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SITTING DAYS—2011

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- MELBOURNE 1026AM
- PERTH     585AM
- SYDNEY    630AM

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Thomas Mark Bishop, Suzanne Kay Boyce, Patricia Margaret Crossin, Mary Jo Fisher, David Julian Fawcett, Helen Evelyn Kroger, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore and Louise Clare Pratt
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC
Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of the Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator Robert James Brown
Deputy 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 Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

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

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<th>State or Territory</th>
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<td>Abetz, Hon. Eric</td>
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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.

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—A Thompson
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<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
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<tr>
<td>Deputy Prime Minister, Treasurer</td>
<td>Hon. Wayne Swan MP</td>
</tr>
<tr>
<td>Minister for Regional Australia, Regional Development and</td>
<td>Hon. Simon Crean MP</td>
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<tr>
<td>Local Government</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace</td>
<td>Senator Hon. Chris Evans</td>
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<tr>
<td>Relations and Leader of the Government in the Senate</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM, MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital</td>
<td>Senator Hon. Stephen Conroy</td>
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<tr>
<td>Economy and Deputy Leader of the Government in the Senate</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
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<tr>
<td>Minister for Trade</td>
<td>Hon. Dr Craig Emerson MP</td>
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<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
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<td>Hon. Chris Bowen MP</td>
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<td>Hon. Anthony Albanese MP</td>
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<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
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<td>Minister for Families, Housing, Community Services and</td>
<td>Hon. Jenny Macklin MP</td>
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<td>Minister for Sustainability, Environment, Water, Population</td>
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<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
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<tr>
<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
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<td>Minister for Agriculture, Fisheries and Forestry and Manager</td>
<td>Senator Hon. Joe Ludwig</td>
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<td>of Government Business in the Senate</td>
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<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
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<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
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</table>

[The above ministers constitute the cabinet]
Minister for the Arts  
Hon. Simon Crean MP  

Minister for Social Inclusion  
Hon. Tanya Plibersek MP  

Minister for Privacy and Freedom of Information  
Hon. Brendan O'Connor MP  

Minister for Sport  
Senator Hon. Mark Arbib  

Special Minister of State for the Public Service and Integrity  
Hon. Gary Gray AO, MP  

Assistant Treasurer and Minister for Financial Services and Superannuation  
Hon. Bill Shorten MP  

Minister for Employment Participation and Childcare  
Hon. Kate Ellis MP  

Minister for Indigenous Employment and Economic Development  
Senator Hon. Mark Arbib  

Minister for Veterans' Affairs and Minister for Defence Science and Personnel  
Hon. Warren Snowdon MP  

Minister for Defence Materiel  
Hon. Jason Clare MP  

Minister for Indigenous Health  
Hon. Warren Snowdon MP  

Minister Assisting the Prime Minister on Mental Health Reform  
Hon. Mark Butler MP  

Minister for the Status of Women  
Hon. Kate Ellis MP  

Minister for Social Housing and Homelessness  
Senator Hon. Mark Arbib  

Special Minister of State  
Hon. Gary Gray AO, MP  

Minister for Small Business  
Senator Hon. Nick Sherry  

Minister for Home Affairs and Minister for Justice  
Hon. Brendan O'Connor MP  

Minister for Human Services  
Hon. Tanya Plibersek MP  

Cabinet Secretary  
Hon. Mark Dreyfus QC, MP  

Parliamentary Secretary to the Prime Minister  
Senator Hon. Kate Lundy  

Parliamentary Secretary to the Treasurer  
Hon. David Bradbury MP  

Parliamentary Secretary for School Education and Workplace Relations  
Senator Hon. Jacinta Collins  

Minister Assisting the Prime Minister on Digital Productivity  
Senator Hon. Stephen Conroy  

Parliamentary Secretary for Trade  
Hon. Justine Elliot MP  

Parliamentary Secretary for Pacific Island Affairs  
Hon. Richard Marles MP  

Parliamentary Secretary for Defence  
Senator Hon. David Feeney  

Parliamentary Secretary for Immigration and Multicultural Affairs  
Senator Hon. Kate Lundy  

Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing  
Hon. Catherine King MP  

Parliamentary Secretary for Disabilities and Carers  
Senator Hon. Jan McLucas  

Parliamentary Secretary for Community Services  
Hon. Julie Collins MP  

Parliamentary Secretary for Sustainability and Urban Water  
Senator Hon. Don Farrell  

Minister Assisting on Deregulation and Public Sector Superannuation  
Senator Hon. Nick Sherry  

Minister Assisting the Attorney-General on Queensland Floods Recovery  
Senator Hon. Joe Ludwig  

Parliamentary Secretary for Agriculture, Fisheries and Forestry  
Hon. Dr Mike Kelly AM, MP  

Minister Assisting the Minister for Tourism  
Senator Hon. Nick Sherry  

Parliamentary Secretary for Climate Change and Energy Efficiency  
Hon. Mark Dreyfus QC, MP
## SHADOW MINISTRY

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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
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<td>Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs</td>
<td>Hon. Julie Bishop MP</td>
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<td>Deputy Leader of the Opposition and Shadow Minister for Trade</td>
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<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and</td>
<td>Hon. Warren Truss MP</td>
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<td>Leader of the Opposition in the Senate and Shadow Minister for</td>
<td>Senator Hon. Eric Abetz</td>
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<tr>
<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<tr>
<td>Shadow Minister for Education, Apprenticeships and Training and</td>
<td>Hon. Christopher Pyne MP</td>
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<td>Manager of Opposition Business in the House</td>
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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the</td>
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<td>Shadow Minister for Regional Development, Local Government and Water</td>
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<td>and Leader of the Nationals in the Senate</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Finance, Deregulation and Debt Reduction and</td>
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<tr>
<td>Chairman, Coalition Policy Development Committee</td>
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<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
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<td>Shadow Minister for Communications and Broadband</td>
<td>Hon. Malcolm Turnbull MP</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>Hon. Peter Dutton MP</td>
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<td>Shadow Minister for Families, Housing and Human Services</td>
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<td>Shadow Minister for Small Business, Competition Policy and Consumer</td>
<td>Hon. Bruce Billson MP</td>
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[The above constitute the shadow cabinet]
| Shadow Ministry Role                                                                 | Shadow Minister | Shadow Assistant
|-------------------------------------------------------------------------------------|-----------------|------------------|
| Shadow Minister for Employment Participation                                        | Hon. Sussan Ley | Senator Mathias
| Shadow Minister for Justice, Customs and Border Protection                           | Mr Michael Keenan | Cormann
| Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation |                 |                  |
| Shadow Minister for Childcare and Early Childhood Learning                            | Hon. Sussan Ley | Senator Hon. Brett
| Shadow Minister for Universities and Research                                         | Mr Luke Hartsuyker | Mason
| Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House |                 |                  |
| Shadow Minister for Regional Development                                             | Hon. Bronwyn Bishop | Payne
| Shadow Special Minister of State                                                     | Senator Marise Payne | Payne
| Shadow Minister for COAG                                                              | Hon. Bob Baldwin | Payne
| Shadow Minister for Tourism                                                           | Mr Stuart Robert | Payne
| Shadow Minister for Defence Science, Technology and Personnel                        |                 |                  |
| Shadow Minister for Veterans' Affairs and Shadow Minister                             | Senator Hon. Michael Ronaldson | Payne
| Assisting the Leader of the Opposition on the Centenary of ANZAC                      |                 | Payne
| Shadow Minister for Regional Communications                                           | Mr Luke Hartsuyker | Payne
| Shadow Minister for Ageing and Shadow Minister for Mental Health                     | Senator Concetta Fieravanti-Wells | Payne
| Shadow Minister for Seniors                                                           | Hon. Bronwyn Bishop | Payne
| Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate | Senator Mitch Fifield | Payne
| Shadow Minister for Housing                                                            | Senator Marise Payne | Payne
| Chairman, Scrutiny of Government Waste Committee                                     | Mr Jamie Briggs | Payne
| Shadow Cabinet Secretary                                                              | Hon. Philip Ruddock | Payne
| Shadow Parliamentary Secretary Assisting the Leader of the Opposition                | Senator Cory Bernardi | Payne
| Shadow Parliamentary Secretary for International Development Assistance               | Hon. Teresa Gambaro | Payne
| Shadow Parliamentary Secretary for Roads and Regional Transport                       | Mr Darren Chester | Payne
| Shadow Parliamentary Secretary to the Shadow Attorney-General                         | Senator Gary Humphries | Payne
| Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee | Hon. Tony Smith | Payne
| Shadow Parliamentary Secretary for Regional Education                                | Senator Fiona Nash | Payne
| Shadow Parliamentary Secretary for Northern and Remote Australia                      | Senator Hon. Ian Macdonald | Payne
| Shadow Parliamentary Secretary for Local Government                                  | Mr Don Randall | Payne
| Shadow Parliamentary Secretary for the Murray-Darling Basin                           | Senator Simon Birmingham | Payne
| Shadow Parliamentary Secretary for Defence Materiel                                  | Senator Gary Humphries | Payne
| Shadow Parliamentary Secretary for the Defence Force and Defence Support              | Senator Hon. Ian Macdonald | Payne
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Shadow Parliamentary Secretary for Primary Healthcare
Dr Andrew Southcott MP

Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health
Mr Andrew Laming MP

Shadow Parliamentary Secretary for Supporting Families
Senator Cory Bernardi

Shadow Parliamentary Secretary for the Status of Women
Senator Michaelia Cash

Shadow Parliamentary Secretary for Environment
Senator Simon Birmingham

Shadow Parliamentary Secretary for Citizenship and Settlement
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Immigration
Senator Michaelia Cash

Shadow Parliamentary Secretary for Innovation, Industry, and Science
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Fisheries and Forestry
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Small Business and Fair Competition
Senator Scott Ryan
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Tuesday, 13 September 2011

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

NOTICES
Withdrawal
Senator FARRELL: At the request of Senator Ludwig, I withdraw government business notice of motion No. 1 relating to a variation of the hours of meeting and routine business.

BILLS
Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011
In Committee
Debate resumed.

The CHAIRMAN: Order! The question is that amendments 2 to 11 on sheet 7133, moved by Senator Birmingham, be agreed to.

Senator BIRMINGHAM (South Australia) (12:32): This debate is of course in continuation from the sittings a couple of weeks ago. At that time I highlighted, answered and responded to some questions that Senator Ludlam posed in relation to these amendments. The amendments are important to ensure that the competitive aspects of fibre deployment in greenfield sites are maintained. We think it is critical, vital and important that, in regard to those greenfield sites, we see a decent sense of competition and a decent sense of the provision of services to greenfield developers for the deployment of fibre services. These amendments seek to provide a fairer playing field for competitive greenfield operators against NBN Co. The government has set up a framework in which NBN Co. is the provider of last resort—they claim. However, in reality we see a situation where NBN Co. will, as I highlighted in the previous debate, provide to developers a free service that will obviously be extremely attractive. That will leave competitive greenfield operators essentially as an unviable provider of services, because developers will have the choice of paying a private company or getting a service free from NBN Co. That of course is a Hobson’s choice; there is no choice at all. In that situation, anybody is sensibly going to go with NBN Co. Therefore all of these small private businesses who have built themselves up over a period of time to be able to deploy fibre in greenfield sites effectively and competitively will be squeezed out of the market, because they will have been seriously undermined by this government.

If we look at some of the evidence that the Joint Committee on the National Broadband Network received on this matter we see that competitive greenfield operators, through the Greenfield Fibre Operators of Australia, highlighted a range of problems with this bill that these amendments try to redress. We see it very clearly in the GFOA’s submission, which highlighted that:

NBN Co is the obvious first choice for Developers because the NBN Co can fund the network build costs that are otherwise paid by Developers to private providers … and that funding is recovered by NBN Co charging RSPs higher operational prices.

Without competition maintained and enshrined in the Bill, NBN Co will have no real constraint on charges nor incentive to be innovative or provide community and utility services without charge.

These amendments clearly seek to maintain competition, provide a sense of innovation and, most importantly, ensure that developers have a choice of fibre provider and have the opportunity in that choice to get
fibre deployed quickly in their greenfield site, in the most innovative and efficient way possible and, importantly, in a manner that meets the requirements of NBN Co. but which is not stifled by NBN Co.

If we look further at the submission of the Greenfield Fibre Operators of Australia we see that the GFOA believes:

… that the Minister wants NBN Co to be a monopoly and that he will therefore either set standards and specifications that only suit NBN Co network design and business or be silent and allow NBN Co standards and specifications to become the default standards and specifications as uncertainty overcomes the property development industry. Either way, by Ministerial determination or silence, setting NBN Co standards and specifications for network design, deployment and interconnection will eliminate all competition to NBN Co by GFOA or others interested in investing, building and operating fibre networks on any basis.

