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the Senate and committee hearings are available at

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**SITTING DAYS—2013**

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**RADIO BROADCASTS**

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

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

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Cory Bernardi, 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 and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Government in the Senate—Senator Hon. Penelope Ying Yen Wong
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. Jacinta Mary Ann Collins
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Australian Labor Party—Senator Hon. Penelope Ying Yen Wong
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

Parliamentary Budget Officer—P Bowen
## GILLARD MINISTRY

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<td><strong>Prime Minister</strong></td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>Senator the Hon Stephen Conroy</td>
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<td><strong>Minister for Social Inclusion</strong></td>
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<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Cabinet Secretary</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<td><strong>Treasurer</strong></td>
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<td>(Deputy Prime Minister)</td>
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<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></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>
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<td>The Hon Bernie Ripoll MP</td>
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<tr>
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<td>Minister for Defence</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<td>The Hon Warren Snowdon MP</td>
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<td>The Hon Dr Mike Kelly AM MP</td>
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<tr>
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<td>(Vice-President of the Executive Council)</td>
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Monday, 18 March 2013

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

COMMITTEES

Environment and Communications Legislation Committee

Broadcasting Legislation Select Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (10:01): On behalf of the Chair of the Senate Environment and Communications Legislation Committee, Senator Cameron, and the Chair of the Joint Select Committee on Broadcasting Legislation, Senator Thistlethwaite, I seek leave to move a motion to enable the committees to meet during the sittings of the Senate today and tomorrow.

Leave granted.

Senator McEWEN: I move:

That:

(a) the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 11.45 am;

(b) the Environment and Communications Legislation Committee be authorised to hold public meetings during the sittings of the Senate today, from 10 am, and on Tuesday, 19 March 2013, from 12.30 pm, to take evidence for the committee's inquiry into the media reform bills package; and

(c) the Joint Select Committee on Broadcasting Legislation be authorised to hold a public meeting during the sitting of the Senate today, from 10 am.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (10:02): The motion before the Senate today highlights yet again what a shambolic, dysfunctional and incompetent government presides over our nation. We have the spectacle of the Leader of the Government in the Senate, no less, who doubles as Minister for Broadband, Communications and the Digital Economy, not understanding the procedures of the Senate. The Leader of the Government in the Senate and minister for communications should have known that this motion should have been moved last week and dealt with last week.

Now what the Senate is confronted with is a situation where Labor, using the sheer dint of numbers, have organised a hearing in Canberra today and got witnesses to Canberra today knowing full well that it would take only two senators—only two senators—to call a division on this motion and, as a result, stop the hearing from 10 am.

Senator Jacinta Collins interjecting—

Senator ABETZ: Even the Manager of Government Business in the Senate does not understand that standing orders provide that, if any two senators call a division on a Monday morning, there cannot be that division held until 12.30 pm on the Monday, which is half an hour after the conclusion of the proposed hearing.

The Leader of the Government in the Senate and minister for communications, Senator Conroy, scrambled this package together in such indecent haste that we have even had leaks from cabinet indicating that they were not properly briefed, that they were not properly told what the package contained. And, if that were not enough, we then have the caucus leaking a complaint. Indeed, Senator Gavin Marshall, the chair of caucus, has been reported in the media as indicating that caucus were also ambushed.
and treated with absolute and utter contempt. To complete this trifecta of incompetence and ambushing, we now have the same treatment from cabinet and caucus meted out in the Senate today.

We as a coalition have indicated that we oppose these measures. Why? We believe in the freedom of the media. The Labor Party believe in government control of the media. We actually believe that our democracy is well served by having a free press. We actually believe that our nation is well served by having diversity and that freedom. The Labor Party clearly are on a different page in relation to those fundamental principles. Might I add, that is one of the great distinctions between the coalition parties and those who sit on the other side of this chamber. And, when I say 'those who sit on the other side of this chamber', I advisedly use that term, because that is where the Australian Greens sit in alliance with this dysfunctional, shambolic and incompetent government. It is a great distinction that the Labor Party have been able to draw to the Australian people's attention.

The coalition are in a situation of looking at the witness list and seeing that a number of witnesses have arrived in Canberra ready, willing and able to give their evidence. We also see that these people will be giving evidence highlighting the huge flaws in this legislation. As a result, we will not stand in the way of allowing these hearings to take place. But what we want to put on the record very, very strongly is that we oppose these measures, because we actually do believe in that fundamental concept of freedom of speech.

We also wish to highlight yet again that this is a government racked by internal division and so incompetent and incapable of getting its ducks in a row to organise these hearings appropriately in advance. What we have is not only incompetence by this government but also the sheer arrogance of this government. There was no, 'Please, can we organise a committee and witnesses on the basis that you might assist us on Monday morning?' No, they just go ahead and do it and then rely on the decency of the coalition. And I can tell you that the Labor Party and the Greens can always rely on the decency of the opposition to do the right thing by the nation. But I say to those opposite: they who organised this shambolic hearing, this truncated hearing, this short hearing, without the permission of the Senate have got themselves into an absolute mess. They are the architects of their own embarrassment this morning by not following Senate procedure—and it is a compounded embarrassment when that incompetence is presided over by none other than the leader of the government in this place.

In brief, we as a coalition in this chamber will vote on the voices; we will not be seeking a division on the matter.

Senator McEWEN (South Australia—Government Whip in the Senate) (10:08): I just want to add a few comments to the debate. We moved this motion by leave this morning because it would have been virtually impossible for the Senate to approve either committee meeting today on Monday, 18 March, last Thursday.

The DEPUTY PRESIDENT: Order! Senator McEwen, this is my error. The debate is now closed. Another senator stood to seek the call and you are in effect closing the debate. With the leave of the Senate, are you happy for me to change my call and call Senator Macdonald?

Senator Jacinta Collins: Limited leave. How many minutes?

The DEPUTY PRESIDENT: I am guided by the chamber. If you want to give limited leave, that is up to the chamber.

CHAMBER
Senator Jacinta Collins: Two minutes.

The DEPUTY PRESIDENT: Leave is granted for two minutes for Senator Macdonald to contribute to the debate.

Senator IAN MACDONALD (Queensland) (10:09): I am sorry I do not have more time, but I will confine myself to two minutes. My point is that this is a committee meeting of which all coalition senators are participating members. It is very important legislation being dealt with by these committees, and I—and I am sure many of my colleagues—would love to be in attendance at these committee hearings that are going to take place during a sitting of the Senate, when we all have obligations and duties to perform within this chamber.

I think it is bad form that is increasingly obvious and increasingly relied upon in this Senate these days to run committee meetings when the senators should be in the chamber. I hope that at some time in the future we and the Greens will stop the Labor Party from continually running committee meetings when senators should be in the chamber. As our leader says, we are agreeing with it on this occasion, but I think it is very poor form—that is all too prevalent these days—and the Labor Party should take a serious look at how it organises the chamber.

Question agreed to.

BILLS

Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RYAN (Victoria) (10:11): In speaking to the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013 I will be drawing upon the coalition members' and senators' comments in the recent report into this bill of the Joint Standing Committee on Electoral Matters. Let me begin by outlining where the coalition agrees with the government. First is the issue of deadlines for postal vote applications. This bill brings forward the deadline for applications by one day, from the Thursday immediately prior to polling day to the Wednesday immediately prior to polling day. The coalition agree with this proposal. We think it is a reasonable and sensible move as it simply reflects the reality of postal timelines. It is highly unlikely that someone who submits an application for a postal vote on the Thursday prior to polling day will have the opportunity to cast that ballot, so it is reasonable to reduce this potential conflict between electoral timelines and the reality of the post—partly so as not to mislead people into thinking such compliance is possible.

Secondly, the coalition supports the proposal to provide for further fixed periods to be provided for the augmented Electoral Commission to complete its inquiries into proposed redistributions of electoral boundaries. By way of an aside, I note that only a small and select number of people would have been pleased with the timelines and clashes with polling and elections that the Victorian redistribution of 2010 involved. This addresses a number of those concerns, but only in relation to timing.

Now I must turn to the areas where the coalition disagrees with the government. These are numerous, so I will take them individually. First is the issue of allowing Australian Taxation Office data to be provided to the Australian Electoral Commission for the purposes of automatic enrolment. I have probably spoken and written about this issue of automatic enrolment more than anyone else in this building, which probably only confirms the
views some have of what tickles my interest. But I believe this remains an important issue. I have highlighted the flaws in national databases previously and I will do so again today. Indeed, they have been highlighted in every coalition comment with respect to this issue and in every report issued by the Joint Standing Committee on Electoral Matters.

A 1999 report by the House of Representatives Standing Committee on Economics, Finance and Public Administration entitled Numbers on the run: review of the ANAO audit report No.37 1998-99 on the management of tax file numbers found that there were 3.2 million more tax file numbers than people in Australia at the relevant census. There were 185,000 potential duplicate tax records for individuals, and 62 per cent of deceased clients were not recorded as deceased in the sample match. Similarly, another ANAO audit report, No. 24 2004-05, titled Integrity of Medicare enrolment data, stated that the ANAO found that up to half a million active Medicare enrolment records were probably for people who were deceased. These are statistics that should worry everyone, but flaws in databases for tax and Medicare are one issue; flaws in our electoral roll pose another challenge to electoral legitimacy altogether.

The coalition has long opposed the measures that provide for the Electoral Commission to put people on the electoral roll without their involvement, knowledge or, indeed, consent. This obsession with numbers in terms of enrolment can come only at the cost of integrity as, inevitably, a mistake will be made. The loss of the paper trail in terms of the signature someone would put on an old-style enrolment form can only make prosecuting instances of electoral fraud more difficult. While I note that the Chief Legal Officer of the AEC, Mr Paul Pirani, has questioned the value of a signature, particularly on the grounds of their evolution and change over time, this is still a piece of evidence we seem to be going to extraordinary lengths to prevent the collection of. I will return to the issue of signatures later as they are particularly relevant to other aspects of the bill and amendments to be moved by the coalition.

The coalition is opposed to the extension of the automatic enrolment process by allowing ATO data to be used for the purposes of enrolment. This is data collected for another purpose by people not familiar with AEC protocols and codes of conduct. It also breaches the wall of privacy that should apply to ATO information. I note that only a few weeks ago in this chamber and the other place we had the ludicrous suggestion that privacy provisions around ATO data prevented the public and the Australian parliament being informed about the revenues collected by the mining tax, and not about individual payments by companies or individuals. Now the Labor Party seeks to hand over people's personal information to another agency.

I state again my genuine fear that this process will compromise the electoral roll. The nightmare scenario is that a close election in a single seat or for government itself is determined by a handful of votes and some of these are called into question by errors on an electoral roll. Let no-one say they were not warned when the inevitable mistake is made—and we are only human, so mistakes will be made—and inappropriate amendments are made to an electoral roll by removing people or adding them. The coalition will be calling the proponents of these automatic enrolment measures to account. We have warned parliament and we have warned those proponents time and time again.
The second issue the coalition disagrees with is the proposal to remove the requirement for a voter exercising a prepoll vote to sign a certificate before casting that ballot. Again, we seem to be faced with an inexplicable desire to remove a piece of evidence that may be useful later on. At the last election we changed prepoll votes to effectively ordinary votes to be counted on the night, reflecting the numbers of people that were casting prepoll votes and to allow the Saturday night voting count to be as accurate as possible, so people could get a result as quickly as possible. I note now that the government is using the removal of prepoll votes as declaration votes as an argument to justify the removal of people signing a prepoll certificate. This is a circular argument.

The coalition at no point conceded to the removal of the prepoll certificate. The coalition agreed that the votes should be counted on Saturday night where possible, because it gave people a degree of accuracy about what the result of the election might be as soon as possible. To mount a case that, because we now count them on the night, they are ordinary votes and therefore we should remove the hurdle and the certificate someone signs to access a prepoll vote is nothing but a circular argument and a piece of trickery by this government. The numbers of people exercising prepoll votes are increasing and the Electoral Commission is facilitating this. I have personally always been concerned by the number of prepoll votes.

The AEC has said on a number of occasions that we have a polling period now and not a polling day. I challenge this. I think we should still be striving for a polling day: a polling day that gives people the benefit of seeing a five-week election campaign. For those who criticise the idea of three years leading to permanent election campaigning, I suggest that having a polling period only exacerbates that. There is something wonderfully democratic in everyone voting on one day. For the advocates of compulsory voting and compulsory enrolment to undermine the importance of that single voting day undermines their argument.

I turn again to the issue of the signature. Mr Pirani has previously said at hearings of the joint standing committee and the Senate finance committee—I think, although I stand to be corrected on which committee—that a signature is of limited legal value and evidentiary value because people's signatures change over time. I went back and looked at my own signature from some paperwork when I was at university, some 15 years ago, and it has changed a bit. I suggest though that in 15 years it has not changed enormously. You can look at your signature on old drivers licence as there are 10-year drivers licences these days. That argument is not relevant in the case of a prepoll-voting certificate, because for a prepoll-voting certificate we are looking at a matter of weeks. We are looking at someone signing a form to exercise a prepoll vote and then whether or not there is an issue around someone voting in someone's name twice or someone inadvertently voting twice. It is only a matter of weeks when I consider the signature on a prepoll certificate and potentially a duplicate vote. The point I make is that in this case there is some evidentiary value.

We are also aware that quite a number of those who will vote on more than one occasion may be elderly Australians—senior Australians. They might be at a hospital where there might be a prepoll facility coming around, and I note that they will still
be required to exercise a vote the declaration way. But the point I make is that sometimes their family might come and pick them up and they inadvertently cast two ballots. What this provision proposed by the government would do is that if someone cast a prepoll vote or if someone turns up to vote and there had already been an allegation of someone casting a vote in their name—for example, if someone voted in my name before polling day, because I would vote on polling day, to a certain extent I could prove my innocence if a signature did not match—it will remove the facility of someone to actually free themselves from suspicion if there were an allegation of multiple voting. I do not know the mischief that this amendment is trying to address. Signing a prepoll certificate is not a particularly burdensome approach for someone voting before polling day. In fact, one of the reasons why people vote before polling day at the moment is to avoid the delays of time. My issue is that I do not see—and the coalition does not see—the need to remove that.

The third issue is the number of days of prepoll voting. The coalition have outlined in our dissenting comments in the most recent Joint Standing Committee on Electoral Matters report into this bill that we do not believe that it should be open for 19 days. The coalition's view is that it should be available for 12. The coalition will be moving amendments to reflect those three differences in the committee stage of this bill, and I look forward to further explanation and debate around those then.

Senator RHIANNON (New South Wales) (10:21): The Greens do support the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013. Much of the substance of this bill comes from the work of the Joint Standing Committee on Electoral Matters inquiry into the 2010 election. I do congratulate the chair of the committee, Daryl Melham, on being able to gain consensus, often under difficult circumstances. While there is disagreement on aspects of this bill, there is also considerable agreement. On one of the areas, around the premature opening of ballot boxes, we were able to work out agreements, and I understand that the government has made some amendments there following on from the raising of those concerns.

There are really four aspects of this legislation we have before us. First, it sets out the time line where an additional round of objections is needed during a redistribution. Second, there is the issue about the electoral roll itself, as the bill will allow the Australian Taxation Office to share relevant information with the Australian Electoral Commission. Third, there is the issue about the ballot boxes—changes in procedures for dealing with ballot boxes if they are opened prematurely. Fourth, there is the issue of postal and prepoll votes with regard to changing the rules that cover those two aspects of the electoral process.

I will just take up two of the issues that have come up. I mentioned the ballot boxes, and I understand that this has been largely covered and that there will not be any amendments to it because the government has amended its own bill, and it is good that we have been able to sort that one out. It is interesting to note the ongoing very strong objections that are coming from the coalition with regard to the Australian Taxation Office sharing relevant information with the Australian Electoral Commission to assist with direct enrolment. This is something that the Greens do support. We see that it is very important in terms of the integrity of the electoral roll because any measures that can be taken to educate and encourage people about voting and to improve the electoral roll in terms of its reach of covering all those
people who are eligible to vote is so very important.

What we have before us is a tightening up on some of the legislation that we have passed previously that has addressed this issue of sharing of information between government departments. The passage of the 2012 legislation that allowed this form of direct enrolment was certainly welcomed by the Greens. It is where the AEC uses government data to enrol new voters and to update existing enrolments without specific action by the voter. That is something that I think will in time see a great advance, and I am quite confident it will become widely accepted as people understand the importance of this and how we all have our role to play in casting our vote come election time.

Within this program, the Australian Taxation Office can share addresses of taxpayers with the AEC to allow them to enrol those taxpayers or update their enrolment. I have been interested in and followed closely what the coalition have been saying about this. Despite their claims that it will increase voter fraud, they still have not brought forward any evidence of that. It certainly appears that their opposition is largely due to the fact that direct enrolment will result in the enrolment of many voters who normally are not enrolled. I think that is worth focusing on because that is what is driving this very heated attitude coming from the opposition about this all-important issue of direct enrolment.

When you start getting voters, usually disadvantaged people who may not have had the same opportunities to gain an education and who, for various reasons, have not got onto the rolls, now being enrolled to my mind that is a very significant aspect of strengthening our democratic process. I remain concerned with some of the arguments I have seen conducted in JSCEM itself as well as in the other House and in the Senate when this issue comes up. These people who now have the opportunity to get on the rolls have every right to vote and we have, I believe, a responsibility to ensure that our electoral roll covers all those people who are eligible to vote. I believe that this is important legislation and on behalf of the Greens I am very pleased to be able to support it.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (10:26): I rise to make a contribution on the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013. The bill implements the government’s response to seven recommendations made by the Joint Standing Committee on Electoral Matters in its report into the 2010 federal election, as well as making a number of technical and minor amendments.

The Rudd and Gillard governments have implemented various election related reforms and the government continues to look to the Joint Standing Committee on Electoral Matters for advice. We are committed to ensuring that as many people as possible can take part in the election process and that our elections are as straightforward and convenient as possible. As part of this ongoing commitment, the bill introduces a number of key reforms designed to improve the process that governs how Australians vote in elections and referendums. Changes include new procedures to be adhered to when a ballot box is opened prematurely as well as new fixed periods of time for inquiries to be completed into objections against proposed electoral boundary redistributions.

One of the most significant aspects of this bill is that it allows the sharing of information between the Australian Taxation
Office and the Australian Electoral Commission. The joint standing committee report made three recommendations related to maintaining the electoral roll. The first two of these measures have already been implemented by the government. The Electoral and Referendum Amendment (Protecting Elector Participation) Act and the Electoral and Referendum Amendment (Maintaining Address) Act both enable the commissioner to directly update address details using reliable outside information.

This bill includes the last of those three measures. It allows the Commissioner of Taxation and other taxation officers to provide some forms of taxpayer information to the Electoral Commission so that it can better maintain the accuracy of Australia’s roll of electors. It achieves this by altering the relevant legislation governing the protection of personal data collected by the ATO, which would otherwise prevent the office from disclosing such information to the Electoral Commission.

Enhancing the veracity of the electoral roll is an ongoing battle. Even though there are an estimated 15.7 million Australians eligible to vote, only 14.2 million are on the electoral roll. Prior to the recent Western Australian election, it was discovered that one in two eligible 18- to 25-year-olds were not on the electoral roll. What is even more alarming is that according to the state's Electoral Commissioner, Mr Warwick Gately, if an elector does not vote at their first three occasions they are unlikely to vote thereafter in their lifetime. That is a real concern.

The Electoral Commission has worked extremely hard to lift enrolment rates here in Australia. As part of its continuous roll updates program, the commission has engaged in large-scale mail-outs to specific addresses where it believes unenrolled persons live. This mail-out is supplemented by fieldwork activity aimed primarily at those who have not responded to initial efforts.

In addition to this, the AEC’s Indigenous Electoral Participation Program features commission staff travelling widely throughout the Northern Territory encouraging Indigenous people to participate in elections. There have also been rolling enroller programs run jointly with the Victorian Electoral Commission which target young people, not to mention AEC attendance at music festivals and regular meetings with homeless agencies to provide information on enrolment and voting. And the list goes on. But, despite all of this perseverance and ingenuity, the Electoral Commission's enrolment activities have not been sufficiently effective in arresting the trend of declining enrolment participation.

Put simply, this is not good enough, and every possible endeavour needs to be pursued to correct this imbalance. Australia quite rightfully applauds itself for the decision to make voting compulsory, even though that very process can prove inconvenient or unfamiliar to some. In countries around the world, such as the United States, where voting is not compulsory, political parties go to extraordinary efforts to encourage potential voters to register. Even then, voting participation still hovers below 60 per cent. Prior to adopting compulsory voting in 1924 Australia had turnout rates similar to the United States.

After the change to compulsory voting was made, participation leapt from 59 per cent in the election of 1922 to 91 per cent in the election of 1925. At the last election voter participation was over 93 per cent, and this is a result that we should be proud of. So why is more work required? Because every
voice counts and right now some 1.5 million Australians are not even enrolled let alone exercising their democratic right to vote. We should, therefore, never let our focus on voter participation detract from the equally serious mission of improving enrolment rates.

The opposition members of the Joint Standing Committee on Electoral Matters, of which I am a member, have noted that it is an individual elector’s responsibility to join the electoral roll and to update their details. Whilst it is true that Australians need to take responsibility for their own enrolment, all efforts should be undertaken to ensure that our elections are as inclusive and representative as possible. It is also worth remembering that those Australians who are not enrolled often feel alienated from the democratic process. Particular demographics of concern include Aboriginal and Torres Strait Islanders, the homeless or those without a fixed address, young people and new arrivals to Australia—some of whom may have limited English skills.

The problem is that traditionally the process has tended to automate the process of removing people from the roll when they change address, but then individuals have to manually lodge an application to get back onto the electoral roll. The Democratic Audit of Australia told the joint standing committee:

The problem ... lies in the current legislative restrictions placed on the capacity of the Electoral Commission to utilise data from trusted agencies to enrol or reinstate eligible electors.

This is why the government has moved to allow the tax office to provide otherwise protected information, such as the names and addresses of taxpayers, to the Electoral Commission to maintain the veracity of the electoral roll. As the minister noted during his second reading speech, ‘although it is a small amendment on the face of this bill, it is another important step in assisting the Electoral Commission to deliver the most inclusive electoral roll possible’.

The bill reflects this government’s strong commitment to a host of election-related reforms to boost enrolment and enhance the management of the election process. Labor, unlike the coalition, believe that every effort should be made so that enrolment and voting are as uncomplicated and as accessible as possible. We are not interested in disenfranchising those we believe will harm our electoral prospects. We are not interested in making it difficult for the young and potentially marginalised segments of the community to exercise their democratic right. Unfortunately, the same cannot be said for those opposite me in the chamber.

When the Howard government were in power they took every cynical advantage they could when it came to electoral reform. We should never forget that once they had control of the Senate they passed the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act. This act completely disenfranchised every Australian serving a prison sentence—meaning that some 20,000 people were suddenly unable to vote. This radical move particularly discriminated against Aboriginal and Torres Strait Islanders, who, it is sad to say, are disproportionately represented in prison populations. Their entrance back into society was made that much more difficult by the coalition. This act also contained one of the most cynical amendments in living memory; it actively sought to disenfranchise those who would otherwise have been able to enrol themselves before an election. It was outrageous.

Prior to the Howard government’s amendment, the electoral rolls were not closed for a period of seven days following the issuing of the writs. This week-long
period provided a vital window for citizens to enrol for the first time or update their existing enrolment. However, as a result of the 2006 legislation, the electoral rolls closed for new enrolments on the night the writs were issued. And we should never forget that; it was just another attack on ordinary Australians. This change disproportionately affected young people and new arrivals to Australia, many of whom may not have enrolled previously or had a strong understanding of the electoral process. Let's be clear about this; the coalition were targeting segments of the community they knew would never vote for them. Fortunately, a series of High Court judgements struck down these reforms.

This demonstrates how far the coalition are willing to go to pass legislation aimed at improving their own electoral prospects regardless of the reasonableness or constitutionality of the changes. It took the nation's highest court to impede their egotistical drive to disenfranchise those hostile to their electoral prospects. They should be ashamed of themselves.

It is also important to point out that this same 2006 act increased the disclosure threshold from $1,500 to $10,000. It is in this aspect of campaign finance reform that the coalition appears to be increasingly out of step with modern practices that are occurring in democracies around the world. Most countries, realising the importance of a transparent political system that operates in the public interest, have actually sought to increase the transparency of donations, in contrast to those opposite. In contrast, we have the coalition, who raised the threshold that dictates when, for example, a tobacco giant has to declare a donation to the coalition. In addition to this, the act increased the threshold for the tax deductibility of donations to political parties and Independents from $100 to $1,500, and extended deductibility from individuals to corporations. Efforts by Labor to reverse these harmful reforms to Australian disclosure thresholds have, predictably, been opposed by the coalition.

It truly is reprehensible how far they will go to corrupt the electoral process. We should never forget that. For them, when it comes to a choice between transparency and political expediency, expediency wins out every time. Not so the Labor Party, which strongly believes in continually improving our democracy and ensuring that the nation's elections operate with minimal inconvenience or misunderstanding. We want every voice in every corner of this diverse country to be heard. I commend the bill to the Senate.

Senator RONALDSON (Victoria) (10:37): The speech I was going to give and the speech I will now give on the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013 will be two entirely different things on the back of those quite extraordinary allegations from Senator Polley; her unfounded use of words such as 'corrupt' is entirely inappropriate.

Senator Polley: But accurate.

Senator RONALDSON: The senator knows full well that that is not correct.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Senator Ronaldson, resume your seat. Senator Polley, you were given the courtesy of being heard in silence. I require that you extend the same courtesy. Senator Ronaldson.

Senator RONALDSON: Thank you. I think Senator Polley protesteth too much, because she knows that she has gone far too far in her comments. I will tell you what the difference is, Senator Polley, between those on this side of the chamber and those on your side—
Senator Polley: We have got open—

Senator RONALDSON: On our side of the chamber—

The ACTING DEPUTY PRESIDENT: Senator Ronaldson, you will address your remarks through the chair.

Senator RONALDSON: I will address this to Senator Polley through you, Mr Acting Deputy President. The big difference between those on this side and those on the other side is that we believe that, if you are entitled to vote and if you are properly enrolled to vote and you go into that polling booth, you are entitled to know that the person beside you is equally entitled to cast a valid vote. The Australian Labor Party have put their own sectional interests above that fundamental right to know that the person beside them is entitled to cast a vote. I invite Senator Polley to look, for example, at the figures for multiple voting. Those figures are going up, not down.

We are quite happy to see legitimate changes to the Electoral Act and I pass no negative judgement in relation to the Australian Electoral Commission for some of these changes. But the changes have been, from the Electoral Commission, designed to spread the net further without, in my view, sufficient intention for the maintenance of the integrity of the roll. If we do anything in this nation, if we do anything in this place, it must be to maintain the integrity of that roll. If we do not do that then it is a gross abrogation of our responsibilities to those who are entitled to vote legitimately in this country.

I find it extraordinary to hear Senator Polley's comments when I reflect back to a bill that I had a bit to do with in a former life, which was the Commonwealth electoral amendment bill. There were bills put in by the Labor Party that sought to entrench the scant veil of reasonableness that was placed on the Australian trade union movement, that sought to reinforce the right of the trade union movement in this country to not be accountable for what funds they were raising and what funds were going to the Australian Labor Party. In a moment of gross hypocrisy, the government refused to refer a motion that I put into this chamber. It was a reference to the Joint Standing Committee on Electoral Matters in relation to holistic and wide-scale campaign finance reform. The Labor Party opposed it. They opposed a holistic reference to JSCEM in relation to campaign finance. They have the gall to come in here and cry crocodile tears about a process and then, when they are challenged in this place to do the right thing, they fall at the very first hurdle. Thankfully, that failed. Thankfully, this chamber saw through the Australian Labor Party in that matter.

The Labor Party has over the last four years done everything possible to ensure that the integrity of the electoral roll is not maintained. We need to be absolutely serious about protecting the fundamental rights of those people who vote to have their votes cast the same as everyone else—that is, that the person beside them is entitled to vote. If we abrogate that responsibility then the democracy that we all uphold in this place can be cast aside. It will cast aside what must underpin what we do. I most certainly will not countenance any lectures from the Australian Labor Party in relation to electoral reform. The parties that are determined to maintain the integrity of the electoral roll sit on this side of the chamber; those who want to cast it aside sit on the other.

In 2010 the ALP put forward the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010. My colleague in the other place Bronwyn Bishop, the member for Mackellar, said in relation to this bill:
Two and a half years ago we were willing to take Labor at their word on a promise that a comprehensive reform bill based on the outcome of the green paper process would be dealt with by the parliament before an election was called, but it never came; it simply never came. Instead this bill—this zombie bill, twice killed by the parliament already—is disinterred by Labor and the Greens and seeks to walk among us like the living dead. We will not support the bill …

Senator Sterle interjecting—

Senator RONALDSON: I do not know why Senator Sterle thinks this matter is a yawn. Through you, Acting Deputy President Fawcett, to Senator Sterle, the integrity of the electoral roll is no yawning matter. Listening to what has been said on the other side in relation to this, if they were really serious about maintaining the integrity of the electoral roll then they would stop this bastardisation of the process by their own.

This bill does a number of things, including setting out the procedures to be followed when a ballot box is opened prematurely, removing the requirement for an applicant for a prepoll ordinary vote to complete and sign a certificate, providing that prepoll cannot commence earlier than four days after the date fixed for declaration and nominations for any type of election, bringing forward the deadline for applications for postal votes by one day, providing further fixed periods to be provided for the Electoral Commission to complete its inquiry into objections against the proposed redistribution of electoral boundaries, and amending the Taxation Administration Act to allow the Commissioner of Taxation and other taxation officers to provide some forms of taxpayer information to the AEC.

As my learned colleague Senator Ryan has already told the chamber, the coalition do not oppose recommendations 9, 15, 29 and 30 of the JSCEM report which would be implemented through the passage of this bill, but we do oppose those parts of the bill relating to recommendations 3, 10 and 11 of the same report. Firstly, recommendation 3 proposes to remove the restriction on the ATO, allowing them to provide information to the AEC for the purpose of automatic enrolment. The coalition, on the other hand, believe that the current offence against the ATO disclosing protected information should remain. In the coalition's dissenting report, it was proposed:

That the AEC should concentrate on continuing to check the accuracy of the roll by canvassing and advertising to make people aware of their obligations to properly initially enrol and advise of change of address when it occurs.

I pay credit to the AEC for the moves they have made in that regard. Most certainly, the AEC have undertaken that part of their role with great diligence and I salute them for doing so.

Secondly, recommendation 10 proposes to repeal the requirement for an applicant for a prepoll ordinary vote to complete and sign a certificate. The coalition are of the opinion that electors continue to be required to sign a declaration when casting a prepoll on the basis that the repeal of this requirement:

… will increase the likelihood of voter fraud and threaten the integrity of the Electoral roll.

Thirdly, recommendation 11 proposes that the Commonwealth Electoral Act be amended such that an application for a prepoll vote cannot be made before the Monday 19 days before polling day. As the coalition's dissenting report said, we believe:

… that pre-poll voting should not open until the Monday 12 days before polling day, as opposed to the Monday 19 days before polling day … The Opposition members are concerned that allowing pre-poll voting for 19 days prior to Election Day takes the focus of polling day itself, which is where the overwhelming majority of votes should be cast.
The coalition opposed these recommendations in our dissenting report as we believe they will harm the integrity of the roll. Some changes have been made, but the fact remains that the Australian Labor Party, with the bill as it stands, have not fully considered the ramifications of all the recommendations put forward by JSCEM. Indeed, this is just a typical Australian Labor Party piecemeal approach to legislative reform.

As has been stated before—stated by Senator Ryan, stated by myself and stated by the member for Mackellar in the other place—we fundamentally believe that the electoral system must ensure a number of things. Firstly, that the maximum number of eligible enrolled voters are enrolled. I reflect back on the comments of Senator Polley. The implications of her comments were that we do not believe that it must be a pivotal part of the electoral act, and a pivotal part of the responsibilities of this parliament. We most certainly do, and our record shows that we indeed fully support that the maximum number of eligible voters are enrolled.

Secondly, that the voting and vote-counting processes are straightforward and accurate. We fully support that, and allegations to the contrary are again untrue and unfounded.

Thirdly, we believe that the electoral system must ensure that the roll is as accurate as possible, and that standards are in place to prevent fraud.

We acknowledge that the current situation needs improvement in terms of the inaccuracies on the electoral roll: the large number of voters not on the electoral roll and problems with fraudulent voting. The dissenting report, as I said earlier on, provided information showing that there were 20,633 cases of multiple voting in 2007, 14,402 cases in 2004 and 16,949 cases in 2001. Clearly, this demonstrates a substantial increase in cases of fraudulent voting. That is why in our dissenting report we made a number of recommendations, including establishing a dedicated fraud squad:

…within the AEC to investigate and prepare briefs for the DPP to prosecute cases of fraudulent voting."

And I go on:

That the current system of cleansing the electoral roll is maintained to ensure that elections are decided by an accurate record of eligible voters.

… … …

That current dates for the receipt of postal vote applications from overseas voters are maintained, that voters should not be disadvantaged by being given less time to receive ballot papers. That electors wishing to cast a valid declaration vote must provide correct information about their address prior to the close of rolls, failure to do this will result in their vote not being included in the count.

… and calls on the Government to ensure that South Australian ticket voting or a similar system is not implemented at a federal level.

And finally:

That the AEC retains the need for Election Day officials to sign a written contract acknowledging their important role and responsibilities.

Surely, any system that in any way allows for the possible use of fraud to obtain a vote must be stamped out.

And I will finish on this note: if we believe in anything in this place, it must be that we simply will not countenance fraudulent voting. The person who goes into that booth and less who is entitled to vote is entitled to the protection of this parliament, and that protection is that the person beside them, similarly, is entitled to vote. Any fraudulent behaviour which diminishes the effective integrity of the vote of the person who is entitled to vote should quite clearly be stamped out by this parliament. For Senator Polley to take the so-called moral
high ground in relation to this was remarkable. As one of my colleagues indicated, the halo above Senator Polley's head was quite remarkable, but it was entirely tarnished.

I very much support the comments made by Senator Ryan in his speech during the debate second reading—

Senator Sterle: Your learned colleague.

Senator RONALDSON: My learned colleague—you are right—as I said earlier, and I am happy to say it five times. I support fully the comments made by Senator Ryan and I thank the chamber for the opportunity to participate in this debate.

Senator XENOPHON (South Australia) (10:55): While I am broadly supportive of the reforms included in the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013, I have a number of specific concerns about the provisions that would allow the ATO, the Australian Taxation Office, to provide voter information to the AEC for the purpose of the maintenance of electoral rolls. I understand the need for accurate and up-to-date information to be included on the rolls, but I cannot support a system that seeks to bypass a voter's authority altogether.

I have some concerns about automatic enrolment. I believe that having a paper trail and a signature is by no means perfect, but you would have a process where you would have a paper trail and that is important and it ought to be maintained. I understand the public policy considerations of the government and the views of the Australian Electoral Commission in the sense that there is a concern that you ought to get as many people to enrol as possible. That is a valid concern, but the primary public policy concern ought to be to ensure the absolute integrity of the process, and to me having a paper trail is important.

I support compulsory voting, but I note that if a person decides not to attend the polling booth they can be hit with a penalty, albeit not a large one. I also note that there are penalties if a person does not provide information to the AEC. Again, these are not severe penalties by any means, but there are penalties. My concern is that allowing the ATO to cut out the middle man removes a person's right to object, in a sense. I am also concerned about how the information from electoral rolls is used. The provisions in the Commonwealth Electoral Act are fairly broad. The rolls, which include at the very least names and addresses of individual voters, can be handed out to pretty much any organisation that pays the fees. Of course, political parties, candidates and sitting members are exempt from these fees.

In late July and early August 2011, this issue of political exemption from privacy rules, coupled with access to the AEC rolls, flared up. Under the act, the AEC is required to provide monthly updates on the rolls to political parties. This information includes voters' names, dates of birth, gender, addresses and possibly their occupations. None of this information is provided with the voters' consent. In the Australian on 26 July 2011 Peter van Onselen wrote:

Compiling, storing and using this information would be illegal if politicians had not exempted themselves from privacy laws in 2000, against the advice of the then federal privacy commissioner, Malcolm Crompton.

The following day in a further article on the subject van Onselen expanded:

When the law was introduced in 2000, then federal privacy commissioner Malcolm Crompton opposed the exemption applying to political parties.

He said he did "not think that the proposed exemption for political organisations is appropriate … if we are to have a community that fully respects the principles of privacy and the
political institutions that support them, then these institutions themselves must adopt the principles and practices they seek to require of others”.

Mr Acting Deputy President Bernardi, it is interesting to note that a well-known political commentator from our home state of South Australia, Dr Dean Jaensch, a stalwart who has been lecturing and speaking out on political issues for many year, in an opinion piece in the Adelaide Advertiser on 4 August 2011 echoed these concerns. He said:

The Electoral Act provides that the Electoral Commission must provide every registered political party with a copy of the roll which includes sex, postal address, date of birth, salutation, most recent enrolment date, state or territory electoral district, local government area and whether recently enrolled.

Invasion of privacy? Absolutely. Are citizens asked for permission to have their information released to parties? Absolutely not. So, how can the parties get away with it?

Very simple answer—when the Privacy Bill was debated in the Parliament, Labor and Liberal voted to have it not apply to their access to the rolls
And he was quite scathing of the major parties in relation to that. He went on to say that, if you want to complain about it, 'complain to your member of parliament, but remember that your letter or call will be entered on your file in their database'.

So I cannot support these provisions in the bill, because I believe they remove yet another layer of voter consent, and I agree with the concerns raised by Senator Ryan in relation to this. Having a process, a paper trail, is important. I will be moving an amendment to this bill to remove these provisions. I think the opposition will be moving a similar amendment, which I will be supporting. I look forward to having this discussed further during the committee stage.

I would also like to indicate that I intend to support the opposition's amendments in relation to prepoll voting. I believe that prepoll voting should only occur in circumstances where there is no alternative, not because people do not want to line up on Saturday morning when the election is on. The fact that you are extending that to 19 days, or almost three weeks, concerns me. My view is that extending the prepoll vote mitigates the importance of election day. So many things can come up in those 19 days before polling day—in terms of issues, in terms of the accountability of the candidates—I think there is something sacrosanct about election day itself. There should be a compelling reason not to vote on election day. I understand that there are a whole range of reasons—for example, if you are an emergency services worker, if you are going to be out of the country—but let's keep the same requirements that we have now, where there ought to be a signature involved, making it clear that prepoll voting is effectively for those who genuinely cannot be there on election day. I think there is something quite important in our democracy about ensuring that people vote unless there is good reason not to and they are unable to on the actual election day.

I can indicate also that I will move again a number of amendments in relation to transparency of political donations, and I think it is important that those amendments are put up again, in terms of having very rapid access to election donations. At the moment I note that the government is moving some amendments in respect of this which will shorten the period from about 19 months in a worst-case scenario to about six months or so. That is obviously an improvement but there is no reason why we could not do a lot better, particularly in the course of an election campaign, where donations beyond the threshold can be put up pretty much instantaneously. I think that is something we ought to be aiming for.
Can I say that I do not have an issue with the current thresholds. I think that the administrative burden of the lower thresholds being proposed by the government are quite problematic. I do not think it is reasonable, when you assume what a campaign would cost, that a donation of $11,900 is going to swing an election; but I do think that having much more timely disclosure is a preferred course in terms of transparency and the integrity of the process.

So, with those words, I look forward to the committee stage of this bill and I would like to hear from the government about whether they have experienced any difficulties, or whether the AEC has experienced any difficulties with respect to automatic enrolment in Tasmania—I understand it is being rolled out there first—and what the potential problems might be.

Finally, I would like to express my confidence in the Australian Electoral Commission. I think we can be very proud of the way the Australian Electoral Commission conducts itself and the way that it is held in very high regard throughout the world. Having looked at election systems in one particular other country in our region, I think it is fair to say that we can be—

**Senator Ryan:** It was more customs procedures, wasn't it?

**Senator XENOPHON:** Senator Ryan unfairly made reference to customs procedures, but I can tell Senator Ryan that I have never managed to get through passport control so quickly as on the day when I was deported from Malaysia. It happened very, very quickly. There is nothing like a deportation order to get you out of a country in double-quick time! Unfortunately, Senator Williams was not there with me. The other issue is that, when we look at the Election Commission of Malaysia and their independence, or lack of independence, and compare them to the robustness of our system, they are worlds apart. That is why I think I need to acknowledge the good work and the integrity of the Australian Electoral Commission, something that I think is looked up to around the world in terms of the way they conduct themselves. I am looking forward to the committee stage of this bill.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (11:06): The Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013 will substantially improve the interactions that Australians have with elections and referendums. The bill implements the government response to several of the recommendations made by the Joint Standing Committee on Electoral Matters, JSCEM, in its report on the 2010 federal election—specifically recommendations 3, 10, 11, 15, 23, 29 and 30. In addition to making a number of technical amendments, the bill also implements the government's response to the recommendations made by JSCEM following its inquiry into the bill.

The bill continues the government's commitment to ensuring that the Commonwealth electoral roll best represents those Australians who are eligible to vote. In the 2010 JSCEM report, the committee made three recommendations relating to maintaining the electoral roll. This bill implements the last of those recommendations by allowing the Australian Taxation Office, the ATO, to provide enrolment-relevant personal information to the Australian Electoral Commission. This is achieved by a small amendment to the Taxation Administration Act. Although it is a small amendment on the face of the bill, it is another important step in assisting the AEC to deliver the most inclusive electoral roll yet. The JSCEM report makes it clear that there were an estimated 15.7 million...
Australians eligible to be enrolled but only some 14.2 million on the roll. Consequently, the majority of the committee agreed with the recommendation that the AEC should have access to information from credible government sources such as the ATO to update and maintain the electoral roll.

There are also small administrative amendments made in this bill. These amendments deal with when pre polling voting can commence and when postal vote applications can be received and with removing the requirement that a person who is seeking to use pre polling voting for an ordinary vote should complete a certificate before they do so. One of the methods of voting is to vote pre polling. There are currently two times set out in the Electoral Act when applications for a pre polling vote can be made. These amendments clarify and establish one time at which pre polling voting will be available: the fourth day after nominations are declared. For a minimum election timetable, nominations are declared on a Friday, making the fourth day afterwards the succeeding Tuesday. Depending on the type of election—whether it is for the House of Representatives, for the Senate or for both—the act provides different days for the commencement of pre polling voting, and very minimal times are provided for the AEC to print and distribute ballot materials to early polling centres across Australia in time for polling to commence. This is a sensible, small amendment which provides a consistent time frame for when pre polling voting can commence. There is also currently a requirement that a voter complete a written declaration in order to vote by pre polling as an ordinary voter. This requirement is not consistent with other forms of ordinary voting, which require only a verbal declaration. It does not serve a useful purpose and will be omitted by this bill.

One of the matters considered by the JSCEM concerned incidents that occurred in connection with the 2010 election—in particular, where some ballot boxes were opened before they were lawfully authorised to be opened. Since that incident, extra training and support materials have been applied and it is less likely to happen again. However, although this may be an excess of caution, the bill contains provisions which expressly clarify the action to be taken with respect to ballots that are contained in prematurely opened boxes. The Australian Electoral Officer for the state or territory will be responsible for examining the ballots, or envelopes containing ballots, drawn from ballot boxes which have been opened prematurely. Some ballots may be saved and included in the count, and some may be excluded. Ballot papers and envelopes containing ballot papers will not be excluded from scrutiny unless the ballot paper or envelope has been fraudulently altered or otherwise interfered with so as to not reflect the voter’s intention. The AEO will notify the Electoral Commissioner and the candidates for the election following his or her assessment of the ballot papers and envelopes.

Postal voting is increasingly popular. At the 2010 election the Electoral Commission processed over one million postal vote applications, which was a 17.8 per cent increase in the number processed at the previous 2007 election. Under the existing provisions, postal vote applications can be received up to 6 pm on the Thursday that is two days before polling day. Voters are required to cast their vote before the close of polling on Saturday. The limited time between the closing time for applications and election day makes it highly unlikely that applicants will receive their postal ballot papers in time to cast their votes before the polls close. This amendment brings the cut-
off forward by one day to 6 pm on the Wednesday three days before polling day. This change is made to improve the chance that the Australian Electoral Commission can deliver postal-voting papers to an elector before the close of poll.

Finally, there is a small amendment being made to the rules relating to how-to-vote cards. The rules that set out a specific requirement relating to the minimum font size for the authorisation details are being omitted from the Electoral Act. This implements recommendation 23 of the 2010 JSCEM report. Of course, there are equivalent amendments being made to the Referendum Machinery Provisions Act 1984. The bill also provides for further fixed periods to be provided for the augmented Electoral Commission to allow it to complete its inquiries into objections against proposed redistribution of electoral boundaries. All the measures in the bill are designed to assist in ensuring that Australia can continue to have a robust and up-to-date electoral system and administration. The recommendations made by JSCEM in the majority report are both sensible and politically neutral. The government is committed to ensuring their implementation. I thank all senators who have contributed to this important debate and commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT:
The question is that the bill be now read a second time. A division is required but, under a temporary order of the Senate, divisions cannot be held until 12:30. Therefore, the division will be deferred until that time.

Fisheries Legislation Amendment Bill (No. 1) 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (11:14):
The Fisheries Legislation Amendment Bill (No. 1) 2012 is an important step in improving data collection for fisheries through the introduction of electronic monitoring—e-monitoring—on Commonwealth fishing boats. Australian fisheries are a valuable natural resource and must be carefully managed to ensure sustainability. E-monitoring is a cost-effective way of collecting high-quality data on fishing and related activities. This includes the impact of fishing on target and non-target species and on the marine environment as a whole. E-monitoring will also generate data with which to monitor compliance with relevant laws. E-monitoring will complement other monitoring techniques, such as observers' and log book reports, and is expected to reduce the cost to fishers and to the Australian Fisheries Management Authority, AFMA, of monitoring and managing our fisheries. The bill will enable AFMA to fully utilise e-monitoring as a monitoring and data collection tool. It also includes a number of provisions to make sure the e-monitoring scheme is effective, transparent and administratively efficient.

The bill also makes minor amendments to make the legislation clearer, more consistent and simpler to administer. This includes amendments to clearly state the obligations on AFMA when making directions to close fisheries. It will also help to ensure that corporations and other principals can be held responsible for fisheries offences committed by their directors, employees and agents. Finally, it will allow levies to be waived when statutory fishing rights are surrounded. The measures included in this bill are important steps in bringing modern monitoring technology to Australia's fisheries and enabling AFMA to implement
efficient and cost-effective fisheries management. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT
(Senator Bernardi) (11:16): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (11:16): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS
Consideration of Legislation

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (11:16): by leave—I move:

That:
(a) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Appropriation Bill (No. 3) 2012-2013 and the Appropriation Bill (No. 4) 2012-2013, allowing them to be considered during this period of sittings; and

(b) intervening business be postponed till after consideration of the government business order of the day relating to Appropriation Bill (No. 3) 2012-2013 and Appropriation Bill (No. 4) 2012-2013.

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

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN Sittings

APPROPRIATION BILL (NO. 3) 2012-2013

APPROPRIATION BILL (NO. 4) 2012-2013

Purpose of the Bills

The bills request legislative authority for additional expenditure to be incurred in respect of 2012-2013.

Reasons for Urgency

Appropriations proposed in the bills provide additional funding for expenditure that is required to implement decisions and funding adjustments that involve further expenditure in 2012-2013, which have been agreed since the 2012-2013 Budget.

Passage of the bills before the last day of the 2013 Autumn sittings will ensure continuity of the Government’s programs and the Commonwealth’s ability to meet its obligations as they fall due. Should passage not be granted in the 2013 Autumn sittings, activities to be funded by the Bills may be deferred or significantly delayed.

Question agreed to.

BILLS

Appropriation Bill (No. 3) 2012-2013

Appropriation Bill (No. 4) 2012-2013

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator CORMANN (Western Australia) (11:18): The bills before us—Appropriation Bill (No. 3) 2012-2013 and Appropriation Bill (No. 4) 2012-2013—seek a further appropriation of $1.27 billion in 2012-13 for government departments and agencies. What these bills do not tell us is how Labor proposes to fund its $120 billion worth of unfunded spending promises made so far. What these bills do not tell us is how the government plans to return the budget to
surplus. What these bills do not tell us is what the budget position is going to be this financial year. What we do know is that this government in general and Treasurer Swan in particular have made a complete mess of our Australian government's public finances. This is a government which inherited a very strong budget position. This is a government which inherited a situation with no government net debt, with a $20 billion surplus and $70 billion of Commonwealth net assets. Just in its first four budgets, the most incompetent Treasurer in the history of the Commonwealth turned that around to a situation where we now have $172 billion of accumulated deficits and where we are heading to well in excess of $150 billion of Commonwealth net debt. The former Howard-Costello government was able to collect more than $1 billion in net interest payments; the current government is looking at spending nearly $30 billion over the forward estimates just to pay the interest on the debt that it has accumulated so far.

This year, 2012-13, was supposed to be the year we would see the first surplus delivered by a Labor government since 1989. None of us ever believed it would happen and of course it will not. In the shadow of Christmas, the Treasurer snuck out and gave a press conference, and 'fessed up to what all of us already knew—that is, in 2012-13, we will have yet another Labor deficit, the fifth budget deficit in a row under the current Treasurer, Mr Swan.

How Mr Swan is able to hold onto his job is beyond me. After Labor's broken promise not to introduce a carbon tax, the promise to deliver a surplus in 2012-13 was the second most emphatic promise made by this government. On more than 500 occasions, the Prime Minister and the Treasurer promised that in 2012-13, come hell or high water, the Gillard government would deliver a surplus. But of course it will not happen and we are now on track for accumulated deficits over the first five years of this Labor government approaching $200 billion.

Only last Friday, the government released its most recent monthly financial statement and there we can already see that the government's underlying cash position is $5 billion worse than what the Treasurer predicted in the budget in May last year. The Treasurer dishonestly, as he does, jumps up and down and says: 'Revenue is collapsing. There are all these things happening in the world that I cannot control. I am a victim and I cannot really influence any of these things. I am just trying to do the best I can when everybody is against me.' That is just not true. It is complete nonsense. Revenue is about six per cent higher than what it was last year.

The problem with this Treasurer is that at budget time he shamelessly, dishonestly and incompetently overestimates the revenue he thinks he will raise and when his shamelessly overoptimistic assumptions do not come true, he throws his hands up in the air and says: 'Shock, horror! Revenue has collapsed.' It has not collapsed and the predictions that Mr Swan made in the budget last year that revenue this year would increase by a staggering 11.8 per cent were never going to eventuate.

