lawful manner; that is exactly what they are doing. But it would seem Woodside has some serious questions to answer, as does the Barnett government in Western Australia. What exactly is the relationship between Woodside, Colin Barnett and the Western Australian government in relation to the Browse Basin project being put forward by Woodside?

It is already evident in the assessment that was done by the Environmental Protection Authority over there that four of the five board members had to recuse themselves from the assessment because they had a
conflict of interest, even though three of those five participated for something like 44 out of the 48 months this whole project was being assessed. They were there with a conflict of interest. That in itself is an appalling revelation. Now we discover that the one person who ticked off the project, the director, indicated in the report that there were issues that needed to be dealt with and addressed—including the marine and landscape impacts, greenhouse gases, heritage concerns and groundwater—and then failed to address them.

The point here is that the minister, Mr Burke, has had a request on his desk for more than a year now to immediately move for a declaration under sections 9 and 10 of the Environment Protection and Biodiversity Conservation Act to protect the area from desecration which is clearly going on. Woodside knows full well that these areas have significant Aboriginal heritage and yet has sought the Western Australian government's complicit engagement in withdrawing that particular correspondence. In any other set of circumstances, we would be calling for an inquiry to look at what level of corruption has been engaged in here—and yet we have the minister, Mr Burke, sitting on his hands and doing nothing as we see Woodside moving in to desecrate the area of James Price Point knowing full well that there are significant Aboriginal heritage sites there. How is that possible? Is it because we have a federal government that is trying to facilitate Woodside and the Western Australian government and turn a blind eye to the Aboriginal heritage that is there for everyone to recognise at James Price Point? It is time for a serious assessment of the relationship between the players and what has been going on. As Geoffrey Cousins has said:

This is a form of corruption where the government of the day is prepared on behalf of a preferred company to conceal information on an issue of public debate.

Now we have the EPA making its assessment for the Commonwealth government, and the Commonwealth government will rely on the EPA assessment to make a judgement about those impacts. We already have an understanding that four out of the five board members had to recuse themselves and it was ticked off by one person; now we find that the Western Australian government agreed to withdraw important information—information which, if it had been left there, would expose the directors of Woodside to jail under the act. That is how serious this matter is.

The whole thing shows there is a big stench of corruption coming out of the assessment of the Woodside proposal at James Price Point. The coalition of joint venture partners of Woodside must be increasingly worried about the stench that will attach to them as they continue to be associated with the project when virtually none of them wanted to be at James Price Point. They would be happy for it to be moved; but no, it is Woodside and the Barnett government that are insisting on opening up the Kimberley. Even the assessment on the whales is extremely misleading. This has to be dealt with.

Question agreed to.

NOTICES
Presentation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:35): I give notice that, on the next day of sitting, I shall move: That the provisions of paragraphs 5 to 8 of standing order 111 not apply to the International Monetary Agreements Amendment Loans Bill 2012 and the Statute Law Revision Bill 2012,
allowing them to be considered during this period of sittings.

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

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2012 SPRING SITTINGS

INTERNATIONAL MONETARY AGREEMENTS AMENDMENT (LOANS) BILL

Purpose of the Bill

The purpose of the bill is to amend the International Monetary Agreements Act 1947 (the Act) to accept changes to the IMF Executive Board Decision which established the IMF New Arrangements to Borrow (NAB) (the NAB Decision), with the effect of reducing Australia’s current credit arrangement under the NAB once Australia’s agreed IMF quota increase has come into effect and been paid for; and giving effect to other minor changes to the NAB Decision.

Reasons for Urgency

Passage of the bill in the 2012 Spring sittings is essential to continuing to meet Australia’s commitments under the NAB once changes to the NAB Decision come into effect.

The changes to the NAB Decision will give effect to a roll-back in NAB credit arrangements, including a decline in Australia’s NAB commitment from SDR 4,370.41 million to SDR 2,220.45 million, and to other minor technical changes.

It is critical that the bill amending the Act to reflect changes to the NAB Decision is passed by 17 November 2012. The definition of the NAB currently provided by the Act is restricted to the current version of the NAB Decision. Consequently, early passage will ensure that the standing appropriation that s 8B of the Act provides for in relation to Australia’s obligations under the NAB continues to be applicable once the amendments to the NAB Decision take effect.

If the bill is not passed by 17 November 2012, Australia’s ability to meet its obligations under the NAB will be put at risk.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:35): Pursuant to section 198AB of the Migration Act 1958, I table a legislative instrument designating a country as a regional processing country. I give notice that on the next day of sitting I shall move:

That for the purposes of section 198AB of the Migration Act 1958, the Senate approves the designation of the Republic of Nauru as a regional processing country by instrument made on 10 September, 2012.

I also table documents relating to this matter pursuant to section 198AC of the Migration Act 1958.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Meeting

Senator CROSSIN (Northern Territory) (15:36): by leave—I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today from 5 pm to take evidence for the committee’s inquiry into the Maritime Powers Bill 2012 and related bill.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:37): I move:

That the following general business orders of the day be considered on Thursday, 13 September
2012 under the temporary order relating to the consideration of private senators’ bills:
No. 20 Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010
No. 78 Government Investment Funds Amendment (Ethical Investments) Bill 2011.

Question agreed to.

Rearrangement

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:37): I move:

That the vote deferred on 23 August 2012 relating to a motion to disallow a catch quota for the Australian small pelagic fishery be taken after the discovery of formal business.

Question agreed to.

Leave of Absence

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:38): by leave—

That leave of absence be granted to the following senators 2012:
(a) Senator McEwen from 10 September to 13 September 2012, for personal reasons;
(b) Senator McLucas from 10 September to 11 September 2012, on account of parliamentary business; and
(c) Senator Polley from 10 September to 13 September 2012, on account of parliamentary business.

Question agreed to.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:38): by leave—

That leave of absence be granted to the following senators 2012:
(a) Senator Birmingham from 10 September to 21 September 2012, for personal reasons;
(b) Senator Boyce from 10 September 2012, for personal reasons; and
(c) Senator Parry from 10 September to 13 September 2012, on account of parliamentary business.

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the names of the Leader of the Australian Greens (Senator Milne) and Senator Xenophon for today, proposing a reference to the Economics References Committee, postponed till 12 September 2012.

MOTIONS

Tripa Forest

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:39): I move:

That the Senate—
(a) notes:
(i) the Tripa forest in Sumatra, an area covered by a 2-year moratorium on new forest-clearing concessions, is being burnt by deliberately lit fires and cleared in order to make way for palm oil concessions,
(ii) the forest is home to people and wildlife and stores massive quantities of carbon, and is also home to the largest concentration of Sumatran orang-utans,
(iii) that leading experts believe the loss of the Tripa forest could lead to the local extinction of Sumatran orang-utans,
(iv) that humanitarian and conservation organisations working within the region have reported that villagers are suffering from health problems associated with the burning and have been subjected to intimidation from both palm oil companies and Indonesian police,
(v) the chair of President Yudhoyono’s task force on forests and carbon has expressed concern that ‘opening up Tripa – an area with high conservation value and home to many
animals endemic to Indonesia – is a grave mistake;

(vi) while the Indonesian Government has launched a police investigation into the criminal activity in the area, palm oil companies continue to illegally clear protected forest, a process that has destroyed countless livelihoods;

(vii) Australia is a significant consumer of palm oil from South East Asia, particularly Indonesia, as Australia imports 130 000 tonnes of palm oil each year;

(viii) the Tripa forest crisis has received major international news coverage in publications such as Time Magazine, Voice of America, the Guardian, the Australian, the Sydney Morning Herald, and the Independent, and

(ix) many conservation groups in Indonesia regard Tripa as a test case that will determine the future of the $1 billion agreement on carbon and forests between Norway and Indonesia;

(b) welcomes the Indonesian Government’s investigations of law-breaking in Tripa forest in early May 2012; and

(c) calls on the Australian Government to request the Indonesian Government to fully enforce the law that protects this important region and cease all clearing in the Tripa forest.

The ACTING DEPUTY PRESIDENT (Senator Moore): The question is that the motion moved by Senator Milne be agreed to.

The Senate divided: [15:44]

(The Acting Deputy President—Senator Moore)

Ayes ..................... 10
Noes ....................... 31
Majority ...................... 21

AYES

Back, CJ
Bilyk, CL
Colbeck, R
Crossin, P
Farrell, D
Feeney, D
Fifield, MP
Gallacher, AM
Madigan, JJ
Moore, CM
Pratt, LC
Ryan, SM
Smith, D
Sterle, G
Thorp, LE
Williams, JR

NOES

Back, CJ
Bilyk, CL
Colbeck, R
Crossin, P
Farrell, D
Feeney, D
Fifield, MP
Gallacher, AM
Madigan, JJ
Moore, CM
Pratt, LC
Ryan, SM
Smith, D
Sterle, G
Thorp, LE
Williams, JR

Question negatived.

World Suicide Prevention Day

Senator WRIGHT (South Australia) (15:46): I seek leave to amend general business notice of motion No. 886 standing in my name relating to World Suicide Prevention Day.

Leave granted.

Senator WRIGHT: I, and also on behalf of Senator Fierravanti-Wells, move the motion as amended:

That the Senate—
(a) notes that Monday, 10 September 2012 is World Suicide Prevention Day;
(b) recognises that:

(i) suicide is the leading cause of death in Australia for men under 44 years of age and women under 34 years of age,

(ii) the most recent data from the Australian Bureau of Statistics reports death due to suicide at 2 132 people per year, which amounts to 6 deaths by suicide a day or one every 4 hours, and

(iii) suicide remains underreported and estimates suggest that the total number of deaths could be as high as 2 500 a year; and

(c) calls on all governments to:

(i) promote increased awareness about the problem and complexity of suicide and the
different ways individuals, organisations and communities can work together to reduce suicide rates and the incidence of suicidal behaviours, and

(ii) address impediments to the accurate collection of suicide data in Australia as recommended by the Community Affairs References Committee in its 2010 report, The hidden toll: Suicide in Australia.

Question agreed to.

BILLS

Marriage Amendment Bill (No. 2) 2012

First Reading

Senator CROSSIN (Northern Territory) (15:47): by leave—I, and on behalf of Senators Brown, Marshall and Pratt, move:

That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to establish marriage equality, and for related purposes.

Question agreed to.

Senator CROSSIN: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CROSSIN (Northern Territory) (15:48): I move:

That this bill be now read a second time.

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

Leave granted.

Senator CROSSIN: I table the explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

I am proud to be here today to present this bill that amends the Marriage Act to establish marriage equality in Australia. I believe in the institution of marriage. Marriage is not only a private, mutual commitment of love and friendship between two people—it is also a public recognition of this commitment, bringing with it important social, cultural, psychological, administrative and legal benefits to a married couple. It is a joyous occasion, a celebration, a custom recognised by the many cultures we have in this country.

Yet in Australia it is an exclusive institution. Despite marriage being about the pledge of love, friendship and fidelity between two people, it excludes many Australian couples who hold those values from participating in this institution simply because of their sexuality. Australians do not tolerate discrimination based on race or religion or ethnicity or sexuality. And still we have Commonwealth law, about a fundamental social and legal institution, that in its very meaning entrenches discrimination. Time and time again studies show that this type of inherent discrimination is a significant contributing factor to poor mental and physical health outcomes.

Legislating for marriage equality would nurture inclusion and acceptance for same-sex couples, and their family and friends, in society. There is also strong evidence from psychologists indicating that marriage equality would lead to improved mental and physical health outcomes for the LGBTI community. Since coming in to government in 2007, the Labor Party has changed a range of laws to give same-sex couples equality in areas including tax, social security, health, aged care and employment. But almost equal is not equal. Discrimination based on sexuality is still discrimination. And refusing to legislate for marriage equality in a secular, egalitarian society such as ours is morally wrong.

This bill makes some very simple changes to the Marriage Act. Firstly, it changes the objective of the Marriage Act to be more inclusive, stating that the act ensures all adult couples have equal access to marriage, irrespective of sex, who have a mutual commitment to a shared life. It also changes the definition of marriage to the union of two people, to the exclusion of all others,
This bill also inserts a new paragraph in to section 47 to make it absolutely clear that the Marriage Act does not impose an obligation on ministers of religion to solemnise a marriage of a same-sex couple. This is an important provision—Australians enjoy constitutionally-protected freedom of religion. The separation of church and state means marriage is a legal contract in the eyes of the state, and can be either religious or civil in nature. Ultimately, the state should not force any minister of religion or marriage celebrant from solemnising a same-sex marriage, and this amendment makes that clear. Marriage as a practice and an institution in society has evolved over time.

Simply stating 'tradition' as an argument against marriage equality is not good enough—marriage traditions have changed over previous centuries. Marrying to purely prevent children from being born out of wedlock, for financial security or as part of a contract to guarantee an empire, whether monarchical or commercial, were also considered traditional marriages that have thankfully evolved and are no longer the norm.

It is time the Commonwealth Parliament of Australia truly represented its people and legislated for marriage equality. We agree that discrimination based on sexuality should not be tolerated simply because it is tradition. We will no longer condone the notion that your relationship is less worthy than mine, simply because you are a same-sex couple.

We have listened and we are acting. I commend this bill.

Senator CROSSIN: I seek leave to continue my remarks.

Leave granted.

Debate adjourned.
rules, and supervise to ensure that is happening. (Time expired)

The ACTING DEPUTY PRESIDENT: The question is that the disallowance motion moved by Senator Whish-Wilson be agreed.

The Senate divided. [15:55]
(The Acting Deputy President—Senator Moore)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
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<td>......................</td>
<td>........................</td>
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</tbody>
</table>

AYES

- Di Natale, R
- Ludlam, S
- Riordan, L
- Waters, LJ
- Wright, PL

NOES

- Back, CJ
- Bernardi, C
- Brown, CL
- Cameron, DN
- Collins, JMA
- Crossin, P
- Farrell, D
- Feeney, D
- Furner, ML
- Kroger, H (teller)
- Marshall, GM
- Moore, CM
- Pratt, LC
- Singh, LM
- Stephens, U
- Thistlethwaite, M

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Live Animal Exports

The ACTING DEPUTY PRESIDENT (Senator Moore) (15:58): I inform the Senate that at 8.30 am today, Senator Fifield and Senator Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, I inform the Senate that the following letter has been received from Senator Siewert:

The Gillard Government's failure to properly regulate and monitor the live export trade via the Exporter Supply Chain Assurance System and ensure animal welfare concerns are properly addressed.

Is the proposal supported?

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

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

Senator RHIANNON (New South Wales) (15:58): Today we debate the ongoing animal welfare crisis in the live export trade. It is saddens and distresses me to think of the suffering of animals sold into the live export trade. These are concerns shared by the majority of Australians. There is a systemic failure to ensure the welfare of animals being exported from Australia. Sheep and cattle continue to suffer inhumane treatment under the government’s live export supply chain assurance system. The system is fatally flawed because it was never designed to ensure animal welfare. It was hatched by industry and bureaucrats as a political fix and as a means to manage media, that has done so much to inform the public of the cruel reality of the live export trade.

In 2011, when the ABC’s Four Corners program exposed the cruel, brutal exploitation of animals on long voyages and their horrific treatment in overseas abattoirs,
the Gillard Labor government was forced to halt the trade and set up an inquiry in response to the public outrage and concern. The government went into crisis mode and established a dedicated live exports body to manage the public outcry, and a series of industry-government working groups cobbled together a new regulatory system.

What emerged from that process was the resumption of the live export trade with new rules. But it has proven to be business as usual for the industry, with ongoing cruelty and suffering for the animals. The simple truth of the matter is that there is no humane way to ship thousands of animals across the world to slaughter. The only humane solution is to ban the live export trade and instead assist an industry transition in Australia to develop an ethical meat processing and export market.

The reality was brought into stark relief last week when once again ABC television aired shocking footage taken by an Animals Australia investigation which exposed the cruel slaughter of Australian sheep in an illegal Kuwaiti market. The Al Rai market in Kuwait, which has been the scene of terrible animal rights abuses, is not approved under the government's new supply chain system, so it is illegal for livestock to be sent there. However, hundreds of Australian sheep have been openly sold in this market in blatant disregard of the new regulatory system. I congratulate Animals Australia and Lyn White for the investigative footage that was screened in Australia last week. Without this information we would not know about the abuses of this system. There is no one on the ground in these destination countries to oversee compliance with the federal government's regulations.

The incident at Al Rai market is an extremely serious breach of the new Exporter Supply Chain Assurance System. It should lead to the exporter facing criminal sanctions and losing their licence. This is needed to send a clear message to the industry and the public that any failure to comply with the new system will not be tolerated. The agriculture minister, Mr Joe Ludwig, needs to fully answer for his department's slow response to this distressing incident and why they passed responsibility on to the exporter to ensure that animals do not end up in illegal markets. The government is failing to protect animal welfare because its system is failing badly, and we are left to rely on the diligence of Animals Australia to monitor the live export trade. While the Greens are critical of the Al Rai market incident, we do welcome that the government has set up an investigation into this matter.

A few days before this story broke we had also heard that there were two live export sheep shipments stranded for over a week in the Middle East. After spending 33 days at sea—more than double the length of time the trip from Australia to Bahrain usually takes—about 22,000 sheep destined for Kuwait were left stranded off Bahrain, trapped and crowded in sweltering summer temperatures. The memorandum of understanding that requires the sheep to be unloaded within 36 hours of reaching port was not enforced. The sheep were eventually offloaded in Bahrain and Pakistan, but very little information is available about the welfare or the mortality rates of the sheep on board. Every one of those sheep suffered, making a mockery of the MOU that supposedly assures their welfare.

An official government investigation into these two shipments needs to be called. The department should be publicly held to account for their handling of the rejections and what appears to be their willingness to participate in a cover-up for the industry. The public expect that the department, as a
body independent of the live export industry, will provide an accurate assessment of events. However, that did not occur in response to these shipments. The department, in one of its statements, referred to ‘delays in approval to unload the sheep in Bahrain’. However, there were no delays. The animals were rejected, otherwise they would not have been forced to source an alternate market for the sheep in Pakistan. The department also stated:

This use of an alternate port is consistent with the requirement for exporters to have contingency arrangements in place for all voyages.

That statement is completely misleading. How could Pakistan have been a contingency plan when it did not have ESCAS—Export Supply Chain Assurance System—approval at that time and Pakistan has never taken Australian sheep? It was a case of deception rather than decency. It also should be noted that neither the RSPCA nor Animals Australia were officially notified of these incidents. The RSPCA especially should have been told, as they are represented on the review of the Australian Standards for the Export of Livestock, which relates to selection and inspection of animals.

The department also appears to be trying to keep the line that there has not been a high level of mortality in these incidents. Without a high-mortality event there would be no official government investigation into either the Ocean Shearer’s refusal to unload or the Al Shuwaikh. There are reports coming out that the department has said that 22,000 sheep were unloaded when the Pakistani government agreed to that shipment arriving there. But the Pakistani government is reporting that it was 21,000 sheep that were unloaded. So again there is a discrepancy indicating a high level of mortality that needs to be further explored.

All these developments underline why the agriculture minister should initiate a full and transparent investigation into the voyages of both the Ocean Drover and the Al Shuwaikh. It is disheartening to reflect that in 2003 over 6,000 sheep died on the MV Cormo Express while waiting to be unloaded in the Persian Gulf and 10 years on we still have not learnt the lesson that the welfare of animals bound for live export cannot be assured. There is a clear way forward for the Australian meat and livestock industry if a ban on live exports was in place. Thousands of jobs could be created by making the shift to processing more meat in Australia. ACIL Tasman’s 2009 review into the live sheep trade found that phasing out live sheep exports would have long-term benefits for farmers and the economy.

In the 1970s the Australian meat processing industry employed between 40,000 and 48,000 workers. By 2009 the number had dropped to around 32,000 workers. Australasian Meat Industry Employees Union figures show that 150 meat processing plants have shut down due to the live export trade. This trade has been a drain on the meat processing industry, with flow-on effects for those in regional communities. A ban on live exports could be a win-win outcome for both animal welfare and Australian jobs.

This week the House of Representatives member for Denison, Andrew Wilkie, has his livestock export bill down to be debated in the House. It calls for more humane treatment of live export animals and mandatory preslaughter stunning. The Greens do support the bill, although we believe it should be extended to cover ritual slaughter. It would be a step forward to protect the welfare of all these animals. However, we do know that the only answer to guaranteeing the welfare of these animals remains the implementation of a ban on live exports. The Greens will await the outcome of the investigation into the breach of the
live export regulations in Kuwait. I urge all parties and members to reconsider their position and to consider supporting the Greens private member’s bill to ban the live trade, which is the only way forward to end this farce of industry self-regulation, to end the controversy and, most importantly, to end the cruel suffering of these animals, help create tens of thousands of jobs in Australia and boost local and regional economies.

Senator FAULKNER (New South Wales) (16:08): There is no doubt that recent images from live animal export destinations in Asia and the Middle East have been very troubling and deeply disturbing to many Australians. I am certainly well aware of the extent of concern many Australians have about live animal exports and the fact that many of these concerns are ongoing. Of course, the government's policy on this matter is clear. The Australian government supports the export of livestock where acceptable conditions are maintained. The Australian live export trade is important. It supports jobs, it supports families and it supports communities across regional Australia.

Last year, following the evidence of animal cruelty provided to the government and to the ABC’s Four Corners program by Animals Australia, the Australian government acted to temporarily suspend the export of all livestock for the purpose of slaughter to Indonesia. It was proposed that exports would resume when new animal welfare safeguards were established for the trade. Prior to the suspension, exporters of livestock to Indonesia were only required to track exported animals from their origin in Australia to the port of export and report on the outcome of the voyage to Indonesia. An industry-government working group and an independent review were established to develop a regulatory framework to address the areas of concern with the export of livestock to Indonesia. As we know, a new regulatory framework was established requiring exporters of livestock to Indonesia for slaughtering to supply evidence of an acceptable exporter supply chain assurance system before approval to export by the Department of Agriculture, Fisheries and Forestry could be issued. This decision reflects the recommendations of the Farmer review; I think all of those recommendations were accepted by the government.

In October last year the Minister for Agriculture, Fisheries and Forestry announced that the Australian government would extend the Exporter Supply Chain Assurance System framework developed for Indonesia to all livestock exports for the purpose of slaughter by the end of 2012. The new framework is being implemented progressively in countries that receive Australian live animal exports. New regulatory arrangements of course applied immediately to Indonesia and Egypt. Tranche 1, effective from 1 March this year, covered some 75 per cent of the live export trade, including to Kuwait, Bahrain, Qatar and Turkey. Tranche 2, effective from 1 September this year, covered 99 per cent of the live export trade, including to Israel, Japan, Jordan, Malaysia, Oman, the Philippines, Saudi Arabia, Singapore and the United Arab Emirates. Finally, tranche 3 will cover 100 per cent of live animal exports by the end of this year, covering the remaining markets such as Brunei, Mauritius, Russia and Vietnam.

With the support of industry, the new framework is being rolled out with, it seems, minimal disruption to trade. The new framework, the Exporter Supply Chain Assurance System, requires exporters to provide evidence of compliance with internationally agreed welfare standards, demonstrate control through the supply chain, demonstrate traceability through the
supply chain and meet reporting and accountability requirements, and it must include independent auditing.

The Exporter Supply Chain Assurance System regulatory framework for livestock exports provides, as we know, for the investigation of allegations of non-compliance and regulatory action. And this is happening. In fact, the Department of Agriculture, Fisheries and Forestry is currently investigating a complaint alleging that Australian live animal exports have been offered for sale and slaughter outside an approved supplier chain. It is my understanding that those investigations are ongoing and I note that in her speech earlier Senator Rhiannon was planning to await the outcome of those investigations.

The Australian government has worked closely with the livestock industry and state and territory governments to develop the new regulatory framework. It has engaged with our trading partners during the development of the reforms and intends to continue to work with them. I think it would be unrealistic to expect that there will be no more incidents of noncompliance again under the Exporter Supply Chain Assurance System. But I think what is critically important is how incidents in the future are addressed and how we ensure accountability and transparency from exporters and their supply chains.

Reform of the live animal export trade has been a long time coming. It has been vitally important and it is vitally important for government to get the balance right between supporting this important industry, respecting the welfare of animals and giving the Australian community the confidence that our live export trade is world's best practice. I happen to be one person who believes, as a result of all these events over the past 18 months, that we are now much closer to achieving that very important balance.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (16:18): There are some aspects of the Exporter Supply Chain Assurance System that are worthy of note. Regrettably, as I have said often since it has been introduced, there are many aspects of it which are deeply flawed and we do see some of those and we hear commentary in this chamber today about them. In many ways this legislation was set up to fail. It is making completely unreasonable demands on exporters, producers and industry generally and indeed on foreign countries. In fact, it is making demands that Australians would never tolerate if they were in reverse. It is having a devastating effect on rural communities and, perversely, will probably lead to a decline in animal welfare standards in the target markets into which we operate if and when we lose our competitiveness and our access to those industries in those countries, and of course back here in Australia, which I hope to outline.

There is no precedent. What this ESCAS confers on an exporter, under threat of criminal liability, is responsibility for the conduct of every participant in the supply chain right through to the end customer. There is no other product and no other commodity in any other country that imposes on the exporter entire responsibility for the performance of the product right through to the end consumer. The answer is no, they do not have any such information. So what we have with ESCAS unique to the live export trade is a burden of responsibility that rests on nobody else. That
is unfair and untenable and it must be changed. As Senator Faulkner just said, no other country demands any controls at all once a shipment of animals has reached either the port or the airport. They have no control, they have no capacity, they have no demand to work out what is happening in the country to which those animals are being sent.

So I ask this question: is this going to be Australia’s new philosophy now for failure of policy or performance? Why should we stop at live animals? Let us take, for example, the recent revelations of corruption and waste in AusAID. Does that immediately lead then to a demand that we are to withdraw all AusAID in the same way that others are saying, because there apparently has been some failure in the ESCAS of the live export trade in the Middle East, that means we should withdraw that trade completely? Nobody would suggest that. If we have a failure of drugs amongst our Olympians, are we going to say that Australia is not going to send anybody to the Olympic Games? When we have medical and surgical failures in our hospitals, are we then to turn around and say: 'There has been a failure of policy. We must now withdraw from that market'? It is a nonsense that we would do that and it is equally a nonsense those who are calling for the suspension of the live export trade because there has been on this occasion an indication, a trial by media. We have not even yet seen the results of an inquiry and yet here we are being asked to judge.

Let me give you this analogy: let us take it from an export to a domestic situation. Let us imagine for a moment that a family went to buy a pet at an RSPCA shelter. They take the pet home and for whatever reason that family perpetrates some sort of welfare abuse on that animal. Are we then to assume that either the RSPCA senior management or those who are in control of that shelter will be criminally liable for the behaviour of somebody who purchases an animal from that shelter? Of course we would not say that! And yet we are being invited in this debate to blame exporters for behaviours which clearly would be well beyond their control if and when that investigation has been undertaken and completed.

Following the earlier two speakers, let me give you some indication of the consequences of ESCAS on producers, on support services, on communities in rural Australia and on the Australian economy generally. Contrary to what Senator Faulkner actually said when he indicated that there has been minimal effect on the export trade, everybody who was in the chamber last sitting period would know that I asked the agriculture minister, Senator Ludwig, if he could explain why live animal exports to Indonesia had halved. And, indeed, through you Madam Acting Deputy President, I also made the point to Senator Rhiannon that far from beef sales going up they had also halved. I will come back, if time permits, to debunk the myth about a stopping of live exports leading to an increase in beef sales.

On 1 September 2012 we have, as a result of this ESCAS tranche 2, lost the live export trade to Saudi Arabia, one that we have supplied for some 35 years. We now look like we have lost the sale of live cattle to Turkey, a tremendous trade and a tremendous product for the Turks. And the Egyptians are now indicating that they may not be interested in taking animals. I made the point earlier that the perverse effect of all of this is a reduction in animal welfare standards in the target markets. Why? Because Australia, alone of the 109 countries that export animals around the world, is the only one that has ever invested time and money and expertise to improve standards of animal welfare in these countries. If and when the live export trade finishes, and there
are those who want to see that happen, we have no doubt at all that animal welfare standards will deteriorate to those levels that I observed when I was a veterinarian involved in this trade back in the early 1980s. And I am pleased to say that I did not observe them in Australian animals that we were shipping, but I certainly did observe them in locally bred and supplied animals.

So we have a circumstance now where, as I asked the minister the other day, we are facing the risk of foot-and-mouth disease getting into Indonesia. The Indonesian government, as a direct result of the decisions taken last year, have now decided that their beef processors and beef importers can look at importing beef from so-called foot-and-mouth disease-free zones in Brazil. History knows, and my own association, the Australian Veterinary Association, indicates very, very clearly, that when beef comes in from foot-and-mouth disease countries that foot-and-mouth disease follows. Let me remind the chamber that if we were to get foot-and-mouth disease in this country the most conservative estimate would be, apart from the slaughter of animals, a $12-$16 billion cost to the Australian economy in the first year alone.

So what happens then to animal welfare standards in those markets if we are forced to depart? The first point I want to make again is that they will not be replaced by meat sales. Some years ago in the 1980s we temporarily lost the live export trade to Saudi Arabia and concurrently we lost the meat trade to Saudi Arabia. As I indicated here in the last sitting period, we halved the supply of live animals to Indonesia recently and, at a time when they are desperately short of protein, we have also halved our exports of beef. It is not going to replace live exports. Those who would say that the live export trade has stopped the abattoirs and caused the closure of abattoirs in the north of Australia are simply out by about 10 years. The first shipment of live animals left Darwin in July 1990, and it was some five to 15 years earlier that the export abattoirs had closed in northern Australia. We just simply have not got this message right.

I have to say that every single solitary producer wants to see the highest levels of animal welfare. All Australians want to see high levels of animal welfare. Only in the last week I was going through the Wheatbelt areas of Western Australia, where we have had a shocking season and where there is very little feed on the ground. Contracts for supply of sheep to go away on the ships are now being held up and there is no feed left on the ground. Talk about animal welfare! Talk about feeding animals if we do not have the access to this trade. Senator Rhiannon knows very well that the ACIL Tasman survey of some years ago which was done for the RSPCA, indicated no loss of income for sheep producers in Western Australia, was badly flawed and was a nonsense. Producer groups are feeling it; they are feeling it in very, very hard ways. Shippers are moving their ships away from Australia, and the end result of all of this will be a severe loss not just to producers and not just to rural communities but to the Australian economy.

Madam Acting Deputy President, I thank you for the opportunity.

Senator THISTLETHWAITE (New South Wales) (16:28): Having heard the contributions that have been made by all sides on this debate I am supremely confident that the Gillard government has the balance right on this very important area of public policy. On one side we have the agrarian socialists in the form of the National Party saying that we have gone too far and that we have acted with too much haste, and on the other side we have the socialists in the
Greens party saying that we have not gone far enough.

Coming back to the National Party—wonderful to see!—the agrarian socialists over there are now advocating that the government should be in the business of buying farms in Australia: agrarian socialism at its best. They are saying that the government acted with too much haste when it came to suspending the live animal export trade in the wake of the Four Corners debacle, that there was no need for new standards, that the new system is not working and that, in Senator Back's words, it is placing 'unreasonable demands' on exporters and farmers in this area. Then on the other side we have the contribution of the Greens, who are saying that the new system does not go far enough and that we should consider shutting down the live animal export trade and simply exporting processed beef and lamb. That says to me that the Labor Party is right in the middle, spot on. Between those two poles it is spot on, with a reasonable and sensible approach to what is at times a very emotive topic in Australian public discourse. The reality is that the Gillard government has got the balance right when it comes to a proactive, industry based approach to this scheme—one that is based on international standards, on consultation with industry and, importantly, on independent auditing of those standards through the supply chain.

Of course, the need for this policy came in the wake of the Four Corners episode on cattle exports to Indonesia which aired last year. In the wake of that, the Gillard government acted quickly and decisively, and we suspended the trade on the basis that warnings had been given to the industry over a number of years that self-regulation was not working and if it did not improve then the government would have to step in. Ultimately that is what occurred. So the industry was given adequate warning that the processes were not up to scratch or up to standard and that standards needed to improve.

In the wake of that, the government implemented the Farmer review. We asked an independent expert to review the trade, the policy and the processes, and the Gillard government accepted all of the recommendations of the Farmer review and its findings on this industry—and, indeed, much of the advice of the industry government working groups. Of course, the government consulted with industry about the process of developing guidelines and what was international best practice, and of course it consulted with buyers overseas. The process involves independent auditing through the supply chain, which can provide confidence to the Australian public regarding the new framework. The new framework was developed as a set of standards that provide checks and balances to meet community expectations regarding animal welfare and also, importantly, ensure the ongoing viability of this industry into the future. As I said earlier, the guidelines were developed in consultation with industry through those industry-government working groups.

So we have a new set of guidelines and standards that the people of Australia can have every confidence in, the Exporter Supply Chain Assurance System, or ESCAS as it is known. Australian exporters under this scheme meet international animal welfare standards from start to finish. The new framework, developed on the basis of international best practice and in consultation with the industry, requires evidence that animals will be handled and processed in accordance with internationally accepted World Organisation for Animal Health animal welfare guidelines. Importantly, it enables the continuation of a highly valuable trade by placing it on a sustainable footing.
and by ensuring that the Australian live export industry meets the community's expectation.