The opposition's amendments transparently seek not to undermine what the government is seeking to do in providing fibre to greenfields sites; they seek to strengthen it. They seek to strengthen it by providing more choice to developers, by providing the opportunity for people other than NBN Co. to deliver those services by ensuring that we have a situation wherein NBN Co. cannot go in and gold-plate the standards that are required. Instead, as a result of the opposition's amendments, a situation will be put in place whereby we will actually see ACMA and relevant industry bodies determine what is necessary for compliance with NBN Co. rather than having NBN Co. set its own determination of compliance.

During the debate last time I posed two particular questions to Senator Conroy about the operation of this legislation. They were questions that my colleague Senator Nash had posed and that the minister had thus far been unable to answer. I hope that with the intervening weeks since this debate last took place in the Senate the minister will be able to actually answer those questions. I hope that on this occasion he will front up and actually explain the situation regarding the notions of NBN Co. operating as the provider of last resort.

The important issues Senator Nash highlighted—the questions she asked and that I posed again—related, quite simply, to when the last-resort provision was triggered. Can you tell us, Minister, when is the last-resort provision of NBN Co. to assume responsibility for deploying fibre at these greenfields sites triggered? How long will developers have to wait to see NBN Co. come in and deliver the service for those communities for those new developments? Tell us what the trigger for that provider of last resort is, as well as the expected time frame for that trigger. Then, once it is triggered, how long will it take for NBN Co. to actually deliver the service? How long will people at these sites have to wait to see NBN Co. come in and actually deploy the fibre at those greenfields sites?

These are two fundamental issues. The minister keeps claiming that this does not set up some sort of monopolistic provision for NBN Co. in the greenfields sites. We dispute that. We think our amendments will at least provide for a better competitive framework. In addition to that, we are concerned as to just how the operation of these last-resort provisions will work. Please give us a clear answer on those two matters.

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) (12:40): Developers can choose whichever carrier they like to install fibre. But if they do not wish to choose another carrier, NBN Co. has a responsibility
to provide a solution. NBN Co. is already the provider of last resort for larger developments greater than 100 lots where it has fibre and for developments in rollout regions where it has indicated that it will be rolling out fibre in the following 12 months.

Telstra plays this role in smaller developments pending NBN Co.'s arrival. In this context, this role relates to providing infrastructure in new developments. If a developer does not wish to use another provider, the developer can go to NBN Co., which must provide infrastructure in areas for which NBN Co. is responsible. The process by which NBN Co. provides infrastructure is set out in detail on NBN Co.'s website. NBN Co. has published a simple flow chart for developers. Basically, developers lodge applications for eligible developments via NBN Co.'s web portal. NBN Co. requires applications to be submitted at least three months before infrastructure needs to be provided to enable the various stages of the process to be completed.

Senator BIRMINGHAM (South Australia) (12:41): I thank the minister for that answer. I just want to be absolutely clear about what the minister is saying. It is within the rights of a developer, at the first available opportunity, to lodge an application for NBN Co. to provide service, as long as they meet the requirements of three months notice etcetera. Is there any requirement for a developer to consider using any other operator before they go and get NBN Co. to roll out the fibre?

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) (12:42): It is usually referred to as choice. They can choose whomever they want.

Senator BIRMINGHAM (South Australia) (12:42): Well, that makes it pretty crystal clear! The statements by this government that it is setting NBN Co. up as the provider of last resort are not truthful at all. They are not setting NBN Co. up as the provider of last resort; they are setting up NBN Co. as the default provider of fibre at these greenfields sites. That is what the minister's flippant response about choice means. For a developer who is establishing a new housing development, the choice is, quite literally, to go and lodge an application with NBN Co. and get the fibre rolled out for free or to go to a greenfields operator and pay to have the fibre rolled out. That is the choice the minister wants people to make. There is no requirement for a period of delay for them to consider using a greenfields operator first. They can just go to NBN Co. up-front, first thing, and simply get them to roll out the fibre.

Who on Earth would think that in that type of situation we would see a single greenfields fibre provider around Australia left in business after a few months of operation of that system? Of course everybody is going to take the free option. This government knows a thing or two about offering free options. It offered free pink batts in people's roofs. We saw how that ended: it ended in utter misery for householders, for homeowners and for many, many businesses—who ultimately were put out of business by the very scheme that set up some of those businesses in the first place. This government have no understanding and no credibility when it comes to how the decisions they make impact on the operation of the market. They have no understanding or credibility as to how their decisions impact on private business and private jobs. They are creating this giant new
multibillion-dollar government monopoly called the NBN Co. And, in doing so, they are happy to squeeze everybody else out of the market—everybody else. And they do not seem to care about the consequences of that—for developers, for innovation in this space, for the timely delivery of fibre services in this development. They are just flippant about the whole thing. For them, of course, it is all about trying to make the fictitious economic model of the NBN Co. stack up. And we know that they will never manage to make the NBN Co.'s economic or financial modelling stack up; but they are putting in place every possible impediment to private providers, every possible impediment to other businesses, to ensure that the NBN Co. model is underpinned as a true monopoly provider. And we all know what happens with monopoly providers in the end—Senator Conroy has given us many lectures on that in this place in the telecommunications space. In the end, the prices go up, innovation goes out the door, service gets more sluggish—and that, of course, is what Australia's housing developers will face.

Senator Conroy: Is that why you voted to privatise a vertically integrated monopoly?

Senator BIRMINGHAM: If you want to go back to debating the previous legislation as well, Minister, we are going to be here for a terribly long time.

Senator Ian Macdonald: Stop filibustering!

Senator BIRMINGHAM: Thank you, Senator Macdonald, for that very apt interjection, which highlights the fact that Senator Conroy, throughout this debate, has been more interested in talking about all of the past decisions, all of the past debates, than he has been in actually talking about and defending his legislation, the proposal that is here before us. We do not hear him stand up here saying that yes, there will be competitive fibre operators in the marketplace competing with NBN Co., because he knows that there will not be, he knows that there cannot be under this model that he is proposing. The challenge is there, Minister: if you want to stand up and try to convince the Senate that your legislation is not going to put businesses out of business, then please do so—feel free to actually give us a compelling argument that you are not going to drive private providers already in the marketplace out of business as a result of what you are proposing.

The opposition have made it crystal clear in our amendments, and in our debates on these amendments, that fundamentally they are about providing a better, competitive framework in the greenfields development space—so that housing developers, when they are putting together a development, have a choice of where they can go to, that there are some benchmark standards, that there is a legislated pricing arrangement in place so that they know they can get somebody in to deploy the fibre and that it will ultimately, of course, be sold through to NBN Co. and operate as part of your grand NBN network. So we are not trying to undermine your goals in relation to dictating fibre as the technology of choice for all Australians—or for 93 per cent of Australian premises. We are not trying to undermine your desire for NBN Co. to be the primary wholesale provider. We are not trying to undermine any of those things—

Senator Conroy: Your nose is growing: Pinocchio Birmingham, we'll call you!

Senator BIRMINGHAM: Senator Conroy, the invitation is there. When I sit down, I will welcome you standing up and defending this legislation. I will welcome you standing up and actually telling the Senate that you believe that this will not put
people out of business. That would a brave thing for you to do, Senator Conroy, because deep down you know that it will put people out of business, that it will see small operators, Australians who have invested in building a company, lose equity in that company; that it will see them ultimately have to shed staff, that it will change the model for the deployment of fibre in greenfields sites in Australia, and in doing so it will truncate it all into the one monopoly provider—your NBN Co. That may be great, for you to try to stack up the business model of NBN Co., but it will be bad for these developers, it will be bad for the households who purchase in those developments. It will probably see people ultimately having to wait longer to get services, it will see them ultimately paying more for those services and it will of course see a lack of innovation in the delivery of those services—all because you want to somehow prop up and underpin the financial case for the NBN. That is not good enough.

That is why the opposition stand behind these amendments. We have, unlike you, listened to the concerns of the greenfields fibre operators. Senator Macdonald, myself and others on the joint standing committee have actually listened to those concerns. We have read their submissions, we have heard from those businesses and we have heard them all say very clearly: 'This legislation is a problem; this legislation is a threat to our business and a threat to our jobs.' And, unlike you, we have actually responded to those concerns. Unlike the government, we have heard the concerns and we have decided that we will actually deliver, in this legislation, something that addresses those concerns and provides at least a skerrick of opportunity—and it will be a skerrick of opportunity, given the multibillions of dollars of taxpayer funds and of government debt you have underpinning the NBN Co. But it will at least provide a skerrick of opportunity for these businesses to be able to survive into the future.

So the challenge is there, Minister. When you come back to your seat, when your rise to your feet—which I hope you will do—tell us: do you think there will be a single greenfields provider left in Australia after this legislation passes and comes fully into effect? Do you think there will be anybody actually out there rolling out fibre, aside from NBN Co. and those who NBN Co. pay to do so? Because, from the answer you gave to my previous question, that it is all about choice, you made it pretty well crystal clear that your choice is a Hobson's choice, that developers in Australia will simply be left with a choice of getting it free from NBN Co. or having to pay a private provider—and the upshot of that, of course, will be that it will be the private providers who go out of business. It is your call, Minister: tell us whether you think there will still be a business there for them; convince me that there will be, somehow—because for the life of me I cannot see it in what you are saying.

Senator IAN MACDONALD (Queensland) (12:52): I would have hoped that the minister might have been paying enough attention to this debate to be in his seat to actually answer some very serious questions that Senator Birmingham has raised. In fact, I am reluctant to do this, but perhaps we should note that there are not a lot of Labor Party people in the chamber on this particular occasion. I am not standing up here to make a speech; I am standing here to actually ask the minister a question. But with his typical arrogance and impoliteness he is not even bothering to show the Senate the courtesy of listening to the questions and answering them. (Quorum formed) Can I just warn members of the Labor Party that they should hang around because, if we are not going to even have the minister sitting in his
place listening to the questions we are asking, they can be assured that we may notice if most of the Labor Party people are not in the chamber for this very important debate.

I hope that those people listening to this debate on the radio or on their laptops understand that this involves Australia's biggest ever infrastructure project of $55-plus billion, which the taxpayers, the people listening to this broadcast, will at some stage have to pay for. Everybody, including the minister, knows that it will never make a profit. It will never pay a commercial rate of return on the money the government is spending. Yet we cannot even have in this very important debate a minister who will listen to and answer the questions that are being put to him.

I will now proceed. I see the minister is back in his place. Whether he is listening is another thing. I would like the minister to answer Senator Birmingham's questions. I have a similar question. Perhaps I will frame it in a slightly different way that hopefully the minister will be able to respond to clearly. Minister, is it the fact that the developer in a greenfield site has the option of either waiting for NBN to install the fibre at no cost or alternatively paying a private contractor to put in the infrastructure? Are those the two alternatives? It is my understanding that that is correct, but I seek your response. It is my understanding that that is correct because that is the evidence that was given to the joint committee overseeing the NBN and providing some comment on what is happening. First of all, just clarify that for me. Is that correct? If it is correct, why would any developer pay a private contractor to do something that the developer could get for free from the taxpayer through NBN?

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) (12:58): As to what developers charge, that is a matter for developers. I am not in a position to comment on it. Under previous arrangements supported by your previous government Telstra did not charge to install the copper, and NBN will not charge to install.

Senator IAN MACDONALD (Queensland) (12:58): We are going to be here for a long time if the minister deliberately refuses to answer the questions. I did not ask what developers would charge. I do not expect you to know anything about that, Minister. After all, all of the ministers under the present Labor Party government combined have had what I think is a total of about 13 years working in some form of private business. So I would not expect Senator Conroy to be commenting on what contractors charge. That was not my question, as the minister well knows. My question was simply this: is it a fact that a developer of a greenfield site will have the option for NBN Co. to install the infrastructure at no cost to the developer? The other alternative—as I understand it from the evidence given at our committee of inquiry—is that the developer could get a private contractor to install the infrastructure but it would be at a cost. Regardless of what the cost is, it would be at a cost—naturally enough, because private contractors, unlike the union movement and this government, do not work for free. They have got to get enough money to pay their employees, pay their taxes—

Senator Birmingham: Apparently the union movement doesn't work for free either!
Senator IAN MACDONALD: A very good point, Senator Birmingham. We hear stories about unions arranging for work to be done at a highly inflated price and then handing out free credit cards to individual union officials to book up whatever they like on the cost of the contractor. Perhaps there is some veracity in those claims. But that is not the matter I want to talk about today.

I simply ask the question: is it true that the options for a greenfields developer are to get NBN Co. to put in the infrastructure at no cost or to get a private contractor to do it but at a charge? Are those the options, Minister?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:01): A developer has a choice, and I have already answered your previous question.

Senator IAN MACDONALD (Queensland) (13:01): Just in case anyone listening to this debate is not aware, the minister's previous answer was: it is up to the contractor to charge what the contractor charges, and the minister is not there to tell the contractor what he should charge. Minister, that is not an answer. Are you incapable of telling the truth in confirming that they are the two options? I take it, from your inability to answer truthfully to either Senator Birmingham or me on those two alternatives, that those options are correct, that the evidence given to the committee was correct.