This is the Treasurer who signed up to a mining tax deal with the three biggest mining companies, telling us that in the first year that mining tax would raise $4 billion. That is what the Prime Minister and the Treasurer said when they signed on the dotted line—in the first year the mining tax was going to raise $4 billion; in the second year it was going to raise $6½ billion. At the time, nobody really believed what they were saying because they were keeping all of the detailed, underlying information secret. They told us their revenue estimates were based on
information about commodity prices, production volumes and so on provided by the three biggest miners who signed on the dotted line, so that was commercial-in-confidence. None of us were allowed to know what those revenue assumptions were so that we could scrutinise them. Of course, clearly at the time the government overestimated commodity prices and overestimated a whole range of other variables, which is why in subsequent budget updates progressively the government has had to downgrade revenue estimates. The mining tax revenue estimate, which started at $4 billion, became $3 billion in the most recent budget, became $2 billion in the Mid-Year Economic and Fiscal Outlook. But guess what, after two quarterly payments out of three for this financial year have come in, the gross revenue from Labor’s failed mining tax is $126 million. The reason I emphasise gross revenue is that revenue estimates published in the budget papers are net revenue estimates. So the $4 billion, when the Treasurer signed the deal, which became $3 billion in estimated mining tax revenue in the most recent budget, which became $2 million in MYEFO, is a net revenue estimate, which takes the so-called company tax effect into account.

I explain: when a company has to pay mining tax that becomes a deduction for company tax purposes. Out of the $126 million that the government have raised in mining tax revenue so far, 30 per cent would have been raised anyway—that is, about $38 million would have been raised anyway in company taxes. So the net revenue in the two quarters so far is $88 million. When you consider that the ATO so far has spent about $53 million administering the mining tax, that takes us down to revenue from the mining tax of $35 million. When you consider that the government have spent $38½ million promoting the supposed benefits of the mining tax, that puts the taxpayer $3½ million in the red from the mining tax. This comes at a time when the government have already spent all of the money they thought it would raise, the $4 billion they thought it would raise, and more.

No wonder this government’s budget is in a mess. When you have a government which comes up with a supposedly multibillion-dollar new tax which targets the most successful sector in our economy right now making it harder for miners to be successful into the future, spends all the money it thinks it will raise and more so that the budget ends up in a worse position, no wonder the budget is in a mess. When you have a government that makes it harder for an important industry to be successful, which makes it harder for us to grow the economy as strongly as we could and should, which leaves the economy worse off, which leaves jobs worse off, which leaves the federal budget worse off, no wonder this government has to come to this chamber again and again, cap in hand, asking for more money to waste. This is a government which has completely lost control of our public finances.

The mining tax is only one of the Swan initiated shambles. The carbon tax costings are not any better. We know that the carbon tax is a bad tax. It is a tax which we were promised we would never get. It is a tax which pushes up the cost of living and pushes up the cost of doing business. It makes us less competitive internationally because the costs imposed on manufacturers and businesses in Australia are not faced by manufacturers and businesses we are competing with in other parts of the world. We also know that it will not help the environment, that it will not help reduce emissions, but it will just shift emissions to other parts of the world. On top of all that, the carbon tax is another multibillion-dollar new tax which leaves the budget worse off.
The government to this day has not come clean about the extent to which the carbon tax will leave the budget worse off, because this government dishonestly, incompetently and inappropriately continues to hold on to the unbelievable assumption that in 2015-16 the global carbon price will be $29 a tonne. It is not going to happen. There is absolutely no way that the carbon price in 2015-16, globally, will be $29 a tonne, yet the government's revenue estimates and the related spending estimates are based on an assumption that exactly that will happen. The Prime Minister, Ms Gillard, the Treasurer, Mr Swan, and the climate change minister, Mr Combet, are the only people in the whole wide world who still hang onto this dishonest, incompetent and inappropriate assumption that somehow in 2015-16 the carbon price will be $29 a tonne.

There is another multibillion-dollar black hole coming around the corner in our budget. If Mr Swan is still around in 2015-16, still the Treasurer and still having to be accountable for the failure of the carbon tax to raise the revenue he predicted it would raise, when he has already spent all the money he thought it would raise and more, I guess he will throw his hands up in the air again and say, 'Shock! Horror! Revenue has collapsed,' without putting down the footnote that revenue has collapsed only against his overly optimistic, shamelessly optimistic and never-realistic revenue assumptions. Revenue across Australia for the Australian government has not collapsed. The revenue for the Australian government continues to increase, but it is not increasing quite as fast as Mr Swan's most heroic assumptions have tried to make people believe in his various budget papers.

Because this government keeps coming up with new taxes which are failed taxes, which have a bad impact on the economy and which do not deliver the revenue the government said it would deliver when it has already spent all the money it thought it would raise—and more—this is why the government has to continually cast around for more cash. This is why, in the lead-up to the next budget in May, if Mr Swan is still the Treasurer then, we are now being told that there will be more new taxes. We are now being told that in order to fund the reckless and wasteful spending of the Gillard Labor government Australians saving for their retirement will be asked to pay the price. The Prime Minister and the Treasurer have made it very clear that they think people's retirement savings are an appropriate revenue target for the government. They can see it as a $1.35 trillion pot of savings—savings that people across Australia have worked very hard to accumulate; savings that are there to ensure that Australians can have a comfortable retirement. This government, in its desperate need for more cash, will make people's super savings the next revenue target.

We say, 'Don't do it.' People are doing the right thing by saving for their retirements to ensure that they can look after their own needs in retirement, to ensure that they do not have to be a burden on the public purse. They should be encouraged and incentivised, not punished. It is completely inappropriate for the Gillard government to look at people's retirement savings as if they are an ATM that the government can draw on every time the budget is under pressure. Every time it has spent too much it says, 'Let's go and take some money out of people's savings accounts.' It is not on. It should not be allowed to happen and the parliament should resist every attempt that this government is putting forward to do that.

Over the last five years, as well as having delivered $172 billion of accumulated deficits, this government has already increased taxes on people's retirement
savings by more than $8 billion. That tax grab includes a $3.3 billion hit on low-income earners. This government promised in the lead-up to the 2007 election that it would not make any changes to superannuation arrangements—‘not one jot, not one tittle’ is what the former Prime Minister and perhaps future Prime Minister Kevin Rudd said in the lead-up to the 2007 election. There was not going to be one jot or one tittle of change to superannuation arrangements, but, of course, under Prime Minister Rudd, followed by Prime Minister Gillard, there were more than $8 billion in new and increased taxes targeting Australians doing the right thing by saving for their retirement, including, as I have mentioned, more than $4.4 billion in taxes targeting low-income Australians. The government reduced the super co-contribution benefit for low-income Australians by $1,000. Under the Howard government there was a matching rate that for every dollar saved by people for their retirement they would get a benefit of $1½, up to $1,500. Now that has been reduced to a $500 matching rate. The current government, on the back of low-income earners saving for their retirement, has collected $3.3 billion in additional taxes.

Then we have this attack on people trying to achieve self-funded retirement. Concessional contribution caps under the Howard government were $50,000 or $100,000 a year, depending on your age. The current government, after promising not to make any change—‘not one jot, not one tittle’—took that down to $25,000. So, if you now want to save more than $25,000 a year to achieve a self-funded retirement, you have to pay more tax. In fact, not only do you have to pay more tax but also you have to pay the top marginal rate. Who is going to put more money into their savings, locking it away until they retire, if they have to pay 46.5 per cent tax on it? You might as well keep it outside.

These are the sorts of changes that this government has made, driven by the reckless and incompetent mismanagement of this Treasurer. People across Australia who are doing the right thing are paying the price of Mr Swan's incompetence. That is one of the key reasons that people in September, hopefully, will take the opportunity to achieve a change, because we need to have a government that lives within its means. We have to have a government that taxes people less and that will incentivise aspiration and success so that we can grow our economy more strongly.

If we get the tax settings right, if we get the incentives right, if we get ourselves into a more competitive and more productive position, then the economy will grow more strongly. One of the key benefits of that is that the government actually collects more tax without the need to increase existing taxes or introduce new taxes. Not only is it good for our prosperity as a nation and good for people across Australia but also a more strongly growing economy is good for the government's revenue. That is the approach that an Abbott-led coalition government will take, should we be given the opportunity on 14 September.

Senator IAN MACDONALD (Queensland) (11:38): I am pleased to enter this debate on Appropriation Bill (No. 3) 2012-2013 and Appropriation Bill (No. 4) 2012-2013, bills that authorise additional spending by the Gillard government. We can well understand why these appropriations are so necessary and the extent of them at the present time. We woke this morning to hear the news of the highest level of small business bankruptcies on record—12 per cent higher than bankruptcies were for small business during the global financial crisis.
Why is this? Sure, we do have a high exchange rate. Demand overseas for our manufacturing is falling. But added to all of this is the world's largest carbon tax—$23 a tonne, increasing to $39 a tonne and eventually to $300 a tonne—when our competitors overseas are paying, depending on what day it is in Asia and the United States, practically nothing and in Europe something between $5 and $10.

You can have a look at the basket case that is the European economies at the moment, but Australia already has a carbon tax of $23 per tonne and rising dramatically. How can Australian small business and Australian manufacturing operate in the face of competition from countries that do not have this cost embedded in everything they do? Every Australian knows that their electricity costs have gone up by at least 10 per cent as a result of the carbon tax and this has put enormous pressure on small business.

As Senator Cormann says, this government is incapable of managing the finances. I remember when we took over from the Keating government in 1996. First of all, we had been lied to at the time about the state of the budget in 1996. When the government changed and the books were opened up we found that there was a $10 million difference between what the Keating government was saying the annual reports were and what the actuality was. But, of course, when we added up the debt run up by the Keating government, it was some $96 billion.

Over the years of the Howard government we paid off that $96 billion. It was not easy, but we did it. And not only did we pay off that debt but we set Australia on the path of being one of the most admired, respected and envied economies of the world. When the government changed in 2007, we had some $80 billion in credit—$80 billion in credit!—in the bank for a rainy day, to pay superannuation entitlements to public servants and to do these things that need to be done. There were good times because of the Howard government's management and we were able to put $80 billion away. Here we are, five years later, and not only has the $80 billion all been blown and squandered by an inept and financially incompetent government but we have run up almost another $200 billion in debt. That is almost incredible.

A lot of people do not understand and they say, 'Oh, that's government—they can do that.' Well, sorry, they cannot! Governments are like your own household: if you borrow money you have to pay it back and until you pay it back you pay interest. The money that the Gillard government is paying in interest to overseas lenders would pay for the National Disability Insurance Scheme—they would not have to borrow a cent. It would pay for the talked-about Gonski reforms. But are either of those two things mentioned in the appropriation bills that we are dealing with at the moment? We were told that the NDIS—the National Disability Insurance Scheme—would cost something like $6, $7 or $8 billion. What has the Gillard government put aside, if anything? One billion dollars.

It is all about the talk, 'We are going to put in this insurance scheme; we are going to bring in education enhancements.' But are we funding it? Does it show in these appropriation bills? Of course not! It is just talk, talk, talk from the Labor Party, trying to fool the Australian public into thinking that they are actually doing something with disability insurance or with education enhancements.

Is there anything in these appropriation bills about the cost of setting up Senator Conroy's new media police? I cannot see
anything in the appropriation bills about the cost of getting the regulator. We see that Senator Conroy is determined to fix up the media. You might recall that he told media barons that anything he says in Australia goes. I think his analogy was, 'You can wear your red underpants on your head if you find a case where what I say does not go in Australia.' He told some overseas media people that. These are the sorts of people who are running Australia.

Where in here do we hear about the media police that Senator Conroy is setting up? I heard Senator Furner the other day—last Thursday, I think—talking on a debate about the media, complaining about an article that I had read from the respected newspaper the Australian Financial Review on 16 November. It was a very good article by Grace Collier, who is a union insider and who opened the lid on what happens within the unions. We all knew it happened, but Grace Collier is a person who has worked in that area; she knew it was all about.

I read some excerpts from that article about just some of the deals between the Labor Party and the union movement. They were all fairly corrupt, as was pointed out in this excellent article, but what did Senator Furner get up and do last Thursday? He got up and criticised me for quoting Grace Collier and then proceeded to viciously attack this person under parliamentary privilege. Why do I raise that as part of the appropriation for these media police? What will happen when Senator Furner loses his seat at the next election—as he surely will, having been relegated by the Labor Party down the list on the ticket in Queensland? He may well be appointed as the watchdog of the media.

Can you imagine Senator Furner having a look at this article and saying to the Australian Financial Review: 'Oh no, look, I don't like that article. This woman has been attacking the unions all the time so we won't have that in.' You can also imagine Senator Furner, as the thought police chief, making a comment about this headline that appeared in the respected Courier Mail on 31 October 2009, some time ago: 'Senator linked to union cash', with a big photo of Senator Furner. Can you imagine that that would have been allowed in the Courier Mail if Senator Furner had been in charge of the media police? Of course it would not.

This article talks about some dodgy union dealings with a particular union in Queensland. It keeps changing its name but was then the NUW, whatever that stands for. It was something that Senator Furner had been associated with before he came to the Senate: something about signing some cheques and some bank accounts and money paid to a union official when he no longer had a job. He was to receive a redundancy equivalent of $35,000 for each year of service. Talk about Mr Craig Thomson and what he did with the Health Workers Union! It would be good to have a look at what happened in the NUW that allowed this guy to get $35,000 a year of union membership fees for work that he had done.

The point I am making here is that this article quite clearly has the quote: Mark Furner has nothing to do with it—so it was absolving Senator Furner. But it was an interesting article. It raised issues, it raised them fairly and it said, quite clearly, that Mr Furner was not involved. But that does not stop the Labor Party from wanting to control the media.

I say to my friends and colleagues in the Labor Party—not that there are too many of them who are my friends, I might say—if you are so upset about what the media do, and they print an article that is clearly wrong and is defamatory, you have remedies now.
relate my own experience, where I sued the *Sunday Mail* for a quite outrageous article that they wrote on me which was just full of lies and misinterpretations and was factually wrong. I took action under the laws of the land as they now stand and I was able to seek retribution; I was able to seek justice.

The *Sunday Mail* ended up publishing two apologies to me for that. They paid me some money, I might say, and the money did not cover the legal bills that I had paid. You do have to be careful taking legal action, but you can do it. If you are right, as I was in that instance, you have your remedies now. You do not need the Labor Party initiating a sort of thought police that is reminiscent of what happened in Europe during the 1930s and 1940s. You do not have to introduce and implement the sort of scheme that we saw in communist Russia during the years of the Cold War.

Not only are the legislation and proposals bad but they are going to cost money which is not referred to in these appropriation bills. The appropriation bills should be showing us how the Labor Party is getting back to, and discharging and honouring, the promise it, the Prime Minister and Mr Swan, the Treasurer, have made for the last couple of years—but certainly since the last budget—that they would definitely bring in a surplus this year. They said it once, they said it twice; I think it has been reported that they have said on 500 separate occasions that they would bring in a surplus budget. Everybody else knew that it was impossible, because you cannot keep spending, spending and spending and still bring in a surplus budget. But this was promised. On the day before the weekend that Mr Swan eventually conceded that this was unlikely to happen he had told all of his troops in the Labor Party to go out and repeat his promises that they were going to bring in a surplus. But did they? Of course, everybody knew, and Mr Swan eventually realised.

The point I make here is: is there anything that our current Prime Minister promises that you can believe? She has promised 14 September for the next election, so I would almost bet my house on the fact that it will not be on 14 September because if it is, it is the first promise that she has kept. Mr Acting Deputy President, you will remember the major promise before the last federal election, 'there will be no carbon tax under a government I lead'. And what happened? The first thing she did when she got back into power with the help of the Independents and the minor parties was introduce a carbon tax. Whether you agree with the carbon tax or not is secondary. The issue is: can we trust anything that this Prime Minister and her Treasurer say? Can we believe anything that is in the appropriation bills before us at the moment? I see Mr Shorten and others are wandering around the parliament saying: 'I'm not going to challenge for the leadership. There is no leadership challenge on. We all support Ms Gillard as the Labor Party leader.'

You might recall that for a couple of days in the week leading up to Ms Gillard's knifing of the then Prime Minister, Mr Rudd, she said on many occasions that there was no prospect of her challenging for the leadership. Those who follow AFL more closely than I might remember her comment that she had more chance of playing full forward for the Bulldogs than becoming Prime Minister. This was I think the day before she challenged the Prime Minister. How can you believe anything that she says? How can you believe Mr Shorten when he is out there today saying: 'At this point, no, I'm not going to challenge because of a number of reasons. I completely support Julia Gillard.' That is what Julia Gillard said when she was talking about Kevin Rudd when he
was Prime Minister. Is there anything you can believe that this government, its leader, Ms Gillard, its Treasurer, Mr Swan, and any others on the front bench can say? If there is something that the Labor Party have promised that they have honoured, I would be interested to hear about it.

We heard just the other day from my colleague Senator Mason that there was this promise to connect up—what was it?—thousands or tens of thousands of school computers to the NBN. Senator Mason pointed out that, rather than hundreds of schools being connected, there had been around 20, I think, that had been connected. Thousands had been promised; 20 had actually occurred.

The shame of all this is that people go to the election, they go to the ballot box, and they cast their vote on the basis of these promises made by Labor Party politicians. Of course we would all love our children to have a computer on their desk in every school: 'Yes, we will vote for that.' But does it happen? Of course we do not want a carbon tax: 'Ms Gillard has promised we will not have a carbon tax, so we can feel confident voting for her.' What these lies from Labor Party leaders do is demean the whole instrument, the whole basis, of our democracy.

Time never permits us to go through the broken promises of the Labor Party, but the carbon tax is the broken promise of all broken promises. It was not as if it was a throwaway line. It was not as if it was something done on the spur of the moment. Ms Gillard promised on, I think, three separate occasions before the last election. And, on the day before the last election, the Treasurer, Mr Wayne Swan, said that those who were alleging that the government would introduce it were, in his words, 'hysterical'. He also assured us that there would be no carbon tax.

I often say to my Labor colleagues in the Senate here: if the carbon tax is as good as you now say it is, if climate change is one of the moral dilemmas of our time, as you once said it was, why then did Ms Gillard promise not to introduce it? I cannot work that out. If it is such a good thing as she now says, then why did she, a couple of days before the election, promise she would not bring it in? Didn't she understand then that the carbon tax would lead to huge cost-of-living increases for all Australians, and particularly for those on working salaries?

This brings me back to where I started, talking about these appropriation bills. We have a government that, based on a lie, introduced a tax that has not only destroyed so many Australian small businesses, a record number now, but just about sounded the death knell for the Australian manufacturing industry. What manufacturing we did have in Australia has all gone overseas. So it is not just the broken promise and the lack of trust we have in the Prime Minister and the Treasurer; it is the fact that their broken promises are actually hastening the death of the Australian manufacturing industry.

One would hope that in passing these appropriation bills you would see a bit of honesty, a bit of hope for Australia that our finances might be brought into line; one would hope that we might be able to start spending within our means, that we might be able to stop paying the interest which would allow us to implement immediately a fully funded disability scheme. But I suspect that these appropriation bills will get the same treatment as any other financial decision of the Gillard government—that is, being ignored completely and be— (Time expired)
Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (11:58): I rise to comment on these appropriation bills and reflect on the fact that, in this place today, a committee is meeting and hearing evidence as to whether or not there should be the worst gag, the worst ban, on the freedom of the media, the press, in this country at the same time that we are considering the appalling and abysmal record of this government with regard to its inability to manage money. One can only question whether indeed there is a link between the two.

It gives me no great pleasure to see, following the record of the Howard government and what this Labor government inherited in terms of surplus in the bank, no net debt in this country and the best terms of trade in Australia's history to record, where we are today in March 2013. The gross debt is around $300,000 million or $300 billion. Those people who have household debts and those who have business debts ought to know that the cost of the interest alone—and not the repayments on that debt—is $20 million per day.

Let me put that into some context in other aspects of who is being hurt and affected by this budget. Some months ago I had the opportunity to chair a committee of the Senate in which we looked at instances associated with Newstart and its capacity to support people. We understood that a move was required for many people off the parenting allowance to a lower Newstart allowance. Over a four-year period it was to save $750 million in this budget. If you reflect on the cost of $20 million a day interest, it would only have been 45 days interest and there would have been no need to move those people off the parenting allowance down onto Newstart. I ask people to reflect on that figure of $20 million. We are borrowing $100 million a day at the moment from offshore interests. Often we do not know exactly who they are.

I mentioned earlier that there was a budget in surplus when the Labor Party came into government in November 2007. The figure at the end of 2011-12 of the accumulated deficit—that is each year's inability to ensure that expenditure matches revenue—was $171 billion. That is the deficit. That is what you do not earn against what you spend in a family or a business context. That is what breaks families up. That is what sends businesses to the wall.

This Treasurer's estimate was that we would have a surplus this year of $1 billion. You do not have to be a mathematician to work out that, even if Mr Swan had achieved his $1 billion, it was going to take him 171 years to actually repay the deficit that had accumulated since Labor came to government. But of course, as my preceding colleagues have said, Mr Swan admitted late last year everybody knew that there was no way in the world that this government was ever going to get anywhere near a surplus budget in 2012-13. In fact, the best estimate is about $30 billion deficit so by the end of this financial year that cumulated deficit will be $200 billion. That is real money.

Let me go to another of those famous areas in which our Prime Minister—and I know Senator Macdonald has made the same point—went to the election saying, 'There will be no carbon tax under a government I lead.' Let me explain what has been the impact of this carbon tax. The New South Wales government in the last few days said that it will cost them $1,000 million. There have been figures from the Australian Securities and Investments Commission only in the last few days telling us that there has been a 12 per cent higher failure of businesses and businesses being placed into administration than during the global
financial crisis. Commentator after commentator, business consultant after business consultant, are saying that it is due to the carbon tax. It has been the straw that has broken the camel's back, as indeed senators and members on this side warned it would.

According to ASIC there have been 10,632 company collapses for the 12 months to 1 March, averaging 886 per month. These are real jobs. These are real businesses—with manufacturing businesses well distributed among them—that have been going for years and keeping families going for years. The principal of the Adelaide based insolvency firm Macks Advisory, Mr Peter Macks, said the carbon tax is quite debilitating for a number of hotel operators who have been struggling for a long time and that it is tough operating at a profit at this time. Todd Gammel, a partner in HLB Mann Judd, likened the carbon tax to pulling a leg out from under a chair.

New South Wales Treasurer Baird said:
There is no doubt the carbon tax is driving higher electricity prices for businesses across the state.
He added there is an estimated bill directly to the government of $580 million. Australian Chamber of Commerce and Industry chief economist Mr Evans only today said:
Rapidly escalating energy prices caused by the carbon tax and other green programs are taking their toll on Australian businesses.
That means Australian jobs, that means poorer competition with our overseas competitors, that means more competition in markets into which we are trying to export despite the high cost of the Australian dollar. That means more competition from companies in other countries that bring goods into this country to compete with us. That is the impact that we are seeing from this carbon tax. Campbell Jaski, a partner in PPB Advisory, said the carbon tax and the mining tax were also showing up as sovereign risk issues in discussions with foreign investors.

Having been on polling booths all last Saturday in the Western Australian election—as I know my colleague Senator Johnston was—I can say the message is loud and clear not just from Liberal or National Party voters but across the economy of our state. In the seat of Kalgoorlie, once a very proud Labor seat, the Labor candidate hardly got his investment back. The National and Liberal parties dominated Kalgoorlie. Why? Because the people in those communities understand the impact of the carbon tax and the minerals resource rent tax where Australia's wealth is earned. Australia's wealth is earned now particularly in the states of Western Australia and Queensland. They understand the whole magnetite iron ore industry is now at risk simply because of the combined impact of a carbon tax and a mining tax, which higher electricity prices and higher transport prices are having a profound impact on. Why would the government impose on this country a carbon tax that is antibusiness, anti-employment and anticompetition, particularly at a time when we know the so-called carbon price in Europe has collapsed, at a time when we know the Chicago futures market for carbon closed from lack of interest? Yet we are still being emasculated in this country and we are asked today by this government to approve even more allocation of funds for the purpose.

We have heard in this chamber today that the minerals resource rent tax, exactly in accordance with what was warned from this side, would not actually be a tax to bring income into this government; it would be a net cost. Mr Paul Howes made the statement that the carbon tax was not a tax, it was a price on carbon and that the minerals resource rent tax was supposed to deliver
some $4 billion. This government, with its very, very poor fiscal management, went out and spent the money before it got it in. What household, what business would do its budgets thinking that they are going to earn another $300,000 to $400,000 or $30,000 to $40,000 or $3,000 to $4,000 or $300 to $400? Who would go out and spend money based on the expectation that greater revenue was going to come in when in fact it was very doubtful if it ever was? But they are the circumstances we find ourselves in. The government did go out and spend in advance, and what we have now is a circumstance in which there has been no effective benefit at all from the minerals resource rent tax.

On this side of the chamber we have said and we will continue to say that should we be privileged with government later this year we will once again demonstrate that the best way of getting in extra revenue from major companies is to create a climate in which they earn more profit. Because when they earn more profit, they pay more tax. Do not worry about mining resource rent taxes; worry about corporate tax, worry about the income that will come in from personal income taxes as businesses employ more people and these people enjoy a better lifestyle and they enjoy a better form of income.

It does not matter which sector of the economy we look at, we see evidence of bad judgement and bad fiscal management. I will reflect very briefly on two areas associated with agriculture. The horrific impact that has now occurred across the north of Australia—in your territory of the Northern Territory, Madam Acting Deputy President Crossin, in Queensland and throughout Western Australia—of the ill-timed, ill-disciplined ban on live exports. And now we have the government, having made an appropriation in this year's budget, having to pay compensation and probably to meet very, very expensive legal costs associated with that injudicious decision. And that is quite apart from the tremendous and horrific animal welfare issue that is confronting my state of Western Australia, where farmers are faced with no income, they are faced with no feed on the ground and they are faced with animals that they cannot feed, animals that should long ago have left Western Australia to eastern and Middle Eastern markets. Those animals will now be either shot or turned out onto rangelands in what will probably be one of the worst animal welfare disasters. And it was all preventable. It need never have happened. That is the thing that makes me so angry, Madam Acting Deputy President, and I know you have given great sympathy and support to pastoralists in the Northern Territory along the same area. But that is now going to lead to compensation charges, that is going to lead to the Australian taxpayer paying a significant amount of money in legal fees before it gets sorted out.

The second issue in the agricultural sector, which we have spoken about so often, is the debacle of the *Abel Tasman*, the vessel that Minister Burke, when he was the fisheries and agriculture minister, welcomed to Australian waters but who, in his capacity as environment minister, then put a ban on the vessel. So it has now left Australian waters, and once again the taxpayer is facing compensation payments, facing a lengthy period of legal conflict—all of which is unnecessary, all of which is going to cost the Australian taxpayer and ultimately the budget.

I turn briefly to the question of education, and we all saw the waste in a so-called Building the Education Revolution—$17,000 million spent. There was some value, I have no doubt at all, as well as significant areas in which there was waste, but most importantly—we can reflect on
those for two or three hours if we had to; I sat in the committee that reviewed them—during that time, during that unheralded expenditure of $17 billion, education standards were actually falling. Education standards against other countries in the world, in numeracy and literacy, were actually falling. So all of that expenditure did nothing at all to improve learning, to improve teaching, to improve the very necessities, the building blocks of education. Senator Macdonald made comment on the rollout of PCs, and once again we see a circumstance in which inadequate expenditure was put forward and so the vast majority have not been linked up.

We now have Minister Garrett going to the states and talking about Gonski and all of the possible advantages of Gonski, saying to the state education ministers and premiers: 'Just sign up. Don't worry about the details. I won't tell you about the details. I can't tell you about the details because I don't have them; I don't know what they are. But don't worry, trust us, we are the Labor government.' I can assure you, from my own state and others, that there is no way in the wide world where that is going to be happening.

The other information which came out only in the past few days, which is very, very severe on my state of Western Australia, was the decline in GST allocations to Western Australia. If I may make the comment about the inequity of the horizontal fiscal equalisation program, it is mainly in the fact that at the moment there is no incentive for each state and territory to maximise its revenues and contain its expenditures. I fully support the efforts of my Tasmanian Liberal colleagues, where they quite correctly point at the failures of the Giddings Labor government—the Labor-Greens government—to maximise revenue in that state so that Tasmania would not need to be propped up to the extent that it is.

Let me give you some of the figures. I know Senator Johnston knows them well. For the first time ever Western Australia now will be getting less than 50c of each dollar that it contributes to the national purse. Premier Barnett commented recently that it is quite perverse that GST allocation from the Commonwealth is now becoming a minor proportion of the overall revenue for Western Australia. It must be the first time since Federation that a state or territory is not looking to the federal source to dominate its returns. Western Australia will get 44c in the dollar; the Australian Capital Territory will get $1.22; and your home territory of the Northern Territory, Acting Deputy President Crossin, will get $5.31. The Northern Territory government can, as I have pleaded with other states and territories, look at areas where they can maximise revenue, contain expenditure and see a far more fair distribution. Discussing in greater detail the relativities of GST allocation will be a topic for another time, but I do make those points.

I turn to other areas of Labor failure—health and immigration. All the hysterical debate in recent days by the Prime Minister about 457 visas for overseas workers has done is create instability and add to our sovereign risk. Nevertheless, that does not seem to matter with the Prime Minister. I invite the Prime Minister to go to Western Australia and speak to rural communities where the 457 visa bucket has dried up for doctors coming in from overseas. There are a number of towns now that do not have a doctor or that only have a medical service from midday Monday to Thursday evening. Southern Cross in the eastern wheat belt is already suffering enough in terms of the farming and cropping situation and the management of the live export of sheep, which I have spoken about. They now are
also facing the prospect that people will be sent by ambulance each Friday to Merredin, which is 100 kilometres away, because there is no doctor in the town.

We see the inequity of the 457 visa scenario. This causes me to once again look at the absolutely confounding decision making of this government and to look at the decision of the immigration department, which I applaud. The number of foreign graduates on 485 skilled graduate visas soared 74 per cent last year. That is a wonderful figure. Those people will now be able to stay on for a three- or four-year period. There will be 38,200 under the 485 scheme allowed to stay and work in Australia. That equates to the number of unemployed young Australians between the ages of 20 and 24.

I can only plead with this government, which is, hopefully, in its dying months, that it does no more harm to the Australian economy. Every person we speak to everywhere we go, including everybody on polling booths and in every survey, is saying that the place is in limbo and the place has come to a halt. Nobody has confidence to employ, nobody has confidence to invest and nobody has confidence to spend. When we look at these appropriation figures there is little wonder why. It is necessary to bring this economy back and have an election and sort it out.

Senator JOHNSTON (Western Australia) (12:19): In dealing with Appropriation Bill (No. 3) 2012-13 and Appropriation Bill (No. 4) 2012-13 it is important to bring the government's economic record to account and look at what this government has achieved in just the last 12 months. The mismanagement is predominantly exampled by the minerals resource rent tax, a tax that raised no money in its first quarter and appears to be costing the government to administer. The first blush of receipts from this tax indicate that this concept of the Commonwealth has achieved what I do not think any other government in Australia's history has achieved—it has enacted a tax that has actually cost the taxpayer money.

The carbon tax is predicated on a $29 per tonne rate. It is clear when looking at Europe that that is going to be well short of the mark. I think we are running at something less than five euros a tonne at the moment. I have considerable interest in the Defence portfolio. Indeed, significant cuts have been made to that portfolio—more particularly, 10.5 per cent in the last Wayne Swan budget, which has in fact been predicated upon the delivery of a surplus this year. We all know, we are all predicting and we all understood that this promise of a surplus was in fact in line with every other promise that this government has made—a cruel deception on portfolios that have had to stump up the money. Indeed, no portfolio has had to fund the notional attempt at a surplus like the Defence portfolio has.

So we now find out that a 10.5 per cent cut in Defence in support of the pursuit of a budget surplus has been a complete waste of time. It has been a complete deception. No other portfolio has had to find such a cut. Indeed, in the last four years Defence has stumped up $25 billion from its annual budgets to support this government's profligacy. So mismanagement has been the order of the day in terms of economic management and expertise, in terms of economic governance.

In 2009 we had a Defence white paper that set out a clear and apparently funded plan to take Defence funding away from the highs and lows—the vacillations of politics—out to 2030 with a proper, funded bipartisan approach. It was bipartisan
because the opposition came to the party and supported that plan. We were told that the plan was one where, in the first two or three years, there would be a contraction of resourcing for Defence but then we would ramp up to meet the requirements of some $275 billion worth of expenditure over the coming 15 or so years. The growth rate was supposed to be three per cent, indexed at 2.5 per cent out to 2017 and then 2.5 per cent thereafter. The fact is that the contraction took place and then the government, through its own ineptitude, complicity and incapacity, decided there would be no ramping up. So what we have seen is a massive run-down in Defence resourcing, and what we are witnessing today is the hollowing out and running down of Defence capability and the elimination of readiness to do things that this government or any future government may, in an emergency, call upon the Defence portfolio to achieve.

What really is of concern when I see appropriation documents come forward is, firstly, that this government has never, ever got one prediction right—not one, be it MYEFO, the annual budgetary figures, the deficit or the surplus. It has never even been close. May I make a prediction: when we look back—at what 2012-13 yielded in terms of a surplus or deficit, it will be a substantial deficit. It will be something like $20 billion.

The point about all of this is that there is an effect. There is a serious problem with respect to the responsibility that Canberra has for defence. Having said that $25 billion has come out of this portfolio in the last four years, I can tell you that the Department of Defence, through the minister, has admitted in a question on notice that $200 billion of future Defence funding is unfunded and is not appropriated, and nobody can say where the money is coming from.

So what does that mean for the future? Let us just deal with what is happening economically. The Gorgon gas project is 40 trillion cubic feet of gas, which is enough to keep a million people in electricity for 800 years. Next door to Gorgon is Wheatstone, at 36 trillion cubic feet. Above Gorgon, opposite Broome, out in the Timor Sea is Browse. Browse is three times as big as Gorgon. These are enormous gas deposits. They are going to provide vital energy for China, for South Korea—the Republic of Korea—for Japan and for Taiwan. One of the most important strategic things that we must consider is the fact that the vulnerability of our trading partners is tied up in ships on the surface of the water travelling between Australia and East Asia. Anybody wanting to do damage to our trading partners knows to snip off their supply of energy; it is that simple.

And what are we doing about it? What is this government doing about it? Let us just have a look. We have completely and utterly abrogated our responsibility to provide a serviceable Australian Navy. Currently we do not have a replenishment ship—that is, a ship that can refuel Australian naval vessels on the water. The reason is that HMAS Success is very badly broken. In line with what happened with Manoora and Kanimbla—when the minister suddenly wanted, at the request of the Deputy Commissioner of the Queensland Police Service, to provide an amphibious vessel to Queensland in the face of Cyclone Yasi—the minister suddenly became aware that our amphibious ship capability did not in fact exist. He was in fact told that even Tobruk was on 48-hour standby. Tobruk was not on 48-hour standby; it was in fact subsequently in repairs for almost nine months. So Manoora and Kanimbla have been cashiered because they are rusted out. Success is broken, and we are spending $10 million to
have the Spanish bring their replenishment ship to Australia this year. HMAS Choules has blown up her transformer, so that is out of action till the end of May. What does this say about the Royal Australian Navy? It says that our capacity to provide security for energy into East Asia is very sadly depleted, and this is all in the face of a government that has taken $25 billion out of the Defence portfolio.

Just last November at MYEFO, the Mid-year Economic and Fiscal Outlook, the government said, ‘Oh, we’ll provide some new aircraft—some Growler electronic warfare kits—to the Royal Australian Air Force, and we’ll provide some more Bushmasters, a total expenditure of about $1.6 billion.’ That all sounds beautiful and we all say, ‘Wow, that’s nice,’ but then the minister says very quietly in the fine print, ‘But you’ve got to find that money from within your budget.’ That is just a cut. That is a chop at the knee of the Defence portfolio.

For a trading nation to have massive defence cuts and to have a Navy that is badly broken—I have not even begun to talk about submarines, but I will in a moment—is a high-risk situation. Indeed, this year defence spending as a share of GDP is 1.56 per cent of GDP. We were last at 1.56 per cent of GDP in 1938. But it gets better—or worse as the case may be, depending on your political outlook. Next year we go to 1.49 per cent of GDP. We were last at that level in 1937. It is funny, isn't it—this government has taken us back to defence expenditure levels comparable to 1937 and 1938 as a share of gross domestic product? We all know what happened very quickly thereafter: we needed a lot of ships, we needed a lot of soldiers and we needed a lot of aircraft, all of which we virtually had to rely on the United States for. This government is putting us in exactly the same position.

Let us have a look at the Joint Strike Fighter. We signed up to the fifth-generation Joint Strike Fighter because it is a regionally dominant aircraft. It has phenomenal radar capability. It functions beyond visual range. It can detect a vertical launch at 800 nautical miles. We were supposed to buy 14 planes this year but we have bought two. The whole program, as set out in 2009, is stumbling and bumbling along in limbo. We have the P3C Orion aircraft—a beautiful aircraft that has served our country very well in terms of maritime surveillance. The fact is it is a 1959 design. Almost every other country operating this aircraft has had to spend money rewinging the aircraft because its airframe is so old. We are supposed to be acquiring the P8A to replace it. These are really very important considerations that require clear planning and a clear outlook, but what have we got from this government? The need to rewrite a white paper within about three years of having done a detailed one. The whole space is in utter confusion.

Let us turn, again looking at the maritime, to submarines. In the eighties the then ministers for defence—and we know who they were—decided that we would go with the Swedish socialist experiment with a Kockums submarine that no-one had ever seen or heard of before. We added about 1,500 tonnes to the size of the Swedish A17 submarine. We turned it into the Collins, which was at that time the biggest conventional submarine by submerged tonnes in the world. No-one else has a Collins class submarine. No-one else has the engines of a Collins class submarine. No-one else has the electric motors of a Collins class submarine. No-one has anything like a Collins class submarine. It is running at $1 billion a year to sustain. We probably have, on a good day, two boats in the water and we are hoping to get to three, but it has been a very tortuous, painful ride for the last four
years because this government has completely mismanaged these boats, as it does everything else.

Here we are with the whole of East Asia dependent upon Australia for energy, iron ore and coal, and what has happened? Our Navy is badly broken. It requires refunding, re-resourcing and refocusing because this government has decided that, of all the portfolios that can pick up the tab for the profligacy, the spending and the waste, Defence is the one that is so easy to reach into and grab that fistful of dollars from because our men and women in uniform are so disciplined and so loyal they will just cop it sweet—and they have. We will fix that, of course.

But there is the problem: we have a hollowed-out national security focus. The Defence portfolio, which was once running at about 1.98 per cent of GDP under John Howard—towards the end of the Howard government—is down to 1.49 per cent.

Senator Feeney: So what are you going to spend on?

Senator JOHNSTON: I hear heckling from the other side. This is a gross embarrassment to them. They have dropped the ball. They hate Defence. They love to rip it off. They love to grab every bit of money and put all the plans into disarray. The Defence Capability Plan is an absolute scandal in its dysfunctionality. They do not stick to any of the milestones and they do not spend the money, so Australian industry is left wondering when it is ever going to be thrown a bone. This is a government that is chronically good at mucking things up and undermining stability in portfolios, particularly in the Defence portfolio. They are absolutely a gold-medal prospect when it comes to wasting and spending money. That is why we are here: these appropriation bills just give this government another blank cheque to waste more and more money.

What about industry? You would think this government would support Australian indigenous defence industry. They came up with priority industry capabilities—PICs, they are called in acronym form—and strategic industry capabilities—they are called SICs. You would think they would support Australian priority industry capability. They even said that the disruptive pattern combat uniform—that is, the camouflage uniform that our soldiers wear in battle—should be produced in Australia, and yet we caught them, red-handed, going off to China. Having developed low-observable infrared technology in the weave of this clothing, we gave the Chinese the specification. That is what this government does—its incompetence knows no bounds. We have actually shown potential adversaries the weakness and vulnerability of our technology which we took—and I got the evidence from the Defence Science and Technology Organisation—about 15 years to develop. The government gave it to the Chinese because they were looking to save a few bucks.

This is the level of incompetence of these people. They have absolutely no idea about national security. They have absolutely no idea about the cost of readiness and the capacity to respond not just to threats but to national disasters. And look at all the projects that are currently being delivered to the Australian Defence Force. For example, there is the landing helicopter dock ships—Brendan Nelson and Robert Hill did those; the Joint Strike Fighter—Robert Hill did that; and the air warfare destroyer—Robert Hill did that. All of the great projects that are going to see us secure into the next decade have been delivered by Liberal ministers. What has this government done to Defence other than rip the financial rug out from.
underneath it and leave us ever so vulnerable at a 1937 level of spend? That is what their claim to fame is: 1937. And heaven help us if we have a problem in the next five years.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

**Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013**

**Second Reading**

The **ACTING DEPUTY PRESIDENT** (Senator Crossin) (12:38): As there are no divisions in the Senate prior to 12.30 pm on a Monday and a division was called on the motion that the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013 be read a second time, I will put that question now that it is past 12.30 pm. The question is that the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013 be read a second time.

The Senate divided. [12:42]

The Acting Deputy President—Senator Crossin

AYES

Wong, P
Xenophon, N

NOES

Back, CJ
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Smith, D

Wright, PL

Bernardi, C
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Ferravanti-Wells, C
Heffernan, W
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Williams, JR

Question agreed to.

Bill read a second time.

**In Committee**

Bill—by leave—taken as a whole.

**Senator RYAN** (Victoria) (12:45): by leave—I move opposition amendments (3), (4), (9) and (10) on sheet 7360 together: (3) Schedule 1, item 6, page 4 (line 25), omit "fourth", substitute "eleventh".

(4) Schedule 1, item 7, page 4 (line 27), omit "fourth", substitute "eleventh".

(9) Schedule 1, item 33, page 13 (line 16), omit "fourth", substitute "eleventh".

(10) Schedule 1, item 34, page 13 (line 18), omit "fourth", substitute "eleventh".

Before I come to the specifics of these amendments, there were a couple of other amendments flagged in earlier discussions of this bill for which I would like to outline why the opposition will not be moving them today. In the initial draft of this bill and in the report of the Joint Standing Committee on Electoral Matters there were some provisions to deal with a ballot box that had
been inadvertently opened or that may have been tampered with. These were aimed at addressing the situations that occurred in Boothby and Flynn at the last election, and I hasten to add that they were inadvertent errors rather than any malfeasance. The opposition, in the inquiry into the bill, flagged our concerns with the provisions as originally drafted by the government, and we were intending to move amendments. However, we note that the government brought in their own amendments in the House of Representatives last week, and the opposition, while they do not think they are ideal, support the amendments. They are something, however, we may wish to address in the future. We do not think they deal with all of the problems.

Amendments (3), (4), (9) and (10) together are about the time for making applications for a prepoll vote. This issue was addressed in the substantive debate earlier this morning and has been addressed in great detail in the report of the Joint Standing Committee on Electoral Matters and the coalition comments, so I will not take up too much of the chamber's time, but I will restate the coalition's view. Making postal vote applications available is something our electoral system does very well. It would be very difficult for people to say that accessing a means of vote outside the polling day itself is an onerous burden in Australia. In fact, both major political parties go to the trouble of printing and sending out a great deal of such forms. The prepolling period was originally developed in order to facilitate those who might find it easier to vote before polling day—for example, shift workers, weekend workers, emergency services workers—and then to allow them to vote before the polling day itself. The opposition believes that, contrary to the expression that has occasionally been used—'polling period'—we should do as much as we can to maintain the polling day.

When we look at other democracies around the world, the one with which many are familiar is the United States. It does provide an interesting laboratory for the consideration of different polling processes. We all know about the hanging chads and dimpled chads of the 2000 campaign; but, apart from that, we actually have very different electoral procedures adopted not just across states but also across counties. In fact, at least one state in the United States now has a state-wide postal ballot. When people have looked at the dynamics of a campaign in that state, it has proven to be quite different because you do not have a single polling day and everyone sharing the same campaign experience. The opposition does not think it is necessary to extend the period available for making applications for a prepoll vote out to, effectively, almost three weeks before polling day. We are happy with the two-week period.

I also add that I think prepolling, an extended prepolling period and an extended number of prepolling locations do provide an advantage to incumbent members, and I do not know if that is something we want to further entrench in our system. But the key argument is that we want as many people as possible to vote as close to the end of the campaign as possible. Voting in Australia is very easy by world standards. We do not have the hours and hours of queues in very cold seasons that might be experienced in North America. To have people voting three weeks earlier would effectively be less than halfway through the campaign. It is amazing what can happen over the course of a campaign, and I am sure the current and former prime ministers could attest to that with what happened in the last campaign.
So the opposition firmly believes that three weeks is unnecessary. People who know they are going to be away for that period can access a postal vote, and that postal vote, of course, can be exercised later in the campaign and posted at an appropriate time to ensure it is counted. But prepolling three weeks out gives people, in our view, too easy an option to vote too early when in many ways the campaign has not progressed past many of the substantive moments. So I urge the chamber to take those factors into account when considering these provisions, because this is not about, as was alleged before, people not being able to vote. I do not think anyone could seriously put the case that this amendment would deny anyone at all the possibility of exercising their franchise. I do think we should all share as an aspiration that that Saturday at the end of a polling period, where we get a large voter turnout and have sausage sizzles at schools and fundraising, be one of the great experiences of Australian democracy.

I once taught some overseas students in 1998. They were in Australia from America. When they were here for the 1998 election campaign they commented on the fact that in Australia it was very easy to vote compared to where they came from. With both prepolling and postal voting there was never an issue about being able to exercise the ballot. But there was also something about a limited time campaign of five or six weeks and then a balloting day on the Saturday allowing most people to attend, unlike a working day, as it is in some other parts of the world. It is a strength of our democracy. I do not think we are strengthening it by extending the prepoll period. I think we are potentially weakening it.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:52): I indicate on behalf of the government that we will not be supporting the amendments proposed by the opposition. These proposed amendments aim to provide certainty about the commencement date for prepoll voting regardless of the type of election. These amendments decrease the minimum early voting period that has been in place since 1990 by a period of two days for Senate-only elections and three days for House-of-Representatives-only elections. They also aim to provide the AEC with sufficient time to print and distribute ballot materials in time for the earliest prepoll-voting date. This aspect of the proposed changes is particularly beneficial when an election is run to other than the minimum timetable.

The effect of these amendments is that the AEC would be required to provide early voting services in divisional offices from four days after nominations are declared. A large number of early-voting centres would also be open at that time. Under existing arrangements, early voting must commence in divisional offices two days after nominations are declared, which is less than 24 hours after the deadline for lodgement of the Senate group-voting tickets. This deadline creates significant logistical challenges when ballot papers must be typeset and proofed, printed and then distributed to the divisional office and early-voting centre locations, which are found across Australia, within only a 24-hour window. To meet this deadline currently, the AEC provides PDF versions of ballot papers that can be used by divisional staff until printed ballot papers are delivered. Early-voting centres do not open until fully printed ballot papers are available.

It is worth remembering that at the 2010 election there were some 1.5 million votes—an average of 10,000 per division—cast at early-voting centres, with just under 14,000 votes—that is, around 100 per division—cast on the first Monday. If the proposed changes...
are approved by the parliament, those voters would now have to wait until the next day to cast their vote.

The ACTING TEMPORARY CHAIRMAN (Senator Crossin): The question is that amendments (3), (4), (9) and (10) on sheet 7360 moved by the opposition be agreed to.

The committee divided. [12:58]

-The Acting Temporary Chairman—Senator Crossin-

Ayes.......................28
Noes.......................32
Majority...............4

AYES
Back, CJ
Brandis, GH
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ruston, A
Sindonios, A
Williams, JR

NOES
Bishop, TM
Carr, KJ
Crossin, P
Evans, C
Faulkner, J
Gallacher, AM
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

PAIRS
Abetz, E
Bernardi, C
Birmingham, SJ
Boyce, SK
Cormann, M
Heffernan, W
Ronaldson, M
Scullion, NG
Carr, RJ
Bernardi, CJ
Wong, P
Hogg, JJ
Conroy, SM
Furner, ML
Hanson-Young, SC
Bily, CL

Question negatived.

Senator RYAN (Victoria) (13:01): The opposition oppose schedule 1 in the following terms:

(5) Schedule 1, items 8 to 23, page 4 (line 28) to page 6 (line 6) TO BE OPPOSED.
(6) Schedule 1, item 27, page 9 (lines 14 to 15) TO BE OPPOSED.
(8) Schedule 1, items 29 to 31, page 10 (lines 4 to 9) TO BE OPPOSED.
(11) Schedule 1, items 35 to 48, page 13 (line 19) to page 14 (line 17) TO BE OPPOSED.
(12) Schedule 1, item 51, page 14 (lines 23 to 24) TO BE OPPOSED.

Our opposition to this schedule relates to the proposal in the legislation and the proposal of the Labor Party to remove the certificate that the voter is required to sign for accessing a prepoll vote. I addressed this issue earlier in my speech during the second reading debate, and this opposition was also raised in the other place. The logic behind the government's proposal is that since we now count the prepoll votes on a Saturday night and since they are now considered, effectively, ordinary votes for that purpose and constitute a polling booth in the public mind when they look at tables of election results, that we should not actually have this requirement for voters to submit a certificate.

Can I, respectfully, disagree. The reason for that is what we did when we changed the way that prepoll votes were counted was not in any way to change the treatment of the votes other than the fact that they would be counted on a Saturday night. With the
number of people who are voting prepoll, particularly in close elections and in close electorates, it was generally agreed that counting them on the night of the poll would facilitate people getting a quick result, and that that is actually something people would be interested in knowing on the Saturday night rather than having, potentially, 10 or 15 per cent of the votes not being counted until another time.

None of that undermines our view that voters should still be required to outline, effectively, why they are accessing a prepoll vote. This goes to the point I made earlier: we do not believe in the logic of a polling period. We believe that there should be a polling day, with facilities made available for those who cannot access that polling day. We strongly support postal votes and we strongly support the distribution as widely as possible of postal vote applications. This opposition by the opposition will in no way reduce the ability of someone to access a prepoll vote. In no way does it make it harder. In fact, if people want to put the argument that it is a compliance mechanism I would say that this must be the only form of red tape this government seeks to abolish, because businesses and everyone else are being wrapped up in it and yet, again, here we have a seemingly inexplicable urge to remove a paper trail that can be part of protecting the integrity of the electoral process.

And so the opposition is not convinced by the logic of the government's proposal. The opposition is not convinced that it does not pose another little crack in the wall of the integrity of how votes are exercised. The way that I understand the process is that this certificate is not an onerous one—I have never exercised a prepoll vote that I can recall—it is not an onerous burden, but it is something that can be used, whether that be as a disincentive for someone to try to exercise a vote to which they are not entitled or whether it provides a piece of evidence in the chain that may be used to exonerate or otherwise tackle issues of electoral fraud.