The framework provides an increased level of transparency and accountability from the point of export to the point of processing. Exporters need to show that they have a supply chain assurance system that delivers internationally agreed animal welfare requirements along all points of the supply chain, from the beginning of export to processing at the abattoir; control throughout the supply chain; tracking and accountability of animals throughout the supply chain; and importantly, as I mentioned earlier, independent auditing and reporting together through the supply chain. The framework is being phased in, with 75 per cent of the trade covered on 1 March this year and 99 per cent of the trade covered on 1 September this year. All markets—100 per cent of the trade—will be covered by the end of this year. So over a period of nine months the government will be implementing full coverage of this new set of guidelines throughout the industry in Australia, and that will provide the level of confidence that Australians feel is appropriate when it comes to live animal exports in this country.

Importantly, there are sanctions so that exporters that do break the rules and breach the guidelines will face sanctions. Some of those sanctions, if the penalty proposes it, are quite strict. The sanctions can include placing conditions on future consignments, refusing to approve future consignments and cancelling an exporter's licence, and they go right up to criminal sanctions for the most serious of offences. So in all aspects of this policy there is a clear set of guidelines that is independently audited. Where breaches of standards are found to occur, there will be sanctions and possible criminal offences for the most serious breaches of the guidelines.

That is a sensible approach to this important issue. It ensures that exporters have a process which everyone understands and works to; it ensures, importantly, that they were consulted and had input into the development of this process; but ultimately it also ensures that the Australia people can have confidence that animals that are being exported to overseas markets from Australia are being treated humanely in accordance with best practice in terms of international standards. Much has been made of particular incidents and the highlighting of those incidents in the media. I think it is unrealistic for the people of Australia not to expect that there will be incidents of potential breaches of the guidelines. That is a fact of life. But overwhelmingly the statistics show that the incidence of breach is certainly a very minor occurrence in terms of the level of exports throughout the country.

Where there are potential breaches, there are powers for the department to investigate them, and that is what is occurring in respect of the complaint that has been made regarding a marketplace in Kuwait. The complaint was received on 30 August 2012 alleging that Australian sourced sheep were being offered for sale and slaughter outside the approved guidelines in Kuwait. That is being investigated in the proper course in accordance with the guidelines, and it will be reported in due course. Procedural fairness must apply in respect of adherence to and investigation with these guidelines, and that is occurring.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:38): Here we have the Greens once again trying to shut down another rural industry in Australia. That is why rural Australia despises the Greens. Lock it up and leave it. Shut everything down and go live in a cave. That seems to be the attitude of the Greens—lock up the country, don't use it for
farming or producing; lock it up and use it for bushfire. Don't allow grazing on the country; let the fuel levels increase to sometimes up to 150 tonnes to the hectare. On a 40-degree day with 50-kilometre wind, a lightning strike hits and what do you have? A bushfire out of control just like, sadly, we experienced a couple years ago in Victoria on Black Saturday, where half the country's national parks burnt, killing the animals and trees with hot fires. And that is called 'conservation'. The Greens have no idea of conservation.

Now they are into the live exports. 'Let's ban that.' I remember very well my days in the mid and late seventies, when I was driving livestock transport in South Australia. I would load up three decks of shipper wethers and take them down to Outer Harbour, where we would unload them in Port Adelaide and then laugh at the waterfront workers and how they were loading the sheep onto the Danny F. Danny F was a big ship with plenty of decks on it for 70,000 live sheep. Amazingly, those sheep would put on weight on the ship as they travelled to Kuwait. It was a well-known fact that they were fed and watered so well. Of course there have been some problems on the odd occasion. We saw a rejection last week for scabby mouth. Scabby mouth is like cold sores on human beings; I have shorn thousands of sheep with scabby mouth. But it was an excuse for them to reject the taking of the sheep.

So here is an industry that has been around since I know of in 1976-77, and here we have the Greens trying to stop it. I remember when we had the AMIEU—Senator Rhiannon mentioned the Australian Meat Industry Employees Union—boycott the yards of North Adelaide. There was a court order put out to have the picket line removed. Of course, Premier Don Dunstan, the Labor Premier of South Australia, said, 'Oh, we can't move the union workers.' So what did we do? We got the boat shifted from Port Adelaide to Wallaroo. Every farmer, every livestock transporter went in there in the middle of the night, loaded the 40,000 or 50,000 sheep up and carted them out to Wallaroo. We then stood outside the hut of the waterfront workers and gave them an option: 'You load the boat and get paid or step aside and we'll load it.' It was a pretty angry time—I think former Prime Minister Bob Hawke said it was the one time he thought there might have been blood shed—because people pushed the farmers and graziers to their limits. And now we have the Greens doing it again. Shut down the industry, take away their livelihoods, have the banks sell them up.

And now we get onto the recent activities of Senator Ludwig with the Four Corners program. None of us condone the abuse of any animals. As I have said before, I am no stranger myself to a butcher's knife when it comes to slaughtering animals. But what was the reaction? The opposition supported the government in banning the supply of cattle to those abattoirs doing the wrong thing. But no; in came the emails to Prime Minister Gillard's office, and they banned the whole trade, shutting down the Top End of Australia. The helicopter pilots doing a muster were put out of work. The truckies stood their rigs idle and had no money to make their lease payments, sending them broke. The Aborigines working on the stations were put out of work. This was the overreaction of this government. They made an absolute disgrace of the way they handled live exports to Indonesia.

And what was the final wash-up? The government went over there and gave the Indonesian government $20 million to improve their beef industry efficiency in Indonesia to breed more stock so we cannot sell to them. How much did they give the
Australian graziers up at the Top End of Australia who suffered huge financial losses? The stock had to go under 350 kilos for live weight, but with the delays and the banning so many thousands of stock then exceeded the 350-kilo mark, so what were they doing? Transporting them down to New South Wales. We were getting aged cows from the top of Western Australia transported to Inverell, the town I live in, to the abattoirs there—thousands of kilometres on a truck, a lot longer than even on a boat going overseas. This is the way the government has handled it. And the Greens want to shut the industry down.

Australia exported 3.8 million feeder or slaughter cattle, sheep and goats in 2010 valued at $863 million and accounting for 2.7 per cent of Australia’s agricultural exports. It is underpinning the employment of around 10,000 people. Senator Faulkner made the point that this is about jobs, but of course the Greens trying to ban the export do not care about jobs in rural Australia. That is why rural Australia despises the Greens so much. The further away you get from the cities, the more the Greens vote goes down and down because they say, ‘Let’s play the populist vote and ban everything so we can be popular in the cities.’ Rural Australia will not forget them, I can tell you that. The industry provides livestock produced for alternative markets. What are we going to do with the cattle if we cannot export them live? We have abattoirs closing—King Island today, which is another hundred jobs gone—because this government is hell-bent on putting costs on industries and sending them down the gurgler. When live export was closed, between 500,000 and 700,000 cattle were basically left homeless.

And what happens when you overgraze a paddock? Then you have them all starving. You cannot ship the cattle out, there is no feed left on the station to feed the ones that should have gone off the property, the rest are losing condition and then you are looking at more stock losses. That was the result of the government banning live exports to Indonesia: more cattle dying at home because we could not ship them out overseas, we could not unload the numbers off the properties—as the breeders came along, the calves for the new season—and the next thing you have got cows losing condition, not milking properly and more dead stock. The sad thing is that when you have livestock, you will have dead stock. There is nothing surer than that. We know the industry is a good industry for rural Australia. We know in some places overseas they do not do the right thing, such as some of the abattoirs in Indonesia. But the 7A class abattoirs should never have been black banned from the supply of cattle.

The thing that amazes me, and always bothers me, is this: I get all these emails to ban live exports and I see the Greens motion today, and I think, ‘Why don’t I ever get any emails when a woman is being stoned to death in a country overseas?’ Just recently I heard a bloke ring up John Laws. This caller was of the Muslim faith. There was a woman shot only about eight weeks ago for adultery. This bloke rang up John Laws, he comes from out Penrith way, Hussein someone, and he said that the man should have been shot as well. It was wrong to shoot the woman only; they both should have been shot. And if that would happen in Australia, he would be quite happy with that. Don’t we care about human life in this place? Why don’t I get complaints about women being shot for adultery or women being stoned to death overseas? And yet when we get some story put together on a TV program about an abattoir, some people in Australia start sending emails about the treatment of animals. Don’t human beings count as well?
Don't we hear the Greens saying, 'What are we fighting about this issue for?'

Senator Rhiannon interjecting—

Senator WILLIAMS: No, you are out here trying to shut down rural Australia again with your crazy ideas: banning live export, taking money out of communities, making station owners front up to their bank managers and ask, 'How do we pay now?' The bank managers are saying, 'You've got to pay or we're going to kick you off.' What does that financial pressure do to families when they do not have an income to pay their bank interest? But you are not concerned about that, are you? Just shut down the industry.

And the Labor government are just as bad and as complicit in the crazy way they have handled this whole situation and what they did to the people in the Top End with their panicky moves. As soon as that Four Corners film went to air Senator Ludwig should have been on a plane to Jakarta the next day, met with their primary industries minister and said: 'We have a problem. Let's talk it through.' But, no, they banned exports. We supported the start of it, but then Labor just did a blanket ban and shut down the industry to the detriment of those good Aussie battlers in the Top End where one-third of the stations are owned by Aboriginal people, who work hard and work well and try to make an honest living. And between the do-gooders in this place, what did you do to them? You sent them broke. They were in my office a few weeks ago saying, 'How are we going to handle this with the banks because of what the government and the Greens have done to us?' And here are the Greens now trying to do more: shut them down, put them out of business.

As I said, any wonder rural Australia despises the Greens for the way they want to lock everything up and shut it down? Who is going to feed this world when the whole place is a national park? Who is going to run the properties when station owners are out of business and they cannot make a living, when they go broke and the price of land goes down. This is the problem we face, and between the Greens and the Labor Party, come next election, they will both be condemned in rural Australia for what they have done. (Time expired)

Senator FURNER (Queensland) (16:48): I rise today to make a contribution to Senator Siewert's matter of public importance on the live export trade as well. I reflect on some of the parts in Senator Williams' contribution on this subject as well as the matter in the media after the Four Corners program on this particular issue.

No doubt people were alarmed seeing the treatment of those animals in some of those abattoirs over in Indonesia.

Senator Williams: I was!

Senator FURNER: I am sure you were. I was as well. My memory is that was aired during estimates and I had to watch it on a downloaded stream later. It shocked me and it shocked many Australians and that is why this is so topical in the media, and this is why this Gillard government has acted decisively and accepted all of the recommendations of the Farmer review on this issue.

If you look at those recommendations, you could summarise it in two points: (1) the way animals are handled and the way animal welfare is handled in respect of the live export trade—that is heart of this particular issue; and (2) jobs. This important point, and Senator Williams and Senator Faulkner also touched on this, is about jobs in regional Australia, jobs and the communities in those areas. I can reflect on that quite easily, being a Queenslander and having been up in the cape on numerous occasions and seeing the extent of jobs in that area.
Senator Ian Macdonald: You couldn't have been there recently, they would've lynched you.

Senator Furner: I will take that interjection because the senator opposite supports a Premier who is out of control in Queensland, sacking public servants—it was 20,000 public servants and now they have brought it down to 15,000 public servants. We need jobs in Queensland. We do not need a Premier who is out there sacking workers and reducing standards and conditions in our wonderful state of Queensland. This is why this particular subject is extremely important and why we need to make sure the jobs in the live export trade up in that region are protected.

The Farmer review also allowed the exporter supply chain assurance system to be extended to the second tranche of Australian livestock export markets from 1 September. The system will be implemented in Israel, Japan, Jordan, Malaysia, Oman, the Philippines, Saudi Arabia, Singapore, and the UAE. The government's reforms will now apply to 99 per cent of the Australian livestock export trade. Therefore, we know there are guarantees around to ensure that the welfare of animals is protected in respect of those particular countries and in particular the trade. We know also that the jobs and the livelihoods of those people who rely upon those exports are protected as well. We have introduced reforms that pick up all of the essential matters that were of concern, and we are progressing through the particular reforms as they stand.

We should also reflect and remind ourselves that any good reforms put in place certainly need some sort of incentive and encouragement to make sure they are carried out. We know that in some circumstances, where there are breaches of the rules, some of those exporters will face the consequences. Some of the sanctions that could apply include placing conditions on future consignments, refusing to approve future consignments or even cancelling an exporter's licence, and there are criminal sanctions for the most serious of offences.

This strong new system is only possible because of the hard work of the government and the industry in partnership. A good thing that the minister did was to have a fair degree of cooperation with the industry in this area. He went up to Indonesia himself. He went up to the north and conferred with the industry to make sure that all the concerns were addressed. That is why it is reflected in the Farmer review and adopted by this government: to make sure those matters are resolved. We will continue to have engagement with the industry to make sure that those matters are addressed.

The new framework requires evidence that animals will be handled and processed in accordance with the internationally accepted World Organisation for Animal Health animal welfare guidelines. It also enables the continuation of a highly valuable trade by placing it on a sustainable footing and by ensuring that the Australian live export industry meets community expectations. So, in my view, we have satisfied what needs to be met in the area of live animal export.

(Time expired)

Senator Ian Macdonald (Queensland) (16:53): Why would you think, Mr Acting Deputy President, that the Labor Party would get the live export supply chain regime correct? They completely messed up the pink batts arrangement. They completely confused the Green Loans scheme. They have had six changes so far on the carbon tax legislation. They brought in a flood tax that penalised ordinary householders but not the big multinational companies. They have a mining tax which
has already seen a real impact and slowdown in our mining operations and Australian investment in it.

I am sad to learn that, today, BHP has announced that the Gregory mine, near Emerald, will be closing, with 55 jobs lost. These are 55 workers that the Labor Party is supposed to be looking after, and 242 contractors, small businessmen, will go because of the closure of the Gregory mine. Xstrata have today announced that 600 jobs will go from their coalmines, and the South Australian economy is reeling under the Olympic Dam stoppages and the delay in the Australian Submarine Corporation’s work because this government cannot pay the bills. So, with all of those failures—and the Gillard government are synonymous with failures—why would you think that they would get the live export regime right?

I am one of those softies. I, like every other Australian, including all pastoralists, loathe animal cruelty. I even had to have the vet come around to my house to put down our old cat because I could not bear the thought of taking the cat to the vet to spend its last moments on earth in a strange place. We all want to ensure that none of our animals are poorly treated. I also want to make sure that human beings are not badly treated. Senator Furner pretends that he goes up into the bush of Queensland. We know that he does not, because if he did go up there he probably would not come back in one piece.

People up in the bush areas, the northern cattle industry, are just devastated by the work of Senator Ludwig and the Labor government. It is the suicides that are happening up in those communities now. Do we have the Greens worrying too much about those?

Senator Williams interjecting—

Senator IAN MACDONALD: As Senator Williams said, where are all the emails and the outrage from the Greens about the stoning to death of women? No, we do not see that, but we do see live animal export bringing this huge, confected public outcry. What about the outcry for those human beings who are suiciding because of the work of the Greens political party and Senator Ludwig? Because of Senator Ludwig’s action, taken at the behest of the Greens because the Greens keep this dysfunctional government in power—where is the concern about the suicides that are happening directly because of the actions of Senator Ludwig and the Greens political party?

Senator Rhiannon: Mr Acting Deputy President, I rise on a point of order. I ask the senator to withdraw the very insulting statement that he made about suicide and linking it with the Greens. We are deeply concerned about people in the bush, and I actually addressed those comments. I ask him to withdraw that statement.

The ACTING DEPUTY PRESIDENT (Senator Ludlam): There is no point of order.

Senator IAN MACDONALD: The point I am making, Senator Rhiannon, is that you bring on these motions and you organise GetUp! to send all these letters to Senator Ludwig, knowing that he is so weak as a minister that he will roll over. Why haven’t you done that about the people who are suiciding because of the actions that you initiated, because of Senator Ludwig’s stupidity in banning live cattle exports and, as a result of that, putting out of business tens, dozens, hundreds of family farms in Northern Australia? Are you worried about that at all?
The ACTING DEPUTY PRESIDENT: Order! Senator Macdonald, please address the senator through the chair.

Senator IAN MACDONALD: I am sorry, Mr Acting Deputy President, but I do get emotional about the impact of the sort of stupidity created by GetUp! and the Greens, dealing with a weak minister, in banning a trade that has led to the suicides. Senator Williams and my other colleagues—

The ACTING DEPUTY PRESIDENT (Senator Ludlam): Order! The time for the discussion has expired.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Ludlam) (17:06): On behalf of the President I present documents listed on today’s Order of Business at item 14 which were presented to the President and temporary chairs of committees after the Senate adjourned on 23 August 2012. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—

Documents presented out of sitting

Committee reports

1. Foreign Affairs, Defence and Trade References Committee—Final report, together with the Hansard record of proceedings and documents presented to the committee—Procurement procedures for Defence capital works (received 30 August 2012)

2. Legal and Constitutional Affairs Legislation Committee—Report—Passenger Movement Charge Amendment Bill 2012 [Provisions]—Correction (received 3 September 2012)

Government documents

1. Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2012 (received 28 August 2012)

2. Military Superannuation and Benefits Scheme (MSBS), Defence Force Retirement and Death Benefits Scheme (DFRDB) and Defence Forces Retirement Benefits Scheme (DFRB)—Report on long-term costs prepared by the Australian Government Actuary using data to 30 June 2012 (received 29 August 2012)


Report of the Auditor-General

Report no. 2 of 2012-13—Performance audit—Administration of the Regional Backbone Blackspots Program: Department of Broadband, Communications and the Digital Economy works (received 30 August 2012)

Statements of compliance and Letters of advice relating to Senate orders

1. Statements of compliance relating to indexed lists of files:
   - Agriculture, Fisheries and Forestry portfolio (received 28 August 2012)
   - Employment and Workplace Relations portfolio (received 28 August 2012) Prime Minister and Cabinet portfolio (received 28 August 2012)

2. Letters of advice relating to lists of contracts:
   - Agriculture, Fisheries and Forestry portfolio (received 28 August 2012) Defence portfolio (received 28 August 2012)
   - Families, Housing, Community Services and Indigenous Affairs portfolio (received 28 August 2012)
   - Treasury portfolio (received 28 August 2012)
   - Veterans’ Affairs portfolio (received 28 August 2012)
   - Attorney-General’s portfolio (received 29 August 2012)
   - Prime Minister and Cabinet portfolio (received 30 August 2012)
   - Climate Change and Energy Efficiency portfolio (received 30 August 2012)
• Industry, Innovation, Science, Research and Tertiary Education portfolio (received 5 September 2012)
• Health and Ageing portfolio (received 5 September 2012)
• Sustainability, Environment, Water, Population and Communities portfolio (received 6 September 2012)
• Australian Organ and Tissue Donation and Transplantation Authority (received 6 September 2012)

Senator FURNER (Queensland) (17:06):
I move:
That the committee documents be printed.
Question agreed to.

Senator FURNER (Queensland) (17:06):
I move:
That consideration of the committee documents be listed on the Notice Paper as separate orders of the day.
Question agreed to.

COMMITTEES
Foreign Affairs, Defence and Trade References Committee

Report

Senator MARK BISHOP (Western Australia) (17:00): by leave—I move:
That the Senate take note of the report.

Defence procurement is perhaps the most complex and unproductive sector of government anywhere in this country. By my reckoning, there are more than 8,000 employees in Defence and DMO currently engaged in procurement matters and roughly another 26,000 in industry—all feeding off an annual government budget of over $9 billion, supplying consumables, equipment, weaponry and ordnance to almost 58,000 serving personnel. This is a massive part of the government and the economy without which we have, it is clear to say, no defence at all.

The tragedy is it is being managed so badly and, despite numerous reviews over the last 12 years, it has not improved. That is the essence of the report before the chamber. The committee has now run out of patience with the Defence bureaucracy. Indeed, it can be said that of all the mountains of evidence taken by the committee, every person or entity who gave that evidence thinks Defence is failing; that is, of course, with the exception of Defence itself. That is the nub of the problem. In the face of all the evidence and despite all the reviews, Defence keeps putting up the same old ‘work in progress’—a mantra of reform and change, with lots of good intentions; honestly motivated, but with no effect.

As the committee has noted, that is not to say all those working in this area of Defence are in any way incapable. It is simply that the organisation has so many layers of complexity, choking on ever-changing processes and coordinated by a plethora of committees. But those committees are not the cause of the problem, as many experts would have us believe. They are simply symptomatic of an organisation made so complex that it has effectively become a Sargasso Sea. What is worse, no-one—from the top down—seems capable of asking the hard questions, let alone providing the necessary remedies. That is what the committee has, in this case, tried to do.

For the record, the parts of this bureaucratic monster which have a direct role in procurement are as follows: the Defence Strategic Group, the DSG; the Capability Development Group, the CDG; each of the services—Army, Air Force and Navy; the Defence Materiel Organisation, the DMO; the Defence Science and Technology Organisation, the DSTO; and the Australian Submarine Corporation, the ASC, which is owned by the Department of Finance and Deregulation. I cannot describe
how all this works simply because it does not; it is just a potpourri of people in stovepipes whose roles are confused by the poor communication between them and who have no accountability whatsoever.

I want to address the organisational reform which the committee has recommended. Put simply, the committee wants the whole shooting match simplified by removing layers of bureaucracy. It wants full and clearly identifiable accountability. It wants clear role definitions and the removal of duplication. As indicated in the committee's interim report, the current matrix model is a complete failure. In short, the proposal is that service chiefs should have full control of all major single-service projects, such as ships and aircraft. After all, they have to operate and maintain this equipment with full budgetary responsibility. By this means we will have a hierarchy of responsibility sheeted home, without qualification, to the service chief. This will in itself remove several layers of bureaucracy.

First, the role of the DMO in such projects will be reduced to a specialised source of tendering, contracting and project management expertise. This will allow the consolidation of current technical expertise, shared between the forces and DMO, into one area under the management of the relevant service chief. That centre of technical expertise should also be responsible for project development, in association with the Defence Strategy Group, prior to government approval. They will be responsible for the procurement contract, all liaison with suppliers and all maintenance through to disposal—that is, the complete integration of this post-decision procurement process into one task. DMO will remain as an agency for the great raft of procurement tasks which are cross service and less technically complex—that is, boots, uniforms, land transport, ordnance, fuel et cetera—and in my view this should include logistics. I base this on the recent experience of the failed RAAF procurement of aircraft services for supplies to the Middle East.

The current capability group should also see its role and resources reduced. The role of the CDG should be to monitor and report to government on the implementation of white paper policies and the agreed capability plan. Instead of being the main player prior to and after second-pass approval, they should be the coordinator sitting between technical and operational expertise, the service chiefs and the strategic group responsible for capability plan prescription. Their job is to report on accountability, not to be responsible for it. It is for that reason I believe the new project monitoring office established in DMO should be relocated to the CDG. As for DSTO, it should remain independent, advising government and its minister directly; that minister should be the minister responsible for procurement.

The committee believes this simplified model will significantly streamline the current archaic mess of the matrix model. It potentially removes duplication, second-guessing, endless circles of process and committees. It forces the services to reskill and take charge of the equipment they use. It removes the waste of skills through short rotations of staff and the repetitive and time-consuming processes which seemingly continue to increase. There should not be any more denial, buck-passing or hand-washing and no more assurances that all is well, that reforms are being made and that a new leaf has been turned. The committee has not bought any of this rhetoric—that is all it is, rhetoric. However, there is no radical change; it is simply streamlining through clear role clarity and improved, complementary relationships.
I have no doubt at all that it will have its sceptics. The military no doubt will endorse it simply because it shifts power away from the centre and the bureaucrats, who have grown in numbers like Topsy, into their hands as operators. The bureaucracy, however, will be completely sceptical—but that unfortunately is the very nature of the problem we face in defence. Neither side trusts one another, and that is endemic around the world. More detached civilians with a sharper eye for strategy, policy and budget management have long tried to contain the wish lists and materiel ambitions of the military. Conversely, the military believe in their war-fighting training and expertise on such matters. They are continually suspicious and untrusting of civilians whom they believe lack such knowledge and experience. Of course, in between are ministers and governments who must be able to arbitrate and bring it all into some sort of a whole. Is it any wonder that ministers and governments struggle simply because the advice to them may be incomplete, compromised and often wrong?

I do not quite know the answer to this particular dilemma, but it has to get better than it currently is. What is needed, the critics say, is genuine contestability. This can only be achieved with full engagement of industry, rigorous assurance on the scientific practicality, and a discussion based on complete evidence and information. Contestability is the facility whereby the notorious group-think of defence can be counteracted by separate and independent challenge in the current model that is asserted as being the role of CDG, plus the DMO, plus DSTO and industry. Of course, industry are often ignored as being a vested interest, supported by another asserted risk—that of probity. It is clear though that the current form of contestability does not work. It does not even work anywhere near as it should. The final outcome is an old-fashioned power play whereby those with the power ignore the internal critics and hence we have this continuing mantra of a one defence view or a one defence family which puts a uniform recommendation to ministers who may or may not be adequately informed and who are developing an increased degree of scepticism.

I want to make some final remarks that go to the Secretary of the Senate Standing Committees on Foreign Affairs, Defence and Trade, Dr Kathleen Dermody, and her staff. There was a mountain of evidence and it was quite complex and there were hearings all around Australia and events that occurred overseas. All of that impacted on the quality of the report that is before the chair and it goes without saying that her effort in bringing it all together into a coherent whole is simply a major feat which should be acknowledged on the record.

**Senator IAN MACDONALD** (Queensland) (17:10): I want to make a few remarks on this report and note with interest the words of the chairman of the committee. I particularly liked his comment about the number of bureaucrats growing like Topsy and I hope that he will have a bit of a chat to Senator Furner about the expansion of the bureaucracy. I know that Senator Humphries, who is the coalition's spokesman on the Defence Materiel Organisation, will want to contribute to this debate but unfortunately he is in a committee hearing at the moment and so he will do that at another time this week when this matter is called on again.

I simply say that Labor's mismanagement of defence procurement mirrors their mismanagement of the green loans, the pink batts, the mining tax and the carbon tax. Everything that the Labor Party touch seems to turn to lead. As Tony Abbott often famously says, it is the Midas touch in
reverse. The same applies in the defence area. Do you know, Mr Acting Deputy President Ludlam, that more than half of our armoured personnel vehicles are now in mothballs—cannot be used, no petrol or other fuel for them—because of the Labor government's mismanagement of the financing? The Labor government have asked Defence to bear a cut of $5.2 billion and, accordingly, Defence cannot do the things that Defence should be doing. A great percentage of our Abrams tanks are now also in mothballs. They cannot be used because there is no money for fuel, there is no money for ammunition and there is no money for training.

I have raised a number of times how there is a shortage even of blank ammunition—not live ammunition but blank ammunition—for training. Take the 51st Far North Queensland Regiment, which does the surveillance work up around Cape York and the Torres Strait into the Gulf of Carpentaria, which is then taken over by NORFORCE going around to the Northern Territory and the Pilbara region and the north-west of Western Australia. Their training days are being cut back because there is no money. If you are asked to prop up this government's illusionary wafer thin $1.5 billion surplus that even they have now stopped talking about—but they pretended at the last budget that there would be some sort of a surplus—you know where it has come from: the $5.2 billion that Defence is being asked to give up to provide the $1.5 billion surplus that even they have now stopped talking about—but they pretended at the last budget that there would be some sort of a surplus—you know where it has come from: the $5.2 billion that Defence is being asked to give up to provide the $1.5 billion surplus that Mr Swan talks about. So whilst this report on the DMO is very interesting and I congratulate the chairman on a rather refreshing commentary on the report and on the evidence, and on some of the administration of procurement in Australia, it will be interesting to see just how this report from the committee is dealt with.

The fleet auxiliary vessel HMAS Choules was purchased by the Labor government with great fanfare. All of their other supply ships had broken down because of mismanagement, lack of maintenance, lack of money and lack of planning under the Labor Party's watch, so they got HMAS Choules—HMS Largs Bay, it was called at the time—brought it to Australia and changed the name, but the ship broke down. It is now out of operation for what is it: three, four or five months? We paid $100 million for it. The Minister for Defence thought he was getting a real bargain. I happened to be over in the United Kingdom at the time when the announcement was made, and you could see the smirks behind the hands—$100 million for this ship! You can now tell why they were smirking.

You always hear the Labor Party talk about looking after the workers in Australia and helping the shipbuilding yards in Australia, but of course the landing helicopter decks are being constructed in Spain in Spanish shipyards and are coming out to Australia to have the fine bits done, if I can call them that; the top bits are supposed to be constructed in Adelaide and Melbourne. There is complete mismanagement there at the present time as well, and because of cost overruns there will be delays.

We only have to look at the Submarine Corporation and the poor old Collins class. I am told—and I had a look at it and it was explained to me—it is a pretty good submarine; it is just that it has not been well managed or well maintained. I raised the question of why the submarine is sitting there, ready for maintenance, but there is no work being done on it. Without giving away too many secrets, it was indicated to me that the reason there was no work being done on it is that the client—the Department of Defence; the Gillard government—could not
pay for the work to start. It had to be delayed for six months until after 30 June next year so that Mr Swan could pretend that he had a surplus in his budget.

As the chairman, in his presentation of this report, has indicated, there are a lot of things that need to be looked at in relation to the subject of this committee report. I certainly look forward to reading the report in more detail, and I know that Senator Humphries will want to have some words on that. With that, I will conclude.

Senator LUDLAM (Western Australia) (17:17): I rise to make a couple of comments on the report of the Senate Standing Committee on Foreign Affairs, Defence and Trade’s inquiry into procurement procedures for Defence capital projects, which has been underway for a long period of time, and to acknowledge the comments of Senator Bishop, who is the in chair now. He obviously has a long interest in these matters. Senators will notice the surprising degree of alignment and the total absence of the kind of partisan spite and bickering that sometimes creeps its way into reports such as this one—after the secretaries have drafted the report, I must add. I think the additional comments by Senator David Fawcett add value to the report.

The report itself is a credit to the secretariat and the staff but also, I should say, to the members and senators involved, who applied themselves to a task that is inordinately complex and actually quite fraught. What we did not want to do was simply produce another report that wound up on the shelf, adding to the pile of reports on Defence procurement that now stretch back literally decades, without any evident change to the situation apart from an increase in the complexity of the bowl of org chart spaghetti and alphabet soup that now characterises the institutional arrangements around Defence procurement.

This inquiry was initiated by the Australian Greens. It was one that, by agreement with other parties and with the committee, amended the terms of reference, but we ended up agreeing to it. I hope that that spirit was carried through—and I believe it was—into the report that we are very fortunate and proud to be tabling today. I will speak briefly as to our reasons for initiating the inquiry in the first place and also on why we believe it matters. The most proximate and obvious reason is that the Australian taxpayer spends something in the order of $66,167,000 or thereabouts on the Defence budget every single day, according to an analysis by ASPI of the last Defence budget. That is, I think, our foremost responsibility.

That is a great responsibility upon us to ensure that that is spent as effectively as possible, because the buck stops here. The extraordinary complexity of the organisational chart of the institutional arrangements that go from a decision to an outcome and to a piece of equipment at the end of the line starts with us. We are the ones upstream of that entire process. The responsibility, for example, when the Super Seasprite costs $1.4 billion and delivers nothing is ultimately here. I think it is a credit to the senators who worked on this report that there is an acknowledgement—I think Senator Bishop spoke of this very sharply, as a government senator—that the responsibility has been on governments of both sides. We approve the defence budget here in this place, we critique it during budget estimates, and the responsibility lies with us.

Some of the examples that are canvassed in the report are the 68-month delay of the Wedgetail project that cost us about US$1.5
million a month and submarines that cannot be put to sea because they are too dangerous to crew and, even if we could, we would find it difficult to find the crews to put these vessels to sea. This report is an effort to be honest, to learn lessons and to apply the reforms recommended by numerous reviews that came before us. It does recognise that these projects are complex. In engineering and technical terms, they do push the boundaries, and it is hardly surprising that, from time to time, we see cost, budget and timing overruns, because things occur that are very difficult to predict and some of these projects push the boundaries of what is technically possible.

So this report has not taken the easy way out. As I admit—Senator Macdonald, who had very little to do with this inquiry, sought to blame it all on the Labor Party—it is nonsensical for a party that held government for 12 or 13 years to then say that this is all the Labor Party's fault. This report, I think, is much more even-handed in the degree to which it apportions blame—although, as Senator Bishop himself has identified, it should be apportioned all over the place. We recognise that it is not simple. Reading this report, other senators and the public will, too.

We provided some additional comments to the report to emphasise the need for transparency, and it is these remarks on which I will dwell, partly as an explanation for why we moved this inquiry in the first place. While this parliament is responsible for approving the defence budget and it is the responsibility of parliamentarians to understand it, we cannot do that if information is being withheld from the public domain. Obviously, national security requires a degree of secrecy. There are also, as this report identifies, some commercial-in-confidence concerns. But I think these excuses are far too entrenched. They are invoked reflexively, and that, I think, is something that really needs to change.

What the report does not do, and what I want to direct some remarks to now, is to examine the most crucial step upstream, and that is us—the point that we make in our additional comments; the process by which we decide what our actual security threats are in the strategic environment. That is what we do in the process of drafting a defence white paper. The last defence white paper ignored the warnings, in my view, of major think-tanks, including Lowy and ASPI, on the climate-security nexus and concluded, baselessly—on the basis of no evidence or, in fact, in the face of evidence strikingly to the contrary—that the security impacts of climate change would not be felt before 2030. This is wrong. There is no way to be subtle about it; this is absolutely wrong. That is not the conclusion of the Australian Greens. It is the conclusion of the United Nations Security Council; it is the conclusion of the US Centre for Naval Analyses; it is the conclusion of the European Union.