I ask the minister then—and I again warn the minister that, if he is not going to listen to my questions—

The TEMPORARY CHAIRMAN (Senator Boyce): Senator Macdonald, just ask your question, please.

Senator IAN MACDONALD: It is pointless asking it if the minister is clearly not listening, if his arrogance is such that he will not even listen to the questions, let alone answer them. If the minister is not prepared to do this, perhaps there are other members of the Labor Party who should be in the chamber who might be able to answer on behalf of the minister.

Senator Birmingham: Senator Lundy perhaps.

Senator IAN MACDONALD: I am sure we would get an answer from Senator Lundy. You are quite right, Senator Birmingham. Many of us think Senator Lundy was unfairly overlooked for this important post of communications minister. I have a lot of disagreements with Senator Lundy, but I have to say that, as far as telecommunications is concerned, Senator Lundy has, for a long, long period of time, had a real interest in the subject. She actually knew something about it. Telstra pulled the wool over Senator Conroy's eyes when he was the shadow minister. He had no idea what he was doing and was desperately searching for a policy. Telstra saw their opportunity, with an inexperienced person who had no idea about telecommunications, to spin him a line. So he went to the 2007 election promising he could give everyone a very-high-speed broadband network around Australia for $4.7 billion. Remember that?

Senator Williams: Inflation's high!

Senator IAN MACDONALD: Yes, inflation is high, Senator Williams. We are now up to $55 billion and rising by the hour. Senator Lundy certainly would not have fallen for that trick, Senator Birmingham. But one knows that this government does not always appoint its personnel on the basis of merit. But I am distracted.

I will ask the minister another question. Because he will not answer, I assume that
what I have said is correct—that the developer of a greenfield site can either get NBN Co. to do it for nothing or can pay a contractor to do the same job at the cost of the greenfield developer. Minister, can you, even with your minimal knowledge of business, explain to me why any greenfield developer would then engage a private contractor to install the infrastructure in a greenfield site, when he could get NBN Co. to do it for free? Why would any greenfield developer get a private contractor to do it?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:05): As I said, I have already answered the questions, and Hansard will bear out that I did so, notwithstanding Senator Macdonald's attempt to then go on to verbal what I had to say. But I will repeat it. If Senator Macdonald is not satisfied with this answer, I cannot help him.

Where NBN Co. provides fibre, it will recover the cost on a national basis and over a longer time horizon, just as Telstra has historically done with the copper network. It is up to other providers as to how they charge and recover their costs. If alternative providers want to compete with NBN Co., they can, but it is on the understanding that they have the resources and capacity to do so.

I am not sure I can be any clearer or give you any further answer. You can change your question and ask it in five different ways and you will get the same answer.

Senator BIRMINGHAM (South Australia) (13:06): The minister did this when we were last debating this legislation as well. He is pursuing the most misleading of arguments in this regard. He stands here and he says that Telstra provided and rolled out copper for free and that is why it is okay for the NBN Co. to do it with fibre. But there is of course a vastly different value offering at stake here, Minister. You are the one who has proclaimed that fibre is a far better value offering, and of course it is a far better value offering than copper.

Senator Conroy: Last time I checked, you support fibre in greenfields. That's what Mr Turnbull said.

Senator BIRMINGHAM: And, Minister, we have made it perfectly clear that in the amendments we are proposing to this legislation we are not stopping the provisions for fibre to be provided in greenfields; we simply want the opportunity for it to be provided competitively, and that is the vast difference. You are somehow trying to say that NBN Co. being the provider of free fibre in greenfields premises is perfectly analogous to Telstra having provided free copper in greenfields developments. Transparently it is not, because they are vastly different value offerings. Transparently it is not. We have made clear that we think that, if you are going to have fibre provided in all of the greenfields developments, it should be provided by businesses on a competitive basis.

Do you know what, of course, has happened while Telstra has been providing copper for free in greenfields developments? Private businesses have established, offering a better value offering to developers, offering something that distinguishes them. What is that better value offering? Fibre. That is why we have competitive greenfields fibre operators, Minister. That is why they have sprung up around the country. They have sprung up to fill the void of Telstra simply rolling out copper for free. The developers who want to offer the purchasers of their homes a better value offering have decided to do a deal with competitive greenfields...
fibre operators and allow them to roll out fibre instead of Telstra simply providing a free copper service.

But your legislation destroys that business model for those people because you substitute the option that currently exists or has previously existed of developers either getting copper for free in a development or paying something to have fibre rolled out with the option of their now getting fibre for free or paying something to have fibre rolled out. Transparently you have destroyed the business model of those people, you have destroyed the offering that is there for them and you are setting them all up now to go out of business. It is little wonder that they have made such impassioned pleas to the Joint Committee on the National Broadband Network, that they have called for changes to this legislation and that the opposition has heeded those calls by proposing the amendments before the parliament at present.

As if it is not bad enough that you have failed to listen to those concerns of the stakeholders, failed to act on them and brought legislation into this place that will destroy their business model, you now reject opposition attempts to try to rectify your mistakes. You reject our initiative to try to restore something under which those people could keep their businesses going. In rejecting it, you then brush aside any serious questions that the opposition may have and you run misleading arguments by trying to compare it to a system that has now been abandoned of rolling out copper for free—versus rolling out fibre for free.

Your arguments are misleading. You need to acknowledge that. But you also need to answer the questions. Senator Macdonald has validly raised some questions, and I challenged you before, Minister, to say honestly whether you expect any competitive greenfields fibre operators to still be in the marketplace under the conditions your legislation establishes. Do you think there will be one? Do you think there will be any left, given the fact that you are putting in place a business model where developers can either get the fibre rolled out for free or they can pay for it? Like anybody with an ounce of common sense, they will go with the person who is providing it for free. Yes, if there is some technology beyond fibre that comes along, maybe we will then see something that is analogous to your copper story. If there is some technology that greenfields operators can offer that is bigger and better than NBN Co.'s fibre, maybe we will see people go for that—if there actually is a market demand for such things, which is a very big question at present.

But right now there is not. These business models have developed under the framework of offering a higher quality service of fibre compared to the free offering of copper. You are now making the minimum requirement fibre; that is the premise of this legislation. That is fine, but if you are making that the minimum offering you should do so in a manner that ensures you do not cut off the legs of the people who have been out there as the early adopters, the businesspeople who have invested their savings and their money to establish businesses that roll out fibre already in greenfields estates and have been doing so for some period of time. But you are just happy to lop off their legs, pull the rug out from underneath them and establish a new framework in which their business model is destroyed. So the simple question, Minister, is: do you think any of these businesses will survive?

Senator IAN MACDONALD (Queensland) (13:13): It seems that the minister is deliberately refusing to answer legitimate questions put to him. Perhaps we should try and get some more members of
the Labor Party in the chamber and see if they might be able to answer the questions if the minister either is incapable or is having a little bit of a sulk and does not want to do it himself. I am reluctant to disturb the business of other senators, but if we cannot get a response from the minister then perhaps we need to try and get Senator Lundy into the chamber to see if she could give an answer.

I will hope that the minister may get rid of whatever behaviour afflicts him at the present time and might be prepared to answer questions, so I will try again with the question of what this whole bill is about. Why would any developer of a greenfields site pay a private contractor to do work that the developer of the greenfields site can get from NBN Co. for free? When I say 'get from NBN Co. for free', that is effectively 'get from the taxpayers for free'. That seems to be the question that the minister is too embarrassed to answer. If the minister were answering the question truthfully, this is how he would do it. Senator Birmingham, you are not getting an answer from the minister, so perhaps I can pretend that I am the minister and give you the answer. 'Yes, Senator Birmingham, it is true. A developer of a greenfield site will have two options. Yes, one of the options is that you can get the infrastructure installed in a greenfield site for free if you get NBN to do it. But if you don't want to do that, if you want to get a private contractor to do it, you can do it but it will be at your cost. You will pay for it.' There is the answer, Senator Birmingham, to those two questions.

The answer to the question, 'Why would any greenfield developer engage a private contractor at his own cost when he can get it from NBN Co. for free?' is that I would doubt that he would do it. Perhaps the only reason a greenfield developer might want to get a private contractor to do it is that NBN Co. is so far behind in its so-called rollout that the rollout of fibre and infrastructure to greenfield sites is, like everything else with the NBN, behind the times. Therefore, the greenfield developer may consider that it is worth paying a private contractor to get it in straightaway and then adding that cost onto the purchaser of the greenfield site. Of course, what does that do? It puts up the cost of living. Whether it is buying a house, if the greenfield is a residential one, or whether it is buying a business park, it puts up the cost.

Heaven knows that in this country at the moment the thing that is concerning most Australians is the increase in the cost of living. Every Australian knows that, come the end of October, there is going to be another impost on their cost of living and that is called 'the carbon tax'. It is the tax that, a year ago, before the last election, the Prime Minister promised she would not be introducing under the government she led. The Prime Minister recognised that most Australians did not want a carbon tax, so every member and every candidate in the lower house of parliament bar one made a pledge to the Australian public that there would be no carbon tax under a government that either Tony Abbott or Julia Gillard might lead. Ms Gillard, the current Prime Minister, the temporary Prime Minister, is the one leading the Labor Party at the moment, as I speak; I have not seen the news, so perhaps she has already been rolled. I know Senator Conroy is one of those who is leading the push.

**Senator Birmingham:** He is not looking happy enough.

**Senator IAN MACDONALD:** Not that I have had the conversation with Senator Conroy, but I hear around the traps that Senator Conroy would not mind a change in the leadership of the Labor Party. My point is that this carbon tax, which we were
promised we would not have, will add to the cost of living for every single Australian. The cost of power, electricity, gas and fuel will go up. Already Australians are struggling with additional costs of living. Yet, here is Senator Conroy playing his part in increasing the cost of living on Australians by allowing this situation to develop in the laying of fibre and infrastructure in a greenfield site. Notwithstanding that I have facetiously given the answer to my colleagues because the minister will not, let me ask the minister: was my answer correct? Minister, if you say, 'No, it wasn't,' can you then explain to us why any greenfield developer would pay for the installation of infrastructure to a private contractor when he can get it free from NBN Co?

I see Senator Ludlam, who is another person with an interest in this area, is in the chamber. If the minister is incapable of answering the question or is continuing his sulks and is not going to answer, perhaps I could ask Senator Ludlam, who is in coalition with the Labor Party—the Greens Party-Labor Party coalition. If Senator Conroy refuses to answer perhaps Senator Ludlam could assist the chamber. If I am wrong in my assumptions in the two questions I have answered, perhaps Senator Ludlam may be able to take the minister's role. I think he would be a lot better. He would know a lot more about it. That is not mindless flattery either, Senator Ludlam. I do not agree with you on much but I do recognise that you have an interest and an understanding of how this works. I may well be wrong with my answer but I do not think so. I think I understood the evidence. If I am wrong perhaps you could tell me, if the minister cannot, whether the two options the greenfield developer has are: NBN for free; private contractor you pay for? If that is the case, why would any greenfield developer go with a private contractor?

Perhaps I can have a third question. Does this mean that those in the private contracting business, those half a dozen people who gave evidence to the inquiry, will go out of business? My question is to the minister. If he is not capable, does not want or is still having some personal problems in giving an answer, then perhaps Senator Ludlam might be able to assist me in confirmation of what his Labor-Greens coalition alliance is doing on this. If we cannot get answers from them, then we might have to look further afield.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:21): As I have already indicated, you can ask the same question 10 times in a row here today. You asked the same string of questions with Senator Birmingham the last time we were here in the chamber and got the same answer. It is clearly apparent that you are engaged in a filibuster—stamping your feet, refusing to debate and discuss and refusing to bring amendments to vote. You are engaged in a filibuster. When you referred to me filibustering earlier, I took it as a great compliment, coming as it did from probably the best filibusterer on the opposition side. Senator Macdonald, your capacity to generate your own outrage is at times truly a wonder to behold and at other times a comedy to behold.

As I have said, you can ask this question, Senator Birmingham and Senator Macdonald, 10 more times. I have given you the answer. There is no more information I can give you than the answer I have already given to your question. You can speculate. You can make up your own answers. You can have a conversation between yourselves, as you have been doing. But it is apparent to
everybody, including those listening, that you are not interested in anything other than wasting the chamber's time as part of your ongoing 'We are opposed to everything' Tony Abbott approach. You can call quorums and you can threaten to call quorums, Senator Macdonald. It just exposes you as a complete and utter waster of the chamber's time.

Senator BIRMINGHAM (South Australia) (13:23): Lest I be accused of filibustering or taking undue time, let me keep it simple for the minister. Does he expect, as a result of his legislation, that some competitive greenfield providers of fibre will go out of business—yes or no?

Senator IAN MACDONALD (Queensland) (13:24): That is a very reasonable and a very brief question from Senator Birmingham. I think that, if the minister is not capable, we really do need Senator Lundy down here to answer this, so I draw your attention to the state of the chamber, Madam Temporary Chairman.