What worries me and what worries the coalition is that without this we may see yet another surge in prepoll votes. I have outlined why I do not think that is a good idea with respect to the focus that should remain on a polling day. Also, if indeed signing a certificate is a disincentive—and I do not know whether it is for people who are accessing a prepoll vote—then there is a reason for that. We still say that prepoll votes should not be like turning up to the local primary school on polling day itself to exercise your ballot. We say that people need a reason for a prepoll vote. This particular proposal by the government goes further to undermining polling day as the focus of the campaign. Combined with the other provision, about which the opposition just lost an amendment, effectively we now have almost three weeks of prepolling.

Again, I think that we get to the point that there is no established need for this. There is no established need that this is a disincentive and that people entitled to a prepoll vote are not accessing it. There is no established need that this is imposing an undue burden upon people who want to access a vote. There is no established need that it is imposing an undue burden on the Australian Electoral Commission. But there is a risk, and the risk is that we are seeing the lack of focus on polling day; that we may have more and more people voting nearly three weeks before polling day, which may be less than halfway into the campaign; that we are not asking people to exercise their judgement as to whether they are entitled to a prepoll vote; and, potentially—and I say this only as a worst-case scenario—whether or not having the certificate acts as a disincentive. Does it facilitate people voting more than once or
people voting in the names of other people? If indeed the certificate does have a disincentive effect with respect to that, then I do not think that is something we should be removing.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (13:06): The government will not be supporting the opposition on this matter. The requirement for electors to sign a certificate declaring that they are qualified to cast an early vote prior to being issued with an ordinary prepoll vote came into effect at the 2010 election. Similar requirements have been removed from a number of state and territory jurisdictions, with the aim of speeding up the issuing of ballots. There is no evidence available to suggest that this change impacts on either the number of electors applying to vote by prepoll or the overall integrity of the process when compared to prepoll voting at previous elections. What we are doing today is moving to identify prepoll voting as ordinary voting. In order to treat these prepoll votes as ordinary votes, this requirement for the signing of the certificate is not required.

Senator RYAN (Victoria) (13:07): I want to respond to a couple of points made by the government. I am sick to death of hearing that states and territories have done something and therefore the Commonwealth should do something. That is a lemming argument. What if one of the states or territories started to disenfranchise, as they would be entitled to do under most of their constitutions, anyone serving any custodial sentence whatsoever? I imagine that people on the other side of this chamber would be screaming and bleating, as they were earlier. So the argument that a state or territory has done something is not an argument for us considering a change to our electoral system. That is a lowest common denominator argument. It formed the basis of much of the argument for automatic enrolment, because New South Wales had done it, but it is not an intellectually consistent argument nor is it an appropriate one, when this parliament has responsibility for the electoral processes for elections to this parliament. We would not let a local government change the laws or influence the laws around the changes to a state election or to this place. I do not see why a state or territory doing something should be of any relevance whatsoever.

Can I also suggest that with respect to the treatment of prepoll votes as ordinary votes, the agreement from the coalition regarding that before the last election was for their counting only, in order to facilitate the arrival at a fast result and to facilitate the public interest in knowing the result as soon as possible. It was not about anything to do with how people access the votes. I would point out that the Labor Party have actually gone to extraordinary efforts over many years to restrict the involvement of political parties in postal votes for their own naked political interest. Let's not pretend that the Labor Party have haloes in this regard. The opposition's proposal does not deny anyone a vote; it merely provides a process whereby people have to declare their eligibility for it. We believe it is a process that could potentially actually provide some evidence if people are acting inappropriately with respect to the Electoral Act.

Senator IAN MACDONALD (Queensland) (13:09): I have been listening intently to this debate and I have been encouraged to make a contribution by Senator Ryan's warning that anything that the Labor Party does with the electoral system could make it easier for voters to vote more than once or to vote in the name of other people. I think that the coalition's proposal, as put by Senator Ryan, is a good one and anything that helps overcome those
problems with our voting system is worth supporting.

I fear any time the Labor Party gets involved with the electoral system. I well remember, in my own state of Queensland, a state election where the Labor Party completely rorted the system. It happened in Townsville, the city in which I have my office. In fact, I am pleased to say that some of my staff—in their own time, I might add—did a lot of work in working out the rorting of the voting system undertaken by the Australian Labor Party at the time of the Mundingburra election. Those who follow political history will recall that it was a by-election held after the first election was inconclusive because of rorting of the electoral system by the Australian Labor Party.

As a result of the by-election, which was won at the time by the Liberal Party candidate, Mr Frank Tanti, the government of Queensland actually changed. So it was quite important. Had the rorting by the Australian Labor Party not been addressed and not been discovered and opened up, you would have had a government of Queensland that should not have been there because the election was a complete fraud insofar as that electorate was concerned. I have to say that was an electorate where we were able to gather the evidence. I am always concerned. At the time, a state secretary of the Australian Labor Party, Mr Mike Kaiser, subsequently entered Queensland parliament in a safe Labor seat. He was mentioned in inquiries relating to this fraudulent activity by the Australian Labor Party. He was subsequently required to resign his seat in Queensland parliament—not that it did him any harm, I might add.

A couple of years back, Senator Conroy, the Minister for Broadband, Communications and the Digital Economy, suggested to Mr Quigley, the head of the NBN, that if he was looking for a government relations/communications expert perhaps he need not look any further than, who else, Mr Mike Kaiser from the Labor Party, who had been involved in the shady dealings with the electoral system. Mr Quigley gave evidence that once the minister had suggested this person for a job, which I think was worth $350,000 or so—it may have been more than that—he thought that it was not necessary to advertise the position, to go out to tender or to get a job search agency to look at it. Lo and behold, Mr Kaiser was appointed to that very lucrative job. It always amazed me that they need a government relations manager, seeing as the NBN was totally a government organisation—I could never quite understand that. Nevertheless, Mr Kaiser was eventually compensated for the fact that he did not have a long-term career in the parliament of Queensland because of these allegations of electoral fraud.

I support Senator Ryan's proposal, which tries to tighten up the electoral system so that the sorts of fraudulent operations that we know the Australian Labor Party has indulged in in the past cannot happen. We often hear—said almost jokingly, such is the Australian way—'vote early and vote often'. There are clearly cases of people voting in other people's names. Now I do not say that every member of the Labor Party involves themselves in this sort of activity at every election, but what I do say is that there is documented evidence where this sort of thing happened once before. In that instance it was rorting, as I recall it, of the ALP's own voting systems that I talk about and, as a result of that, a couple of people including one ALP alderman on the Townsville City Council at the time ended up in jail. I always feel sorry for that particular person; I think she was the fall guy for bigger names who
found a scapegoat to wear the burden of what was exposed at that particular time.

I am concerned about these allegations. We know from reading articles, like the one I have quoted a couple of times already by Grace Collier, writing in the *Australian Financial Review* on 16 November last year, about some of the exposes she has related about the union movement and how they operate. There have been descriptions of some union officials as being bullyboys. Those of you that experienced the 2007 election—remember, that was the WorkChoices election—remember the ETU, amongst others. And I remember in Cairns quite clearly—and Senator McLucas might remember this too—where the ETU paid someone—and I will not say ‘bully’—to put maximum pressure on those who would support anyone but the Labor candidate. There were a few allegations made at that time. As I say, you read this article by Grace Collier and you hear of other incidents.

You look at what is happening with ICAC in Sydney at the moment with my namesake—and I always take the opportunity when I mention that to confirm to everyone that it is not me and he is no relation to me, although our names are spelt the same. Some of the dirty dealings that occurred in some of the elections that my namesake, Ian Macdonald, and Mr Eddie Obeid were involved in at the time would cause you to pause and think carefully. That is why I think it is very important that this proposal by Senator Ryan be seriously considered, particularly by the crossbenchers.

I would not expect the Labor Party to get too involved in it or to give it too much credence because, as I say, there are documented cases of the Australian Labor Party rorting the system. But the Greens are always on about probity and honesty in the electoral system, notwithstanding they are the recipients of Australia’s largest ever single donation of money from a businessman. There is nothing wrong with that of course, I might say; all parties depend upon donations. But it gets a bit hypocritical when the Greens blame everyone else for accepting money from big business and then they are the recipients of the biggest ever donation by a single businessman in the history of Australian polling. As I say, there is nothing wrong with that, but the Greens do often portray themselves in politics as the honest broker, the honest third party, and I cannot imagine why they would not be supporting Senator Ryan’s proposal. Certainly Senator Ryan’s proposal does not take things back. It does not make it any more difficult for a legitimate voter to get a vote. But it would help the system, and any activity, any action, proposal or initiative that confirms the honesty and integrity of our voting system is something that needs support.

**The CHAIRMAN:** The question is that items 8 to 23, 27, 29 to 31, 35 to 48 and 51 in schedule 1 stand as printed.

The committee divided. [13:24]

The Chairman—Senator Parry

Ayes ......................32
Noes ......................27
Majority.................5

**AYES**

Bishop, TM

Brown, CL

Carr, KJ

Collins, JMA

Crossin, P

Di Natale, R

Evans, C

Farrell, D

Faulkner, J

Feeley, D

Gallacher, AM

Ludlam, S

Ludwig, JW

Lundy, KA

Marshall, GM

McEwen, A (teller)

McLucas, J

Milne, C

Moore, CM

Polley, H

Pratt, LC

Rhiannon, L

Siewert, R

Singh, LM

Stephens, U

Sterle, G
AYES
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Thorp, LE
Waters, LJ
Wright, PL

NOES
Back, CJ
Bernardi, C
Boswell, RLD
Bushby, DC
Cash, MC
Colbeck, R
Edwards, S
Eggleston, A
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Humphries, G
Johnston, D
Kroger, H (teller)
Macdonald, ID
Madigan, JJ
Mason, B
McKenzie, B
Nash, F
Parry, S
Payne, MA
Ruston, A
Ryan, SM
Sinodinos, A
Smith, D
Williams, JR

PAIRS
Bilyk, CL
Abetz, E
Cameron, DN
Bransis, GH
Carr, RJ
Heffernan, W
Conroy, SM
Scullion, NG
Furner, ML
Joyce, B
Hanson-Young, SC
Ronaldson, M
Hogg, JJ
Boyce, SK
Wong, P
Birmingham, SJ

Question agreed to.

Senator RYAN (Victoria) (13:26): by leave—I move opposition amendments (14) and (16) on sheet 7360 together:
(14) Schedule 1, page 15 (line 11), omit the heading.
(16) Schedule 1, item 54, page 16 (line 3), omit "and 53".
We also oppose schedule 1 in the following terms:
(15) Schedule 1, item 53, page 15 (lines 12 to 14), TO BE OPPOSED.
At the outset I note that the amendments now being moved by the opposition with respect to the extension of the automatic enrolment provisions to the use of ATO data incorporate amendments that have also been moved and are listed by Senator Xenophon.

I would like to address a couple of the points raised earlier in the debate following my contribution about the opposition’s position on automatic enrolment. With respect, Senator Rhiannon and Senator Polley stated and/or implied that the opposition sought to keep people off the electoral roll. I am sick to death of coming into this place and finding out that the people on the other side have a window into my soul and determine my motivations. On this particular issue, I have been consistent, as have my arguments and all the criticisms I have offered of automatic enrolment. These ad hominem attacks that the Labor Party and the Greens throw up serve no purpose if we want to look at what is actually happening with our electoral roll. With respect, I do not think Senator Rhiannon should be going down the path of trying to interpret people’s motives for what they say and do.

I go back to the key point. I challenge anyone to find an easier form produced by the Commonwealth parliament than the electoral enrolment form. I challenge anyone to walk into a Medicare office, a Centrelink office or an office seeking some sort of licence to undertake business activity and find an easier form than an electoral enrolment form, which is an A4 page. The form to register a newborn with Medicare has 80 questions. So let us not pretend that there is in any way a burden or disincentive for people enrolling to vote. These arguments need to be recounted because of the slurs put upon the coalition’s consistent position time and time again by contributions like those from Senator Rhiannon and Senator Polley.

We have said that you have a legal obligation to enrol to vote and then you have a legal obligation to effectively vote. There
are some people missing from the electoral roll. There is some debate about the numbers, but let us not confuse people choosing not to exercise their right to vote with disenfranchisement, which is the conflation the Labor Party and the Greens try to come up with: that in Australia we have a system, prior to automatic enrolment or in those states where it does not exist, that somehow prevents people from exercising their franchise.

This is patently and demonstrably untrue. It is an insult to every other voter. It is an insult to the Australian Electoral Commission. Let us be honest about what people are on about here, which is seeking to circumvent the government's responsibility to pursue those who do not enrol to vote because it is just easier to start using technology and add people. Senator Rhiannon and Senator Polley attacked the coalition and said certain things about people whom we allegedly would not like to have the vote, despite there being no evidence supporting those accusations at all. It does make one wonder what their intentions are.

If we go back to what exists in Australia, we now have automatic enrolment. It is inevitable that a mistake will be made because nothing is perfect. When that mistake happens, the people who have constantly criticised this process and constantly warned of the mistakes can legitimately say, 'We told you so.' But I am sure there will be some sort of excuse and attempt to obfuscate and to avoid responsibility from the Labor Party and the Greens. Various other measures that are being put in place seem dedicated to preventing a paper trail which can be useful in determining whether or not there is electoral malfeasance going on.

I am humble enough to say that, if there are a million people not on the Australian electoral roll, that is more a reflection on the members of this place and the members of the other place than it is on any law in our country or the citizens for not complying with the law. If people are choosing not to enrol, then the government should have the courage to enforce the law and go after those people, as the Victorian Electoral Commission tried to do. But the government does not wish to do that. It wishes to surreptitiously increase the role and reach of the state by conscripting people onto the electoral roll.

We heard the complaint from Senator Polley that the reason we have had these people added to the roll was that in the past the Electoral Commission cleansed the roll. As it should, because I want my Electoral Commission taking people off the electoral roll if they are not entitled to be on it or if they are not entitled to exercise the vote at the address which they claim. That might just be an oversight because they forgot to change their address after they moved house. The AEC uses data-matching facilities to send people letters and remind them, saying: 'We understand you may have moved house. We understand that you have not changed your enrolment. Here is an opportunity.' There is a warning letter, saying: 'If you don't change your enrolment, we will strip you of your entitlement.' Letters are sent to old residences saying, 'Sign this and send it back to demonstrate that you still live there.'

Many Australians have gone through this. It is not a hard process to comply with, yet now under automatic enrolment the opposite happens because if the AEC is of the belief, after looking at various databases, that you should be on the roll and you are not or that you should be on the roll at a different location than the one which you are at, after they send you letters or an SMS or email and you do not respond, they will add you.
There is a major and significant difference to the integrity of the roll between adding people when they do not respond and removing them. The job of the AEC should not be mistaken as saying, 'We want to get everyone on the roll.' The job of the AEC is to maintain the integrity of the roll. There is a subtle difference there. Because if we start having people on the roll at places they are not entitled to be at because of mistakes by the AEC or mistakes by state government databases that the AEC relies upon when it compares births, death and marriages to the national database on citizenship ceremonies, to the state databases on school leavers or drivers licences or car registrations, would anyone in Australia have faith that all those are error free?

If people fill out a form as a citizen entitled to vote, we take that form at face value because a citizen has put their name to it and signed it. If they have not signed it appropriately, then they have committed an offence. But the government and the AEC and the Greens do not want to actually go after people who have not enrolled. They want to conscript them onto the roll and add them, quite possibly, without their knowledge. The experience of the last Victorian election is that—contrary to the wishes of those opposite and the Labor Party and the Greens—there was a much lower rate of voter turnout amongst those that had been automatically enrolled than there was amongst the general enrolment. That is to be expected. It is what you would expect from people who might not even know they have been added.

There was a statistic quoted earlier that, if someone has not voted at their first three elections, they are highly unlikely to vote at future ones. That may be the case. But does anyone seriously pretend that that is due to that person being denied the right to vote? I would suggest that person is going to a great deal of trouble to not enrol. That is more a reflection upon us as politicians than it is upon citizens or the Electoral Commission.

Why is this amendment so important? The coalition consistently opposes automatic enrolment. This represents an extension of it and a worrying extension. There has been a very good reason why there is a very strong privacy wall around ATO information. It is pierced occasionally but rarely. In fact, in this chamber and the other place only weeks ago, those of us on this side were being lectured by members of the government that those very privacy laws prevented the government telling us how much the mining tax had raised on the off chance that it might identify someone. Those were simple numbers about what revenue a tax had collected that people see twice a year in MYEFO and the budget papers. Yet now, after the government relented on the absurdity of that situation, we have this bill which proposes that the ATO data can be released to the Electoral Commission in order to facilitate the automatic enrolment process.

There is another risk here. I have the utmost respect for the staff of the AEC, despite the occasional disagreement. I have said before on the record that I think the AEC crossed the line and advocated policy when they supported automatic enrolment, because it was a contentious issue. That said, I think we can look at our electoral processes as some of the best in the world in terms of their administration. I think there are legitimate concerns about training of officials, about the budgets that are provided, about the length of time people are waiting and about the focus on issues like a so-called polling period rather than a polling day, but they are all within the bounds of what I would call reasonable debate.
The more we use external databases, the more we are not relying on people of the AEC, the more we are not relying on people who are aware of the sensitivity of the role of the AEC and of the information. I am not alleging anything here about the ATO; I am certain that their staff understand, probably more than anyone, the importance of privacy of ATO data. But I am also certain they are not trained in the code of conduct or appropriate behaviour for Electoral Commission staff, just as people at VicRoads or the New South Wales RTA would not be.

We are using sources of data that are collected for a different purpose, in this case the purpose of taxation administration, and we are giving it to another party. The opposition has constantly and consistently opposed this. In respect of the ATO, we are crossing another line, one which is actually about people's relationship with the Commonwealth, people's relationship with the tax office and whether or not it is appropriate that information be shared. I have long been a person who is very concerned about the data matching that goes on within the Commonwealth and state governments in this country and its impact upon privacy, and again I do not think there is a justification being made for this particular change.

The assertion that there are one million people missing from the electoral roll is made to imply that somehow they are being denied the opportunity to enrol to vote. No-one has come up with a single example to illustrate whether that is the case. The assertion that we need to maximise the number of people on the roll is seemingly made at the expense of legitimate concerns about integrity. And no-one can guarantee that these databases will not result in a mistake being made. That is not to say there is not a mistake now if someone has made a false assertion, but we have a trail by which that person can be pursued. If in a close election, like the McEwen electorate in 2007, we find out in a few years, after the operation of this automatic enrolment process, that 50 people out of an electorate of 105,000—I think that is what it was then—were mistakenly enrolled, when the margin after the count finished was a couple of dozen votes, what does that do for faith in our electoral system?

Anyone on the other side of this chamber who relies or who seeks to rely on the coalition not pointing out that flaw given our constant warnings about the risks of this approach will be hoping in vain. We will point out the flaws, we will point out why this was done, we will point out how often the warnings were made, and we will point out the fact that we made the point about flawed databases elsewhere. I am not particularly optimistic this afternoon about the success of these amendments, but I am hopeful that people will note that, yet again, the coalition is making the point that this is a flawed process and that the sharing of this data is not appropriate for an electoral roll that is an important document and is one that should be based on citizens asserting their acquired or born right to exercise their franchise in this country.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (13:40): The amendments being proposed to the Taxation Administration Act 1953 implement recommendation No. 3 of the 2010 report of the Joint Standing Committee on Electoral Matters following the general election. This amendment simply enables the Electoral Commissioner to receive personal information that was supplied to the Australian Taxation Office and use that information to commence a process of enrolment with that information. The ATO
information will be used alongside other sources of information, including Centrelink and drivers licence information, as well as the direct enrolment and direct update of enrolment provisions legislated by this place during 2012. These provisions are currently being implemented across Australia and allow the Electoral Commissioner to write to electors advising of his proposal to enrol an elector at a particular address. The elector then has 28 days to confirm or dispute the proposed action. Following the 28-day period, the Electoral Commissioner determines the appropriate enrolment action, including, when an elector does not respond, undertaking the proposed enrolment action.

ATO information through this process will be subject to all the same stringent checks undertaken with all enrolment activity aimed at ensuring and maintaining the existing very high level of integrity of the electoral roll. ATO information represents another source of information that will assist in identifying and enrolling eligible Australians, particularly younger Australians. The amendment does not allow the provision of anyone's financial information to the Australian Electoral Commission. This information is, of course, not needed for enrolment purposes. The AEC will not be the first Commonwealth agency to receive personal information from the ATO; other agencies also receive data for their purposes, including the Australian Bureau of Statistics, and Customs. The government will not be supporting the amendments.

Senator IAN MACDONALD (Queensland) (13:42): Again, having listened carefully to Senator Ryan, I would be urging the chamber to support the amendments proposed. I would ask the minister if she could address Senator Ryan's question about how—we were told this a little while ago—the ATO was incapable of providing information and yet in this instance it seems to be pretty easy.

I have not heard a lot from the Greens political party in relation to this particular bill and the amendments being proposed by the coalition. I would have hoped that the Greens political party, having portrayed themselves as the 'keeping the other lot honest' group within parliament, and always indicating how keen they are on the proper operation of the electoral laws, would be giving us the benefit of their wisdom on these amendments. Perhaps it is because the Greens do not come with clean hands.

I have referred to GetUp! before as foot soldiers for the Greens political party, much to the denial by the Greens political party that GetUp! is anything more than an independent community group. I think those of us who have ever dealt with GetUp! understand that it is really an element of the Greens political party. In fact, I remember at the last election in Townsville members of GetUp! were walking along the lines of people waiting to vote and illegally handing out Greens propaganda material. They were inside the gate. The Greens certainly take advantage of GetUp! and their supposed independence. Of course, that supposed independence cover was blown the other day when the former head of GetUp!, who I understand is now running as a Greens candidate in the ACT, published a flyer saying, 'Come along to the GetUp! Function to support our Greens candidate running for election.' I would be interested in the Greens' contribution to this debate on how those sorts of things could possibly happen. I suggest this shows the Greens political party do not come with clean hands when it comes to electoral matters. I think that incident in Canberra supports that, but I support the amendments.
Senator RHIANNON (New South Wales) (13:45): The emotive language that Senator Ryan used to justify the coalition's amendments opens up a window, giving us an insight into the coalition's approach. When you start talking about conscripting people onto the rolls, clearly that is not what is happening at all. What we have is an attempt by the coalition once again to muddy the waters and not to face up to their attempts to restrict getting people on to the rolls, which is clearly a responsibility of the government and the AEC. Now with the new technology that we all benefit from we can improve the very integrity of the roll. The language is quite misleading.

It is interesting that Senator Ryan then started dealing with the Australian Taxation Office. He said that he is concerned that they are not aware of the sensitivity. It certainly sounds as if he suddenly thought, 'Maybe I've gone too far,' because he followed that up by trying to appease, saying he was not alleging anything about the Australian Taxation Office. Clearly, there was an implication there, an implication that is in no way justified. No wrongdoing has been found with regard to how the personal data that the various government departments hold on us is managed.

We are all deeply committed to the issue of privacy and that needs to be followed, but to say that sharing is wrong, another favourite phrase of Senator Ryan, is plain misleading. We have the opportunity now for the ATO and the AEC to share data, so effectively we have an important extension of the direct enrolment provisions that we went through last year. Under those provisions, the AEC uses government data to enrol new voters and update existing enrolments without specific action by the voter.

I find very troubling the degree of effort that coalition members in this place and the other place have put into this, because it exposes their elitist attitude. We can improve the enrolment of people who find it tough for a whole range of reasons or whose chances of getting enrolled are reduced for whatever reason. These are equity measures, but the opposition do not want this improvement to the roll. This speaks volumes about their attitudes to people and to the democratic process. The Greens are very pleased to support these amendments.

Senator RYAN (Victoria) (13:48): I am not going to let the sledging go uncontested. I made absolutely no imputation—in fact, I went to a great deal of trouble not to—about the ATO staff. The point I am making is that they are not trained in the same way as the AEC staff. Anyone that asserts otherwise is simply not telling the truth. A person that works enrolling students at a school is focused on a very different set of priorities from those who are focused on maintaining an electoral roll, particularly about maintaining the impartiality of AEC staff. That is a compliment to the staff at the AEC, not a condemnation of any other staff anywhere. They are simply not trained in it because the data they collect is for a different purpose.

If Senator Rhiannon wants to lecture people in the implications of what they say then I am happy to say Senator Rhiannon should start explaining the implications of the BDS campaign she has been behind and the implications that has for Jewish Australians and the associations that group has had with people and movements that we do not advertise in this country.

The opposition have never said in this entire debate that we want to stop anyone enrolling to vote. We have never said that it is in any way an upside or a negative side of
automatic enrolment that more people will enrol to vote. To assert that is, again, to assert something that is patently and demonstrably untrue. What the opposition has said is that, contrary to what Senator Rhiannon outlined, it is not the responsibility of government to enrol people to vote. In fact, it is the legal responsibility of the citizen to do so, and it has been since compulsory enrolment and voting was introduced. So it is not the responsibility of government to do that, and I am proud to say as a Liberal that I do not think it should be the responsibility of the government to do that.

Senator Rhiannon—and the cohorts from the Greens who want to regulate what people say in a newspaper and who have no problem with a columnists being dragged before a court for an opinion they express—suddenly thinks the greatest burden we impose on the Australian people is filling out an A4-sized form to exercise a right to vote and to provide an evidentiary trail to make sure that we know exactly who has enrolled to vote and that we can pursue it if not. You can watch A Current Affair or any television program from Four Corners to 7.30 time after time and see that there are holes in government databases and, despite the best intentions and best efforts of the people at the AEC, no-one can say they will not make a mistake. No-one can, unless all of a sudden we have found human perfection in a form we have not found it in yet—and it would not surprise me if the Greens were going to assert that. So to come here and say that this is anything about people not being able to exercise a franchise is a complete and utter falsehood, and it further demeans an already demeaned political movement when they will resort to such lows and at the same time vote for laws that restrict the communication and handling of postal vote applications because they do not approve of that.

The coalition's opposition to this has been consistent; it has been based on the fact that we think there is a risk. At the same time we have supported education measures and enrolment measures. What we oppose is reducing the citizen to nothing more than a number in a database that the AEC can conscript onto the roll, and, while Senator Rhiannon denies that it is, no-one asserts that it is not happening without the choice of the voter. No-one is asserting that it is guaranteed to occur with their knowledge or consent, because that is impossible to guarantee. This is about adding people to the roll without any individual acting to do so. The impact of it is about removing a chain of evidence, and the inevitable consequence of it is mistakes on the electoral roll.

Senator RHIANNON (New South Wales) (13:53): Senator Ryan has certainly displayed a great sensitivity about this issue. On the one hand he talks about the concerns that he has, but what we have heard from him is that he makes out that he and his party are in no way committed to limiting, and nothing they are doing would limit, the number of people on the roll. But clearly that would be the result if you followed through on the final form that the coalition want this act to take. There is the right, and I believe the requirement, when you are a citizen of this country to participate in the democratic process. Clearly people have a choice, but what we are talking about here is the roll, and the sum of the coalition's position would limit the number of people on the roll. That is what it boils down to. For all the bluster that we hear from Senator Ryan, that is what we need to recognise. Again, he tried to cover his tracks by bringing in an extraordinary tirade that he engaged in about the current debate around the media, doing the running yet again for newspaper and media proprietors. Again, that shows the self-interest that is a theme right through
how the coalition is handling this. It is about effectively excluding people from the rolls. We have a real benefit that can come here to the democratic process by this sharing of information.

There is integrity in the process, there is a respect for privacy and it is a real step forward in what we are achieving here. The fight that the coalition is putting up and also the emotive language and the sensational comparisons that the senator has just made about the media debate, I think, are very revealing. So, again, the Greens certainly will not be supporting these amendments.

The CHAIRMAN: The question is that amendments (14) and (16) on sheet 7360 moved by Senator Ryan be agreed to.

The committee divided. [13:59]
(The Chairman—Senator Parry)

Ayes..........................30
Noes..........................33
Majority.....................3

AYES

Back, CJ
Boswell, RLD
Cash, MC
Cormann, M
Eggleston, A
Ferravanti-Wells, C
Heffernan, W
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Sinodinos, A
Williams, JR

Bernardi, C
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ruston, A
Scullion, NG
Smith, D
Xenophon, N

NOES

Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thorpe, LE
Waters, LJ
Wright, PL

Lundy, KA
McEwen, A
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

PAIRS

Abetz, E
Birmingham, SJ
Boyce, SK
Brandis, GH
Joyce, B
Ronaldson, M
Cameron, DN
Wong, P
Furner, ML
Ludlam, S
Carr, RJ
Bilyk, CL

Question negatived.
Progress reported.

MINISTERIAL ARRANGEMENTS

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:03): I inform the Senate that Senator Bob Carr, the Minister for Foreign Affairs, will be absent this week. He is in the United States attending meetings of the Security Council in New York and meetings in Washington. For question time this week, Senator the Hon. Joe Ludwig will take questions on foreign affairs and trade and Senator the Hon. Kim Carr will take questions on defence and veterans' affairs.

QUESTIONS WITHOUT NOTICE

Media

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): I think the safest place for ALP caucus members this week is to be overseas. My question is to the Minister for Broadband, Communications and the Digital Economy,
Senator Conroy. Given that the minister's proposed legislation clearly gives the Public Interest Media Advocate a role in determining what is and what is not in the public interest and given that this unelected official to be appointed by the minister will also oversee privacy standards, fairness and accuracy, how can the minister claim that this will not impose new restrictions on the media? And does the minister agree that what constitutes the public interest can be a matter about which different people can have genuinely different views?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:04): Unfortunately, the premise of Senator Abetz's question is deeply flawed in its description of the role of the advocate as an overseer. Let me be clear. Those opposite have the view of: 'Don't worry, the Press Council's been working fine now and over the last few years—nothing to look at over here. The Press Council is working fine.' But, if you look at the evidence given at the Finkelstein inquiry by two former chairs of the Australian Press Council and the current Chair of the Australian Press Council, a different story emerges.

For those opposite who claim that the advocate's job is to oversee the Press Council, let us listen to some people who have chaired the Australian Press Council. This is what Professor Ken McKinnon, a former chair of the Australian Press Council, had to say: 'I had an editor say to me: "If you promise not to uphold any complaints from my paper we will double our subscription. Is that a deal?"' This is evidence given to an inquiry chaired by Mr Finkelstein. This is public evidence. No-one tried to suggest it was a joke. Everyone heard the evidence.

Senator Abetz: Not relevant.

Senator CONROY: It is very relevant, Senator, because when you want to assert that there is an overseer function this is the sort of evidence which exposes the 'no problem over here, Mr President' line. What does Professor Dennis Pearce, a chair—

(Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:06): Mr President, I ask a supplementary question. I am not sure what that answer actually meant, but if the Public Interest Media Advocate has no role in determining what is in the public interest, as the minister sought to imply in that answer and, especially, on the Insiders program yesterday, why did the minister specifically include the words 'public interest' in the job title?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:07): Despite Senator Abetz trying to twist and turn his way through that question because he did not get the answer he claimed to be quoting—he was even reduced to saying 'implied in that answer'—what did the current Australian Press Council chair, Mr Julian Disney, say in his submission? He said:

… the possibility of reduced funding remains a significant concern, fuelled on occasion by the comments of publishers who dislike adverse adjudications or other Council decisions.

… … …

The Council’s almost total reliance on funding from publishers, and especially from a few major publishers, is widely criticised as a crucial detraction from its real and apparent independence.
So when those opposite say, 'No problems here with the Press Council, it's working fine— (Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:08): Mr President, I ask a second supplementary question. I refer to the announcement yesterday by the CFMEU that it is establishing a weekly news bulletin that will be synced direct to CFMEU members via an app on their smartphones. Given the government's renewed interest in censoring the media, does the minister intend to ensure that the CFMEU's new app is not used to communicate CFMEU rorts, extortion, thuggery and intimidation tactics in real time?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:09): That question probably reached a new low in trying to abuse trade unions and somehow tie it to freedom of the press. That question was a nonsense, an absolute nonsense. Let me be very clear: the criteria are set out very clearly. You need around 60,000 viewers— readers or viewers of the show—or you need 60,000 subscribers. Now, I do not know the membership base of the CFMEU, but if they were to be included then their publications would be just as covered and included as all the other proprietors' would be. This is a test across all of the sector. (Time expired)

Contracts Voluntary Exit Grants Program

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:10): My question is to the Minister for Agriculture, Fisheries and Forestry, Minister Ludwig. Minister, are you aware that regulation 9 of the Financial Management Act legally binds a minister or a decision-maker to authorise expenditure only if it is 'proper use' of Commonwealth resources? If so, have you referred to the Federal Police findings by the Auditor-General that payment of $3.59 million was made to 10 applicants under the Contractors Voluntary Exit Grants Program who did not provide the documentation to prove they were eligible, not even proving that they had ongoing contracts with Forestry Tasmania or in native forest logging? If not, why haven't you referred that matter to the Federal Police and will you do so?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:11): I thank Senator Milne for her question. DAFF worked quickly to establish the program to distribute the majority of funds within the timelines established. I think it is reasonable to put the facts on the table first. Potential applicants were appropriately informed and provided with timely access to the program guidelines and additional guidance materials. The department established detailed administrative arrangements to process applications and grant payments. The review that the department's own grants management manual developed was in response to those audits.

In relation to the claims, if Senator Milne does make any allegations and has any evidence of them, she should bring those to the attention of the authorities. Can I say that Senator Milne has made a range of allegations in the media over the weekend, but they do seem a long way away from the actual ANAO report itself. If you look at the ANAO findings themselves, in this case they made three recommendations: improve the quality and transparency of grant assessment processes for future programs consistent with the Commonwealth Grant Guidelines, provide advice for applicants of any significant changes to assessment processes.
or the methods used to determine grant offers outlined in the guidelines, and that the department develop compliance strategies consistent with the terms and conditions of funding.

Senator Milne has, as I indicated, made a range of allegations. If she does have any evidence to substantiate those allegations then I would encourage her to bring that to the attention of the authorities. I suspect that, again, it is Senator Milne using colourful language to make her point in respect of an ANAO report which, for all intents and purposes, referred to processes of the department rather than actual substantive matters. The program is one of low significance—(Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:13): Mr President, I ask a supplementary question. I thank the minister for his answer and I refer him to page 20 of performance audit report No. 22, where the 10 breaches were outlined. I ask the minister: are you aware that section 19, part 4, of the Financial Management and Accountability Act requires proper records be kept in relation to the receipt and expenditure of public money? If so, why didn't DAFF clearly record the basis of assessments of eligibility where applicants had not provided the required documentation? To which investigative agency have you referred this breach within DAFF?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:13): The ANAO report has made findings that go to the heart of best practice grants management. Senator Milne is, quite frankly, distorting the ANAO's report findings in her comments both now and last week, using what I would describe as a mode of language to describe the actions of the department and others. Her primary interest does seem to be smearing the reputations of officials in this endeavour. It seems to be that Senator Milne wants to smear the reputations of those who demonstrated their eligibility and have received an exit grant within the appropriate guidelines. For those not eligible and unsuccessful in their applications, it does appear that Senator Milne is playing politics with emotions and giving false hope to those people who may not have been successful in getting a grant. It is one of those attacks that I think are not appropriate for a leader of the Greens to be running. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:14): Mr President, I ask a further supplementary question. Again, I refer the minister to the report showing DAFF did not keep the records. Further, I ask: given that under section 134.2 of the Criminal Code it is a crime to obtain financial advantage by deception, have you referred Forestry Tasmania to the Federal Police with regard to letters written to support contractors' eligibility which were later revealed not to have been authorised? If not, why not?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:15): While the guidelines for this important program took some time to develop, to put this in context, once developed and finalised the program was implemented over a relatively short time frame. A number of the assessment processes were not consistent, it is conceded, with best practice management. The assessment plan was not finalised before the guidelines were published, but the ANAO had found no deficiencies to the degree that Senator Milne is alleging. But in this instance the ANAO report only found that there was room for improvement, and
the department has accepted that. Senator Milne or any other member of the community who has evidence to support the serious allegations Senator Milne is making should bring it forward, because it is a very serious matter to raise them and accuse the department of these misdeeds without those allegations being fully supported. (*Time expired*)

**Budget**

*Senator POLLEY* (Tasmania—Deputy Government Whip in the Senate) (14:16): My question is to the Minister representing the Treasurer, Senator Wong. Can the minister outline the approach the government has taken to getting stakeholder input into the 2013-14 budget? Is the minister aware of any alternative approaches to consultation on budget matters?

*Senator WONG* (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:17): The Treasurer invited in December last year Australians—businesses, community groups, individuals—to submit their ideas and priorities for this year's budget. However, the government has been very clear about our priorities, and they are to ensure jobs and growth are put first. Those are the values that Labor brings to the economic task.

Let us compare our values to those of those opposite. We got a taste on the weekend of what the coalition have been doing whilst bunkered down with their mates from the IPA working on some secret plans for draconian, deep and savage cuts. Let us remind ourselves of some of the things which the IPA are proposing—and I note that none of these have been ruled out by the coalition. They are proposing cancelling the first stage of the NDIS, abolishing the decision implementing the National Disability Insurance Scheme, abolishing Fair Work Australia—it goes even further than Work Choices—halving the staff of the CSIRO, cutting the general research budget by 40 per cent, cutting all Commonwealth housing programs, cutting all foreign aid excluding emergency, privatising the ABC—

*Senator Cormann:* More spending, more taxes!

*Senator WONG:* Here we go: this is an old coalition dream, to privatise the ABC—and abolishing the agriculture, forestry and fisheries programs. These are the sorts of ideologically driven savings they are poring over as they are bunkered down with their mates at the IPA. I notice that no-one on that side is ruling these out. (*Time expired*)

*Senator POLLEY* (Tasmania—Deputy Government Whip in the Senate) (14:19): Mr President, I ask a supplementary question. What are the principles that underpin this government's approach to consultation on the budget, and can the minister outline any alternative approaches?

*Senator WONG* (South Australia—Minister for Finance and Deregulation) (14:20): Of course, this government will always make decisions that are about growing the economy and creating jobs. We will take an open and transparent process to considering the submissions on the budget. What we have not done is sit down with a right-wing think tank and come up with a whole bunch of ideologically driven cuts. Let us remember who the IPA are, and what they say about the coalition. This is a quote from Alan Moran:

Some items have been discussed with Coalition politicians, many of whom are in agreement with the principles against which the list has been developed.

If you look at the IPA board it is no secret how close they are to the coalition—no matter the interjections from the other side. We see Michael Kroger and former senator...
Rod Kemp amongst the many who are involved in the IPA and whom we know have links.

**Senator Abetz:** Very good people.

**Senator WONG:** I’ll take the interjection—(Time expired)

**Senator POLLEY** (Tasmania—Deputy Government Whip in the Senate) (14:21): Mr President, I ask a second supplementary question. Will the government be taking on board all the ideas put into the public domain as part of the consultations for the preparation of the 2013-14 budget? If not, what priorities will the government be pursuing?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:21): Our priorities are very clear: jobs and growth—jobs for Australians and economic growth to lock in the prosperity for future generations. What we will not be doing is following the IPA and coalition approach. I raise this point: I was very interested to see on twitter today the IPA tweeting that sadly Senator Wong is not a fan of their suggested savings for the federal government. That is right. I do not believe in abolishing all housing programs, abolishing the NDIS, and hacking into the CSIRO.

**Senator Abetz:** Nor do we.

**Senator WONG:** Well, when are you going to rule them out? Because there has been absolute silence.

**Senator Abetz:** I just did.

**Senator WONG:** I am sorry, Senator, you are not the one making the decisions. Where is Mr Robb, where is Mr Abbott and where is Mr Hocky saying these cuts are not on the agenda? There has been absolute silence from the coalition economic team. They are the ones sitting down with the IPA. When are they going to come clean with the Australian people about what their plans really are?

**Media**

**Senator BIRMINGHAM** (South Australia) (14:23): It will come as a great surprise to the chamber to learn that my question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to his proposed establishment of the Public Interest Media Advocate which, under his ironically titled News Media (Self-regulation) Bill, will accredit the work of organisations like the Press Council and the Independent Media Council. Will the minister give one specific example to the chamber of egregious handling or dismissal of a complaint about a specific news story that he would have expected to have been prevented under his proposed reforms?

**Senator CONROY** (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:23): Senator Birmingham, because he is diligent as always, has actually said he is talking about the legislation. What the legislation demonstrates is that the public media interest advocate has no role at all, no legal role, arising from this legislation in dealing with individual complaints or adjudications. It has no role. So I want to congratulate Senator Birmingham because he does appear to have read the legislation and be asking a thoughtful question about the potential impact. I can assure you, Senator Birmingham, that there is not one word, not one sentence in the legislation that has the advocate having anything to do with any of those things. So congratulations.

**Senator Brandis:** Mr President, I raise a point of order on direct relevance. The question referred the minister to the
proposed establishment of the office and said: ‘Will the minister give one example of egregious handling or dismissal of a complaint about a news story that he would expect to be prevented under his proposed reforms?’ That is all he was asked—if he could give a single example. If there is no example he can say so. If there is an example he can say so. But he was not asked about the legislation; he was asked to give a single example of a news story that would be affected by it.

The PRESIDENT: There is no point of order. The minister is answering the question. The minister has a minute and three seconds remaining. The minister.

Senator CONROY: Thank you, Mr President. But let me give you an example of the behaviour of some newspapers that are members of the council and the type of issue that Senator Birmingham is asking about. This is the evidence from Professor Dennis Pearce, a chair of the Australian Press Council. What did he tell the Finkelstein inquiry? He said:

Indeed, we had one period when The Australian newspaper did not like an adjudication we made and they withdrew from the Council for a period of months.

Mr Finkelstein asked him:

Was that a direct consequence of a particular adjudication?

And the answer from Professor Pearce was:

It was indeed. They said that our adjudication was wrong, and they were not going to publish it, and they didn’t.

He went on to say:

It is the old story … you don't give the person who is going to criticise you too much money, because they’ll only criticise you better.

(Time expired)

Senator BIRMINGHAM (South Australia) (14:26): Mr President, I have a supplementary question. I refer the minister to his claims that his media reforms do not propose any changes to existing self-regulatory standards. Will the minister therefore be instructing his hand-picked Public Interest Media Advocate to accredit the existing operation of both the Press Council and the Independent Media Council without any changes to the code contents, standards, processes or membership?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:27): Again, unfortunately, Senator Birmingham possibly has not quite completed reading the legislation, as I thought he had so diligently, because it is quite clear in the legislation the minister can give no directives whatsoever to the advocate—none, zero. So those opposite on the one hand are claiming it is heavy-handed government intervention—‘You're regulating the standards’—yet your very own questions demonstrate, from your first question and now this question, you are actually arguing completely contradictory positions as usual. So the answer is that those opposite are not interested in having a press council that will actually look after the interests of ordinary Australians. They are interested in protecting the interests of the proprietors who do their best, as the evidence shows— (Time expired)

Senator BIRMINGHAM (South Australia) (14:28): Mr President, I have a further supplementary question. I refer the minister to his previous statements that these media reforms were a ‘take it or leave it’ proposition, with no negotiation to be entered into. With the Prime Minister backing down on this absurdity this morning, will the minister now back down on demands that all of these bills be passed by Friday, so that the public, industry and parliament can properly assess issues such as the impact of
the Public Interest Media Advocate on a free media?

Opposition senators interjecting—

The PRESIDENT: Order! Interjections are disorderly. When there is silence I will give the minister the call. The minister.

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:29): I reject the underpinning assertion on which that question is based. It is an attempt to misrepresent what the Prime Minister said. It is a total misrepresentation—and then you add the bile and you add all of the rest on top and you come up with that question. What is clear from this line of questioning so far is those on that side of the chamber want to see a further contraction in media ownership in this country. They would prefer to see fewer media owners than exist today. They, unfortunately and quite astonishingly, have decided—

Senator Birmingham: Mr President, I rise on a point of order. Seriously, in terms of relevance the minister has strayed a long way on this matter. The minister is now rambling about the ownership of media in Australia rather than dealing with the question which was specifically about the timing for the passage of legislation through this parliament and his commitment that it had to be done and dusted by the end of this week.

Government senators interjecting—

Senator Jacinta Collins: Mr President, I rise on the point of order: I make the point that several of my colleagues around have just done—that was not indeed the question that was asked, and Senator Birmingham knows that.

The PRESIDENT: There is no point of order. The minister still has 15 seconds.

Senator CONROY: Those on that side do not want to stand by and see a press council that is able to actually deal with complaints that ordinary citizens want to make. The press have enormous power and with that power comes responsibility. (Time expired)

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:31): My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Wong. In light of the fact that Newstart has now been found to be inadequate by the Senate inquiry last year, the latest round of indexation for those on Newstart has seen the base rate increase by just $4.40 per fortnight while the base pension rate has increased by $21.70 per fortnight. Single parents now living on Newstart will receive a whole $4.80 per fortnight. If they were on parenting payment single they would have received $19.60. However, it was announced last Friday that rents in Perth for the last quarter have gone up by 4.4 per cent or $60 per fortnight. How does the government expect those on Newstart and in particular single parents to be able to pay this increase and maintain secure accommodation?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:32): Obviously, I will make a number of points to start with. Newstart is designed to support people while they are looking for work. I am very conscious that this is an issue that a range of individuals in this chamber have looked at in detail. It is the case that it is very tough for people to live on low or fixed incomes. In terms of the indexation issues that have been
raised, they obviously predate this government. Indexation arrangements for allowances and pensions have been a longstanding feature of our social security system.

In terms of the position the government has taken, I want to make clear a few of the things that have been done to try to support particularly sole parents, who were referenced by the senator. I start by making the point that we on this side do believe that the best way you can ensure a family’s security is to support and encourage people into work. The evidence of intergenerational disadvantage that results from long-term unemployment is very cogent. The question is: how do you support people into work?

I make the point that this government has put in place a very substantial amount of assistance. For example, the government is investing some $5.9 billion and reforming Jobs Services Australia to target assistance to those most in need. Of the over 500,000 Newstart recipients, 150,000 get tailored assistance in training, skills development and work experience. The senator would also be aware of the taper rate changes which were part of the previous budget which ensure that sole parents moving onto Newstart retain more of every dollar they earn.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:34): Mr President, I ask a supplementary question. The minister did not adequately answer the question. I ask again: how does the government expect single parents to pay their rent when not only has rent in Perth gone up by $60 a fortnight but transport has gone up by 4.7 per cent, the basket of goods I bought last year when I was living on Newstart has gone up by 6.2 per cent and health has gone up by 9.5 per cent? How are these increases in cost-of-living prices offset by a measly 2.2 per cent rise in indexation?

The PRESIDENT: Order! That is a very long question. I call the minister.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:34): I suppose the first response would be that it would be incorrect to look at only one program to suggest that that was all particularly low-income families were receiving. The senator would be aware that there is obviously the family payment system, the school kids bonus that the government has put in place as well as a supplement which she may or may not have referred to in her question.

In terms of the priority for low-income families, you can see from the policies of the government, particularly the increase in the tax-free threshold, which is a very substantial reform to the tax system, that it is primarily geared at low-income Australians. Unlike the coalition, we do not believe that tax reform is simply about taking away from people on low and middle incomes. We have prioritised in the tax reforms that we have put in place and in the superannuation reforms we have put in place low-income families such as the ones to whom the senator refers.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:36): As I said, these indexation arrangements are not a reform put in place by this government; they are a pre-existing feature of Australia’s social security
system. I acknowledge there is demonstrably different indexation and therefore different outcomes depending on whether one is on a pension or an allowance. I, like many other Labor senators, have received representations in relation to that.

I again make the point that it would be wrong to look at only one allowance as the only way in which this government is providing support to low-income Australians and unemployed Australians. I also make the point—and I appreciate there is a difference of views between us and Senator Siewert and her party—that we do believe that the best way to alleviate family poverty is to bring people into the workforce, to engage people and to ensure people are participating. That is the Labor government's position and has been for many years now.

**United Kingdom**

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (14:37): My question is to the Minister for Human Services, Senator Kim Carr. Is the minister aware of any calls to adopt the so-called Big Society approach from the United Kingdom in Australia?

**Senator KIM CARR** (Victoria—Minister for Human Services) (14:37): Thank you, Senator Brown, for this question. I can advise the Senate that the opposition spokesperson for human services confirmed that the coalition will be seeking to adopt the approach of the United Kingdom Tories in terms of its application to service delivery in Australia. I can also advise the Senate that I recently had the opportunity to discuss the implementation of the so-called Big Society with British ministers, shadow ministers and community organisations. I can indicate to the Senate that the overriding impression that I have been left with as a result of those conversations is that, when the Conservative government were elected in the United Kingdom in 2010, they promised to expand the role of volunteers and to empower citizens, but what in fact they have given has been budget cuts and privatisations.

I understand how important the thinking of the British Tory party is to those opposite. They have always seen their guiding light as the high Toryism from London. What we have seen in the name of so-called strengthening of communities in the United Kingdom has been a 52 per cent cut to social housing development and a 25 per cent cut to community development. This approach undermines the various rhetorical claims that have been made about empowering citizens which, of course, we saw were a hallmark of Toryism in Britain. On this side of the chamber—

**Senator Brandis:** Mr President, on a point of order: I know it is unusual to take a point of order on the answer of a government senator to a question from their own backbench. However, with respect, Mr President, in relation to the standing order that prohibits questions asking opinions, can I direct your attention to the fact that this question asks the opinion of a minister about the policies of the Conservative Party in the United Kingdom. It is not relevant to his portfolio, nor is the question itself allowable.

**The PRESIDENT:** There is no point of order. The minister has 22 seconds remaining.

**Senator KIM CARR:** What I can say is that the Australian government is working with communities, particularly to strengthen those communities where there are very high levels of disadvantage. We have communities like Broadmeadows in Victoria and Bankstown in New South Wales. We are working with communities to improve the level of social and economic participation in this country. Of course, we cannot— *(Time expired)*
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (14:40): I thank the minister for his answer. My first supplementary for the minister is: from his discussions in the UK, can the minister further advise of what he has learnt about the impact of the UK’s so-called Big Society approach on community organisations?

Senator Ian Macdonald: That’s got nothing to do with his portfolio.

Senator KIM CARR (Victoria—Minister for Human Services) (14:40): This has everything to do with this portfolio, the portfolio of Human Services, which is about the delivery of services to the public of this country. It is very much about the approach that is taken to undermining the levels of participation in our society in economic or in social terms. What we have seen in the United Kingdom with those that have followed this practice of so-called empowering of citizens through this policy of the Big Society—a policy which is now being adopted in this country by those opposite—is that there has been a massive fraud. A massive fraud has been inflicted upon the people of the United Kingdom. What we have seen is the massive cutting of government programs, privatisations and, of course, the disempowerment of local communities. What we have seen is an approach which, of course, has meant that the architect of the Big Society, Phillip Blond, who was in Australia just last year, has managed to persuade those opposite to follow this course of action. (Time expired)

Carbon Pricing

Senator CORMANN (Western Australia) (14:43): My question is to the Minister representing the Prime Minister, Senator Conroy. I refer the minister to the story in the government’s favourite newspaper this morning reporting that Labor’s carbon tax is one of the main reasons why more Australian businesses are going to the wall than ever before. I refer the minister in particular to reports in the Daily Telegraph today that more than one business every hour is going to the wall across Australia now, corporate insolvencies are now 12 per cent higher than during the GFC—

Government senators interjecting—

The PRESIDENT: Just wait a minute, Senator Cormann.
Senator CORMANN: It gets them going, doesn't it?