It is essential that the impacts of climate change be systematically built into security and defence planning because climate change is a driver of conflict—not in 2030; now! It is shaping our security environment now. And the kinds of decisions we make as we draw up a white paper will directly guide the kinds of procurement decisions and the materials and the kinds of forces that we are able to put into the field for two or three decades.

We understand the very long lead times involved in procuring equipment as complex as submarines, for example, or advanced air-warfare capabilities. The decisions that we make now flow downstream, through this tangled mess and the charts of acronym-laden institutions and agencies that Senator Bishop described so adeptly.
Entities such as the United States Navy and the various other entities that I mentioned earlier are facing up to the facts around resource wars—to what happens with fragile or failed states when water tables change, when food-growing areas move, when forces are completely reliant on fossil fuels for power generation and battle readiness. So it is not just that military technology has to change; it is that the security environment itself has to change. You could be forgiven for thinking that, in precluding any form of public input—which is what, I believe, this government has done, from the drafting of this defence white paper—we are potentially primed to make a series of extremely expensive and unfortunate mistakes in not having our eyes open to what the genuine security environment for which we are making these procurement decisions will look like.

We cannot afford to face backwards in the 21st century, buying equipment and attempting to sustain equipment and capabilities that are effectively about fighting the Second World War. When we look at who our first responders are when environmental disasters occur, whether they are here or overseas, we see they tend to be the Australian Defence Force. They are the ones who are the first responders. For example, we saw that in the impact of the disasters that befell Queensland last year—they were the first people we put into the field, as they were on the beaches in Aceh after the tsunami, and so on.

We need to be thinking very carefully about the kinds of security threats that we face, because they then guide the decisions that this report documents, I think, so effectively. If we get it wrong at this end of things and are building a defence force, effectively, around fighting the Second World War—which I believe is the kind of intention betrayed by the 2009 white paper—then everything that flows from that will be flawed. We are in a tight budgetary environment—and, honestly, when are we not? There will always be budgetary balancing acts that are required when some sectors are calling for the upgrading of military technology to withstand the impacts of climate change and others are stating that mitigating the effects of climate change will prevent resource wars and security risks in the first place. We think there is room in the context of the development of the next white paper—which will then directly feed the procurement processes that we have identified here—for facing forward into this century and being brutally honest with ourselves, as others around the world are trying to do, about the kinds of security threats that we face.

What shines through here is that there seems to be an obsession with acquiring the latest, the shiniest, military technology. In a climate-constrained world, do we really need submarines that will allow us to prowl around in the South China Sea? Do we really need to be able to put cruise missiles into East Asia capitals, or maintain platoons of battle tanks—presumably for fighting the Second World War over again? Or do we need to equip our forces with different categories of technology and pay attention, for a change, to sustainment and how we maintain the capabilities that we put together for dealing with the conflicts and the security challenges of the 21st century? So I thank the committee and its secretariat, and I thank the chamber.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (17:28): I seek leave to speak to the motion and, if there is nobody else wishing to speak, seek leave to continue my remarks later.

Leave granted; debate adjourned.
DOCUMENTS

Responses to Senate Resolutions

Tabling

The ACTING DEPUTY PRESIDENT
(Senator Mark Bishop) (17:28): I present the following responses to resolutions of the Senate:

• from the Acting Director, Museum of Australian Democracy (Mr Fox) to a resolution of the Senate of 25 June 2012 concerning women’s suffrage in Australia

• from the National President of the Returned and Services League of Australia (Rear Admiral Ken Doolan, AO, RAN (Retd)) to a resolution of the Senate of 16 August 2012 concerning the Vietnam War.

Women's Suffrage in Australia

Consideration

Senator CASH (Western Australia) (17:28): I seek leave to move a motion in relation to the document tabled by the President, being a response to a resolution of the Senate in relation to women’s suffrage in Australia.

Leave granted.

Senator CASH: I move:

That the Senate take note of the document.

In my capacity as shadow parliamentary secretary for the status of women, I am pleased to speak on the response to the resolution of the Senate on recognising women’s suffrage in Australia. The year 2013 is significant in Australia’s political and social history because we will celebrate 110 years since women won the right to vote and the right to stand for election in Australia. It is therefore an opportune time for us as Australians to reflect on the remarkable achievements that have been made for women and by women, and to reflect on how far we have come in the last 110 years. In relation to women’s suffrage, Australian women have so much to celebrate.

It is worth noting that the highest office in the land, Governor-General of Australia, is held by a woman. Under section 68 of the Constitution the Governor-General exercises the important role of Commander-in-Chief of the Australian Defence Force. Currently, a number of the most senior roles in the federal parliament are held by women, including the positions of Prime Minister and Deputy Leader of the Opposition. We also have a number of women in the federal cabinet. We have also seen women occupying the high office of Premier or Chief Minister in the Australian states and territories.

The significance of what Australian women have achieved since universal suffrage is evident and stands in stark contrast when one considers that Kuwait’s parliament only extended suffrage to women in 2005, and only by a 35-23 vote. In Saudi Arabia, women are still deprived of any meaningful representation.

It should also not be forgotten that, when Australian women achieved the right to vote in federal parliament in 1902, there was no other country in the world where women could both vote and stand for the national parliament. The Liberal Party of Australia has a very proud history of firsts when it comes to women in the federal parliament.

Enid Lyons, later Dame Enid Lyons, representing the United Australia Party, won the seat of Darwin in Tasmania, becoming one of the first two women to be elected to the Commonwealth parliament and the first to sit in the House of Representatives. In 1949 she was appointed Vice-President of the Executive Council in the new Liberal-Country Party ministry led by Prime Minister Menzies. Until 1956 federal cabinet comprised all members of the ministry, and Lyons was therefore the first woman in federal cabinet.
Senator Margaret Guilfoyle, later Dame Margaret Guilfoyle, was a Liberal senator for Victoria and broke new ground in federal politics. Senator Guilfoyle's achievements included being the first woman to be appointed a member of cabinet with a specific portfolio—namely, Minister for Social Security—and being the first woman to hold an economic portfolio, Finance. Dame Enid Lyons was, of course, the first woman in cabinet but did not have a specific portfolio. Senator Guilfoyle is also the second longest serving female minister in the Commonwealth parliament, serving from 1975 to 1983.

The Liberal Party's Senator Margaret Reid is the first and only woman to have served as President of the Senate, one of the two most senior positions in the Commonwealth parliament. Senator Reid was also one of only two women to be appointed Deputy President and Chair of Committees in 1995.

Liberal Senator Annabelle Rankin, later Dame Annabelle Rankin, became the first Queensland woman to be elected to the Senate. She was also the first female whip in any Westminster parliament when she became Opposition Whip in the Senate after taking up her seat in 1947. She then became the first female Government Whip in the Senate, a position she held for 15 years from 1951 to 1966. In 1966 she became first female minister in the Commonwealth parliament with portfolio responsibility—although not in cabinet—as Minister for Housing, during which time she introduced a housing scheme for skilled migrants. The federal electoral division of Rankin was named after her in 1984. Eight of the 10 longest-serving women in the Commonwealth parliament since 1901 are Liberal women—Kathy Sullivan, 27 years; Bronwyn Bishop, 24 years; Annabelle Rankin, 23 years; Amanda Vanstone, 22 years; Margaret Reid and Ivy Wedgwood, 21 years; and Kay Patterson and Susan Knowles, 20 years. Kathy Sullivan and Bronwyn Bishop have served in both chambers.

As a Liberal senator, I am proud to be part of a political party that had the foresight to encourage, endorse and support the first women to the federal parliament. I am also proud to be a member of a political party that has actively supported and promoted women through policies, strategies, services and benefits that have been specifically designed to strengthen the legal, economic, social, cultural and political dimensions of women's lives. For example, under the Howard government, key achievements that positively impacted on women included the enactment of the Equal Opportunity for Women in the Workplace Act 1999.

When Tony Abbott, now the Leader of the Opposition, was a senior minister in the Howard coalition government, he took action to improve the circumstances of women in the workplace and was a strong advocate in improving women's health in the wider community. Some achievements from those years include the following. The coalition amended the Sex Discrimination Act to explicitly recognise breastfeeding as a potential ground of unlawful discrimination in the workplace. The coalition committed $8.7 million over four years to breastfeeding education and support in the 2007-08 budget. Under the coalition, anastrozole was listed on the PBS for treatment of early stage breast cancer. Under the coalition, Herceptin was listed on the PBS for treatment of early stage breast cancer. The coalition increased funding for successful screening programs for cervical cancer, resulting in a steady decline in Australia's cervical cancer rate.

But, whilst celebrating our achievements, we must not forget that despite the many rights and privileges Australian women
enjoy there remain challenges both here and abroad. I am proud to say the coalition has a strong record of supporting female empowerment. Should the coalition gain government at the next election, we have committed to introducing a comprehensive paid parental leave scheme. The coalition's scheme will provide real time and real money to working women, offering eligible women 26 weeks at their replacement wage up to $75,000 per annum. We in the coalition like to celebrate female success and economic empowerment.

Unlike Labor's limited and indeed narrow scheme, the coalition's PPL scheme includes superannuation, which is an important step in addressing the chronic disparity between male and female retirement incomes. Under the Howard government, the coalition also recognised that, when you live in a globalised community, introducing policies at a local and national level that empower women is only the beginning.

As a developed country we have an obligation to take steps to advance gender equality and in turn empower women in the developing world. In its 2006 Australian government white paper on overseas aid, the former Howard government recognised that advancing gender equality was essential to reducing poverty and increasing the effectiveness of aid, and that it was a stand-alone development goal. The achievements of the former Howard government and the policies of a future Abbott government are testament to the commitment of the Liberal Party to recognising, protecting and enhancing the position of and opportunities for Australian women.

I am proud to be part of a political party that understands that women in developing countries in particular need strong leaders to advocate for the economic empowerment of women. It is also critical that on their journey towards economic empowerment these women are provided with protection and support from developed nations such as Australia.

It is for this reason that the opposition announced on International Women's Day 2012 that a future coalition government will provide a guaranteed minimum of 1,000 places for women at risk and their dependants within Australia's annual humanitarian intake. We will ensure that Australia's refugee and humanitarian resettlement program provides places to those whom we can help most and those who are most in need. Women at risk and their dependants waiting in camps and other desperate places offshore are among the most vulnerable of all who seek a better life in Australia. These women have neither the means nor the opportunity to escape their circumstances and deserve to be recognised and given a very high priority—and this will be done by a coalition government in Australia's refugee and humanitarian program.

I am proud to acknowledge for the record that the highest extended period of annual intakes under the Women at Risk program was under a coalition government from 2004-05 to 2006-07, with the highest ever annual figure of 995 visas in 2005-06. Notwithstanding Labor's continued claims to support women at risk, it is a shame that under the Rudd and Gillard Labor governments the numbers in this high-risk female group have declined significantly, with just 759 Women at Risk visas granted in 2010-11.

Time constraints in the Senate today prevent me from listing all the significant milestones of the coalition's numerous achievements for women, both in the workplace and in the wider community. However, the coalition's achievements
clearly demonstrate that we are committed to improving the lot of women in society because the coalition believe all Australian women and men are entitled to have an equal opportunity to contribute to society in a way that creates benefits to them, their families and their communities.

Question agreed to.

PETITIONS

FV Margiris

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:38): by leave—I present to the Senate a petitioning document relating to the FV Margiris.

Petitioning letter received.

DOCUMENTS

Vietnam War

Senator RONALDSON (Victoria) (17:39): I seek leave to move a motion in relation to the statement by the National President of the RSL that has just been tabled.

Leave granted.

Senator RONALDSON: I move:

That the Senate take note of the document.

This morning in this chamber we rose for a minute’s silence for Lance Corporal Stjepan Milosevic, Sapper James Martin, Private Robert Poate, Lance Corporal Mervyn McDonald and Private Nathanael Galagher. They have brought to 38 the number of young men killed in action in Afghanistan. There have been approximately 240 men and women wounded in action in Afghanistan as well.

I rise today to refer to the letter by Rear Admiral Ken Doolan following the resolution of a motion put to this chamber on 16 August. I will quickly read Rear Admiral Ken Doolan’s letter: ‘Dear Mr President, I acknowledge receipt of your letter of 20 August 2012 in which you forwarded the text of a resolution of the Senate of 16th August 2012. The National Executive and members of the Returned and Services League of Australia are pleased to note this resolution and convey thanks to the Senate for this thoughtful commemorative gesture. The resolution of the Senate has been placed on our national website.’

This general business notice of motion No. 849 was moved by me and Senator Johnston. It states:

(a) commemorates the 50th anniversary, in 2012, of the arrival of the Australian Army Training Team Vietnam in South Vietnam, beginning Australia’s decade-long commitment to the Vietnam War;

(b) commemorates the 46th anniversary, on 18 August 2012, of the Battle of Long Tan, in which 18 Australian soldiers were killed and 24 were wounded in action;

(c) pays tribute to the 521 Australians killed in action in the Vietnam War and the thousands of veterans who returned home to the care of their families;

(d) acknowledges that many Vietnam War service personnel were very poorly treated by certain sections of the Australian community on their return, and that this treatment was unjust and, in many cases, affected their ability to resume life after wartime service; and

(e) welcomes the arrival in Australia of the Long Tan Cross, which will be displayed at the Australian War Memorial until April 2013.

The Australian War Memorial records confirm that some 3,000 men were wounded in action in Vietnam. While we are talking about Vietnam we must never, ever forget the sacrifice of those in Korea, Malaysia, Borneo and also the Indonesian conflict.

I want to speak particularly in relation to item (d) of that motion, which refers to the many Vietnam War service personnel who were very poorly treated by certain sections of the Australian community on their return.
I have come to this place as someone who was approximately 18 months off my marble being turned over in that rolling machine, which would determine whether I was or was not to go to Vietnam. So a lot of the men who served in Vietnam are about my vintage. In my capacity as a member in the other place for nearly 12 years and in my capacity as the shadow minister for veterans affairs, I have had the opportunity to speak to these men on a very regular basis. I think it is fair to say that the treatment of those men on their return from Vietnam was a dark day in this country's history. This was a period of time when this nation abandoned a group of men and women who were doing no more nor less than serving their nation at the request of our nation.

We must never forget what we did and we must learn from the mistakes of the past. The great challenge for this nation is to recognise and remember what we did to a group of Australians who were returning from wartime service. We must reflect on those five young men we honoured in this place today and on their families; reflect on the 38 young men who have died in Afghanistan and their families; and acknowledge that we as a nation have a responsibility for those families and for those who have served in Afghanistan and Iraq in particular for a long, long period of time.

I was raised with the philosophy that with rights come even greater responsibilities. This nation demands the right to be protected, to be free, but with that comes the responsibility to support those who serve and who have served our nation. It comes back to the notion of us recognising and never forgetting the uniqueness of military service—that which underpins those men and women who serve this nation of ours. If we ever forget the uniqueness of military service then there is a very real risk that we will repeat the mistakes of the past.

I do not know how many honourable senators are aware, but in the last two decades nearly as many men and women have served this country overseas as served in the Vietnam War, and we have responsibilities to them. They will be long-term responsibilities. I want to put this in the context of what we are going to do in relation to providing the services and support that those returning men and women quite rightly deserve and demand and what the nature and extent of that is going to be.

I do not want to make this a political contribution, but I will say this: the slashing of BEST funding, which is advocacy services, runs the very real risk of removing from those young men and women who are returning from service in Afghanistan and denying them the right to actually understand what they can access and where they can access it. In my view, that is the sort of mistake that we made some 30-odd years ago with these young men returning from Vietnam. If we remove from them advocacy services and welfare services, then we are not doing what they quite rightly expect us as a nation to do; we have actually broken our part of the responsibility and rights contract that I talked about before: the contract between the nation that is served and those who serve the nation. It must remain an unbreakable bond that is not up for negotiation and cannot be whittled away. It must be a 100 per cent contract between the nation and those who serve the nation. Anyone who serves to diminish that quite rightly will stand completely condemned for having done so.

I want to talk briefly about the impact on those young men and women in Afghanistan who are doing multiple rotations and the requirement for this nation to care for them. Anyone who thinks that somebody who is returning from multiple rotations is not going to need the long-term support of this nation
is, as I said before, delusional. You and I, Mr
Acting Deputy President Cameron, and
everyone in this chamber and everyone
outside this chamber will have the
responsibility to make sure that we
acknowledge that these young men and
women will need support.

I encourage all honourable senators to
speak to some of those young men and
women who have served his nation—and
this is not just about young men, let me
assure you: I have had the honour of sitting
at two dinners beside young women who
have served this country in the last two
decades. They suffer the same outcomes that
their male counterparts do. So this is not
about men; this is about
the
men and women
who have served this nation in Afghanistan
and beforehand in those other conflicts over
the last 20 years.

I believe the comments of the national
president of the RSL deserve further
consideration. I look at the names of thoseive young men that we honoured today and
I say to their families: this chamber will
never forget those sacrifices. (Time expired)

Question agreed to.

COMMITTEES

Corporations and Financial Services
Committee

Report

Senator BACK (Western Australia—
Deputy Opposition Whip in the Senate)
(17:50): I present the report of the
Parliamentary Joint Committee on
Corporations on the Australian Charities and
Not-for-profits Commission Bill 2012 and
two related bills, together with the Hansard
record of proceedings and documents
presented to the committee.

Ordered that the report be printed.

Membership

The ACTING DEPUTY PRESIDENT
(Senator Cameron) (17:52): The President
has received letters from a party leader and
an Independent senator requesting changes in
the membership of committees.

Senator CONROY (Victoria—Minister
for Broadband, Communications and the
Digital Economy, Deputy Leader of the
Government in the Senate and Minister
Assisting the Prime Minister on Digital
Productivity) (17:52): by leave—I move:

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

The list read as follows—

COMMITTEE MEMBERSHIP

List circulated on 10 September 2012

Community Affairs Legislation and References
Committee—

Appointed—Participating member: Senator
Ruston

Economics Legislation and References
Committees—

Appointed—Participating member: Senator
Ruston

Education, Employment and Workplace
Relations Legislation and References
Committees—

Appointed—Participating member: Senator
Ruston

Electricity Prices—Select Committee—

Appointed—

Senator Cormann, Edwards and Williams

Participating members: Senators Abetz, Back,
Bernardi, Birmingham, Boswell, Boyce, Brandis,
Bushby, Cash, Colbeck, Eggleston, Fawcett,
Fierravanti-Wells, Fifield, Hickeyman, Humphries,
Johnston, Joyce, Kroger, Macdonald, Mason,
McKenzie, Nash, Parry, Payne, Ronaldson,
Ruston, Ryan, Scullion, Sinodinos, Smith and
Xenophon

CHAMBER
BILLS

Greenhouse and Energy Minimum Standards Bill 2012

Greenhouse and Energy Minimum Standards (Registration Fees) Bill 2012

First Reading

Bills received from the House of Representatives.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:52): 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 CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:53): I table revised explanatory memoranda relating to the bills and I move:

That these bills 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—

GREENHOUSE AND ENERGY MINIMUM STANDARDS BILL 2012

Introduction

The Greenhouse and Energy Minimum Standards Bill 2012 implements a key reform in Australia’s national strategy on energy efficiency, to achieve nationally consistent regulation of equipment energy efficiency.

The Bill will implement a commitment by this Government and the Council of Australian Governments to establish uniform national legislation for energy efficiency. The national legislation will replace seven overlapping pieces of state legislation and establish a single, national regulator to replace four existing state regulators. The new framework will also allow for the future expansion of the Equipment Energy Efficiency Program, commonly known as the E3 Program. These improvements will bring significant efficiencies to the E3 Program and allow greater energy savings for Australian households and businesses.

Australia’s energy efficiency regulation began with energy labelling for household refrigerators and freezers in 1986 in New South Wales followed shortly after by Victoria. In 1992, a national program was established and funded collectively to coordinate energy efficiency regulation across all Australian states and
territories. Today, the E3 Program includes New Zealand and it covers 23 product types in the residential, commercial and industrial sectors, delivering energy and financial savings to Australian households and businesses. The consistent efforts and contributions of all Australian and New Zealand governments for over two decades makes ours one of the world’s longest-running energy efficiency programs.

The E3 Program uses two regulatory tools to overcome market barriers that impede the development of more energy efficient products: mandatory minimum efficiency levels, and energy rating labels. Minimum efficiency levels help to keep the most inefficient products out of the Australian market. Energy rating labels help Australian consumers and businesses compare upfront costs with costs over time, assisting them to make the best purchasing decision. These cost-effective measures provide an incentive for manufacturers to innovate and produce more energy efficient products for all Australians.

With these tools, the E3 Program supports two of Australia’s most important policy objectives: helping households and businesses to manage energy bills and reduce greenhouse gas emissions.

The Program is popular, with 83 per cent of surveyed consumers reporting, in 2005, that they refer to the familiar energy rating label when purchasing major household appliances. The E3 Program delivers real and significant benefits to Australia. In 2010 alone, energy efficient air conditioners and refrigerators promoted by the E3 Program saved Australian households and businesses over $1 billion in electricity costs.

National consistency

Australian governments have coordinated well to achieve energy savings but inconsistencies have arisen across the state-based E3 Program. These inconsistencies increase the regulatory burden for businesses and governments alike.

To address these inconsistencies, the Council of Australian Governments agreed in 2009 to establish national legislation to regulate energy efficiency. This commitment was recorded in the National Strategy for Energy Efficiency (measure 2.2.2). The agreement reflects the cooperative history of the E3 Program, which has benefitted from the cooperation and contribution of every Australian jurisdiction for the past 20 years.

The Greenhouse and Energy Minimum Standards Bill 2012 will implement the joint commitment to address the inconsistencies in the E3 Program and streamline processes for Australian businesses.

The Bill will establish a single national Regulator for the E3 Program, and harmonise the legal obligations, efficiency standards, registration processes, and fees associated with the Program.

The national system will improve the regulatory framework while retaining the best of the existing system. Existing efficiency standards and the popular energy rating label will remain unchanged with the commencement of national legislation. The national Regulator will work cooperatively with state and territory agencies and draw on their expertise. New Zealand, which is a participant in the E3 Program, will continue to collaborate on energy efficiency regulation, ensuring the greatest net benefit for both countries.

Expansion

Over the past two decades, the E3 Program has focussed primarily on electrical equipment. The new national framework will allow Australian governments to regulate energy efficiency for a greater range of products.

The expanded E3 Program can cover electricity, gas or other energy sources. It can regulate products such as windows and insulation, which affect the energy use of heating and cooling systems. Into the future, Australians will benefit from increased energy efficiency across a greater range of products.

Any expansion of the E3 Program is of course subject to consultation and rigorous assessment procedures, to ensure regulatory action will deliver positive economic benefits. But the bottom line is that more efficient products save energy, and that saves Australians money.

Key points on how the Bill operates

Under the new framework, businesses must register regulated product models with the
national Regulator. This maintains the practice of the existing E3 Program.

Registration allows the national Regulator to monitor which products are entering the Australian market. The Regulator records registered products on the public energy efficiency database, which allows the Australian public to research and compare all registered product models, to inform purchasing decisions.

Businesses that deal with regulated products must ensure their products meet minimum efficiency standards, and carry accurate labels. For the first time, businesses that directly import products for commercial use will also be subject to these obligations. The existing E3 Program only targets businesses that supply products in Australia and does not regulate businesses that purchase products overseas. The GEMS Bill will end this double standard, closing loopholes in state law that might encourage businesses to purchase products overseas instead of purchasing in Australia.

The Bill will establish a range of enforcement options to support these business obligations. It will allow the national Regulator to issue infringement notices or ask businesses to compensate consumers for the cost of products that do not comply with regulations. For more serious breaches of the law, the Bill allows the courts to impose civil and criminal financial penalties. The range of enforcement options ensures that the compliance and enforcement program can take a proportionate approach, able to respond with administrative, civil and criminal action depending on the circumstances of each case. The proportionate enforcement program will be guided by the GEMS Enforcement Policy, which will be made publicly available by the GEMS Regulator.

The GEMS Bill introduces new powers for the national Regulator to obtain information needed to administer the E3 Program. This includes requirements for registrants to provide information on the number of regulated products sold in Australia each year, if the GEMS Regulator requests this information. These powers are modelled on a similar reporting program in New Zealand, although Australia will take a targeted approach where New Zealand requires all regulated businesses to provide product data.

Accurate market information will allow the national Regulator to identify market areas that may require regulatory intervention to overcome non-price barriers to greater energy efficiency. This information will also allow Australian governments to better coordinate the joint E3 Program, nationally and with New Zealand.

The Australian Government is aware of the potentially sensitive nature of commercial information and is committed to protecting it. The GEMS Bill institutes strict controls on the handling of commercially-sensitive information, including criminal offences for government officers who share information without authorisation. The Government will support these legal safeguards with a detailed information handling policy, which will provide clear guidance for government officers on how to handle and protect information obtained under the act. With these safeguards and the lessons learned from New Zealand's existing data reporting program, the Government is confident that information obtained under the GEMS legislation will be appropriately protected.

Responses to Committee Inquiries

The Bill and the explanatory memorandum incorporate amendments in response to issues raised by the Senate Scrutiny of Bills Committee. I thank the Senate Committee for its inquiry into the GEMS legislation and for raising issues that will benefit from clarification.

The first of these issues is that conditions that can be imposed on product registrations should be designed to further the objectives of the Bill. In response to the Senate Committee’s inquiry, the Bill was amended in the House of Representatives to ensure that registration conditions are only permitted where they give effect to the purposes of the legislation.

The explanatory memorandum was also amended in response to the Senate Committee’s inquiry. With this amendment, the explanatory memorandum clearly indicates that procedural fairness applies to decisions to suspend or cancel registrations under the GEMS legislation. Procedural fairness ensures that all people that
may be affected by these decisions will be granted a fair hearing before decisions are made that affect their rights and responsibilities.

Conclusion

The E3 Program is an important part of ensuring affordable energy for all Australians, and assisting Australia’s transition to a low-carbon future.

The benefits are real and significant. By 2020, existing E3 measures are forecast to save Australian households and businesses $5.2 billion per year and reduce household electricity use by 13 per cent per year, compared with business as usual. The planned regulatory program is forecast to bring about a further reduction of almost 15 per cent, saving Australian households more than 25 per cent of their yearly power bills.

The Australian Government is committed to reducing energy costs for Australian households, to reducing market barriers for Australian businesses, and to reducing greenhouse gas emissions for the entire country. The improvements made by the Greenhouse and Energy Minimum Standards Bill ensure a strong foundation to continue this important work well into the future.

Debate adjourned.

Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012

Supernannuation Legislation Amendment (MySuper Core Provisions) Bill 2012

First Reading

Bills received from the House of Representatives.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:54): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. 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 CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:54): I table revised explanatory memoranda relating to the bills 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—

ELECTORAL AND REFERENDUM AMENDMENT (IMPROVING ELECTORAL PROCEDURE) BILL 2012

I am pleased to present a bill to amend the Electoral Act and the Referendum Act which will substantially improve the interactions that Australians have with elections and referendums.

The bill implements the Government response to three of the recommendations made by the Joint Standing Committee on Electoral Matters (JSCEM) in its Report into the 2010 Federal Election, specifically, Recommendations 12, 31 and 32. I note that the Opposition members of the Committee did not oppose these recommendations in their dissenting report.

Schedule 1 to the bill will modernise the postal voting provisions to facilitate the use of technology to improve the way in which postal vote applications are made and processed.

One hundred and ten years ago the first Commonwealth Electoral Act provided for postal voting in much the same way as the current Act. The current Act provides that applications are
made to a Divisional Returning Officer who processes the applications and dispatches the postal vote packages.

This was fine, in earlier times, when there were few postal vote applications.

At the 2010 election, however, the Electoral Commission processed over 1,000,000 postal votes, which was a 17.8 per cent increase in the number processed at the 2007 election.

Schedule 1 to the bill will simplify the postal vote arrangements by directing all applications to either the Electoral Commissioner or an Assistant Returning Officer.

Assistant Returning Officers, who may receive postal vote applications from overseas voters, will be located outside of Australia at such places as Australian High Commissions and Embassies or certain Australian Defence Force operations.

Upon receiving an application, the Electoral Commissioner or an Assistant Returning Officer will then send, or arrange for the sending, of postal vote packages to the applicant.

Directing the majority of postal vote applications to the Electoral Commissioner will enable the centralised processing by computers and the centralised dispatch of postal vote packages.

As technology changes over time, the Electoral Commissioner will be able to take advantage of new efficiencies to process the applications.

The amendments do not fundamentally change the existing policy underpinning the current arrangements for postal voting, with two small exceptions.

The first policy change is that a 'person' rather than an 'elector' may make an application for a postal vote. This means that the Electoral Commissioner can issue the postal vote package in a timely way without assessing the applicant's entitlement to vote at the issuing stage.

This change does not necessarily mean that the person's vote will be counted. Once the completed postal vote certificate is returned to the Electoral Commissioner the person's eligibility to vote will be ascertained before including the ballot papers in the count in the weeks following polling day.

The new arrangements will continue to ensure that only postal votes by "electors" will be counted thus maintaining the integrity of the postal voting process.

The second small policy change is the repeal of a ground upon which a person may base a claim to be a General Postal Voter.

The repeal is merely a tidy up following amendments made in 2010 to the mobile polling provisions. The ground that is repealed is that a person may be a General Postal Voter if they live more than 20 kilometres from a place that will be visited by a mobile polling team.

As mobile polling teams are no longer limited to remote Divisions, and the places they might visit are not confirmed until the writs for an election are issued, it is impractical to maintain such a ground upon which to base an application to be a General Postal Voter.

Schedule 1 to the bill implements the Government response to Recommendation 12 made by JSCEM in its Report into the 2010 Federal Election.

The amendments made by Schedule 2 to the bill seek to address concerns arising from the increasingly large number of Senate groups contesting elections. They are proposed as a means of discouraging candidates who are not seriously in contention for election and thereby would reduce the number of candidates on ballot papers.

The Senate election in New South Wales in 2010 provides some context for these amendments.

In this election there were 84 candidates distributed across 33 columns.

Of the 84 candidates, 42 candidates received fewer than 200 first preference votes. The total of the formal votes polled by these 42 candidates was 2,697 or 0.06% of the total formal vote overall.

None of them came from a group which had a candidate elected and all lost their nomination deposits.

The increasingly large number of Senate groups contesting elections has an impact on formality due to a ballot paper that is growing in
complexity in a voting system that requires every box to be numbered below the line.

There are also practical issues associated with printing the ballot paper. The Senate ballot paper for New South Wales is already the maximum size that can be printed in Australia (1020 mm) using currently available print technologies and is quite unwieldy. If more Senate groups contest the next election than in 2010, the font of the ballot paper must be further reduced in size. Reducing the font size significantly affects readability and also risks increased informal voting thus affecting ballot outcomes.

Schedule 2 to the bill will increase the nomination deposit that must be paid by or on behalf of a candidate from $1,000 to $2,000 for all Senate candidates.

It will increase the nomination deposit that must be paid by or on behalf of all candidates for the House of Representatives from $500 to $1,000.

The last time that the deposits were increased was in 2006.

The increases were recommended by JSCEM (Recommendations 31 and 32) and are supported by the Government.

Schedule 2 to the bill will also increase the number of electors required to nominate an unendorsed candidate from 50 to 100 electors. Unendorsed candidates are candidates who are either not endorsed by a registered political party or are not a sitting independent candidate.

Further, for unendorsed Senate candidates who have made a request to be grouped, each candidate will require 100 unique electors. For example, if two Senate candidates have made a request to be grouped, the group will need 200 unique electors to nominate them.

There is no change to the number of nominators required for endorsed candidates or sitting independent candidates (as defined in the Act).

The amendments to increase the required nomination deposit and to increase the number of nominators required for unendorsed candidates seek to strike the right balance between providing the opportunity for all eligible citizens to stand for Parliament while at the same time putting in place some reasonable thresholds that candidates must meet, thresholds that will contribute to ensuring the effectiveness of the electoral process.

There are also a number of minor and technical amendments to both Acts.

I commend the bill to the Senate.

SUPERANNUATION LEGISLATION AMENDMENT (MYSUPER CORE PROVISIONS) BILL 2011


We are living longer than ever before. Australians are reorganising their lives to adapt to longer life. So we must change our laws to move with the new rhythms of life.

Yesterday the Government introduced historic legislation that will lift the superannuation savings of 8.4 million Australians.

It's in the national interest to encourage Australians to save more for their retirement. But the trade-off is that the superannuation industry contributes to higher retirement savings through greater efficiency and lower fees.

Access to safe, low cost and simple superannuation is essential to help Australians' retirement savings go further. By 2050, almost one in four Australians will have reached retirement age, compared to one in seven today.

MySuper is a new default superannuation product that has no unnecessary fees or charges and simple features that will make it easier to compare fund performance.

MySuper is a key part of the Government's broader Stronger Super reform package.

Stronger Super also includes reforms to:

- make the process of everyday transactions in the super system easier, cheaper and faster through the SuperStream package of measures;
- improve the governance and integrity of the superannuation system including for the rules that apply to superannuation trustees;
improve integrity and increase community confidence in the self-managed superannuation fund sector.