(Quorum formed)

Senator BIRMINGHAM (South Australia) (13:26): There we have the arrogance of the minister. He accused us of running a filibuster. I gave him the opportunity with a very short question on my part of just a few words to give us a direct yes or no answer to some of the key points we are trying highlight here. He sat there with his head down ignoring the chamber, ignoring the debate around him, showing the contempt and the arrogance that we expect of this government.

Senator Kroger: As he continues to do.

Senator BIRMINGHAM: You are right, Senator Kroger; he continues to do so. He lets a little smirk go across his face to let us know that he can hear the comments and that he knows what is being said, but he will not engage in the debate because he knows how wrong—

Senator Conroy: You should try out for The X Factor. This performance belongs on TV.

Senator BIRMINGHAM: Minister, thank you. You can throw all the gratuitous praise, backhanded or otherwise, you like at us. The reality we have here is a government that knows there are problems with its legislation, that knows there will be adverse consequences as a result of this legislation, but is too gutless to admit it. That is the honest thing. I asked the minister whether, as a result of his legislation, businesses would go out of business, whether this bill would put people out of business. He did not have the courage to stand up and give an answer to that. He would not stand up and say, yes or no, this legislation will put private operators out of business. That is the contempt of this government: it will not admit, when it is bleedingly obvious to all, what the consequences of its legislation are. It will not actually tell the parliament and tell the Australian people the honest consequences of its proposals. That is all we are really trying to get out of the minister today. This is not a grand filibuster, whatever the minister may wish to say. We just want to get the government speaking honestly for once to the Australian people. Instead this government loves to speak with a forked tongue. This is what the minister said on 9 December last year:

It has been a consistent feature of the government's policy in new developments that there should be room for competing providers. This continues to be the case.

In practice, it does not continue to be the case. The minister can claim all he wants that freedom and choice remain in the market for people to use competing providers, but we have exposed through this debate the reality that there will be no market of competing
providers. Providers will not be able to compete with the government's multibillion dollar monopoly enterprise that will roll the fibre out for free on new developments. Ipso, people will go out of business. Senator Conroy just will not front up and be honest enough to tell the parliament that this will be the consequence of his legislation. If he made it clear and said, 'We know that is the case, we know that is what will happen, but that is what we are doing anyway,' we might actually progress this debate. We might get somewhere if Senator Conroy was willing to openly admit the consequences of his legislation that he wants this chamber to vote on.

Sadly, I acknowledge that the amendments the coalition has proposed in response to genuine concerns of stakeholders are unlikely to succeed. Senator Ludlam has already indicated that the Greens will not be supporting these amendments. That is regrettable, but it is a fairly consistent pattern we see nowadays in the chamber where the government and the Greens agree on what they will or will not support and where changes will or will not be made. That is unfortunate, that is their right, but it does impede the opportunity of the committee to make sensible, reasonable improvements to legislation before it. These amendments will not be successful because of that agreement.

We continue this debate acknowledging that but wanting to see from the government an admission of the facts, an admission of how this legislation will work in reality. That is all we ask of you, Senator Conroy. Give us those facts, give us direct answers to direct questions, and we can move on and you will have your legislation. Sadly, we will see the consequences of it, but be upfront in admitting what those consequences are. That would be the reasonable thing to do. That would be the decent thing to do. That would ensure that you got your bill and we get to move on to the next item of business. Those people who have expressed concerns and know the implications of such legislation equally will know that you understand the implications, that you are not bereft of all knowledge in this space. I do not think you are. I think you do understand the implications of this and the only reason you are pursuing the approach you have taken in this legislation is to prop up the business model for the National Broadband Network. That is a business model that currently way out there on the never-never proclaims to deliver return to government and return to taxpayers. We know that is a long, long way away and, if you do not manage to distort the market through legislation like this, it will be even further away. That is another fact that you will not admit in this debate but should admit—that it will be further away for you to meet the business model of the NBN if you do not destroy competition in the Greenfields space.

The invitation is there, Senator Conroy. Stand up and give answers to questions, as Senator Macdonald so ably did before—give answers that acknowledge that these changes will dramatically change the business model for Greenfields operators, that in dramatically changing that business model all of them probably will go out of business, that jobs will be lost, that competition will be lost and that innovation will be lost. Acknowledge those things and acknowledge that you are just doing it to enhance the opportunities of your monopoly broadband provider, NBN Co. Be upfront, say all of those things and we will move on to the next amendment—that will be that. That is the invitation to you, Senator Conroy. Simply be upfront with the Australian people and particularly with these small- and medium-sized businesses that have been built on the hard work of innovators, of people who built a business based on a market opportunity to provide
fibre where it was not otherwise being provided, who have embraced the type of technological change and innovation that this country should be encouraging in the private sector, and that you are going to put out of business.

Senator IAN MACDONALD (Queensland) (13:35): I will be very brief. The minister seems determined to carry on this debate. I do not know what his thinking is in trying to filibuster this bill. I can only assume that he has not done the proper deal with the Greens yet. For some reason he is trying to delay the bill. I do not want to be part of that, so I will be very brief and very specific in my question.

Minister, the questions Senator Birmingham and I have been asking all deal with the cost to consumers of the NBN. Is it correct that early NBN prices published by retail service providers indicate that, while the prices for a basic ADSL2 equivalent package are, according to my research, slightly above plans that are currently available to consumers of the internet, the RSPs have factored in significant price premiums to upgrade to faster speeds? Currently, you can get a 12-megabit package for around $50 to $60. I understand that under the NBN you are going to be able to get about the same—no great benefit—for 12 megabits per second. There is no great difference but perhaps a clearer signal. With the $55 billion price for the NBN that taxpayers are putting in, the average Australian consumer will get about the same service of 12 megabits per second from the NBN as they are currently getting through ADSL2. If you want to take advantage of what the minister tells us is the benefit of fibre to the home and upgrade to 100 megabits per second, then you will pay a premium on that of anywhere from $40 extra, making your total bill per month something like close to $100 or, depending on the provider, I have seen published prices taking it up to $150 to $200 per month.

This has always been my very great concern about this whole NBN fiasco: whilst everybody in Australia wants a faster broadband service, can the ordinary Australian afford it? I do not want to labour this point but that is bearing in mind, as I said before, that we are going to have a carbon tax shortly—in spite of the Prime Minister's promise a year ago that there would be no carbon tax, we are going to get it—and everybody acknowledges that it is going to increase the cost of living, so everybody's prices will increase. Yet when you come to look at the broadband service you need, will you not take the service that has done you well to date, ADSL2? Perhaps there will be a little bit sharper focus. Perhaps it will be a little bit clearer. But the speed will be much the same for much the same price, albeit $55 billion of taxpayers' money has been paid for no great service. If you want to increase to 100 megabits per second, then fibre to your home will be very good. But will most Australians be able to afford the extra $40, $50, $60 or $70 on top of the basic price? Will they be able to afford that, bearing in mind that the cost of living is already going to go up in the next few years because of Ms Gillard's carbon tax that she promised we would not be having?

So, with the cost of living already going up, will the average Australian, already under pressure from cost increases, be able to afford this? Minister, that is relevant to this bill because the scenarios that Senator Birmingham and I have been asking you about are really, at the bottom line, all about the cost of the NBN and adding it to it. You are saying, as I understand you, that if NBN put it in for free they are going to recover it later, which I can only assume is an increase of the price that it will charge retail service providers. That is the only assumption that I
can make from your answer before. The alternative is that you will get a private contractor to do it at these greenfield sites, which is at an additional cost which will also be added onto the price of the land that you are buying and therefore onto the price of your mortgage, so it will increase your payments. Again, that will put pressure on Australians who are already struggling with cost-of-living increases and who are going to struggle even more with the carbon tax that Ms Gillard promised she would not be introducing. So it is relevant to that, minister. I see you get excited when we talk about the prices but I would be delighted to hear your response to those questions I have put to you about the price and the service that you get for that and why Australians, already under cost pressures, will be prepared to pay that additional cost to get this service that you indicate everyone is just waiting for.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (13:41): I have always admired your capacity to find the most tenuous link possible, but I will concede you have found a tenuous link for your questions, so I am happy to respond because there is just a glimmer that this is all relevant to the bill. Unfortunately, some of your base assumptions are wrong and you are not comparing apples with apples; that is probably the short answer. Firstly, prices are forecast to fall under the NBN business plan. That is the first thing, so the question about recovering through increased prices over time is wrong. As for the words 'over time', 'over time' was referring to the length of years to generate the return. The seven per cent return is over time. So your concern that it meant that NBN was putting up prices was unfounded. I will be kind and say it was unfounded.

Senator Ian Macdonald: What? The five per cent is over—

The TEMPORARY CHAIRMAN (Senator Boyce): Senator Macdonald, could you let the minister finish, please.

Senator CONROY: No, that is not a business plan. I talked about the business plan.

Senator Ian Macdonald: So the business plan is different from reality?

The TEMPORARY CHAIRMAN: Senator Macdonald!

Senator CONROY: No, the business plan is about the stated intentions of NBN Co. and they have forecast that all their prices go down in either nominal terms or real terms over time.

Senator Ian Macdonald: So who is asking for CPI plus five per cent then?

Senator CONROY: You are referring to a draft submission for public comment, which the ACCC will consider. I think on the weekend Mr Sims was asked if he considered this to be an ambit claim, to which he politely declined passing comment as it was only a draft and had not actually been submitted by NBN Co.

Senator Ian Macdonald: But who is asking for it then?

Senator CONROY: Senator Macdonald, I have answered your question about prices. Now, as to your deliberate attempt to mislead the Australian public about the prices of NBN Co. and speeds—and I do say deliberate—if you chose to do more research rather than simply parroting what you read in the Australian you would find—

Senator Ian Macdonald: This was in a Senate committee report.
The TEMPORARY CHAIRMAN: Senator Macdonald, would you please let the minister finish.

Senator CONROY: Not a remotely researched attempt by the opposition members! Exetel have already announced publicly—it is on their website if you bother to click on it—that their entry-level prices are about $35 for 12-meg speeds down. That is very, very competitive and in terms of the speeds received it is better than most Australians get today. For $37 or $38, they are offering 25 megabits down and, I think, five up. That is better than any existing copper speed, unless you live in the house next door to the exchange. And it is better than that because those ADSL connections even next door cannot do that sort of uplink speed.

Senator Ian Macdonald: This is Exetel.

Senator CONROY: Exetel—you can look them up. They are not fans of mine. They are not fans of yours, apparently. Mr Fletcher decided to attack them because they dared to put out a price that did not agree with your claims about increased prices. In that other place, Mr Fletcher actually attacked them because they dared to offer a very cheap price. You come into this chamber and attack Internode and quote their prices as being too expensive. So, on the one hand, one company is attacked for offering prices that are too cheap—an NBN price—and, on the other hand, you come into this chamber and attack a company known as a premium provider, an excellent provider, Internode, and attack them for being too expensive. You cannot have it both ways—bur actually you can. You can get one of you to talk out of one side of your mouth and attack a company. And then there is Dodo, whose chief executive has indicated that they will be offering prices below $40. What happened? Mr Fletcher attacked Dodo. Two companies have proved what a deliberately deceitful campaign is being run by those opposite.

Senator Ian Macdonald: Tell me about Dodo. Tell me about them.

Senator CONROY: Yes, Dodo. It is a deliberately deceitful campaign. But what did those opposite do? They went into the chamber and, under parliamentary privilege, attacked two companies—

Senator Kroger interjecting—

Senator CONROY: Yes, I know, shocking, Senator Kroger. It is almost as shocking as that football result was for you on the weekend. Shocking! They attacked two Australian companies for daring to disprove the deliberately misleading campaign. But then you come in here and cry crocodile tears and criticise it for being too pricy. Let me be clear: Exetel—in the marketplace today and available on NBN fibre today—$35 for 12 down and one up and $37 for 25 down and five up. That is better than anybody can get on a piece of copper in this country today. It is better than anything. So you are not comparing apples with apples when you talk about copper ADSL doing 24 down, if you are lucky, and you live in the house next to the exchange. Never bother to discuss what you can get up. Your claims about pricing are completely unfounded and should be viewed as deliberately misleading. But let the message be very clear: any company that dares to disprove Mr Turnbull or Senator Macdonald's claims that people cannot afford the National Broadband Network will be attacked under parliamentary privilege. They will be attacked and criticised because they have dared to prove that Mr Turnbull's claims—those opposite's claims—are completely, deliberately misleading.

Senator BIRMINGHAM (South Australia) (13:48): There we have from the
minister ducking, dodging and weaving around the very direct matter that Senator Macdonald raised about what NBN Co. is doing in reality. Maybe in their business plan they talk about reducing costs over time, but when it comes to dealing with the regulators they are doing something very, very different, Minister. Yes, it was an NBN Co. discussion paper—a discussion paper that went to the ACCC. It proposes allowing price hikes of up to five per cent above inflation on the price of broadband services in Australia. It proposes up to five per cent above inflation. We see them arguing in their discussion paper, which I will quote from:

This commercial flexibility is ... necessary because NBN Co is subject to considerable demand uncertainty.