Government senators interjecting—

The PRESIDENT: Order! No, Senator Cormann, I do not need comment. Those on my right, Senator Cormann is entitled to be heard in silence.

Senator CORMANN: Corporate insolvencies are now 12 per cent higher than during the GFC, with thousands of people losing their jobs, and factories which have stood for generations are forced to close their doors—all that, in large part, as a result of soaring energy bills caused by Labor's carbon tax. Does the minister agree that it is in the public interest for the Daily Telegraph to report that information?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:44): I was actually quite shocked—I somehow did not appear in the article. This is a classic case of the selective use of statistics, hysterical headlines and the misreporting of facts. The report in the Daily Telegraph today sounds more like the Leader of the Opposition's political scare campaign than factual newspaper reporting. To suggest that the carbon price is causing a catastrophe in the economy is plainly absurd.

So what are the actual facts? The Daily Telegraph say a record 10,632 companies collapsed in the 12 months to 1 March 2013 due to the carbon price. What they do not tell their readers is that during the same 12 months over 186,000 new companies were registered according to ASIC figures—more than 17 times more new businesses being formed than going insolvent. In fact, the number of companies going into administration over the 12 months to 1 March 2013 was lower than during the preceding 12 months, when only 10,815 went into external administration. Less went— (Time expired)

Senator CORMANN (Western Australia) (14:46): Mr President, I ask a supplementary question. Can the minister provide a guarantee that the world's biggest carbon tax was not a significant contributing factor in thousands of company collapses since the implementation of Labor's carbon tax?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:47): Since the carbon price came into effect over 118,000 companies have been registered—more than 20 every hour. The Daily Telegraph also neglects to mention that since the start of the carbon price, on 1 July last year, more than 130,000 extra jobs have been created—more than 20 every hour since carbon pricing started. Australia has retained one of the lowest unemployment rates in the developed world, at 5.4 per cent. The economy grew at an annual rate of 3.1 per cent in the year to December. Business investment— (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order! I remind honourable senators the time to debate this is at the end of question time.

Senator CORMANN (Western Australia) (14:48): Mr President, I ask an additional supplementary question. Given the Minister representing the Prime Minister could not present any evidence that the Daily Telegraph story is in fact wrong, and given Labor's carbon tax is already having such a devastating effect on businesses and jobs across Australia, why is the government pressing ahead with a further five per cent increase in Labor's carbon tax on 1 July 2013?
Opposition senators interjecting—

The PRESIDENT: Order! When there is silence we will proceed. On my left: when there is silence!

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:49): Business investment has continued at very high levels—

Senator Cormann: Why are you increasing the tax?

The PRESIDENT: Order! You have asked the question.

Senator CONROY: with almost $270 billion in confirmed investment into Australia's resource sector alone. The S&P/ASX 20, the share market index: what has that done? It has increased by 25 per cent. Those opposite ran this completely fraudulent campaign for most of the last two years about how we were going to wipe out Whyalla. Remember that? We had the cobra strike, we had all of that, and what have we seen in fact? Unemployment at 5.4 per cent, $270 billion of investment and 133,000 new jobs. (Time expired)

Health

Senator THORP (Tasmania) (14:50): My question is to the Minister representing the Minister for Health, Senator Ludwig. Can the minister explain to the Senate the Gillard government's vision for strengthening the health care system and is the minister aware of any alternative plans?

 Honourable senators interjecting—

The PRESIDENT: Order! Senator Ludwig, resume your seat. Wait a minute—you have not got the call. When those on my left and my right have finished their private discussions we will continue with question time.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): I thank Senator Thorp for her question. On this side of the Senate we are doing the right things by the health system and its patients. Since 2007, Labor has strengthened the health care system and our plans for the future are very clear: more doctors, more nurses, the building and rebuilding of our hospitals and GP services, expanding primary care and dental care, cancer prevention and better services, and our plans—

 Honourable senators interjecting—

The PRESIDENT: Order! I remind senators on both sides interjections are disorderly.

Senator LUDWIG: Our plans are in stark contrast to those opposite. As the Gillard government gets on with the job of governing, almost nothing is coming from the other side about the issue of people's health. Now the member for Dickson has come up with a bright idea. In the other place he has been caught out telling the Australian newspaper that he is going to do away with Medicare Locals. Their policy will cut $1.2 billion out of primary health care over three years. What a cruel, heartless excuse for a policy it is. Taking a leaf out of Premier Campbell Newman's playbook, the opposition have admitted that they are going to wield the axe—and we know who they will sack. Not the admin, not the CEOs; they will take the axe to 3,000 health workers—that is what they will do. This is all we get from the coalition—cuts in health. He will follow his past. Premier Newman in Queensland cut health and education and we will have Mr Abbott cut $1 billion out of the health system like he did last time. What do you think he will do if he is elected? He will
wield the axe like Premier Newman. He has done it before and he will do it again. Mr Tony Abbott, I think was, by all parts, one of the worst health minister’s in Australian history. It will be repeated— *(Time expired)*

The PRESIDENT: Order! I will give you the call when there is silence, Senator Thorp. You are entitled to be heard in silence.

Senator THORP (Tasmania) (14:53): Mr President, I have a supplementary question. Can the minister advise the Senate how local communities would be affected if the government’s Medicare Locals were abolished?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:54): Medicare locals employ doctors, nurses, psychologists, social workers, podiatrists, Aboriginal health workers and many other health workers like Medicare Local staff. They are responsible for planning and funding things like hours, GP services, mental health services and some childhood immunisation programs. But under Mr Tony Abbott these Medicare Locals—a critical part of our primary health system—would be gone. They would disappear. The health minister has said, and I agree, that it is very concerning that Mr Tony Abbott and Mr Peter Dutton have committed to scrapping Medicare Locals if the coalition wins government. It would be a sad day for health services, not only in Queensland but right across the country. At a time when patients require better primary care, the Liberals want to slash 3,000 front-line services from the health department. We need to be very clear— *(Time expired)*

Senator THORP (Tasmania) (14:55): Mr President, I have a further supplementary question. Can the minister outline to the Senate exactly what kind of services will be lost as a result of this change?

Senator Ian Macdonald: Mr President, I raise a point of order. Hypothetical questions are not allowed. Can you please explain to me how this could possibly be allowed as a question: ‘What might happen in the future if something happens?’ It is purely hypothetical and should not be allowed.

The PRESIDENT: There is no point of order.

Honourable senators interjecting—

The PRESIDENT: Order! I have said there is no point of order. I am saying it is within the standing orders. I am allowing the question to stand. I am calling the minister to answer the question.

Senator Ian Macdonald: Mr President, on the point of order: I am asking for a ruling from you—

The PRESIDENT: I have ruled that the question is in order; Senator Macdonald. I am not going to be badgered. Senator Ludwig.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:56): Thank you, Mr President. I thank Senator Thorp for her question—and that is the result from those opposite: all they want to do is harp on and harp on. What they do not want to do is deliver policy for Queensland or for Australia on health. Our Medicare Locals do a great job. All those opposite want to do is cut, cut and cut services: cut out of health, cut out of education, cut out of social services. Some of the programs Mr Abbott has in the firing line are great initiatives. In the firing line we would see the Lower Murray Medicare Local, who are working with the Royal Flying Doctor Service to help transport Indigenous persons with chronic
health—you would have that scrapped. If you get rid of Medical Locals, that is what would go. In the firing line is Footprints, a program targeted for the homeless community in my home state of Queensland, allowing them to access to primary health care and advanced care planning. If you got your way, that would be gone as well, cutting those services. It does seem to be Mr Tony Abbott's vision— (Time expired)

**Budgets**

**Senator FIFIELD** (Victoria—Manager of Opposition Business in the Senate) (14:57): My question is to the Minister for Finance, Senator Wong. The present Labor administration has delivered five budgets covering the financial years 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13. Can the minister advise the Senate—

**Senator Conroy** interjecting—

**The PRESIDENT:** Order, Senator Conroy! Senator Fifield, you are entitled to be heard in silence.

**Senator FIFIELD:** Thank you, Mr President. Can the minister advise the Senate how many of these budgets forecasted surpluses at the time of their presentation to the parliament?

**Senator WONG** (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:57): I am sure the senator could easily jump on the Treasury website and have a look at past budgets. All of this information is on the public record. But I would make the point that the senator seems, as the opposition often do, to have forgotten a thing called the global financial crisis. It is quite extraordinary the way those opposite seem to airbrush that.

**Senator Abetz:** How can this be relevant?

**Senator WONG:** I will take the interjection from the Leader of the Opposition in the Senate. How can this be relevant? Why don't you go to Washington and say, 'How can this be relevant?' Why don't you go to Brussels and say, 'How can this be relevant?' This is ridiculous.

**Senator Fifield:** Mr President, I raise a point of order on relevance. The question was very straightforward: can the minister name which financial years the government forecast a budget surplus in their budgets?

**Senator Jacinta Collins:** Mr President, on the point of order: of course the answer the minister is giving is relevant to this question. She is providing very relevant context to any question around our economic standing and, indeed, our position with respect to a surplus.

**The PRESIDENT:** Order! I am listening closely to the minister's answer. The minister still has one minute 22 to answer the question and I will listen closely to the minister's answer. There is no point of order at this stage.

**Senator WONG:** If I could explain the relevance—obviously I need to—the fact that the government had to alter its fiscal strategy—

**Senator Ian Macdonald:** He didn't ask you that.

**Senator WONG:** Fiscal strategy is relevant to budgets, Senator. That might be news to you, but the fact that the government had to alter its fiscal strategy to respond to the global financial crisis is entirely relevant to this question and entirely relevant to the jobs which have been created, the jobs which have been saved and the growth which has been maintained as a result of those fiscal decisions. Those opposite might want to jump up and take pathetic points of order to try to make themselves look like they are part of a schoolboy debating team—I use
'schoolboy' advisedly until Senator Fierravanti-Wells might stand up!—but it demonstrates their complete lack of understanding of what this economy faced during the global financial crisis—

**The PRESIDENT:** You need to come to the question, Minister.

**Senator WONG:** which, of course, resulted in the government making a decision in previous budgets to put stimulus into the economy.

**Senator Brandis:** Mr President, I rise on a point of order on the question of relevance. This was the only question: can the minister advise the Senate how many of this government's budgets forecast surpluses at the time of their presentation to the parliament? You did a few seconds ago ask the minister to come to the question. She entirely ignored you. She has got 15 seconds left of the time available to her. She has had plenty of context. Now can she answer the question? How many budgets forecast a surplus?

**Senator Conroy:** Mr President, on the point of order: Senator Wong is giving a comprehensive response, not a little twee 'give us one word, yes or no', not a little twee 'give us the answer that we want'. Senator Wong is comprehensively debunking the question that she has been asked, and I ask you to rule there is no point of order.

**Senator Fifield interjecting—**

**The PRESIDENT:** Order! Senator Brandis was quite correct: three seconds ago I did draw the minister's attention to the question and the minister still has 15 seconds. I do draw the minister's attention to the question. I cannot tell the minister how to answer the question, though. That is something I cannot do. Minister, you have 15 seconds.

**Senator WONG:** Thank you. As I said, all of this information is available on the Treasury website. It is well known that in 2012-13 a surplus has been forecast. It is also well known that the Treasurer has made very clear, as a result of what is occurring with revenue—*(Time expired)*

**Senator FIFIELD** (Victoria—Manager of Opposition Business in the Senate) (15:02): Mr President, I ask a supplementary question which may be a little more straightforward for the minister to answer. Can the minister confirm how many of the government's budgets actually resulted in a surplus?

**Senator WONG** (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:02): As the senator knows, this government has steered the Australian economy through a global financial crisis. That did include putting stimulus into the economy. If those opposite want to oppose that, they can explain to Australians why they think more people unemployed and an economy in recession is good economic management. They can explain that to Australians, because it is absurd.

In reaction to the 2012-13 budget I make this point: we have been up-front with the Australian people that, given what is happening to revenue and given what is happening to nominal GDP, a surplus is unlikely, and we will not cut spending to offset revenue downgrades if that would—

**Senator Fifield:** Mr President, I rise on a point of order on relevance. The minister has partially answered the question—she reluctantly conceded that it is unlikely there will be a budget surplus in the current financial year—but she still has not answered the question in relation to the previous financial years. The question was:
how many budget surpluses has this government actually delivered?

Senator WONG: I refer the opposition to the medium-term fiscal strategy, which was outlined—

Senator Brandis: Mr President, I rise on a point of order. The minister has got only three seconds left in her response. It doesn't actually take three seconds to say 'none'! Perhaps the minister is embarrassed to say 'none', but that is the only directly relevant answer to a very specific question.

Senator Conroy: Once again those opposite demonstrate their arrogance. They stand up and say, 'She will answer this way.' Mr President, that point of order has nothing to do with the question. The point of order is utterly without foundation and should be rejected.

The PRESIDENT: I have already said I cannot instruct the minister how to answer the question. I stand by that and invite the minister, in the three seconds remaining, to address the question.

Senator WONG: I was referring, in an effort to help those opposite, to the 2008-09 fiscal strategy. *(Time expired)*

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:05): Mr President, I ask a further supplementary question. Minister, will you and the Treasurer go to the next election never having had your names on the cover of a budget that achieved surplus? How long will you and the Treasurer continue to blame every variable other than your own decision making for the failure to achieve a single budget surplus?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:05): It is interesting, isn't it, that those opposite do not want to talk about the unemployment rate? They do not want to talk about the over 920,000 jobs this government has created. Another who definitely does not want to talk about it is on his feet. You hate the good news, don't you?

Senator Ian Macdonald: Mr President, I rise on a point of order on relevance. How can this minister lecturing us on what we should have asked her possibly be said to be an answer to the question that she was asked? Don't say you cannot direct her what to do; you can sit her down if she is not complying with standing orders.

The PRESIDENT: There is no point of order. The minister has 44 seconds remaining to address the question.

Senator WONG: What those opposite are, in fact, arguing is that the government should not have put stimulus in the economy, the government should not have saved jobs, the government should have put 200,000 people and their families on the unemployment scrapheap and the government should have put the economy into recession. That is the Liberals' economic plan: let us put the economy into recession and let us put people on the economic scrapheap. That is not the Labor way. We are for jobs and we are for growth.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Media

Senator BIRMINGHAM (South Australia) (15:07): I move:
That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senator Birmingham today relating to proposed media legislation.

Both of those questions related specifically to the matter of media regulation. What we have in regard to media regulation is a tale of fact and fiction—a sorry and sad tale of fact and fiction—where the fiction that we are hearing comes from Senator Conroy's rhetoric in this chamber, in his various media interviews and in his diatribes, wherever he goes, about his proposed media regulation. The facts are found in the more-than-130 pages of legislation released last Thursday that demonstrate what a Trojan Horse for government intervention Senator Conroy's proposed new bureaucracy is. He is seeking to establish outrageously sweeping and potentially interventionist powers in government legislation.

Let me just deal quickly with three fictions told by those opposite—and Senator Conroy in particular. Firstly, and quickly, is the fact that this is not about vengeance or targeting anyone. That would be news to anybody who, like I, sat through the two different committee hearings that took place this morning in this parliament into media regulation. In the joint select committee, Mr Murphy of the other place sat there and, on every single occasion where he was given the call to ask questions, asked questions solely about the Murdoch family's media interests. Nothing about the detail of proposals under consideration of the committee; he was focused purely on the Murdoch family. Senator Cameron, chairing this Senate's inquiry into the legislation, ensured that when he was asking questions in the other inquiry there was a very clear focus that came back to the operations of News Limited. Today we saw Senator Cormann—whom I congratulate on the new arrival in his family—show a front page of today's Daily Telegraph, and you could see from Senator Conroy, when he was responding to News Limited's latest demonstration of the facts in terms of the impact of the carbon tax, that he just wants to shut down on this type of free speech and free media in Australia.

The next fiction from those opposite was the claim from Senator Conroy that the opposition would be consulted as to who would be appointed as his Public Interest Media Advocate and the statement that he did not believe that former MPs would be appropriate to be consulted. Yet, if you look at subclause 8(2) of the Public Interest Media Advocate Bill, it is very clear that anybody who has substantial experience or knowledge, or substantial standing, in the fields of media industry, law, business or financial management, public administration or economics could be appointed. There is no requirement to consult anyone other than ACMA or the ACCC, and certainly no requirement to consult the opposition—unlike what Senator Conroy guaranteed—and you could very clearly appoint any former MP if you wanted. In fact, as was canvassed in one of the hearings today, the former Attorney-General Ms Nicola Roxon could even be appointed. That would, of course, hardly be a demonstration of government impartiality in management of the media, though it is quite possible under Senator Conroy's legislation.

Senator Farrell interjecting—

Senator BIRMINGHAM: There we have Senator Farrell saying, 'It would be a good choice.' That is what this government would love to do: they would love to appoint Ms Roxon, or her type—and we have seen her approach to interventionist regulation—to go and regulate Australia's media content.
The last fiction of those opposite is that the minister says there will be no changes to the existing operation of the Press Council or the Independent Media Council. Yet, when asked today whether he could guarantee that and whether there would be any instruction to this new advocate, he could not answer. In fact, this new advocate will have sweeping powers to determine whether or not the codes of those two bodies meet requirements of privacy, fairness and accuracy, whether their complaints-handling processes are effective and the extent to which their standards reflect community standards. These are completely sweeping and vague terms that leave almost unfettered power within the hands of this sole person, this sole arbiter—from which there is no right of appeal—to determine how our free media in this country is regulated.

We see here that the facts tell a very different story from what Senator Conroy is saying, and once again we see this government with a complete desire to exact its vengeance on the media in this country. (Time expired)

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:13): I respond to the proposition of taking note of these answers. I have to say that I would much prefer to be talking on something that is far more relevant to the Australian community, and that is to take note of two specific answers in question time. Both of those related to media regulation and, much as Senator Polley may wish to canvas her question during question time, there is an opportunity for her to move a motion later on if she so wishes.

The DEPUTY PRESIDENT: Thank you, Senator Birmingham. Senator Polley, I will draw your attention to the matter before the chair at the moment. I was giving you time to develop your arguments.

Senator POLLEY: Thank you very much, Mr Deputy President. I am developing my argument. I am painting a picture for the Australian community of what it would be like if those opposite were ever to sit on this side of the chamber.

We know that one of the most fundamentally shifting changes that will be made in this country as far as disability services are concerned will be threatened by those opposite. They will cut—and we know because this is coming from the brains trust themselves—the first stage of the National Disability Insurance Scheme. We also know that they will abolish Fair Work Australia and Safe Work Australia.

But if we do turn our minds to the answers given today in relation to media reforms, we know that what the government has announced has been welcomed by mass hysteria from those opposite. You can write the script for them now—mass hysteria! Do not put the facts on the public record! But I will do exactly that. This government, in
fact, the Labor Party, actually supports free speech, as we all know. The public understands that. But we also support accurate reporting, that there should be more Australian content on our televisions and that there should be no further reduction in media diversity. We also support the expansion of the capacities of the public broadcasters. These are the things, fundamentally, that the government supports.

No-one underestimates the importance of the role the media plays in providing the community with correct information. The operative words there are 'correct information'. People in the community rely every day on the news that is provided to them, whether it is in papers, through social media, through the internet or whatever form of media. But it cannot be misleading and it must be accurate.

If you support diversity in the media and the upholding of press standards, then you will vote in support of the government's reform. Let us not forget that our package also includes items that go to increased Australian content for multichannels on your television, promoting Australian stories, updates to the ABC and SBS charters to ensure they can deliver services on platforms other than television and dedication to the public spectrum of community television. We know that those are very important elements in this bill.

But as I said, the response to this reform package has been one of hysterical proportions from those opposite. All we are doing is seeking to promote the principles of privacy, fairness, accuracy and diversity. The government passionately believes in the freedom of the press as a cornerstone of our democracy. That is the reality of the situation. At the same time, the government believes that in a democracy a diversity of voices within the media is essential. We all agree on that. The government's reform will support both of these important principles.

Media organisations are provided with certain exemptions from privacy legislation. The organisations obtaining these exemptions will be required to have satisfactory processes for enforcing media standards and handling of complaints. What is wrong with that? What is wrong with ensuring that complaints are handled in a process that is transparent? The government's proposal is that industry self-regulation is the appropriate pathway. The Office of the Public Interest Media Advocate's role is limited to authorising the schemes proposed by the industry. I cannot reiterate strongly enough that there is no way the minister can actually interfere in the daily directions of that role. So none, no direction—

Senator SMITH (Western Australia) (15:18): I also rise to take note of answers given by Senator Conroy today to questions asked by Senator Abetz and Senator Birmingham. There is an atmosphere of tension and suspension in this building today. Everyone is keenly watching and waiting, eager to see which will be the first to go: Senator Conroy's media reforms or the Prime Minister's position as Labor leader. Already we have heard about dissension in the ranks. Indeed, by her own admission Senator Polley just said that there were more important issues than this: a clear defiance of the government's legislative priorities. We heard it first in this place, just a few moments ago.

When the book is finally closed on this sorry, shambolic Labor government, the period from December 2007 to September 2013 will not be remembered as a golden era for public policy making in our country. The list of abandoned schemes and embarrassments grows ever longer, yet the
list of genuine achievement remains woefully short. The media reforms are just the latest effusion from a government that first lost its way, then lost its majority, then lost its values and has now lost its mind.

This proposal has broad ramifications for the operation of our media and, I would argue, disturbing ramifications for the operation of our democracy. Yet when it comes to the legislation, this government is behaving as though we are dealing with some minor, non-controversial technical legislation and refusing to allow anything resembling adequate scrutiny of the legislation by this parliament. The Prime Minister and Senator Conroy are treating this parliament with Olympian disdain.

As we have learned, it is not just the parliament the minister is treating with contempt; we now know that this legislation was not properly examined by the cabinet, we know that the media companies were not consulted in the preparation of the legislation and we know that the government has thus far been unable to point to a single clear example of the problem in the media it claims as a rationale for this legislation. I think it is important to reflect on the comments sent to senators just in the last few hours by the chief executive of News Limited, Mr Kim Williams. They are not a secret—they were sent to all senators in the last few hours. Mr Williams, in a letter to the minister, Senator Conroy, says:

The Bills constitute bad law.

... ... ...

Some of the problems in the Bills include the fact that they apply retrospectively, key legal concepts remain undefined, long established legal principles have been trampled on and the Bills establishing the PIMA make it clear that the PIMA's decisions cannot be repealed. It is also clear that the PIMA may release confidential information to you and your successors with no explanation.

So the chief executive of News Limited has said publicly that these bills constitute bad law. I spoke last week about the Orwellian overtones of the government's proposals in this legislation. Those of you who have read 1984 will understand that the concept of doublethink is central to that novel. George Orwell defined doublethink as being able to tell deliberate lies—

Senator Farrell: You wouldn't know a communist if you fell over one.

Senator SMITH: You might be interested in this. George Orwell defined doublethink as being able to tell deliberate lies while genuinely believing in them, and to forget any fact that has become inconvenient. I cannot be certain that the minister genuinely believes in anything he is saying, of course, but he has certainly got the part about forgetting inconvenient facts down to a fine art.

We have seen doublethink and doublespeak from this government time and time again. In relation to these proposals, we have had Minister Conroy prattling that these reforms are somehow designed to protect diversity. Apparently, the suppression of views that this government finds objectionable will somehow lead to improved diversity in our media. This is actually the crux of the government's thinking: fewer voices means more diversity. That kind of logic sits nicely with the party slogans on the Ministry of Truth's walls in 1984:

War is peace. Freedom is slavery.

Perhaps the slogan from the Ministry of Truth that really appeals to this minister and this government is the third one:

Ignorance is strength.

That would certainly explain the manner in which Senator Conroy is treating his cabinet and caucus colleagues in relation to this significant matter. It would explain the way
the government is treating this parliament, and through it, the Australian people. *(Time expired)*

**Senator URQUHART** (Tasmania) (15:23): I rise to take note of answers by Senator Conroy on the government's media reforms—reforms that have been taken way out of context by those opposite. Their language reminds me of their Chicken Little-like carry-on during the debate on pricing carbon.

These reforms strike a balance. We need to be clear here: the reforms proposed are not an attack on freedom of speech; these reforms are not rushed. There has been significant debate in the Australian community for many years, including two significant reviews conducted recently; a debate about how self-regulation of the media is working and how it is not working; a debate about local content on our screens, about hearing Australian voices and telling Australian stories; and a debate about the ownership of media organisations, about whether there is a need for a diverse range of owners to provide a diverse range of options.

The government has listened to these conversations and to the significant reviews, and has presented a reform package that reflects these. What the government is not doing is responding to the way those opposite are seeking to frame the debate. The government is not directly regulating what a journalist says. The current self-regulation, through the Press Council, is not working as well as it should. We are proposing to fix this issue to enhance the resources of self-regulation in order to give the Australian public more confidence in the news organisations that provide them with vital information about our society and ensure this information and the commentary associated with it is fair and accurate.

The new Public Interest Media Advocate will be a part-time role filled by the government on consultation with the opposition. The advocate will work with print and online media to ensure that journalists and news organisations are living up to the standards and codes of practice they have set up. For so long, we have heard that the current self-regulation system in the print media is not working. We hear that complaints are not followed up seriously and that breaches do not matter because there are no credible sanctions for breaking the codes of practice. We believe in a free and fair media, but we also believe in a government's role to assist the community in areas of concern. The Public Interest Media Advocate will also play an important role in regulating media ownership. As we are all aware, media ownership is already regulated but with structural changes within the industry, including the increase in online media, there is a need for a change to the system.

Australians know that a diversity of media ownership assists in promoting a diversity of views, opinions and ideas, and enhances the system to ensure that strong diversity in media ownership actually improves free speech. It does not diminish free speech, as those opposite continually state. There is a real risk in this country that over time there will be fewer and fewer organisations in charge of our news. This limits our nation's ability to have quality debate on the issues of significance or, in the language of those opposite, fewer news organisations limit our freedom.

Just as diversity of opinion is fundamental in news media, it is also vital that many Australian stories are told on our airwaves every day. Many people I speak to are concerned by the spread of more and more cheap overseas television, mostly from the USA, which tells American stories and uses American phrasing. More Australian stories
on television will mean our kids are growing up with crocodiles not alligators and meat pies not hot dogs. It will mean that our sense of an Australian identity will be further strengthened as our televisions move to high-definition digital and the network capacity allows for far more than the old five traditional stations.

The changes to the ABC and SBS charters bring these into line with the digital media services provided by these stations. We do have social media in 2013. We do have program delivery over the internet. It is important that the charters of our public broadcasters reflect these usage patterns. The changes to the charters reflect the role of our public broadcasters at the forefront of the Australian media transition to a new digital environment, once again, delivering on enhancing opportunities for debate, for discussions and definitely not limiting freedoms. These reforms have been taken way out of context by those opposite. At every turn, the opposition seek to strike fear into the hearts of the Australian people. The reforms proposed are not an attack on freedom of speech. They are not rushed. They will deliver well-considered reform to our media industry. (Time expired)

Senator RUSTON (South Australia) (15:29): I too rise to take note of answers given by Senator Conroy to questions asked by Senator Abetz and Senator Birmingham, mainly in response to the package of media reform bills. I only wish that I was as confident as Senator Urquhart of the intention of these particular reform bills in their ability to deliver such things as an increased amount of Australian content in our programs. I also wish that I was as confident as she was that it was not an attack on our freedom of speech and freedom of the press.

I notice that in many of the responses on the other side to this particular line of questioning today we keep on being referred to as ‘this side’. It is not just this side making an issue of these reforms. It seems to be everybody in the media—the hundreds and hundreds of people who have trekked up here today to sit in front of the many inquiries that are going on—who seem to have a problem. So it is rather unusual that the blame seems to be on this side of the chamber for making any complaint. I would suggest that the complaints about this package of reform bills are much wider than just us.

The control of the press only by these bills is quite odd when you consider the amazing change in the media environment in recent times in social media. We do not appear to be addressing anything to do with social media, only the press. I contend that the social media actually provides a wonderful opportunity to assess what is going on and hold the media accountable. Instead, this particular range of bills seeks to appoint the Public Interest Media Advocate, a single person appointed by a minister who has direct control. It appears to me somewhat anomalous that this is the case.

I would also contend that this appears to be a direct conflict of interest. We have a government that is going to appoint a Public Interest Media Advocate to scrutinise the very media who may possibly want to criticise that government. As we all know, whether we are in government or in opposition, the media often criticise justifiably. So here we have the media that is possibly justifiably criticising the government, and then the government has the Public Interest Media Advocate who can then stand in judgement over that criticism. When it comes to the Public Interest Media Advocate, it appears as if there is no right of appeal against a finding of this advocate.
Decisions do not appear to be subject to review. And what are the selection criteria? I heard Senator Birmingham speaking before about this. The person who could end up being the Public Interest Media Advocate could just about be anybody at all because of the wide-ranging selection criteria.

And what of the cost? This is just another person, another burden, another thing that has been put in on top of what is already an overburdened environment out there. Then there is the timing of these bills. I would question why after two years of debate and inquiry and the like that, all of a sudden, we have been given only a week to look at the suite of measures that supposedly have come back as a result of this process. Why? What are we trying to hide? What are we trying to push through? Why are we in such a hurry? The cynical amongst us would suggest that we want to try to shut down the media in the lead-up to the election—but maybe that is not fair. Or is it merely retaliation for some unfavourable media reporting of recent times? Is it a matter of: I do not like what you are saying, so we will shut you down? Maybe the minister should think about fixing some of the problems that are already out there before we start coming up with new ideas.

I would just quickly like to draw the chamber's attention to the 2012 budget decision by the Gillard government and Senator Conroy when they forgot the $1.4 million per annum of funding to keep digital community radio alive. The government allocated $11.2 million in funding to plan, design, implement and operate infrastructure for community digital radio over three years. Community radio was assured that the introduction of this infrastructure would not cause them financial hardship. However it appears, according to some correspondence I have from Fresh FM about their audited accounts, that this is actually not going to be the case. It is going to have a major impact on the transmission expenses and will increase them significantly. How can we be expected to make good and informed decisions and sensible decisions on the issues that we have before us when we have not been given any time to consider these very fundamental and important issues, and with half the information, and very little time whatsoever to consider it?

Question agreed to.

**Contractors Voluntary Exit Grants Program**

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:34): I move:

That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Milne today relating to the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program.

This was a program of $44 million of taxpayers' money that was to go into Tasmania to basically help people exit the Tasmanian public native forest industry. The department estimated that the $44 million would result in the order of 1½ million tonnes from both harvesting and hauled wood exiting the industry. The whole point of that was to enable forests being saved to go into protection and people to be paid out of the industry. That was the reason it occurred and that is why it should have been properly oversighted.

I have to say, Mr Deputy President, this is deja vu. I do not know how many times I have brought the administration of grants programs by DAFF into this parliament, into the rural and regional committee, and every time in response to these audits they say to the National Audit Office, 'Oh yes, we will do better next time,' and they never do better next time, and in fact they do worse.
On this particular occasion, and contrary to the minister saying that I do not have the evidence, I was actually quoting from the Auditor-General's report. The report said that 10 applicants had been offered grant funding totalling $3½ million, despite not providing the required documentation to demonstrate eligibility. In fact they could not even demonstrate that they had an ongoing contract to log native forests. How is it possible that they get paid out $3½ million when they cannot even demonstrate that?

In two cases, two applicants scored zero on a score of zero to 100 in terms of merit, and yet they were deemed appropriate to be paid out. Meanwhile, people who scored a merit of 92—so they clearly had been able to demonstrate that they were logging native forests and were entitled to a payout—got less than they were entitled to in order to facilitate the payments to people who were not entitled to them. How is that fair or reasonable?

What is more, in relation to Forestry Tasmania—and this is where I do believe that there has been a criminal offence and that is why I am going to report it, and the minister should have reported it—evidence of support contributed to the applicants' merit score. They needed to prove that they had an ongoing contract to log native forests. Forestry Tasmania gave them a letter to say that they had an ongoing contract and on that basis they applied for exit. Then Forestry Tasmania notified DAFF that all letters of support provided to their contractors were not duly authorised and should be disregarded. Somebody in Forestry Tasmania wrote those letters and then they had to be disregarded because they were not authorised and seven of the contractors, who were then told that they had to go and get a letter that was properly authorised, could not do so. That meant that they could not demonstrate that they had an ongoing contract. So if that is not defrauding the Commonwealth then I do not know what is.

As for DAFF not keeping the records, every single time their excuse is: 'We can't find the paperwork; we didn't keep the records.' The Financial Management and Accountability Act requires that proper accounts and records be kept in relation to the receipt and expenditure of public money. The Auditor-General has made it clear that DAFF did not keep the records that it needed to keep to demonstrate why the money was authorised to be paid out.

Somebody has to be responsible. Is the minister responsible? What happened to ministerial responsibility? This is taxpayers' money leaving the department without proof of eligibility and, what is more, people were meant to have left the industry for 10 years. In some cases, people were paid out when they had already left the industry and sold their machinery. How is it possible they got an exit grant when they had already exited the industry? Others took the money, transferred their logging equipment to their sons, brothers, uncles or whoever else and kept on in the industry and kept up to $3 million. And the logging goes on. The result of it all is that only 58 per cent of the forests they were meant to exit was achieved. They got the $44 million and, on the other side of the equation, the forests were not able to be saved. Now there is an argument that they should continue to log forests. Forestry Tasmania continued to give out contracts to log at the same time as the Commonwealth was paying the exit funds to get out of logging.

This has been a complete shemozzle, and I believe there have been breaches of legislation. I am disappointed that the minister is not prepared to refer it, but I will.

Question agreed to.
NOTICES

Presentation

Senator Whish-Wilson to move:
That the following bill be introduced: A Bill for an Act to amend the Mutual Recognition Act 1992, and for related purposes. Mutual Recognition Amendment (Northern Territory Beverage Containers and Plastic Bags) Bill 2013.

Senator Milne to move:
That the Senate—
(a) notes that:
(i) it is 10 years since the United States of America (US) led the invasion of Iraq,
(ii) the British non-government organisation, Iraq Body Count, estimates about 162,000 people, almost 80 per cent of them civilians, were killed in Iraq from the start of the 2003 US-led invasion, up to the withdrawal of American forces in 2012, and
(iii) in sending Australian troops to Iraq in 2003, the Howard Government was the first government in Australia’s history to go to war without the support of both Houses of Parliament; and
(b) calls on the Government and the Opposition to:
(i) support the Australian Greens’ Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2] which would require parliamentary approval of overseas service by members of the Australian Defence Force, and
(ii) support an independent inquiry into the reasons behind Australia’s participation in the invasion.

Senator Ludlam to move:
That the Senate—
(a) notes:
(i) the resolution of the Senate of 22 November 2012, that the Government was to fulfil its 2007 election commitment and introduce a public interest disclosure bill into the Parliament in the first sitting week of 2013, and
(ii) that this resolution has not been complied with and, to date, there is still no listing of the public interest disclosure bill; and
(b) calls on the Government to:
(i) provide an explanation as to whether it will deliver on its 2007 election commitment, and
(ii) introduce legislation within the current Parliament that would comprehensively protect whistle-blowers across the entire government sector.

Senator Nash to move:
That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 20 March 2013, from 1 pm.

Senator Urquhart to move:
That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 March 2013, from 5 pm, followed by an in camera hearing, to take evidence for the committee’s inquiry into the Sydney Commonwealth Parliamentary Offices.

Senators Joyce, Abetz, Brandis, Fierravanti-Wells, Stephens, Madigan, Back, Williams, Heffernan, Ryan, Cormann, Mason, Cash, Boswell, Bernardi and Humphries to move:
That the Senate—
(a) congratulates Argentine Cardinal Jorge Mario Bergoglio SJ on his election as the 266th Roman Catholic pontiff;
(b) notes that Pope Francis is the first Jesuit Pope, and not only is the first Pope from South America but the first Pope from outside Europe in over 1,000 years; and
(c) acknowledges Pope Francis’ very strong commitment to social justice, as exemplified by his decision to choose his papal name in honour of St. Francis of Assisi.

Senator Waters to move:
That the Senate—
(a) notes that:
Cape York’s Quinkan region is home to rock art galleries and cultural sites of great cultural significance, with some sites dated to 30,000 years old,

(ii) much of this art and cultural heritage is not adequately protected and is open to mining exploration activities, and

(iii) the traditional owners of the Quinkan region want the Quinkan rock art galleries and surrounding cultural landscapes fully protected from mining exploration and other destructive activities, and support its inclusion in a World Heritage nomination for Cape York Peninsula; and

(b) calls on:

(i) the Queensland Government to refuse any mining exploration in the Quinkan rock art galleries until the area is declared a World Heritage Area, and

(ii) the Federal Government to step in to protect the Quinkan rock art galleries and surrounding cultural landscapes from all mining activities, until the area is declared a World Heritage Area in accordance with the wishes of the traditional owners.

Senator Hanson-Young to move:

That the Senate—

(a) notes:

(i) that local sporting clubs bring significant social and health benefits to communities, and

(ii) with concern, the South Australian Government’s proposal to reduce funding for local sporting clubs by $3.5 million through cuts to the Community Recreation and Sports Facilities Program; and

(b) calls on the South Australian Premier to reverse his Government’s decision and reinstate the funding in the 2013-14 Budget.

Senator Siewert to move:

That the Senate—

(a) notes:

(i) a recently released community survey of humpback whales recorded a minimum of 2,669 individual whales, including cow-calf pairs, passed within 8 km of the James Price Point shoreline, which exceeds the 1,000 whales that the Western Australian environmental assessment process estimated would pass, and

(ii) the research recorded that the whales engaged in resting, milling, playing and slow swimming behaviour close to shore, and that some humpback whales are born in the area and use it for vital first interactions; and

(b) calls for the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to:

(i) commission more extensive and thorough research into the use of the James Price Point area
by humpback whales so that the potential impact of the proposed gas hub development can be adequately assessed, and

(ii) examine the Browse gas hub proposal in light of its impact on humpback whales.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:39): 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 following bills, allowing them to be considered during this period of sittings:

- Australian Capital Territory (Self-Government) Amendment Bill 2013
- Export Finance and Insurance Corporation Amendment (Finance) Bill 2013
- Export Market Development Grants Amendment Bill 2013
- Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013
- National Disability Insurance Scheme Bill 2013
- Royal Commissions Amendment Bill 2013

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

Leave granted.

The statements read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS

AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) AMENDMENT BILL

Purpose of the Bill

The bill amends the Australian Capital Territory (Self Government) Act 1988 (the Act) to change the process by which the ACT Legislative Assembly (the Assembly) can alter the number of members of the Assembly. The proposal will extinguish the Commonwealth’s role in the process and legislate to provide the Assembly with the power to fulfil this function.

Reasons for Urgency

Passage of the bill in the 2013 Autumn sittings would allow the Assembly to make the necessary amendments to ACT legislation to facilitate a change in the size of the Assembly in the ACT’s Centenary year, 2013.

In his July 2011 report of the independent review of the National Capital Authority, Dr Allan Hawke commented that, ‘at a combined state and local government level, representation in the ACT is 1:14,285 compared to Tasmania at 1:1,110 and the Northern Territory at 1:685.’ The Australian Government agrees with the view of Dr Hawke and other constitutional experts that ACT citizens are significantly under represented today in comparison with the rest of Australia and that the year in which Canberra celebrates its Centenary is an appropriate time for this to be remedied.

To ensure that citizens of the ACT are not disadvantaged by their under representation and to ensure robust and accountable democratic processes in the ACT, including a high standard of parliamentary debate, a legislative program covering a range of complex issues and an active committee process, there is a compelling case for increasing the size of the Assembly as soon as practicable. The Assembly is a mature parliament and it is the view of the Australian Government that it is appropriate that it takes on the responsibility for both determining the number of members needed to ensure its efficient
functioning and the mechanism with which the size of the Assembly is altered.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS
EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT (FINANCE) BILL

Purpose of the Bill

Amendments to the Export Finance and Insurance Corporation Act 1991 (EFIC Act) are required to implement a 2012-13 Budget decision.

The EFIC Act will be amended to:
- provide the Trade Minister with the power (under Part 8 of the EFIC Act) to direct the EFIC Board to pay additional dividends to the Government; and
- provide the Trade Minister with a power (under Part 8 of the EFIC Act) to increase the value of EFIC’s callable capital, after seeking the agreement of the Prime Minister, the Treasurer and the Minister for Finance and Deregulation.

Reasons for Urgency

The 2012-13 Budget included a revenue measure requiring EFIC to pay a $200 million special dividend from excess capital reserves to the Government in 2012-13.

The bill needs to be introduced and passed in the 2013 Autumn sitting period to enable the EFIC Board to make the special dividend payment by 30 June 2013. A revenue gain of $200 million will not be realised in 2012-13 if the bill is not dealt with in the 2013 Autumn sittings.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS
EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL

Purpose of the Bill

This bill delivers on a 2012-13 Mid-Year Economic and Fiscal Outlook (MYEFO) decision to strengthen the focus of the Export Market Development Grants (EMDG) scheme to East Asian, frontier and emerging markets. The bill will amend the EMDG Act to reduce the number of grants payable for marketing expenditure in the United States, Canada and the European Union to the applicant’s first five grants, and to extend the maximum number of grants payable to eight (up from seven) for all other markets.

This change brings the EMDG scheme more in line with Austrade’s broader trade priorities, including its new emphasis on frontier and emerging markets, and the Government’s Asian Century policy agenda.

The bill also seeks to change the way EMDG administrative expenditure is determined to bring this aspect of the program more in line with other grants based programs. The bill will transition from an administrative budget that is set in legislation as a proportion of overall EMDG program funding to one set through a Ministerial Determination.

Reasons for Urgency

Delaying passage of this bill would cause unnecessary uncertainty for small businesses which need time to plan for the new eligibility arrangements which become operational on 1 July 2013. Gaining passage in the Autumn sittings would give small businesses time to plan their 2013-14 marketing strategies and for Austrade to promote the new rules.

The MYEFO decision and associated policy changes in this Bill will support $25 million in savings per annum across the forward estimates, including in 2012-13.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS
HIGHER EDUCATION SUPPORT AMENDMENT (FURTHER STREAMLINING AND OTHER MEASURES) BILL

Purpose of the Bill

The proposed amendments to the Higher Education Support Act 2003 will give effect to
the second tranche of VET FEE-HELP redesign measures.

The amendments are in direct response to recommendations made in the Post Implementation Review of the VET FEE-HELP Assistance Scheme Final Report September 2011 and extensive stakeholder consultations. The proposed amendments give effect to a number of measures to enhance and strengthen the quality and accountability frameworks underpinning FEE-HELP and VET FEE-HELP. Specifically, the enhancements strengthen suspension, revocation and compliance actions to improve protection of students and public monies. The proposed amendments also provide for more efficient administrative arrangements for approved providers.

**Reasons for Urgency**

Introduction and passage of the amendments is necessary by April 2013 to allow implementation of the second tranche of VET FEE-HELP redesign measures. The staged implementation of the VET FEE-HELP redesign will commence from January 2013. The redesign measures incorporate Government commitments made under the 2012 National Partnership Agreement on Skills Reform and are consistent with the regulation impact statement (No. 13621). A delay in the amendments will impact on initiatives to improve provider and student participation in FEE-HELP and VET FEE-HELP.

**STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS**

**NATIONAL DISABILITY INSURANCE SCHEME BILL 2013**

**Purpose of the Bill**

This Bill establishes the framework for the National Disability Insurance Scheme and the National Disability Insurance Scheme Launch Transition Agency (the Agency). This will enable the scheme to be launched, and the Agency to operate the launch, in five sites across Australia from July 2013.

The first stage of the scheme will benefit more than 20,000 people with disability, their families and their carers living in South Australia, Tasmania, the Australian Capital Territory, the Hunter in New South Wales, and the Barwon area of Victoria.

**Reasons for Urgency**

Passage of this Bill in the 2013 Autumn sittings is necessary for the scheme to be launched from mid-2013, as announced and now widely anticipated. This primary legislation needs to be enacted before important operational matters can be put into place through subordinate legislation well ahead of the launch date. These formal processes are necessary for key launch activities such as employing and training staff of the Agency, and finalising communications to stakeholders and groups representing potential participants and their families and carers.

**ROYAL COMMISSIONS AMENDMENT BILL**

**Purpose of the Bill**

The bill would amend the Royal Commissions Act 1902 to (i) allow for victims and witnesses seeking to participate in the Royal Commission into Institutional Responses to Child Sexual Abuse to present their account to a Commissioner, other than under oath or affirmation, of an incident of child sexual abuse and other related unlawful or improper treatment, (ii) permit a single member of a multi-member Commission to take evidence at a hearing, and (iii) to make some minor amendments.

**Reasons for Urgency**

On 11 January 2013, the Governor-General issued Letters Patent to appoint Commissioners and establish the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Government is seeking to have the measures in the bill in place to assist the Commission to commence its public work. As the amendment proposals will be important to the conduct and management of the Royal
Commission, these amendments should commence as soon as possible.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS
TAX LAWS AMENDMENT (2012 MEASURES NO. 6) BILL 2012

Purpose of the Bill
The Bill:
• amends the tax treatment of native title transactions;
• adds certain organisations as deductible gift recipients;
• includes geothermal exploration as deductible expenditure;
• allows managed investment trusts (MITs) to continue not applying the trust streaming provisions for the 2012-13 and 2013-14 income years;
• means tests the net medical expenses tax offset;
• clarifies the definition of limited recourse debt to ensure that the definition operates as originally intended;
• removes the concessional treatment for various in-house fringe benefits accessed by way of salary sacrifice arrangements; and
• makes miscellaneous amendments to ensure that taxation laws operate as intended and make general improvements to usability of the tax laws.

Reasons for Urgency
The reasons for urgency:
• The native title measure commences from Royal Assent but applies in relation to income years starting on or after 1 July 2008, and, in relation to capital gains tax, to events happening on or after 1 July 2008. Early passage of the measure will provide certainty for native title groups and industry.
• The deductible gifts measure has effect from as early as 26 September 2011 for one deductible gift recipient.
• Broadly the geothermal exploration measure is effective from 1 July 2012.
• The MITs measure applies in relation to the 2012-13 and 2013-14 income years.
• The net medical tax offset measure was announced in the 2012-13 Budget and commences from 1 July 2012.
• The limited recourse debt measure applies in relation to debt arrangements terminated at or after 7.30 pm, AEST in the Australian Capital Territory on 8 May 2012.
• The in-house fringe benefits measure applies to benefits provided on or after 22 October 2012. The measure needs to be enacted by 31 March 2013 to align with the fringe benefits tax year. If it is not passed by 31 March 2013 there will be uncertainty for employers in complying with their FBT obligations for the year ending 31 March 2013.
• The miscellaneous amendments commence from various dates, with some commencing from 1 July 2007.

BUSINESS

Leave of Absence

Senator McEWEN (South Australia—Government Whip in the Senate) (15:40): by leave—I move: That leave of absence be granted to the following senators:
(a) Senator Bob Carr from 18 March to 21 March 2013, on account of parliamentary business; and
(b) Senators Bilyk and Furner for today, for personal reasons.

Question agreed to.

Leave of Absence

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:40): by leave—I move:

That leave of absence be granted to Senator Boyce for today, for personal reasons.

Question agreed to.
COMMITTEES
Community Affairs Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:41): by leave—At the request of the Chair of the Senate Community Affairs Legislation Committee, Senator Moore, I move:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Family Assistance and Other Legislation Amendment Bill 2013 be extended to 19 March 2013.

Question agreed to.

NOTICES
Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Opposition in the Senate (Senator Abetz) for today, proposing the disallowance of the Building Code 2013, postponed till 14 May 2013.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Australian Greens (Senator Milne) for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 19 March 2013.


BUSINESS
Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:42): I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Australian Sports Anti-Doping Authority Amendment Bill 2013, allowing it to be considered during this period of sittings.

Question agreed to.

MOTIONS
Workplace Relations

Senator CASH (Western Australia) (15:42): I seek leave to amend general business notice of motion 1186, standing in the name of Senator Abetz.

Leave granted.

Senator CASH: I move the motion as amended:

That the Senate—

(a) notes that the Minister for Employment and Workplace Relations (Mr Shorten) addressed the Maritime Workers Union’s militancy conference on 26 February 2013, celebrating 140 years of the militant struggle and bringing together some of the most successful and militant trade unions from around Australia and the world;

(b) notes the Fair Work Ombudsman’s civil prosecution, in Fair Work Ombudsman v Maritime Union of Australia & Anor WAD136/2012 in the Federal Court of Australia, for breaches of the Fair Work Act 2009 by the Maritime Workers Union of Australia, namely circulating posters labelling workers as scabs;

(c) condemns comments by Maritime Workers Union Western Australian Secretary, Mr Cain, at the same conference who told delegates that laws had to be broken; and

(d) calls on all Australians to obey the laws of the Commonwealth and its states and territories.

Question agreed to.
COMMITTEES
Cyber-Safety Committee
Appointment

Senator McEWEN (South Australia—Government Whip in the Senate) (15:43): At the request of Senator Bilyk, I move:

That paragraph (17) of the resolution of appointment of the Joint Select Committee on Cyber Safety be amended to read as follows:

(17) That the committee may report from time to time but that it present its final report no later than 27 June 2013.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Media

The DEPUTY PRESIDENT (15:44): A letter has been received from Senator Fifield:

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

The Government's ongoing attempts to limit a free press.

Is the proposal supported?

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

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:44): Mr Deputy President, it may have escaped the attention of honourable senators that last Friday marked the 75th anniversary of the execution of Nikolai Bukharin, one of the fathers of the Bolshevik revolution. He fell foul of Joseph Stalin and was one of the most celebrated victims of the Moscow show trials. I am aware of this fact because Mr Paul Scarr, a very good friend of mine and a very estimable man, pointed this fact out in a letter to the Australian Financial Review last Friday and drew attention to the irony that the 75th anniversary of the execution of Bukharin should have coincided with the week in which for the first time in the history of the Commonwealth an Australian government sought to muzzle the media. Nikolai Bukharin at the height of his revolutionary powers after the Bolshevik revolution said about the freedom of the press:

We asked for freedom of the press, thought and civil liberties in the past because we were in the opposition and needed these liberties to conquer. Now that we have conquered, there is no longer any need for such civil liberties.

So said Nikolai Bukharin and he died the death of all tyrants.

I am not saying pace the Daily Telegraph last Wednesday that Senator Stephen Conroy is a tyrant. Nevertheless one finds in the attempts by the Gillard government to regulate the media with this unprecedented step the same mindset, the mindset that says, 'We are the rulers and therefore we shall decide what may be said in the course of public discussion.'