In combination, the Government's superannuation reforms are estimated to increase retirement superannuation balances by almost $150,000 for a 30 year old worker earning average full time wages.

Together, these reforms will provide all Australians with the confidence that the superannuation system is working to provide them an adequate income in retirement.

Currently, the superannuation industry manages $1.3 trillion in Australian's retirement savings.

You don’t get a bill in the post, but Australians currently pay around $85 a month in superannuation fees, which is more than the average person’s monthly mobile phone bill.

However, around 60 per cent of Australians do not make active choices in relation to their superannuation.

And this Government believes that Australians should not be charged for a Rolls-Royce if all they want is a Commodore.

For many Australians, their busy lives mean that they simply do not have time to be deeply involved in their superannuation and get a better deal.

For others, they may feel they do not have the financial skills to make active choices so prefer to rely on the default products offered by superannuation funds.

The independent Cooper Review found that fees in superannuation are too high and that members may currently be paying fees for services that they neither want nor request.

Every dollar diverted in fees or other unnecessary overheads is a dollar less going towards a larger and more secure retirement.

Over a person’s working life, these fees can total tens of thousands of dollars of lost retirement income.

That is why introducing MySuper is so important.

It’s fair for the superannuation industry to contribute to higher retirement savings through greater efficiency and lower fees.

MySuper will provide a simple, cost-effective default product that all Australians can rely on.

MySuper will be limited to common set of features to make it easier for members, employers and other stakeholders to compare performance across MySuper products, placing downward pressure on fees.

Today, I introduce the first tranche of legislation to implement MySuper.


MySuper products will replace existing default investment options in default funds from 1 July 2013.

MySuper products will have a simple set of product features, irrespective of who provides them.

Therefore, the Bill requires APRA to be satisfied that a MySuper product has some core characteristics.

These characteristics are that:

- there is a single, diversified investment strategy, which can be a lifecycle investment approach;
- there is equal access to services for all members;
- the same process is used in allocating investment returns to members;
- no limits are placed on the contributions that a trustee of a MySuper product will accept except for certain contributions to be prescribed by Regulations; and
- a member cannot be transferred out of the MySuper product unless to another MySuper product, to an eligible rollover fund or if the member consents.

A trustee will also have to demonstrate that they are able to meet new obligations to act in the best financial interests of the members of the
MySuper product. These obligations will be contained in subsequent tranches of legislation.

The Bill also establishes the authorisation regime for MySuper.

Trustees will be required to be authorised by APRA for each MySuper product they wish to offer. APRA will be able to accept applications for MySuper products from 1 January 2013.

Any trustee will be able to apply to offer a MySuper product except trustees of eligible rollover funds, self-managed superannuation funds and APRA-regulated funds with fewer than five members.

APRA will generally only authorise a trustee to offer a single MySuper product in a superannuation fund. However, there are two exceptions to this rule.

First, trustees will be able offer employers that contribute to the fund for more than 500 employees a separate MySuper product tailored to the needs of the particular workplace.

These products will be able to differ from a fund’s main MySuper product in terms of investment strategy, member services and fees. These MySuper products must be separately authorised by APRA.

Secondly, funds will be able to offer additional MySuper products in certain limited circumstances in order to preserve a corporate brand.

From 1 October 2013, it will be mandatory for employers to make contributions to a fund that offers a MySuper product for any employee that has not chosen a fund. This will provide employers 3 months to ensure that they are able to select a default fund that offers a MySuper product to comply with the superannuation guarantee obligations.

MySuper products will be restricted to charging fees that are described in the same way so that they can be directly compared. APRA will collect and publish data on all MySuper products to ensure that this information is freely available.

Members of a MySuper product will also be generally charged a single fee structure. This will enable members, employers and market analysts to make comparisons based on the actual fees paid by members in each MySuper product. In addition, by requiring the same fees to be charged to all members, this will place a competitive pressure on trustees to offer the best possible fees to all of their members.

However, a trustee will be able to charge a lower administration fee to employees of certain employers reflecting administration efficiencies for the fund in dealing with that employer.

Provisions contained in the Bill will generally allow for the transfer of a member interest from a MySuper product to another product under certain circumstances. Of particular concern is where members are transferred between funds when they change jobs. Additional safeguards, including enhanced member disclosure or approval, will be included in subsequent legislation.

Finally, the Bill makes it an offence of strict liability for any person to represent that they offer a MySuper product where they do not have authorisation from APRA.

Additional funding of $29.9 million over four years will be provided to APRA and ASIC that will be recovered through increases to the annual levy on APRA-regulated superannuation funds.

Subsequent tranches of legislation will introduce the remaining measures relating to MySuper.

I would also like to acknowledge the work of Jeremy Cooper and Paul Costello. Both have since moved into significant roles in private industry where they will make valuable contributions to the development of the financial services industry.

Full details of the amendments are contained in the Explanatory Memorandum.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Aviation Legislation Amendment (Liability and Insurance) Bill 2012

First Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the
Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:56): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (17:56): 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—

This bill will modernise Australia’s arrangements for air carriers’ liability under the Civil Aviation (Carriers’ Liability) Act 1959 (the CACL Act) and the Damage by Aircraft Act 1999 (the DBA Act).

The bill will deliver on one of the key commitments announced in the Government’s Aviation Policy White Paper by significantly increasing the outdated cap on carriers’ liability for domestic travel and the level of mandatory insurance required by air carriers.

In addition, the bill will update technical provisions relating to the scope of liability for air operators.

The increase in the cap on carriers’ liability for domestic travel to $725,000 per passenger represents a 45 per cent increase on the current arrangements.

This is necessary to ensure that victims of aircraft accidents are adequately compensated.

The cap has not been adjusted since 1994. The new level will reflect 21st century realities, not those of almost 20 years ago.

While Australia has a proud aviation safety record, it is important that the Government puts in place this much needed and welcome increase in compensation for domestic passengers or their families affected by aviation accidents in Australia.

The bill also seeks to increase the amount of mandatory passenger insurance for domestic travel.

Mandatory passenger insurance legislation was introduced in 1995 in response to the tragic Monarch Airlines fatal accident.

This accident led to a requirement that our domestic airlines insure against the full extent of potential liability under the CACL Act.

The bill proposes an increase in the level of mandatory passenger insurance proportionate to the proposed increase in the cap on carriers’ liability.

As it is a strict liability regime, it is important that there are adequate funds available for the complete compensation of air crash victims in accordance with the air carriers’ potential liability.

In terms of the cost impacts on airline operators, the Government is advised that insurance represents only a small component of the total cost base, that is, around two to three per cent of total costs for smaller operators, and significantly less for larger operators.

For smaller aircraft, the majority of the insurance premium also relates to the cost of insuring the aircraft hull, rather than liability risks covered by this bill.

Raising mandatory passenger insurance requirements from $500,000 to $725,000 per passenger would therefore have only a modest impact on insurance premiums.

But it will, of course, represent a significant improvement in the compensation available to a passenger in the event of an accident.

The bill also harmonises Australia’s commitments under the Convention for the Unification of Certain Rules for International Carriage by Air, signed May 28 1999 (the Montreal Convention) by amending references in the CACL Act concerning ‘personal injury’ and substituting it with ‘bodily injury’.
This brings our domestic liability arrangements in line with the international framework established under the Montreal Convention and implemented by more than 100 States around the world.

This will mean that domestic carriers will no longer be liable for mental injuries irrespective of whether other ‘physical injuries’ have also been incurred.

A similar measure is proposed for the DBA Act.

Limiting carriers’ liability under the domestic system to ‘bodily injury’ will ensure that compensation for injuries is treated consistently for both domestic and international aviation.

Taking into account the outcomes of previous litigation (Cook v Aircar Moree 2008), the bill also makes amendments to the DBA Act.

It rectifies an anomaly in the DBA Act whereby a defendant could not previously mitigate their loss by proving contributory negligence on the part of the victim.

The Government recognises that it would be very rare that a third party victim could be considered partly negligent in causing the damage that they suffered.

However, it is appropriate that defendants retain the opportunity to argue that their liability should be reduced if they can show that the victim was partly negligent in causing the damage.

The bill has also been strengthened so that defendants can seek a contribution towards damages for which they are liable from other parties who have contributed to the damage claimed under the DBA Act.

In conclusion this bill is an important and vital step in improving the rights of air accident victims flying domestically in Australia.

I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Cameron): In accordance with standing order 111, further consideration of this bill is now adjourned to the first day of the next period of sittings, which commences in 2013.

Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Cameron): The question is that the bill, as amended, be agreed to.

Senator WATERS (Queensland) (17:57): by leave—I move Greens amendments (4) and (6) on sheet 7233 together:

(4) Schedule 1, item 4, page 5 (line 17), at the end of paragraph 505D(1)(a), add " and any associated environmental and health impacts ".

(6) Schedule 1, item 4, page 5 (line 23), at the end of paragraph 505D(1)(b), add " and any associated environmental and health impacts ".

These amendments go to the committee’s scope of consideration. The amendments add public health and environmental impacts to the list of issues that the committee has to consider and advise the various ministers on. There seems to have been some movement in that respect by the government and the opposition, which I welcome. Their amendments do not quite go as far as these amendments, but we will come to those amendments later and certainly the Greens will be supporting those. I welcome the reconsideration by both sides of the chamber of the scope of the committee’s work. It is important that this committee be charged with looking at as many issues surrounding coal and coal seam gas as possible, although I note that it is unfortunate that that does not remedy the fact that the federal minister is unable to act on the advice of this committee where there are water impacts only as opposed to impacts also on other matters that
are protected by our environmental laws already.

Senator IAN MACDONALD (Queensland) (17:59): I just wanted to speak generally on the amendments, but since we are on this I want to recapitulate as to where we are with the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012. It was a bill setting up a scientific committee to look at issues relating to coal seam gas and large coalmining developments. The committee was to be an independent and expert committee. There were amendments proposed, which actually set down the types of expert scientists that would form part of that committee. The debate in the second reading ranged widely on issues relating to coal seam gas and I spent some time in my second reading contribution referring to the new Queensland government’s GasFields Commission that had been set up under the leadership of Mr John Cotter, a distinguished Queenslander who has spent a lifetime living in Southern Queensland and former chairman of AgForce. I indicated to the Senate in my second reading contribution just what the role and remit of the Queensland GasFields Commission was.

When we came to the committee stage, I asked Senator Conroy, the minister who is taking this bill through the chamber, being the representative environment minister in this chamber, a couple of fairly succinct and relatively simple questions. One was: what would the scientific committee do that the Queensland GasField Commission would not do? The other question was relative to how the government was going to select the members of this independent expert scientific committee. I asked those questions before question time. Senator Conroy indicated that he would, during the course of this debate, attempt to get me answers for those questions. He indicated, and I accept, because I am a reasonable sort of fellow, that he did not have that information at his fingertips, but here we are five hours later and I am sure that Senator Conroy in the five hours would have had his advisers and public servants working flat out to find that information. I would not have thought it would take terribly long. As an aide memoire to the minister, I look forward to the answers to those questions which you indicated you would provide.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:03): I am still seeking further information on the process. As I said, it will be far more rigorous than the Christmas card process that the Liberal Party normally engage in.

On the question of the overlap, you seem to be very familiar with the Queensland commission’s responsibilities.

Senator Ian Macdonald: I actually read it on the website.

Senator CONROY: I am pleased you did. I am glad you admitted that. You have clearly read the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012, so you are familiar with the work of the committee, so I am struggling to understand how you are not able to make that assessment yourself. You have both pieces in front of you and you would like me to explain to you the differences. I would suggest that you put them next to each other and you would be able to work your way through it. You are clearly familiar with both, Senator
So, if you would like someone to give you some assistance, perhaps your staff might want to help you.

Senator IAN MACDONALD (Queensland) (18:04): I thank Senator Cameron for his comments. My reading, Minister Cameron, was such that there did not seem to be any point in setting up this federal scientific committee when the work that the federal scientific committee was going to do was effectively being covered by the Queensland commission. The Queensland commission has reputable scientists, people who are well versed in these issues and live in the area where coal seam gas is a particular issue. Minister, having done as you suggest—that is, reading your bill and looking at what the Queensland commission does—I am not sure why you are bothering with this legislation. Sometimes I do miss things, so I am seeking your assistance and that of your advisers to explain to me what this committee will do that the Queensland commission is not already doing.

Perhaps by implication I raise the question: is this just another Labor Party 'regulate, legislate, build-up-the-books' exercise? Australia is crippled under red tape, green tape, this body and that body, and more legislation and more regulation. Minister, I believe your government actually has a minister for deregulation—a minister for getting rid of regulation—and yet you keep adding. It may well be that there is something in this scientific committee that does things that the Queensland commission would not do. I cannot see it—I am not always that bright—so I am seeking your assistance, Minister. You and your advisers should be able to succinctly point out to me what is different. Well, not what is different; I know what is different.

Senator Conroy: So you know what is different but you would like us to tell you?

Senator IAN MACDONALD: No; I am asking why you are bothering with this committee when one could be excused for thinking that what this committee will achieve is already being achieved by a commission set up by the Queensland government some months ago. I might say that it was set up by the new Queensland government—the Campbell Newman 'can do' Queensland government—after years of vacillation by the previous Labor government in Queensland. The Labor government in Queensland, prior to the stunning success of Campbell Newman, talked about this for four or five years, as I recall, and fumbled around. They showed the same sort of management capability that the federal government has shown with pink batts, school hall constructions, the carbon tax—now in its sixth version—and the mining tax.

Senator Conroy: Are you still talking?

Senator IAN MACDONALD: You are clearly not listening, Minister. I am just saying—

Senator Conroy: I am not sure how the mining tax has anything to do with this bill, but you keep elucidating.

Senator IAN MACDONALD: Minister, you clearly do not hear too much. I just want to make it clear to you, Minister, that I personally think that you are a great guy. It is just the duplicity of yourself and your colleagues in the federal government ministry that I really detest. I might as a throwaway line say the same about the Greens. I love them all personally as people but I detest the duplicity and the hypocrisy and sometimes that distracts me.

Senator Conroy: And we have the honourable Liberal and National parties sacking 15,000 people—
The TEMPORARY CHAIRMAN (Senator Fawcett): Order! Minister, you will have the call in due course.

Senator IAN MACDONALD: Minister, I hear you talk about sacking people. Perhaps you have not heard yet that BHP have just closed another coalmine in Queensland.

The TEMPORARY CHAIRMAN: Senator Macdonald, I remind you to come back to the amendments to the bill in question.

Senator IAN MACDONALD: Thank you, Mr Temporary Chairman. I was distracted by that unruly interjection from the minister. What I was saying in relation to coal seam gas in Queensland is that the previous Labor government in Queensland showed the same expertise in managing the coal seam gas issue in Queensland prior to the change of government as the federal government have shown in relation to pink batts, green loans, carbon taxes, mining taxes—you name it. They have just been incapable of delivery. That was my point, and that is how I got onto that line.

I can well understand that the minister does not personally know the answer to this, but he has four advisers sitting there who would. Unfortunately they cannot speak; they can only speak through the minister, regrettably. What I want to know is what this committee will achieve that the Queensland commission will not achieve.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:11): Senator Macdonald can probably ask that question, among his streams of consciousness, four or five more times before the dinner break and the answer will be the same. He has already expressed to the chamber that he knows the differences. I am not sure I am going to be able to add much more to your knowledge than you already claim you have, Senator Macdonald. The will of the other place created this committee, is my understanding, and that is why this legislation is before us. You have already professed your expertise. You have examined this and you know what the differences are. Unlike your earlier claim that the committee stage is about seeking information, you are actually asking questions and, even funnier, answering your own questions as you ask them, which leaves me not in a position to give you any further information than you already admit you know.

Senator COLBECK (Tasmania) (18:12): I would like for a minute to reinforce the question that Senator Macdonald has been asking in relation to the establishment of the committee. I think it is a very reasonable question. It is a bit symptomatic of the way this government work that they put up a piece of legislation and have no concept of how the fundamentals of it might work. I think it is a reasonable question for Senator Macdonald to ask—a very reasonable question. He did ask Minister Conroy this morning how that process might operate. I acknowledge that Senator Conroy said that he would have to seek some additional advice—and, as Senator Macdonald has just said, some five hours have passed since he asked that question. I think it is quite reasonable that this chamber have some understanding of the process through which the committee might be established.

It is all very well for Senator Conroy to make comments about how other processes may have worked, but that really is not quite relevant to the questions that we are asking. We are asking some genuine questions about how the panel might be appointed. There are a number of mechanisms that are relatively standard. Will there be a selection panel
appointed with a recommendation to the minister? Or is the minister just going to make his own appointments based on information from staff in his office? Or will the department recommend to the minister names for appointment? Given the contention that exists around this issue and given the concerns that have been raised both in this chamber and in the other place, it is reasonable that we ask these questions and get a serious response. This piece of legislation has been around for a while. It has been through a Senate inquiry process and I find it difficult to understand why the minister has absolutely no idea what particular process might be undertaken to select the panel. It is perhaps one of the fundamental issues of how this whole process is going to work. If we cannot have confidence in the efficacy of that process, if we do not understand while we are passing the legislation how that process is going to work, what can we have confidence in?

Senator Macdonald has mentioned some of the previous and numerous failures of this government around process. He mentioned pink batts and I think that is a pretty prime example. He mentioned school halls and the complete disaster that was the process of allocating funds, particularly through the former New South Wales government. If the minister cannot tell us, at least, what the process might be or give us an indication of how the process might work, are we going to find out prior to the passing of the bill? I do not think it is reasonable that we do not know that information prior to the passing of the bill. It is a simple question. It is a reasonable question. This piece of legislation has been around for some time and I think it is quite reasonable that the chamber actually ask the question and receive an answer.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:16): I am advised—and most of this I have already advised—that the minister is looking widely for suitable expertise and the minister has written to the states under the national partnership agreement seeking possible candidates. As I said, we are consulting the states.

Senator Colbeck: Why didn't you tell me that before?

Senator Conroy: I told you that four hours ago. Check the Hansard.

The TEMPORARY CHAIRMAN: The question is that the amendments be agreed to.

The committee divided. [18:21]

(The Temporary Chairman—Senator Fawcett)

Ayes.......................... 10
Noes ......................... 30
Majority ................ 20

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

NOES
Back, CJ
Bilyk, CL
Bushby, DC
Cameron, DN
Colbeck, R
Conroy, SM
Cormann, M
Crossin, P
Edwards, S
Farrell, D
Farrell, ML
Gallacher, AM
Hogg, JJ
Kroger, H (teller)
Ludwig, JW
Lundy, KA
Macdonald, ID
Madigan, JJ
Marshall, GM
McKenzie, B
Moore, CM
Pratt, LC
Ruston, A
Singh, LM
Smith, D
Sterle, G
Stephens, U
Urgahart, AE
Thistlethwaite, M
Williams, JR

CHAMBER
Question negatived.

Senator WATERS (Queensland) (18:24): I want to move to the issue of conflict of interest with the committee members. It is a bit unfortunate there seems to be a lack of confidence in the community about the independence of the interim committee. Certainly when I asked in estimates about the background of the interim committee members I received some alarming statistics. Half of the interim committee members in fact had financial interests in the coal seam gas industry and in some cases the bulk of their research funding was being provided by industry. Of course, that is due to the neglect of the government to fund proper research and development in our tertiary institutions, so the fault does not lie with those researchers, but the perception in the public remains that these interim committee members are not in fact independent from industry. I have some amendments, which I will move in due course, that go to this question of conflict and how it is dealt with.

I want to pick up now on a question that has been raised already but not answered fulsomely, in my view. I understand we need to balance the need for expertise on this committee with the fact that we do not want people who are compromised and have a conflict of interest. I am interested to know how the government intends to balance those competing interests in making the appointments to the final positions on this committee, if the minister could elaborate substantially on his earlier response to opposition questions with respect to that.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:26): I am advised of the following on the interim committee: members of the interim committee were appointed on the basis of their strong scientific expertise and credentials in understanding the potential impacts of coal seam gas and coalmining on water resources. The government has full confidence in the operations and advice of the interim committee, despite the accusations that they are conflicted. It was the opinion of the Senate committee that members of the IESC should be experts and this may include members who have worked or received funding from mining organisations. It is important to have people who are experts, not people who are learners in this whole area, which when brought together can bring a range of skills to be an effective expert committee. A balance needs to be struck between ensuring you have the industry expertise and managing potential conflicts of interests to ensure the advice is robust, rigorous and independent. That was the experience of the government with the interim committee. I have indicated we are writing to the states on the membership and consulting the states.

Senator WATERS (Queensland) (18:27): Thanks, Minister. Yes, I heard your answer earlier that you would be seeking nominations in your contact with the states. Can you tell me if there are any criteria that the government will be employing to sort through those nominations once received?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:27): Besides having expertise, a balance of views, similar to the range of experiences using the interim committee. I am not sure there is much more I can say than that.
Senator WATERS (Queensland) (18:28): Minister, are there going to be any limits on whether or not members of the final committee will be currently on the payroll of industry? Will there be any limits in that respect? I do understand the need to balance expertise and field expertise. Although it has been suggested by some members of the community, my amendments, which I will move in due course, do not require that members on this final committee have never worked for industry. The intention is that they are not currently employed by or on the payroll of or receiving research funding from industry. Can the minister advise whether there are any such parameters in the government's appointment criteria?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:29): There are a range of issues we are looking to to ensure that we have the right governance and probity. I am not sure that at this stage we have quite finalised all of those deliberations.

Senator COLBECK (Tasmania) (18:29): I want to follow on from Senator Waters's question. There are a lot of allegations about the science that is commissioned by industry, but there is another category to this process which is science commissioned by environment movement groups. If the allegation is that the science commissioned by industry is skewed towards industry and their views, what about the other side of the equation—science commissioned by environment groups who have a philosophy against industry? Surely the allegation must work both ways.

Sitting suspended from 18:30 to 19:30

The TEMPORARY CHAIRMAN (Senator Furner): The committee is considering the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012. The question is that the bill as amended be agreed to.

Senator COLBECK (Tasmania) (19:30): Before we ceased for dinner I was asking Minister Conroy some questions in relation to the amendment around qualification for selection on the panel. As I was saying, Senator Waters had indicated that anyone who had done any work for industry in respect of science must have tainted science.

Senator Waters: Mr Temporary Chairman, I raise a point of order. That is not at all what I said. I was clearly making the distinction between the appointment of people to the committee who currently are on the payroll of industry and the appointment of folk who had previously worked.

The TEMPORARY CHAIRMAN: That is not a point of order. You are merely debating.

Senator COLBECK: It clearly was not a point of order. I think we all understood the inferences Senator Waters was making. I sat in silence listening to Senator Waters and it would be nice if she might do the rest of the chamber the same courtesy. I would like to know from the minister about, for example, a scientist who had been working for one of the more unreliable of the environmental groups that oppose coal seam gas because they oppose coal seam gas, someone like Greenpeace, who I note were fined $280,000 just last week for illegal invasion of a CSIRO crop trial, so clear lawbreakers with little respect for the law. Would the same rules have to apply to someone who was currently doing science for an organisation such as Greenpeace as might apply to industry? You cannot have it both ways. If you are saying that somebody who is doing...
science on behalf of industry is tainted in their work because they are on the payroll of industry, surely for somebody who is on the payroll of an environmental group which is fundamentally opposed to this anyway regardless of the outcome their science is similarly tainted. We have seen some pretty sad examples of this in recent times. In fact, we have even seen environmental groups trotting out scientists who do not have qualifications even in a related field attacking scientists who do to try and besmirch their image. It is a well-worn path for the Greens and environmental groups to undertake these practices. I ask the minister: if it is an issue that someone who is doing science for industry should be disqualified, what about the other side of the equation?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:33): I am very much enjoying the debate between the two perspectives that are represented by this. My answers to you are exactly the same as they were to, if you like, the polar opposite-style question from Senator Waters. I am not sure I can actually add much to your bank of knowledge from what I have already stated in answer to a similar line of questions but from a different angle.

Senator WATERS (Queensland) (19:34): I believe the minister's earlier answer, that the government had not yet finalised the criteria for appointment of the panel, might answer Senator Colbeck's question. I repeat my objection to him verballing me. Be that as it may, I would like to move to the substance of some amendments that I will move in due course, and that is how the government proposes to deal with actual or perceived conflicts of interest in appointing the final members of the committee. My understanding is that the combination of the act, the regulations and the policy so far has been that conflicts of interest of the interim committee members have been disclosed in meetings of that committee and such conflicts have been recorded in the minutes. The policy of government, although not reflected in statute anywhere, is for those minutes to be published online. I have two issues about that that I would like the minister's response to. Firstly, if it is indeed the policy of government that those minutes be published online so that all members of the public can see them, why is there not such a clause in the bill to enforce that policy stance?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:35): I am advised that we will be publishing the advice and we will be publishing the minutes, if it helps by having me say that on the record. The whole point of the committee is greater transparency in this issue. So I have given a commitment on behalf of the government that we will publish the minutes and we will publish the advice.

Senator WATERS (Queensland) (19:36): Thanks, Minister. Perhaps it might be useful to include that in the bill, given that your side may not always be in government and it may not be a policy that is shared by the other side. So our position is that clearly such parameters should be reflected in the bill. I have an amendment to that effect. The other important point I would like to ask the minister about is the fact that the conflict disclosures made in those meetings, which are minuted, are included in appendices to the minutes which are not available online. If the purpose is, indeed, greater transparency then I ask the minister why the
complete minutes, including the appendices wherein those conflicts are disclosed and, presumably, the decision of the meeting as to how they are dealt with—the relevant, and surely the most interesting, parts of the minutes—are not then published online.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:37): As we indicated, we will be publishing the minutes. I think perhaps there has been a misunderstanding; at the beginning of any meeting it is required to outline the conflicts of interests and they are put in the minutes of the meeting, which will be published. I hope that goes some way to dealing with your concerns, but I think you are wrong in terms of how the information will be publicly available.

Senator WATERS (Queensland) (19:37): Thank you, Minister. I am simply referring to the meetings that have already happened, for which the minutes are already online. In those minutes questions of conflict are said to be dealt with in appendix A, and appendix A is not included on that website where the minutes are. I am very pleased to hear that you seek to change that for future instances—perhaps you could confirm that that is indeed your intention—but I think you are wrong in terms of how the information will be publicly available.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:38): Hopefully we can advise you of something, but certainly from my understanding from the officers it is not our intention for that information not to be available. Literally, we are online looking into it as you speak.

Senator WATERS (Queensland) (19:38): Thank you, Minister. I think that would be a good outcome. Again, it reflects the need to have these sorts of procedures reflected in the bill so that they are beyond question for the folk who are implementing these provisions. I am pleased that perhaps this appears to be an oversight and I look forward to the disclosure of those appendices not just to me as a member of this chamber but also on the website so that all members of the public can access them.

I can see an iPad approaching you rapidly. I will be very pleasantly surprised and pleased if in the two-week interim since I last looked at these minutes the appendices have in fact been uploaded. If that is the case I welcome that, and I would ask that you ensure that that is standard practice for future meetings. Again, I repeat my suggestion that if that is in fact the government's policy it would be wise to reflect that in the provisions of this bill. Certainly, it is a very easy amendment to craft.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:39): I have found a rogue, stray iPad which has a copy of the minutes of the meeting of 21 June—meeting number 6. Certainly, this one, which is already online, contains one standing item—1.1: conflicts of interest—and a disclosure about a member. So, certainly, it is happening. If there is an issue around the previous five meetings—I think this indicates that it is meeting number 6—I am happy to look into that for you.

Senator WATERS (Queensland) (19:40): Thank you. I will double-check that now myself, but my understanding is that the
minutes refer to a disclosure and then the details of such disclosure are in the appendix, which is then not online. I think that we have clearly canvassed the point that needs to be rectified here.

The other aspect of the amendments that I will move shortly is that the Greens are interested to see the various advices provided to the minister be provided to the public—in fact, at the same time as their provision to the minister. This is of course important for transparency and, given that there are opportunities for the public to make comment on referrals through the normal processes in the EPBC Act, it is important that the public has before it the same information that the minister has and on which the minister is basing his decision. This is so that the public can make appropriate comment and also scrutinise the decision-making processes of the minister and ensure that where there is such advice provided it is being taken proper account of.

There are various different lists of advices which need to be provided. There is advice in relation to particular coal seam gas developments or large coalmining developments, there are requests for advice of the same nature from state ministers, there are requests about the scope of bioregional assessments in the priority areas in which those bioregional assessments should be undertaken, there are advices about the priorities for research projects and, of course, there is specific mention of scientific advice to the minister in relation to a matter protected by part 3. There are several mentions there that link in with the EPBC referral process. My question is whether or not there is any intention to disclose that advice publicly and, if so, in what sort of time frame.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:42): Consistent with the treatment of other advice provided to the minister from independent committees constituted under the EPBC, advice is not made publicly available until the decision maker has considered it and made their regulatory decision, thus avoiding the possibility of decisions being inadvertently prejudiced. The current practice of the interim independent expert scientific committee has been to publish material at the same time or just after a decision has been made based on that material. The government is committed to transparency in the advice provided to it by the committee, and that advice will be published as soon as possible after a decision has been made.

Senator WATERS (Queensland) (19:43): Minister, I wonder if you could just explain that a little more to me? I am interested in the manner in which you contend that the minister’s decision would be prejudiced if the advice of the relevant expert body is provided at the same time to the public as it is to the minister?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:43): Under the terms of the act the minister must make his own decision, and he cannot be influenced. It is a fairly standard process where even the Cabinet cannot make the decision. The minister is empowered to make the decision individually. I am happy to get a more detailed description for you, but it is a fairly normal standard process.

Senator WATERS (Queensland) (19:44): With respect, Minister, the environment
minister is empowered to—and I understand frequently does—seek advice from relevant state ministers in the course of his approval decision, and he is also empowered to consider any information he considers relevant. So I am afraid that line of argument does not address my concerns. Is there perhaps any other reasoning that can shed any light on the policy decision to delay the release of that advice until after the minister has made his approval decision?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:45): No.

Senator WATERS (Queensland) (19:45): Thank you. So do I understand that there is no policy justification for the delay in releasing the advice to the public other than what you have already stated?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:45): There is nothing I can add to what I have already discussed.

Senator WATERS (Queensland) (19:45): I might just ask the minister's advisers and the minister himself to reconsider that point. It seems that, if the justification for that policy position is not really supported by the existing provisions of the act and there is no other policy basis advanced to support that position, perhaps a reconsideration may be in order. On that note, I have mentioned the substance of the two amendments that I now wish to move—that is, that the advice to the minister from this committee be published online for the public at the time it is provided to the minister, and likewise that the minutes of the meetings of this committee be made public within seven days. Again, the point is that, while that may well be government policy, it is not in the bill. We have already seen that, unfortunately, the relevant aspects of the minutes as to conflict have not been uploaded, and I am looking forward to that being rectified. But I think it would be greater insurance if that were reflected in the terms of the bill. Therefore I seek leave to move Australian Greens amendments (10) and (13) on sheet 7233 together.

Leave granted.

Senator WATERS: I move Australian Greens amendments (10) and (13) on sheet 7233:

(10) Schedule 1, item 4, page 6 (after line 30), at the end of section 505D, add:

3 The Committee must publish on the internet any advice it provides under paragraph (1)(a), (b), (c), (ca) or (d) or (2)(a) or (b) at same time the advice is provided to the relevant Minister.

(13) Schedule 1, page 7 (after line 8), after item 5, insert:

5C Before subsection 510(1)

Insert:

1A The minutes of a meeting of a Committee must be published on the internet by that Committee within 7 days of the meeting to which the minutes relate.

Question negatived.

The TEMPORARY CHAIRMAN (Senator Furner): We now move on to Australian Greens amendment (11) on sheet 7233.

Senator WATERS: The substance of these amendments, which I will move shortly, is that the committee be properly resourced to do its work. The first part of these goes to the staffing of the committee. Before I get to the substance of my amendments, I am interested in whether the minister can tell me a little more about the existing resourcing for the committee, both
by way of sheer dollars and by way of staffing numbers.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:48): I understand that we have committed $150 million towards the resourcing of this committee and $50 million to assist the state governments. We are just trying to see if we can find the number of existing staff to assist with your question. We will seek to find that. I am not sure we have it to hand, but we are chasing it.

Senator WATERS (Queensland) (19:49): Thanks, Minister. I look forward to that advice, because it goes, of course, to the capability of the committee to undertake its functions. Although the committee's functions are not as broad as the Greens would like given the lack of support for some of our early amendments to broaden out the functions of the committee, there is certainly a rather long list of them, and I would be alarmed if, as I believe, part-time committee members did not have adequate support to undertake their functions. So I await that information as to the staffing for the interim committee and also whether or not that will be significantly different once the committee moves into its final form. Can the minister advise if such information will be forthcoming nowish, soonish or not for a while?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:50): We are seeing what we can find out. I am not sure how quickly we can establish the exact details.

The TEMPORARY CHAIRMAN (Senator Furner): Minister, I remind you to stand when you speak.

Senator CONROY: My apologies. I am just eager to answer my Senate colleagues' questions.