Demand uncertainty! Wow! And there I was thinking that the minister had always assured us that the demand was very certain, that the projections were of course very clear, that the projections were modest, that the projections were conservative and that we could all have confidence in the business plan of this NBN Co. What do we have NBN Co. saying? Let me quote further from them:

Demand uncertainty remains in relation to issues such as the price payable by end-users for broadband services over time ...

What have Mr Turnbull and the opposition been saying consistently about this? We have been saying consistently that there is no certainty that people want to pay for the very, very high speeds at the far higher prices that NBN Co. will be offering. There is no certainty that people will want or embrace more than the basic service offering in the main from NBN Co. That is what the opposition have been saying consistently in our arguments about whether this is a valid investment and whether this investment is one for which the Australian taxpayers should be paying up to the tune of $30-plus billion in construction costs and many billions of dollars in payments to Telstra and Optus that we now see come with 'stay quiet' clauses, with shut up clauses essentially, that stop Telstra and Optus from actually advocating their own wireless services as competitive alternatives to NBN Co.'s fibre service. So we see the government and NBN Co. operating in a very, very different way from what they say.

Once again, it is case of this government, as I have said before, speaking with a forked tongue on these matters as they do on so many other matters, whether it is the NBN Co. or a raft of other matters such as their assurances on the carbon tax and bringing the budget back into surplus. On all of these matters, they say one thing but in the end they ultimately find themselves doing something very, very different. In this regard the minister claims he wants to maintain competition in terms of fibre deployment on greenfield sites, yet he is asking this parliament to pass legislation that does quite the opposite. He says that NBN Co. is going to bring prices down over time and that the NBN Co. business plan facilitates prices being brought down over time. Yet, when it comes to the crunch of dealing with the competition regulator, NBN Co. goes and seeks precisely the opposite. The chair of the ACCC, Mr Sims, may wish to consider it an ambit claim by NBN Co., but you have to ask, then, what type of culture the minister has established in setting up the NBN Co. such that they are out there making ambit claims, wanting to set themselves up in a manner that allows them to rip off the Australian public and the Australian consumer as much as they possibly can. NBN Co. is stepping into the public domain and saying, 'We would quite like to be able to raise prices by five per cent above inflation. We think that's a perfectly reasonable thing for us to do.' Never mind the fact, as Senator Macdonald rightly
highlighted, that at present so many Australians face real cost-of-living pressures. We have seen the prices of housing and basic utilities like electricity, gas and water skyrocket during the duration of this government. All of those people will only face additional pressures under the government's planned carbon tax, and now we have the minister setting up his multimillion dollar, taxpayer funded, debt riddled monopoly of NBN Co., which wants to put prices up by more than five per cent.

When we ask them why they want to put prices up by more than five per cent, or when they are asked by the ACCC to provide evidence to justify why they want to put prices up by more than five per cent, they cite demand uncertainty as the reason they want that approval and that authority to raise prices by more than five per cent above inflation—demand uncertainty! Once again, this government and this minister are speaking about the NBN with forked tongues. Once again, the government is coming in here and proclaiming that its business model is certain, that the billions of dollars that taxpayers are in hock for on this NBN are secure. The reality, though, is a vastly different story. Taxpayers certainly do not face any semblance of security from this NBN Co. They do not have security and they will face enormous debts to the public purse for years and years to come. As you fund the building of this NBN you are forking out many billions of dollars.

But what did we see yesterday in the tabling of the first report of the Joint Standing Committee on the NBN, the committee that looked at this legislation that is before us? It has also now provided its first update report on the NBN. We found that the NBN was unable to provide that committee with the most basic of key performance indicators, with the most basic of details about how taxpayers' money is being spent. That committee would dearly have loved to be able to report in a manner which provided details on just how much taxpayer money has been provided to NBN Co. to date. Of the billions of dollars forecast to be given to NBN Co. in the current financial year, how much has already been handed over? How much have they spent? That is detail we would like to have known. We would like to know how much they have spent on their many inflated executive salaries versus how much they have spent on deploying and delivering fibre, wireless and satellite services. But no, we could not get any of those things.

Could we perhaps get some basic information about how much fibre has been deployed by NBN Co.? Could they tell the joint standing committee that in any decent type of KPI? No. We did not have detail of how much fibre had been deployed. How about how many premises have been passed by? How many households and businesses have been passed by? Once again, the government was incapable of telling the standing committee, through NBN Co., how many premises have been passed by, how many of those premises have opted to have a connection to the NBN and how many of them have taken up services.

Every so often, at a time of its own choosing, the government and NBN Co. drip feed titbits of this information. But what we really want for the NBN, and what the Australian public should rightly demand for the NBN, when the government is spending tens of billions of dollars of taxpayer money—all of which is borrowed, all of which is public debt on this project—is some level of accountability. The people rightly expect some level of transparency.

When the government shut down scrutiny of NBN Co. in regard to the application of FOI laws, when the government refused to
allow the longstanding Public Works Committee of this parliament to scrutinise the building of the nation's largest ever public works infrastructure project, what did they say? They said, 'We will give you a special forum to ensure the accountability of the NBN and to ensure transparency.' That special forum we will give you,' they said, 'is the Joint Standing Committee on the NBN.' What are we getting out of that? Of course, we are getting sweet little out of that because the government refuses and NBN Co. is unable to provide a series of consistent updates on key performance indicators about what is actually happening. So much for that being the vehicle of transparency and accountability for this project, because the government has failed terribly to provide the information necessary for the committee to act as a vehicle for transparency and accountability. Again we see the government speak with a forked tongue in this regard. They promised that this joint standing committee would be the vehicle for transparency, but they are failing to deliver.

Senator Wong interjecting—

Senator BIRMINGHAM: Senator Wong wants to join in the debate. As finance minister, she should be very, very concerned about Senator Conroy's application of this project. Senator Wong, of course, is the joint shareholder of the NBN.

Senator Wong: South Australians want it.

Senator BIRMINGHAM: You want to raise South Australia, Senator Wong? I will give you a little hint there: South Australia is the one state for which NBN Co. has failed to deliver a contract to deliver the fibre. So South Australia is actually coming last with regard to the NBN. South Australia is not getting the fibre deployment that your government has promised, and what is that going to mean? What that means is we will see—

Senator Conroy: On a point of order, Madam Temporary Chair: one and a half hours in this chamber and those opposite have not once been relevant to the bill. Not one vote in one and a half hours. Nothing but a shameless filibuster is going on in this chamber right now. I ask you to draw the senator back to the bill.

The TEMPORARY CHAIRMAN (Senator Boyce) (13:59): There is no point of order.

Progress reported.

QUESTIONS WITHOUT NOTICE

Gillard Government

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Evans. I refer the minister to the exhaustive list of broken promises by this government, in particular the Prime Minister's promise of 16 August 2010:

There will be no carbon tax under the government I lead.

Can the minister confirm that this particular promise was abandoned on 24 February 2011? In other words it lasted only 27 weeks and three days.

I also refer to the Prime Minister's promise on 23 July 2010 that she would establish a citizens' assembly, only to abandon it on 7 October 2010. In other words, it lasted a mere 10 weeks and six days. Does the government feel any shame at breaking these solemn commitments to the Australian people?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:01): Clearly Senator Abetz has run out
of questions. Here we are on Tuesday on the first fortnight of sittings and we get from Senator Abetz the sort of tactics he used in student politics all those years ago. It is the sort of mature contribution to public policy for which he has become famous.

When I talk to Australians they are actually interested in public policy and in what the government is doing to assist them in having their kids schooled, in having access to quality hospitals and in the capacity of the economy to provide jobs and opportunities for them. Those are the things that they focus on. They also want government to deal with the issue of climate change. They want us to deal seriously with the challenge that climate change presents. This government is taking on all those key policy challenges, be it education, be it health, be it climate change or be it the important issue of management of the economy so as to create jobs and opportunities for Australians. We continue to be focused on those issues.

Through the package of bills that have been introduced into the House of Representatives today, we have sought to give effect to a comprehensive response to the challenge that climate change presents to the Australian economy. We have sought to deal with this really tough policy issue in the same way we did in the previous parliament—in a way that at that time had opposition support. But now we find they want to take the low, cheap politics road, they do not want to engage in the public policy debate and they have no interest in debating the issues. But this government is focused on good public policy and we will continue to prosecute that policy in the parliament of Australia, as we should.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. I refer the minister to the Prime Minister's promise on 24 July 2010 to establish the Cleaner Car Rebate scheme, better known as 'cash for clunkers', which lasted just 26 weeks. I also refer the minister to the promise to increase the Commonwealth's share of hospital funding to 60 per cent from 1 July this year. This promise lasted just 11 weeks. Does the government feel any shame at breaking either of those two promises?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:04): I remind the Senate and anyone listening that I am actually the Minister for Tertiary Education, Skills, Jobs and Workplace Relations. These are serious portfolios that this government takes seriously. But what do I get? I get questions from the opposition that seek to make minor student politics style point scoring. They have no interest in the big issues of the day. They have no interest in jobs, in education, in health and in the serious policy of climate change.

I know what the Australian people are interested in: they are interested in those big public policy debates, they are interested in the quality of their services and they are interested in the quality of their opportunities. This sort of juvenile politics of coming in and reading articles out of papers or trying to score some sort of junior political points is not of any interest to the Australian public and does the opposition no credit at all. (Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Undoubtedly, broken promises do a lot of credit to this government. I refer to the fact that the Prime Minister's East Timor solution lasted just 43 weeks and her
Malaysia solution lasted just 17 weeks. Given this government's record of broken promises, why should the Australian people believe anything the Prime Minister or this government says?

Senator CHRISS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:05): I make that point again that we ought to be focusing on serious public policy issues.

Senator Abetz: Border protection policy.

Senator CHRISS EVANS: In passing, Senator Abetz hit on one, which is that important issue of dealing with unauthorised arrivals in Australia and the management of our migration and humanitarian programs. The opposition will have their chance to participate in that debate in a serious way in coming weeks. You will have an opportunity—through you, Mr President—to take a serious public policy position on whether or not you support the government's legislation directed at dealing with the issues in this serious public policy area. The opposition will have to put up or shut up. Whether they will continue to mouth meaningless rhetoric or whether they will actually respond in the national interest for a decent public policy response, time will tell. We will learn this in the next few weeks.

Parliamentary Budget Office

Senator STEPHENS (New South Wales) (14:06): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister update the Senate on progress towards the government's solemn commitment to establish a parliamentary budget office in accordance with the Agreement for a Better Parliament and what support has the government's model received?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:07): I thank Senator Stephens for the question and for her interest in ensuring transparency when it comes to the costings of policies which the political parties in this place wish to implement. Senators might recall that subsequent to the election all parties—the coalition, as well as the government, along with Independents MPs—agreed to the establishment of an independent parliamentary budget office. This was part of the Agreement for a Better Parliament, which the coalition also signed up for. And the government is making good progress introducing such an office based on the unanimous report of the Joint Select Committee on the Parliamentary Budget Office. I want to acknowledge the work of Senator Faulkner as chair of the committee, as well as Senator Joyce and Mr Pyne, who was the deputy chair.

Unfortunately, despite the fact that Senator Joyce along with Mr Pyne signed up to the unanimous recommendations of the committee on the parliamentary budget office, it appears that Senator Joyce has been rolled again. It is becoming quite a habit for Senator Joyce, because he agreed, along with Mr Pyne, to a particular model of a parliamentary budget office—

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT: Order! When there is silence on both sides—Senator Conroy, Senator Joyce!

Senator WONG: The reality is that Senator Joyce and Mr Pyne signed up for a model which included consistency with the Charter of Budget Honesty rules set down by Peter Costello. What has occurred since? Mr Hockey has backflipped, Senator Joyce, leaving you and Mr Pyne out there. You are actually on the right side at the moment,
Senator Joyce, because you are supporting the position Peter Costello had when he held the position of Treasurer. Some of the Liberals here who reckon they love Peter Costello—that is you, Senator Brandis—perhaps they should stand up for— (Time expired)

Senator STEPHENS (New South Wales) (14:10): Mr President, I ask a supplementary question. I thank the minister for her response and ask again: can the minister advise whether the Australian public can be confident that the openness essential to the parliamentary budget office model will see be achieved in the election period—that we will get more transparency?

Honourable senators interjecting—

The PRESIDENT: Do you want to waste question time, Senator Joyce? Senator Cameron!

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:10): What Senator Joyce and Mr Pyne signed up for—perhaps Senator Joyce has forgotten; I know he does occasionally forget what he has agreed to—is a costing service consistent with that included in the Charter of Budget Honesty Act introduced by Treasurer Costello. That is what you signed up for, Senator Joyce. In relation to the Charter of Budget Honesty, before polling day the responsible secretary was to publicly release a costing of the policy:

... as soon as practical after a costing request has been made and before the election—

the responsible secretaries are to publicly release a costing of the policy. What the government is putting forward is an arrangement consistent with that which Peter Costello introduced. What has occurred is that those on the other side want to avoid transparency. They want to hide their costings. (Time expired)

Opposition senators interjecting—

Government senators interjecting—

The PRESIDENT: Order! I am quite happy to wait. When people have finished their private conversations across the chamber we will continue with question time.