This distaste for free and robust public discussion has been one of the insistent themes of the Rudd and Gillard governments, but particularly it has been a characteristic of Senator Stephen Conroy. There could not be a worse person to be the minister for communications in any Australian government because Senator Stephen Conroy has no commitment whatsoever to freedom of communication. This is the man who sought to censor the internet. This is the man who, last week, brought forward a package of media legislation which for the first time in the history of the Commonwealth of Australia imposes public
limitations and public sanctions on the content of newspapers. That has never been done before in the history of the Commonwealth, although it has been done once before in Australian history in colonial times, as Senator Birmingham pointed out. It is the first time since 1827, when Governor Darling sought to license the newspapers in the colony of New South Wales, that any tin-pot dictator in this nation or in Australia has sought to say that the government is allowed to say or to at least attempt to influence what newspapers can write and publish.

Mr Deputy President, do not just take it from me. I have in my hands a copy of a letter written to Senator Conroy this morning by Mr Kim Williams, the CEO of News Limited.

Senator Mark Bishop interjecting—

Senator BRANDIS: You interject, Senator Bishop, mockingly about Mr Kim Williams because we know that you do not like News Limited. But, Senator, through you, Mr Deputy President, tell me why a respectable private citizen who is the CEO of a major news organisation should be the subject of insult and abuse in the Australian Senate merely because he is trying to stand up for freedom of speech. Mr Williams in his communication to Senator Conroy points out the many respects in which the bill about to be introduced into the parliament stifles freedom of speech.

First of all, the regulator, the so-called—this is Orwellian—public interest monitor is not an independent officer. He is appointed by the government of the day and answerable only to the minister. There are no limitations within the legislation on what the public interest monitor might do or what matters he is required to take into account and his decisions are not reviewable. So if a complaint is made to this individual, the disposition of the complaint is not subject to the ordinary processes of administrative review by the courts. Those are, in a sense, lawyers' objections. They are serious matters but they do not go to the heart of the problem.

The heart of the problem is the mindset of a government which says: 'We need a bureaucrat, we need an official, we need a commissar to tell the public what is in the public interest to know. One man or woman of the 23 million people in Australia should have the role cast upon their shoulders by act of parliament to say, "You are the arbiter of the public interest; you will decide what the public can see or hear or read and you will decide what they are not allowed to see or hear or read."' These are small steps but they are steps in a very dangerous direction because, if ever there was a slippery slope, it is when governments decide that they should have some say in the content of what newspapers print.

We are a robust democracy, always have been. The debates in this parliament are robust, as they should be. The debates in the newspapers are robust, as they should be. Politicians of all stripes—conservative, socialist, Labor, Liberal, Green—whichever they are, if they want to participate in the democratic process they ought to accept that people are free to criticise them. They ought to accept that if people criticise them in ways that they think are unfair, then so what? Because the person who is making the criticism no doubt thinks that his criticism is fair and the truth will out from the greatest number of voices participating in the discussion with the greatest freedom from constraint. And if ever there is a body which ought not to be seeking to influence or channel or shape or limit what can be said in political discussion, it is the government itself.
As long ago as 1859, John Stuart Mill, the great 19th-century liberal philosopher, wrote this in *On Liberty*:

The time, it is to be hoped, is gone by, when any defence would be necessary of the "liberty of the press" as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive … to prescribe opinions to [the people], and determine what doctrines or what arguments they shall be allowed to hear.

That is what John Stuart Mill wrote more than 150 years ago. And yet, astonishingly, what one of the leading intellects of the age in Britain in the middle of the 19th century thought was an argument so arcane that it was consigned to mediaeval times so that it was no longer even necessary to defend the freedom of the press is necessary in Australia in the second decade of the 21st century. So far has this government regressed, so far has it embraced the authoritarian conceit that, because it is the government, it somehow has a wisdom superior to the public so that it has a role in shaping what may be said or published or printed or read. It is a slippery slope, but there is only one side that stands for freedom.

**Senator MARK BISHOP** (Western Australia) (15:54): I want to in part address some of the issues raised by Senator Brandis in this discussion of a matter of public importance concerning the issue of freedom of speech. As he outlined, not in his detail and not in his conclusions, the concept itself is indeed worthy of discussion and worthy of contribution. But along with freedom of speech, there are also other matters in this discussion that are worthy of public airing, and they go to issues of control, appropriate forms of regulation, matters of diversity, matters of privacy and matters of access.

Really, over the past five days, if one was to characterise this debate, it would be fair to say that it has been mostly ignorant, generally hysterical and often ill-advised. When you dig down to the roots of the plea put by Senator Brandis on behalf of the opposition—put but not explained—you find it is a desperate yearning characterised as a tirade for continuation and maintenance of the status quo in the form of regulation that we have for the media and other interests in this country, most of which were created 100 or 120 or 140 years ago and do not reflect the diversity of information sources that we all access and realise and rely upon every day.

What is the status quo that I refer to in this debate? It is generally old media—TV networks, publishing houses, newspaper magnates—all of whom have one common thread in their business interests, that is, their business interests are of declining value and of such declining value that they are heading at a rate of knots to zero. Like cigar rollers and cigarette manufacturers 100 years ago in New York when there were 50,000 of them, so are modern media houses racing, at a rate of knots, towards extinction, and Senator Brandis chooses to parade their arguments for protection, for subsidies, for industrial protection under the guise of freedom of speech.

All of those units I referred to—TV networks, publishing houses, newspaper magnates—have assets of declining value. TV stations have minimal or negative cash flow; newspapers have declining sales and share prices tumbling by 50 per cent, 80 per cent and 100 per cent every three months; newspaper concerns are subsidised by content and information from non-newspaper sources in the process of restructuring themselves to maximise hidden value remote from their ongoing significant newspaper losses.
Not since the spread of printing presses in the 15th century have we seen a threat to the control of and access to information similar to the control and distribution that we see today. And the old guard—those houses, those individuals, those companies, those units that I referred to—object strongly to the spread of that information. In the 15th century it was away from churches, away from abbeys, away from the central authority of the crowns in Europe and the United Kingdom, which controlled the creation and the dispersal of information via, generally, the churches.

Now the government's reaction has been manifold to that today. The government's reaction over the past few years to new forms of media, new forms of distribution of content, new forms of publishing has been to note ongoing industry changes but not to interfere with the market; note the declining value of mostly media assets, but, again, not interfere or seek to maintain them; and, most importantly, to note the growth of new forms of media, generally transmitted through the internet, social media, blogs, websites, online newspapers and online discussion forums.

Most members of parliament, in the lower house and in the Senate alike, maintain web pages and Facebook pages and use YouTube for production media. All of those have regular forums for discussion. All of those are about the creation, maintenance and distribution of information on a whole range of areas. There is no restriction and you can do it without paying a fee. There is no threat to any of those developments. The common threads that run through those new forms of distribution of information are mass participation, no single control, self-regulation, easy access and multiple forums.

When addressing the bills that are the subject of inquiry in two committees today, the bills that are behind this matter of public importance before the chair at the moment that has been raised by the opposition, our reaction, the progressive reaction and the thoughtful reaction is to concentrate on four key principles as the old forms of media go into decline, as hundreds of thousands of people no longer purchase newspapers every day, as people no longer rely on free-to-air TV for the evening news and as individual consumers choose to access information from the sources they prefer. Our concern is not to get even with imaginary old enemies, as is characterised by Senator Brandis referring to authoritarian control in the context of freedom of speech; our concern is to ensure that as we go forward in the next 10, 20, 40 or 50 years we have an appropriate regime that allows for the continued growth of mass forms of participation in information distribution, that allows alternative sources to grow readily and to spread easily and that allows individuals to access social media, the net, blogs or whatever form is yet to be invented.

What are the matters that are more important than the declining value in the shares of Fairfax? TV networks around Australia are effectively insolvent with billions and billions of dollars of debt and have to be sold off to private interests via New York City, but what is more important are four principles. They are the four principles being discussed in the committees and which Senator Brandis chose to ignore today in this discussion: privacy, fairness, accuracy and diversity. We are simply about promoting the principles of privacy, fairness, accuracy and diversity. All of the other consequences Senator Brandis referred to in his contribution were merely straw men that he erected to defend the financial interests of those in other areas who through their own activities have ruined the share price of their own companies.
It needs to be said, and we will say it as often as it needs to be said, that the government believe in freedom of the press. We believe in it passionately. We believe it is a cornerstone of our freedoms. We do not quarrel with anything that newspaper proprietors, newspaper companies, TV stations, radio stations or whatever the form choose to write, print or broadcast. They do it every day of the week. It does not matter. If it is fair, truthful and accurate, it will be received and perceived as such. If it is not fair or accurate, it is useless and it will be received as such.

As well as saying that freedom of the press is essential and nonprotection of existing asset holders is neither here nor there, we believe quite passionately and strongly in a diversity of voices within the media. We believe a democracy of output, a diversity of perspectives and a diversity of voices in the media going forward are essential. That is why we say the four principles I referred to—privacy, fairness, accuracy and diversity—(Time expired)

Senator SINODINOS (New South Wales) (16:04): Was it Patrick Henry who said, ‘Give me liberty or give me death and I will die for your right to say what you want even if I violently disagree with you’? That is the nature of a free society—freedom of speech, and integral to that is freedom of the press. In recent times in this country we have seen an unprecedented attack on freedom of the press, motivated in part I suspect by a syndrome within this government of shooting the messenger. If they do not like the message, they shoot the messenger.

Sections of the press have been on the tail of this government because of things the government has done, not because of things the press have invented. The press have not created the stories around various things the government has done wrong. The press did not invent the Prime Minister, Julia Gillard, breaking her commitment on the carbon tax. The press did not invent the cost overruns on Building the Education Revolution. The press did not invent the stories around the maladministration of the pink batts insulation program that tragically put people's lives at risk. This set of initiatives was born in part by that sort of malice and spite and wish to shoot the messenger. It came very quickly on the tail of what had happened in the United Kingdom when there were revelations around certain issues in the British press. I do not believe that the Australian press suffers from those same issues.

The Minister for Broadband, Communications and the Digital Economy claims that this has been in gestation for the last four or five years. There have been discussion and reviews over the last four or five years and then all of a sudden the cloud burst and we got all this. With a thunderclap we got this legislation. We are told it must be passed by the end of this sitting and we should take it or leave it. There is no negotiation; it is non-negotiable. There will be a two-day inquiry by the Senate and off we will go.

This legislation—if I put on my hat as chairman of the deregulation task force—has no regulatory impact statement attached to it. Surprise, surprise! Regulatory impact statements are meant to be mandatory for legislation. You can have an exception if it is okayed by the Prime Minister. We still have not been told by the minister, I think, whether he in fact did get the permission of the Prime Minister to treat this as an exception. Of course, when it is treated as an exception there is a requirement, within a couple of years when the legislation has been implemented, to have a post-implementation review. Do we have even a commitment to that? These are tricky technical points? No, they are not. They go to the essence of the
accountability process of public legislation: that when you put up legislation you must rigorously examine the problem that you seek to deal with and the costs and benefits of different ways of dealing with it. Again, there is no regulatory impact statement, unlike with the last set of measures around these particular areas, in 2006 under the previous government, where there was a regulatory impact statement. Why the rush? Why hide the regulatory impact of this particular measure? There is no merits review in this package either, even though it raises some very important issues.

We have a situation here where the matter was discussed, I think, under the line in cabinet. I do not know how much time ministers had to look at cabinet submissions on this matter. They are quite complex issues. If you are given a paper in the room and told, 'Here, this is where we're going; read all about it,' how does that promote an appropriate cabinet process? What about the caucus being told, 'This has to go through, and here it is'? The caucus are treated with such disrespect. There used to be a time when the Labor caucus had great authority in Labor governments, including in the time of Whitlam. That was not always to the then government's advantage, but the fact is that the caucus had real authority. Here it is being used as a rubber stamp, and the cabinet is being used as a rubber stamp. This was a deal done between the minister for communications and the Prime Minister. Some people speculate that it was actually a distraction—that they thought at the beginning of last week, 'This would be a good week to do some media stuff, because there's all sorts of stuff around; there are polls around and all the rest of it.' That is not the way to treat the parliament, the caucus, the cabinet and, through us, the Australian people.

I have to say that I am also in possession of some information provided by Kim Williams of News Limited; that particular organisation seems to have been particularly demonised by this government. That material talks about Senator Conroy, the minister, and what he told the ABC Insiders program: that his model was just like the Irish model. This is completely untrue, according to News Limited. Under Senator Conroy's model, the government appoints the Public Interest Media Advocate. Under the Irish model, it is the Press Council of Ireland that appoints the ombudsman and not the Irish government. At the core of Senator Conroy's model, the government has oversight. Under the Irish model, it does not. This goes to another point: the governing philosophy of Labor in power, which is to put government at the centre of the economy. We saw this during the global financial crisis: Kevin Rudd repeated his mantra that he was going to put government at the centre of the economy—'Government knows best.' That is why we have so much regulation in this economy. Interestingly, Kevin Rudd had said the very same thing in his maiden speech: 'I will put government at the centre of the economy.' So here you have a situation where again, through the Public Interest Media Advocate, we are putting government at the centre of the economy in an area where we already have at least three other regulators of different types if we are talking about situations where there may be a takeover or a merger and all the rest of it.

News Limited go on to say that under Senator Conroy's model Australian publishing companies are punished for not joining the Australian Press Council or a similar PIMA-approved body, as they lose relevant exemptions under the Privacy Act. Without these exemptions, journalists simply cannot do their job. Under the Irish model, publishing companies are rewarded for
joining the Press Council of Ireland in the form of funding towards defamation cases. They have a positive incentive to join. If they do not join, there is no penalty, and Irish journalists certainly do not lose their ability to practise journalism. How far different is the coercive Australian model from that Irish model.

On the comparison that was drawn on the Insiders program by Senator Conroy with Finland, which ranked No. 1 in the world for press freedoms as determined by Reporters Without Borders, there are differences between the Finnish model and what is proposed in Australia. Finland has no equivalent position of the Public Interest Media Advocate. There is no threat to the capacity of journalists to do their job in Finland. There is an express right to free speech contained in the Finnish constitution. Finland also has an express source protection law. News Limited argue that the Finnish model is very different from, and not a precedent for, Senator Conroy's media model.

Senator Bishop was right to say that the old media is changing under the pressure of structural change. We know that. We know the old business models are going, and many of these media companies are looking for new media models. We all know that, and the market will determine those models. What is happening out there is a proliferation of sources of information and a proliferation of people providing information. Just look at the explosion of the blogosphere and of the Twittersphere. Indeed, some of the visionaries in the internet space have argued about how this explosion of information creates a democratisation of information and a new troop of citizen journalists. The issue then becomes: if you want to have professional journalists providing, if you like, impartial advice and expertise in the analysis of important issues, who pays for that? How is that paid for? Ultimately you have to create a market to pay for that, and that is not something that governments can protect media companies from, nor should they seek to do so.

But this legislation actually seeks not so much to protect media companies as, it seems, to protect the government by having the Public Interest Media Advocate in the midst of the situation, creating a discretion which goes on top of all of the other forms of regulation around what are already very regulated sectors of the economy—except that, for the first time, we have the spectre of regulation of the content of newspapers, something which is unprecedented in peacetime. You would say it would be a very brave government that tried to go down that route, but why create the capacity to do that if you do not have in the back of your mind the possibility of using it, or of using it as a big stick to threaten companies and to say, 'If you really want to go on a campaign against this government then you should understand that we have PIMA waiting in the wings and they will come down on you like a tonne of bricks,' or, 'If we're not happy with the extent of self-regulation and the content of self-regulation, we have a capacity to come in over the top? That is what this discretion is all about. This is what creates the uncertainty in the minds of journalists and media proprietors: 'How far can we go in getting out of line with the government of the day?'

We are all subject to the probing of journalists, and we all know how uncomfortable that can be from time to time, but the fact of the matter is that a free press is integral to our society, and I believe that this legislation crosses the line in how it seeks to treat the press, particularly the written press.

Senator Gallacher (South Australia) (16:14): I rise to make a
contribution to this important debate on the media and free speech. The contribution from Senator Sinodinos is, as always, measured and considered, unlike the contribution from Senator Brandis. Perhaps that is being unfair to Senator Brandis—his contributions are usually theatrical and over the top!

The reality is that most Australians get this debate—they really do get this debate. You are unable to wander throughout your electorate or any part of South Australia and not have someone question a media article, whether it is about their football team or a particular line of reporting. We do read and value our papers and every Australian enjoys—or at least looks to enjoy—the freedom of the press. That is an ideal that is genuinely supported on both sides of the chamber. There is no doubt about that.

A really casual observation about the media, if you read the business press, would be that there is pressure on advertising budgets—whether people will pay the $15,000 or $20,000 to advertise in a national newspaper and take out a page. Interestingly enough, we saw some very good examples of that during the MRRT debate where space was booked out for a very powerful lobby group to get their point of view across. But pressure on advertising is evident in the print media. That pressure has meant—this is another casual observation—that there has been a reduction in the number of journalists employed in Australia. Someone would probably have to go out and count how many journalists we have lost this year or perhaps the last 15 months, but just reading the business press and the media generally it is apparent there has been a reduction in the number of journalists.

We know that the journalist pool is long lived. We have Michelle Grattan and Laurie Oakes still the doyens of the press gallery here in Canberra, so we know we have people who have been around forever. But we also know there is increasingly less opportunity for journalists to participate in the print media and if you combine that with a concentration of media ownership then perhaps there should be a place for a member of the public to take their concerns. I am not worried about politicians or the people in this chamber; we can come in here and say what we like and put out media releases until we are blue in the face—some get picked up, some do not. But the person in the street who may feel aggrieved by an unsavoury or unfavourable media report—what do they do? They can go and hire a lawyer; they can sue for defamation; they can even make a complaint to the owner of the newspaper.

If you actually support diversity and stronger self-regulation then this media legislation should be supported. We want to ensure as far as the public is concerned that they can be confident that their concerns about what is reported in the press will be taken seriously and considered independently away from newspaper proprietors. Australia has one of the most concentrated media industries in the world and the objective of this legislation is to ensure that there is no further reduction in media diversity.

Two past chairs and the current chair of the Australian Press Council told the Finkelstein inquiry there were flaws in the operation, funding and independence of the Australian Press Council. This is not the government; these are the people who run the Australian Press Council. The Australian Press Council said in its submission that publishers could withdraw at any time without adverse consequences, raising the point that publishers would not lose privacy protections if they withdrew. This is something the APC raised at the inquiry. Then you have the contribution from the
former chair, Ken McKinnon. He has raised concerns about the council's independence, saying that proprietors who support the Press Council are equally interested in influencing its actions. He told the inquiry that an editor once said to him: 'If you promise not to uphold any complaints from my paper we will double our subscription, is that a deal?' How is that independence? How is that good governance?

The truth is the APC has improved but only because the government initiated the convergence and Finkelstein inquiries. If the government's proposals are not supported there will be nothing to stop the APC returning to the bad old days where its independence is compromised and publications can threaten to walk out and withdraw funding if they do not like a decision. As I have already said, as a politician I can use the media to argue my case. If I have the money I can sue for defamation or libel. But these reforms are not about politicians or people who have the means to defend themselves; they are about ensuring the public has an independent, transparent body they can go to if they have a concern about what appears in the press so it can be heard and considered appropriately. There are many occasions when an injured party, rightly or wrongly, would seek to have their concern addressed. This allows them to have it addressed.

On the public interest test, Australia does have one of the most concentrated media sectors in the world. What we do not want to see is a further reduction in media diversity. In the United States and the United Kingdom there are public interest tests applied to mergers and acquisitions of significant media assets. In Australia, two newspaper companies deliver services online and take up 80 per cent of the Australian newspaper market. In comparison, the top two newspaper companies in the US only take up 14 per cent of the market. In a more appropriately sized market, Canada, the top two newspapers take up 54 per cent of the Canadian market. In Australia we have 11 national or metro newspapers with only three owners. Even with the advent of the internet, eight out of nine of the most popular news media websites are owned or run by the traditional media outlets.

There is, as I said earlier, a concentration of information and less people testing that information because there is less advertising and there are fewer journalists employed. To hear Senator Sinodinos and Senator Brandis talking, this is the end of the world as we know it, the end of democracy, because there is a perceived threat to the independence of publications. I do not know any journalists who back down from writing a fair and truthful story. I do not know, and have never met, a journalist who would not write the truth as they saw it. When I see people like Piers Akerman on the Insiders program on a Sunday morning getting extremely—what should I say?—upset about this perceived threat to his world and when I see the other three or four journalists who were contributing to that debate with not the same level of angst, I think, 'Well, he who protests too loud really isn't contributing in a fair and proper way to this debate.'

Senator Sinodinos mentioned Ireland. Some of the more hysterical commentators have been arguing that the government's support for this media self-regulation is antidemocratic. But it is quite common. Legislation in Ireland sets out the structure and coverage of the operation of the Press Council of Ireland and the press council must meet these standards if its members are to receive protection under defamation laws. Just like the legislation that the government has proposed here, the Irish press council makes its own codes of practice and complaints-handling protocols. No-one here
is seriously suggesting that the Irish do not enjoy freedom of speech or that their press is not free. In fact, Ireland scores higher on the Press Freedom Index published by Reporters Without Borders than Australia does. I was interested to read the views of Michael McNiffe, the editor of the News International publication the Irish Sun, on the Irish press council. He said that the Irish press council is:

… independent of the government … accessible to everyone. People won't need to go to lawyers if they feel they have a complaint about newspapers.

Here we have a respected editor from a newspaper in the Murdoch stable talking about the benefits of government supporting the important works of media self-regulation.

The contribution from the other side of the chamber today is hysterical, over the top, and not looking after the man in the street or the voter who may want to pursue a complaint against these media barons.

Senator EGGLESTON (Western Australia) (16:25): Last week the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, announced legislation from the government which I think is no more than an attempt by this government to limit free speech. Freedom of speech is the most fundamental right in a democracy and it is one that we must all work to preserve at all costs. Of course, Senator Conroy is no stranger to controversial legislation. He is the minister who brought us—or, rather, some of us—the NBN, the botched Australia Network tender and, in a similar vein to this legislation, the dodgy internet filter.

Under this legislation Labor is proposing wide-ranging so-called 'reforms' that will regulate the media in Australia in a manner never before seen in this country. There are two key parts to this oppressive approach to government regulation. The first is a new public interest test to determine the future of proposed media mergers. Australia already has laws to protect diversity of voices, promote competition and prevent market concentration. These laws were passed in 2002 and protect diversity of ownership and diversity of content and preserve diversity of reach.

Obviously, technology has changed since 2002 with the growth of online services, so it is effectively impossible to limit the reach of online news services as provided under the cross-media ownership rules. But of course, on the net, diversity is just a mere click away as the user can access an endless number of news services from all over the world and so is guaranteed a diversity of opinion.

The existing cross-media ownership laws provide that the percentage of the market which can be reached by any one company in various combinations of delivery platform is 75 per cent of the population, thus providing diversity of ownership in various mediums around the country. However, as I said, freedom of speech remains the key public interest test of any kind of legislation to do with the media. Licensing introduces a factor of potentially undesirable government control, which might mean that if the editorial policy of the media concerned was not considered favourable in various degrees by the government of the day, revision of content might be required. Another word for that is censorship. So why is a new opportunity for political interference in media ownership needed? And what additional protections will this legislation provide? Senator Conroy will not even provide the form of words he plans to use to explain this, much less any rational arguments for this proposal.

The second part of this government attack on free speech is a new bureaucracy, the
Public Interest Media Advocate, who would be appointed by the government of the day to oversight of the Press Council. You have to ask: why is this necessary? The Press Council is doing a very good job. The government seems to have taken a particularly warped view of the recommendations of the Finkelstein review, one of which was to create a news media council.

The bills that we are considering were referred to a committee last Thursday. Although the reporting date for the committee's findings is not until June, Senator Conroy is insisting that the legislation be passed by the end of this week. It is a move that reportedly has shocked some of his fellow Labor members who apparently want a full and open debate on this legislation—surprise, surprise!

Senator Jacinta Collins: Don't believe everything you read in the press!

Senator EGGLESTON: Well, I do hope they do, because as representatives of the Australian people we are here to discuss all the implications of any legislation, and having it pushed through without debate is something this government has a very bad reputation for doing. So, as I said, how can this haste be considered an appropriate way to consider significant and far-reaching public policy changes? The answer is that it cannot.

Senator Jacinta Collins interjecting—

Senator EGGLESTON: I beg your pardon?

The DEPUTY PRESIDENT: Ignore the interjection.

Senator EGGLESTON: While it may not be embodied in a bill of rights, freedom of speech is the foundation upon which the many liberties we enjoy in this country are based. Freedom of association, freedom of religion and freedom of speech are all the hallmarks of a true democracy. Sadly, as I have said, freedom of speech is the very ideal this piece of legislation seeks to inhibit by threatening to impose a mechanism for government control of content on the historically free Australian media.

We can all cite examples of countries where freedom of the press and, therefore, freedom of speech is not afforded. We generally associate such societies with at least some degree of oppression where the state has undue influence and unfairly impedes the lives of its citizens. In this regard I read with interest the front-page article in the Weekend Australian last weekend. It quoted journalist Joseph Fernandez, who was the editor in chief of Malaysia's Daily Express for 14 years until 1992. Alarmingly, Mr Fernandez said that a reading of this legislation had him recalling his days as a journalist in Malaysia, where he lived under the threat of arrest and newspapers had to apply annually to have their licences renewed. Now the head of journalism at Curtin University, Mr Fernandez was quite clear in his views of these proposals, saying:

This legislation represents a raft of regulations with very serious consequences for the free exchange of ideas …

He added that parts of the legislation:

… potentially limit basic human rights to freedom of expression.

It is interesting to reflect on the fact that Australia is the only one of the five old Commonwealth countries which does not have some sort of formal legislated protection of basic freedoms including freedom of expression. The UK has the protection of the European Convention on Human Rights and the US has constitutional protection of freedom of expression, which in Canada and New Zealand is protected by a
charter of rights. So, when we are faced with an attack on freedom of speech by an elected government in the form of legislation such as that which we are considering now, one has to wonder whether or not this legislation would even be up for discussion if Australia and the media had some sort of legal protection of freedom of speech, because this legislation would have run foul of that legal protection long ago.

The Gillard government has been threatening retaliation against its critics in the media for several years now. One has the feeling that perhaps this legislation might be renamed the 'News control legislation'—with a little bit of a reference to News Limited, whose views on the Gillard government are perhaps not appreciated by the government but which are the views of cold, realistic analysis of the programs this government has sought to implement and the failure of its many policies.

In conclusion, any attempt to further regulate or circumscribe the media must be viewed with the greatest of suspicion. To paraphrase Seven West Media owner Kerry Stokes, we are sending free speech to the vet to be castrated. This legislation must be defeated or withdrawn in the interests of protecting the freedom of the press in Australia.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (16:34): I have come in to make a contribution to this debate and I have to say it is really, truly incredible for the opposition to suggest that the Labor Party is limiting free speech in Australia. I made this point a number of times after question time in the taking note of answers debate today, and yet again we have heard from the contributions this afternoon that that is exactly what the coalition are trying to say here in the chamber this afternoon. So let's ignore the hyperbole and the half-truths spread by those opposite me and focus on the actual content of the reforms the government is putting forward.

Much of the criticism that has been directed at the government has concerned the proposed changes to media ownership, and it is these changes that I want to focus on more closely. The Broadcasting Legislation Amendment (News Media Diversity) Bill 2013 makes important changes to limit media concentration. It achieves this by instituting a public interest test which will be applied to mergers and acquisitions of media sources. There is no grand conspiracy. I cannot be more clear on this point. The aim is to protect media diversity and make sure there is no substantial lessening of diversity or control when it comes to media voices. Linked to this is the Public Interest Media Advocate Bill 2013. The advocate will be an independent statutory recognised officer just like the Ombudsman or the Inspector-General of Intelligence and Security and will be responsible for deciding whether a particular transaction involving the news media may proceed.

I am not sure the opposition have read these bills or even attempted to understand how they work. I think this is all part of their hysterical campaigns that are only too frequent in this chamber, particularly during this year. As the minister has pointed out on several occasions, the coalition's response to the proposed media reform package has been nothing short of hysterical. The reason they are opposed to this package is not any principled defence of freedom of speech. The coalition have one principle aim: to protect the media wing of the Liberal Party known to most of us as News Limited.

The fashion in which this news organisation—in particular, the Australian newspaper—has gone after the Rudd and
Gillard governments is unprecedented. The Liberal Party therefore has a vested interest in making sure that News Limited continues to dominate Australia's media landscape. Rather than engage in a sensible and mature discussion of media reforms the coalition and News Limited have lowered the tone of public debate considerably and have treated the Australian public as idiots. We all know about the Daily Telegraph's front page featuring Minister Conroy with pictures of some of the world's most famous dictators, including Stalin and Mao. Journalist Gemma Jones described the minister as 'Julia Gillard's henchman'. Then we have the CEO of the Liberal Party's media arm, Kim Williams, claiming that the government is the first, outside of wartime, to introduce government sanctioned journalism. The coverage would be amusing if it were not such a serious issue. Unfortunately for the Liberal Party and their attack dogs at News Limited, none of this is accurate. Perhaps the Liberal Party should take a closer look at the convergence review and the Finkestein review. Matthew Ricketson, who assisted the Finkelstein inquiry, has said:

The most recent and persuasive case study showing why there is an urgent need to reform regulation of the news media has been provided by the news media itself. And it's been provided in the way they have reported on the Independent Media Inquiry. What they have done is under-report a lot of what was presented to the Independent Media Inquiry late last year, and to either misreport the inquiry's findings or to ignore large parts of the report altogether.

The reforms are necessary because of what we have learnt during these reviews: Australia's media ownership laws are in need of significant reform.

We know that, under the Howard government, the cross-media regulations were weakened considerably. Most recently, in 2007, the coalition introduced the 'two out of three' rule, which meant that companies are now allowed to own up to two media outlets—television, radio and newspaper—in a single area. This change was made in the dying days of the Howard era even though Australian media ownership is amongst the most concentrated in the world. The test we are introducing is one that allows for the Public Interest Media Advocate to block a merger if it would result in a substantial lessening of diversity. That is all it is.

This reform is necessary because the government believes that, in a democracy, a diversity of voices within the media is essential. I know those opposite do not agree with that principle, but it is one that we on this side of the chamber firmly believe in. That very principle is under serious threat in Australia. It is a simple fact that we should be alarmed about. Australians have far fewer voices to draw upon to make informed decisions about the policies and events that affect them more than almost any other place in the free world. When challenged on this point, the coalition has suggested that, since traditional media services are being challenged by new digital technologies such as blogs and the like, the concentration of mainstream media is not of real concern anymore. But the notion that mass media diversity does not matter, and that new players are threatening traditional sources, has been grossly exaggerated. One prominent blogger from the Nation, John Nichols, visited Australia several years ago and noted that, despite new content and platforms, people have never received less information and less of it from alternative sources.

Several studies to emerge from the United States, which is also struggling to maintain a diversity of media ownership, are especially revealing. One 2010 study from the Pew Centre of Journalism published a report which found that people still got most of
their information from traditional media sources. An analysis of independent media, such as blogs, showed that 96 per cent of stories simply came from recycling stories found in the mainstream press. There is, of course, a very important place for independent, non-mainstream media, but we still rely substantially on traditional news sources. Many people, particularly those less adept at digital technologies, rely completely on mainstream media services and they deserve a diversity of choice just like everyone else.

Mainstream media still matters and, sadly for Australia, News Limited looms over every other media owner. As managing director of Independent Australia, David Donovan, has noted:

Australian mass media is concentrated into the hands of a very small number of proprietors. For example, 11 of the 12 major newspapers in Australia are owned by Rupert Murdoch's News Corporation …

Donovan goes on:

… Murdoch bestrides the Australian media landscape like a colossus—NewsCorp … also dominate the regional and suburban newspaper publishing industry, as well as owning a major slice of Foxtel.

Realistically, we are not that far away from a mainstream media that is 100 per cent News Limited owned and run. What is particularly concerning is that News Limited newspapers such as the Australian have decided they are there not only to critique policy but also to dictate policy shifts and harass the government into locking step with the coalition. It does not matter what the issue is; they have an agenda and they will stick to it. Take the most important matters of the day to face Australia, such as climate change, asylum seekers, the National Broadband Network: the focus is on hounding the government, not reporting on facts. Once they decided to launch their vindictive actions against Labor there was no turning back.

One point they have also conveniently ignored is that the package we are introducing here in Australia follows similar reforms in other countries, countries where governments are concerned about media concentration and the standard of the press generally. The United Kingdom introduced laws several years ago aimed at ensuring a greater diversity of media ownership. These laws enabled the UK's Secretary of State to issue an intervention notice if they believe that a merger raises public interest concerns. We have closely studied the United Kingdom model and believe that the presence of the Public Interest Media Advocate in the Australian model represents a significant improvement. It ensures that decision making is kept at arm's length from government and streamlines the application and decision-making process. This government—unlike those opposite—believes that it is essential in a democracy to have a diversity of voices within the media.

We are therefore following the example of other advanced democracies that are willing to confront the problems of concentrated media.

As I said, we have looked at the United States. Their regulators, the Federal Communications Commission, assesses whether media or telecommunication mergers would potentially endanger the public interest. I also note that diversity protections have been introduced in a range of jurisdictions, including in Germany and Canada. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! The time for this discussion has expired.
MINISTERIAL STATEMENTS

Defence Abuse Response Taskforce

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (16:45): I present a ministerial statement on the Defence Abuse Response Taskforce first interim report, together with the task force's first interim report.

COMMITTEES

National Capital and External Territories Committee

Report

Senator PRATT (Western Australia) (16:45): I present the report of the Joint Standing Committee on the National Capital and External Territories on the committee's visit to Antarctica, from 12 to 13 December 2012.

Ordered that the report be printed.

Senator PRATT: by leave—I move:

That the Senate take note of the report.

I am delighted to be able to make a few short remarks about the committee's trip to Antarctica. In September 2012, the Minister for Sustainability, Environment, Water, Population and Communities, Mr Tony Burke, invited members of the Joint Standing Committee on the National Capital and External Territories to take part in a visit to Wilkins base in the Australian Antarctic Territory. The visit was undertaken by five members of the committee alongside five members of the Senate Standing Committee on Environment and Communications. Most disappointingly for me, I was unable to attend.

I know that those who went found it extremely worthwhile, and I also know that the experience very much underpins the interest and important oversight that the Joint National Capital and External Territories Committee provides on matters relating to Antarctica.

The committee visited the Australian Antarctic division headquarters at Kingston, followed by a return flight to Wilkins runway on 13 December. The committee had to be kitted out fully for inspections and briefings, and that involved the full Antarctic garb. The committee were very pleased to have been provided with this, largely because when they got there they did indeed find that it was extremely cold.

The committee held informal discussions with the mission staff, getting a really good understanding of the challenges facing the Antarctic Division. They conducted inspections down at the Kingston base in Tasmania and looked at the Aurora Basin deep field glaciology camp, which generates climate data from ice cores. The committee was shown around the camp facilities to get a bit of a feel for what the Antarctic bases are actually like.

As part of the inspection, the committee was briefed on the climate data being produced from the Antarctic ice cores particularly at Law Dome in the Australian Antarctic Territory. For the information of the Senate: 400 metres of ice core can give you 4,000 years of temperature data, and the presence of various elements in the core give indications of solar activity, volcanic activity and winds at different times. I certainly know this to be the case from my own visits to the Kingston base, looking at this very important science.

Concentrations of atmospheric gases can therefore be measured over time. So, too, can the extent to which Antarctica is soaking up water or releasing it into the ocean. This is important and necessary science as we strive to understand climate change.
The committee inspected the mechanical workshop and the krill laboratory, as well as looking at the manufacture and use of whale tags. On its flight to Antarctica and the Wilkins runway, the committee was briefed extensively on the work of the Australian Antarctic Division and the operation of the runway there. It is really important to know that Australia has invested rightly and heavily in a range of programs focused on climate science and environmental management. It is leading the way in research on waste management in Antarctica. Importantly, this is about reducing the environmental footprint of current activities there and also past activities there, where we were not quite so aware of the fragility of the Antarctic environment.

The committee found themselves in minus-eight degrees Celsius, with winds of 25 to 30 knots. They were indeed very pleased to have clothing provided by the Antarctic Division. The committee inspected a demonstration field camp for an ice-coring site, complete with a one-person accommodation tent, an ablutions tent and ice core equipment. The important thing about this is that the committee got a real taste of the conditions faced by researchers and support staff working in the field. They had a good look around Wilkins runway, including all of the facilities there. The committee were really pleased to have a good two hours on the ground in Antarctica.

From the committee's point of view, perhaps the most important point to come out of the visit is really the opportunity to pay tribute to the fantastic work of the people in the Australian Antarctic Division. They are very dedicated, enthusiastic and professional people. We have scientists who are absolutely responsible for world-leading and ground-breaking research that is incredibly important. It is a record of achievement of which Australia can be incredibly proud. We are really contributing to very important global science.

Importantly, though, what I want people to take away from this visit are the significant challenges facing Australia if we wish to remain one of the leading scientific influences in the Antarctic. The committee got firsthand experience of the enormous logistical effort required to do very simple tasks in Antarctica, let alone conduct world-class, ground-breaking scientific research.

These are challenges that our people there confront, with ageing equipment and facilities, the regular failure of the Wilkins runway—because it is essentially built on an icesheet—and therefore the need for more secure and more diverse transport options if Australia is to compete with other emerging Antarctic nations. Therefore, we must modernise our transport and infrastructure to support our Antarctic presence. This has got to include new ships, new air transport options, modern base facilities and better access to the Antarctic inland. It is about planning and funding this new generation of bases and equipment. It has to begin now, because we are dangerously out of date.

Australia must also maintain its Antarctic and Southern Ocean research effort. We are a leader in environmental and climate science because we have really sustained a bipartisan commitment to Antarctic science. This commitment must be maintained into the future, at the very least at current levels and in real terms, so that Australia can maintain a pre-eminence in these fields. From the committee's point of view, we do not believe that the significance of Australia's Antarctic science can be overstated. It is extremely important.

It is not just a matter of science, research and logistics; it is also a matter of strategic necessity. Australia's continued claim to the Australian Antarctic Territory would be
hollow without a strong and enduring scientific and logistical presence on the Antarctic continent. Effectively, Australia must use the Australian Antarctic Territory or lose it. It is the kind of environment where other countries are already within our territory and are highly engaged there, they have a presence. We need to be the dominant presence in those areas. This does not mean that Australia should exclude other nations from the Australian Antarctic Territory, far from it. That is not the way things are done in the Antarctic Territory. It is a place of international collaboration and cooperation. Our claim to the Australian Antarctic Territory rests on our leadership within our claimed area. Continued leadership will require continued investment in cutting-edge science and logistics.

To conclude, I want to state the committee's ongoing interest in the work of the Australian Antarctic Division and the future of the Australian Antarctic Territory. We have a strong interest in the Antarctic Treaty System, its implications for Australia and the role of that system in the management and protection of Antarctica and, indeed, the wider Southern Ocean. It is vital to Australia's interests, especially with the growing presence of new Antarctic nations within and outside the Australian Antarctic Territory. The committee is conscious of the scientific research effort and the need to maintain our leadership in fields such as climate science and environmental management, and even new fields like Antarctic astronomy.

I want to thank the minister for the opportunity to travel to the Antarctic and to pay tribute to the fantastic staff of the Australian Antarctic Division.

Senator HUMPHRIES (Australian Capital Territory) (16:55): I would like to contribute briefly to the debate as well. I was privileged to take part in the Joint Standing Committee on the National Capital and External Territories' brief visit to Antarctica in December and was greatly indebted to members of the Australian Antarctic Division for the opportunity both to undertake the trip and to take part in the briefings that occurred in Hobart before the departure of the committee members. I agree with many of the comments made by the chair of the committee and I commend the report to the Senate.

It is, of course, obvious that the work being done in Antarctica is extremely important in a number of ways. The science being carried out there is hard science, in that it is in areas of particular relevance and importance to Australia's strategic interests, and it is valuable research in many areas, particularly in the areas of climate science. There are a range of very good reasons why Australia should continue to operate in that space. With the recent expansion in that role, particularly, for example, the establishment of the runway at Wilkins aerodrome, we have a larger footprint in that space.

It is also worth recording that there have been cuts in recent years to the Australian Antarctic program. Like any cuts, they present a challenge to organisations. With cuts that are essentially the product of enhanced efficiency dividends, we find that agencies need to make decisions based not on how well they are delivering their existing programs and how efficiently they are delivering existing programs but, simply, on the requirements of government in order to make cuts across the top of every program and therefore to have to operate within those new constraints.

It is obvious that programs like the ones run by the Australian Antarctic Division are not easily rearranged or made more efficient, given the enormous overheads associated
with having to operate four bases in the Antarctic, service and supply those bases and participate in international agreements which require cooperation with other nations in their work in the Antarctic as well. Obviously there are many areas where we might regret the way in which cuts have occurred. In this particular area, I think that we retreat from our commitments towards the pursuit of the science which is happening in Antarctica at our peril as a nation. We have a very significant footprint in Antarctica, although of course Antarctic claims are matters of international dispute. Our claim on the maps is the largest in Antarctica and our commitment there ought logically in the future to grow and grow significantly if we are to take up the consequences of having such a significant geographical footprint in Antarctica, if not for the reasons associated with the science that is being carried out there.

I commend the report but I urge the government to consider carefully whether it can afford to continue to make cuts to the Australian Antarctic program, due to the importance of the work being done there and the inflexibility, if you like, in the nature of that commitment, because it is very hard to cut out a journey that the Antarctic supply ship might make or to reduce the number of flights that might be made to Wilkins given the inability of those places to operate with fewer direct connections with Australia in the course of, for example, an Antarctic summer.

Question agreed to.

DOCUMENTS
Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

BILLS
Export Market Development Grants Amendment Bill 2013
First Reading
Bill received from the House of Representatives.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (17:01): 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 LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (17:01): 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—

The changes proposed in this bill, the Export Market Development Grants Amendment Bill 2013, deliver on the recent Mid-Year Economic and Fiscal Outlook (MYEFO) decision to concentrate the EMDG scheme more heavily on small businesses exporting to East Asian and frontier and emerging markets.

The MYEFO decision and associated policy changes in this bill will deliver annual savings of $25 million.

The changes will better help Australian exporters maximise the potential of the Asian century by increasing the number of grants available in East Asian and frontier and emerging.
markets from seven to eight. This offers Australian small and medium-sized exporters a slightly longer and more commercially realistic period to become established in these markets.

To offset the additional grant expenditure associated with an increased number of grants to East Asian and emerging and frontier markets, the number of grants to the United States, Canada, United Kingdom and the European Union, which is where the Australian brand is already well known and accepted and small businesses typically face less barriers to doing business, will be reduced from seven to five.

The increased focus of the EMDG scheme on emerging and frontier markets brings EMDG into closer alignment with Austrade's broader trade priorities following its review in 2011, and the government's Asian Century policy agenda.

The government is seeking to introduce this bill now to avoid creating considerable uncertainty for small businesses as they adjust to the new arrangements which become operational on 1 July 2013.

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

National Disability Insurance Scheme Bill 2013

First Reading

Bill received from the House of Representatives.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:02): by leave—I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to this bill, allowing it to be considered during this period of sittings.

Question agreed to.

Second Reading

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:03): I present the revised explanatory memoranda and 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—

NATIONAL DISABILITY INSURANCE SCHEME BILL 2012

Few actions in public life give me greater pleasure than introducing the National Disability Insurance Scheme Bill does today. The Scheme to be established by this Bill will transform the lives of people with disability, their families and carers. For the first time they will have their needs met in a way that truly supports them to live with choice and dignity. It will bring an end to the tragedy of services denied or delayed and instead offer people with disability the care and support they need over their lifetimes. This is a complex Bill, yet at its heart is a very simple moral insight:

• Disability can affect any of us and therefore it affects all of us.

To be born with or acquire a disability is to encounter one of those "shafts of fate" of which Ben Chifley spoke in his last great speech as Prime Minister. The existence of disability in our community cannot always be avoided. But the consequences of disability—isolation, poverty, loss of dignity, stress, hopelessness and fear of the future—can be. Every 30 minutes on average,
someone in Australia is diagnosed with a significant disability. Only those of considerable wealth could possibly afford the costs of lifetime care that are required in response. Most Australians with disability cannot bear the burden alone, nor should they be left to. Yet in relying on public provision, they are forced to endure a level of care that is often shameful and generally insufficient.

It is a system that reacts to crisis. A system that metes out support rationed by arbitrary budget allocations, not real human needs. A system that I have rightly compared to a lottery – a cruel lottery where even the best outcome is far from satisfactory. So today our nation says enough. Our current system is inadequate and indefensible. It must be replaced.

Speaker, The risk of disability is universal, so our response must be universal. The only solution is therefore a nation-wide, demand-driven system of care tailored to the needs of each individual and established on a durable, long-term basis. That can only be accomplished through the united effort of the community through the positive action of government, supported by the Australian people through our public revenues. Therefore, this Bill will inscribe in our laws a substantial and enduring reform that will fundamentally change the nature of disability care and support in this nation:

• the National Disability Insurance Scheme.

The Scheme is ambitious, and necessarily so. Because more than 400,000 people are living with significant and permanent disabilities. Because carers are required to stretch the bonds of obligation and kinship past breaking point. Because the nation is being robbed of the human and economic potential of people living with disability and the contribution they can make to our shared future. Because while the promise of fairness and equality that lies at the core of our national ethos is denied to some Australians, we are all diminished. The need for this Bill is urgent, and the wait has been long. My distinguished predecessor Gough Whitlam sought to introduce a national compensation scheme 40 years ago. Today, a new generation – no less idealistic – seeks to perfect and complete the work. So I am proud to present this Bill to the House today.

Speaker, This Bill has two principal purposes:

• To establish the framework of the National Disability Insurance Scheme.

• And to establish the National Disability Insurance Scheme Launch Transition Agency, to operate the first stage of the scheme in five locations around the nation starting from July 2013.

The Bill reflects the extensive work on design, funding and governance undertaken with states and territories and with people with disability, their families and carers, and with key stakeholders. This Bill will be subject to scrutiny, to further work, too. The Government intends to refer this Bill to a Senate Committee to allow consideration in detail. And we will continue to work with the States and Territories, with people with disability, their families, carers and advocates. We will also undertake public consultation on the legislative instruments that will be developed in conjunction with this Bill. Any comments received through NDIS consultation processes will be considered. It is our intention to bring a final version of the Bill for a vote in the Budget session of Parliament next year ahead of the start of the first stage of the NDIS from July 2013.

Speaker, This National Disability Insurance Scheme represents a transformational approach to the provision of disability services in this country. Rather than attempt to patch and mend the existing system through further incremental change, we will build a new system from the ground up. The current funding model based on historical budget allocations will be replaced by an insurance approach, based on actuarial analysis of need and future costs. The scheme will respond to each individual's goals and aspirations for their lifetime, affording certainty and peace of mind for people with disability and their carers alike.

The Agency will work with people to plan, and to take account of their individual circumstances and needs. The Scheme will give people the care and support that is objectively assessed as being reasonable and necessary over the course of their
lifetime. It will give people real choice and control over these supports, including the ability to manage their own funding, if they wish. It will offer early intervention therapies and supports, where it will improve a person's functioning, or slow or prevent the progression of their disability over their lifetime. The scheme will move away from the crisis model, where families only receive support if they are unable to continue in their caring role and there are no other options. Instead, it will work with families before they reach crisis to make sure that the valuable informal care they provide is sustainable. The scheme will also aim to foster innovative services that are delivered and coordinated by local people. This Bill also clearly states the rights of people with disability within the scheme, and will give effect in part to our obligations under the Convention on the Rights of People with Disability.

Speaker, I turn now to the detail of the Bill. Chapter 1 of the Bill outlines the objects and general principles underpinning the legislation. The legislation aims to support the independence and social and economic participation of people with disability. It clearly recognises the right of people with disability to exercise choice and control over the planning and delivery of their supports. The legislation is designed to ensure that people with disability can access reasonable and necessary supports, that there is an assurance of support over a person's lifetime, and that the scheme remains sustainable over the long term. It will facilitate the development of a national approach in access to, and planning and funding of, supports to people with disability, and will promote innovation and equality in the provision of those supports. The legislation also provides a foundation for all governments to work together to implement the launch of the NDIS.

Chapter 2 of the Bill sets out a broad role for the National Disability Insurance Scheme Launch Transition Agency to provide general supports to people with disability and their families. As part of this role, the Agency may provide funding to individuals and organisations to help people with disability participate in economic and social life. Chapter 3 of the Bill then sets out the process for how to become a participant in the scheme, and how to develop a personal, goal-based plan with the Agency and receive individualised supports. A person may make an access request to the Agency to become a participant, and the CEO of the Agency must determine whether they meet the access criteria. To meet the access criteria, individuals must meet age and residence requirements relating to the five announced launch sites. Each prospective participant will also need to meet either the disability requirements or the early intervention requirements for assistance.

The disability requirements assess whether a prospective participant has a current need for support under the scheme, based on one or more permanent impairments affecting their ongoing daily living and social and economic participation. The legislation also sets out early intervention requirements, which allow support to be provided to help minimise the impact of a disability from its earliest appearance or prevent a deterioration in function over a person's lifetime. Additional matters may be specified through a legislative instrument as we learn more about the real-world situations of the people who need this support. A participant's plan will include a statement of participant supports, prepared with the participant and approved by the CEO of the Agency. This will specify, among other matters, the reasonable and necessary supports that will be funded by the scheme. The concept of reasonable and necessary supports will determine the scope of what the scheme provides. It means the scheme will provide a participant with what is necessary to achieve their goals and aspirations and take part in the community, in keeping with what it is reasonable to expect a scheme to provide. The legislation reflects community consultation on the factors to be considered in determining what are reasonable and necessary supports, including:

- whether the support will assist the participant to pursue their goals, objectives and aspirations,
- whether the support represents value for money, and
- whether the provision of the supports takes account of what it is reasonable to expect families, carers, informal networks and the community to provide.
The legislation is designed to allow participants and their families to choose how their funding for supports under a plan is managed. It also sets out how a participant's plan may be reviewed over time to take into account of the participant's changing circumstances. Chapter 4 of the Bill sets out the structure for the NDIS, including comprehensive rules to protect personal information and rights to review of decisions. It also sets out the process by which a nominee can be appointed to make decisions on behalf of a participant, while ensuring that the rights of participants are maintained and that nominees must consider the participant's wishes. Chapter 5 of the Bill addresses the interaction between the scheme and other compensatory schemes and common law actions for people with disability, such as those arising from motor vehicle or workplace accidents.