Senator WATERS (Queensland) (19:50): I want to ask now about the length of tenure of the committee members. Can the minister advise me whether there is any tenure? I do not believe there is any statement of tenure in the bill, but I am happy to be pointed to such a provision.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:50): As with some other independent committees constituted under the EPBC Act, it is appropriate for there to be some flexibility of tenure to allow for the appointment of members for a shorter period than three years due to legitimate business reasons such as availability.

Senator WATERS (Queensland) (19:51): I think that, given the title of this committee and the fact that it is intended to be independent, it is crucial that the committee be supported with adequate staff—in my view, public servants—to do that work and also that the committee members have security of tenure. Of course, there has been some controversy about the conflicts of interest of the interim committee members. Also, with the nature of the work being part time, one envisages that these committee members will need to undertake other work as well. All of this goes to a reduction in the perceived or actual independence of these committee members. Has the government given any thought to stipulating tenure on the grounds that this is one of the few
committees that actually has 'independent' in its title?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:52): I am not sure—and perhaps I have misunderstood your question—but I think I have addressed the issues that you have raised again there. I am not sure if I have missed something, but I think my answers have canvassed the question.

Senator WATERS (Queensland) (19:52): So your earlier answer was that the government had not decided to impose any tenure limits?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (19:53): As I said, it is appropriate for some flexibility of tenure to allow for the appointment of members for periods shorter than three years due to legitimate business reasons such as availability.

Senator WATERS (Queensland) (19:53): For the reasons I have outlined on the need for this to be a genuinely independent committee and for it to be properly resourced to do its workload—which, of course, the Greens think should be broader and include the environmental impacts and public health impacts of coal seam gas, though my amendments to that effect were recently defeated—I move amendment (11) on sheet 7233:

(11) Schedule 1, item 4, page 7 (after line 4), at the end of Division 2B, add:
   505F Staff assisting Committee
   The staff necessary to assist the Committee are to be persons engaged under the Public Service Act 1999 who are:
   (a) employed in the Department; and
   (b) made available for the purpose by the Secretary of the Department.

The TEMPORARY CHAIRMAN (Senator Furner): The question is that Greens amendment (11) on sheet 7233 be agreed to.

The Senate divided. [19:58]

(19:58) Question negatived.

Senator WATERS (Queensland) (20:00): I move Australian Greens amendment (12) on sheet 7233:
Schedule 1, page 7 (after line 8), after item 5, insert:

5A Subsection 507(1)

Repeal the subsection, substitute:

(1) A member of a Committee holds office for the period specified in the instrument of appointment. The period must not be less than 3 years and must not exceed 5 years.

Note 1: For re-appointment, see section 33AA of the Acts Interpretation Act 1901.

Note 2: Section 509 sets out the circumstances in which a member’s appointment may be (or must be) terminated.

5B Application of item 5A

The amendment made by item 5A applies in relation to an appointment made on or after the commencement of this Schedule.

I have already spoken to the substance of amendment (12) on sheet 7233, it being the need for the committee members to have some tenure to ensure that they can be genuinely independent from both industry and government—really from any sort of bias that may or may not seek to influence their decisions.

The amendment I have moved establishes that the committee members should have at least three years tenure but for not more than five years. Again, I have already spoken to the need for this amendment, namely independence, and I certainly hope the government has had a change of heart in the last five minutes and will support this amendment. Sadly, it seems that many of these amendments are doomed to failure; however, I shall move it nonetheless.

The TEMPORARY CHAIRMAN (Senator Furner): The question is that amendment (12) on sheet 7233 be agreed to.

The Senate divided. [20:06]

(The Temporary Chairman—Senator Furner)

Ayes.................... 10
Noes..................... 34

Majority .............. 24

AYES

Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Bilyk, CL
Brown, CL
Cameron, DN
Colbeck, R
Conroy, SM
Farrell, D
Furner, ML
Heffernan, W
Joyce, B
Lundy, KA
Marshall, GM
Moore, CM
Payne, MA
Ruston, A
Smith, D
Thistlethwaite, M
Urquhart, AE

Hanson-Young, SC
Milne, C
Sewert, R (teller)
Whish-Wilson, PS
Xenophon, N

Bishop, TM
Bushby, DC
Carr, RJ
Collins, JMA
Crossin, P
Feeney, D
Gallacher, AM
Johnston, D
Kroger, H (teller)
Madigan, J
McKenzie, B
Nash, F
Pratt, LC
Singh, LM
Stephens, U
Thorp, LE
Williams, JR

Question negatived.

The TEMPORARY CHAIRMAN (Senator Furner) (20:08): We now move to Australian Greens amendment (14) on sheet 7233.

Senator WATERS (Queensland) (20:09): I asked in estimates hearings how long the committee would take to do its work, and the answer was, 'About five years.' They have a fairly comprehensive research program, including undertaking bioregional plans which, of course, are long overdue and much needed and, frankly, should have been done before any coal seam gas approvals were issued. Minister, was any thought given to actually allowing the committee to do its work before further decisions were made by the federal environment minister?
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:09): I did hear my colleague Senator Feeney as I was arriving in the chamber earlier that the point of this was to find a balance, to find the right solutions. I think these arrangements will provide all Australians with greater confidence that projects will be subject to rigorous and objective scientific assessment. Independent assessment will help build greater trust and help build community confidence in coal seam gas and coal mining development in sensitive areas. Under these arrangements, the states will remain the primary regulators, the framework will apply to future licences and businesses will not be required to change the way they apply for a licence. The framework is not designed to add extra work or to increase the regulatory burden for upcoming projects but it does mean, however, that their applications will be subject to rigorous and independent scientific assessment by the committee before states grant an approval for a relevant activity. This is a good outcome as it will inform better environmental regulation of coal seam gas and large coalmine development impacts on groundwater across Australia without imposing additional Commonwealth regulation.

It leaves the administration in the hands of the states, which have the local knowledge and local relationships, while avoiding duplicated regulatory systems, with the added cost and uncertainty that brings. Independent expert scientific advice to provide quality recommendations for the protection of underground water has formed part of federal approvals when they have been given. To date, this quality independent advice has been limited to the extent of the environmental powers set out under the EPBC Act. With this new independent expert scientific committee, the level of scientific rigour will be applied to consider the impact on underground water more generally. This is an important development, with Australia set to benefit from a strong coal mining and coal seam gas industry for years to come.

Senator WATERS (Queensland) (20:12): Thank you, Minister. I am struggling to understand how the government can find the right balance in relation to groundwater once it is depleted, once the pressure has been changed or once it has been contaminated—all of which are likely and in fact demonstrated outcomes of coal seam gas. How on earth can you balance our most precious resource that much of our food growing and food export, for that matter, depend upon with an industry that threatens to have long-term impacts that will deplete and/or contaminate it? How is that a balance, Minister, when one will be totally destroyed by the other?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:12): I think that is probably more a rhetorical question. I am not sure that that question was actually designed for a response. I think it was more of a statement pretending to be a question.

Senator WATERS (Queensland) (20:13): Minister, it really was a question.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:13): Let me declare that we will not be supporting a moratorium.
Senator WATERS (Queensland) (20:13): Thanks, Minister. Unfortunately, that is perfectly clear, but what is not clear is this spurious balance that you are seeking to create in relation to a resource that stands to be completely destroyed by the activity. I am simply seeking to understand the reasoning. Given that this is the committee stage and we are asking questions here, perhaps the minister could respond to that.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:13): I think I just read out a fairly lengthy statement explaining why we are going down the path that we are, and I am not sure that I can add much more to what was a fairly lengthy statement.

Senator WATERS (Queensland) (20:13): I am disappointed by that. It was a statement of a couple of minutes, but you made a number of contentions within the statement that I am seeking to further understand. It does dismay me that the process is unable to allow me to explore the reasoning and the policy behind the position you have articulated. I thought that that is what we are here to do, but, hey, I'm new to this gig. I hope to succeed in that at some point this evening.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:15): The committee will provide some expert evidence and I have always found that expert evidence is something that does enhance community confidence.

Senator HEFFERNAN (New South Wales) (20:16): I am pleased that there is a amendment coming to deal with land and I am grateful to all the people who negotiated that, including the government. As I have said several times today, what this is about is a committee set up to look at the various problems which will hopefully, after the next amendment, include the impact of salt on land and its use. But it is designed in such a way as if the minister—I had better not dob him in—had said, 'Look, Bill, we don't want to own the problem.' This committee may well provide some really good research—and I would love to be on it—but there is absolutely no compulsion for anyone at any level of government to take any notice. It is a complete farce if it is allowed to just find the evidence and present it but have no powers
to compel some of what may be very compelling impacts on the various players, which will mainly be the states.

Senator WATERS (Queensland) (20:17): Again, it alarms me, but I agree with Senator Heffernan on that front. That is why we have sought to strengthen this bill with the series of amendments that have sadly received no support from any of the other parties, although I exclude the DLP and the Independents from that assessment.

Minister, you said that the committee would enable decisions to be based on expert evidence. The whole point of my questions in estimates was to establish how long it would take for those bioregional assessments to be prepared. The answer I was given was roughly five years. The committee is empowered to provide advice on specific referrals but that advice will be hindered by a lack of the knowledge that will be given by those bioregional assessments—that is, we need those bioregional assessments in order to understand the cumulative and long-term impacts on groundwater. So again, how can you contend that decisions will be based on expert evidence if those bioregional assessments, which take five years, will not be done before more approvals are given?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:19): You have hit the nail on the head. It is an advisory committee. You have confirmed it is an advisory committee, Senator Heffernan.

Senator WATERS (Queensland) (20:19): We have come really to the nub of it. This is a committee which was set up to advise someone who does not have the power to consider or act on the advice properly and to advise the states, which are merely obliged to take account of it—which can mean read and then shred. I ask the minister: what is the point? Why is the government even proceeding with this bill when you are determined at every motion to make it as weak as possible?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:20): I reject the premise on which you base your question. The other place supported this, and we are now dealing with the legislation.

Senator WATERS (Queensland) (20:20): With respect, Minister, it is not going to be terribly effective legislation. It is a great shame because this was an opportunity for the federal government to step in and caretake what is an incredibly precious national natural resource, groundwater, which so many of our rural communities and
productive economies depend on—let alone our natural environment. It is very dismaying that we see pure politics operating here. Of course, that operates a lot of the time—but there seems to be no other motive for this bill because it is deliberately drafted to have as little impact as possible. It is such a shame. It really lets down all those communities which are seriously worried about the future of their land and are basing those fears on advice from CSIRO and the water commission which are both saying, 'The science isn't sufficiently advanced that we know what the long-term impacts of this industry will be; yes, it could have irreversible, long-term impacts.'

Why are you flying in the face of that expert advice? Why are you flouting those communities' concerns when you have an opportunity to do something to fix these issues? It is not that hard. There are just a few small amendments that would strengthen this. It needs to go much further, and I have two other bills before this place to deal with the broader issues of coal seam gas. One is to give farmers the right to say no to coal seam gas on their land while there is this uncertainty about its long-term impacts. If the government needed that land there are always compulsory acquisition powers at both the state and federal level, so there is no concern about inhibiting the necessary functions of government if government deems it necessary.

The other bill is to give the federal environment minister some water power, otherwise it is really making a mockery. You made mention in your earlier statement of the fact that there were already some conditions about water imposed on those Queensland CSG approvals. Yes, there were but that is only because there was a groundwater dependent threatened species that was going to be significantly affected by those coal seam gas activities. But there will not always be a groundwater dependent species that is on the threatened species list and lives in the same place as coal seam gas activities want to mine. So I am afraid it is not logical to say that the minister can act, because he can only act in those particular circumstances and those circumstances will not always be replicated.

It is so important that this chamber and the government—and the opposition for that matter, although there are certain individuals in the opposition who are very strong on this issue—take this opportunity to act to protect our water. We have got one chance and this bill is just such an insult to all of the people who really care about our groundwater, our land, our food productivity—and our climate for that matter and also our reef for that matter because of all of the massive dredging that is going on to build new ports to export all of this coal seam gas once it has been liquefied, which in itself is an energy intensive process. So I think it is a great shame given there is a chance here to set up a body that might do more than just provide advice and that might actually enable the federal minister to act, if he gave himself the powers to act rather than instead weakening the laws, as he is proposing in some other legislation that is due to come to us shortly, and also weakening it all, by the COAG process, by handing off half his powers to the states. It makes no sense that you should dabble in coal seam gas in a completely ineffective manner. You might as well not have pursued this bill at all. It will not actually help much. It is a tiny step in the right direction but so much more is needed and it could have been made so much stronger. Unfortunately, we have had no support for these amendments.

I am pleased to see that some of the Nats are in the chamber now on this important debate because they do talk the talk on coal seam gas. I have to give them credit for that
but I really am disappointed when they do not always come into the chamber to vote in accordance with what they say. Senators, you were not here earlier. I am glad you are here now. I really hope that you will be voting in support of this amendment when I move it. Shake your head you might but we do the same, as do the communities who feel ripped off, frankly, by your lack of support when it comes to the actual numbers.

Senator Conroy interjecting—

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (20:24): The peculiar thing about the right-wing headkicker who keeps the left wing underfoot and does not let them speak out is that you must say he is a great headkicker. So that is Senator Conroy!

It is very important that we clear the record. Senator Waters, with due respect, it is usually the case that around about now there is a multiplicity of meetings. We have to be at a whole range of them and we have to have as a shadow ministry a leadership position and there are times, peculiarly enough, when I cannot be here for every little dalliance of the Greens and whatever their latest provocations are. If I must accept your admonishment, maybe this is one instance where one of those crazy peculiar tilts that the Greens have—sometimes they are right but the other 98 per cent are not—is right. I must admit I do not follow the Greens with that much interest.

Senator Heffernan (New South Wales) (20:26): Can I ask this question of the minister, Senator Conroy, and I know he is well informed on this: as for the budget for this committee, as I understand it, is the figure $150 million?

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:26): Yes, 150.

Senator Heffernan (New South Wales) (00:00): So we are going to spend $150 million on committee proceedings which ensure that the gutless people in this parliament and the Commonwealth, the ones who do not want to have ownership of or anything to do with the ownership of the coal seam gas industry, have political cover. So we set up a committee which is going to do an investigation which no-one has to give any effect to and in doing that there is the cost of the political cover on which the minister said, 'The main thing you've got to understand, mate, is we don't want to own this problem.' We are going through this facade of science gathering by these eminent people, whomever they are and they could be political stooges for all I know, to maintain the apparition that somehow 'we are concerned but our concern is that we don't own the problem'. Can you explain to me as to that $150 million, Minister, what is the expected expenditure rate over what period for how many people?

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:28): I am not in a position to outline an expenditure rate. As to how many people, I think we have been seeking to try to ascertain that. Hopefully, we will have some information for you during the course of the evening.

Senator Heffernan (New South Wales) (20:28): How do you actually come up with a figure—'we'll need $150 million to do this'—if you do not even know what it is that you want to do? What was the modelling behind the figure?
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:28): I think it was just an agreement reached by those in the other place. I am unaware of the details. If there is any other information we can give you, Senator Heffernan, I will happily oblige.

Senator HEFFERNAN (New South Wales) (20:28): Would you accept the proposition?


Senator HEFFERNAN (New South Wales) (20:28): Well, do you accept that the workings of this committee could be just laid on a shelf somewhere when no-one is obliged to take any notice of it? It is a fact, isn't it, Minister, that no-one is obliged to act on whatever it is that we spend the $150 million on?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:29): I think we have already established that you are on the money and that this is an advisory body, Senator Heffernan. I think that you have now confirmed—for a second or possibly a third time—that it is an advisory body. Congratulations!

Senator WATERS (Queensland) (20:29): My question, Minister, relates to the timing of when the states need to amend their laws to require themselves to take account of this advice, which as we know can often mean 'read and then shred'. The parliamentary secretary earlier today revealed that the states have until 30 September to identify a protocol as to how they are going to amend their own laws. I am asking whether or not there is a time frame—and, if not, why not—on when the amendments to state legislation have to be made requiring them to take account of the advice of this otherwise completely toothless and useless committee.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:30): I am advised by March 2013.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:30): How much of the $150 million will fund extra resources of staff within the Department of Sustainability, Environment, Water, Population and Communities?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:30): I think we have already had some debate about that. We are seeking some more information. I will just see if any more has arrived, Senator Joyce. I am advised that most of the funding is for bioregional plans and research and development. There are some staffing resources in the Office of Water Science. Those staff actually do a whole of range of other things but they will be advising the committee.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:31): Minister, apart from being a smartypants, you are also unable—
The TEMPORARY CHAIRMAN (Senator Crossin): Senator Joyce!
Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Minister!
Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Minister, I am in the chair; I have the call. Senator Joyce, I am happy to entertain your questions to the minister about this bill, so please continue to ask what questions you have.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:32): Thank you very much, Madam Chair. Madam Chair, the minister did not give an actual figure. He said some of the resources will come from there. The question was: how much of the $150 million—which invokes an actual number from the minister—will fund extra resources or staff within the department of the environment? The minister has been so kind as to cast gratuitous remarks and basically be rather a clever person. So, seeing he is rather clever, let us see if he is clever enough to answer the question.

Senator Heffernan interjecting—

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:32): Thank you, Senator Heffernan, you are smarter than you think. Senator Joyce really must have had a bad time tonight over something in shadow cabinet. I can only imagine what it was but, welcome, Senator Joyce. I was quite clear: the majority of the money, most of it, is being spent on research and development. There is an existing body of staff, and some of those staff resources from the Office of Water Science will go towards servicing the committee. If I can give any further detailed breakdown—and, as the other senators will tell you, we have been debating this during the course of the evening, so we have been seeking further information—I will be happy to supply it.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:33): So what you are saying, Minister, is the vast bulk of the $150 million will fund extra resources within the department of the environment. We are now saying that in excess—

Senator Conroy: No.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:33): Well, Minister, if that is not the answer, can you please be a little bit more succinct and actually tell us which department and how much of this $150 million is going to it?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:34): Most of the funding is for research and development and bioregional plans. I am probably guessing, but I am sure I am reasonably close that the Office of Water Science is within the department of the environment, surprisingly, and some of the resources of those staff will go towards servicing the committee. But the vast bulk of funding is for bioregional plans and research and development.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:34): Minister, how many additional staff will be employed to support the work of the committee?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister
Assisting the Prime Minister on Digital Productivity) (20:34): I understand there are some additional staff, Senator Joyce. That is perhaps a question that by the time we get to estimates we will be able to clarify for you. I am not sure I can get that information tonight. I am not sure those issues have quite been finalised. But by the time estimates comes around I am sure I will see your smiling face—smiling as opposed to your grumpy face that you have got on tonight—and we will be able to give you some further information.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:35): Minister, can you give us in your own words, with your loquacious talents, an idea of what you mean by 'some'? Is 'some' 10, 50, 100, 150? Give us just a rough, ballpark figure of what our interpretation of 'some' should be.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:35): I am not sure that it is clearly defined yet whether there is a fixed number of hours that some of those staff may work. I am sure that by the time estimates comes around you will be able to pursue this and we will have a better feel. But if there is any further information I can give you tonight, Senator Joyce, we will seek to get it, as we have done during the course of the debate. As I am sure the other senators would acknowledge, we have been chasing up information as requested.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:36): The answer obviously is that the minister has not a clue how many—not even a vague clue. Since we cannot get a prospective answer, let us get a current position. Minister, how many are actually employed now in the department to this purpose?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:36): In case the senator thinks this might be Senate estimates, this is the committee stage of a bill. That is the sort of question, Senator Joyce, that would be welcomed at Senate estimates, but I am just not sure we have the information to hand. We have gathered a range of information in response to questions during the course of the afternoon and evening, and, as I said, I am just not sure we can give you that information right at this moment. But I am sure that, with your forensic questioning at estimates, we will be able to get to the bottom of it for you. But that is more of an estimates question. It is not some sort of test for the limited number of officers that are here tonight.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:37): That is obviously another area on which we are incapable of getting an answer. So let us try this: will the committee call for expressions of interest for where they are going to locate this research? Where will it be? Have you had expressions of interest from, for instance, the University of Southern Queensland?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:37): I am told that a range of different organisations will be involved: CSIRO, as you would expect; Geoscience; universities—a range of institutions will conduct the research for us.
Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:38): Can we be a little more succinct than 'a range of universities'?

Senator CONRO Y (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:38): I would just add—while we are trying to be more succinct for you, Senator Joyce—the research will be taking place at the places where the coal seam gas is proposed to be undertaken. But I will just see if there is any further information I can get for you.

We will be seeking the best scientific minds. We have not identified the researchers at this point. So there will be a process to establish those brightest minds.

Senator Heffernan: Will you give me a ring?

Senator CONROY: Senator Heffernan will, no doubt, be on that list! I am not sure that that is all quite finalised. Perhaps, again, at estimates we may be in a position to give you further advice.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:39): I always know that, when the minister goes to stuttering and hand gesticulations, we are obviously getting into an area where he has absolutely no competence whatsoever.

The TEMPORARY CHAIRMAN (Senator Crossin): Is that a question, Senator Joyce?

Senator JOYCE: Well, it is a retort to some of the barbs that he sent in this direction earlier on. So this department will be coming before Senate estimates, won't it, Minister?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:39): This department? I am confident they will be in attendance. We have seen a whole range of questions from Senator Joyce tonight, so the officers, I am sure, will be forewarned and forearmed in dealing with your questions.

Senator HEFFERNAN (New South Wales) (20:40): So, to summarise all that has gone on in the last 15 minutes, Minister, could you just clarify that a good proportion of this money will be—

Senator Conroy: It is an advisory committee, Senator Heffernan; you are right.

Senator HEFFERNAN: But this will be rebadged money?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:40): No, this is new money. The research is new money.

Senator HEFFERNAN (New South Wales) (20:40): No, sorry: the people that are in the department now being paid from a different source will be the same people but with a new source of money?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:40): I understand there will be some additional staffing resources as well; we do not have that available at this point.

Senator Heffernan interjecting—

Senator CONROY: No, it is new money and new resources.
Senator Heffernan: But existing employees?

Senator Conroy interjecting—

Senator Heffernan: Well, that is rebranded money.

The TEMPORARY CHAIRMAN: Senator Heffernan, I would prefer it if you actually asked your question once I have called you, from the chair, and it would certainly help if you let the minister finish his answer. And, Minister, it would clearly help if you let Senator Heffernan finish his question. So who is going next? Let us see if we can proceed in some orderly fashion here. I know we are excited about this legislation.

Senator WATERS (Queensland) (20:41): Yes, some of us are excited about this legislation. I just wish that excitement was more broadly spread around. Be that as it may, I want to pick up on the line of questioning that I was pursuing before some other excited and interested senators raised other lines. But, before I do that, the question was raised about estimates; Minister, will this committee appear before estimates? I would not have thought it would, but I would like to have you clarify that.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:43): I am seeking to provide as much information as is becoming available. I am giving you all the information that I have at this point in time. I am seeking to gather more information and, as more information comes to hand, I will share it with you.

Senator WATERS (Queensland) (20:43): Yes, sorry, gents, I have not quite finished yet. Thank you. It does sort of dismay me that the process is such that we will be voting on this legislation, presumably this evening, and yet we have been directed to ask our questions in estimates, some weeks away. However, I will just register my discontent as to that process.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:42): The Office of Water Science will certainly be attending to assist with any questions that you have.

Senator WATERS (Queensland) (20:42): Thanks, Minister. So the Office of Water Science will be the ones accountable on behalf of this committee. I noticed you mentioned you had been gathering information in response to questions, and you gesticulated in my direction. I am really eager to receive the response to those questions, if it has been amassed at this point. One of those questions went to the staffing that was planned, and this same line of questioning has been raised by other senators as well. We are very keen to know the staffing numbers. My interest stems more from whether or not the committee will be adequately resourced to perform their functions—although, there are, of course, financial considerations behind the question as well. Minister, can I take your comments to mean that you do have some of that information now to share with us?

Senator WATERS (Queensland) (20:43): I want to take you back to your answer to one of my earlier questions. You said the states will not have to change their laws so that they have to take account of this committee until March 2013. You also said earlier—or perhaps it was your parliamentary secretary—that there would not be any retrospective application. Can I just confirm for the record that there will be absolutely no influence of this—fairly
toothless anyway—committee between now and March 2013?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:44): I am advised that the committee is already giving advice to the minister and will begin in about October giving advice to the states.

Senator WATERS (Queensland) (20:44): This is the interim committee providing advice to states that do not need to take account of it and to a federal minister who does not have the right to act on that advice and impose any relevant conditions. I am afraid that does not really reassure me that this committee is currently functioning with any teeth. And sadly we have already discussed that the teeth that it will have, come March 2013, are simply that the states will need to 'take account of' the advice—and, again, that means virtually nothing. I wonder what the enforcement provisions are. What happens if the states do not take account of this advice? Has the Commonwealth turned its mind to whether there will be any consequences?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:45): I can absolutely confirm for Senator Heffernan and yourself that this is an advisory committee, but to be honest, I am not sure there is anything I could say that would reassure you. I do not think there is anything I could say that would reassure you, but I can again confirm that it is an advisory body.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:46): Minister, you just mentioned the committee, so now we are all fascinated: who is on this committee? You told us before that you did not know how many staff it currently had. So now you can tell us who is on the committee and how many other staff are supporting them.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:46): Unfortunately this debate has been going since very early—before question time even—and we have actually had a discussion about an interim committee that exists at the moment and provides advice. As I said, I do not believe that we are in a position where I can give you any further information about the existing resources beyond what I have so far. If I am able to, I am happy to do so, but there is an interim committee in existence at the moment. We have had a lengthy conversation about the minutes that are published. You are welcome to join Senator Waters, who has examined the minutes and criticised them for not being as full as they could be or should be, but the minutes of this committee are available to you. If you are going to ask how many staff hours are committed to supporting this committee I would probably say to you that I need to take that on notice, and I am sure I could get that information for you.
amount you mean when you use the term 'some'. Can you please inform us of one, possibly two, members of the interim committee. Are you capable of mentioning that?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:48): Senator Joyce, perhaps you have mistaken the committee stage of a bill for Senate estimates. I will see if there are one or two names. I am sure the officers might be able to provide me with that. You could just google the minutes—as happened just before—and read them. I am sure they will list the entire committee for you. So I recommend a little bit of research, rather than running into the chamber while the rest of us have been in here having a conversation about it. A simple google search will find you this information, but if I can assist I will in a moment.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:48): The issue is that you are actually the minister and an answer to a question is not supposed to be, ‘You can go out and google it.’ You are paid a salary by the Crown to be competent enough to answer these questions. If we just have to google it from now on, we do not need ministers of the Crown, we will just put laptops there and we will all walk up and google our answers. We do not need question time; we will just have google time! We will all walk out and just google the answers and there is no point being here any longer. This is pathetic! You must be able to do better than that.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:49): Senator Joyce, if you would spend a bit more time doing some research rather than the numbers in Maranoa you might be able to get this information. It is, after all, publicly available on a website with the minutes. But just to help you, I will provide a couple of the names that you ask for: Professor Craig Simmons, a professor of hydrogeology at Flinders University and Jane Coram, Master of Hydrogeology. So, there are a couple of names for you. We will have the name of the website for you in a moment and you can just get your office to google it for you if you are not confident about that. We will have that website address for you very shortly. The minutes are there. You can read the minutes and you can check who is on the committee. You can see what it is doing. It is a very transparent process and some of us in the chamber have actually bothered to go and do that. You have, haven't you, Senator Waters?

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:50): It took a while, but we eventually got two names, and without his having to google it. They were actually beside him, but he forgot to ask for them.

Minister, you were talking about how you were going to go out and search, to scope the nation high and wide, for the scientific minds to assist you in this committee. Can you give us any sort of process for how you will go about doing this? How are you going to source these scientific minds and when will the expressions of interest begin for the process of sourcing high and wide these scientific minds? It sounds as if you just might be flying by the seat of your pants; it is sounding awfully like the NBN.
Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:51): Oh my goodness, the NBN! Senator Joyce, tragically, we have actually spent quite a considerable amount of time in the chamber already on these questions. I would invite you to go and read Hansard to save everybody else the pain of having to go through it again. As I have indicated—

Senator Heffernan interjecting—

Senator CONROY: and I cannot be responsible for Senator Heffernan—we have written to the states seeking views from the states. We have had this conversation already. If there are any more details about when it started or finished I will see if we have got that handy, but we have had a lengthy debate about this already.

Senator HEFFERNAN (New South Wales) (20:52): I just want to change the tone and the subject for a second. Minister, you have explained that you are not too sure how much of this money is rebadged money.

Senator Conroy: I said it is $150 million of new money.

Senator HEFFERNAN: Yes, but under 'Commonwealth Environmental Water Office—reduced funding' in part 2, Expense measures' of the 2012-13 budget, it says the Commonwealth is going to 'reduce expenditure by $13.2 million' and:

Savings from this measure will be redirected to support other Government priorities.

Would that be some of the rebadged money that is going to this $150 million to be spent to be seen to be doing something when you are not actually doing something, which no-one has to take any notice of anyhow?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:53): I am not in a position and I am not even sure the officers could remotely answer that question sitting here. It is certainly something I look forward to discussing with you at estimates but, I repeat, it is $150 million of new money.

The TEMPORARY CHAIRMAN (Senator Crossin): Senator Waters, are you now moving your next amendments?

Senator WATERS (Queensland) (20:53): No, I have a number of other questions beforehand. Perhaps for the benefit of both the minister and the other senators who have asked, the members of the interim committee are: Professor Craig Simmons, Professor John Langford, Ms Jane Coram, Associate Professor David Laurence, Professor Chris Moran and Emeritus Professor Peter G Flood—and I did not even have to google that, Minister. I asked it of you in estimates and I have the department's response here, so thank you very much for that.

Minister, you mentioned before that, yes, this was indeed an advisory committee and I said to you, 'Well, what are the consequences if the states do not in fact take heed of the advice?' You did not really answer me other than to say, 'This is an advisory committee,' which is a bit tautological. If there is no penalty for not taking that advice into account then what exactly are you giving them $50 million for?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:54): It is an advisory committee. I do not know that I can be any clearer with you, Senator, than I have been with other senators. It is an advisory committee, it gives advice—that is the purpose of an advisory committee.
Senator WATERS (Queensland) (20:54): I have a series of questions I have been trying to get out for a while now and I appreciate the Senate’s indulgence. Yes, it is an advisory committee, but it seems a rather expensive purchase of advice that does not need to be taken into account. I suggest there might be other, more useful ways to spend $50 million per signatory state, but that is obviously why we have a difference of opinion on such matters.

I want to move to your earlier comment where you said that the states will not amend their legislation until March. Of course, March next year is the same date that COAG has agreed to hand over half of the federal environment minister’s powers to the states, including the power over threatened species. The environment minister was able to impose conditions that dealt with groundwater in Queensland because of groundwater dependent, threatened species. Come March, the federal minister will not have responsibility for threatened species anymore because of that COAG agreement to enter into an approval bilateral. What influence at all will this committee therefore be able to have? What is even the utility of having this committee advise the federal minister if he never had responsibility for water—which I have attempted to establish all day—and if, come March, he will not even have responsibility for threatened species? Why even have this committee advise the minister when he will not even be able to impose conditions about species that rely on groundwater, let alone groundwater itself?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:56): The form and structure of this was negotiated, debated and agreed in the other place. The lower house is sometimes referred to as the will of the people. The floor of the other place took the decisions to go forward in this form.

Senator WATERS (Queensland) (20:56): We do have two houses of parliament, Minister, and this process is for senators as representatives of their state to examine the provisions of legislation. While I have some sympathy that you are the minister representing the actual minister, these are serious questions and people are actually very interested in coal seam gas and in the environment minister’s powers to protect the environment, so I ask you to reflect on my earlier question. I know you have some very learned advisers in the box there who I know are across the COAG amendments to palm off half of the federal minister's powers to the states. I would seek an answer to my earlier question. If you cannot give it straight away, although I will be disappointed by that, fine, take it on notice, but I would like an answer to that question.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:58): The Commonwealth minister will only enter approval bilateral agreements when equivalent standards are met. These agreements are irrelevant to this bill currently being debated.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (20:58): My question to the minister is this: is the government currently entertaining or funding research into coal seam gas under this appropriation which is also co-sponsored at the University of Queensland, where it is being undertaken, by the mining industry? If that is the case, do you find that that may be a conflict of interest?
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:58): So they can sponsor climate change research, and that is okay, but they cannot sponsor coal seam gas? I just want to ensure that we have a consistent question. I will see if there is any information I can get for you, Senator Joyce. That is quite a detailed question that requires a little bit of research. If you would like to move on to another question the officers will see if they can ascertain any information on that for you.

Senator XENOPHON (South Australia) (20:59): I have a question that is supplementary to Senator Joyce’s questioning. Could the minister outline the government’s position on this. If the research that this advisory committee will be relying on will be coming from an institution that is also doing work for either the mining industry or an environmental group—in other words, a group that has a vested interest in this—is that something that would be of concern to the government in terms of issues of the impartiality of the research? It is a neutral question. I think it is a reasonable question.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (20:59): We have had a discussion earlier. Senator Waters has talked about the questions of conflict of interest and whether they come into play. We have had a discussion about the minutes, whether conflicts of interest are revealed. There are perhaps some areas where we are working to see if there is any extra information. But we have set out quite a detailed process. The researchers have not been identified at this stage, so there is a process to be gone through. There will be, I am sure, governance issues and conflict of interest issues, as you would expect, but we cannot point to any individual institution yet because they have not been identified.