Senator STEPHENS (New South Wales) (14:12): Mr President, I ask a further supplementary question. Can the minister outline to the Senate how the confidentiality—

Honourable senators interjecting—

The PRESIDENT: This is not adding to the value of question time.

Senator Ronaldson: We're not entirely convinced about that!

The PRESIDENT: I do not think it is—not at all. I assure you, it does nothing at all for the dignity of the chamber.

Senator STEPHENS: Can the minister outline how the confidentiality provisions for the parliamentary budget office will work and the advantages this will bring to non-government senators, members and parties?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:13): To make it clear, confidential costings are available outside of the election period; it is only in the election period that costings must be publicly released. I would ask the coalition to consider the words of Mr Costello:

By requiring the costings to be made publicly available, there is limited scope for the results of the costings to be misrepresented.

So the reason Mr Hockey wants to hide from scrutiny is this. He came up with a $70 billion black hole. He knows he has a $70 billion black hole. At first he tried to walk away from it by saying, 'Actually, oops, I didn't say that,' but Mr Robb has come up with a new tactic: 'Let's hide it from the Australian people. Let's never have to front
up to the Australian people’—as they had to after the last election—and show them how we are going to fill the $70 billion black hole.’ This is just more fiscal irresponsibility from Mr Hockey. *(Time expired)*

**Carbon Pricing**

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) *(14:14):* My question is to the Minister representing the Prime Minister, Senator Evans. Will the minister explain why it was acceptable when Labor was in opposition for there to be four inquiries into the GST bills, all chaired by non-government senators, with non-government majorities, which had five months to report, during which time the debate did not proceed in the parliament, yet now, in government, Labor believes the carbon tax can be adequately scrutinised by one committee, chaired by a Labor member, with just three weeks to report, during which time debate in the parliament will proceed? Why was public accountability and thorough parliamentary scrutiny of a major structural alteration reasonable then but unnecessary now?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) *(14:15):* I thank Senator Brandis for the question, genuinely. I certainly will not be lectured by the opposition regarding process. One of the reasons they are sitting where they are is their abuse of Senate process when they rammed through the Work Choices legislation. Their overreaching in terms of process came home to haunt them. But we remember the way they ran the Senate, exercising their numbers on every occasion to squash any proper scrutiny.

This government has been consistent, in opposition and in government, in allowing proper process and giving the Senate the opportunity to examine legislation. Again on this occasion the government will facilitate not only a joint select committee, which will be able to work its way through the legislation, but also sufficient time for the Senate chamber to consider the legislation in detail. We have proposed that we sit an extra week to ensure that we get at least two solid weeks to debate the legislation and we are happy to set extra hours to facilitate a comprehensive debate on that legislation.

We have had trouble getting the opposition to work in recent times. We will give them the opportunity to sit extra hours during that fortnight to give the bill proper consideration. But we know what we will get. We will get the opposition saying no. They will not be engaged in the public policy debate. They have made their position. Their position is ‘no’. But we will still allow you two weeks to say no, and you can say no as long as you like for the two weeks while the rest of the chamber actually examines the legislation and has a serious public policy debate. I invite you to join but I know you will not.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) *(14:17):* Mr President, I ask a supplementary question. Does the minister recall actually chairing one of the four parliamentary inquiries that concurrently examined the GST legislation when he was the Chair of the Community Affairs References Committee? Does the minister believe the proposed single three-week parliamentary inquiry into the 19 carbon tax related bills will provide the same level of scrutiny that was applied over five months by four committees to the GST bills?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate)
(14:18): As I said, I will not be lectured by people like Senator Brandis about process given the way they rammed the Work Choices legislation and other legislation through this parliament. But I do remind him that this parliament, as I understand it, has had about 35 inquiries into these issues over the last few years. This is an issue that we have all been engaged in for some time.

My starting point on that was the review that Prime Minister Howard did before the 2007 election—an excellent piece of policy work. Prime Minister Howard said, as a result of that work, that we needed to have a price on carbon. John Howard went to the 2007 election saying, 'We've done this serious examination of the issues and we support a carbon price.' So we have had a long series of inquiries on this and we have had definitive work done by Prime Minister Howard, and many others since, that makes the case strongly for putting a price on carbon. *(Time expired)*

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:19): Mr President, I ask a further supplementary question. I remind the minister: five months for the GST; three weeks for the carbon tax. Given that then Prime Minister Howard submitted his tax reform package to the will of the people at an election and then submitted it to thorough parliamentary scrutiny through multiple inquiries that ran for five months, will the minister explain why Prime Minister Gillard is so scared of public opinion, public scrutiny and parliamentary accountability that she wants to rush her carbon tax bills through the parliament with no decent opportunity for public comment?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:20): Senator Brandis talks about parliamentary accountability. That is exactly what he is going to get. He is going to get to come into this chamber and argue his case. If people are serious about the inquiry process they can engage seriously in it, but as I understand it the Liberal Party have sacrificed the leader who believed in tackling climate change on that very issue and now have a policy position to oppose everything. So you wonder what, if we had inquiries for months and months and months, they would bring to the table. What would you bring to the table? You would bring your position, which is to say no, to deny that there is an issue that needs to be tackled.

A proper process has been set down. There will be a proper joint select committee, there will be a proper debate in this chamber, and every member of the parliament will be held accountable for how they respond to this challenge—to the legislation and to the challenge facing this country.

Tarkine Wilderness

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:22): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Has the Australian Heritage Commission advised the minister of its recommendation with regard to the National Heritage listing of the Tarkine Wilderness in North-West Tasmania? What was its recommendation and can the minister give an unequivocal guarantee that the Australian Heritage Commission assessment was restricted to the natural and cultural values of the area, as is required by law?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate)
Assisting the Prime Minister on Digital Productivity) (14:22): I thank Senator Milne for her question. Mr Burke has made it clear that he wants to consider whether to include the Tarkine in the National Heritage List under the normal listing provisions. As Minister Burke said at the time, this would require further assessment and consultation. I understand the minister asked the Australian Heritage Council to begin the required work and to provide him with advice in due course. I am advised the Heritage Council has completed its formal consultation as part of that process. That included advertising the assessment of the Tarkine in national newspapers on 24 June 2011. I am further advised that the Australian Heritage Council has also contacted owners, occupiers and Indigenous people with rights and interests in the Tarkine to seek their views on the heritage assessment. The council must now consider feedback received as part of that process and prepare advice for the minister to consider. Once the minister receives that advice, he will make a decision on whether to include the Tarkine on the National Heritage List.

I think you asked some specific questions about what they were asked to consider. I will take that on notice and seek some further information from the minister.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:24): I thank the minister for his answer and, Mr President, I ask a supplementary question. Has Minister Burke met with Tasmanian Ministers Green and Wightman, who are opposing heritage listing and advocating the destruction of the national heritage values of the Tarkine to facilitate Venture Minerals’ tin mine at Mount Lindsay? If so, when did he meet them? If not, is such a meeting scheduled and will Minister Burke explain to these ministers that his responsibility is to protect areas of outstanding heritage significance to Australia, not facilitate their destruction?

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) (14:24): I do not have any information as to whether or not the minister has met his Tasmanian counterparts. I am happy to take that on notice. As to claims that anybody wants to destroy the Tarkine, I would reject that either the minister or the Tasmanian government—

Senator Brandis: The download is slow today, Stephen.

Senator CONROY: No, it is a very lengthy answer. Regarding reports claiming that Tasmanian Premier Lara Giddings opposes any heritage listing of the Tarkine, let me make it clear: the Premier visited an open-cut mine on 24 August 2011 saying it could occur in the Tarkine without compromising the region’s environmental values. Mining is an essential part of the Tasmanian economy. It has a royalty benefit to the state government which helps contribute to us all. (Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:25): Mr President, I have a further supplementary question. I thank the minister for pointing out that the Tasmanian Premier thinks you can have a tin mine in the middle of the Tarkine and still protect its national heritage values. I ask him: in the light of that kind of statement from the Premier of Tasmania, will the federal government now give consideration to nominating the Tarkine for World Heritage listing so that it can be permanently protected?

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) (14:26): I am advised that in March 2011 the Department of Sustainability, Environment, Water, Population and Communities reviewed the national heritage values recommended by the Australian Heritage Council in an area of the Tarkine affected by mining proposals received from Shree Minerals. The department advised that a second emergency listing of the Tarkine was not warranted on the basis of the mining proposal. That advice is publicly available on the internet. However, Minister Burke has asked the Australian Heritage Council to consider whether the Tarkine should be placed on the National Heritage List. Once the minister receives that advice, he will make a decision on whether to include the Tarkine on the National Heritage List.

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:27): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Does the minister accept the statement of BHP Billiton's CEO Marius Kloppers that:

...if you increase the cost you will get less investment than you had before.

Senator Conroy: Profit of $24 billion in one year!

Senator BIRMINGHAM: Does the minister equally accept that Labor's carbon tax plan increases the cost of doing business in Australia?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:28): I am not surprised that they had to give that to a South Australian to ask—they could not give it to a New South Wales senator because they would have to defend the increase in royalties. They could not give it to a Western Australian senator because they would have to defend the increase in royalties. What is extraordinary, isn't it, is that if a Liberal government imposes a tax it is a good thing; if a Labor government wants to price carbon, it is a bad thing.

In terms of the issues—some of the issues to which the senator alluded—it is true that we want to price carbon. It is true that that will impose costs on the top 500 polluters who we anticipate will be required to purchase permits under the scheme. When you ask people to pay for something that is currently free, there is a cost. Currently in this country it is free to pollute. People and businesses can pollute as much as they wish without cost, except that we know there is a cost and that cost is borne by the environment and by future generations of Australians.

So we are going to impose a price on carbon for the same reasons that Mr Howard went to the 2007 election wanting a price on carbon—an election promise that was not kept by those in this chamber—and that is because it is the most efficient, cheapest way to move to a clean energy economy. It is the cheapest way to reduce emissions. Those are the reasons why we intend to price carbon. We have put in place very significant assistance to industry to reflect those industries which are emissions intensive and trade exposed, and there are additional—(Time expired)
Senator BIRMINGHAM (South Australia) (14:30): Mr President, I ask a supplementary question. I refer the minister to further comments by Mr Kloppers, who described the carbon tax as:

... an economic dead weight cost because it's basically just an export tax, and those costs get discounted into investment decisions.

Would the minister expect international businesses to factor the cost of the carbon tax into their investment decisions in Australia?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:30): If they want to talk about investment in Australia, perhaps the opposition might like to refresh themselves on the most recent figures about the investment pipeline for Australia: there are some $430 billion worth of projects in the pipeline. I know that the opposition want to pretend that the sky will fall in, that the economy will crash, that the coal industry will end. That is what you want people to believe. Unfortunately for you, it is not true. The reality is that capital investors are already factoring in a carbon price and they are making investment decisions notwithstanding. What we see are continued investment plans, including in the resources sector for this nation. Who can forget Mr Abbott going to a coalmine and saying, 'It's the end of the coal industry,' the day before a takeover bid was announced? That shows the falsity of your claims. (Time expired)

Honourable senators interjecting—

The PRESIDENT: The minister will resume her seat. When there is silence on both sides—Senator Macdonald is on his feet. He is entitled to be heard in silence.

Senator Ian Macdonald: Mr President, I raise a point of—

Honourable senators interjecting—

The PRESIDENT: Senator Macdonald, as soon as I gave you the call—

Senator Conroy interjecting—

Senator Brandis interjecting—

The PRESIDENT: There will be silence on both sides. Just wait a minute, Senator Macdonald. You are entitled to be heard in silence.
Senator Ian Macdonald: Mr President, I raise a point of order on relevance. This minister is a serial offender, in that when she is asked any question she simply spends the first three-quarters of her time attacking the questioner. She does it all the time, and I ask you to stop her doing that and I ask her to try to answer the questions she is asked.

The PRESIDENT: There is no point of order. The minister has 12 seconds remaining.

Senator WONG: I can assure Senator Macdonald I did not include him in my criticism of the moderates on the other side! We will price carbon because it is the right thing to do—for the economy and for the environment. (Time expired)

Senator Conroy interjecting—

Senator Brandis: I think you should have been a Howard government minister, Stephen; it was fun.

Senator Abetz: You could actually do what you wanted to do, Stephen!

Senator Conroy: You just love that bow tie!

Senator Brandis interjecting—

The PRESIDENT: Senators Conroy and Brandis—

Senator Brandis: He is provoking me!

The PRESIDENT: Senator Brandis, that is no defence and you know that.

Mining

Senator URQUHART (Tasmania) (14:35): My question is to the Minister for Small Business, Senator Sherry. Can the minister describe to the Senate how the government's tax package will build a stronger economy and a fairer, simpler tax system? What role will the minerals resource rent tax play in delivering the benefits of the mining boom to all Australians?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:35): I thank my Tasmanian colleague Senator Urquhart for the question. This Labor government intends to introduce and implement a mining tax, and we are proud of it. We are proud of introducing a mining tax, unlike the Liberal-National Party, who have pledged not just to oppose the mining tax but to reverse it if they should ever be elected to office.