The provision of support and assistance under the scheme is not intended to replace existing entitlements to compensation. Accordingly, the legislation enables the CEO of the Agency to require a person to take reasonable action to claim or obtain compensation in circumstances where the CEO is satisfied that the participant has reasonable prospects of success and where taking that action would not cause an unreasonable burden to the person with disability. The costs of supports paid under the scheme before a compensation claim is settled or before a court judgement may also be recovered. Chapter 6 of the Bill establishes the National Disability Insurance Scheme Launch Transition Agency. In addition to delivering the Scheme, the Agency will perform a range of other functions.

These include managing the financial sustainability of the scheme, building community awareness about disability and undertaking research about disability. In accordance with the Productivity Commission recommendation, the legislation establishes the Agency as a body under the Commonwealth Authorities and Companies Act 1997. This was recommended in order to give the Agency a high degree of autonomy and legitimacy, placing it beyond the vagaries of politics, electoral and budget cycles. The Agency will be overseen by a Board made up of people with extensive experience in the provision or use of disability services, and in financial management, governance and the operation of insurance schemes. There will also be an Advisory Council comprising people with lived experience of disability and caring and other relevant experience. This will ensure that the Board maintains ongoing connection with the interests and lived experience of people with disability, their families and carers. To ensure the Agency is accountable to government, a Ministerial Council will be established through the Council of Australian Governments.

All governments—state, territory and Commonwealth—will be represented on the Ministerial Council. Finally, there is specific provision for an independent review of the new Act after two years of operation. The purpose of this review will be to consider how the Act has operated during launch, and to inform all governments on whether changes to the legislation are needed as we move to a national scheme. These are the main provisions of this Bill which, when translated from dry legal words into action, will change the lives of thousands of Australians – lastingly and for the better.

Speaker, In bringing this Bill before the Parliament, I acknowledge a deep debt of gratitude to some remarkable individuals and organisations whose persistence and belief have made this Scheme possible. I take this opportunity, publicly, to thank the Productivity Commission, Commissioners Patricia Scott and Associate Commissioner John Walsh, for their thorough and compelling analysis that has been critical to the shape of the NDIS. I also pay tribute to a remarkable story of advocacy, led by Bruce Bonyhady and Rhonda Galbally, the National Disability & Carer Alliance, the National People with Disability & Carer Council, and friends, activists and advocates in communities right across the country.

Lastly I thank my Ministerial colleagues: Jenny Macklin for her public policy genius in realising our vision for change. Bill Shorten for his passion for this cause as Parliamentary Secretary and his ongoing support. Jan McLucas for her patient, caring and accessible approach in dealing with all who need to be heard. And to all our colleagues in the Ministry, the parliament and
the public sector who are working so hard to make the NDIS a reality. From our different sectors and backgrounds, we have united around a single idea. A compelling idea. An idea whose time has come. For four years, this idea has grown from seed. Over the past year, we have built the foundations. Now this legislation will make the Scheme real. The National Disability Insurance Scheme is the greatest change to Australian social policy in a generation. And a mark of how deeply the conscience of our nation has been touched.

The NDIS will stand alongside the minimum wage, the age pension, Medicare and universal superannuation as one of the great Labor pillars of social justice and opportunity for all Australians. It will change our society in profound and lasting ways, enabling those who live with disability to fulfil their potential as valued and valuable members of our society. I count it as a privilege to introduce this legislation today. I commend the Bill to the House and to all those who have waited so long and worked so hard for this moment.

Debate adjourned.

COMMITTEES

Membership

Message received from the House of Representatives informing the Senate of members discharged from and the appointment of members to the following joint committees: Joint Standing Committee on Treaties and the Joint Select Committee on Broadcasting Legislation.

Legal and Constitutional Affairs Legislation Committee

Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:04): Pursuant to order and at the request of the Chair of the Senate Legal and Constitutional Affairs Committee, I present the committee's reports together with the Hansard record of proceedings and documents presented to the committee. Ordered that the reports be printed.

Economics Legislation Committee

Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (17:04): At the request of the Chair of the Senate Economics Legislation Committee, Senator Bishop, I present the committee's report on the provisions of the Family Assistance and Other Legislation Amendment Bill 2013.

BILLS

Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013

In Committee

Debate resumed.

The TEMPORARY CHAIRMAN

(Senator Bernardi) (17:05): The committee is considering the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013. The question before the committee is that item 53 and schedule 1 stand as printed.

Question agreed to.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:07): I move:

That this bill be now read a third time.
Senator CORMANN (Western Australia) (17:07): To assist the Senate, I make a few very short remarks as part of this third reading debate, essentially, just to place on the record that while the coalition will not be calling a division, we are fundamentally opposed to the passing of this bill for the reasons very eloquently outlined by my colleague Senator Scott Ryan, on behalf of the coalition. In order to facilitate the speedy passage of the business of the Senate, and with an abundance of constructive spirit, we will not be calling a division despite our strong opposition to this bill passing in its current form.

Question agreed to.

Bill read a third time.

**Appropriation Bill (No. 3) 2012-2013**

**Appropriation Bill (No. 4) 2012-2013**

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

(Quorum formed)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (17:10): More appropriation bills—more money, in excess of $1.2 billion. It is a common theme of this government. Last Friday, when looking at the website of the Australian Office of Financial Management, I was shocked to see the gross debt going to almost $269 billion—an enormous amount of money. Some in the government say, 'Don't worry about that; that is just gross debt; the net debt is what is important.' That is so wrong because, when you look at the so-called good side of the ledger, we have around $82 billion for the Future Fund. What happens to the money that the Future Fund earns? That money stays in the Future Fund for the retirement of public servants—it has to be budgeted for. How was that Future Fund built? It was built by the Howard-Costello government through good financial management.

Some $22 billion is owed in HECS fees by tertiary students going to university. You cannot charge interest on those fees. When a student completes their tertiary degree, gets a job and starts earning more than $30,000 a year, they start to pay that HECS fee back over time but with no interest. We have around $16.5 billion of residential mortgage backed securities, which earn a little bit of money for the government. I have just mentioned $82 billion for the Future Fund, $22 billion for HECS fees—that totals around $104 billion—and about $16.5 billion for residential mortgage backed securities, so around $120 billion on the good side of the ledger that does not earn the government any money to help pay that huge $269 billion gross debt. That is why we have to pay the interest on the gross amount, because the good side of the ledger is not earning any income.

For example, if you owed the bank $1 million and that was your gross debt, but you had $500,000 in another bank earning interest, your net debt would be $500,000. The interest on that $500,000 you had invested could help pay your debt on the $1 million. That is not the case with this government. We are going to have to fund $269 billion. We heard about a surplus in this financial year. How many times did we hear that? We heard it literally hundreds of times from the Prime Minister; the finance minister, Senator Wong; and the Treasurer that there will be no surplus. Here we are again, with these appropriation bills, discussing what? We are discussing more debt. Borrow, borrow and mortgage our children’s future away. That is what the Labor Party knows.

I can go back through the history of my life with Labor governments, state and
federal. Take the debt building of the Whitlam era—some say the worst government this country has had since Federation. In fact, Gough Whitlam is the only person laughing about this government because he is no longer regarded as the worst government this country has had since Federation. The current government has rounded up Gough Whitlam's government through mismanagement of funds and wasting of money. That is why the Australian people simply do not trust this government. They do not trust this government to manage money or to run a budget correctly as households and businesses have to do, but not this government under the Australian Labor Party. They do not trust the government to keep their word, whether it be on a carbon tax or private health insurance. Remember those words from Ms Nicola Roxon, 'We will not tinker, we will not alter the private health insurance.' You have upset everyone who has private health insurance.

The mining tax is a farce. My colleague Senator Cormann has highlighted so many times in this place the $2 billion collection of tax from our large miners—who are making more than $50 million profit and what did we get for the first six months? It was $126 million. But the money has been spent. The government have committed that money. Remember it was going to be superannuation contributions for our Australian workers, for those working families. The money is not there. Once again we see more borrowing, more debt. You just cannot fathom it.

When the government were elected into office in 2007, there was a cap on government debt of $75 billion. Then through that crazy stimulus package of so much waste of money—with the Building the Education Revolution, the pink batts et cetera—that limit was raised to a massive $200 billion. We thought they would not have to raise the limit any more than $200 billion surely. What happened next? They raised the debt to $250 billion. They would have had to have maxed out the credit card at $250 billion but no, in May last year they raised it to $300 billion. Add that debt to the state debts.

We know what sort of a financial shambles and mess Queensland was left in after the removal of the Bligh government, a government that balanced its budget for decades and was debt free. Now we have Queensland with a debt of more than $70 billion. The state of Queensland has just 4½ million people and owes more than $70 billion and is on a course for further debt. Some on the other side in the government say, 'Why are the Queensland government cutting costs; why are they trying to save money?' Well, they do not want to take Queensland down the road of Greece, Portugal, Spain and many other countries that are in serious financial trouble. They are cutting spending because of the huge debt that you financial mismanagers have left that state with.

David Murray, former boss of the Commonwealth Bank and former manager of the Future Fund, has highlighted the debt in Australia. Combine the state governments with the federal government and, in 2015, we are looking at debt of somewhere around $500 billion. Now we are talking half a trillion dollars. We are talking the figures they talk in America where there is $14.3 trillion of federal debt. Put that $500 billion, over our $1.3 trillion economy and what are we looking at? At a guess, it is 35 per cent of GDP. Now we are starting to get the debt up. And who is responsible for it? The Australian Labor Party. They have done that all my life.
I have often spoken in this place about the late 1980s and early 1990s when the Cain-Kirner government sent Victoria broke to a tune of $60 billion, where Victoria had to sell off electricity for $19 billion and use every cent to retire debt. Western Australia was sent broke and South Australia and Tasmania. Then the world's so-called greatest Treasurer at the time, Mr Paul Keating, did exactly the same thing here in Canberra when in government.

I cannot believe how this government has no respect for a budget. We were going to have a deficit of $12 billion for this last financial year. Then it came out to $22 billion in MYEFO and in the May budget of 2011 it came out to be $30-odd billion but the last financial year actually had a deficit of $43 billion. Two years prior to that, if you estimated a $12 billion deficit and it came out at $43 billion, that was not even a good guess. That is such a bad way to manage our money and forecast deficits in our budget. It is not even a good guess.

There was a $12 billion estimation of debt for the last financial year and what did we get with the final budget outcome in September 2012? We got $43 billion worth of debt. What are we facing here in these bills? As I said, more debt, more borrowings, more mismanagement of taxpayers' money in Australia. Where is it going to end? I tell you where it is going to end. It is going to end on 14 September. That is what will bring it to an end, because many in Australia who run their households, their budgets and their businesses know that governments do not have money, that governments take money off the taxpayers and off the companies and off those who make profits or they borrow it. This government is just a legend when it comes to borrowing money.

When I was at a function on Saturday night in Armidale and told the businessmen and businesswomen there that our gross debt was just short of $269 billion, they just shook their heads. We are now looking at a case where next year we will have to find somewhere between $10 billion and $12 billion to pay the interest only. It does not sound like much money when it just rolls off the tongue—$10,000 million but $1 million is an enormous amount of money and $10 million is a huge amount of money. It is 10,000 lots of $1 million just to pay the interest on the debt that this mob have built before we pay one pensioner, before we put one cent in an aged-care facility, before we put one bullet into the weapon of one of our soldiers, defending democracy and promoting peace on behalf of Australia. We have to find $10,000 million. That is the legacy this government is going to leave us. The Australian people cannot be fooled. They will not be fooled. They know how to run their budgets and they see what this government is doing.

These appropriation bills mean more debt. Just put it on the tick for the future. Is that what we are going to do for our future generations of Australians? Leave them wallowing in debt? Just running through the figures from memory through my life, I think the Whitlam era inherited a debt of around $4 billion but when they were thrown out of government just a short period of time later it was $10 billion. We then saw the debt of the coalition government of Malcolm Fraser grow to a massive $96 billion by the Hawke-Keating government. Then what? We saw that debt reduced to zero. Sure there was $50 billion owing on the gross debt because the then finance minister, Senator Nick Minchin, did not want to shut down the Treasury bond; he kept it open and left $50 billion worth of gross debt—I discussed this with him personally—but he also put $50 billion in the bank to neutralise it to zero. That is why this government started off with a $50
billion gross debt that is now $269 billion, because the Treasury bond market was left open instead of being shut down, but the money was put in another account to neutralise it.

Now we are just seeing borrow, borrow, borrow to whatever limit they wish to go and sneaking it through the budget figures. Don't worry about it; the Greens will support you. We know their history of managing money. They just say 'spend, spend' and then shut down half the businesses in this country and say, 'It'll be right, mate.' No, it will not be right. If you do not have a strong economy, then the government does not get money to carry out the services and responsibilities that this government and any government is responsible for. So we are facing a situation of borrow, borrow, borrow.

As I said, all my life, whenever the Australian Labor Party get into power—and I must differentiate the Australian Labor Party from the Democratic Labor Party—they send us broke. At a state level or a federal level. They have done it all my working life. From the end of 1972, when I left school down there in Adelaide, where you live, Mr Acting Deputy President Bernardi, I have seen nothing but borrowing and debt building and waste from the Australian Labor Party whenever they are given the chequebook and control of the budget. And now we are seeing more and more of it.

They wonder why they are so much on the nose with the Australian people. Just think about who they have upset. They tried to kick the Chronic Disease Dental Scheme out of here a few years ago and we blocked it in the Senate so that elderly people and pensioners could have more than $4,000 worth of dental work carried out on behalf of the taxpayers, which is only good. They have upset all those people with private health insurance. Doing what? Making more people pull out of private health insurance and putting more load on our states' hospital systems, which are already overloaded throughout Australia. They said about the minerals resource rent tax, 'This will be a fair way to tax.' No, it is just digging into state revenues and so they have upset everyone in the mining industry.

They talk about the environment. The cleanest fuel we have is LPG—liquid petroleum gas—and so they go and put a tax on liquid petroleum gas of 2½c, going up to 12½c by 2015. Ninety million taxi fares a year in this country. If you want to get on the nose with Australians, upset the taxi drivers because they talk to a lot of people. So they tax a clean green fuel that happens to be produced here in Australia and not imported and then they talk about the environment, they talk about carbon taxes, putting costs on industries. We have seen the figures today where so many businesses have been put under pressure.

I see Grain Products Australia—I brought their three months of electricity accounts into this place—have gone into administration, they have gone into liquidation, they have just been sold. Of the 68 jobs there, half of them are gone, and then there are people in the transport industry around Tamworth who relied on that business to keep their trucks and the wheels of their trucks and their income coming in. I was challenged to table the accounts. I tallied those three months of invoices: that food-producing, value-adding business averaged $28,000 a month in carbon tax alone on their electricity account. That is around $350,000 a year. How much would that finance? Well, at 10 per cent it would pay the interest on $3½ million, but you would not be paying 10 per cent. Probably $5 million of that carbon tax component of electricity bills for Grain Products Australia based in Tamworth is
how much this government put on the cost of that business. Grain Products Australia could not pass it on. They competed against cheap imports from China and other places, with a high Australian dollar brought about by high interest rates in this country compared to those around the world. Brought about by so many purchases of Australian Treasury bonds financing the debt that this government is creating. This is the situation we find ourselves in.

That is why, I say it again, the people of Australia do not trust the government. They have offended almost every sector. And now, of course, Senator Conroy decides, six months out from an election: 'We'll take on the media! We'll bring in the public interest media advisor. He'll shut them down if they say anything wrong. We'll do away with this.' It is just outrageous and he will suffer the consequences, and no doubt he will face troubles getting that legislation through. He says, 'It's got to be through this week; just rush it through.' Yet he was the one criticising a Senate inquiry in the Howard era, saying it was rushed over a few weeks. His legislation is going to be rushed over a couple of days! The irony of this is simply amazing.

I come back to that word 'trust'. The Australian people do not trust the government. The Nielsen poll today is saying exactly that. You cannot treat the Australian people with disregard and disrespect and then expect them to turn a blind eye to the way you govern our great nation. Here is more debt—that is what these appropriation bills are about. 'Just put it on the tick; she'll be right. We'll leave it to the other mob to clean up our financial mess.' That must be their attitude because that is how it has been all of my working life. The Australian Labor Party create a debt, blow the money, borrow up to the hilt, put the Visa card up to the max and then leave the financial mess for the coalition to clean up. That is how it has been for state governments and federal governments for all of my working life.

And this government is no different. But come 14 September the people will have their say. They will have their say in the seat of New England, where Independent member, Mr Tony Windsor, backed this government—supposedly for regional Australia. Got out to Rooty Hill the other week and here is all his regional development money going into Rooty Hill, a suburb of Sydney. That is supposed to be regional Australia! The government has betrayed Mr Tony Windsor MP. Likewise Mr Robert Oakeshott, the member for Lyne.

Senator Ronaldson: And they've betrayed their constituents!

Senator Williams: They have betrayed their constituents, Senator Ronaldson; that is exactly right. They say they are not conservative seats. Have a look at the Senate vote in those seats: 44 per cent to the coalition in the Senate vote. They are not conservative seats: those seats do not belong to politicians; they belong to the people and the people will have their say on 14 September. They believe that their local members have betrayed them and sided with a Greens-Labor government, left-leaning, that has done its utmost to cripple business in this country. Never forget that in a free enterprise economy the nation's wealth is derived from the business sector, and if you strangle that business sector you strangle the nation.

This government has broken its promises. The carbon tax, the minerals tax and the other crazy schemes it has brought in that it thinks will change the planet will not change a thing. China is going to go up to 7.6 billion tonnes of CO₂ a year by 2020 and we are going up from 578 million tonnes to 621 million tonnes or even more now apparently.
We are not reducing our carbon dioxide output in this country. All we are doing is shifting our industries overseas, like our cement industry, which is put under enormous pressure.

Our government is doing this through crazy policies, crazy borrowing and wasteful spending. All these appropriation bills are doing is topping up the financial mismanagement. That is typical of the Australian Labor Party. As I said, come 14 September the Australian people will be able to have their say and they are very much looking forward to it.

Senator RONALDSON (Victoria) (17:30): In the last 10 days I was in an airport—and I will not say where it was because I do not want to place anyone in a difficult position. When I asked one of the longest-serving Labor Party members in the other place how he was travelling, he said, 'It is all a bit surreal.' It is all a bit surreal. When he was talking about it being surreal I am sure he was talking about the quite surreal situation where in the space of five years his party has removed a Prime Minister in a blood coup and then, as a further example of the surrealness of the situation, there is talk about replacing that Prime Minister with the person that she removed. I can sort of understand why this member would describe the situation as surreal.

But it is this inward-looking government that has completely and utterly lost the right to govern that I want to talk about today. When you have a government of whatever political persuasion that becomes more interested in their own jobs than the jobs of the Australian people—and I have seen it before—then you know full well that it is a government in terminal decline. That is the surreal situation that the Australian Labor Party finds itself in at the moment. That is the surreal position that the Australian people find themselves in at the moment.

I want to talk about what I find really surreal. I want to talk about the surreal situation that we now find ourselves in. In October 2007 the current Australian Labor Party government was left with no debt, was left with a strong Future Fund, an education fund and $40 billion in the bank, from recollection, and now in a bizarrely surreal turnaround there is no money in the bank, gross debt is $250-plus billion and net debt is approaching $170 billion. People in this chamber and the other place talk about billions and it just rolls off their tongue. Well, $170 billion is $170,000 million. The cost of servicing that debt, which is still increasing, is approximately $7,000 million.

I have the great honour of being the shadow minister representing the people who have fought for this country. It is an extraordinary honour to be dealing with these men and women. I can tell you what $7,000 million a year could do to assist these men and women who have served this country, these men and women who, regrettably, in far greater numbers are suffering from post-traumatic stress disorder. We saw that frightening article in the papers over the weekend about the number of people returning from Afghanistan with PTSD.

If this nation abrogates its responsibilities to those who have served this nation at the request of the nation then we stand utterly condemned. When we are unable to meet our responsibilities because of government policies that have wasted hundreds of billions of dollars then what are we doing to ourselves as a nation? I am old enough to remember post Vietnam, old enough to remember that I was probably 12 months off my marble potentially coming up and old enough to remember the way those men were
treated when they returned from Vietnam. They did no more and no less than serve the nation at the nation's request.

When you spend the time that I do with these men and their families, you see what was done to them and the ramifications of that. It is not just the men who were there; it is their families and their children—the sometimes forgotten people in that post-Vietnam era. They are the ones who have suffered as a result of what this nation did. These are people who were refused entry to some RSL sub-branches and who were completely ostracised and had only themselves for comfort and support and, indeed, to try to look after themselves in both an emotional and a financial sense.

As honourable senators will know, the coalition is trying to address one particular part of the legitimate demands of the ex-service community for support, and that is in relation to fair indexation. This chamber knows full well, and many in the ex-service community know full well, that we will be addressing the DFRDB and the DFRB indexation issue. As I have said before in forums all over the country, we should have done it earlier. I have done the mea culpa in relation to this. Yes, we should have, but we did not, but we are trying to address it. We took that policy to the last election, and history, of course, shows what happened there and why we are sitting on this side of the chamber and not the other side. We tried again with the fair indexation bill that I moved in this place, and in a day of shame it was rejected by this chamber. We tried in the other place before Christmas to amend a bill, the Veterans' Affairs Legislation Amendment Bill, and to refuse to deal with that bill further until the government introduced a fair indexation bill. This was not a matter of going out and having six-month or 12-month consultations. This was not about the parliamentary draftsmen being under enormous pressure and taking six months to come up with the bill, because the bill was there. All that had to be done was for the bill to be reprinted in the government's name, and fair indexation would have been achieved.

Last week in this chamber we again attempted to amend a piece of legislation that had attached to it a schedule which repeated in toto the bill that failed to be passed in this chamber several years ago. Literally two minutes before this bill was meant to be debated, it was pulled. The reason given was that the government had last-minute amendments it wanted to make. History again shows that there have been no amendments circulated since then. There have been no amendments circulated this week. This bill is not back on the Notice Paper for today, apparently it will not be tomorrow, and it will not be the day after that or on Thursday. So the first time that this could possibly be debated is in the budget session—again, an opportunity denied to these men and women in receipt of DFRDB and DFRB superannuation to have fair indexation.

The Leader of the Opposition, Mr Tony Abbott, has twice made commitments on this—once in that magnificent regional centre of Bendigo, which is close to that other magnificent regional centre of Ballarat, where I live and my family have lived for some five generations. Ballarat is close to that other magnificent regional centre of Geelong. These are three extraordinarily strong regional centres, all of which have made their mark on this nation's history. In Bendigo Mr Abbott committed the coalition to fair indexation. Last week the coalition again committed itself through Mr Abbott to fair indexation.

There are a number of organisations that have come out and supported the coalition in
relation to our announcement again last week that we would be introducing fair indexation in the first budget of an Abbott government. Organisations such as the Alliance of Defence Service Organisations, the Defence Force Welfare Association, the RSL and others have supported this. But what they have said to the government is that the ex-service community will not accept anything less than full and fair indexation for anyone with military superannuation and that any attempt by the government to spin a half-baked solution to make the problem go away will be exposed for what it is. If indeed that is what is being discussed, the ex-service community have made it quite clear that it is no way for halfway, and this government will not get away with bringing in a system and an indexation method that do not match the coalition's.

I want to talk tonight about the impact of that $7,000 million, which is the interest bill on that money—the noose that the Australian Labor Party has put around the necks of Australians alive today and Australians yet to be born, I fear, for generations because, remarkably, these people have another five months to go before the next election. I fear what the debt might be at that stage.

Those with any knowledge of the veterans' community will understand there are many pressing issues. I know that Senator Back and Senator Nash, who are in the chamber today, have an intimate understanding of what is required to assist these men and women. If you look at the advancing years of a number of our veterans and veterans' partners or wives, you will see there is a sense of urgency on their part in relation to matters that should be addressed. Look at the situation facing war widows. You can have a situation where two sisters marry two brothers who travelled overseas, fought beside each other, came back and lived in the same street. If one of those men died of war caused injuries then his widow would be given a widow's pension and a gold card, but her sister and the man who did not die of war related injuries would not. I have said on the public record in forums across Australia that I think that is grossly unfair. Is this nation in a position at the moment to address that? No, it is not.

Look at the outcome for invalid pensioners following the Harmer review when the Howard government legislated to address an indexation question that had been the bane of the life of many TPIs for a long, long time. That was addressed and it was undone following the government's response to the Harmer review. Is the nation in a position at the moment to address that $700-plus million cost over the forward estimates? No, it is not. Look at the partners of veterans who quite rightly say, 'We need some more support—we need some support with respite; we need other support.' Look at what has been done to the BEST fund for advocacy and welfare services, where men and women who have served or have an intimate understanding of what it is to serve—who understand the uniqueness of military service and everything that brings with it—have been providing advocacy and welfare services to members of the veteran community. The government several years ago slashed that funding. When we are talking about providing support, particularly for those young men and women who are returning from Afghanistan at the moment, the very group of people who could be providing them with that assistance have had their funding reduced. The government stands utterly condemned for doing so.

I have a minute left. I will throw this challenge out to those opposite: if you are to lose the next election then please provide the new government with the ability to address some of these short-, medium- and long-term funding decisions that will need to be made,
not just in my portfolio but across the board. If you are going to form government again in September, I throw the challenge out to you to finally, please, in the last six months of your government, not let down the people of this country again with this wilful spending and disregard for the future not only of us but of our children and our children's children. When I see this utter farce that we have seen in this last week in relation to the attack on the freedom of the press I fear I know where the priorities are. (Time expired)

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (17:50): I also rise to make some comments on the appropriation bills before us. Following comments from some of my colleagues who have already spoken in this place, there is absolutely no doubt that this Labor government has no ability whatsoever to manage the nation. My good colleague Senator Ronaldson has just very eloquently pointed out exactly that. The mismanagement that we have seen when it comes to the economy is nothing short of breathtaking.

As I travel around communities and talk to people who are out there going about their daily lives—going to work, going home; they have their mortgage and they are working hard to pay that off—they are absolutely astounded by this Labor government's complete inability to understand that when you borrow money you have to be able to pay it back. All of these people that I talk to, particularly in regional communities where I spend the bulk of my time, actually understand how it works. They actually understand that if you borrow money you have to pay it back. This government shows absolutely no sign whatsoever of understanding that.

We have about $268 billion worth of gross debt—268 billion. We have well in excess of $150 billion of net debt. We are paying $7 billion a year in interest on the money that this government has borrowed—seven billion! Billions seem to roll off the tongue of those on the other side of the chamber as if it was just a few dollars here or there. That $7 billion could give us another 100,000 nurses, another 100,000 police officers, perhaps another 100,000 school teachers, but because of this government's complete lack of ability to manage the economy it is all getting sucked up in paying off the interest on the debt—and so much of that money that has been borrowed has been wasted. I think it particularly galls people when they see this random borrowing. The government has never, ever, understood how to manage money, just like many previous Labor governments; but this one in particular is worse than most of the rest put together because it simply cannot do it—it has absolutely no idea. People are absolutely gobsmacked by the waste that we have so often seen with that borrowed money.

Colleagues often talk about the waste—$6.5 billion now—that the government has spent on trying to get some semblance of order into managing our borders, which it is not doing. We have had something like 380 boats and nearly 34,000 people turn up since Labor came to office. It is just extraordinary that the government simply cannot manage the borders, cannot manage money, cannot manage anything. It is like letting kindy kids be in charge of the country—although that is being disrespectful to kindy kids.

People out there in the community know that this nation deserves a better future; they know that this nation deserves to be able to look to the future and think they have a government that is going to take them to a better place. They know that this Labor government is not going to do that in any way, shape or form. It is really sad. I actually find it really sad, as a wife and mother, to
look at the shambles of this government, that my children have to watch, ruining what is the best country on the planet.

As I move around regional communities—and I am sure my good colleague here Senator Ruston will be hearing exactly the same thing in her home state—I find people have no confidence. Money has just stopped moving. People do not have the confidence to invest or the confidence to spend because under this Labor government they have no idea what part of the shambles is going to come next. They have no idea what is around the next corner and they have no confidence to do anything. What is happening in our regional communities in particular? Money has stopped moving around and everything is coming to a grinding halt—and it is the fault of this hopeless Labor government.

This is a Labor government that does not understand rural and regional Australia—no idea, not a clue, nada, nothing. I am not just saying that from this side of the chamber; we can see it. Every day the Labor government prove yet again that they have no idea about regional Australia, about what regional Australia needs now and in the future and what makes it tick—not a clue. It almost seems like they do not want to know. It is almost as if they do not care. Whether they think not enough people out there are ever going to vote for them and we are not worth worrying about, I do not know. Maybe it is just a complete inability to understand it, and not enough sense and sensibility to actually try and figure it out. When we look at some of the actions of this Labor government, it is absolutely appalling the disrespect with which they treat regional Australia and the lack of ability to try and put in place any kind of policy determination that will improve the lives of regional people.

Colleagues, we only have to look at the snap live export ban that the government put in place on the cattle trade to Indonesia. If there has ever been a more stupid decision by a government—no, actually there have been quite a lot from this government so I do not think I can say that, but that one was of note as particularly breathtaking. The government responded to an email campaign from people who so often had absolutely no idea how the live export trade worked, what was actually happening and what those people were doing, particularly in the north of the country. They had no idea, and yet we saw that absolutely knee-jerk reaction from the Labor government to put in place a live export ban: 'Snap! Gee, we'll do that!'—and Julia Gillard and her agriculture minister in the Labor government decimated the lives of so many people across northern Australia. It just seems they simply did not care. And it was not just the cattle producers; this was far-reaching. All those people in the community, all those people who ran businesses that relied on the trade, all those people who were involved in producing hay for people involved in the trade, all those flow-on businesses and flow-on practices—all of them were affected because of the live export ban.

Colleagues, do you know what the Prime Minister said recently at the Press Club when she was asked about this? She made some reflection about having to respond when there is an overwhelming call from the people out there. They are not her exact words—I do not want to verbal the Prime Minister—but they were along those lines. She basically said, 'Well, I had to do something in response,' and she thought it was better, rather than affect the industry long term, to have some 'short-term disruption'. The Prime Minister of this country, having decimated the lives of people and those in the communities around
those cattle producers, termed it 'short-term disruption'. That is appalling. If that does not show a complete disregard for rural Australia and the people in it, I do not know what does.

Recently the Prime Minister said that, under the carbon tax, the dairy industry was not only going to survive but going to thrive. I do not know if the Prime Minister is completely disconnected from what is happening in rural Australia, just does not care or both, but it is tragic to have a Prime Minister so incompetent as to not actually understand the effect of government policy on different sectors. That is just appalling. And this from the Prime Minister who said, 'There will be no carbon tax under a government I lead,' but then, lo and behold, what do we get? We get a carbon tax. You cannot trust a single thing this Labor government says.

People in regional Australia are feeling so left out, left behind and disregarded by this Labor government everywhere I go, probably no more so than in the area of education. This Labor government have been appalling when it comes to trying to provide some equity for regional students in access to education. I use the word 'appalling' deliberately. I cannot think of a more appropriate word than 'appalling'. When we look at the track record of this Labor government when it comes to regional students, there is absolutely no way that this government can possibly understand the inequity for regional students in accessing tertiary education. Indeed, in 2010 we saw the government make some sweeping changes to the youth allowance system. Some of them were, as I said at the time, good initiatives, but during that process the government came up with a change in policy that treated regional students unfairly. It took a year and a half before this stupid government realised that they had made a mistake and were treating regional students unfairly, finally doing a backflip and reinstating those students in the inner regional areas to equitable criteria when it comes to accessing independent youth allowance. It took 18 months to reverse something that should never, ever have happened in the first place.

I see Senator Back at the other end of the chamber is nodding his head and I will take that nod as an interjection because I know how very clearly Senator Back understands this issue. I know that in Western Australia, like everywhere else across this nation, this issue is burning regional families. Indeed, I got an email from a family in regional Western Australia just a couple of weeks ago pointing out the inequities in the current system and the huge difficulties they were facing just trying to educate their children. The Prime Minister keeps talking about equity in education, but it is clearly yet another thing you cannot believe from this Prime Minister. If she truly meant that then she would have fixed at least some of the problems for regional students accessing education.

The issue for regional students is the fact that so many of them have no choice whatsoever but to relocate to attend university or further education. That comes at a huge cost; the evidence shows it is around $20,000 to $30,000. This is the issue: those regional students who have to relocate have that huge financial burden, but city students who do not have to relocate do not have that financial burden. That, colleagues, is the issue of inequity for the regional students.

This government simply does not get it. I think they somehow think everybody living out in the bush is a rich farmer earning millions of dollars and can send their kids off to uni, thank you very much. Nothing could
be further from the truth, yet we see this government put in place a $150,000 parental income test cap on independent youth allowance for those students who go do a gap year, work hard for a year and prove themselves independent of their parents. And the government puts on a parental income test cap. They say to these students who have been out working flat out for a year—or would if they could—'Oh, sorry. If your parents earn $150,000 combined before tax then, sorry, you're not even eligible to apply. Forget about it. Go figure out some other way to get the extra funding you need to go off to university. Oh, by the way: those city students who can stay home? They're fine.' And good luck to them. That is terrific and fine for them, but they do not have that financial burden.

How dare this government say to our regional students, who work so hard going through the proper processes of the only mechanism that is available for them in so many areas to get some financial assistance to go on to tertiary education: 'By the way, we think that, if your parents earn $150,000 combined before tax, they can foot the bill for you.' It is not a welfare measure. Dependent youth allowance is a welfare measure. Independent youth allowance is not. The parental income test cap should not be there. It is illogical. It should not be part of the criteria for independent youth allowance. We are, effectively, talking a school teacher and a police officer in a regional area: their child does not qualify for the ability to go work their tail off for a year to qualify under that criteria for independent youth allowance.

This government has thrown so many regional students on the scrap heap that it is just astounding. When we look at the debt and the $7 billion a year in interest payments because of this government's complete inability to run the country, it is no wonder those regional families are absolutely desperate and gobsmacked that this government cannot find the money to get rid of the cap that they should never have put on independent youth allowance in the first place. It is so wrong.

These regional students deserve better. They deserve a fair go. They deserve a fair crack at the equity of education that the Prime Minister keeps talking about. It is so wrong and not fair. Why would a professional in a regional area stay in that regional area when they have huge costs of having to send their students away? As one professional in a regional town said to me a while ago: 'I've got three daughters. Two of them are off at university. I've got another one coming that's going to be off at university in a year or two. I could move back to Sydney, get paid more and not have the financial cost of having to send my children away to university. Why would I stay in a regional town?' He said, 'I stay here because we love it.' There are so many professionals now talking to me saying exactly the same thing. This is not just an issue of regional students going off to tertiary education; this is an issue of the future sustainability of the workforce in our regions. This government is threatening the future sustainability of our regions every single day.

This government knows having that cap on independent youth allowance is wrong. In my view—and in the Nationals' view—we should have a tertiary access allowance so that students have that equity and have that ability to get some financial assistance so they can go to university on a level footing with their city cousins. Why should regional students be disadvantaged simply because of where they live? It is not fair and it is about time this government woke up and realised what they are doing to regional students and their families. People out there in the
communities work so hard, and are the backbone of this nation—whether they be on-farm or in small business or working in so many different fields and areas that we see in rural Australia—and yet this Labor government could not care less. I say that in the true knowledge that it is the case, because otherwise they would have fixed it. They are not even going down the track of coming up with a better system for students, which they are crying out for and which absolutely needs to happen to give them some equity of access to education. This government will not even try to fix the mess that they have already created and have already got in place.

Why should these students not have the same fair crack at a decent education that city students do? Only around 33 per cent of regional students go on to tertiary education—compared with 55 per cent in the cities—and all the evidence shows that it is because of the financial burden that these students and their families face because they have no choice but to relocate; it is not rocket science. I simply do not understand why the government cannot get what they are doing to these regional students and their families. When we see this government do things like selling the parliamentary billiard tables for $5,000 and then spend $102,000 determining whether or not they got value for money, it is not surprising that these families are despairing of this Labor government ever understanding regional or rural Australia. It is no surprise that there is no confidence out there in those communities. Rural Australia has the most amazing opportunities ahead of it; the people in those communities have the most amazing opportunities ahead of them as well. Rural Australia is the most fantastic place in the world to live, and people out there can only hope that they will eventually have a government that will see that and finally give them some vision to a decent future.

Senator RUSTON (South Australia) (18:10): I, too, rise to speak on Appropriation Bill (No. 3) 2012-2013 and Appropriation Bill (No. 4) 2012-2013. From an economic and fiscal perspective, I think that the government's primary purpose is to make sure that we have got an economy that is able to generate income so that we can afford to have all the things that a socially responsible society seeks to deliver to its people. To be spending money that we do not have, or to spend money that has been borrowed without any sensible plan for economic growth, seems to me a very irresponsible way to be approaching our fiscal and budgetary situation in this country. Soon we will be using all of our income to pay the interest on our debt, and that is unsustainable. We all know, from our own personal household budgets, that when you get to the extent where you are paying so much on your loans; your credit cards and anything else that you have managed to rack up—your department store credits and the like—eventually you get to the stage where you have to do something about what is going out, because otherwise you are not going to be able to achieve any benefits. If we want to be a society that has all of those public and social benefits that should be afforded to a nation that is as rich as Australia is, then we have got to start addressing issues of debt and deficit so that we can start spending the money that we are generating from income on things that are really positive—things that people in Australia actually want to have—and all of those lovely things that I know that I, for one, would like to see happen. I would like to see the National Disability Insurance Scheme funded; I would like to see our dental scheme funded; I would like to think that, for people who are not able to look after
themselves for whatever reason, there is enough money in the barrel at the end of the week so that they can get some benefit, because they are not able to have as fair and as nice a life as those of us who have the luxury of having a good job. Unfortunately, if we do not have any money because we have spent it all on interest payments—and there will be, in the future, no money left to be able to pay these things—that is not a country that I want to live in; that is not a society that I want to live in and I am sure that it is not a society that anybody in this chamber wants to live in.

The most obvious example of the lack of productive spending of money that could be put to better use was the economic stimulus package. Australia, and particularly regional Australia at the moment, is crying out for productive infrastructure: roads, port upgrades, water delivery efficiencies—there are so many things that we could be spending money on, in terms of infrastructure, that would easily have great benefit across the whole of Australia. I look back with great pride at the Snowy Mountains scheme, when that was put in, and I think everybody in Australia was terribly proud of the fact that we were world leaders in our infrastructure development for that particular project. Where are our Snowy Mountains schemes on the books at the moment? Where are the things that we should be doing and spending our money on so that we can allow our primary producers and our people who live in the regions—the people who produce the income and who are actually productive in this country—to be successful?

As well as this infrastructure, we would also be providing an ongoing legacy for Australia into the future. This would be instead of spending this money like we saw with the stimulus package and a number of other things. It was a quick fix to a problem—an easy vote-buying thing. If you pop $1,000 in somebody's bank account they are probably going to be more likely to want to vote for you at the next election. Unfortunately, at the moment, with times as tough as they are, people only see to the next pay cheque or the next amount of money. And I understand people's response to getting $1,000 into their bank accounts: it is all terribly nice. But what of our responsibility as legislators to try and develop a system where we are actually providing something for the future of our country?

There are a couple of specific issues that I would like to highlight in this regard. For instance, Building the Education Revolution. In the electorate in which I live we have a special school for children who have special needs. For some unknown reason, the South Australian government built this school on the side of a hill. As you would probably all well know, a lot of children with disabilities are actually in wheelchairs, so putting it on a steep slope was a pretty silly place to put it. Eventually, they got approval to move this school to a flat area. However, they had been given the money for their school shelter. When they asked if they could actually defer the expenditure of the money for their school shelter until they moved to their new site, they were told that they could not. Hence, we have this lovely new school shelter built on a site that no longer houses the children of the Riverland Special School.

Another Building the Education Revolution project that I am very disappointed to say has gone by the wayside was the Queensland School for Travelling Show Children. This is a school for the children of the showmen who provide the sideshows and the rides at all of the shows around Australia. I am not sure if this house is aware, but there are 6,000 people moving around the country each year in the show
family—the moving show town that goes around the country. Of these 6,000 people there are about 65 children of school age.

A number of years ago there was an amount of money graciously made available to this particular show school by the members opposite—it was a Labor Party initiative—which saw the provision of a prime mover and a classroom so that these people could take their school with them and employ a teacher to provide the education for these students. I particularly draw to the house's attention the need for a teacher to be associated with this travelling school, as opposed to using distance education. That is because many of the people who work on these sideshows are illiterate; the parents will tell you quite willingly that they are very desperate to ensure that they have a teacher with these students because they do not themselves have the capacity to be able to provide the oversight in education for their children.

When the decision was made by the Queensland government that they were no longer in a position to be able to pay for the entire education of all of these show children, despite the fact that many of them did not actually reside in Queensland, we sought to find a way that they could keep their classroom, their prime mover and their teacher on the road. The Queensland government generously agreed to provide distance education support for this to continue, but for some strange and wondrous reason the New South Wales and Victorian governments have been asked to stump up $300,000 to pay for the prime mover and the classroom, which have already been allocated to the show school.

One would actually have to question why we have the situation where we have already paid for them and now we are going to have to pay for them again. Right now, as I stand in this chamber, the children of the travelling show school do not have their classroom and they do not have their prime mover. The cost of the teacher who is travelling with them at the moment is being paid by the parents because there has been no provision made in any budget to be able to afford this teacher. I think that is really very sad, because these people have just as much right as anybody else to have an education—particularly given that they have admitted the parents do not have the capacity to be able to help their children through their education classes.

Another area that is of extreme concern to us, and which was touched on quite significantly by Senator Nash, is in relation to primary industries. Australia used to be considered a world leader in innovation and technology in research and development. It was our competitive advantage; it was the reason Australia was so successful during the sixties, seventies and eighties as a primary producer. In the seventies we used to export our irrigation technology to places like Israel. Israel, very cleverly, took that technology and innovation and applied it in their own arid climate, which is very similar to ours, and now we see that most of the irrigation technology that is being exported around the world is actually coming out of Israel and not out of Australia. This is because we have reduced the amount of funding and the incentives that we are putting in place for people to pursue research and development, innovation and technology within the primary industries sector.

I can remember the Loxton Research Centre, which was a research centre in the community in which I live. We were considered one of the most important horticultural research centres in the world. Quite often, some of the findings of the research activity at this centre would lead to the development of new techniques in production and new varietal types that could
meet the conditions—particularly things like growing crops with less water. Surely, but surely, the sense of that must have been borne out by the issues with the water restrictions placed on the Murray-Darling Basin in the recent drought. Research and development was such an important part of the history of the development of the primary production sector in this country, and it seems very tragic that we are now seeing that whole sector contract.

Another area that is probably having as much impact at the moment is the cost-recovery model as it is being implemented. Along with everybody else, I accept the fact that cost recovery is probably something that we are going to have to live with into the future. As a primary producer I probably would prefer that we did not have it, but if we are going to put in cost-recovery measures, at the same time we also have to make sure that our supply chain efficiencies and the application of the things that government needs to do are absolutely at their most efficient. We are not seeing that. I noted with the introduction of the cost-recovery model from AQIS into the export activities of Australian producers of recent times that $127 million was agreed in order to put in supply chain efficiency measures so that when full cost recovery came into play these measures would offset to a large degree the amount of money that exporters would be required to pay to export product. What we now see, as we stand here today, is that we are nearly at the end of that $127 million. It appears as if the exporters have not received very much in the way of supply chain efficiencies to offset the cost of export. Yet, in a minute, we are going to have to bear the full burden of cost recovery.

It is really important that we understand the value of exporters. We seem to have forgotten somehow that exporters are probably the most important thing that we have in this country, because these guys are the positive side of our balance of trade figures. If we do not support exporters and we end up being a net importer, it does not take very long to realise where all of that ends up. It ends up in exactly the same place as living on borrowed money. We need to generate income in our country and we need to export the products that we are producing so that we can get new money back into this country. That is what has made this country so rich and prosperous in the past and it is very important that we continue to take that economic approach to how we deal with Australian production into the future.

We need to get rid of red tape as well. I have a couple of examples of recent bills—the ag and vet bill and the biosecurity amendment bill, that is currently before us—that have come through this house which were supposedly going to reduce red tape and reduce the burden on industry, particularly on primary industry. I cannot see how a bill that is supposed to reduce the burden on industry, that is going to cost the industry more in a situation of cost recovery, cannot possibly be a burden on industry. It beggars belief that you would actually be bothered generating a bill to try to decrease the burden that, intrinsically, will increase the cost and ultimately increase the burden on producers.

As mentioned by Senator Nash and others before her, a number of things have exacerbated the problem following the knee-jerk reactions we have seen and the changing of government policy which is increasing our sovereign risk. It is starting to get really quite scary in this country in the sense that nobody is quite sure what is going to happen next. You only have to look at the knee-jerk reaction to the ban on live exporting and to the fishing licence of the Margiris—or the Abel Tasman. It actually gets quite scary because who is ultimately going to pay?
Once again, we have got a situation where a government policy is actually going to end up costing the taxpayers of Australia. I am absolutely sure that the owners of the Abel Tasman are not going to go away without seeking compensation for something that they entered into—a legally binding obligation with the Australian government to allow them to do something that then got changed by legislation. Legally, these guys have got a right to recompense for the costs that have been associated with the change. We need to stop wasting money and we need to start spending money that is productive, money that will actually generate further income and further productivity, and be of benefit to the whole of Australia into the future.

The Prime Minister issued her *Australia in the Asian century* white paper not that long ago. This morning, I met with Austrade and a number of their Asian representatives, and it is a really exciting story. If you look at the opportunities that reside in Asia at the moment for Australian businesses not just agricultural businesses but service industry and supply industry businesses, there are myriad opportunities out there. Food is one of the very, very important ones. It was interesting to note in some of the conversations how small the percentage of their own calorie requirements is that many of these countries produce. Australia is sitting here with the massive opportunity, with the production ability, with all of the primary resources, with the technology, with the know-how and with the farmers. We could actually take the huge opportunity that the Asian century provides for us into the future if only we started spending our money more smartly and we started investing in the infrastructure that we need to be able to get our products from the farm gate onto the tables of Asia.

Before I finish, I would just like to quickly touch on the Murray-Darling Basin Plan and a particular infrastructure project that is currently trying to be progressed in the Riverland of South Australia. I refer to the Chowilla regulator. Only today, it has become apparent that when the Chowilla regulator comes into being—the Chowilla regulator is on Chowilla Creek, a creek that bypasses the main river system at Lock 6 above Renmark—it will actually flood 10,000 hectares of land in Chowilla itself. Chowilla is a property owned by the Robertson-Chowilla family trust and it appears now as if no agreement has ever been reached with the owners of Chowilla in relation to the compensation that they believe is payable to them for the inundation of the 10,000 hectares of land, which they currently use for grazing. Anybody who knows that area of the river will realise that the value of the grazing lands on the floodplain is much, much more significant than the rest of the land that belongs to this particular property.

We now have a situation of a complete and utter stand-off between the owners of the Chowilla Station and the government, both the South Australian government and the federal department, in relation to the construction of this regulator. The estimated cost for the construction of the regulator when it was first put in was $43.2 million. It now appears as if it is going to be in excess of $61 million and this is before any compensation is paid to the owners of the property. Once again, surely somebody should be made accountable for the fact that we now have this ridiculous issue of compensation that could have been avoided had it actually been managed properly in the first place.

Another one that is concerning is the Water Industry Alliance—$265 million was promised by Minister Burke just before
Christmas and it now seems that $25 million of this $265 million has disappeared. I do not know where it has gone, perhaps it has gone to administration in the department, I am not really sure. It is quite terrifying to see that things are not being dealt with properly in the first place and, in the end, the taxpayers of Australia have to pay for the bungles that have occurred. If they were managed properly in the first place, this situation would never have occurred.

In speaking to these bills, I suggest that a little more efficient and effective management of the government's limited resources and the application of those resources to productive use that actually goes to the long-term benefit and the long-term productivity of this country would be a much better use of our resources than spending it on things like compensation. (Time expired)

Sitting suspended from 18:30 to 19:30

Senator BERNARDI (South Australia) (19:30): It is appropriate to be debating Appropriation Bill (No. 3) 2012-2013 and Appropriation Bill (No. 4) 2012-2013 tonight because of the significant events that happened in parts of Europe over the weekend. But before I address them specifically, I would like to talk about appropriation briefly. An appropriation bill is effectively a spending bill. It is a bill which governments put forward so they can procure money and spend the money as they see fit. It is in effect an allocation of taxpayers' resources that will determine the demands of government from taxpayers in the future and, if taxpayers cannot fulfil them, they will be demands of the government to borrow money.

In reference to borrowing, there is a significant difference between the debt that is accumulated in the private sector and the debt that is accumulated in the public sector. The private sector has inherent within the system normal checks and balances. The mistakes effectively become self-correcting because over time people recognise that they cannot continue to borrow their way to prosperity. They end up stopping borrowing money because the repayments get too high and they get too much. They reduce their spending or they go broke. When they go broke, there are consequences of that—the creditors lose out and the borrowers lose out. This is exactly what has been happening right around the world within the private sector since the global financial crisis.

Unfortunately, governments around the world, including this government, seem to have a different idea of how debt works. They seem to think that it is okay to continue to borrow and borrow and borrow, which is effectively mortgaging the taxpayer receipts and the taxpayer obligations of tomorrow and the next generation in order to satisfy some needs and wants of today. This is not normal. This is aberrant behaviour. It can only be achieved ultimately by repaying debts. But there is no silver of hope that this government or indeed many other governments around the world have any chance of repaying their debts without debasing or devaluing their currency.

In the case of the Australian government, it is of enormous concern. We had over 12 years of coalition economic management with $96 billion worth of national debt accumulated by a previous Labor government—and $96 billion of national debt was paid off. The balance sheet, if you will, of our nation was effectively better than debt free. It had no net debt and, as has been discussed, there was the bond market that continued but it was offset for the same amount of money to balance that out. There was also a significant amount of savings through the Future Fund and through a number of other investment assets that we had.
I regret to say that a $20 billion surplus in the final year of the Howard government has now morphed over the last five years into a $50 billion-plus deficit. Every single year of this government and the previous Labor government under Mr Rudd has put forward a deficit. I understand that the global financial crisis did impact government revenues—of course I do—but I also understand that this government's spending has increased at a rate of knots which is almost unprecedented over the last five years.

I am pleased that Senator Wong is here because Senator Wong and some of her colleagues have made a great deal about the proportion of taxation receipts by this government as a comparison of gross domestic product, comparing it with previous administrations, most notably, the Howard-Costello administration. At the moment the government claims that it is taxing about 22 per cent of GDP, and I will not dispute that figure. Over the 12 years or so of the coalition government, the taxation measures and revenue averaged about 23 per cent of GDP. So notionally it is higher.