Senator WATERS (Queensland) (21:00): The answer to that earlier estimates question that I referred to does highlight that Professor Chris Moran, who is currently on the interim coal seam gas committee that has been functioning for several months now, is employed by the Sustainable Minerals Institute at UQ which has received funding from the mining industry over the past five years. So Senator Joyce’s question was apposite. Unfortunately, Senator Xenophon’s question was asked earlier and the response was inadequate. Apparently the government has no criteria to protect against conflict of interest, nor is it concerned that members of the interim or final committee might currently be on the payroll of industry. Perhaps the minister can shed light on whether that view has changed given the concern expressed by members of this chamber.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:01): I reject utterly the interpretation that Senator Waters has put forward there. I repeat what I said earlier, that members of the interim committee were appointed on the basis of their strong scientific expertise and credentials in understanding the potential impacts of coal seam gas and coalmining on water resources. The government has full confidence in the operations and advice of the interim committee despite the accusations that they are conflicted. It was the opinion of the
Senate committee that members of the IESC should be experts and this may include members who have worked for or received funding from mining organisations. It is important to have people who are experts, not people who are learners in this whole area, which when brought together can bring a range of skills to an effective expert committee. A balance needs to be struck between ensuring you have industry expertise and managing potential conflict of interest to ensure the advice is robust, rigorous and independent. That was the experience of government with the interim committee, and that is exactly what I said earlier, Senator Xenophon.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (21:02): Minister, you left out one part in your answer, which was a question Senator Waters asked of you at Senate estimates which you had there and if you were on top of your job you would have known about because the answer has actually been given. You missed out a very crucial part of the answer, and that is: are there people currently on the payroll of the mining industry that are currently also going to apparently have an independent view on coal seam gas? If there is a person who is currently on the payroll of the mining industry who apparently is going to give independent advice, how does that person, in your own words, divest themselves of one pecuniary interest in favour of another pecuniary interest in the same heartbeat?

Senator Heffernan: Usually you aren’t an independent person if they pay you.

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:03): Sometimes there are things you say in the chamber, Senator Heffernan, that live on to come back and bite you. I suspect that will be one of them. Senator Joyce, if you listened to the answer I gave, we were not suggesting that someone who had received funds would be excluded from either the previous or the current committee. So I am not sure the point you are trying to get to. We have not suggested that this rules you out. As was debated and discussed earlier, though people might not agree, there is a process for advising of conflicts of interest just as there is on a whole range of issues on a whole range of boards all across Australia. So that process is in place. There has been some discussion about the minutes, but the minutes reflect this, I can read them out to you, just like I read them out earlier today, where people who have a conflict of interest have to identify clearly in the minutes and those minutes are all ultimately publishable, whether or not they have been up to this point. As I say, we are trying to resolve that issue for you, Senator Waters. If your argument is that it should be a disqualification, please make that argument, but that is not the position that I have been putting forward.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (21:04): There still seems to be quite some vagary in your answer. I am going to ask one more time. Vagary has been the issue du jour for you here tonight, but on this one I will ask again. Are there people—you must understand this—currently on the payroll of the mining industry and supported by the mining industry who at the same time will be part of this committee? If so, what is your mechanism for creating some sort of Chinese wall in the psyche of these people so that they can divine between one interest supported by the mining industry and in the same heartbeat also be working on behalf of
landholders as they try to protect themselves from what could possibly be detrimental effects to their lifestyle and their income earning potential from the coal seam gas industry? It is quite obvious that there is an immense conflict of interest. I have even given you the area, at the University of Queensland. Senator Waters has even giving you the name, Professor Moran. The reason we ask this is that even last week in trying to pursue this argument on your behalf, probably doing your work, we have gone to the University of Southern Queensland, where there is no interconnection with the mining industry, and investigated ways that they may be able to provide something that is proper and independent, unambiguous and not even perceived to be a conflict of interest, because we know that conflict of interest is not just whether there is or there is not, it is whether there could be perceived to be a conflict of interest. Quite obviously when a body is paid by both the mining industry and the federal government then you have two completely conflicting views and two completely conflicting objectives, and you cannot possibly make us say tonight, 'Well, that is not a problem.'

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:07): As I said to Senator Heffernan, sometimes you want to mark down those speeches that senators give because you know they are going to be used against you in the future. That was one of them.

You are attempting to define that somebody whose institution receives funding, and they are employed by the institution, then that somehow disqualifies them. If that is your position then you should say that. It is not the position being advocated by this government; it is not the position that we have put forward. But if you are simply putting the proposition forward that if the institution receives the money and then employs a person that should automatically disqualify them—that is your position, Senator Joyce—I am not going to be able to change your mind on that. But the government does not believe that that should automatically disqualify you.

We have in place a proper governance process where people have to advise of a conflict of interest on this committee already, and I would expect that that would be carried through. That is the proper process. If your position is 'just disqualify them', we are going to agree to disagree.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (21:08): This is an absurdity. We are going to go to the people of Cecil Plains, we are going to go to the people around Kingaroy and we are going to go to the people around Dalby and we are going to say to them, 'Well, we want you to be fully confident in the outcome of research that is conducted by a body which is partially sponsored by the federal government to bring about an independent position, and also funded by the mining industry.'

I am not saying for one minute that it is a statement impugning these people's character. My statement is quite clearly one of the perception, which obviously has to be right if people are going to give the outcome of this body credibility. If you cannot deal with the fact that if the perception is wrong then the outcome loses meaning, then can you please explain about other fields where you believe that a conflict of interest is not an issue? Can we get people from the coalition to start advising the Labor Party on tactics? Could that possibly be perceived as a conflict of interest or not?
Senator Heffernan: The great relief in all of this is that no-one has to take any notice—

The TEMPORARY CHAIRMAN (Senator Crossin):

Senator Heffernan, do you have a question?

Senator Heffernan: No, I am just going to go over—

Senator Xenophon (South Australia) (21:10): Without labouring the point, and further to Senator Joyce's line of questioning: I understand what the minister says, that the government does not necessarily want to disqualify—

The TEMPORARY CHAIRMAN: Senator Xenophon is talking to the minister and I am not sure if you have the minister's full attention for the moment. I think he is being a bit distracted. We will let Senator Heffernan walk between myself as chair and you again, Senator Xenophon, I assume.

Senator Xenophon, you have the call.

Senator Xenophon: Thank you. Does the government have any broad policy position as to how it deals with issues of conflict? I understand what the minister has said. There is a position where if someone is working for an institution that is doing work or research, for instance, for the coal seam gas industry, it would not disqualify them. But if, for instance, that institution has a budget of $10 million a year and $8 million of that funding happens to come from the industry what would occur then? And what happens in cases where a person is a consultant and they are getting a significant proportion of their pay cheque directly from the industry? There are issues of gradations and degrees; is there a broad policy parameter on how the government would deal with this, or is it just in terms of general public service guidelines in dealing with issues of conflict?

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:11): You mean like if Gina Rinehart completely funds an organisation that is against the mining tax or climate change? Or flies people around in her plane and then declares that? There is a whole range of different perceptions of conflict of interest, Senator Xenophon, you are correct.

I do not have the exact details. I have had a bit of a conversation already today about the policies that the committee is engaged in. I am happy to see if we can get a little bit more information; they may have something published which states what the policy is. But they have to be quite clearly identified. They are in the minutes, although I think that Senator Waters was concerned that all of the details within the minutes had not been published. I said that we were looking into that. We found one set of minutes which clearly identified that, and those minutes are on the website.

So I am happy to see if we can chase up the policy of how you deal with those conflicts for you. But there is a process. To go to your point: yes, there is a process. People may not agree with it, but there is a clearly identified process.

The TEMPORARY CHAIRMAN: Senator Waters, are we moving to the next amendment?

Senator Waters (Queensland) (21:12): Almost. I think the distinction that Senator Xenophon was making was between disclosures of conflicts of committee members once they have been appointed to the committee versus the selection of committee members deemed appropriate to
be on the committee. My earlier line of questioning established from you that the government still had not set the criteria for appointing the final committee members and I urged you to consider that need for both the actuality and the appearance of a lack of conflict of interest: the need for genuine independence in that committee, which is a view that is shared, obviously, and a concern that several community members and groups have shared with me as well as several senators this evening.

Minister, I would like to ask you whether or not you are aware of the referendum on coal seam gas at the weekend in the Northern Rivers region held in conjunction with the New South Wales local elections? At last count, with more than 15,000 votes counted, that had found that 88 per cent of people were not in favour of coal seam gas.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:13): It is fair to say that following Collingwood’s defeat on Friday night I refused to read any newspapers or media whatsoever for the remainder of the weekend. I am slowly coming out of that on a Monday morning, simply because I am forced to. But I have to confess that I was not aware of that event.

Senator WATERS (Queensland) (21:14): Is the minister aware of the February poll of this year—a News poll—that found that 67 per cent of Queenslanders do not support coal seam gas?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:14): As you would be aware, I represent the minister in this chamber, which means I do not follow each individual event in the portfolio area. I could probably give you a run-down of all the polls on the NBN. As you would expect, I do follow that one a little more closely. But I have to confess again to the chamber that I was unaware of this Newspoll.

Senator WATERS (Queensland) (21:14): Minister, the final poll was in August 2011. It was a Galaxy poll, and it was Australia wide. It found that 68 per cent of Australians wanted a moratorium on coal seam gas until the long-term health and environmental impacts were understood. So it is with the knowledge that there are serious concerns widely held by the majority of Australians—certainly at least those polled if they can be deemed representative of the rest of the community—and in the context of that concern I will now move amendment (14) on sheet 7233, which calls for a five-year moratorium, or less if the full research program of the committee takes less than the five years it was projected to take as per the advice given to me in estimates. It requires that we wait and let this committee do its work before we issue any more approvals. That is not to say that the assessment process will cease, because certainly the assessments do not happen overnight—although, frankly, they need to happen with a level of rigour and I am not proposing that they be contracted in any way.

One important point that the amendment includes is that it does not apply to scientific research that is done to better understand the interaction of groundwater systems and coal seam gas mining. We are not seeking here to preclude the filling of that information gap—not at all. We want that information. What we are seeking to preclude is coal seam gas drilling through aquifers without understanding what its long-term impacts are. Frankly, this is the most basic iteration
of precautionary principle that you could write. It is not rocket science. It is a principle that has been reflected in many of our laws for many years. It is a standard process when you have a lack of information about potentially irreversible long-term impacts that you do not do something that might stuff it up.

So it is with great pleasure that I move this moratorium on coal seam gas—a moratorium for five years or until the committee can do its work. It seems to me a bit ridiculous to waste $150 million to set up a committee and not even wait for the results of its work. So this amendment, I think, is very necessary. It goes a long way to addressing the concerns of the community, as I cited in those polls—67 per cent of Queenslanders, 68 per cent of Australians and, over the weekend, 88 per cent of Northern Rivers residents, who are concerned about coal seam gas or want a moratorium until we have better information.

You have stated previously that it is not the government's intention to stop industry investment. I would have thought that it is the environment minister's job to protect the environment and conserve biodiversity, as he is charged with doing under the EPBC Act, so perhaps you could reflect on that in the decision as to whether or not you will support this amendment. This amendment is needed. We have already discussed throughout the day the unfortunately large numbers of flaws with this committee and the fact that it could have been much stronger. There have been various amendments to strengthen it. Of course, we have one coming up from Senator Xenophon, supported by a number of others, including the Greens. It seems to me a gigantic waste of everybody's time and of $150 million to set up a committee whose advice does not need to be paid any heed to and that will not stop any approvals being issued while it does its scientific work. Of course we support science based decision making, and that is why we are voting for this bill despite the fact that it is weak in the extreme. But it is almost ridiculous to have this committee spend five years doing work that is going to be ignored in the interim. So, without any further ado, I move amendment (14) on sheet 7233:

(14) Schedule 1, page 8 (after line 14), at the end of the Schedule, add:

12 Aquifer drilling—moratorium

(1) A person commits an offence if:

(a) the person takes an action; and
(b) the person takes the action for the purposes of, or in connection with, coal seam gas mining; and
(c) the action is, or results in, drilling through or into an aquifer; and
(d) the drilling occurs before the earliest of the following:

(i) 5 years from the commencement of this item;
(ii) the conclusion of the full 5-year research program of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.

Penalty: 2,000 penalty units.

(2) Subitem (1) applies only if:

(a) the person is a corporation to which paragraph 51(xx) of the Constitution applies; or
(b) the action is taken for the purposes of trade or commerce:

(i) between Australia and another country; or
(ii) between 2 States; or
(iii) between a State and a Territory; or
(iv) between 2 Territories; or
(c) the action is taken in a Territory.

(3) Subitem (1) does not apply if the action is taken to facilitate scientific research to better understand the interaction of groundwater systems and the impact on those systems of coal seam gas mining.
(4) This item has effect despite any provision of the *Environment Protection and Biodiversity Conservation Act 1999* or any other Act.

The **TEMPORARY CHAIRMAN (Senator Crossin)**: The question is that amendment (14), moved by Senator Waters on sheet 7233, be agreed to.

The committee divided. [21:23]

(The Temporary Chairman—Senator Crossin)

Ayes ...................... 11
Noes .................... 29
Majority ............. 18

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

NOES
Abetz, E
Back, CJ (teller)
Bilyk, CL
Bishop, TM
Brown, CL
Cameron, DN
Colbeck, R
Conroy, SM
Crossin, P
Farrell, D
Faulkner, J
Fawcett, DJ
Feeney, D
Furner, ML
Gallacher, AM
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
Nash, P
Pratt, LC
Scullion, NG
Singh, LM
Smith, D
Stephens, U
Skorie, G
Thistlethwaite, M
Thorp, LE
Urquhart, AE

Question negatived.

**Senator XENOPHON** (South Australia) (21:25): by leave—I, and also on behalf of Senators Heffernan, Madigan, Nash and Waters, move amendments (1) to (11) on sheet 7278 together:

(1) Schedule 1, item 2, page 3 (line 29), after “resources”, insert “and/or land and its use”.

(2) Schedule 1, item 4, page 5 (line 17), after “resources”, insert “and/or land and its use”.

(3) Schedule 1, item 4, page 5 (line 23), after “resources”, insert “and/or land and its use”.

(4) Schedule 1, item 4, page 6 (line 2), after “resources”, insert “and/or land and its use”.

(5) Schedule 1, item 4, page 6 (line 5), after “resources”, insert “and/or land and its use”.

(6) Schedule 1, item 4, page 6 (line 9), after “resources”, insert “and/or land and its use”.

(7) Schedule 1, item 4, page 6 (line 11), after “resources”, insert “and/or land and its use”.

(8) Schedule 1, item 4, page 6 (line 17), after “resources”, insert “and/or land and its use”.

(9) Schedule 1, item 6, page 7 (line 15), after “resources”, insert “, and/or land and its use,”.

(10) Schedule 1, item 7, page 7 (line 20), after “resources”, insert “and/or land and its use”.

(11) Schedule 1, item 10, page 8 (line 8), after “resources”, insert “and/or land and its use”.

These amendments are common-sense amendments to give sense to the intention of this legislation. It is to insert the words ‘and/or land and its use’ after the words ‘water resources’ in various parts of the bill and it is to do so as a result of a line of questioning put by Senator Heffernan. I am very grateful to Senator Heffernan for his line of questioning and to my other colleagues who participated in this debate. That line of questioning asked a number of very pertinent questions on the issue of salinity and on the impact on land, and it does not make sense for this advisory committee to have a role to look at the impact on water resources of coal seam gas mining and not to look at the impact it also has on land and its use. That line of questioning on salinity by Senator Heffernan was quite revealing and prompted this amendment.

So that is what this amendment is about. I want to square off on any legal or constitutional issues in the event that the
government raises them. My advice and view is that, as this is an advisory committee, it can also advise on the issue of land use. There is no constitutional impediment for the committee to do so as the committee is not exercising any powers as such because of its advisory role. So this is a common-sense amendment that will go some way to strengthening the intent of this bill. I urge all of my colleagues to support it.

Senator WATERS (Queensland) (21:28): I would like to speak in support of this amendment, which is a perhaps more constrained version of an amendment that I moved earlier today. I am really pleased and am hoping that it has cross-party support. For the reasons that Senator Xenophon outlined, there seems little point to set up a committee that looks at one aspect of coal seam gas without looking at other serious problems that it poses to our environment and to our land. I foreshadow that I will be moving an amendment after this one to further expand the scope of the committee not just to land use but also to climate and to public health, which are other facets of the coal seam gas issue which have serious scientific doubts and lots of community concern about them. Unfortunately, the reason this is constitutional is the irony that this is simply an advisory body that does not have any teeth, as we have canvassed all day. So it is a great shame that, whilst the remit of the committee's advice can be expanded, the federal minister still will not have the ability to act to protect our environment from the impacts identified by this advice. But I welcome the amendments and thank Senator Xenophon for his work in drafting them today.

Senator HEFFERNAN (New South Wales) (21:29): In no way does this amendment—and I am grateful to the people who have signed up to it and the accommodation that has been made to short cut what is usually due process—need to reflect on the fact that the lower house passed this bill without having discovered that there is a serious hole in it. The only choice would be to vote the bill down without this amendment because, as everybody has pointed out all day, this bill is designed to look at a problem knowing that no-one has to take any action on whatever the outcome of the look at the problem is. But to look at the problem of salt as it affects water without looking at the impact of salt as it affects land and its use, given that salt is the most toxic substance to agriculture, is a serious oversight for which we should forgive ourselves and move the amendment and get on with it.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:30): The government is unfortunately not able to support this amendment. The meaning of water resources has the same meaning as is defined in Water Act 2007:

… (including water, organisms and other components and ecosystems that contribute to the physical state and environmental value of the water resource).

With this in mind, there is no doubt that salt is included and water resources under the Water Act 2007 is specifically referred to at section 4(1)(a) to include surface water and groundwater.

Senator HEFFERNAN (New South Wales) (21:31): Unfortunately, Minister, and I know you are really interested in this subject, what you have left out in what you have just read is what they tried on me earlier in the day—it excludes land. I am sorry, but you will not find land or its use anywhere in the statement you have just
read, and without that this parliament would look ridiculous.

The TEMPORARY CHAIRMAN (Senator Crossin): The question is that amendments (1) to (11) on sheet 7278 be agreed to.

The Senate divided. [21:36]

(The Temporary Chairman—Senator Crossin)

Ayes ...................... 35
Noes ...................... 23
Majority ............... 12

AYES
Abetz, E
Bernardi, C
Cash, MC
Di Natale, R
Eggleston, A
Hanson-Young, SC
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Nash, F
Rhiannon, L
Ruston, A
Scullion, NG
Sinodinos, A
Waters, LJ
Williams, JR
Xenophon, N
Back, CJ (teller)
Bushby, DC
Colbeck, R
Edwards, S
Fifield, MP
Heffernan, W
Joyce, B
Ludlam, S
Mason, B
Milne, C
Payne, MA
Ronaldson, M
Sewart, R
Smith, D
Whish-Wilson, PS
Wright, PL

NOES
Bilyk, CL
Brown, CL (teller)
Carr, KJ
Collins, JMA
Crossin, P
Faulkner, J
Furner, ML
Marshall, GM
Pratt, LC
Stephens, U
Thistlethwaite, M
Urquhart, AE
Bishop, TM
Cameron, DN
Carr, RJ
Conroy, SM
Farrell, D
Feeney, D
Gallacher, AM
Moore, CM
Singh, LM
Sterle, G
Thorp, LE

PAIRS
Boyce, SK
Brandis, GH
Fawcett, DJ
Ferravanti-Wells, C
Humphries, G
Macdonald, ID
Parry, S
Ludwig, JW
Polley, H
Evans, C
Landy, KA
Wong, P
McEwen, A
Hogg, JJ

Question agreed to.

Senator WATERS (Queensland) (21:39): I thank the Senate for its support on those previous amendments. This last lot of amendments are in a similar vein to the previous ones just passed so I am hopeful that senators may feel of a similar mind and agree to again extend just a little further the scope of issues that the committee advises the ministers on. We have just agreed to add 'land use' as an issue that the committee will provide advice on—or, rather, the impacts of coalmining and coal seam gas on land use.

The TEMPORARY CHAIRMAN: Senator Waters, I am going to ask you to stop your contribution while all the groups chattering move to do so outside the chamber. I will call you when you have the silence you deserve. Please continue, Senator Waters.

Senator WATERS: Thank you, Madam Temporary Chairman. I am sure they are chattering about coal seam gas so all the better. As I was saying, the last amendments added the impacts of coalmining and coal seam gas on land use to the issues that this advisory committee has to advise on. That is a good thing. It is a small improvement but it does not fix the fundamental problem with the bill being that nobody has to take any heed of the advice; however, it is still good to have that advice on the public record.

These next amendments seek to extend that remit just a little further to include the impacts of coalmining and coal seam gas on climate change and on public health, which, as I alluded to earlier, are issues of great
concern in the community and also among the experts. Given the lateness of the hour, I will not elaborate any further. These amendments are similar in nature to a couple that I moved earlier today, which were to add environmental impacts and public health impacts to the list of issues that the committee considers. Given the success of the previous amendments I was encouraged to re-move these slightly reworded amendments, and it is with great hope for support that I now seek leave to move amendments (1) to (11) on sheet 7279 together.

Leave granted.

Senator WATERS: I move Australian Greens amendments (1) to (11) on sheet 7279 together:

(1) Schedule 1, item 2, page 3 (lines 29 and 30), omit “; and”, substitute “and/or climate change and/or public health; and”

(2) Schedule 1, item 4, page 5 (line 17), at the end of paragraph 505D(1)(a), add “and/or climate change and/or public health”.

(3) Schedule 1, item 4, page 5 (line 23), at the end of paragraph 505D(1)(b), add “and/or climate change and/or public health”.

(4) Schedule 1, item 4, page 6 (line 2), omit “; and”, substitute “and/or climate change and/or public health; and”

(5) Schedule 1, item 4, page 6 (line 5), at the end of subparagraph 505D(1)(d)(ii), add “and/or climate change and/or public health”.

(6) Schedule 1, item 4, page 6 (line 9), at the end of paragraph 505D(1)(e), add “and/or climate change and/or public health”.

(7) Schedule 1, item 4, page 6 (line 11), before “from”, insert “and/or climate change and/or public health”.

(8) Schedule 1, item 4, page 6 (line 17), at the end of paragraph 505D(1)(g), add “and/or climate change and/or public health”.

(9) Schedule 1, item 6, page 7 (line 15), at the end of the definition of bioregional assessment, add “and/or climate change and/or public health”.

(10) Schedule 1, item 7, page 7 (line 20), omit “,”, substitute “and/or climate change and/or public health.”

(11) Schedule 1, item 10, page 8 (line 8), omit “,”; substitute “and/or climate change and/or public health.”

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:41): The amendments are not supported. The focus of the committee is quite properly on the impacts of coal seam gas and large coalmining development on water resources. This is critical to ensure that the committee’s work is focused on the priority issues under its mandate and to be sure of consistency with the arrangements agreed between the Commonwealth and states under the national partnership agreement.

The TEMPORARY CHAIRMAN (Senator Crossin): The question therefore is that amendments (1) to (11) on sheet 7279, moved by Senator Waters, be agreed to.

The Senate divided. [21:46]

(The Temporary Chairman—Senator Crossin)

Ayes...................... 11
Noes ..................... 33
Majority ............... 22

AYES

Di Natale, R
Ludlam, S
Milne, C
Stewart, R (teller)
Whish-Wilson, PS
Xenophon, N

NOES

Back, CJ (teller)
Bilyk, CL
Brown, CL
Carr, RJ

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

Bernardi, C
Bishop, TM
Cameron, DN
Colbeck, R
Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (21:49): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin) (21:50): Order! I propose the question:

That the Senate do now adjourn.

Building the Education Revolution

Senator THISTLETHWAITE (New South Wales) (21:50): I rise to speak tonight on the pleasure of visiting many Building the Education Revolution projects throughout the state of New South Wales—in particular, those in rural and regional New South Wales. I want to report to the Senate on the difference that this important program is making to the performance of students in rural and regional New South Wales and also on the facilities available for teachers to provide a first-class education for students.

One of the hallmarks of this Labor government is the delivery of better services, in particular better educational services. In all respects from tertiary education right down to infants education, it has been a priority of the Gillard Labor government to invest in better education whether it be increasing funding for universities throughout the country, removing the cap on the number of places available for particular subjects at university or increasing the amount of capital funding for schools through the Building the Education Revolution. It could be implementing a national curriculum throughout schools in the country or providing greater information and transparency for parents and community members through the MySchool website and, of course, most recently there is the government's proposal to increase school funding and performance through the Gonski reforms. But I focus tonight on the Building the Education Revolution. This is a $16 billion program to improve capital and service delivery for students throughout the country. The program includes building new school halls, new libraries, science and computer laboratories and building cultural and sporting facilities to make our schools a better place in which to learn.

A little over a week ago I had the pleasure of visiting Brewarrina Central School, in the Barwon region in the north-west of New South Wales, where I had the great fortune to meet about 200 students from kindergarten to year 12 at that wonderful school. I was there to open their new multipurpose hall and refurbished classrooms with an estimated improvement value for the school of about $1.6 million. This is a very important educational institution for that area. Ninety-seven per cent of the students at the school...
are from an Indigenous background and identify as Aboriginal. The school runs several very innovative and important programs which address issues such as attendance, behaviour, literacy and numeracy, and retention. I had the great fortune to meet a very inspirational kindergarten teacher, by the name of Missy Nichols, who had developed off her own bat a new method of teaching English literacy to young Indigenous kids in kindergarten and year 1. Importantly, that new method of teaching involves a connection with Indigenous heritage and culture as a way of teaching English to young kids and she explained to me that process. I had the opportunity of sitting in the classroom to note those innovative approaches and witness firsthand the difference that it is all making to the lives of these kids. She uses elders, cousins and family and cultural structures to teach vowels and consonants in their language and to put together the connections that are so important to teaching English in society. But at the same time she is also teaching Indigenous heritage. I was surprised to learn that it is now the kids of these Indigenous families that are sometimes teaching their parents about their Indigenous language and culture through these programs at school because when their parents went to school they never had the opportunity to partake in education regarding their Indigenous heritage and language.

A day later I travelled to Narromine High School to open a new trade training centre, a $1.5 million investment by the Gillard government in vocational education and skills training in an important region of New South Wales. I witnessed firsthand students using their brilliant new industry standard metalworking facilities and new kitchen and hospitality facilities to learn. I spoke at length with the school's principal, Angela O'Callaghan, about the value of the project for her school and what it would mean for students in the coming years. She recognised the importance of projects like these to keeping students at school longer and to keeping students engaged in their learning by providing relevant subjects for students to develop the skills necessary for the next steps in life.

The great educational dilemma that studies and surveys show is that the longer we keep kids at school the better their earning capacity and, ultimately, their quality of life and fulfilment. But, of course, for some kids an academic education is not their thing. So it is important that we provide kids with the opportunity to undertake vocational education and training whilst they are still at school. These facilities I have mentioned provide that opportunity, and we are doing this in important regional centres so these kids do not have to travel long distances to attend TAFE colleges and private training providers. They can begin their apprenticeship or trade whilst they are still at school. The school captains, Joshua Beahan and Maddison Thompson, were very impressive and they proudly showed me around their new facilities—an important part of their heritage because this school has produced champions like Glenn McGrath and Melinda Gainsford-Taylor. My hope is that this school will continue to produce great achievers and perhaps develop new stars of trades and academic excellence with the investment in the school's future.

These projects are part of the $16.2 billion Building the Education Revolution, an investment in our nation's future delivering modern facilities to more than 9½ thousand schools in metro and regional communities throughout Australia. It is the single biggest investment in Australian schools in our history, and our community and our students will continue to see the benefits of this program for many years to come. They
include students such as those at St Joseph's at Walgett, whose school had $1.7 million invested in a new BER facility, and the Manning Valley Trade Training Centre, which received $2.9 million from the Australian government as part of the Trade Training Centres in Schools Program. Once again I was fortunate to visit that school and see firsthand what a difference this program is making in providing an ability for young children to begin their trade whilst they are still at school.

Also I recently visited Boggabri Public School, which received $1.5 million for a new multipurpose hall, and the Cranbrook School, in the north of Sydney, which received over $2.5 million for a new gymnasium. Taking electorates on the north coast: Raymond Terrace Public School received $2.5 million in classroom facilities and upgraded student amenities; and Lithgow High School, to the west, recently received around $3.2 million in funding for the completion of the Eastern Tablelands Trade Training Centre. This facility is a very impressive one and provides two construction workshops, an engineering workshop, a commercial kitchen, three storage areas and a theory room. There is also the refurbishment of four existing facilities to include two commercial kitchens and two construction workshops.

I also visited the Maclean High School, where there has been a new construction trade training centre built, again off the back of funding through this program. These programs are really important for educational attainment and achievement in rural and regional New South Wales. They provide a pathway for kids, either to academia through the school system or into a trade through vocational education and training. I am really proud to be part of a government that is investing in better education services. It is a great privilege to be a senator for New South Wales and to travel around my great state to meet the wonderful people providing educational services for our students.

Sando, Dr Brian, OAM

Senator BERNARDI (South Australia) (22:00): I rise tonight to honour the life and memory of Dr Brian Sando, one of our country's most respected sports doctors and a great South Australian. Dr Sando passed away last month at the age of 76 after a two-year battle with cancer, and I offer my condolences to Brian's wife, Lee, and their family. I was privileged to know Brian over many, many years through my involvement in sport, firstly as an athlete and later as a member of the Australian Institute of Sport and a board member of the Australian Sports Commission.

Brian's start in sports medicine came from what he called his 'bad' sporting skills. Late last year he said:

My view is that sport really is about the athletes and my skills as a sportsperson were handicapped by a lack of hand-eye co-ordination. … But as bad as my sporting skills were I was mad keen about sport and I was lucky enough to get into sports medicine.

I can surely say that the sporting field's loss was sports medicine's gain, as Dr Sando became one of the pre-eminent sports doctors in the business. Starting out at the Norwood Football Club in the SANFL in 1965, Brian went on to become the Adelaide Crows' chief medical officer for the club's first 18 years in the AFL. He was a life member of the club, and, in honour of his service, this year the Crows will award the Brian Sando trophy at its club champion presentation, an award that will recognise the player's professionalism and attention to detail.

Brian's love for the Adelaide Crows was absolute. Despite all the amazing sporting achievements he had seen and been a part of...
around the world in over 40 years, Brian listed the Crows' 1997 AFL premiership as his greatest sporting memory—and there are many in South Australia who hope there will be another one for the Crows this year in Brian's memory. As many South Australians know, Crows fans tend to have a distinct dislike for the Port Power footy club, and vice versa. Brian, apparently, was no different. In offering his sympathies online, one South Australian, who went under the moniker of 'Darren of Adelaide', said that Dr Sando brought him into this world 39 years ago and, when Brian found out he was a Port supporter, he said that he wished he could have put him back!

Dr Sando was also involved at the elite level with our Olympic team. His first Olympics as a medical officer was in Moscow in 1980. After serving as deputy medical director in Los Angeles in 1984, he then became the senior medical director for the Australian Olympic Team from 1988 in Seoul to 2004 in Athens. He also attended three Commonwealth Games and was medical officer for our Davis Cup teams. Dr Sando was involved with the track and field team and our Olympic swimming team, implementing, according to Swimming Australia:

… a number of processes and structures that are still used by the current Australian Swim Team and Olympic Team.

Our deputy chef de mission, Kitty Chiller, said Brian was 'always friendly, smiling, happy to help and a great contributor to the Olympic movement'. Indeed, that is how I recollect my dealings with Brian too—always friendly, smiling and happy to help. In 2001 Dr Sando was awarded an order of merit by the Australian Olympic Committee for his contribution to the Australian Olympic movement. Once he left the Olympic team, he still took a keen interest in the Olympics, attending the Beijing Olympics as a board member of the World Anti-Doping Agency.

Fighting against doping in sport was another of Brian's passions. He was a staunch advocate for ridding the sporting world of drugs and was a member and sometimes chairman of a number of significant anti-doping committees, including the Australian Sports Drug Agency, the predecessor to ASADA, of which he was chairman; the ASADA members group, of which he was deputy chair; the Anti-Doping Rule Violation committee, of which he was chair; the Australian Olympic Committee Medical Commission, of which he was chair; the Commonwealth Games Medical Commission, of which he was a member; and the FINA Doping Control Review Board, of which he was a member. He was also a member of the World Anti-Doping Agency's Health, Medical and Research Committee. Right up until the end, Brian was speaking out about drugs in sport. Just a month before he died, he was in the news, voicing his views on debate about Stilnox being used by athletes.

Brian was also a man of significant other achievements. In recognition of his outstanding contribution, Brian received the Medal of the Order of Australia in 1995 for services to sports medicine. He also was inducted into the Sport Australia Hall of Fame in 2001. At Dr Sando's memorial service in Adelaide, attended by about 2,000 people, his colleague from the Crows Trevor Jaques said this about Brian:

Immensely proud of his awards and honours they were never on public display and rarely referred to … He did wear his heart on his sleeve for all to see, however, reflecting his love of and loyalty to Prince Alfred College, the Norwood Football Club, the Adelaide Crows, his swimmers and his footballers and his country.
Dr Brian Sando served his patients, his profession and his country with humility and outstanding dedication. He will be remembered fondly by many in Australia and overseas. He leaves behind an exceptional legacy in the field of sports medicine and sport in general, and is a shining example of a great Australian for future generations. May he rest in peace and may his family be comforted in their loss by the wonderful contribution that Dr Brian Sando made to our community.