Not one dollar of the mining tax goes to the budget bottom line. The mining tax revenue will be used to fund major tax reform in this country for business and for individual taxpayers, and to increase retirement incomes. We will be reducing the company income tax rate to 29 per cent in 2012-13—a year ahead for small business. We will be introducing special new accelerated depreciation provisions funded by the mining tax for small business—currently a $1,000 write-off, to increase to $6,500. We will be introducing a standard tax deduction of $500 in the first year and $1,000 subsequently to simplify the tax claims and tax affairs of over six million Australians. We will be cutting tax on savings through a 50 per cent discount on up to $1,000 of interest income. They are some of the tax reforms that will be funded by the mining tax which the Liberal and National parties oppose. The Liberal and National parties say they will reverse the mining tax. How are they going to fund cuts to company tax? How are they going to fund cuts to superannuation tax? How are they going to fund improved write-offs for small business? There are billions and billions of dollars of new measures—cuts to tax on superannuation, cuts to tax on small business. How are the Liberal and National
parties going to fund those tax cuts? (Time expired)

Senator URQUHART (Tasmania) (14:37): Mr President, I have a supplementary question. In what practical ways will the government's tax reform package help small businesses, in particular, adjust to the changing economy and boost their productivity?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:38): One of the major reforms for small business will be the improved tax write-offs. At present, small business can claim up to $1,000 for each individual investment article. We intend to increase that to $6,500 per investment. That is a major boost for small business, funded by the mining tax. We are proud of this reform, funded by the mining tax. The Liberal and National parties oppose the mining tax. I suspect they will come in here and vote for the improvements in depreciation, for write-offs for small business, but they have a problem—how will they fund these things should they ever be elected to government? Where are the Liberal and National parties going to obtain the revenue? They are going to oppose the mining tax, and they say at the moment they going to reverse it if they are ever elected to government. No wonder they have to find $70 billion in cuts to government expenditure. (Time expired)

Senator URQUHART (Tasmania) (14:39): Mr President, I have a further supplementary question. Is the minister aware of any alternative policies to the government's tax package, and do those alternative policies mean Australians could miss out on vital economic reforms?

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation) (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:39): I have outlined a very extensive series of tax cuts that flow from the introduction of the mining tax—a tax which the Liberal and National parties say they oppose. They are going to vote no to that mining tax. If the Liberal and National parties are to support this whole range of measures, and they apparently say they do—tax cuts for superannuation, tax cuts for small business, cuts to company tax—they are going to have to find the revenue from somewhere else if they carry out their promise, if they are elected to government at some time in the future, to reverse the mining tax. Consequently, we have a confession from the Liberal and National parties. Mr Hockey, the so-called shadow Treasurer, admits they are going to have to find $70 billion in cuts. They cannot have it both ways. They cannot come in here and oppose, and pledge to reverse, the mining tax and at the same time support tax cuts for small business and superannuation. (Time expired)

Asylum Seekers

Senator EGGLESTON (Western Australia) (14:40): My question is to the Minister representing the Minister for Immigration and Citizenship. I refer to the government's announcement that it will seek to overcome the legislative flaws of the Malaysian solution. Given that Nauru has signed the United Nations Convention relating to the Status of Refugees and that Malaysia has not, why is the government persisting with a policy which has been rejected by the High Court and many in the Labor Party, in particular the Left faction, and which is directly at variance with the Prime Minister's pre-election commitment not to send boat people to a country which has not signed the refugee convention?
Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:41): I thank Senator Eggleston for his question. The government have made it very clear that there need to be changes to the legislation and we are calling on the opposition to declare its position on the proposed changes. We have repeatedly pointed out to Senator Eggleston that the government offered the opposition a briefing from senior officials on the High Court's position, and that advice demonstrated that the legislative change was necessary to put offshore processing beyond doubt and that that alteration would be necessary should those opposite wish to use Nauru in the future.

The advice also clearly showed that for Nauru it provided no support whatsoever for the proposition that people smugglers have learned the lessons of recent history. The people smugglers know that if you are sent to Nauru and you are found to be a refugee, you will end up being resettled in Australia. That has been the case for more than 60 per cent of those who have resettled in Australia, and a whopping 95 per cent of people resettled from Nauru have ended up in Australia or New Zealand. So there has been a 95 per cent failure rate for the policy position that Senator Eggleston's party pursued in government. We know that Nauru will not work and we know that it is also incredibly expensive. (Time expired)

Senator EGGLESTON (Western Australia) (14:43): Mr President, I ask a supplementary question. I refer the minister to comments made by his colleague, Senator Doug Cameron:

Any processing offshore has to be consistent with our international obligations and I just find it pretty rough to be changing the law to try and deliver on a policy that obviously has the judges' concern.

Given these concerns, has the government sought any additional protection for asylum seekers to be transferred to Malaysia and, if so, what are they?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:44): The government have made it perfectly clear that we will be acting consistent with our international treaty obligations on human rights. We will be acting to ensure that we fulfil our obligations in all respects. We have said that the UNHCR will not, of course, be a signatory to the deal. This is a result of the fact that it will be a bilateral agreement between Australia and Malaysia and that the UNHCR was consulted every step of the way throughout that process and has shaped the details of the arrangements. The UNHCR will assist in the implementation of those arrangements. We have put that view consistently, Senator Eggleston, throughout this process. The UNHCR has made it clear that the arrangement could, over time, deliver improved protection outcomes in the region and has welcomed Australia's increased share of the— (Time expired)

Senator EGGLESTON (Western Australia) (14:45): Mr President, I ask a further supplementary question. Given the statement by the Prime Minister yesterday in question time that we negotiated protections in relation to asylum seekers' human rights and we certainly negotiated protections in relation to caning, can the minister guarantee that, unlike the almost 30,000 nonresidents in Malaysia who were caned between 2005 and 2010, those to be transferred under the government's people swap will not be caned?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:46): I have indicated that, while the UNHCR will not be a signatory to the agreement, the UNHCR will be helping the
transferees to become self-reliant. I have also made it clear that, in regard to the arrangements entered into with Malaysia, there will be no caning of persons that are removed from Australia. The terms of the agreement are very clear.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Carr, resume your seat. If senators want to debate it, the time is post question time. Senator Carr.

Senator CARR: We have made it clear that people who are removed to Malaysia will be treated with dignity and respect in accordance with human rights standards and that means no caning. I understand there is some fascination on that side of the chamber and I heard that there has been considerable interest in these issues for some time but I suggest you keep them to yourself. This is clearly a much more serious matter when it comes to the actual treatment of people in this regard.

Western Australian Offshore Constitutional Settlement

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:48): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. I refer to the section of the North West Slope Trawl Fishery within the 200-metre contour that was transferred to the Commonwealth government during the renegotiation of the Offshore Constitutional Settlement which, until December of last year, has been closed to trawl fishing by legislative instrument in recognition of the ecological sensitivity of the area. Is the minister aware that industry self-regulated closure of this space is about to break down, and can the minister explain the circumstances which have led to the immediate threat of trawling in this area despite the acknowledgement by AFMA of the ecological sensitivity of the area?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:49): I thank Senator Siewert for her question about the Offshore Constitutional Settlement arrangements with WA. In the time available anything I do not quite get to I might take on notice. To date there has been improved data which enables better definition of the Offshore Constitutional Settlement arrangements in WA. It is important, as I think Senator Siewert has outlined, to resolve the issue using the best available scientific information, and the Commonwealth remains committed to resolving the issue. It can only be resolved, however, through the agreement by both governments—that is, the Commonwealth and the Western Australian governments.

The Parliamentary Secretary for Agriculture, Fisheries and Forestry, Dr Kelly, has been working on this specific issue to gain agreement from the WA government. They are in discussions, which are ongoing at this juncture, but an overlay is that there have been concerns expressed by some stakeholders about the future presence of Commonwealth managed trawlers in shallow waters.

I just need to correct some of the underlying assumptions around the question. The Australian Fisheries Management Authority closed the area of the fishery shallower than 200 metres. That closure was maintained until December 2010 when the area was subject to a voluntary closure, which is due to end on 30 September 2011. At the time the original closure was implemented there were no management measures in place to ensure the sustainable harvest of species found in waters shallower than 200 metres. Since that time the process has provided for complementary
management arrangements for the key targeted species. There has been work between both WA and the Australian Fisheries Management Authority. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:51): Mr President, I thank the minister for his answer and I ask a supplementary question. Minister, you said there were ongoing discussions with the state. The contention in WA is that this area is being allowed to re-open because the state and the Commonwealth have not been able to settle their differences over the boundaries and that this is collateral damage. Could you confirm if that is the true situation and what is status of those ongoing discussions? Is it possible that you can ensure that trawling does not occur in this particular area?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:52): I think it is important to recognise that these discussions are ongoing. They are dealing with constitutional settlement arrangements that were finalised some time ago. They are now still in discussion. They were determined under a 1995 Offshore Constitutional Settlement Arrangement between the Australian government and the Western Australia government. I add that they are seeking to reach an agreement as quickly as possible. I am advised—and I think this is the important part—that the appropriate sustainability measures are now in place, even without an agreement with the WA government to amend the boundaries. The Australian Fisheries Management Authority no longer has a basis for maintaining a closure within the area defined by the Offshore Constitutional Settlement Arrangement with Western Australia. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:53): Mr President, I ask a further supplementary question. Can the minister clarify why AFMA does not have that in place? Is it because the instrument has expired? Would the government consider putting in place a new instrument to ensure that this area remains closed?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:53): The Australian Fisheries Management Authority, in consultation with the Western Australian Department of Fisheries, has since reviewed the Western Trawl Fisheries Harvest Strategy and revised the management response for key species to ensure a sustainable harvest and to account for the harvest across both jurisdictions. That work was not done when the voluntary closure was put in place. It has since been done between AFMA and the WA government to ensure the sustainability of the harvest and to account for the harvest across both jurisdictions. This process has provided for complimentary management arrangements for the key targeted species. Ecological risk assessments have been completed for the fisheries to identify any risk to target species, bycatch, threatened and otherwise protected species, habitat and communities. So appropriate measures have been put in place. (Time expired)

Asylum Seekers

Senator HUMPHRIES (Australian Capital Territory) (14:54): Mr President, my question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. I refer the minister to the Prime
Minister's promise to break the people smugglers' business model. Given that there were effectively no boat arrivals and no children in detention prior to the government unpicking the tough border protection policies of the previous coalition government, will the government now concede that the people smugglers only have a business model because Mr Rudd and Ms Gillard gave them one?

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (14:55): I thank the senator for his question. What the Prime Minister has announced is that we will introduce legislation to amend the Migration Act so as to provide certainty for offshore processing.

**Senator Abetz interjecting—**

**Senator CARR:** Yes, Senator Abetz, I have said it before because it is a simple statement of fact; we are intending to do it. The cost of implementing the transfer arrangements for Malaysia will be pretty much what was announced in previous times—some $292 million. The alternative arrangement, Senator Humphries, is the one that is being promoted by the Liberal Party, which would involve a cost of some $980 million over four years for the operational expenses alone of pursuing the Nauru proposition, a proposition which would have no material effect on the people-smuggling syndicates because they know that in 95 per cent of cases where people were found to be refugees they ended up in Australia or New Zealand. The model that you propose is essentially a model that is predicated on the presumption that people-smuggling syndicates have not changed their business practices. They know the effect of the policy that you have advocated means that there is no deterrent. That is on top of the extraordinary suffering that you impose on the people who are directly affected by this—namely, persons who are seeking refugee status. Tony Abbott is showing that he is quite prepared to ignore the advice of the experts within the department and the experts that we see right across the board, and he is seeking to—

(Time expired)

**Senator HUMPHRIES** (Australian Capital Territory) (14:57): Mr President, I ask a supplementary question. I refer the minister to the Prime Minister's 2010 pre-election promise not to send boat people to a country that has not signed the refugee convention: 'I would rule out anywhere that is not a signatory to the refugee convention.' Given the Prime Minister said she believes Malaysia, which of course has not signed the convention, is the best place to process refugees, can the minister explain the Prime Minister's change of heart? Is this just another broken promise from a Prime Minister who struggles to tell the truth?