But conveniently the government, Senator Wong and others forget or omit the nearly four or five per cent of GDP which has been borrowed every single year. That is $50-odd billion that is borrowed that the government are spending. If they were not borrowing that money, they would have to be taxing the Australian people and, as a percentage of GDP, we would be faced with 27 or 28 per cent of our national economy. That is simply too high. Even the most balanced economists would say that working towards 20 per cent of GDP for taxation is an admirable destination for anyone to strive towards.

So as the private sector have been reconciling and reckoning with themselves about the overextension of their own loans and winding them back and deleveraging, as it is called in the economic world, we have governments all around the world, not least of all our own government, extending their leverage. Our government is continuing to borrow on the assumption that they will never have to pay it back. I think we have to go back over 100 years to find any Labor government that has ever paid any of its debt back.

It is a big worry because it means that if we are having growth in our economy of around two-and-a-bit per cent—sometimes a little bit more, sometimes a little bit less, and we have wavered with virtually zero per cent growth—and yet the government is borrowing about five per cent of GDP, you can only draw the conclusion that the government is throwing money at things and getting absolutely no result. We have seen bucketloads of waste and I cannot describe it any better than that—bucketloads of waste.

The government will dress it up in any manner of ways. They will say, 'We are protecting jobs; we are creating jobs; we are doing this.' The simple fact is that they have wasted tens if not hundreds of billions of dollars. Tens of billions of dollars that we would not otherwise have to borrow, repay or mortgage the future of our children have been absolutely wasted.

The demographics of this country are such that make this problem far more acute than it might hitherto have been in previous years because we have an increasing number of people who are looking forward to retirement. Of course, we have the government tinkering with their superannuation entitlements and the entitlements they believe they have accrued over the course of time. We are going to
have increasing demands on health care, yet this government is driving people out of the private system into the public system. We are going to have fewer people actually working, as a percentage of our domestic population. That means the burden of providing for all of these services and repaying these debts is going to fall upon an ever-diminishing number of people.

In a global environment where the movement of people is as free as the movement of capital, people will choose to relocate where there is more opportunity, there are lower taxes and more economic freedom without the coercive strains of government. It is extraordinary that, on the one hand, the government acknowledge this. Just last year they were talking about how they needed to repay debt and, I think, over 500 times they said that the budget would be returning to surplus. Since then, the refrain has obviously changed, and they are saying that revenue has been diminished. Anyone worth their weight in economic nous knew that the government were not going to deliver a surplus. Denial—which may not just be a river in Egypt—is on the other side of the chamber; we confront reality on this side of the chamber.

We have recognised that the government could not lie straight in bed. They do not have any idea about what they are talking about. They will say and do anything in order to cover up their own falsities and naivety. Naivety is a generous word, because I do not think they are naive; I think they are systematically willing to misrepresent and distort the truth. They call savings measures in their budgets extra taxes or they call extra taxes savings measures. They continue to spend more than they earn and say they are doing it under the guise of fairness or equity, which is simply a misnomer. You cannot have fairness, social justice or economic justice when you cannot pay your own bills.

It has been said—I have heard the titters on the other side of the chamber early tonight about Australia's credit rating—that compared with much of the Western world we are doing pretty well. That is because we started in a far better spot. We did not have $4 trillion or $8 trillion worth of debt like the Americas did in 2007. We had none. Now we have about $250 billion worth. We were not like the UK where they had had a decade of Labour. We had had a decade of conservative rule. That meant we had money in the bank and savings for the future. We were not like Europe. Unfortunately, the European experiment was to continue to make the masses dependent upon government, to continue to encroach on their freedoms, economies and family life and to determine what they can think and how they can do it. All of a sudden they have realised that they can no longer pay their bills.

What happens in an environment like that? The European Central Bank is now forcing its will upon nations like Ireland, Greece, Spain and Portugal. Most recently, on the weekend, we had a fiscal appropriation which, if not done by a government, would be called a crime in any other context. That was in Cyprus when the government unilaterally declared, under ECB direction, that any deposits in banks would be subject to a tax. Deposits under 100,000 euros would be subject to a 6.75 per cent tax. If you had over 100,000 euros in the bank, they would be immediately reduced by 9.9 per cent. People had no choice in this matter. It is an upfront, one-off levy for insured accounts, to raise about $6 billion. This is an outrageous transgression on the savings of not just ordinary people in Cyprus but also offshore investors who have their money in Cypriot banks.
It serves as a glaring warning to everyone around the world who thinks that governments will continue to act in a recognisable, predictable and sustainable manner. They will not as they become increasingly desperate to prop-up their own failings. That is why we cannot afford to have a government that continues to spend beyond its means. What happened in Cyprus may happen in other countries around the world. It could happen, under extraordinary circumstances, in Australia. We have seen a government unilaterally impose levies for any manner of justifications in order to achieve social justice or fairness. But what we are defending when you defend that sort of thing is a crime if it was committed by anyone other than a government. That is something, I think, that should concern us all.

If we are prepared to allow our politicians to ride roughshod over our political and economic liberty, the question is: where will it end? Unfortunately, the illusion that governments like the one we have in this country sustain is that there is a bottomless pit of money and that they can continue to manufacture and make promises that neither make economic sense or make sense in social reform, but they feel that they are doing something and it will keep people happy. Giving people more money only makes them more dependent on and expectant of more money. They believe that they are entitled to things because, over time, the government have systematically attacked personal liberty and individual freedom.

It has done so in Europe, it is happening in America and it is now happening in this country. They were so successful in re-engineering the social and economic compact in this country that people have become very passive. They think that if we are sharing the burden, everyone is paying a bit more and the wealthier are paying a bit more than them, we are better off. It is the same as the illusion of inflation in economics. People think the prices of the assets they own—their houses and things of that nature—are going up but the reality is they are being robbed.

Right around the world we are seeing inflationary policies in the form of money printing. We are seeing inflationary policies in this country in the form of borrowing. The only way we are going to repay the $250 billion debt in this country is to resource some fiscal sovereignty which the government are completely unable to perform. That is demonstrated by the five years of governance that they have had. Other countries are actually printing money and that is a recipe for disaster.

The great challenge for us is not to appropriate more money than the taxpayers believe we should have. The great challenge for all in this place is to say: 'Let's spend within our means, let's not promise taxes and spend money that is expected to be raised from those taxes before it has been brought in.' Our challenge is to reduce taxation, not to increase it, to reduce the reliance on government and increase our trust and faith in the Australian people about their self-reliance and their community reliance. We should be empowering community organisations rather than trying to limit their scope. We should be providing schools, parents and schoolchildren with choices rather than dictating what they can and cannot do. The lessons of socialism, whether they are dressed up in its new guise and new cloak or under the guise of old style socialism, are there for everyone to see. Eventually you will run out of money. Either the borrower is going to lose it or the people are going to lose it. In this case, we are seeing a government in this country that really has no respect for future generations.
It is only concerned with trying to buy a political fix for its fiscal ineptitude.

That is why I have concerns about the appropriation bills that are coming through. I do not believe that the Australian people believe that their taxpayer money is being spent wisely. I do not believe that they can look at the cost-of-living increases in electricity, water, gas, education and medical and hospital services and say, 'The government should be taxing us more while we are paying more for these things.' I do not believe that the Australian people should be expected to accept a politician promising not to introduce a tax and then put up with a mealy-mouthed excuse about whether it is a tax or not with its introduction just the same, increasing the burden on the ordinary consumer and businesses in this country.

Just today we have learned that 900-odd businesses a month are going into administration, partly due to the carbon tax imposition. We have had these faceless men—the likes of Paul Howes, who promised he would resign if one job was lost due to the carbon tax. Paul Howes is still sitting there in his multi hundred thousand dollar a year job environment and doing his Women's Weekly interviews. This is a travesty. A group of people in this place and outside of it are running the country into an environment that we have not seen in 40 or so years. Every year of poor government, debt, deficit and waste is going to take three years to rectify. That is the ready reckoning that the business community tell me. That is the ready reckoning that experienced politicos tell me. You have to make changes incrementally that are going to be in the interest of the nation.

Let me assure the people of Australia that the coalition is committed to making changes to the way this country is governed. It is not about making radical social reforms or social engineering; it is about producing a prosperous, sustainable economy. It is about looking after the environment in a measured and economic way. It is about supporting the strength of families because government can never—and should never try to—replicate or reproduce the benefits of what a family can provide because we will go broke doing so. Nothing will replace the bond and social support structure a family has.

We will restore the culture of entrepreneurship, the thought that if you take a risk you will be rewarded if it comes off. The reward will flow through the economy by providing jobs to dozens, hundreds, thousands, tens of thousands of Australians as the pie grows and is shared. In the old days it used to be that you produced something and then you could trade it. Now the government just wants to give everything to people, not telling them they are going to have to pay for it very soon. That pay day and ready reckoning are very strong and they are coming. (Time expired)

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (19:50): I rise to bring the debate on Appropriation Bill (No. 3) 2012-2013 and Appropriation Bill (No. 4) 2012-2013 to a close. I thank all senators for their contribution to the debate. These bills seek authority from the parliament for the additional expenditure of moneys from the Consolidated Revenue Fund to meet requirements that have arisen since the last budget. The total additional appropriation being sought through these bills this year is just over $1.27 billion.

I would like to respond to some of the remarks made in the debate on these bills. First in relation to the spending associated with this bill, I note that, notwithstanding the contribution particularly of coalition senators
that they want to stop spending, they did not actually indicate on which aspect of these bills they did not agree with expenditure. I refer to the fact, for example, that a significant component of the spend includes additional childcare payments, support for the childcare system program and increased demand for the Jobs, Education and Training Child Care Fee Assistance Program and the family day care program. The bills also appropriate additional moneys for the Department of Education, Employment and Workplace Relations to support increased claims for assistance under the General Employee Entitlements and Redundancy Scheme. They also appropriate moneys for the Royal Commission into Institutional Responses to Child Sex Abuse, which I thought the coalition were in fact supporting. This is the difficulty with the coalition's position on these bills and generally: they talk tough about savings, but they never actually tell Australians the truth about what their position is on those.

Senator Edwards: Look at our track record!

Senator WONG: I am interested—the interjection from the coalition over there is, 'Look at our track record.' The track record in this term of parliament is a coalition team that have never once got their costings right. The track record in this parliament is talking tough but voting against savings measures. It is extraordinary; you are actually opposing the savings measures associated with the baby bonus. You are actually opposing that. There is a lot of chest-beating around savings measures, but they do not actually want to tell people what their cuts would actually be.

I think it is important to put on the record, given some of the contributions, which were interesting to say the least, some of the economic facts. We have an economy that is resilient in the face of global uncertainty. By international standards, our unemployment remains low and our jobs growth in this country has been at least twice as fast as any of the major advanced economies over the past five years. The economy is continuing to grow—more than 13 per cent since Labor came to office—and I have made the point in this chamber a number of times: that is against the backdrop of a range of advanced economies that have not even got back to the starting line.

What do all these facts add up to? It means Australia avoided the extent of hardship for families, skills destruction and unemployment that were experienced and are still being experienced by so many during the global financial crisis. But it is the case that the nation faces economic headlands, and one of the big challenges we face in the budget context is continued hits to government revenues. This weakness was demonstrated in the January monthly statements, which I released last week, which showed a continued fall in government revenues with over $6 billion less received to the end of January than what was forecast in the mid-year review. And for those who follow these matters, the mid-year review itself also indicated a write-down in revenue from what was anticipated at budget.

Now the coalition do not like to discuss this fact, and they like to pretend that this is all an issue of the government. This is an economic policy challenge for the nation that parliamentarians, that parties of government in particular, will have to address and no amount of political rhetoric can push it aside. The figures that I released reinforce the position taken by the Treasurer in December that tax receipts are well below forecast, mainly due to the substantial hit on company profits primarily as a result of the high Australian dollar and falling commodity prices as well as continued global economic uncertainty.
Nominal GDP growth has been below real GDP growth in through-the-year terms for three successive quarters. That is the first time this has occurred in over 50 years. So in the 50 years since the national accounts have been recorded by the ABS—the Australian Bureau of Statistics—we have not seen what we are seeing currently, which is nominal GDP—that is, growth in the value of GDP being below real GDP to this extent. It is a highly unusual circumstance and it is flowing through to lower government revenues and comes on top of the revenue write-downs that the federal government experienced as a result of the global financial crisis, which come to around $160 billion.

The statements also make clear, despite the rhetoric of those opposite, that spending restraint continues and payments for the year to date are in line with the mid-year review forecasts of underlying cash payments. We are managing the budget responsibly. Responsible budgeting means promoting growth and jobs and the government have made clear our plans for a smarter Australia and a fairer Australia and ensuring that we do not leave Australians in different parts of the country, or in different circumstances, behind as the economy changes and adjusts to the Asian century.

Of course the government's clear plans for the future do compare with those opposite. We did find out over the weekend that it appears the opposition have been bunkered down with the right-wing think tank IPA hatching their plans for deep and savage cuts.

Senator Fifield: Oh, Penny.

Senator WONG: I will take the interjection from Senator Fifield of 'Hear, hear'.

Senator Fifield: No, I said, 'Oh, Penny'.

Senator WONG: Well, it sounded like, 'Hear, hear' to me, but if I am incorrect, Senator—

Senator Fifield: You are.

Senator WONG: I will cop that on the chin. As you know, I can do that—which is something you might want to mention to Senator Brandis on occasion. Cuts that are on the list, which, according to the IPA, are the sorts of things that shadow ministers and the coalition think are a good idea, include: the cancellation of the first stage of the National Disability Insurance Scheme—a bill that I understand the Senate will be debating shortly; the abolition of Fair Work Australia and Safe Work Australia; a reduction in the general research budget by 40 per cent; cutting all Commonwealth housing programs; cutting all foreign aid, excluding emergency aid; and privatising the ABC. These savings amount to $23.5 billion and they give an insight into the sorts of drastic cuts that are being contemplated by the coalition in order to fill their $70 billion budget black hole. The sadness, and the outrage, is that a party that wish to form government are refusing to tell the Australian people the truth about what their plans are. I think Australians are entitled to know that.

These bills, as I said, seek appropriation authority from the parliament to provide expenditure on the ordinary annual services of government in the terms that I have outlined. I commend the bills to the Senate.

Question agreed to.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop) (19:58): As no amendments or requests have been circulated to the appropriation bills, I call the minister to move the third reading.
Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (19:58): I move:
That these bills be now read a third time.
Question agreed to.
Bills read a third time.

BUSINESS

Rearrangement

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (19:59): I move:
That intervening business be postponed till after consideration of the government business order of the day relating to the National Disability Insurance Scheme Bill 2013.
Question agreed to.

BILLS

National Disability Insurance Scheme Bill 2013

Second Reading

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

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (19:59): Every senator knows that the system of support for Australians with disability is broken. The Senate Community Affairs Legislation Committee, ably chaired by Senator Claire Moore, received more than 1,600 submissions, each of which made this point. The evidence received from witnesses again reinforced that the level of support a person with a disability receives depends on a number of factors, including the state they live in, whether the disability is congenital or acquired and, if it was acquired, whether it was acquired in the workplace, a motor vehicle accident or some other context. Workers compensation and motor vehicle accident insurance provide coverage in some jurisdictions, but if you are born with a disability or acquire a disability later in life it can be a different story with waiting lists and queues.

The result is, as we all know, that many people with a disability are left without the assistance that they need. That is something that I discovered when I took on this portfolio over three years ago. I had been operating under the assumption that I think many Australians operate under, which is that, if you have a disability in Australia, you receive the care and support you need. That is not the case. It is something that people who do not have a friend or family member with a significant disability often do not realise. I must say that when I took on the portfolio the scales did literally fall from my eyes.

In the words of the Leader of the Opposition, Mr Abbott, 'the NDIS is an idea whose time has come'. The coalition agrees that Australia needs a new system of support based on need rather than rationing, with the entitlement for support going to the individual. The individual needs to be at the centre and in charge, able to pick the supports, equipment and service providers they choose. This is the vision of the Productivity Commission's landmark report into long-term care and support for people with disability. This is the vision of the National Disability Insurance Scheme.

The coalition has enthusiastically supported each and every milestone on the road to the NDIS. The coalition supported the work of the Productivity Commission. The coalition supported the $1 billion in the last budget. The coalition supported the five launch sites. The coalition supported the agreement between the Commonwealth and New South Wales for a full state-wide rollout after the Hunter launch. The coalition
supports this legislation: the National Disability Insurance Scheme Bill 2013.

The Leader of the Opposition, Mr Abbott, has demonstrated his personal commitment to Australians with disability and those who care for them by dedicating the $540,000 raised by the 2012 Pollie Pedal charity bike ride to Carers Australia. Along the 1,000 kilometre route Mr Abbott met with people with disability, carers and disability organisations. Mr Abbott has committed that the next two Pollie Pedals will also be in partnership with, and raise funds for, Carers Australia.

Any comments the coalition makes about the NDIS in this debate are offered in a constructive spirit to help make the NDIS the best it can be. The coalition stands ready to work with the government to see an NDIS delivered as soon as possible. The coalition believes an NDIS can be delivered within the time frame recommended by the Productivity Commission by a prudent government that manages well.

The NDIS is a person-centred and self-directed funding model. It is aligned to the objectives of empowering the individual, removing government from people's lives and reducing red tape. The coalition believes that the full implementation of an NDIS would be nothing short of a new deal for people with disabilities and their carers. We have to get this right. Because the NDIS is a once in a generation reform that will unfold over the life of several parliaments, it should be the property of the parliament as a whole on behalf of the Australian people rather than the property of any particular political party. To get this right will require a very high level of consultation and attention to detail, not just now and not just in the launch sites but from now until full implementation.

The NDIS should be beyond partisan politics. The coalition has on occasion been a little disappointed when some members of the government have claimed that the NDIS represents quintessentially Labor values. It does not. The NDIS represents Australian values. It represents a fair go. It represents helping those who face extra challenges for reasons beyond their control. I do not think any side of politics has a mortgage on these things.

The coalition has called for the establishment of a joint parliamentary committee to be chaired by both sides of politics to oversee the establishment and implementation of the NDIS. The parliamentary oversight committee would lock in all parties and provide a non-partisan environment where issues of design and eligibility could be worked through cooperatively. I think the Senate inquiry into the legislation chaired by Senator Moore gave a bit of an insight as to how such a committee, an oversight body on an ongoing basis, would operate.

Mr George Christensen, the member for Dawson, has had a motion in the House to establish this committee for some time. Regrettably, the motion has not been brought forward for a vote. I and Senator Boyce moved a similar motion to establish the oversight committee on 27 June last year in this place, but the government and the Australian Greens together declined to support that motion. Mr Abbott reiterated the offer to join in establishing a parliamentary oversight committee in his Press Club speech on 31 January this year, saying:

The Coalition is so committed to the National Disability Insurance Scheme, for instance, that we’ve offered to co-chair a bi-partisan parliamentary committee so that support for it doesn’t flag across the three terms of parliament and among the nine different governments needed to make it work.

When the government has been offered the opportunity to embrace this genuinely
bipartisan offer, it has to date declined to do so. This legislation gives the government another opportunity to correct this. An amendment was moved by Mr Andrews in the other place to give effect to this committee, which was not successful. I will be moving a similar amendment in the committee stage to give effect, hopefully, to the establishment of a bipartisan oversight committee, and we urge the government to accept this offer.

It is important to note that every government in Australia and every opposition in Australia supports and wants to see an NDIS. It was a little disappointing that the Prime Minister did not treat all jurisdictions as partners at the COAG meeting in July last year, and it was to the credit of the Victorian and New South Wales governments that they continued to negotiate in the face of some misrepresentation and reached agreement to host launch sites. I mention this because a cooperative approach is essential. There cannot be a full NDIS without the states and territories. They are partners, and the fruits of a constructive approach were evident when Premier O’Farrell of New South Wales and the Prime Minister signed an intergovernmental agreement in December last year for a full state-wide roll out after the Hunter launch project. The government should continue in a constructive approach in discussions with the other jurisdictions to conclude further bilateral agreements. As I say, there cannot be a full NDIS without an intergovernmental agreement with each state and territory.

It is worth making comment in relation to those states that are not hosting launch sites. The Productivity Commission never envisaged every state hosting a launch site and never saw the absence of a launch site as a bar to taking part in a full national rollout. Indeed, Premier Newman of Queensland has written to the Prime Minister with a proposal to be part of a full national rollout. Premier Barnett of Western Australia has written to the Prime Minister proposing a joint Western Australia-Commonwealth NDIS.

Questions of funding also need to be cooperatively worked through with the states and territories. Legitimate questions and due diligence should not be portrayed as a lack of commitment to the NDIS. For instance, while the coalition emphatically supported the government’s commitment of $1 billion to the NDIS in the last federal budget, there was some difficulty in reconciling that figure with the $3.9 billion the Productivity Commission said would be necessary over the forward estimates for the first phase of the NDIS. We assume that the government will explain and account for this and make appropriate provision in the coming budget. The coalition will continue to place the NDIS above politics and is prepared to work with state and Commonwealth governments towards a better deal for people with disability.

The bill itself establishes the framework for the National Disability Insurance Scheme and the National Disability Insurance Scheme Launch Transition Agency. This will enable the scheme to be launched, and the agency to operate the launch, in four sites across Australia from July 2013 and five sites from July 2014. The first stage of the scheme will benefit more than 20,000 people with disability and their families and carers living in South Australia, Tasmania, the Hunter in New South Wales, the Barwon area of Victoria and the Australian Capital Territory. The scheme will provide funding to individuals or organisations to help people with disability participate more fully in economic and social life though the provision of an entitlement enabling things such as equipment, supported accommodation or personal attendant care.
The mechanics of the agency will be established by way of legislative instruments called the NDIS rules. These regulations, the NDIS rules, will further detail areas such as eligibility. The government released a discussion paper about the rules on 1 February 2013. However, rather than containing a draft set of rules, the discussion paper was a series of questions. This is significant as the bill itself is essentially a framework. It establishes the agency, the board, the chief executive and a general definition of eligibility. But the mechanics of the scheme will be established by the rules.

A recurrent theme in the evidence which was presented by witnesses to the Senate committee was that it was hard to offer advice, to pose questions or to plan fully for the launch sites in the absence of the rules.

The government released seven sets of draft rules on the final day of the hearings of the Senate committee on Tuesday, 5 March. These included draft rules for becoming a participant, draft rules for children, draft rules for privacy, draft rules for nominees, draft rules for supports, draft rules for registered providers and draft rules for plan management. These draft rules are still the subject of consultation with the states and territories and disability stakeholders, and the coalition is studying them carefully. The government has also indicated that there are potentially dozens of batches of draft rules still to be released. These need to be released quickly to enable proper scrutiny and consultation.

The risk, as always with this government, is in their capacity to competently implement. The interaction of three components—the NDIS Bill, the NDIS rules and the operating guidelines for the NDIS Launch Transition Agency—will determine how, and how well, the NDIS operates. The work of the Senate committee was critical and it should have been afforded the benefit of the full NDIS rules and the operating guidelines for the agency before concluding its work. It is difficult at the moment to develop a complete picture of how the NDIS will unfold because of insufficient information. I must say I was a little bemused today to read of the proposal to change the name of the NDIS to Disability Care Australia. I think the focus at this time should be on scheme design rather than graphic design, but it is not a point over which the opposition seeks to make a capital case.

This legislation is not perfect. The NDIS is a complex venture. Amendments, after the introduction of the legislation into the parliament, were inevitable and to some extent reflect that the government has heeded the work of the Senate committee. The Senate committee process has again proven its worth through the inquiry which has taken place and the government has undertaken to fully consider the work of the committee. However, in the time available neither the committee nor the coalition, for that matter, were ever going to be able to address all design issues; the onus remains on the government. The prime function in the time available was to ventilate as many issues as possible.

While the coalition supports the NDIS and the broad architecture of the scheme as outlined by the Productivity Commission, the detailed design of the scheme, the legislative drafting and the launch site implementation are, and remain, the responsibility of the government. The coalition had offered to be partners with the government in the design of the scheme and the drafting of the legislation through the establishment of a joint parliamentary committee to oversee the design and implementation of the NDIS. This offer was not accepted; therefore the coalition has not had the benefit of the information and
opportunity such an ongoing parliamentary committee would have provided to work with the government on these issues.

More needs to be done. There are questions that stakeholder groups have, and I will cite one as a representative example of the many. It is in relation to polio survivors—people with delayed effects of polio. There are questions that many stakeholder groups are asking about how they will fit into the NDIS and, if they do not, what the arrangements for them will be. This is and will remain a work in progress. The legislation to give effect to the NDIS is in the parliament due to a grassroots campaign by carers, Australians with disability and the organisations that support them. They came together, decided enough was enough, spoke with one voice and declared, in effect: 'We're mad as hell and we're not going to take it anymore.'

I want to acknowledge the support that campaign has had from the Every Australian Counts organisation and the work of the campaign chair, Mr John Della Bosca, and of Kirsten Dean, who was the deputy campaign manager for much of that time. I also acknowledge my good friend Ms Milly Parker, who always keeps me up to the mark and who I know has had a significant impact on Mr Abbott. It is important to acknowledge the two main intellectual drivers of the NDIS: Mr John Walsh AM, partner at PwC, and Mr Bruce Bonyhady AM, Chairman of Yooralla and President of Philanthropy Australia. Without the determination, professional expertise and personal knowledge of these two men it is unlikely this legislation would be before the parliament.

I am very pleased that the legislation is here before the Senate and that it is at this stage. The coalition want the NDIS to be a success, the launch sites to run smoothly and this legislation to achieve the objectives laid out by the Productivity Commission. The coalition stands ready, and I stand ready, to work with the government and all jurisdictions to make the NDIS a reality. Australians with disability, their families, their carers and the organisations that support them have had to wait far too long for a better deal and this legislation is a step on the road to making sure they receive the deal they so very much deserve.

Senator SIEWERT (Western Australia—Australian Greens Whip) (20:19): It is with pleasure that I rise to speak on the National Disability Insurance Scheme Bill 2013. The Australian Greens welcome the National Disability Insurance Scheme package, which will help ensure that people living with a disability will receive more comprehensive support in their everyday lives.

This reform is not simply about improving the ability to fund disability services or increasing the total amount of funding available to deliver services and ensuring national consistency and availability of these services. All these things are absolutely critical but they are not enough. For me, nobody sums this up better than Monica McGhie, a person living with disability in my home state of Western Australia. She made this comment to the Senate committee inquiry when we were in Perth:

I will be 50 this year. For five decades I have been subjected to every theory and fashion in disability, from the medical model of institutionalisation and segregation to hostel living, day centres, special schools, imposed independence training, normalisations, $1 an hour sheltered workshops and the corporatisation of support and risk aversions. They are five decades with one overarching theme: powerlessness. This legislation provides a once in a lifetime opportunity to confront powerlessness and move towards transformative change by giving much greater choice and control to the
individual and providing packages of support that focus on meeting the aspirations of the individual by providing the necessary supports to help them live, work and participate in their own communities.

This legislation demonstrates our community commitment to implementing our obligations under international conventions such as the Convention on the Rights of Persons with Disabilities. These reforms will ensure people with a disability can exercise genuine choice, which includes being able to experience and learn from risky choices, and make sure their goals and aspirations guide the delivery of services rather than what blocks of funding have been allocated or which programs have openings. This is why the Australian Greens are so strongly behind this reform and want to see it pass through this parliament in time to allow the anticipated launch sites to start on 1 July. We have heard clearly how powerful this legislation will be for so many people and want to see it live up to the expectation and the commitment that we are caring for people. I believe the passage of such reforming legislation with strong multipartisan support also demonstrates something about us as a country—about our commitment to inclusion and quality of life for people living with disability.

A catchcry for people with disability, as the momentum of this reform has grown, has been: 'Nothing about us without us'. So before I continue my remarks I would like to share some direct quotes about the legislation from people who have lived with and experienced disability and who came to the committee inquiry. I must say I am being a bit one-eyed here—I am again quoting people from my home state of Western Australia. Sam Jenkinson, who lives with a disability in WA and is well known across Australia but particularly in Western Australia, said:

I think that flexibility cannot be understated. There is a diversity of people with disability and many different types of support needed by people with different needs and different circumstances. What may be seen as protection in legislation could actually end up limiting choice, control and actually the potential for growth for many people with disability …

I think the legislation has an opportunity to show people with disability as active participants and decision makers at all levels.

She says the legislation needs to provide:

… capacity-building support for people with disabilities to self-direct their plans and service, and to self-manage their funding. This is actually the biggest change for most people and the opportunity to break free from being a passive recipient.

Mrs Guilfoile, who is the mother of a person living with disability, said:

I understand that the task of writing the legislation and rules is a complex one—way beyond my capabilities. However, I remind you that what people with disability need is simple: they need power; they need control; and they need independent advocacy in their lives. A well-functioning NDIS can deliver the flexibility, the control and the independence that these quotes so strongly emphasise.

The legislation has been highly anticipated and provides a good framework from which to begin the scheme. But, given that this scheme sets out an entirely new agency with substantially different powers to anything we have seen before, it is not unexpected that there are still some amendments and some clarifications that need to be made to the scheme. A number of the amendments that I was intending to introduce have been adopted by the government, and I take this opportunity to congratulate the government for the way they have looked at the amendments and have been open to taking those on board.
The example that I note is that the compensation scheme, which was quite contentious, has already been addressed through amendments in the House of Representatives. Briefly on that point, it has been made clear that the NDIS is not intended to replace existing entitlements to compensation, but some of the most contentious clauses in the original bill are those which allow the CEO to make it a requirement that individuals lodge a claim for compensation prior to receiving supports under the NDIS. Many people who gave evidence on this requirement expressed their concern regarding the potential impact on persons with a disability of being forced to undertake legal action to claim compensation. For example, Professor Luntz noted that litigation is always stressful and argued that vulnerable people in the position of those receiving benefits under the scheme should never be required to take action to recover those benefits from the Commonwealth.

Similarly, Avant Mutual Group pointed out that those seeking support under the scheme may well be the least able to take on either the financial risk of claiming unsuccessfully or the emotional stress of conducting a litigation. The Australian Greens are sensitive to these risks, but recognise the importance of having a mechanism to trigger compensation claims. As a result, we were supportive of the additional power introduced in the House of Representatives for the agency to be able to subrogate claims on behalf of people with a disability. However, during the Committee of the Whole stage I will seek further detailed information from the government on how these powers will operate. This particular amendment will resolve one of the 29 recommendations of the majority report by the Senate Community Affairs Legislation Committee. While I strongly support these recommendations, the Greens also made five additional recommendations in our additional comments to that process.

The committee has conducted a very substantial inquiry into the bill. We visited four launch sites, went to seven capital cities and we used teleconferencing facilities to link up with rural and remote communities. We received 1,597 submissions. As I mentioned, the committee report made 29 recommendations—and I am sure Senator Moore will address some of those in her remarks to the chamber—and I included in my additional comments to the report another five on where we think further reform is needed. As I said, I am pleased to see that the government has already taken on board some of these amendments and I understand that we will be debating some more in this place. It was very important, because this bill was of such a complex nature, that we had an extensive inquiry process so that we could thrash out those issues. Some of those issues, when they were thrashed out, turned out to be non-issues but others highlighted important areas for reform.

I do not have the time to go into all of the detail of the many important issues that the committee reported on in this particular set of remarks. In the Committee of the Whole stage for this legislation we will be addressing some of the other issues, such as residency and portability, which came up during the committee inquiry and I will be circulating amendments concerning those particular issues.

One of the substantial issues raised during the committee inquiry was the issue of risk. This was a significant issue because the inquiry heard that enabling people with a disability to take risks the same as everybody else was very important. The importance of providing choice in control is undermined if
we fail to recognise the dignity of risk. The government has now moved an amendment to ensure that the word ‘risk’ appears in the bill, but I want to reiterate the benefits of being able to make mistakes. These benefits tend to outweigh the negatives of the mistakes themselves, and this was put best by a person living with disability who said:

I think that there is often a concern that we need to make sure that bad things do not happen, but the real world is what it is … We do not want to live in a world that is made up of hundreds of thousands of rules that prevent us from taking any risks. Sometimes risk leads to good outcomes and sometimes it leads to bad things happening—but we feel that the benefits definitely outweigh the risks.

I am glad that the government has now adopted the language of risk and the principles which were previously missing and has further amended the objects of the bill to emphasise the critical role of choice, control and independence. However, as this scheme unfolds we must avoid the temptation to continually introduce new rules which, by their very nature, restrict the choice and control that we are establishing under this legislation.

Another very important issue that came up was advocacy. We recognise and strongly support the role that advocacy plays. I do not think there could have been anybody in this chamber over the last period of time that the Greens have been in here—and certainly that I have been in here—who could have spoken out so strongly about the need for advocacy and the critical role it plays in achieving change. We need to make sure that there is provision in securing equitable access to services for individuals and also for promoting systemic change. We want to ensure that both individual and systemic advocacy is recognised and that there are resources for advocacy support agent services.

The principles of advocacy absolutely must be recognised in the principles of the bill, and we will be seeking to strengthen the bill by recognising advocacy within the principles. However, most participants in the inquiry—in particular people with disability—were clear in saying that they wanted individual advocacy services to sit outside the agency. This requires the government to make an ongoing commitment to fund advocacy and legal aid, and I will be following this up again in the Committee of the Whole debate. It is one of the reasons that we were not supportive of Mr Wilkie's proposed amendments in the House of Representatives. While there was a strong push for advocacy to be funded within the NDIS, I took the trouble to ask during the committee inquiry if people living with disability supported advocacy being funded out of the scheme by the agency. Overwhelmingly the answer was no. Overwhelmingly the answer was, yes, absolutely we need advocacy—but not funded out of the scheme. I have taken that as the direction for how we should be pursuing this issue. That is from people living with disability themselves.

I see an important role for the agency to play in ensuring greater community participation and full integration for people living with disability, using its role as an insurance scheme to push for systemic change in these areas along the lines that the Disability Commissioner, Mr Graeme Innes, articulated to the committee and has articulated in several forums. If this is not a key role for the agency, the Australian Greens share the concern of the National People with Disabilities and Carer Council that an NDIS could inadvertently end up expanding segregated services and paying for provision that should come from mainstream services. I will be looking at amendments to ensure that part of the
insurance approach includes pushing for greater services across the board—in other words, that mainstream services are held accountable for the services they should be providing to every Australian, not simply ignoring the provision of services to those living with disability. These amendments will make reference to the need for a strong interface between the NDIS and other services in the objectives and make explicit that a function of the agency is to help ensure that people living with a disability have access to mainstream services and funding.

During the committee inquiry, once we looked at the rules, talked to the agency and got advice on it, it turned out that registered providers caused a lot of concern for people. A lot of that concern has been annulled to a certain extent or is not as intense as it was because of the rules coming out and people reading them. I must add my voice to that of Senator Fifield on this. The concern throughout the inquiry was about not having access to the draft rules. We got them on the last day, and I must say it was handy to get them when we were talking to the agency, but it did hamper us to a certain extent. I do understand the time constraints, but we need to have a much more detailed look at the rules. My office and I have been focused on the bill itself rather than all the detail of the rules—and of course there are still more rules to come.

One of the other issues that I would like to talk about is the access to the NDIS by the Aboriginal and Torres Strait Islander community and CALD communities. There are barriers faced by people from both Aboriginal and Torres Strait Islander communities and people from culturally and linguistically diverse backgrounds. The scheme must ensure equitable access for these groups and recognise their specific needs within the context of accessing and using the NDIS. We had strong representation from both of these groups about the concerns of both Aboriginal and Torres Strait Islanders and CALD communities. The Aboriginal Disability Justice Campaign and the First People's Disability Network both provided compelling evidence to the committee inquiry, and it will be important to ensure that the concerns that they raised are addressed if we are to ensure that Aboriginal people living with a disability are able to access culturally appropriate supports. These groups also raised their concerns about access for people in custody; and, having spent a significant amount of my time in this place trying to ensure that there is access to hearing services in prisons, I am acutely aware that this is an area where it is often difficult to reach people and ensure that they get the care and support they need. There are also unique challenges faced by people living in rural and remote communities which need to be addressed. I particularly hope that launch sites which focus on learning the lessons of remote communities do become a reality.

Another issue I need to address is the cut-off line of 65. We had a great deal of evidence from people expressing concern that they are being discriminated against because they will not be able to access the scheme over the age of 65. I believe there was compelling evidence that showed that there are already differing supports between those in some states in particular who receive higher levels of support through disability and then the aged-care system. We were given some graphic examples of that through the committee inquiry. We got a lot of evidence about degenerative illnesses and people being able to access the scheme after 65. I acknowledge that the government has moved to address that issue, particularly around degenerative illnesses and enabling
access through early interventions, but there are groups such as Post-Polio that quite graphically illustrated the difference between obtaining support through a disability support system and through the aged-care system. I believe this group in particular will be caught up and will potentially not get access to sufficient services to support their disability, which is directly related to the polio they had earlier in life. We will be moving some amendments to address that.

I will make some more specific remarks about the amendments when I introduce them. However, I reiterate, this is an important reform, and the amendments demonstrate how much work has gone into trying to get this legislation right. It is important that we do get this legislation right, and for that reason I welcome the review after two years because we have a lot to learn from the launch sites. I look forward to seeing the launch sites in action and I will be watching them with a great degree of intensity. Hopefully, we can all learn something from those launch sites. It will be good to see this scheme eventually rolled out nationally, but it does mean that we need to ensure ongoing funding.

People with a disability have waited long enough. I am glad that I am a member of the parliament that starts to put this scheme in place. I can tell you: every Australian counts. People living with a disability, their carers, their families and their service providers are overwhelmingly supportive of this legislation and want it passed now—in fact, they would prefer if it were passed yesterday—so that these launch sites can start. The Greens will be supporting this legislation.

Senator MOORE (Queensland) (20:39): I rise to speak to the National Disability Insurance Scheme Bill 2013. We had a real opportunity in our committee to talk with many people who told us why they wanted this scheme to work. I start by putting on the record my thanks to all of the people who gave up their time and their lives to come and talk to us, because the efforts they made were extraordinary. They did not have to come; they chose to come and talk to a committee of this parliament that was looking at this bill for the National Disability Insurance Scheme. They had so many messages for us—and I acknowledge Senator Fifield’s comments about the role of the committee process in what we do—and I believe that once again, through the opportunity we had to listen to the people of Australia, we have been able to reinforce the need for the scheme, to listen to why it was important and to come up with suggestions that make this parliament come up with better legislation.

I acknowledge, at this stage, the fact that already, through the process in the other place, we have been able to have some of the evidence that we heard in our committee process already be a part of amendments being put to the bill. To all those people who actually came and took part in the committee: this reinforces that, again, you have the right and you have the voice to impact on legislation in our country. At our first hearing in Townsville we heard evidence from a person who had been working in the community up there, and they said:

I have been waiting for an NDIS to happen for many years. Although what is proposed is not perfect, it is a start and all journeys start with a first step.

The legislation that we have before us is a step, and it is a step in a journey that has been taking place for a long time in our community.

There has always been an acknowledgement that government has a role to play in providing services for people with
disabilities. In fact, since 1991, there has been a strategy in place, brought in by previous governments, for states and federal government to work cooperatively together to respond to the needs of their community. Consistently, the core to that has been the operation of the COAG process. We know that that is not perfect, but the key of the NDIS's effectiveness will be the way that states and federal government work together to respond to the need to effectively finance those needs and to ensure that there is confidence given to the community that we will work together to make this work.

I really encourage people to read the Hansard, to read the evidence, to hear the demands. This was not a compliant and passive group of people that came to talk to our committee; they came because they had need, their need was identified and they were demanding that their government respond to that need. Amidst the range of enthusiasm, commitment and excitement, for me the most telling features of the evidence we received were vulnerability and fear, because they did not want to be disappointed again. They were fearful that commitments and promises made by this government—this COAG process—would, again, not fulfil the needs that they had. They have been disappointed before. One of the saddest elements of what we heard was the number of times people, families and community groups had been disappointed and let down.

In fact, the focus of this legislation that we have the honour to be discussing in our parliament at this time is to say that no matter where you are and no matter what your disability is, in our community, if you have a significant and permanent disability which will impact on your life, you will be able to have that respect and that support through a range of mechanisms that will be able to work with you to come up with the result that you need in your life. It will not be somebody else telling you what is right for you; it will not be someone else telling you the time frame for the supports that you are able to get. In fact, at much the same time our committee has also been working on a process around the social determinants of health, and so much of the evidence came together when we were looking at these issues.

One of the most important elements was this awful raffle that people have in this country. How they will be served, what opportunities they will have and how they are going to be living is determined by a raffle of where they are, what their environment is like, what their support networks are like and how rich they are. If you go back to the original aim of the legislation as it is set out, it talks about taking away that raffle. It is actually enshrining a rights based process in this legislation. Many of the people who came to us understood this so clearly. Again, these are not people who are unaware of their rights; they know, they understand what has happened and they celebrated when Australia became a party to the UN Convention on the Rights of Persons with Disabilities. Again, they demanded that that took place. It was not a government that made the decision that we would sign up to those conventions; it was our community telling us that we had to—it was our government, I am proud to say. In fact, the NDIS process evolved through that to ensure that we were able to identify the inequities of the system.

Over a number of years the community affairs committee has been party to a number of committee processes which have led to the recommendation around the need for a national scheme to take away this uncanny and unfair raffle approach to entitlement; to be able to have people working on an assessment base which is transparent, professional and understood. That is the
basis of the assessment process that is in this

Again, it is important to reinforce what
has been said by both Senator Fifield and
Senator Siewert about the availability of the
rules which complement the primary
legislation as a package so that people can
see exactly how the process is going to work.
I was made much more confident by the way
that the people who are working on this
process were able to come to us and talk to
us about the responsive nature in which the
rules are being created. Through the launch
sites we will be able to see the legislation
with the rules and guidelines being put in
place operationally so that we will be able to
test them. Through the range of launch sites
that have been agreed we will be able to see
people with disabilities in their own
environment and how the legislation we are
discussing will operate for them and include
them as the centre of the whole process.

In moving forward, I think we have the
opportunity through the launch site
process—and I was joking through the
interactions with the people who gave
evidence that the current term seems to be
'the learnings' of the process—to add the
learnings to our knowledge. That is the intent
of the structure on which we will be voting.
We have the core legislation, which I see
clearly as enabling legislation, to put in
process the outline and the framework on
which we will be able to move forward. The
different guidelines, as Senator Fifield
pointed out, look at key components of need
and will be able to be put in place and work
with communities through the range of
organisations which will have their funding
processes in place, to see exactly how they
work.

A core component of how this process
must work is the advocacy about which
Senator Siewert spoke, the rights of people
to ask questions, to take control and to
appeal against judgements or situations
which will impact on them. There are a
number of issues which have already been
identified and which were highlighted and
put in the report about discussions that must
be had over the next 12 months as we lead to
the full rollout of the program. Both of the
previous speakers have highlighted a few,
but I want to touch again on the ability to
question and appeal.

I am an ex-public servant, so I am very
into that process of having the right to
appeal. There was a lot of debate about how
we ask questions when something is
happening in the process: how do we
question what is going on? The reason for
that concern is the fact that it is an abject
failure at the moment. That kind of
vulnerability and fear about which I spoke
has been caused by the fact that the system is
not working now, and I do not think it has
ever worked effectively. The disjointed
nature of the system has put people at a
disadvantage, so they do not have the
confidence or the power to question and to
say, 'We don't think this is right and we think
it should be done in a different way.'

So much of the evidence showed that
forced, submissive nature, and the fear
people had that if they did ask questions they
would be punished and they would lose
services. We had evidence that it did occur;
this is not an unjust fear. The process for
people being able to effectively appeal the
process was one about which there was
significant evidence. In some of the
amendments that have come forward from
the other place we see that the department
and the government have listened to some of
those concerns. There was a fear that people
would be forced into a very formalised
appeal process where, again, they would be
powerless and would not be able to access
the same degree of questioning rights that
you and I have, Mr Acting Deputy President. If we do not like something we have the ability to say: 'No, I want to do it differently. I am not being treated fairly.'

There was a significant amount in the report that talked about the process that has come through and the way the current system operates through the Administrative Appeals Tribunal. It will be amended to have specialist knowledge and power to work with people in the disability area; to understand their needs and to take the time to work with them so that they will not be intimidated and so they will have the power to appeal decisions that impact on them.

Consistently, the major message that I received—and I am speaking for myself rather than for the whole committee—is that people want the right to own their own lives and their own futures. 'The dignity of risk' was the term that was consistently brought out. People have the right to take risks, but somehow over the last few generations there has been the view that we need to put into compact areas people with disabilities so that there is no right to take risk. They are the subject of services being foisted upon them. They have services given to them when they are available, and whatever can be afforded. Again, they do not have the right to make decisions about themselves, about what they can do or about who will work with them.

One of the most touching pieces of evidence we had was from a mum in Western Australia who talked about her young son, who is an adolescent. She was talking about the fact that he wanted to do things that other young men could do: go out, go partying and go clubbing. She told the story that he was completely reliant on whether his paid carer under the system was available at that time to provide the service for him. If that carer was not available, he was unable to leave his bed.

That is not the kind of life that the NDIS wants for the people in our community who identify with disabilities. That is not the kind of life that the people of Every Australian Counts has demanded will be in place for people with disabilities in our community. What we need to do, as a parliament, is look at the legislation that is put before us, work together effectively to ensure that we can put things in place which will enable the NDIS to move forward. Then have the courage to evaluate it effectively and come back into this place, and make a change if things are not working well and if the people for whom this legislation has been designed are not happy and are not receiving the services they should. That is the commitment that I have had from the minister and from the parliamentary secretary, when we took forward the concerns that were raised during our hearings.

That is what the parliament is about. You do not set legislation in stone and say, 'This is how it must be.' That is how it has been in the past and that is why it has not worked. We have seen a wide range of acceptance and excitement about this legislation. In fact, as the committee report says, 'We did not find anyone who did not support the legislation.' What we have now is the opportunity to work effectively to see that it is put in place, that agreements are openly discussed and, most importantly, that the people for whom the legislation is designed who own this legislation have the right to question and the right to come back and make sure that it is working. We need to make a strong financial commitment.

I am not sure how you actually assess the process where people looked us in the eye and said, 'We don't believe that it's going to happen.' It is a very telling point that after all the effort that has gone into getting this legislation out there and arranging committee hearings and having it all running, witnesses
sit there and tell you, 'We want it, but we don't quite believe that it's going to happen.' They say that because they have been let down so often, so many times. So as governments—state governments, territory governments and the federal government—we need to ensure that that fear and that anger is not real. We have got to make a commitment together that we will ensure that this is appropriately funded and that there will not be that desperation and disappointment. We have built up the hopes of people.

We have made a commitment to people and we must ensure that the appropriate funding is provided. That means at the state level, the territory level and the federal level we need to appropriately evaluate what the funding is going to be, look at the modelling that is done and then ensure that the money is there not just for one, two or three years. This is a commitment for life and it must be a commitment for life because we are talking about lives. We need to ensure that the financial commitment is put in place. For me, that was the greatest message that I received in the committee.

I do want to put on record my complete respect and appreciation for the secretariat of the Senate Standing Committee on Community Affairs. I cannot tell you the extra work that our committee put on these people over the last couple of weeks to get this report written. They did it, they did it well, they did it professionally and they did it in an engaging way with the range of people who came and talked to our committee. It is not always easy to work with people who have such high expectations, to ensure that their needs are met and to make sure that every witness who came to see us knew that their words were going to be effectively heard and that their evidence was going to be treated with absolute respect. I believe that our secretariat made that happen. I do believe that over the last couple of weeks, their work has made this whole process work as well as it possibly could have. We have a very high bar; we expect the work to be good. They deliver and they deliver every time, and we could not do our job without them. I really wanted to put that on the record.

On 1 July this year, the world will not completely change. But for some people across our country, there will be hope that was not there a few months ago. We have a job to ensure that that hope is not misplaced. The National Disability Insurance Scheme is something that has engaged people across the community in a very special way. I think now that we can continue that engagement by making sure that we, in this place, do our job to get the best possible outcome. In terms of where we go, the process we have in place with the various advisory committees that have been established through the legislation ensure that people with the lived experience of disability are involved who know what it is like to have the restrictions and the restraints that I have never had, and that I do not really understand. I congratulate and I thank the people who came to see us because they have helped me to understand a little bit of their lives and what they must have. I want to thank all of the people who have been involved. This is not some kind of contest as to who has the naming rights or who is the person who happens to be in government at the time. This is something that we can do together and I think that we have got the opportunity to do that.

Senator Fifield: Hear, hear!

Senator MOORE: Senator Fifield, I do think that while you say that these are values for everybody, I am very proud to say that the NDIS does reflect Labor values. I think they reflect other people's values as well, but they strongly reflect Labor values and it is an
opportunity that we have, as a government, to work to put this in place.

I say thank you again to the people across Australia who brought their knowledge, their concerns, their fear and their encouragement to make sure that the NDIS will work.

**Senator POLLEY** (Tasmania—Deputy Government Whip in the Senate) (20:58): I rise to endorse one of the most significant and eagerly anticipated pieces of legislation to come before this chamber in recent years: the National Disability Insurance Scheme Bill 2013. I would also like to place on record my appreciation for the contribution of the Senate Standing Committee on Community Affairs, in particular, the contribution that Senator Moore has made tonight to this debate.

The bill establishes a framework for the National Disability Insurance Scheme and the body that will manage the launch of this groundbreaking scheme, the NDIS Launch Transition Agency. The agency will initially operate in five sites across Australia from July this year and I am very pleased that one of those sites will be located in Tasmania. Initially, some 20,000 people with a disability, their families and carers will benefit from the NDIS before the scheme expands nationwide.

It could not have come soon enough. For many people in Australia disabilities can mean isolation, poverty, pain, indignity and a sense of futility. The scheme that has emerged after numerous agreements were signed between the Commonwealth and states and territories shares the cost of disability services and supports across the country. NDIS will adopt a self-directed approach so that those with a disability can take control of their own lives and make informed decisions that they think will suit them.

The scheme is desperately needed, particularly when one considers how much improvement is required in how we support those with a disability. One area that I want to focus on particularly tonight and where Australia lags in global standards is employment participation for people with a disability. It is also alarming that Australia, currently the 12th largest economy in the world, ranks 21st out of 29 OECD countries in employment participation rates for those with a disability. This is one of the reasons why close to 45 per cent of those with a disability in this country are living either near or below the poverty line, and this area dealing with disability and employment is something that is close to my family’s heart.

In Australia, a person with a disability has a poverty risk of around 2.7 times higher than a person who does not have a disability. This puts Australia last out of all the OECD countries on this measure. Not one of the bottom few, not trending downwards—we are dead last! We are at the bottom! Currently in Australia, only half of the 2.2 million Australians with disabilities who are of working age are actually employed. It is shameful.

Closing this gap is more than achievable. Many nations, including New Zealand, have already substantially improved their own employment participation rates for people who have disabilities and are currently reaping the social and economic rewards. To demonstrate the personal and economic cost of Australia’s current approach, I would like to draw everyone’s attention to Milly Parker, a disability advocate who became a person with a disability at the age of 21. After acquiring a serious brain injury in a horrendous car accident, Milly was not expected to live and spent a full year undergoing rehabilitation as an outpatient in a nursing home. Today Milly is not only an energetic advocate for people with...
disabilities; she runs her own successful small business from home.