**National Year of Reading 2012**

Senator BILYK (Tasmania) (22:06): Tonight I rise to speak on the importance of the National Year of Reading 2012. The National Year of Reading 2012 is a collaborative project which has seen libraries, governments, community groups, media and commercial partners, as well as the public, come together to promote the importance and enjoyment of reading. The Gillard government provides funding for the National Year of Reading 2012 through the Office for the Arts, which falls under the responsibility of the Minister for the Arts, Mr Simon Crean. This year is an opportunity to highlight the wonderful projects and organisations across Australia which exist to promote reading and literacy, as well as to explore new ideas and projects.

The Patron of the National Year of Reading 2012 is actor and author, William McInnes. I am pleased to be one of the national ambassadors for the program, along with one of my Tasmanian colleagues in the House of Representatives, the federal member for Lyons, Dick Adams, who is also a national ambassador. I know that a number of other politicians from both state and federal levels as well as local government are also involved as ambassadors.

According to the Adult Literacy and Life Skills Survey from the Australian Bureau of Statistics, approximately 46 per cent of Australians are not equipped with the skills needed to read newspapers, follow a recipe, make sense of timetables or understand the instructions on a medicine bottle. This figure is a statistic that should concern us all.

Unfortunately, my home state of Tasmania has the lowest level of adult literacy in Australia, but it is starting to turn that situation around through strategic investments in adult literacy programs. The ABS survey found that 49 per cent of Tasmanians do not have adequate skills for everyday reading and writing activities. The Tasmanian Council for Adult Literacy explains that this rate does not mean that 49 per cent of Tasmanians cannot read or write; what it does mean is that people considered to have inadequate skills overall may have different levels of ability in various categories such as prose, numeracy or problem solving.

The National Year of Reading 2012 is about encouraging our children as they learn to read, as well as getting readers to broaden their horizons by trying a new author or genre. It is about supporting reading initiatives while respecting that there is still a place for oral storytelling. It is about helping people discover and rediscover the magic of books. And most of all, it is about Australians becoming a nation of readers.

The campaign has identified three goals which will help turn Australia into a nation of readers and encourage a reading culture in every home: for all Australians to understand the benefits of reading as a life skill and a catalyst for wellbeing; to promote a reading culture in every home; and to establish an aspirational goal for families, for parents and caregivers to share books with their children every day.

In 2011, the National Year of Reading team set out to identify a set of eight books
which together describe what it is like to live in, be from, visit or in some other way connect with the eight states and territories. They wanted to create a collection of books which, if read together, articulates the Australian experience—remote, regional, suburban and metropolitan. The eight books chosen were: *The Idea of Home* by John Hughes representing New South Wales; *Jasper Jones* by Craig Silvey for Western Australia; *Listening to Country* by Ros Moriarty for the Northern Territory; *Smoke and Mirrors* by Kel Robertson representing the Australian Capital Territory; *Time's Long Ruin* by Stephen Orr for South Australia; *Well Done, Those Men* by Barry Heard representing Victoria; *The White Earth* by Andrew McGahan symbolising Queensland; and Richard Flanagan's *Wanting* representing my home state of Tasmania. My personal goal is that by 1 January 2013 I hope to have read every single one of those eight books. These books were chosen by thousands of Australians who voted on the ABC website or in their local library for the book to represent their state or territory during the National Year of Reading 2012.

There are a number of events being held in my home state of Tasmania as part of the National Year of Reading 2012. One event was the stage production of the Tim Winton story, *The Bugalugs Bum Thief*, which was shown in Hobart and Burnie in August. Another event is the *Language of War* exhibition. The exhibition displays the work of Tasmanian poets as they express their views, ideas and perspectives on commemoration of Australia's military conflicts and activities. The poems are accompanied by photographs of Australia's war memorials.

As a mother, I read to my own children when they were little and I still have some of their favourite books from their childhood. I also used to read frequently to the children in my care when I worked as an early childhood educator and I now enjoy reading to the next generation in my extended family. I also enjoy visiting various groups in the community to read to children, and I hope that they develop a love of reading. I think there is nothing quite the same as cuddling up with a really good children's book with a couple of children and exploring the book. I also enjoy reading, myself, when time permits, and read a wide range of authors and genres.

In my home state of Tasmania, the *Mercury* is involving school students in a never-ending story. Chapter 1 was written by Tasmanian author Lian Tanner and introduces teenage characters Eliza Chan and Johnny Dance who are involved in a plane crash. The story is being continued each week by a different student author or, in some cases, as a joint effort by multiple students from different high schools. At the end of the year, the novel will be available in an e-book format. The never-ending story is a great way to get high school students involved in writing and using their creativity, and students seem very eager to read the ongoing story each week.

Another event that promotes reading in Tasmania is the annual Premier's Reading Challenge. The challenge is for prep to grade 6 students, and the aim is for students to read one book each week for ten weeks. Students participating in the challenge have the opportunity to win prizes by writing a book review, with six reviews chosen each week. Children who complete the challenge will go into the draw to win an e-book reader and will also receive a certificate from the Tasmanian Premier, Lara Giddings. Many Tasmanian schools are taking part in the challenge and one example is Lauderdale Primary School. The school is aiming to read 10,000 books during the challenge, and at the halfway mark the tally was 3,184. I know
that other states also have a premier's reading challenge and I think it is a wonderful way to encourage our children to take up reading.

Another event that was held in Kingston, near my office, was a story session by the author Bob Graham. Bob read his children's stories *The Trouble with Dogs!*, *Crusher is Coming!*, *A Bus Called Heaven* and *Has Anyone Here Seen William?* This storytelling session was organised by the Children's Book Council, Tasmanian Branch, and the Kingborough Council.

When looking at the importance of reading, there is a challenge we must face. Reading is not just about reading the newspaper or a novel. It is also about reading what is on social networking sites, completing online forms and using e-books. These are fairly new phenomena—10 years ago they were not around.

On 25 August, the Reading Hour was held across Australia. The Reading Hour was one call to action for the National Year of Reading and the aim was to establish the idea that everyone will benefit from reading for at least an hour a week. Opportunities for reading may include sharing a book with your child for 10 minutes a day; restoring some of that work-life balance by taking a break with a book at lunchtime; getting together with friends to read and talk about your favourite books, such as in a book club; or incorporating a reading hour into the school week—or, indeed, like Senator Feeney, maybe reading while your colleague makes her adjournment speech!

I would like to conclude tonight by paying tribute to all those people involved in the National Year of Reading 2012. I especially thank my fellow Tasmanians, national ambassador Dick Adams and state ambassadors Bernadette Black, Peter Gee, Kate Gordon, Heather Haselgrove, Melanie Milburne, Jo Palmer, Rob Pennicott, Margaret Reynolds, Lian Tanner and John X, for their work in promoting the National Year of Reading 2012 and for promoting the importance of reading. I would encourage everyone to make the time to read as often as they can.

**Chamber**

**Sandon Point**

**Senator RHIANNON** (New South Wales) (22:15): The community campaign to stop the unacceptable destruction of Indigenous heritage at Sandon Point on the New South Wales South Coast is outstanding. Sandon Point is a site of enormous cultural significance to local Aboriginal people. This is an inspiring story, but also a tragic one that epitomises the failures of both the state and federal governments to meet their responsibilities to protect and preserve our unique Indigenous cultural heritage.

The Indigenous cultures of Australia are the oldest living cultures in the world. Aboriginal cultural heritage in the Illawarra is rich, diverse and irreplaceable, as it is across much of Australia. In principle, each level of government recognises the enormous value of Australia's Indigenous cultural heritage, but in practice those heritage values are being slowly eroded by weak and decentralised heritage planning and conservation laws. Countless Indigenous heritage sites such as Sandon Point, and artefacts found at these sites, have been destroyed in the name of progress and development.

The Greens are increasingly concerned about the lack of leadership shown by the federal government when it comes to protecting Aboriginal cultural heritage and the weakening of state laws. For over a decade the federal government has been handing over control of Aboriginal heritage to state governments, often with disastrous results. Protection now lies primarily with
the states and there is no consistency in the laws to protect nationally significant sites. In New South Wales the only protection for objects of significance to Aboriginal communities comes from the National Parks and Wildlife Act. In other states and the territories, the protection of Aboriginal heritage comes from heritage legislation or even from specific Indigenous heritage legislation. New South Wales is the only Australian state or territory in which Aboriginal cultural heritage is dealt with in the same legislation as that which protects flora and fauna. Protection offered in New South Wales legislation has been hopelessly ineffective for the conservation of Sandon Point, a coastal plain north of Wollongong that is revered by local Aboriginal people as a home of many magnificent cultural artefacts, including midden grounds, burial sites and sacred initiation sites.

Local Yuin elder Uncle Guboo Ted Thomas renamed the site Kuradji to acknowledge the remains of a kuradji, or Aboriginal clever man, discovered there in 1998. Archaeologists estimate that the man's remains are somewhere between 800 and 6,000 years old. After scientific examination, they were reburied at Sandon Point. Both the original burial site and the reburial site are registered as Aboriginal sites.

The archaeological and anthropological significance of Sandon Point cannot be overstated. In 2002, Dr Peter Hiscock, an Australian National University professor of archaeology, attested that the several million artefact fragments located at Sandon Point would likely provide very significant scientific information about Aboriginal history—more than could be obtained from most other sites in New South Wales. He warned that these artefacts would be irreparably damaged by the developments being proposed on the site.

The land at Sandon Point is owned by Stockland Development Pty Ltd. There has already been substantial development, with significant destruction of Aboriginal artefacts and disturbance of Aboriginal sacred sites. There is no way of measuring the damage that has already been done. Both the former Labor New South Wales government, who approved the housing development, and the current coalition government, who are allowing it to expand, have blatantly disregarded the cultural heritage of Sandon Point. They have prioritised developer interests ahead of community, cultural and environmental concerns. Stockland has been a huge donor to both the major political parties in New South Wales, donating nearly half a million dollars between 1999 and 2008 during the life of the Sandon Point project.

In 2007, part of the site was declared an Aboriginal place under the New South Wales National Parks and Wildlife Act, but this has not guaranteed its preservation. Sites listed as Aboriginal places in New South Wales can still be developed, allowing recognised culturally significant artefacts to be destroyed through the issuing of Aboriginal heritage impact permits in cases where 'harm to an Aboriginal object or Aboriginal place cannot be avoided'. These permits have replaced the old section 90 approvals, also known as 'consent to destroy orders'. The Sandon Point development has been granted consent to destroy orders, giving approval for bulldozers and earthmovers to move in, regardless of what Aboriginal heritage treasures lie in their path. At one stage, the developer had promised that an Aboriginal keeping place would be created at Sandon Point to house and protect artefacts found on the site. This promise has been recanted and the current approved development proposal does not include an Aboriginal keeping place.
The development of Sandon Point is also wreaking havoc on the environment. Creeks, trees and vegetation that provide valuable habitats for wildlife, including endangered species, are being destroyed without consideration of the impact on the ecosystem.

For well over a decade, local Aboriginal groups, environmental and community organisations have been fighting to protect the Aboriginal cultural heritage at Sandon Point. I have been privileged to campaign alongside these many people. The Sandon Point Aboriginal tent embassy was established in December 2000, soon followed by the Sandon Point community picket in March 2001. Protesters have faced considerable harassment, including a number of arson attacks, but they continue to stand strong. Today the Sandon Point Aboriginal tent embassy is a permanent feature in the Illawarra.

Together with my former Greens colleagues in New South Wales, I have highlighted problems with the government's approach to the Sandon Point development. The Greens have called for a halt to this unlawful development that has had devastating environmental impacts and done irreparable damage to the Aboriginal heritage. There have been many legal battles over Sandon Point, with a number of successful challenges to development proposals. However, each time, developer interests have won out over community concerns. The New South Wales government has approved a massive development that includes nearly 200 residential subdivisions and a large retirement village. The development underlines the serious problems with planning laws in New South Wales.

So what can be done to protect Sandon Point in the face of the state government's refusal to safeguard the Aboriginal heritage of the site? Many people look to the Commonwealth to intervene under the Aboriginal and Torres Strait Islander Heritage Protection Act. This act allows intervention in special cases where there is not effective state legislation to protect an area or objects from the threat of injury or desecration. I am writing to the Minister for Sustainability, Environment, Water, Population and Communities, Mr Tony Burke, to ask him to trigger the protective provisions of the act through a ministerial declaration.

In recent years we have witnessed a watering down of Commonwealth protections, with the federal government relinquishing its responsibility to promote and protect Australia's Aboriginal heritage. For example, the Register of the National Estate used to protect natural, Indigenous and historical heritage places throughout Australia. This register was frozen in 2007 and its statutory basis has now been removed. The Commonwealth has justified abandoning these important national protections, claiming that each level of government should be responsible for protecting its own heritage sites.

It was the 1983 Tasmanian dam case when the High Court confirmed that the Commonwealth has constitutional power to make laws protecting Aboriginal cultural heritage. That power has been used to implement some legislative protections such as the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. Federal intervention is urgently needed, not just in the case of Sandon Point but for a number of other nationally significant sites also at risk. It could stop the proposed mining of Tasmania's Tarkine forest, a site that cradles priceless Aboriginal heritage. It could stop the devastation of James Price Point in the Kimberley where communities, led by local elders, are fighting to keep their culture alive.
in an area targeted by the Western Australian Premier, Colin Barnett, and Woodside for a gas hub.

It is time for the Commonwealth to step up and take responsibility for the catastrophic destruction of Australia's Aboriginal cultural heritage and protect the many nationally significant sites currently at risk. In the case of Sandon Point it is time to put heritage protection ahead of developer interests. I hope the minister will use the authority of the Aboriginal and Torres Strait Islander Heritage Protection Act to ensure that this unique site, once brimming with important cultural artefacts, is not completely destroyed in the name of progress.

Senate adjourned at 22:26

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Aboriginal and Torres Strait Islander Act—Aboriginal and Torres Strait Islander Commission (Misbehaviour) Revocation Determination 2012 [F2012L01780].

Acts Interpretation Act—Select Legislative Instrument 2012 No. 207—Acts Interpretation (Registered Relationships) Amendment Regulation 2012 (No. 2) [F2012L01814].

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2012 (No. 4) [F2012L01838].

Appropriation Act (No. 2) 2008-2009, Appropriation Act (No. 1) 2010-2011, Appropriation Act (No. 2) 2010-2011 and Appropriation Act (No. 3) 2010-2011—Determination to Reduce Appropriations (No. 1 of 2012-2013) [F2012L01764].

AusCheck Act—Select Legislative Instrument 2012 No. 208—AusCheck Amendment Regulation 2012 (No. 1) [F2012L01823].


Australian Communications and Media Authority Act—Radiocommunications (Charges) Amendment Determination 2012 (No. 2) [F2012L01821].

Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2012/2 [F2012L01772].

Australian National University Act—Fees Statute 2006—Tuition Fees Order (No. 2) [F2012L01773].

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 15 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard 320.0 [F2012L01782].


Autonomous Sanctions (Sanction Law) Amendment Declaration 2012 [F2012L01766].

Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 12 of 2012) [F2012L01756].

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos CASA—

240/12—Direction—number of cabin attendants in Boeing 737-800 series aircraft, Qantas Airways Limited [F2012L01632]—Explanatory statement [in substitution for
explanatory statement tabled with instrument on 14 August 2012.

244/12—Direction under regulation 209 – conduct of parachute training operations [F2012L01836].

270/12—Revocation of instrument CASA 285/11 – instructions for RNAV (GNSS) approaches by Virgin Australia International B777 aircraft [F2012L01829].

Civil Aviation Safety Regulations—
Airworthiness Directives—
AD/GA200/1—Wing Strut Bolt [F2012L01755].

AD/JABIRENG/1—Piston Circlips [F2012L01835].

Civil Aviation Order 95.4 Amendment Instrument 2012 (No. 1) [F2012L01831].

Instruments Nos CASA—
EX127/12—Exemption – from standard take-off and landing minima – Virgin Australia Airlines (NZ) [F2012L01806].

EX135/12—Exemption – solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Camden Aerodrome [F2012L01842].

EX138/12—Exemption – use of ADS-B in aircraft operated by PT Garuda Indonesia [F2012L01834].

EX140/12—Exemption – from standard take-off minima – Jetstar [F2012L01807].

Revocation of Airworthiness Directives—
Instruments Nos CASA ADCX—
019/12 [F2012L01828].
020/12 [F2012L01845].

Select Legislative Instrument 2012 No. 213—Civil Aviation Amendment Regulation 2012 (No. 1) [F2012L01819].

Classification (Publications, Films and Computer Games) Act—Classification (R 18+ Computer Games) Amendment Determination 2012 (No. 1) [F2012L01786].

Commissioner of Taxation—Public Rulings—
Class Rulings—
Addendum—CR 2010/27.


Goods and Services Tax Determination—
GSTD 2012/6.

Goods and Services Tax Rulings—

GSTR 2012/4.

Miscellaneous Taxation Ruling—
Addendum—MT 2006/1.

Product Rulings—

Notice of Withdrawal—PR 2011/17.


Taxation Ruling—Addendum—TR 2010/1.

Currency Act—

Currency (Royal Australian Mint) Determination 2012 (No. 4) [F2012L01815].

Currency (Royal Australian Mint) Determination 2012 (No. 5) [F2012L01816].

Customs Act—

CEO Instruments of Approval Nos—

9 of 2010 [2012]—Incoming passenger card (Japanese) [F2012L01751].

2 of 2012—Incoming passenger card (Arabic) [F2012L01754].

3 of 2012—Incoming passenger card (simplified Chinese) [F2012L01747].

4 of 2012—Incoming passenger card (traditional Chinese) [F2012L01749].

5 of 2012—Incoming passenger card (French) [F2012L01750].

6 of 2012—Incoming passenger card (Vietnamese) [F2012L01745].

7 of 2012—Incoming passenger card (Indonesian) [F2012L01746].

8 of 2012—Incoming passenger card (Thai) [F2012L01753].

10 of 2012—Incoming passenger card (Korean) [F2012L01757].

11 of 2012—Incoming passenger card (Malay) [F2012L01758].
12 of 2012—Incoming passenger card (Spanish) [F2012L01760].

13 of 2012—Incoming passenger card (English) [F2012L01762].

Customs By-law No. 122813 [F2012L01763].

Select Legislative Instrument 2012 No. 209—Customs (R 18+ Computer Games) Legislation Amendment Regulation 2012 (No. 1) [F2012L01817].

Director of Public Prosecutions Act—Director of Public Prosecutions—Attorney-General’s Direction 2012, dated 27 August 2012.

Environment Protection and Biodiversity Conservation Act—
Amendments of lists of—
Exempt native specimens—EPBC303DC/SFS/2012/43 [F2012L01800].
EPBC303DC/SFS/2012/44 [F2012L01799].
EPBC303DC/SFS/2012/46 [F2012L01748].
Specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/048 [F2012L01778].

Threatened ecological communities, dated—
14 August 2012 [F2012L01781].
28 August 2012 [F2012L01843].
Threatened species, dated 14 August 2012 [F2012L01830].


Family Law Act—Select Legislative Instrument 2012 No. 211—Family Law Amendment Regulation 2012 (No. 3) [F2012L01818].

Financial Management and Accountability Act—Notice under section 39A—Australian Rail Track Corporation Limited (ARTC).

Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 8, 2012 [F2012L01769].

Food Standards (Proposal P1020 – Ethyl Lauroyl Arginate as a Food Additive in Sausages) Variation [F2012L01832].

Fuel Quality Standards Act—
Health Insurance Act—
Health Insurance (Dental Services) Amendment Determination 2012 (No. 1) [F2012L01837].

Select Legislative Instrument 2012 No. 212—Health Insurance (Professional Services Review) Amendment Regulation 2012 (No. 1) [F2012L01822].

Higher Education Support Act—
Higher Education Provider Approval No. 8 of 2012—Australian College of the Arts Pty Ltd [F2012L01768].

VET Provider Approvals Nos—
13 of 2012—GCTA Pty Ltd [F2012L01840].
14 of 2012—The Australian College of Hair Design and Beauty Pty. Ltd. [F2012L01839].


Migration Act—Migration Regulations—Instruments IMMI—
12/074—Class of persons [F2012L01744].
12/078—Designated APEC economies [F2012L01743].

National Health Act—Instruments Nos PB—
64 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 7) [F2012L01783].
68 of 2012—National Health (Multiple Hospitals Paperless Claiming Trial) Special
Arrangement Amendment Instrument 2012 (No. 1) [F2012L01785].

Native Title Act—Native Title (Revocation of Recognition Instruments) Determination 2012 [F2012L01784].

Payment Systems (Regulation) Act—Variation to the Access Regime for the ATM System [F2012L01787].

Private Health Insurance Act—Private Health Insurance (Prostheses) Amendment Rules 2012 (No. 3) [F2012L01788].

Quarantine Act—Quarantine Amendment Proclamation 2012 (No. 2) [F2012L01827].

Radiocommunications Act—

Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 800 MHz Band) 2012 [F2012L01774].

Radiocommunications (Unacceptable Levels of Interference – 800 MHz Band) Determination 2012 [F2012L01777].

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 4) [F2012L01820].

Remuneration Tribunal Act—
Determination—

2012/18—Official Travel by Office Holders [F2012L01759].


Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2012 (No. 4) [F2012L01752].

Sydney Airport Demand Management Act—Sydney Airport Compliance Scheme 2012 [F2012L01844].

Telecommunications Act—Australian Communications and Media Authority (International Mobile Roaming Industry Standard) Direction (No. 1) 2012 [F2012L01776].


Tertiary Education Quality and Standards Agency Act—Determination of Fees No. 2 of 2012 [F2012L01767].

Veterans’ Entitlements Act—
Amendment Statements of Principles concerning—
Fibrosing Interstitial Lung Disease No. 66 of 2012 [F2012L01811].

Fibrosing Interstitial Lung Disease No. 67 of 2012 [F2012L01812].

Macular Degeneration No. 68 of 2012 [F2012L01813].

Statements of Principles concerning—
Aplastic Anaemia No. 50 of 2012 [F2012L01791].

Aplastic Anaemia No. 51 of 2012 [F2012L01793].

Asthma No. 60 of 2012 [F2012L01802].

Asthma No. 61 of 2012 [F2012L01808].

Concussion No. 64 of 2012 [F2012L01809].

Concussion No. 65 of 2012 [F2012L01810].

Deep Vein Thrombosis No. 54 of 2012 [F2012L01795].

Deep Vein Thrombosis No. 55 of 2012 [F2012L01797].

Mesangial IgA Glomerulonephritis No. 52 of 2012 [F2012L01792].

Mesangial IgA Glomerulonephritis No. 53 of 2012 [F2012L01794].

Moderate to Severe Traumatic Brain Injury No. 62 of 2012 [F2012L01804].

Moderate to Severe Traumatic Brain Injury No. 63 of 2012 [F2012L01805].
Otitis Externa No. 58 of 2012 [F2012L01801].
Otitis Externa No. 59 of 2012 [F2012L01803].
Physical Injury Due to Munitions Discharge No. 48 of 2012 [F2012L01789].
Physical Injury Due to Munitions Discharge No. 49 of 2012 [F2012L01790].
Pulmonary Thromboembolism No. 56 of 2012 [F2012L01796].
Pulmonary Thromboembolism No. 57 of 2012 [F2012L01798].

**Indexed Lists of Files**

**Tabling**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2012—

Statements of compliance—

Attorney-General’s portfolio.
Department of Defence.
Department of Human Services.
Department of Veterans’ Affairs.
Health and Ageing portfolio.
Office of the Inspector-General of Intelligence and Security.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Defence Materiel**

(Question No. 1634)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Tactical Information Exchange Domain JP 2089, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;

(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;

(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;

(d) the date of first pass approval;

(e) the date of second pass approval;

(f) the estimated acquisition cost when first proposed to Government;

(g) the amount spent to date on this project;

(h) the current estimated acquisition cost;

(i) the date of estimated initial operational capability when first proposed to Government;

(j) the current date of estimated initial operational capability; and

(k) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**

(Question No. 1635)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Tactical Information Exchange Domain JP 2089, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;

(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;

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QUESTIONS ON NOTICE
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 1636)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Anzac Ships SEA 1348 Phase 2, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.
**Senator Bob Carr:** The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


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**Defence Materiel**

(Question No. 1637)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Anzac Ship Project – Underwater and Surface War Fighting Upgrade Pgm SEA 1348 Phase 3, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;

(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;

(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;

(d) the date of first pass approval;

(e) the date of second pass approval;

(f) the estimated acquisition cost when first proposed to Government;

(g) the amount spent to date on this project;

(h) the current estimated acquisition cost;

(i) the date of estimated initial operational capability when first proposed to Government;

(j) the current date of estimated initial operational capability; and

(k) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


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**Defence Materiel**

(Question No. 1638)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:
With reference to the major project Guided Missile Frigate Upgrade Implementation SEA 1390 Phase 2.1, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 1639)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Standard Missile Replacement SEA 1390 Phase 4, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 1640)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project NULKA SEA 1397, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Defence Materiel

(Question No. 1641)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project FLIR and ESM for S-70B-2 Helicopters SEA 1405, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel

(Question No. 1642)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Evolved SEASPARROW SEA 1428, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;

(g) the amount spent to date on this project;

(h) the current estimated acquisition cost;

(i) the date of estimated initial operational capability when first proposed to Government;

(j) the current date of estimated initial operational capability; and

(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 1643)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Replacement Heavyweight TorpedoSEA 1429, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;

(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;

(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;

(d) the date of first pass approval;

(e) the date of second pass approval;

(f) the estimated acquisition cost when first proposed to Government;

(g) the amount spent to date on this project;

(h) the current estimated acquisition cost;

(i) the date of estimated initial operational capability when first proposed to Government;

(j) the current date of estimated initial operational capability; and

(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan (http://www.defence.gov.au/publications/CapabilityPlan2012.pdf),

**Defence Materiel**

(Question No. 1644)

*Senator Johnston* asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project COLLINS Class Replacement Combat System SEA 1439 Phase 4A, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

*Senator Bob Carr:* The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


**Defence Materiel**

(Question No. 1645)

*Senator Johnston* asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Maritime Communications Modernisation SEA 1442, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.


Defence Materiel
(Question No. 1646)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Armidale Class Patrol Boat Project SEA 1444, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.
Publicly available documents such as the Public Defence Capability Plan
(http://www.defence.gov.au/annualreports/) provide some detail on the information being sought.

Defence Materiel
(Question No. 1647)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project ANZAC Anti-Ship Missile Defence SEA 1448, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's question:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan
(http://www.defence.gov.au/annualreports/) provide some detail on the information being sought.

Defence Materiel
(Question No. 1648)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Replacement of Afloat Support Capability SEA 1654, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

**Defence Materiel**

(Question No. 1649)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Air Warfare Destroyer SEA 4000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.
Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

Defence Materiel
(Question No. 1650)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Airborne Early Warning and Control Aircraft AIR 5077, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)
Defence Materiel
(Question No. 1651)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project New Air Defence Command and Control Systems for Control Units 2 and 3 AIR 5333, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

Defence Materiel
(Question No. 1652)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Bridging Air Combat Capability AIR 5349 Phase 2, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

Defence Materiel
(Question No. 1653)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Bridging Air Combat Capability AIR 5349 Phase 1, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

**Defence Materiel**
(Question No. 1654)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project F/A-18 Hornet Upgrade AIR 5376, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister has provided the following answer to the honourable senator's questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)
**Defence Materiel**

(Question No. 1655)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Air to Air Refuelling Capability AIR 5402, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

**Defence Materiel**

(Question No. 1656)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Project Echidna Electronic Warfare Self Protection for ADF Aircraft AIR 5416, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

Defence Materiel
(Question No. 1657)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Follow-on Standoff Weapon AIR 5418, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's questions:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

**Defence Materiel**
(Question No. 1658)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Joint Strike Fighter Aircraft AIR 6000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister has provided the following answer to the honourable senator's questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)
QUESTIONS ON NOTICE

**Defence Materiel**
(Question No. 1659)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project AIR 7000: Phase 1B and 2B AIR 7000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

**Senator Bob Carr:** The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

**Defence Materiel**
(Question No. 1660)

**Senator Johnston** asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project C-17 Globemaster III AIR 8000, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

Defence Materiel
(Question No. 1661)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project Armed Reconnaissance Helicopter AIR 87, can the following details be provided: (a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

**Defence Materiel**
(Question No. 1662)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:
With reference to the major project MH-60R Seahawk Romeo AIR 9000 Phase 8, can the following details be provided:
(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's questions:
The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)
Defence Materiel
(Question No. 1663)

Senator Johnston asked the Minister representing the Minister for Defence Materiel, upon notice, on 5 March 2012:

With reference to the major project MH-60R Seahawk Romeo AIR 9000 Phase 8, can the following details be provided:

(a) the date that the project was first proposed to Government as a major capital equipment initiative;
(b) the date of the first estimated date, time period, for first pass approval, as per the Defence Capability Plan (DCP), or when it was first proposed to Government;
(c) the date of the first estimated date, time period, for second pass approval, as per the DCP, or when it was first proposed to Government;
(d) the date of first pass approval;
(e) the date of second pass approval;
(f) the estimated acquisition cost when first proposed to Government;
(g) the amount spent to date on this project;
(h) the current estimated acquisition cost;
(i) the date of estimated initial operational capability when first proposed to Government;
(j) the current date of estimated initial operational capability; and
(k) the reason(s) for the delay in this project, if applicable.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator’s questions:

The information you are seeking would require considerable research into historical Defence Capability Plans and project approval/management documents, and as such, is considered an unjustified diversion of resources.

Publicly available documents such as the Public Defence Capability Plan:
Portfolio Budget Statements:
(http://www.defence.gov.au/budget/)

Tertiary Education, Skills, Science and Research
(Question No. 1875)

Senator Ludlam asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 7 June 2012:

(1) Did the Australian Nuclear Science and Technology Organisation (ANSTO) cease fluorodeoxyglucose (FDG) production through the National Medical Cyclotron in 2003 and reinstitute supply only in 2010 by Positron Emission Tomography (PET) in conjunction with PETNET Solutions.
(2) Did this withdrawal of ANSTO from the market coincide with the increased clinical demand for FDG under the PET data collection program of the Department of Health and Aging.
(3) Did private companies supply the FDG market in the absence of ANSTO production.
(4) Did patients miss out on best management of their illness due to limited supplies of FDG.
(5) Did ANSTO seek advice from the Department of Health and Aging on the roll out of Medical Benefits Scheme funding for PET.

(6) Was Professor Andrew Scott on the ANSTO Board when approval for PET was given.

(7) Was Professor Scott closely involved with the Department of Health and Aging with respect to PET funding and data collection initiatives.

(8) Has the failure of ANSTO to understand the FDG market size:
   (a) led to overinvestment in the capacity of the PETNET Solutions facility, including the investment of $17.5 million in public funds, despite little prospect of commercial return; and (b) unfairly undermined the business of commercial operators who receive no government funding.

(10) What was the reason for ANSTO increasing its cost base to take on the PETNET Solutions branding.

(11) Given that the PETNET Solutions facility was designed to supply more than FDG, what else has it supplied to date.

Senator Chris Evans: The answer to the honourable senator’s question is as follows:


(2) Questions regarding the Department of Health and Ageing’s PET data collection program should be directed to the Minister for Health.

(3) Yes, together with a hospital-based cyclotron.

(4) This question should be directed to the Minister for Health.

(5) ANSTO based its decision to commence production of Positron Emission Tomography (PET) through PETNET on the same information that would have been available to all commercial suppliers.

(6) No.

(7) This question should be raised with the Department of Health and Ageing.

(8) No.

(10) By 2007, demand for PET scans was growing steadily. Much of the FDG used in NSW was sourced from Melbourne (although one Sydney hospital had its own cyclotron, which at that time only provided for its own needs). Given the short half-life of FDG and increasing demand for this important diagnostic agent, supply from other Australian cities was posing transportation challenges. The ANSTO Board therefore decided to approve the investment to create a subsidiary, PETNet Solutions Australia, for the purpose of producing FDG.

(11) Nothing.

Australian Nuclear and Technology Organisation

(Question No. 1876)

Senator Ludlam asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 7 June 2012:

In regard to exploratory partnership discussions between the Australian Nuclear Science and Technology Organisation (ANSTO) and various entities:

(1) On what occasions have discussions taken place between ANSTO and the Peter MacCallum Cancer Centre, regarding the establishment of an ANSTO sponsored Collaborative Clinical Radiopharmacy Research Facility at the intended Victorian Comprehensive Cancer Centre in Melbourne, and what documentation of the discussions, if any, exists.
(2) Have ANSTO funds been allocated to the proposed partnership with the University of Queensland’s (UQ) Education Investment Fund bid for a Centre for Advanced Imaging (CAI).

(3) Does the proposed CAI also have funding as a node in the National Imaging Facility (NIF).

(4) Is there any risk that the recently announced commercial venture between CAI and Axiom Molecular will infringe on competitive neutrality provisions.

(5) Do the contractual arrangements make it clear that competitive neutrality must be respected in any commercial spin-offs.

(6) What particular expertise did the ANSTO Board identify at CAI that warranted the use of ANSTO funds to support the collaboration.