Since she had resources available to her—and I will return to that point in a moment—she was able to get on with her life and thrive. We should all listen closely to Milly when she says:

I am living proof that if you invest in people with disability, that investment pays off.

So what is stopping us from allowing more people with disabilities to flourish like Milly? Perhaps the most glaringly obvious problem with the current system is that services have quite simply not met demand. Care and support can prove inflexible, unpredictable and insufficient and this has a dramatic impact on the lives of people with disabilities. This shortfall means that many heartbreaking stories have emerged from around Australia, and I just want to share just one story from my home state of Tasmania.

I would like to tell you about Linda from the north-west coast of Tasmania. Linda is a 32-year-old woman with cerebral palsy who requires personal care and support each morning to shower and prepare for work. After getting married she moved, with her husband, from the city to a smaller town 20 kilometres away. Unfortunately, Linda has had a number of issues over the past 12 months with inadequate service provision. The most recent was when she was told that her service provider could not provide support that very week as they did not have the staff available. Linda spoke to her usual staff who said they had no idea why they had been moved from Linda to work for another person. They were more than happy working with Linda and were quite upset that she had been left without support. Linda was actually told it was her fault because she had moved to a town in Tasmania where there were very few workers available to draw upon. The service told her that the only option was to have a support person shower her at 5 am. Linda considered this unacceptable as it would have consequences for her disability, increasing her spasms due to such a long day. She could not attend work for two days until an advocate was engaged to assist her in resolving this issue.

If Linda had access to her own funds through the NDIS, she could engage the services of her workers directly. This would ensure consistency and choice of workers who are not at the mercy of services who moved them around. The NDIS will ensure that Linda has a real and meaningful say in her support. The scheme will give people who have a disability not only sufficient care and support but also greater choice and autonomy in the care they receive, and this is so terribly important. Right now, many Australians with disabilities like Linda are clearly not receiving the support they require. We need to ask ourselves: why is this the case? Well, as I alluded to earlier, unlike our social security and universal healthcare systems, entitlement to disability care and support have not been based on need.

One of the key problems is that those who have acquired a disability through a workplace or motor vehicle accident have been treated preferentially to those who have acquired disabilities in other ways such as at birth. Disability advocate and writer Stella Young has spoken about this dilemma on numerous occasions. She has described how her friend and fellow advocate Milly Parker, whom I spoke about a moment ago, received better care and support because she acquired her disability in a car accident. If Milly had acquired her disability through birth, by falling off a roof or being the victim of domestic violence, this would not have been the case, but because the Transport Accident Commission exists, Stella notes that in relative terms Milly has actually, and I quote
here, 'won the lottery'. Stella has had the courage to admit publicly that at times she has felt a consuming jealousy towards the Millys in her life. She asks: ‘Why do they get it so easy? Why couldn’t I just have had a bloody car accident?’ It simply is not fair, and it is distressing to think that a person who acquired a lifelong brain injury at the age of 21 has ‘won the lottery’. But we need to understand that that is exactly how it appears to people such as Stella.

Thankfully, the opposition appears willing, for the moment, to put aside partisan wrangling and support the NDIS. This is a great relief for those in the community advocating for the scheme, because the shadow Treasurer has certainly wavered at times. In May last year, he qualified his support for the NDIS by stating:

… at the end of the day the money has to come from somewhere and there is only one pot of money and that is the hard earned taxpayer's money.

Well, yes, thank you, Mr Hockey, but people who have a disability, their families, friends and carers understand where the government's money comes from. As I have emphasised today, people who have a disability want to work, they want to contribute, they want their skills to be valued and they want to be a part of growing the economy.

At its core, the NDIS is about supporting people well enough and early enough so that the impact of disability on their life is as small as possible. Hearing or reading the stories about people who have suffered because of the current deficiencies in disability support in Australia can inspire strong feelings of guilt and, really, it should make us all feel guilty.

Every day that a person sits around in an unsuitable wheelchair that causes them pain and makes their impairment worse, we should feel guilty. Every day that a person rises out of a bed in a nursing home because the funds are not available for a carer at home, we should feel guilty. Every day that a person cannot enter the workforce because they do not have the support they need, we should feel guilty. We should indeed feel very guilty.

That is why the government is pressing ahead with this bill. It will change the way an often ignored and marginalised segment of our community live their lives. I am honoured to be in this chamber, to be supporting this bill and to be part of a government that has recognised this need that is long overdue. I commend the minister; the former parliamentary secretary, Bill Shorten; the committee; and the chamber for their support of this bill.

**Senator BACK** (Western Australia—Deputy Opposition Whip in the Senate) (21:08): I rise, with a great degree of interest, to support this legislation, the National Disability Insurance Scheme Bill 2013. My own vision, as a senator, is:

Towards an Australian community in which every member is safe, feels valued and contributes to a sustainable future.

I think the legislation before us points directly towards those principles. We are an Australian community. The objective is that every member within the community will feel safe, will be valued and will contribute to a sustainable future. I am very pleased to endorse the sentiments being expressed throughout the chamber by the government of the day, by the Greens and by members of the coalition for this particular principle. I quote the words of our parliamentary leader of the coalition, Mr Abbott:

The NDIS is an idea whose time has come.

And that is the case. I was interested in Senator Polley's comments in the last few moments that, at the moment, there are
differences between the support that is available, the compensation and the financial wherewithal in different states and territories. Of course, the legislation determines largely the level of support whether, for example, a motor vehicle accident has occurred or whether the person has a hereditary condition or a congenital condition. If you are born with a disability, as we all know, or acquire one later in life, it can be a very different story. We are a wealthy nation; we are a nation of compassion; we are a nation capable of actually coming together in a bipartisan way to give effect to this legislation.

I would be remiss if I were not to point out the contribution by the coalition, along with that of the government, in advancing the principle of the NDIS and hopefully seeing it through to its conclusion and its inclusion in the Australian way of life. The coalition supported the initial work undertaken by the Productivity Commission; the $1 billion that was allocated in the last budget to be able to start the pilot schemes; the five launch sites as they are to be known when they commence in the middle of this year; and the agreement between the Commonwealth and the New South Wales government for a full statewide rollout after the launch in the Hunter Valley. As has been indicated by our shadow minister in this area, Senator Fifield, we support this legislation.

Nobody has actually given more physical or more obvious effect to his support and commitment in this area than Mr Abbott in the sense that last year in his well-publicised Pollie Pedal, in which he influences other parliamentarians to join him in a 1,000-kilometre ride, I believe they raised some $540,000, which was contributed to Carers Australia. Along the way, the party met with people with disability, their carers and their organisations. I understand the next two Pollie Pedals will be in partnership with and raise funds again for Carers Australia. I can only say how pleased I am that he does not do his Pollie Pedal on the west coast because I might be forced to participate. I do not know why you are shaking your head, Senator Brown. It is my understanding that is where—

Senator Carol Brown: I am sure that it is, but not once did they put the legislation forward themselves.

Senator BACK: Expenditure has been undertaken, so there is very constructive support, and I look forward to you joining the Pollie Pedal at some time so that you can give effect to that support.

The comments that we make, and those that Senator Fifield has made, are offered in a constructive spirit in an endeavour to help make the NDIS the best it can be. Amongst other reasons, it speaks very much of Liberal and National values, and they are the fact that under the NDIS, the person is at the centre. It is self-directed funding. It is aligned with the objectives of empowering the individual and removing government from people's lives and at the same time reducing red tape. I hope that everybody in this chamber would actually share those aspirations.

It is, as has been said, a once-in-a-generation reform that will unfold over the life of several parliaments, not just this one or the next one but over a number of parliaments. For that reason, it needs to have bipartisan support. It will have a high degree of consultation, and we need far more attention to detail than we have seen to date. Interestingly, Senator Polley reflected on the comments as she quoted Mr Hockey in terms of the expenditure for the NDIS. I am not sure whether she was being complimentary or critical when she said, as Mr Hockey indeed did, that this is a cost to the
Australian taxpayer. Of course it is a cost to the Australian taxpayer. It behoves all of us in this chamber and in this place to make sure that the funds of Australian taxpayers are spent as wisely as they possibly can be.

I come back again to the bipartisanship. I recall Senator Fifield did move in this Senate to establish an oversight committee. I stand to be corrected but I do recall at that time the government and the Greens actually combining in the Senate to vote that particular oversight committee down. I am not sure why that would have happened.

Senator Carol Brown interjecting—

Senator BACK: I return to the interjections that Senator Brown is persisting with. Mr Abbott said in a recent Press Club speech:

The Coalition is so committed to the National Disability Insurance Scheme, for instance, that we've offered to co-chair a bi-partisan parliamentary committee so that support for it doesn't flag across the three terms of parliament and among the nine different governments needed to make it work.

It is disappointing if we are going to have interjections to the extent that the government seems to believe the coalition is not interested in or committed to an NDIS, because I believe those statements made very publicly indicate that they are. The government knows very well that it is in everybody's interest, particularly those who are waiting for the success of this legislation—waiting for it to be funded and waiting for the outcome of the early programs to see what further changes need to be made. Every government and opposition in this country—state, territory and federal—needs to come together to make sure that these events can take place.

We have seen bipartisanship. We have seen, for example, Premier O'Farrell and Prime Minister Gillard sign an intergovernmental agreement in December last year for a full statewide NDIS rollout after the Hunter launch. We also saw the agreement within the federal government and Victorian coalition government to give that effect. I make that point again: there can be no full NDIS without an intergovernmental agreement with each state and territory.

There are those who have criticised my own state of Western Australia, for example, in not hosting a launch site. There is nothing unusual about that. The original Productivity Commission's findings did not recommend that there be a launch site in every state. Nevertheless, during the term of his last government Premier Barnett wrote to the Prime Minister proposing a joint WA-Commonwealth NDIS. I believe that Queensland Premier Newman wrote to the Prime Minister with a proposal to be part of a full national rollout.

The coalition supported the government's commitment of $1 billion to the NDIS in the federal budget in this current year but we are having some difficulty in reconciling that $1 billion with the $3.9 billion that the Productivity Commission said would be necessary over the forward estimates. So it remains for us to learn what that outcome will be. I am sure the government will explain it and make appropriate provisions. We will be watching in the budget session to see just what allocation has been made in this area.

If there is a concern—and it is a concern being expressed through the wider community as well—of course it is in the detail. One would hope that there will be more complete consultation and that there will be a wider area in which to engage and to come to a conclusion as to who is and who is not eligible. We have been learning, for example, in recent times that those over the age of 65 at the time the scheme is
implemented may not be eligible whereas those who do reach that age after implementation may be eligible. So it is fair to say that more information is required, that there is scope for more questions to be asked and that we do need further information on the sets of rules that will govern this activity when it is underway.

I do want to turn to some of the personal impacts. Only today I read about a Sydney fireman in the media, a gentleman by the name of Mark McFarlane. He suffers from chronic lymphocytic leukaemia, a debilitating disease which has regrettably a relatively high mortality rate in younger children. This man is absolutely to be admired because right through the time since his diagnosis—and that has been some 14 years—Mr McFarlane has through great willpower mostly been able to ensure he does a day's work. He has rarely missed a day's work even when undergoing heavy doses of chemotherapy.

This brings me to a point which I know Senator Polley addressed in her contribution. It is that our objectives must be towards, as much as possible, returning people with disabilities who are able and want to work to the workplace. Mr McFarlane has said that what has kept him going has been pride in his work and the drive to want to be able to continue to present himself in the working environment. I, for one, am firmly of the view that, if the NDIS in some way can lead to an improved sense of wellbeing for people in their workplaces, this in itself will have been a tremendous benefit. I had the honour last year in August to address the Disability Employment Conference in Melbourne and to talk about some of the aspects that are relevant to this discussion. Of course, the NDIS came up for discussion.

There really is quite a positive story to be told in this area. If one has a look at the current circumstances in the overall Australian labour force, one will see there is about 2.2 per cent annual growth. I am pleased to record in my own state that figure is closer to three per cent. But nevertheless the Productivity Commission estimates that by 2020 that growth will have reduced from about two per cent to 0.5 per cent per annum, so clearly there is going to be a need and a demand for more people in the workplace. At the moment 67 per cent of the population are in the working age category. By 2045 that will reduce from 67 per cent down to 56 per cent. So, again, we will see fewer people in the workforce.

Participation for abled Australians of working age at the moment is 81 per cent, but it is only 53 per cent for disabled people: clearly we are again pointing at an opportunity. I also recall quoting in that speech from information made available to me that some 6,000 people ready to work are on an employment service program of some sort with the Commonwealth, and the Australian Bureau of Statistics estimates that some 17 per cent of working age Australians have a disability—about 2.2 million people have a disability of some sort, of whom more than 100,000 are ready for work but are unemployed.

We can see an extension beyond just the straight NDIS into the personal lives of people who may, through the agency and through the tools that will be made available to them through the NDIS, actually see themselves back in the workplace. Of course, we would all be looking for longer term employment, but disabled people, and I think that is what drew me so much to the activities of Mr McFarlane—as a fireman, this is an industry in which I have had the pleasure of being somewhat involved as the chief executive of a bushfires board in the past—need abled jobs. There are plenty of people who have disabilities that are not
declared, but nevertheless they successfully undertake what we would regard as normal work activities. We need to recognise that disabled people may not be able to do the equivalent of an abled person in hours of work per day or the degree of stress of a job or the nature of certain jobs, but nevertheless this is where we need to be aiming. We need to examine the person's ability rather than their inability or their disability, and we need to accept limitations. In the workplace we need to build in flexibility.

I am very pleased to be able to record again the tremendous support of the Australian Chamber of Commerce and Industry in this area. They launched in 2011-12 the business case for employing people with disability referred to as 'Employ outside the box'. This was dual in its objectives: firstly, to be able to provide a better quality of life for disabled people and, secondly, to be able to address the declining number of people and declining productivity that we will see according to the numbers I quoted earlier. The capacity to be able to improve workforce skills, to improve employment participation, to better use unskilled and semiskilled workers to improve their skills level—of course we need to mount a case to do so.

In my concluding remarks, I simply want to go back to the earlier comments made—that is, strong support. As Mr Abbott has said, 'The NDIS is an idea whose time has come.' It really is the time now to put to one side those partisan comments, be they from our side or be they from the government or be they from the Greens. We need to move forward in a more productive climate of consultation and we do need to know at the end of the day that we can fund this well into the future.

Senator THORP (Tasmania) (21:27): There is much to celebrate about life in Australia today. We consistently perform above international averages on a range of measures, including life expectancy, air and water quality, and employment. In fact, Australia is unsurpassed on scales used by the OECD to determine which countries offer their citizens a better life. This places us ahead of 35 other countries, including the United States, Canada and the United Kingdom. It is something of which we should all be very proud and grateful.

But other OECD research tells a much more uncomfortable story: a story of those who have been limited in their capacity to share in the economic and social wealth of this country; a story of those who, through no fault of their own, have been marginalised and disempowered from participating fully in society. The reality is that in 2010 Australia ranked 21st out of 29 OECD countries in employment participation rates for those with a disability. In addition, around 45 per cent of Australians with a disability live close to, or below, the poverty line. This is more than double the OECD average, and over 2½ times the rate of poverty experienced in the general population.

In 2009, this government recognised that something had to change. We tasked the Productivity Commission with investigating ways the current system of disability services delivery could be improved. The resulting report was unequivocal, labelling Australia's disability support system as 'underfunded, unfair, fragmented and inefficient'. People living with a disability told the commission that they did not have enough say in their own care, that they were left on their own to navigate their way through a complex, fractured and inconsistent maze of bureaucracy, and that the support they received often did not match their needs. Participants also reported being under great stress and worrying about what may happen to them and their families in the future.
talked of how poor care had led to isolation, loneliness and feelings of helplessness and despair.

The report left no doubt that the disability services system has been failing these individuals and their families day after day, year after year. This failure has also placed an unacceptable burden on what has been termed the 'shadow care economy'—the millions of people who work tirelessly and without pay to care for people living with a disability. But today is not a day for dwelling on those failings. It is a day for looking forward with hope to the future. It is a special moment in time when both sides of politics stand united in the belief that the situation is unacceptable and a moment when we are equally united in our determination to change it.

As part of its work the Productivity Commission outlined a coherent vision for Australian disability services. It recommended a national scheme, a scheme that would provide insurance cover for all Australians who have a significant and ongoing disability. In doing so it recognised the unfairness of the situation where the victim of a workplace accident or car accident will receive fair compensation, while people living with disabilities are forced to rely heavily on a broken system and informal, unpaid care arrangements.

The NDIS Bill, which establishes Disability Care Australia, is one step along the path to achieving a vision that was first proposed 40 years ago by Gough Whitlam. It represents a doubling of the funding for disability services. More than that, it represents fundamental and historic change. This is not an evolution; it is a revolution. It is not a series of incremental fixes intended to patch holes in the existing system; it is a complete rethink of what is needed and a complete rework of disability services from the ground up.

Disability Care Australia will bring dignity and support to millions of people living with a disability as well as their families and carers. One of the greatest strengths of this approach is the underlying philosophy of self-determination. The individual will be placed at the centre of decision making and family members will be recognised as partners. Psychologists have long known that people who feel they have autonomy and power over the direction their lives will take are also more likely to report high self-esteem and general life happiness. Similarly, they are more likely to participate more actively in their communities and the workforce. To my mind this is what sets Disability Care Australia apart from traditional welfare models.

Choice and control will be embedded in all stages. For the first time, participants will have an opportunity to be active contributors in decisions about the individual support services they need, where they get them from and how they receive them. In doing so, the scheme respects the capacity of individuals to make their own choices on the issues that affect them and recognises that this choice should no longer be a luxury afforded to the very few with the resources to pay for it. Underlying all of these decisions is the goal of more independent living, greater community participation and increased self-reliance.

To my mind, this bill embodies so many core beliefs that drew me to the Labor Party many years ago. It echoes the values of other equally ambitious and nation-changing Labor initiatives, like Medicare and compulsory superannuation. It is about fairness, equity, self-determination and inclusion. It is also about unwavering support for the most marginalised people in
our community who, by dint of circumstance, have so many challenges to face. In doing so, it recognises that disability could strike any of us at any time in our lives. The Prime Minister captured it perfectly in her speech to the House last year when she said, 'Disability can affect any of us and therefore it affects all of us.'

In my home state of Tasmania, disability affects a vast number of people. According to a 2007 report by the state government, around one in five Tasmanians are living with a disability and a further 10 per cent of Tasmanians over 15 reported providing unpaid assistance to a person with a disability, long-term illness or problems relating to old age. I am very proud that Tasmania will be one of five launch sites for the NDIS. This pilot project will help around 1,000 young Tasmanians over its life span. As someone who has worked as a special education teacher for many years, I am especially heartened that the launch site will focus on young people between 15 and 24 years. This age range was chosen in recognition that it is a vital transition period, a time when the foundations are laid for adult life, as young people move from schooling into the workforce or further study. The goal of the launch site is to explore the supports that need to be in place for this transition to be as successful as possible.

Importantly, setting up Disability Care Australia is not only the right thing for us to do but the most sensible, prudent thing for us to do. One thing that concerns me about some policy debate today is the false dichotomies that are constructed around social justice. Welfare issues are often presented as a question of moral responsibility versus fiscal responsibility; people versus dollars, if you like. Either we choose to care for marginalised people in our community or we look after the budgetary bottom line. However, if we take a wider perspective and a closer look at the research, we often find that these sorts of initiatives not only help individuals to lead fuller, happier lives but actually contribute positively to the bottom line.

In its report entitled *Disability expectations: investing in a better life, a stronger Australia*, PricewaterhouseCoopers found that the NDIS, as part of a package of reforms, can also achieve strong economic gains. Its modelling found that the scheme could lead to an extra 450,000 people living with a disability and their carers participating in the workforce by 2050. To put this in perspective, this workforce boost is not too far short of the entire population of Tasmania. This extra employment is estimated to be able to return $50 billion to the nation's economy. The report summarised the situation by saying:

The NDIS is an economically responsible proposal, providing an investment in people with a disability and in the future of Australia. It pays for itself.

Quite simply, we cannot afford not to act and I, for one, am glad to be part of the government that is.

Senator FAWCETT (South Australia) (21:36): I rise tonight to speak also on the National Disability Insurance Scheme Bill 2013. I want to start off by going back to some words I spoke in my maiden speech in this place, about the fact that we live in a land that many people in the world can only dream of and that the vast majority of us who benefit from and enjoy all that this nation has to offer have a responsibility to give back where we can. First and foremost, we have a duty to defend and develop those things that preserve our democracy and freedom. But, secondly and importantly, we have an obligation to reach out to those amongst us—and, indeed, those beyond our shores—who for many reasons do not enjoy the same
security or quality of life. In that speech I made the point that we stand here—certainly in my case I stand here—because there are things that we can do better. I recalled standing in the home of a sole parent who was in desperate need of respite and support for a disabled child. Her daughter was so physically strong and aggressive that they lived in a house remote from other people, with locked rooms and a fenced-in veranda. That is no way for a young family to live. We can do better than those conditions, and we can do better with the system that we put in place to care for those people with a disability.

That is not to say that everything governments of either persuasion have done in the past has been bad. There have been some good measures. I particularly recall, in my former life in the other place, working as the chair of Minister Brough's policy committee for families and communities, and I recall the money we put aside for respite for older carers of children with disabilities. That is an issue that is significant as people age and their children continue to need care. The additional funding that was put aside there made a real difference, particularly at Country North Community Services up in Clare. To see the difference that that funding made in a regional community was fantastic. Likewise, at the Elizabeth Special School, there was the package that Minister Brough announced: some $190 million for children with autism. Again, governments of both persuasions have done good things. The Howard government lost government soon after that announcement, but this current government continued with that program, and it has had benefits for people across the nation. Certainly the Elizabeth Special School is one place that is now a real focal point for young people with autism and their families.

But some things have not been so good. I remember the extensive debates around the Commonwealth, state and territory disability agreements between the Commonwealth government and the state governments on how the funding models would work, who would meet need and how to define need. The real shame of that whole process was that, whilst we sat and with very good intentions tried to work through funding programs, priorities, principles and partnerships and struggled to find agreement, families, carers and those with disabilities were not getting the support they needed. So, whilst there were offers of large amounts of money for that, the problem was that we did not get the partnership that was required. The people we have let down have been not so much us or the system as those who actually need the care. So one of the issues that I am very happy about with the National Disability Insurance Scheme is that, through the COAG process, we have already seen a number of partnerships signed up to between state and territory governments. I commend governments at both the federal level and the state level for achieving that.

All of us in this place know that the system is broken. Certainly in the Senate inquiry—I sat through one part of that in South Australia—more than 1,600 submissions made that point loud and clear: that the system needs reform. We know all too well that how somebody acquires a disability or where they live can make a marked difference in the level of support that they receive. There is a certain inequity about that, and I think that, in Australia in 2013, it is not before time that we are seeking to redress that. Whether you acquire an injury through the workplace and therefore have some form of compensation or insurance to cover it or whether you, through no fault of your own, are born with a disability and then your family is left, in
some cases, largely to its own devices, it is remarkably inequitable to those people.

So, to quote Mr Tony Abbott, the Leader of the Opposition, it is a scheme whose time has come. I think it is important to recognise that this is a scheme that has had strong bipartisan support. I welcome the comments by Senator Thorp, who recognised that both sides of politics have recognised that this is a scheme whose time has come and that it needs to be implemented. The coalition have supported the scheme along each of the major parts of the process. We supported the work of the Productivity Commission, and we also supported the allocation of the $1 billion in the last budget to get the scheme on the road. We supported the five launch sites, and I am particularly pleased to see that South Australia has signed an agreement to be one of the launch sites. It is a fantastic opportunity. It starts in July this year for those people with children aged up to five years who will receive support, and over the next two years that will increase to include children aged up to 14. So it is not a silver bullet to fix all the demand all at once, but it is a start, and it is a start that has bipartisan support, which means that, for the families who need that support and that care, it is a program that hopefully will not be subject to the changing whims of politics and changing governments but will continue so that they can start planning the future of their families and the ones they care for. There is no definition at this stage for the move beyond 14 years old in South Australia, and I certainly look forward to working with members on both sides and in both houses as we articulate the funding models, the rules around the scheme and how the programs at these launch sites will be expanded so that everyone who has a disability and needs support can plan for the appropriate support that they need into the future in South Australia.

Any of the comments that we make as a coalition about the NDIS are offered in that spirit. We recognise that there are still things to be worked through. It will vary from country areas to city areas and from state to state. So there will be hurdles that we come across, and there will be unintended consequences. So the comments that are made are made with a view to and an intention of highlighting those unintended consequences and getting the best outcome for people with disability and those who care for them. I would encourage people in the government and the crossbenchers to receive any coalition comments in that spirit, in that we strongly support the scheme and seek to improve it as we can.

The NDIS is a person centred scheme. Something I found through the work I did in the other place when I was the member for Wakefield and supporting Minister Brough was one of the large failings with the current model: it is capacity constrained, there are frameworks in place that may or may not match people's need and to a large extent it disempowers people who have a disability and those who care for them. One of the real strengths of this scheme is that it seeks to empower people and, wherever the person with a disability has the capacity to have inputs into the planning and the decisions that are made, it provides and in fact requires that input, which is a really positive thing for that person. Where that is not the case, other arrangements will be made with the carers or an appointed person, but the bottom line is it will be about enabling a person to use a resource in the most practical and effective way possible that meets their priority needs. In working with communities in country areas where some of the more established forms of support are not so readily available, that flexibility is just crucial. There was nothing more heartbreaking than speaking with people who have a desperate need for
respite but, living in a country area, find that when they finally get to breaking point at 11 or 12 o'clock at night the only respite they have is two to three hours drive away. By the time they get there, drop a child off at an emergency respite and have a couple of hours sleep in the back of a car, they have to pick them up the next morning and come back. So being able to use resources to find ways to have local solutions to local needs is one of the most powerful parts of the NDIS. It fits very comfortably with the coalition's philosophy of empowering individuals where we possibly can to take control over their lives. We welcome that as a key part of this scheme.

The other thing that the coalition has offered is the concept of having a bipartisan or in fact multiparty committee, co-chaired by the two major parties, to implement this scheme. I am disappointed that to date that concept has not been taken up by the parties, but the coalition's offer—restated by the leader, Mr Abbott—is that, should there be a change of government later this year, it would be the intention of an Abbott-led government to create such a committee so that we can harness the good ideas, passion and support of people from all parties in this parliament for the benefit of the community of Australia.

At the end of the day, if any party in this parliament seeks to make this scheme its own, the people we actually disempower are the Australian community and those with a disability. This of all areas is one where we need to recognise that true leadership is to serve and that by being here and being leaders of this nation we serve the interests of those who elected us and put us here. The coalition come to this debate in a spirit of bipartisanship. We offer that now and, should there be a change of government later in the year, we extend that offer. I welcome the initiative of the NDIS. The coalition are pleased to support it, albeit with some comments and amendments along the way. I offer it our support.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore) (21:50): Order! I propose the question:

That the Senate do now adjourn.

Holland, Mr Frank

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (21:50): I rise to speak on the occasion, yesterday, of the celebration of the 90th birthday of Mr Frank Holland. Yesterday was St Patrick's Day and I was very honoured to attend the 90th birthday of a very fine Adelaide man, Mr Frank Holland.

Frank was born in 1923, the first child of Joe and Pauline, and was named after St Francis of Assisi. Of course, we now know that the new Pope has also adopted the name of Francis. Frank's father, Joe, served Australia in the 9th Light Horse Regiment in World War I and I recall many occasions when Joe would come to our house in Goodwood Road after attending the repatriation hospital which was just up the road from where we lived in Colonel Light Gardens.

Frank was educated at St Anthony's School in Edwardstown and at Sacred Heart College in Somerton Park before he began work in various departments at Myer in the city. When World War II broke out he served in the AMF in ordnance. After a severe illness he was discharged in 1942. He went on to work in the government produce department in Port Lincoln with his friend John Kiley, whom he remained friends with all of his life.

When Frank heard that John had purchased a block of land at Glenelg North,
he followed suit and in 1943 bought 23 David Avenue, Glenelg North, for the princely sum of 75 pounds which in today's currency would be $150. Frank met his wife, Shirley, while working for engineering company TJ O'Connor. They married in 1947 and Frank's best man at the wedding was a fellow called Val McCarron, who later became the State President of the Shop Assistants' Union in South Australia and would regularly ride his pushbike from Hauteville Terrace in Eastwood into the Harris Scarfe store in the city where he worked.

Frank and Shirley built a modest five-room house on the block in Glenelg North, which was the happy home of their expanding family of ultimately nine children and where they spent many years of very happy life together. After six sons, Frank and Shirley finally welcomed a daughter, Margaret, into the world in 1964. Madam Deputy President, you might recall that was the year the Beatles came to Adelaide and received the biggest reception at any Beatles attendance anywhere in the world.

Senator Back: I was too young.

Senator Farrell: Yes, you would have been, Senator Back, but I was not. On that particular occasion, I was 10 years of age and my mother for the first time let me go into Adelaide by myself to see the Beatles. As it turns out, Frank's oldest son, John, who was 16 at the time—so he was six years older than me—recalls his father's excitement at finally having a daughter. Not only did Frank buy six cases of champagne for his friends to enjoy after Margaret's baptism but also he promised John a ticket to the Beatles concert if he could pay half. John came up with the 12 shillings and six pence and his father bought him a 25-shilling ticket. After Margaret, one more daughter, Elizabeth, was born followed by the seventh son, Timothy.

Frank became the employment and personnel officer for Commercial Motors. Wherever he worked as an employee, Madam Acting Deputy President, Senator Moore, I am sure you will be very pleased to know he was a member of his appropriate trade union, and in this case it was the Federated Clerks Union, then led by Mr Harry Krantz, whose funeral he attended in due course. Later, Frank entered the real estate industry with MK Tremaine and Company. He managed the Glenelg office for a number of years and took over the business, which began trading as Frank Holland Real Estate in 1972. The business continued for 25 years developing a reputation for honesty and fair dealing. In a very rare double, Frank was granted life membership of both the Federated Clerks Union, now known as the ASU, and the Australian Human Resources Institute, both a union and an employer association.

In 1985, when in his 60s, Frank became a mature-age student and studied for a Bachelor of Arts. He graduated in 1992 but continued his studies. He received a Graduate Diploma in Social Sciences in 1997 and the topic of his thesis was 'The effects of Asia on the Australian horse racing industry'. Frank is a true Irishman in that he liked to attend the races; in fact, he had a small share in a Lindsay Park racehorse at one stage. John, his eldest son, recalls his father and mother riding their bicycles all the way from Glenelg to the Cheltenham Park Racecourse, with John and his brother Paul on little seats on the back of the bikes. Frank was a member of the Morphettville Race Club for a number of years and really enjoyed a modest punt. The Holland family is a great South Australian pioneering family. Frank's
grandfather, Terrance Holland, established a market garden in the Piccadilly Valley in the Adelaide Hills and set up a fruit and vegetable stall in Adelaide's East End produce markets. Terrance married Margaret O'Malley in Kadina in 1888 and by 1893 they lived in Goodwood. It is believed that Terrance was a great benefactor of the nearby Goodwood Orphanage and supplied them with free fruit and vegetables. In fact, thanks to the good work of Catherine Heptinstall, the Unley Council is about to establish a plaque at the site of Terrance and Margaret's home at 37 Florence Street, where they raised their 10 children.

Frank and Shirley are blessed with a big family, including their nine children, 19 grandchildren and nine great grandchildren. More than 120 family members and friends attended Frank's birthday celebration and it was great that Shirley, who was unwell, was also at the party. The federal member for Hindmarsh, Mr Steve Georganas, was kind enough to send a congratulatory message to Frank which was displayed with pride of place at yesterday's birthday party.

Life continues to be very busy for Frank and he takes an interest in all of his wonderful offspring. I am sure he has lost count of the number of sports days that he has attended and football and hockey games for which he has supplied oranges. In fact, at that time he was known amongst the players and schoolchildren as 'the orange man'. Frank is a genuine family man and his family vouch for that every day. They say he is wonderful and a supportive father, grandfather and, of course, now great-grandfather. He is also a friend of many. And that, to me, is a mark of a successful man. Frank Holland is a true success as a human being and family man. I wish him many more years of love and fulfilment with his family.

Volunteering

Senator EGGLESTON (Western Australia) (21:57): Few things unite Australians more, in times of adversity, than volunteering. As a land of contrasts, every year the country is impacted by a seemingly endless array of natural disasters. Just a couple of weeks ago, the north of Western Australia weathered its latest tropical cyclone, Cyclone Rusty, while on the other side of the country parts of Queensland suffered yet more flooding. In January, bushfires again scorched our countryside, including in the Perth hills and the south-west of Western Australia.

In these times of trouble it has long been a part of our psyche that we band together, lend a hand and volunteer to assist our neighbours. We Australians gladly down our own tools to pick up a fire hose as a volunteer firefighter. We fill sandbags and secure damaged properties as members of the local State Emergency Service. We patch grazed skin and treat cuts and bruises as part of the local ambulance services. And we doorknock for charity in very large numbers. Throughout our history, the willingness to lend a hand and help a mate in time of need has become an entrenched part of who we are as Australians. That sense of mateship that we are so very proud of is never more evident than in times of disaster.

I was recently reminded of the importance of volunteering and donating one's time when I received a letter from a resident of Exmouth, which is a seaside town halfway up the WA coast, about 1,400 kilometres north of Perth. In this letter the lady who wrote it outlined the difficulty the local ambulance service faces as its small team of volunteers donate so much of their time ensuring that ambulance services are available throughout the huge district of which Exmouth is the centre.
Exmouth is a small town; yet, as the woman's letter noted, its ambulance service extends over an area from the coastal community to the highway at Nanutara and Manilya. To attend a road accident at Nanutara on the North West Coastal Highway means a round trip of almost 800 kilometres from Exmouth—a very large distance indeed. The woman commented:

Volunteers proudly and willingly sacrifice their time away from work but time translates into cost; and distances cost the volunteers much time away from paid work.

But they do this regardless of the loss of income to themselves. Unlike in the metropolitan area, where the outstanding work of the St John Ambulance service is undertaken by paid employees, many of the volunteers in regional areas are self-employed businesspeople or people working in service industries where the donation of their time translates into lost income.

As Exmouth is a very popular holiday town, tourism plays a large part in its economy. The downside is that, when the tourists come, more pressure is placed on the limited volunteers in such areas as the local ambulance service. The situation, of course, is far from unique to Exmouth. Before entering the Senate in 1996 I was a doctor in Port Hedland. I served as the chairman of the local ambulance service board of St John Ambulance and I saw firsthand the valuable work volunteers played in the life of that service in providing emergency services to people in various times of crisis along the North West Coastal Highway and within the town of Port Hedland itself.

It is not just the ambulance service where volunteers play an important part in the lives of towns in the north. Recent tropical Cyclone Rusty showed yet again the vital role played by volunteers of the state emergency service. And, as lives returned to normal in the north-west after that cyclone, many volunteers went about donating much of their time to such organisations as Meals on Wheels, the Salvation Army, the Red Cross and the local hospital.

In 2010, the Barnett government in WA released a report into the value of volunteering in the state. Among its findings were that the prevalence of volunteering among Western Australians had grown significantly from the equivalent of 99,000 jobs in 1992 to 146,000 in 2006. Almost four in 10 members of the community volunteered through an organisation—up from around one in four in 1995. The same 35- to 44-year-old age group gave $544 million of the $2.1 billion given through organised volunteering in Western Australia in 1996. The volunteer participation rate—42.9 per cent—was also highest in this age group. There were more volunteers in regional areas than in Perth, and I think that is probably typically found all over Australia. Country people are more willing to go out and give some of their time in public service.

As the Exmouth resident who wrote to me noted, there is much more to the local volunteer ambulance service than 'blood and gore'. Clerical and secretarial work and simply refuelling and washing vehicles and checking tyre pressure are some of the more mundane tasks that remain vital to the operation of such a service, especially in the country. I encourage people to consider how they can make the valuable donation of time an ongoing part of their lives to support volunteer organisations in our community.

Renewable Energy

Senator RHIANNON (New South Wales) (22:05): The government is currently considering including the burning of native forest wood waste to generate electricity in the large-scale renewable energy target. The forestry industry is pushing hard for this to
It would be a massive win to gain the subsidy for clear felling and burning our native forests. Logging is a massive source of carbon pollution, so it is utterly perverse that the government is even considering creating the huge financial incentive for the forestry industry to log and burn native forests in the name of climate action.

The Climate Change Authority released its final report on the renewable energy target late last year and recommended support for the use of native forest wood waste in biomass burners. Recommendation 28 of the final report calls on the federal government to investigate whether including native forest wood waste in the RET would increase logging in native forests. According to the recommendation, if no increase in the rate of logging of native forest is predicted then wood waste eligibility should be reinstated. It is plain to see that the Climate Change Authority has been lobbied heavily by the forestry industry with its self-interested claims that wood waste from forest logging used to generate electricity will displace forest fossil fuel based electricity generation and, as a result, reduce greenhouse gas emissions.

The 2003 review of the mandatory renewable energy target received a range of conflicting submissions, and two options emerged: to remove wood waste from the scheme altogether, or to leave native forest wood waste in but separate it from plantation wood waste sources so that the value of renewable energy certificates from plantation wood waste generation would not be impacted. The Howard government left native forest residues in the RET. Wood waste from native forests was eventually removed from the RET in 2011 following agreement of the Multi-Party Climate Change Committee. I acknowledge the huge amount of work that Senator Christine Milne did to remove native forest wood from the RET and to protect our forests.

A year ago, on 19 March 2012, during the House of Representatives debate following the passing of the clean energy future legislation, Independent MP Rob Oakeshott lodged a disallowance motion to reinstate native forest waste in the package. After the vote in the lower house was tied, the Speaker used his casting vote to defeat the motion, which would have resulted in electricity users paying a subsidy to the timber industry to burn native forest residues for bioenergy. Mr Oakeshott claimed that his proposal would not result in one additional tree being felled because only forest waste would be eligible. This argument was naive, at best. The native forest industry's push for burning native forest biomass was driven by their desperate need to find a replacement market for woodchips or a cash flow to subsidise loss-making woodchips. Some optimists thought the demise of Mr Oakeshott's disallowance motion would finally convince the native-forest based timber industry to restructure rather than seek quick fixes to its long-term decline, but such predictions have proven to be premature.

On 11 December 2012, federal environment minister Tony Burke announced additional funding to help implement the Tasmanian Forests Intergovernmental Agreement. Part of this additional funding included $25 million to support regional structural adjustment and sustainable residue solutions, and to encourage innovation in the use of plantation timber. In this case, 'sustainable residue solutions'—as it was called—is code for a subsidy to help fund a new native forest biomass burner. Just over a week later, the Climate Change Authority's favourable recommendation to include the burning of native forest residues in the RET review gave further encouragement to the native
forest industry's misguided strategy. The Climate Change Authority's reasoning was that if a forest would have been logged in any event then burning the wood waste in a power station is a better environmental outcome, in greenhouse gas emission terms, than burning the waste alone or allowing it to decompose. On the surface this seems plausible, but the logic is deeply flawed. The argument goes that if wood waste from logging native forests is used to generate electricity then this will displace fossil-fuel based generation and, as a result, reduce greenhouse gas emissions. This logic is in keeping with the Climate Change Authority's goal to find a balance between promoting investments in renewable generation and containing the costs of the arrangements to electricity users. But this logic is faulty.

Andrew Macintosh, Associate Director of the ANU's Centre for Climate Law and Policy, and Richard Denniss, Executive Director of the Australia Institute, have both expertly argued their opposition to the eligibility for native forest wood waste under RET. They make four convincing arguments. First, the Climate Change Authority claims that the burning of native forest wood waste to generate electricity will bring about a reduction in greenhouse gas emissions. In the context of Australia's carbon-pricing scheme, this claim is unsustainable. While Australia has a national emissions target, nothing that alters emissions within the sectors that count towards the existing emissions cap should have any impact on the national or global emissions outcome. All that a change within one participating sector will do is alter the distribution of emissions between participating sectors or countries. Even if, as the industry claims, the burning of native forest biomass did displace fossil-fuel based electricity generation, the purported reduction in total greenhouse emissions would not occur. Rather, it would simply result in more emissions coming from an alternative source.

Second, the proposition that giving native forest biomass furnaces access to RECs will result in an increase in the amount of renewable electricity generation is also unsustainable. The LRET sets a compulsory amount of renewable electricity that needs to be generated each year. Including native forest wood waste in the scheme would only result in the displacement of other forms of renewable electricity. In other words, an increase in electricity generation from native forest biomass would only diminish the electricity generated by other renewable sources such as wind, solar or hydro. So, contrary to what is being claimed, the burning of native forest biomass will fail to either displace fossil-fuel based electricity generation or boost renewable electricity generation. It would also conflict with the stated aim of the LRET to lower the cost of alternative technologies more rapidly than would normally occur in the absence of financial incentives. Biomass burning is an old technology and promoting it would be at the expense of sustainable technologies.

Third, it is futile for the government to commission a new study to test if logging native forests would increase if wood waste was an eligible fuel under the RET. The track record of the Tasmanian native forest industry sufficiently indicates that the inclusion of wood waste would almost inevitably lead to an increase in native forest logging.

Fourth, there is a potential reduction in Commonwealth revenues from the carbon-pricing scheme. Both Macintosh and Denniss explore this problem. The Australian taxpayer could well be paying three times for the switch to native forest biomass electricity generation: first as a result of direct subsidies, second as a result of wood waste
being included in the LRET and third as a result of lost carbon scheme revenues.

Expanding forest logging would increase greenhouse gas emissions from forest management but, due to the existence of the national emissions target and the fact that forest management now counts towards this target, an increase in emissions from forest logging would not increase Australia's net greenhouse gas emissions. However, the increase in harvest-related emissions would necessitate a relative reduction in the carbon pollution cap, which, in turn, would reduce carbon unit sales and Commonwealth carbon revenues. It is well known that factors contributing to the demise of Tasmania's native forest industry include the industry's marginal profitability arising from the high percentage of tree waste or 'harvest slash' left on the forest floor, the high Australian dollar, the decline in international woodchip prices and a shift away from native forest products by builders and consumers.

As Macintosh and Denniss point out: 
Ironically though, the final nail in the industry's coffin could come from the valuable carbon credits that could be generated by not harvesting native forests. While it has been spoken about for decades, the day has come where native forests are more valuable standing up than chopped down.

The government is required to respond to the Climate Change Authority's final report on the review of the renewable energy target by June 2013. It is clear that the proposal to allow native forest biomass burners to attract RECs under the large-scale renewable energy target needs to be rejected by this government. The government must take action on climate change, but not at the expense of protections for our native forests. 

(Click to add the title and text)

Peters, Dr Christopher, AM, OI, JP
Senator HUMPHRIES (Australian Capital Territory) (22:16): I rise tonight to mark the passing of and to honour the life of a prominent Canberran who, sadly, died a few weeks ago. I refer to the long-time CEO of the ACT and Region Chamber of Commerce and Industry, Dr Christopher Peters, AM, OI, JP. Dr Peters was a most extraordinary figure, who made a contribution in so many areas of ACT life that simply to read some of the things that he was involved in sounds almost a strain on the credulity of those who hear the many things that he was involved in.

He was a South Australian originally. He came to Canberra in 1991 with his wife, Josephine, to take up the role of CEO of the chamber of commerce, having pursued some 21 years of business and other interests in other parts of Australia. His role at the chamber of commerce made for a springboard for many other areas of activity in this community. I want to run through some of those areas.

He represented the ACT on the board of the Australian Chamber of Commerce and Industry, and ACCI paid tribute to Chris recently by describing him as 'a man of character, a leader of business, respected by governments, a servant of his community and honoured by the nation'. He was also very active in the diplomatic community based in the ACT; he had close connections with many, many members of the diplomatic corps and provided invaluable assistance in facilitating international business activity both within the ACT and wider Australia.

He was interested in education. He was the deputy chair of the ACT Board of Senior Secondary Studies and, indeed, spent 15 years in that role. He was passionate about vocational education and training, and mentored many young people. He never
missed a meeting of that board, even in the last stages of his illness. The ACT Association of Providers of Training Services has referred to 'his history of distinguished service and his contribution to vocational education and training, practice and leadership having a lasting impact'.

He was instrumental in helping establish the Canberra Institute of Technology Vocational College and was a long-serving member of its advisory boards. To quote the institute, 'He understood the power of education to change lives, enable business growth and community development.'

He was chair of the GreaterGood foundation. They noted on his passing 'his leadership, generosity, cheerful demeanour and sensible advice'. He was involved in many, many other organisations: the ACT Business Council, as its chair; the ACT Default Insurance Fund; the ACT Accreditation and Registration Council; the ACT Bushfire Recovery team, after the devastating fires of 2003; the ACT Land and Planning Authority—specifically, its Commercial Advisory Committee; the ACT Electric Vehicle Council; the ACT Defence Support Reserve Council; and the ACT Vocational and Educational Training Advisory Group.

He was on the Australian Federal Police Crime Prevention Group, he was an adviser to the ACT Council of Social Service, he was an adviser on corporate and governance issues to the ACT Palliative Care Society and he was a commissioner of the ACT Skills Commission.

In his spare time—and remarkably, he had some—he was a very great and passionate lover of music. For years he was the finance officer of the Friends of the School of Music. He was involved in the International Music Festival here in Canberra since its inception. He was on the board of the School of Music Foundation, and spearheaded the attempt to broker a better outcome for the institution when it came under attack recently. He supported the Canberra Symphony Orchestra in all its endeavours in the ACT and delighted in its recent increase in patronage. And he loved the National Folk Festival held every year at Easter.

It might be easy to assume that I am talking about half a dozen people. I am not; I am talking about a single man—who you might think was passionate about collecting titles. But can I assure the Senate that he was invited to serve on each and every one of these organisations because he was a doer, because he was effective and because when people asked him to contribute, he contributed and he made a difference.

That difference was acknowledged in a number of ways in recent years by the ACT and the broader community. He was awarded an honorary doctorate by the University of Canberra for his services to business and the community of Canberra. He was made a member of the Order of Australia for his contribution to business in the ACT. Behind his name were the letters 'OI', which stand for Order of Isabel de Catolica, an award made personally by the King of Spain for his contribution to the celebrations marking the 400th anniversary of the Spanish landing in Australia in 2006. Perhaps most significantly, he was awarded Canberran of the Year in 2012. In his various roles, from time to time he clashed with government. He had occasions to upbraid the government that I led in the ACT and he clashed with the present ACT government on a few occasions. The fact that his capacity to clash with governments of all persuasions said a great deal about the fact that he said what he said and did what he did because he believed that what he said and what he did was the right thing to say and to do, not for the reason of simply causing conflict.
Even during the days and weeks after he contracted cancer of the liver, when he was undergoing very intense chemotherapy, he was invited to join the committee of the new ACT Cancer Centre and put forward many practical suggestions for enhancement of the environment for the benefit of future patients. He kept a large number of us on an email list describing the various stages of his treatment, in a very frank and very personal way, but one which opened up, for me at least, an amazing insight into what people go through when they experience cancer. Of course, many people choose to make that a very private experience. Chris saw the benefit of talking about what he was going through in order to dispel myths and help people to understand what they might face in the tragic event of facing cancer.

Chris was a man who solved many problems who could be approached at any level with any kind of issue and usually had a helpful suggestion to make, or if he did not he would come back a few days later with practical ideas of how to solve a particular problem. I want to put on record my thanks to him for helping me deal with many, many problems dealing with my constituents in an effective way. When, at one stage, I wanted to enlist the help of the business community in helping people with mental illness obtain employment, he put together a large panel of people who were prepared to sign up for that concept, and we worked very hard to ensure that a number of people in the Canberra community with a history of mental illness were able to be placed in suitable employment with members of the ACT business community.

With his passing, this city has lost an extraordinary contributor, a passionate lover of the national capital, an unflinching advocate of the business community and a generous soul. I thank him for what he has done to change the lives of so many people in this community and I believe that he stands head and shoulders above so many people for the difference that he made to the lives and the life of this city. I extend my condolences to his wife, Jo, and to his very many friends and colleagues in this city.

Senate adjourned at 22:25

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.]


Aged Care Act—

Aged Care (Residential Care Subsidy – Amount of Accommodation Supplement) Determination 2013 (No. 1) [F2013L00468].

Aged Care (Residential Care Subsidy – Amount of Concessional Resident Supplement) Determination 2013 (No. 1) [F2013L00465].

Aged Care (Residential Care Subsidy – Amount of Pensioner Supplement) Determination 2013 (No. 1) [F2013L00469].

Aged Care (Residential Care Subsidy – Amount of Respite Supplement) Determination 2013 (No. 1) [F2013L00467].

Aged Care (Residential Care Subsidy – Amount of Transitional Accommodation Supplement) Determination 2013 (No. 1) [F2013L00466].

Aged Care (Residential Care Subsidy – Amount of Transitional Supplement) Determination 2013 (No. 1) [F2013L00471].

User Rights Amendment Principles 2013 (No. 1) [F2013L00467].

CHAMBER

Broadcasting Services Act—

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 2 of 2013) [F2013L00459].


Corporations Act—ASIC Class Order [CO 13/284] [F2013L00461].

Governor-General Act—Governor-General Allowance Order 2013 [F2013L00456].

Jervis Bay Territory Acceptance Act—Administration Ordinance—
Electricity Supply Fees Determination 2013 [F2013L00472].

Water and Wastewater Services Fees Determination 2013 [F2013L00473].


Migration Act—Migration Regulations—Instrument IMMI 13/032—Class of passports [F2013L00463].

National Health Security Act—Select Legislative Instrument 2013 No. 30—National Health Security Amendment Regulation 2013 (No. 1) [F2013L00476].

Remuneration Tribunal Act—Determination 2013/03—Remuneration and Allowances for Holders of Public Office [F2013L00464].

Road Safety Remuneration Act—Road Safety Remuneration Tribunal Rules 2013 [F2013L00455].


Social Security Act—Social Security (Deeming Threshold Rates) (DEEWR) Determination 2013 (No. 1) [F2013L00462].


Governor-General's Proclamation—Commencement of provisions of an Act—
National Health Security Amendment Act 2012—Schedules 1 and 2—31 March 2013 [F2013L00474].

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—Statement of compliance—Attorney-General’s portfolio.
1 July to 31 December 2012—Statements of compliance—
Fair Work Ombudsman.
Treasury portfolio.

Departmental and Agency Contracts Tabling

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2012—
Letter of advice—Climate Change and Energy Efficiency portfolio.
Answers to Senate Questions on Notice will no longer be published in the Senate Hansard. The full text of Questions on Notice and their answers are available online at www.aph.gov.au/SenateQON