(7) Has UQ previously owned or had access to a cyclotron.

(8) Who are the lead researchers at CAI in charge of the PET [Positron Emission Tomography] tracer discovery and commercialisation program.

(9) Did the agreement with the Austin Health based Ludwig Institute for Cancer Research, regarding joint competitive research, involve funding from ANSTO; if so: (a) when were the funds provided; (b) does the contract provide for a loan or a grant; and (c) are there any competitive neutrality considerations.

(10) Is the intent of the arrangement to supply Copper-64 (Cu-64), Iodine 124 (I-124), Zirconium-89 (Zr-89), and Yttrium-86 (Y-86) for research and clinical development, and what has been supplied to date.

(11) Did collaboration with the Sir Charles Gairdner Hospital (SCGH) in Western Australia for cyclotron targetry involve ANSTO funding; if so, how much and under what provisions.

(12) Given that the Minister has noted that the arrangement would involve Cu 64, Zr-89 and radionuclide development research, how many doses have been dispatched for research or clinical use to date.

(13) Is there a reason why SCGH and the Ludwig Institute are both working on Cu-64 and Zr-89, when isotope half lives allow for distribution throughout Australia.

(14) Is ANSTO aware that: (a) Cyclopharm in Sydney has had the capacity to produce Cu-64 for several years; and (b) the Peter MacCallum Cancer Centre has been producing Y-86, Cu-64 and I-124 with its research cyclotron.

(15) Were the Cooperative Research Centre for Biomedical Imaging Development (CRC BID) or the Peter MacCallum Cancer Centre consulted by the ANSTO Board before the decision to allocate funds to the Ludwig Institute was made.

(16) Why did the ANSTO Board decide not to pursue the proposal for a CRC BID, ANSTO and Cyclotek co-funded project to make Cu-64, I 124, Zr 89, and Y 86 available using commercial hardware supplied through CRC BID partner GE Healthcare, projected to cost less than $350 000 per contributor.

(17) Did any ANSTO Board member with a potential conflict absent himself in discussions concerning the allocation of funds to the Ludwig Institute; if so, was the act recorded in the minutes.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) As noted in response to Senate Estimates question SI-155 (Supplementary Budget Estimates Hearing, 19 October 2011), there have been informal partnership discussions on this topic. There have been no recent discussions on the matter.

(2) Yes.

(3) Yes.
(4) This question should be directed to the parties to the commercial venture.
(5) This question should be directed to the parties to the commercial venture.
(6) Please see answer to Senate Estimates question SI-155.
(7) This question should be directed to the University of Queensland.
(8) This question should be directed to the Centre for Advanced Imaging.
(9) As noted in response to Senate Estimates question SI-155, ANSTO has contributed funding as part of a collaboration with Austin Health/Ludwig Institute for Cancer Research for a competitive research cyclotron access for novel radioisotopes on an open proposal basis to the Australian research community. This covered the cost of hot cells, targetry and radioc transformation. The cyclotron was already funded and established by Austin Health/Ludwig, meaning that ANSTO's funding leveraged this underlying investment. In addition, ANSTO receives a weekly delivery of one of four radioisotopes (for research purposes) and training in solid targetry which would not otherwise be available to ANSTO staff.
   (a) June 2010 and February 2012.
   (b) Neither.
   (c) No.
(10) Yes. Cu-64 and I-124 have been supplied to date.
(11) Please see answer to Senate Estimates Question SI-155
(12) The University of Queensland, the Peter MacCallum Cancer Centre and ANSTO have received Cu-64 and Zr-89.
(13) ANSTO cannot answer this answer this question on behalf of Sir Charles Gairdner Hospital or the Ludwig Institute.
(14) (a) ANSTO is unaware whether Cyclopharm can successfully produce Cu-64, (b) Yes.
(15) No.
(16) ANSTO is not aware of any such formal proposal being made.
(17) As noted in response to Senate Estimates question SI-155, as required by section 27F of the Commonwealth Authorities and Companies Act 1997, ANSTO requires any director who has a material personal interest in a matter that relates to ANSTO's affairs to give the other directors notice of the interest. To that end, ANSTO maintains a Board register of interests, which is updated at each Board meeting.

Finance and Deregulation: Enterprise Agreement
(Question No. 1884)

Senator Abetz asked the Minister for Finance and Deregulation, upon notice, on 14 June 2012:

With reference to the staff ballot for the Department of Finance and Deregulation Enterprise Agreement 2011-2014 and each of the following companies: (a) Australian Election Company; (b) WebCentral Pty Ltd; and (c) electionnz.com Ltd:

(1) What type of employee data was provided to each company.
(2) Where can the privacy policy of each company be found.
(3) Did the department ensure privacy provisions were a component in the contractual agreement with each company; if so, can details of the privacy provisions be provided; if not, why not.
(4) What steps were taken by each company to ensure the security of private information.
(5) What was the total cost of the ballot.
**Senator Wong:** The answer to the honourable senator’s question is as follows:

(1) N.A.
(2) N.A.
(3) N.A.
(4) N.A.
(5) N.A.

---

**Fair Work Act**

(Question No. 1906)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

With reference to the Government’s Key Performance Indicator regarding the Fair Work Act 2009 level of industrial action: Does the Minister still consider a doubling in the working days lost over the past year, from 117,500 to 257,600, as ‘steady’.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

Annual working days lost under Fair Work Act have remained around the historically low levels that have prevailed over the last decade.

Industrial dispute figures tend to fluctuate in the short term, depending on the number of agreements which expire in any given period.

The increase in the number of working days lost over the year ending 31 December 2011 can be partly explained by the jump in the number of expiring agreements in 2011 as compared to 2010. In 2011, 8335 agreements expired, as opposed to 5133 in 2010.

In addition, the ABS industrial dispute figures include working days lost from all industrial disputes, not just those under the FW Act, so that disputes by state government employees not covered by the FW Act contribute to the total number of working days lost. For instance, industrial action by NSW public sector employees significantly impacted on the September quarter 2011 figures.

**Fair Work Australia**

(Question No. 1919)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, in writing, on 25 June 2012:

With reference to the Fair Work Australia case involving JJ Richards & Sons: (a) does the Government intend on making amendments to the Fair Work Act 2009 to reflect what was promised during the lead up to the 2007 Federal Election; or (b) does the Government agree with the decision of the Federal Court of Australia, and subsequently support the precedent that union bosses can take strike action without the majority support of workers and without having commenced good faith negotiations.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(a) The decision of the Full Court of the Federal Court in JJ Richards & Sons Pty Ltd v Fair Work Australia [2012] FCAFC 53 was raised in a number of submissions to the post-implementation review of the Fair Work Act 2009 (the Fair Work Review). The Fair Work Review Panel recommended amendments to the Fair Work Act 2009 in relation to the decision. The Government will provide its response to the Fair Work Review Panel’s report following stakeholder consultation.
(b) The Government notes the decision and the recommendations of the Fair Work Review Panel. As stated above, the Government will respond to the Fair Work Review Panel’s recommendation in relation to the decision following consultation with stakeholders.

People Trafficking

(Question No. 1956)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 9 July 2012.

(1) Do people smugglers offering conveyance to Australia market their services in source countries and countries other than Indonesia; if so, can a list be provided of:

(a) those countries; and
(b) the locales within those countries where such marketing operations take place, together with an indication of the scale of those operations.

(2) Does the department have a number or estimate for the 2010-11 and 2011-12 financial years of the number of Irregular Maritime Arrivals [IMAs] arriving via Indonesia who:

(a) make contact or contract with people smuggling operations prior to arriving in Indonesia; and
(b) have a 30 day visa from Indonesia.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator’s question:

(1) (a) People smuggling networks are complex and operate in multiple countries across national boundaries, employing a range of facilitators, organisers and local contacts to seek out and recruit potential irregular immigrants (PIIs). The clandestine and often illegal nature of people smuggling makes a definitive list of countries and locales within countries difficult to provide, and such a list may in any case become out of date as demand from PIIs shifts to other locations or law enforcement activity prompts the smugglers to shift their operations elsewhere to escape scrutiny.

(b) In general terms, and noting the transnational nature of people smuggling, it can be said that people smugglers do market their services in key source countries like Pakistan, Afghanistan, Iran and Sri Lanka. They also operate in transit countries including Indonesia and Malaysia. Smugglers are opportunistic and responsive to supply and demand, even willing to work together under the right circumstances, making it difficult to fix a scale or location for any single smuggler’s or network’s operations.

(2) (a) No
(b) No

Aged Care

(Question No. 1968)

Senator Siewert asked the minister representing the Minister for Mental Health and Ageing, upon notice, on 25 July 2012:

(1) What is the current number of supported residents, broken down on a regional basis for each state and territory.

(2) What is the current number of concessional residents, broken down on a regional basis for each state and territory.

(3) What is the number of residential care facilities that have more than 50 per cent of residents who are either concessional or supported residents, and what are the numbers for each state and territory.

(4) What is the number of standard single room facilities in each state and territory.
(5) a) How many residential care facilities have been identified as incorrectly making claims against the Aged Care Funding Instrument [ACFI] in the past 2 years; and
   
   (b) what funding savings have been achieved by addressing these specific claiming practices.

6) What is the current proportion of residents who pay a bond of less than $100,000, and the proportion who pay between $100,000 and $150,000.

7) What value of bond is required to make a service financially viable in the more market-based system being implemented through the reform package.

8) What changes in the configuration of services are anticipated as a result of the reform package, e.g. more consolidation, more merges, reduced number of providers, and increased diversity of providers.

Senator Ludwig: The Minister for Mental Health and Ageing has provided the following answer to the honourable senator's question:

1) The current number of supported permanent residents (as at 31 March 2012), broken down by ABS Remoteness Area Classification for each state and territory is in Table 1 of Attachment A.

2) The current number of concessional permanent residents (as at 31 March 2012), broken down by ABS Remoteness Area Classification for each state and territory is in Table 2 of Attachment A.

3) The current number of residential aged care facilities that have more than 50 per cent of permanent residents who are either concessional or supported (as at 31 March 2012), broken down for each state and territory is in Table 3 of Attachment A.

4) The Department does not collect this information.

5) (a) ACFI review visits to services will look at a sample of claims at those services. In 2010-11, 1,120 out of 1,697 services (66%) visited through the ACFI Review Program were subject to one or more downgrades of ACFI claims under section 29-1 of the Aged Care Act 1997.

   Data collection for the 2011-12 financial year is not yet complete, however as at 3 August 2012, 876 out of 1,416 services (61%) visited through the ACFI Review Program were subject to one or more downgrades of ACFI claims under section 29-1 of the Aged Care Act 1997.

   (b) Residential aged care subsidy funding is calculated on a daily basis and this rate can change a number of times. Attempts to calculate savings would place an unreasonably high demand on resources.

6) In 2010-11, of the new entrants into residential aged care who paid by bond:

   • 15 per cent paid a bond of less than $100,000; and
   • 13 per cent paid a bond between $100,000 and $150,000.

   (This data is as reported by aged care providers in the 2010-11 Survey of Aged Care Homes, which had a response rate of 91%).

7) I announced the establishment of the Aged Care Financing Authority on 1 August 2012. Its role is to provide transparent, independent, advice to the Government on pricing and financing issues in aged care.

   The ACFA will be responsible for advising how the level (or levels) of Accommodation Payments for aged care homes should be set. The cost of supplying aged care accommodation will vary considerably depending upon location and the quality of the building stock. It is expected that the ACFA will take these matters into account in providing its advice.

8) While the reforms will inevitably bring changes, there is no Government policy regarding the number of providers or structure of the sector. Rather, the focus is on improving the efficiency and financial sustainability of the sector, increasing the focus on care in the home, providing consumers with greater choice and control, and ensuring access to affordable, high quality care and services.
### Attachment A

#### Table 1: Number of Supported Permanent Residents in Residential Aged Care Facilities# by State and ABS Remoteness Area Classification—31 March 2012

<table>
<thead>
<tr>
<th>State</th>
<th>Major cities</th>
<th>Inner regional</th>
<th>Outer regional</th>
<th>Remote</th>
<th>Very remote</th>
<th>Not identified</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>10,905</td>
<td>4,196</td>
<td>1,181</td>
<td>28</td>
<td>0</td>
<td>19</td>
<td>16,329</td>
</tr>
<tr>
<td>VIC</td>
<td>7,776</td>
<td>2,800</td>
<td>&lt;650</td>
<td>&lt;20</td>
<td>N/A</td>
<td>0</td>
<td>11,244</td>
</tr>
<tr>
<td>QLD</td>
<td>5,763</td>
<td>2,300</td>
<td>1,236</td>
<td>91</td>
<td>41</td>
<td>0</td>
<td>9,431</td>
</tr>
<tr>
<td>WA</td>
<td>3,285</td>
<td>649</td>
<td>322</td>
<td>74</td>
<td>41</td>
<td>0</td>
<td>4,371</td>
</tr>
<tr>
<td>SA</td>
<td>3,669</td>
<td>526</td>
<td>530</td>
<td>50</td>
<td>0</td>
<td>0</td>
<td>4,775</td>
</tr>
<tr>
<td>TAS</td>
<td>N/A</td>
<td>924</td>
<td>344</td>
<td>&lt;25</td>
<td>&lt;5</td>
<td>0</td>
<td>1,295</td>
</tr>
<tr>
<td>ACT</td>
<td>512</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>512</td>
</tr>
<tr>
<td>NT</td>
<td>N/A</td>
<td>N/A</td>
<td>&lt;165</td>
<td>68</td>
<td>&lt;35</td>
<td>0</td>
<td>259</td>
</tr>
<tr>
<td>National</td>
<td>31,910</td>
<td>11,395</td>
<td>4,423</td>
<td>353</td>
<td>116</td>
<td>19</td>
<td>48,216</td>
</tr>
</tbody>
</table>

# Excludes Multi-Purpose Services, National Aboriginal and Torres Strait Islander Flexible Aged Care Program Services, and Innovative Care Flexible Services providing care in a residential setting.

N/A denotes Not Applicable.

#### Table 2: Number of Concessional Permanent Residents in Residential Aged Care Facilities# by State and ABS Remoteness Area Classification—31 March 2012

<table>
<thead>
<tr>
<th>State</th>
<th>Major cities</th>
<th>Inner regional</th>
<th>Outer regional</th>
<th>Remote</th>
<th>Very remote</th>
<th>Not identified</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>5,258</td>
<td>1,632</td>
<td>485</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>7,390</td>
</tr>
<tr>
<td>VIC</td>
<td>3,719</td>
<td>1,058</td>
<td>270</td>
<td>&lt;10</td>
<td>N/A</td>
<td>&lt;5</td>
<td>5,055</td>
</tr>
<tr>
<td>QLD</td>
<td>2,240</td>
<td>956</td>
<td>482</td>
<td>38</td>
<td>34</td>
<td>0</td>
<td>3,750</td>
</tr>
<tr>
<td>WA</td>
<td>1,378</td>
<td>240</td>
<td>126</td>
<td>41</td>
<td>37</td>
<td>0</td>
<td>1,822</td>
</tr>
<tr>
<td>SA</td>
<td>1,605</td>
<td>220</td>
<td>239</td>
<td>23</td>
<td>0</td>
<td>0</td>
<td>2,087</td>
</tr>
<tr>
<td>TAS</td>
<td>N/A</td>
<td>342</td>
<td>&lt;110</td>
<td>&lt;10</td>
<td>&lt;5</td>
<td>0</td>
<td>460</td>
</tr>
<tr>
<td>ACT</td>
<td>154</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>0</td>
<td>154</td>
</tr>
<tr>
<td>NT</td>
<td>N/A</td>
<td>N/A</td>
<td>&lt;35</td>
<td>40</td>
<td>&lt;10</td>
<td>0</td>
<td>81</td>
</tr>
<tr>
<td>National</td>
<td>14,354</td>
<td>4,448</td>
<td>1,745</td>
<td>170</td>
<td>&lt;85</td>
<td>&lt;5</td>
<td>20,799</td>
</tr>
</tbody>
</table>

# Excludes Multi-Purpose Services, National Aboriginal and Torres Strait Islander Flexible Aged Care Program Services, and Innovative Care Flexible Services providing care in a residential setting.

N/A denotes Not Applicable.

#### Table 3: Number of Residential Aged Care Facilities# by State with more than 50% Residents who are either Concessional or Supported—31 March 2012

<table>
<thead>
<tr>
<th>State</th>
<th>Number of facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>35</td>
</tr>
<tr>
<td>VIC</td>
<td>29</td>
</tr>
</tbody>
</table>
State | Number of facilities
---|---
QLD | 28
WA | 24
SA | 12
TAS | 3
ACT | 1
NT | 9
National | 141

# Excludes Multi-Purpose Services, National Aboriginal and Torres Strait Islander Flexible Aged Care Program Services, and Innovative Care Flexible Services providing care in a residential setting.

**Broadband, Communications and the Digital Economy**

(Question No. 1974)

**Senator Birmingham** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 31 July 2012:

For each of the metropolitan broadcasting licence areas: (a) can a breakdown be provided on how many premises are expected not to receive an adequate digital television signal following digital switchover; and (b) how many of these premises will be eligible for assistance under the Satellite Subsidy Scheme.

**Senator Conroy:** The answer to the honourable senator’s question is as follows:

Final digital TV towers and upgrades in metropolitan broadcast licence areas are yet to be implemented by the broadcasters. Therefore the final coverage of these signals is not known. Until the planning and implementation of digital services is complete, it would be inaccurate to predict numbers of dwellings with inadequate coverage using only predicted coverage of planned, but not implemented services.

Under the Satellite Subsidy Scheme (SSS), assistance is provided for eligible households to make the transition to the free-to-air Viewer Access Satellite Television (VAST) service where the local self-help tower is not being upgraded to digital. Where the broadcasters are not upgrading a self-help tower, the decision to upgrade the self-help tower rests with the licensee.

The Digital Switchover Taskforce will write to self-help licensees in metropolitan licence areas over the next month to seek a decision on whether they intend to upgrade those towers to digital or opt their community in to receive the SSS. Numbers of premises eligible for assistance under the SSS could only be determined after these decisions have been made and terrestrial broadcast coverage is known in these areas.

The self-help towers in each metropolitan licence area are listed below:

<table>
<thead>
<tr>
<th>Metropolitan Area</th>
<th>Self Help Tower</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>Patonga</td>
</tr>
<tr>
<td>Melbourne</td>
<td>Gisborne</td>
</tr>
<tr>
<td>Adelaide</td>
<td>Cudlee Creek, Golden Grove, Peterhead, Truro Grove</td>
</tr>
<tr>
<td>Perth</td>
<td>Maryville, Perth East, Seabird</td>
</tr>
<tr>
<td>Brisbane</td>
<td>Conondale, Somerset Dam, Toogoolawah</td>
</tr>
</tbody>
</table>
Business Activity Statement Forms  
(Question No. 1976)  

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 1 August 2012:

(1) How many individual taxpayers were affected by the incorrect printing of barcodes on business activity statement (BAS) forms.
(2) Have any other forms been printed incorrectly since November 2007; if so, what forms and how many taxpayers were affected.
(3) What is the total cost to the Government of the incorrect printing of barcodes on BAS forms.
(4) Has any estimate been made of the cost to taxpayers; if so, what is this estimate.
(5) (a) What action was taken to fix the problems that arose as a result of the incorrect printing of barcodes; and
(b) what alternative solutions were considered.
(6) When were tax agents first notified of the problem with barcodes on BAS forms.
(7) When was Australia Post notified of the problem with barcodes on BAS forms.
(8) When was this notification communicated formally to all Australia Post outlets.
(9) How many BAS forms were processed before Australia Post was notified.
(10) What has been done regarding taxpayers who may have used, through no fault of their own, incorrect lodgement details.
(11) What internal process does the Australian Taxation Office (ATO) have in place to ensure problems like this do not arise again.
(12) Have ATO processes been reviewed in the wake of the barcode problem.
(13) Will any taxpayer be penalised for late or incorrect lodgement of their BAS.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) Approximately 697,000 activity statements issued for June 2012 had an incorrect bar code on the statement’s payment slip. Only activity statements issued via tax agents were impacted by this printing error. Statements sent directly to taxpayers were not affected.

The bar code on the payment slip is used by Australia Post for payments made via their outlets. The number of activity statements issued via tax agents and paid at Australia Post outlets (around 156,000) is generally less than 5% of all statements issued (3.28 million).

(2) This is the first time since November 2007 that information has been printed incorrectly on an ATO form.

‘Forms’ are defined as documents issued by the ATO that contain personalised information relating to a taxpayer and need to be completed and returned to the ATO. Activity statements make up the majority of forms issued by the ATO.

(3) At present, the ATO’s efforts are focused on rectifying the error and providing the best possible taxpayer experience in the circumstances.

The ATO is not able to provide an overall costing of this printing error as it is still being determined and not yet finalised.

(4) There will be no monetary cost to impacted taxpayers as a result of this error.

(5) (a) The ATO:
• advised Australia Post of the error, and agreed on an appropriate mitigation strategy via instructions for Australia Post outlet staff to manually process affected payments, including an error message appearing on Australia Post shopfront computer monitors when impacted statements are presented for payment
• provided written advice to tax agents via a broadcast issued on 11 July 2012
• developed internal call centre scripting to ensure help was available for impacted taxpayers who called the ATO
• reviewed processes at its external print provider and ensured the programming issue that caused the barcode error was corrected. Testing to ensure the error is now resolved has also been completed
• identified taxpayer accounts impacted by this error
• established internal reconciliation processes to transfer misdirected payments to the correct taxpayer account without this impacting on taxpayers
• implemented ongoing monitoring of impacted taxpayer accounts to identify misdirected payments
• established a specialist team to respond to escalations from the ATO call centre and action transfers between accounts.

(5) (b) When the error was first identified, the ATO considered re-issuing the 697,000 impacted activity statements. The ATO consulted with the ATO Tax Practitioners Forum – Tax Time 2012 briefing group which was advised of the extent of the issue and agreed with the ATO’s proposed response not to re-issue statements. This decision was made because:

• it would create substantial additional workloads for tax agents as many agents would have already forwarded statements to their clients for completion
• it would create confusion for taxpayers, particularly those who had already lodged and paid
• it would not completely resolve the issue as taxpayers could still potentially use the incorrect barcode in the future.

The ATO also decided not to make direct communication with impacted taxpayers because:

• the address information held for this taxpayer group was that of their tax agent, who had already been advised of the error via a broadcast on 11 July 2012
• the ATO believed that the advice to tax agents and mitigation strategy with Australia Post was sufficient to manage the error.

(6) Tax agents were first notified of the problem with bar codes on activity statement forms on 11 July 2012.

(7) Australia Post was notified of the problem with bar codes on activity statement forms on 10 July 2012.

(8) Australia Post notified their outlets on 13 July 2012 via their bi-weekly update.

(9) There were 5,508 payments made through Australia Post outlets before outlets were notified on 13 July 2012.

(10) Activity statement processing involves the lodgment of a form with the ATO and payment of any amount due. In this instance, lodgment of the form has not been impacted. Payments may have been incorrectly applied to another account where the barcode on an activity statement sent via a tax agent was used to make a payment through Australia Post.

To mitigate this, the ATO has identified and is closely monitoring those accounts where payments may be misdirected, and the accounts to which these payments could be applied.
The ATO has reviewed existing processes at its external print provider and ensured the programming issue that caused the barcode error was corrected. Testing to ensure the error is resolved has also been completed.

The ATO has also increased its level of quality assurance on the output from its external print providers.

(12) Yes.

(13) No taxpayer will be penalised for late or incorrect payment as a result of the barcode error. Activity statement processing involves the lodgment of a form with the ATO and payment of any amount due. In this instance, lodgment of the form has not been impacted.

**Broadband, Communications and the Digital Economy**

(Question No. 1981)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 2 August 2012:

With reference to question no. 194 taken on notice during the Budget estimates hearings of the Environment and Communications Legislation Committee in May 2012 and the statement from the Minister that the reason for taking the question on notice was that ‘I just do not have it off the top of my head’, and given that the question did not deal with the deliberations of Cabinet: in relation to the Finkelstein inquiry, how many names were considered for appointment.

**Senator Conroy:** The answer to the honourable senator’s question is as follows:

It is not appropriate to provide further details regarding appointments considered by Cabinet.

**Fair Work Act**

(Question No. 1987)

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 August 2012:

With reference to the Australian Financial Review article, ‘Push to free up greenfields work deals’ (25 June 2012):

(1) Given the article references recommendations within the Fair Work Act 2009 Review Panel report, did the Minister, the Minister’s office or the department provide details, background information or excerpts from the report:

(a) if so:
   (i) who was the source of the information,
   (ii) who authorised the provision of this information, and
   (iii) why was the information provided; and

(b) if not, is the Minister concerned that parts of the report found its way into the media.

(2) As at 25 June 2012:

(a) what was the status of the report; and

(b) was the report classified; if so, what was the report’s classification.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The Fair Work Act Review report was provided to the Minister on 15 June 2012 and publicly released on 2 August 2012. Neither the Minister, his office or the Department provided any background or excerpts from the report to the author of the article. The Minister is not concerned about the media
article. The Minister notes no recommendations from the Review Panel’s report are extracted in the article.

(2) On 25 June 2012 the report was unclassified and awaiting public release.

**Fair Work Act**

(Question No. 1988)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 August 2012:

With reference to the review of the Fair Work Act 2009:

(1) Was the report that was publicly released, released in the same form as provided to the Minister’s office; if not, why not.

(2) On what date and time was the final report: (a) first provided to the Office of Best Practice Regulation (OBPR); and (b) cleared by the OBPR.

(3) On what date and time was the final report first provided to the Minister or the Minister’s office.

(4) Was a draft report circulated to any person outside the Review Panel or secretariat; if so: (a) to whom and, in each case, the date and time it was provided to each person; and (b) the reason each person received the report.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

1) The final version of the report published on 2 August 2012 was not altered from that provided to me on 15 June 2012.

2) The final version of the report was presented to the Office of Best Practice Regulation (OBPR) for final assessment on Thursday 14 June 2012 via email at 10.07 am. The OBPR advised my Department that report met their requirements for a PIR on Friday 17 June 2012 via email at 10.03 am. There were ongoing discussions with OBPR throughout the development of the report to ensure that it would meet the Government’s best practice regulation requirements.

3) The final report was first provided to the Minister’s office in electronic format on Friday 15 June 2012 at 1.33 pm. Hard copies of the report were forwarded to the Minister’s office later that afternoon.

4) Drafts of the report were circulated to several officers from my Department during the drafting of the report for fact checking and/or technical advice. Several drafts of the report were also provided to the OBPR during the final six weeks of the review.

The draft report was also provided to my Department’s communications area to prepare for printing, and to an external editor for copy editing prior to being finalised.

**Human Services**

(Question No. 1996)

Senator Wright asked the Minister for Human Services, upon notice, on 6 August 2012:

(1) How many payments, involving reparation of any kind for child sexual abuse, have been made since 1996 involving Medicare and/or the Health Insurance Commission?

(2) What is the total amount of these payments?

(3) Was any other entity involved in the payments or agreements leading to payments; if so, who and what proportion of the payments did such entities pay.

(4) Did any of the payments involve secrecy agreements; if so, were any such agreements ever a condition of the payments.

(5) Did any payments involve waivers of the right to make any future claims?
Senator Kim Carr: The answer to the honourable senator’s question is as follows:
The Department of Human services does not make reparation payments to victims of child sexual abuse and is unable to respond to this question on notice. Neither Medicare Australia nor the Health Insurance Commission has ever made such payments in the past.

Pontville Immigration Detention Centre
(Question No. 2001)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 7 August 2012:
(1) How many extraordinary incidents at the Pontville Immigration Detention Centre (IDC) required the attendance of Tasmanian police and, in each case, what was the nature of the incident?
(2) How many Tasmanian statutory offences that occurred while the Pontville IDC was operational required investigation by Tasmanian police?
(3) How many coronial incidents at the Pontville IDC were Tasmanian police required to respond to and investigate?

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator’s question:
(1) There were no extraordinary incidents referred to the Tasmanian Police which resulted in their attendance at the Pontville Immigration Detention Centre (IDC).
(2) There were no Tasmanian statutory offences that required investigation by Tasmanian police.
(3) There were no coronial incidents that required Tasmanian police to respond to and investigate.

Broadband, Communications and the Digital Economy
(Question No. 2004)

Senator Abetz asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 10 August 2012:
With reference to the answer to question no. 176 taken on notice during the Budget estimates hearings of the Environment and Communications Legislation Committee in May 2012 and, in particular, the last paragraph which stated that the draft response was forwarded to the Minister's office in mid April 2012: what was the exact date that the draft response was forwarded to the Minister’s office.

Senator Conroy: The answer to the honourable senator’s question is as follows:
The draft response to Senate Estimates Question on Notice 176 was provided to the Minister’s Office on 12 April 2012.

Australian Quarantine and Inspection Service
(Question No. 2008)

Senator Cormann asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 10 August 2012:
(1) What is the status of monies owed to the Australian Quarantine and Inspection Service (AQIS) by a company in administration after the company has been sold by the administrator.
(2) Does AQIS declare any monies it is owed by a company in administration to the administrator.
(3) Is the Minister aware of accusations that AQIS did not declare such debts in the case of two abattoirs in Western Australia; one located in Gingin and one in Narrogin.
(4) Is it correct that the abattoir in Narrogin is being asked to pay $150,000 to AQIS for costs incurred under previous owners; if not, how much is AQIS demanding the Narrogin abattoir pay.

(5) Is it correct that the abattoir in Gingin is being asked to pay $120,000 to AQIS for costs incurred under previous owners; if not, how much is AQIS demanding the Gingin abattoir pay.

(6) Does the Minister support the approach of AQIS in relation to the collection of monies owed by a company in administration from the new owner after that company has been sold.

(7) Has the Minister considered waiving the debt, given the circumstances and the significant pressure the cattle industry in Western Australia is under following the ban on live exports to Indonesia in 2011.

(8) Will the Minister instruct AQIS to formally declare itself as a creditor where a company owing money to AQIS is placed into administration.

Senator Ludwig: The answer to the senator's questions are as follows:

(1) When a company is in administration and sold as a going concern, all debts of the company, including monies owed to the Commonwealth, are transferred to the new owners.

(2) The department has a responsibility under the Financial Management and Accountability Act 1997 to collect debts owed to the Commonwealth. When the department is made aware that a company has entered into administration a proof of debt is provided to the administrators.

(3) The department has advised me of such accusations and that it denies the accusations.

(4) No. The department has advised the relevant parties of outstanding debt.

(5) No. The department has advised the relevant parties of outstanding debt.

(6) Any monies owed by registered export establishments become a direct cost to the other registered establishments, if not recovered. The department advises me that it is administering its responsibilities under the Financial Management and Accountability Act 1997 and other relevant legislation.

I am comfortable that the department has processes in place to respond to complaints, including internal review and well established external review processes which apply to administrative decisions across Government.

(7) The department has the authority to remit debt under the Export Control (Meat and Meat Products) Orders 2005 but remissions are generally only granted due to exceptional circumstances affecting production at an establishment (such as natural disaster) and not on debt incurred for the provision of services.

(8) Refer part (2) of this response.

Visas

(Question Nos 2013 and 2014)

Senator Milne asked the Minister for Immigration and Citizenship and the Minister for Foreign Affairs, upon notice, on 14 August 2012:

With reference to the 'China in 2012, On the Eve of Great Changes' forum held in Sydney from 28 June to 30 June 2012, and the refusal to grant visas to four prominent expatriate Chinese scholars (Ren, Wan Ding from Paris, France; Wang, Jun Tao from New York, United States of America; Yang, Jian Li from Boston, United States of America; and Li, Song from Tokyo, Japan) in time to attend:

(1) For each individual, why was a visa not granted by the Australian Government?
(2) Are any of the individuals unable to enter Australia; if so, why?
(3) Are any of the individuals currently listed on any record of the Australian Government; if so, which record?
Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's questions:

(1) Privacy considerations prevent the Department from providing you with any details about an individual's visa application without their prior consent. However, I can say that all visa applications are considered on their individual merits against the relevant criteria for the granting of a visa. The legal criteria for the grant of a visa to visit Australia for tourism or business require, among other things, that applicants meet Australia's health and character standards, have adequate funds for support for the period of the visit and intend a genuine visit to Australia.

(2) Privacy considerations prevent the Department from providing you with any details about an individual's visa application without their prior consent.

Australia has a universal visa requirement under which non citizens must apply for and be granted a visa to enter Australia.

(3) Privacy considerations prevent the Department from providing you with any details about an individual without their prior consent.

TrapWire Surveillance System

(Question No. 2023)

Senator Ludlam asked the Minister representing the Attorney-General, upon notice, on 16 August 2012:
Can the Minister confirm whether the Australian Federal Police or the Australian Security Intelligence Organisation: (a) have previously used; (b) currently use; or (c) are considering using, the TrapWire surveillance system.

Senator Ludwig: The Attorney-General has provided the following answer to the honourable senator's question:

The Australian Security Intelligence Organisation does not comment publicly on its intelligence collection capabilities. However, ASIO does not engage in random monitoring of the Australian population. ASIO's investigations are targeted against specific behaviours and activities relevant to security as defined in the ASIO Act.

The AFP is aware of the media reporting on TrapWire. The AFP has no previous knowledge of that particular system, nor does the AFP use the system. The AFP has no procurement plans in place to acquire the system.