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (14:58): It is extraordinary for the opposition to maintain this line of questioning when we have as the Leader of the Opposition a person who advocates the view that you have to get something from him in writing before you can actually believe it will be undertaken. We have said that the transfer arrangements between Australia and Malaysia are part of a bilateral arrangement between Australia and Malaysia, which are of course the signatories. We are seeking the assistance of the UNHCR and the UNHCR has been consulted every step of the way. The UNHCR has made it very clear on numerous occasions that it believes this arrangement is very much superior to those arrangements that were entered into when the coalition was in office. We have indicated that the UNHCR has taken the view that over time we would actually deliver a significant improvement in the protection standards—

(Time expired)
Senator HUMPHRIES (Australian Capital Territory) (14:59): Mr President, I have a further supplementary question. Given that the current Prime Minister has asked the public to judge her not on how she became Prime Minister but on how she does the job, when will the government do what the Prime Minister has asked and call an election so Australians can have their say on who is best to clean up Labor's border protection mess?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:59): This question clearly has nothing whatsoever to do with the ministerial responsibilities that I am seeking to represent here—that is for the Minister for Immigration and Citizenship—or my own responsibilities in regard to the innovation portfolio. What I can say is that this is a government that is functioning extremely well and this is a government that has a very sound record of achievement in regard to a whole host of policies. This, by the way, is a parliament, despite the very best efforts of those opposite, that is actually functioning. We have passed a very significant number of important pieces of legislation, despite the efforts of those opposite to frustrate and try to obstruct the work of the government and obstruct the results, effectively, of the last election. The ultimate question here is your total disrespect for the people of Australia and your view that anyone other than yourselves is illegitimate. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Carbon Pricing

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:01): I move:

That the Senate take note of the answer given by the Minister representing the Prime Minister (Senator Chris Evans) to a question without notice asked by Senator Brandis today relating to carbon pricing.

Today, 13 September 2011, is the day that Labor has irrevocably turned its back on the Australian people. Eyes firmly fixed down the camera lens, Ms Gillard solemnly promised there would be no carbon tax under a government that she led. In the most desperate grab for power in Australian political history, that promise has been discarded as lightly as one would discard a soiled tissue. I detect the Australian people may be returning the compliment to the Green-Labor government. Having promised no carbon tax, Labor broke their word. Having promised a people's convention to establish a community consensus on climate change, Labor broke their word. But one thing I do congratulate Labor on is their having built a community consensus on action on climate change. That community consensus is a huge consensus against the carbon tax. All the advertising dollars that they have taken out of Australian taxpayers' pockets have not convinced those Australian taxpayers that this carbon tax is a good idea.

In the face of breach of promises to the people, strong community opposition to carbon tax, countries all over the world backpedalling on a carbon tax—and you can go from Japan to France, to the United States, to New Zealand and then off to Canada and elsewhere in the world—Labor still insists it wants this job- and wealth-destroying tax that will do nothing for the environment. In the face of all this, why does Labor continue with this foolish and destructive policy? Labor may have changed leaders, but it clearly has not changed policy. The rush with Labor's collapsed and discredited Carbon Pollution Reduction Scheme had nothing to do with the world's
physical environment; it had everything to do with the position of Mr Rudd and Labor in the environs of the United Nations.

If we had followed Labor's foolish path, we would now be known as the clowns of Copenhagen. Having failed to get the global agreement at Copenhagen, we would have been the laughing stock of the world and would have destroyed our economy at the same time. But, not able to learn from history, Labor is prepared to yet again take us down the same foolish path. Instead of being the clowns of Copenhagen, it wants Australia to be the dunces of Durban by legislating the world's most extensive and expensive scheme—a scheme which by 2020 will see over $3 billion per annum of Australian income going overseas to buy so-called carbon credits. The trading scheme that we are told to look at is that of Europe, which is only one-tenth of the size of our proposed carbon tax, a scheme which is now acknowledged to be corrupt and rorted and is now being fully investigated in countries even as sophisticated as Norway. But Labor simply ignores the facts, ignores its promises, ignores the wishes of the Australian people and ignores the facts of the rest of the world.

This deceit by Labor will be remembered by all Australians as the grossest and most deliberate betrayal of their trust by a political party in our nation's history. As Labor look high and low for an alternative leader, we know they are all complicit. A change of leader will not change their policy. It will not change anything, just like Labor's carbon tax will not change the environment of the world. But it will change the jobs environment in this country and it will change the environment of the family budget for millions of Australians. Today marks the occasion of the biggest betrayal of the Australian people by an elected government.

I trust the Australian people will respond—

(Time expired)

Senator STEPHENS (New South Wales) (15:06): If we were to listen to Senator Abetz we would believe that the sky was falling with the introduction of the carbon tax and clean energy bills which were introduced into the House of Representatives today. However, I do think that this is a very momentous day. That is the only point upon which I agree with Senator Abetz, because the Clean Energy Future package as we see it and know it will see so much change in Australia. Every one of us knows, as we have been debating this issue of climate change for decades, that tackling climate change is critical from an environmental perspective, an economic perspective and a social perspective.

Senator Boswell interjecting—

Senator STEPHENS: I certainly do believe it, Senator; I do indeed. We know, from the world's scientists, that climate change is real and that we must reduce our carbon pollution. We know we have to take these steps and we know that the cheapest way of doing it is to create this market based mechanism of putting a price on carbon. But the opposition would have us believe that there is no such thing as needing to have a price on carbon. That is why we heard questions from the opposition today suggesting, as they were, that 500 businesses, the 500 biggest polluters here, deserved to be able to continue polluting for free and that the rest of Australia should actually pay the price of carbon pollution. So the Clean Energy Future package that was introduced in the House of Representatives today is incredibly significant for all of Australia. It puts a price on carbon to be paid by those biggest polluters while providing assistance to householders and small businesses. And it is going to be the package
that drives fundamental reform in our economy. It will invest in clean energy and it will invest in jobs for the future, and the scaremongering that goes on about the fact that we are going to lose jobs in Australia does not recognise that Australia is the most innovative country in creating clean energy jobs.

What the opposition would have us believe about their approach to climate change, direct action, contradicts and confuses and misinforms. The people who have been trying to use their briefing packs—the coalition members out in their electorates—have been trying to explain what the direct action package is going to produce for Australia and have actually been getting so confused by the whole issue. The clean energy package is the right way to go. We are here ready to debate it. Senator Brandis was challenging the fact, saying that that was going to be pushed through the parliament. We are going to be sitting an extra two weeks to enable that debate to continue and we will make sure—as to those people who need to have their say, and we will be looking forward to some constructive contributions to that debate—that this issue is debated fairly. The establishment of a joint select committee on this issue, to investigate and consider the package of bills that were introduced, will allow people to have their say. It will allow the citizens of Australia to understand the implications of this comprehensive package and it will allow them to see and to hear, from those who are most intimately involved in this package, that there will be more than a million and a half jobs created in this country over the period to 2020 on the basis of what we have been bringing into the parliament today, with almost three-quarters of a million jobs created by the Labor government since we came into office. These are the things that we need to ensure that this government produces for all of us as part of the broader economic agenda that we have here. Take the major shifts that are happening in our economy now. We need to be part of those. Take the major shifts that are happening in the global economy. We need to be part of those. We need to be engaged in all this. We need to build the climate change agenda into everything that is happening here. So reforming our training system, reforming our economic system and our regulatory system, investing in the NBN and ensuring that we can have smart, clean jobs in our regions are all part of a broader economic strategy.

The other important point that we bring to the debate today is the way in which the Clean Energy Future package will compensate people impacted by the carbon tax. Nine out of 10 households will receive a combination of tax cuts. (Time expired)


Senator Stephens: Oh, thank you!

Senator BRANDIS: I do and I always have and I look forward to her promotion to the front bench under the new Rudd government. But it does sadden me when a person as sensible as Senator Stephens feels obliged, in reciting the Labor Party talking points, to dismiss the 500 most prosperous companies in Australia—the 500 biggest employers in Australia, our 500 greatest private enterprises—as Australia's '500 biggest polluters'. That is the contempt which the Labor Party shows to the productive sector of the Australian economy.

But, Mr Deputy President, this is a debate about parliamentary scrutiny and I want to share with you an experience I had some six years ago when I shared with Senator Chris Evans a rostrum at an event, down at Old Parliament House, about the role of the
Senate. The coalition had just won a Senate majority. Senator Evans gave a speech and I want to read to you some of the things Senator Evans said in his speech. He talked about the development of the Senate committee system and how it was prejudiced by the Howard government's Senate majority. These are Senator Evans's words:

... the Government's—

arrogance and determination to exercise its new found power did not end at avoiding scrutiny in Question Time. It quickly moved to use the tyranny of its majority to overturn or deny every practice, procedure and mechanism that had defined the Senate's modern role. ... Every Senate procedure and mechanism to ensure proper scrutiny and debate was bludgeoned by a Government committed to getting its own way. ... No proper examination of the legislation was possible.

... inquiries are for the purposes of window dressing alone. The Government majority has ensured limited terms of reference, limited times for inquiry, Canberra-centric hearings and reporting dates that prevent effective scrutiny, community participation and proper analysis and reporting. They are a fig leaf for a power drunk and arrogant Government.

He went on to say this:

Let me be brutally frank. Future Labor Governments with a Senate majority would face the same temptations that this Government has faced and grabbed with both hands. ... But Labor is fully committed to supporting the Senate's review and accountability functions in government and opposition. Labor believes the Senate's functions that have developed over the last 24 years are worth defending and preserving.

What hypocrisy! What shameless hypocrisy! Today, now that Labor is in government, now that Labor with its Green partners does have an effective Senate majority and the Senate is seized with what the government itself claims to be the most important package of legislation this parliament will see, there is a denial of effective parliamentary and Senate committee scrutiny of that legislation. The carbon tax package of bills comprises 19 bills stretching for 963 pages, not including the regulations. How much Senate committee scrutiny will there be of those bills? Three weeks! There will be three weeks of scrutiny by a committee with a government majority and a government chairman who will no doubt do the government's bidding.

The clearest comparison is with the GST legislation introduced by the Howard government. It was far-reaching tax legislation, with far-reaching implications throughout the economy. The Howard government afforded five months of scrutiny outside the period of the parliamentary debate, with no fewer than four parliamentary committees examining the GST legislation. So, for all the honeyed words of Senator Evans six years ago, when he was in opposition, promising that in government Labor would do better, the truth of the matter is that, whereas the Howard government was prepared to allow four Senate committees—none of them controlled by the government of the day—five months to scrutinise the GST bill, this desperate, hypocritical Labor government will allow one Senate committee controlled by the government all of three weeks to examine legislation even more far-reaching.

Senator URQUHART (Tasmania) (15:16): Today in the House of Representatives we heard from many government ministers highlighting our plan to tackle climate change, and we have just heard from Senator Brandis about the issue of fast-tracking. There have been 35 parliamentary inquiries into climate change since 1994. People are sick and tired of politicians talking about this. They actually want something done. Climate change is an issue that is not going to go away. It cannot
be chased away simply by the scare-mongering of those opposite. One thing is absolutely clear: it is in Australia's long-term national interest to deal with climate change.

The Gillard Labor government has introduced a package of clean energy bills to parliament that will ensure Australia reduces its carbon pollution in the most economically efficient way—by putting a price on carbon, which says to 500 or so big polluters that enough is enough, that it is time to pay for every tonne of carbon pollution put into our atmosphere. The Gillard Labor government has a plan to remove 160 million tonnes of carbon pollution from the earth's atmosphere by 2020. It is about using a market based mechanism to Australia's advantage. This mechanism will involve a fixed price for three years from 1 July 2012, then move to a floating price after 1 July 2015. The fixed price will start at $23 per tonne of carbon pollution and progressively increase each year, providing certainty to those businesses and allowing for a manageable transition. After 1 July 2015 a cap will be placed on Australia's emissions and the market will decide on the carbon price. But there will be a price floor for the first three years of the floating price system to ensure the transition is as smooth as possible.

At the core of an emissions trading scheme is a cap on carbon pollution. The cap will guarantee reductions in carbon pollution and allow us to achieve our long-term goal of an 80 per cent reduction from the 2000 level by 2050—that is, 17 billion tonnes of carbon pollution out of the atmosphere between now and 2050. This emissions trading scheme will also involve international linking to give Australians access to a broader range of abatement opportunities. This will help to contain costs and promote international action on climate change. I note that the Prime Minister has recently met with the President of the European Union, President Barroso, and their discussions naturally led to what they are doing to combat climate change. I understand Mr Barroso said:

Australia's decision to put a price on carbon emissions is ... an important step, both environmentally and economically.

Because:

It is in our view and the European experience, the most cost-efficient way to reduce emissions and also create green business opportunities. We will now continue our joint work for a global climate regime and also on a bilateral basis we will see what we can do together.

To those opposite that say we are acting alone, you are only kidding yourselves. Australia is the 15th largest emitter of carbon pollution, with emissions comparable to many European nations but with a population many times smaller.

The Gillard Labor government is committed to a smooth transition. We will use all of the revenue to support households, to invest in a clean energy future and climate change programs and to support jobs and competitiveness in energy intensive programs. For households there will be tax cuts, increases in family payments and higher pensions, benefits and other government allowances. Nine out of 10 households will receive assistance through tax cuts and/or payment increases through the transfer system. In total, in my home state of Tasmania, more than 174,400 people will receive household assistance through the transfer system. This assistance is permanent and will increase. The government will review the adequacy of assistance each year and will increase it further if necessary. We are taking this opportunity to make significant reforms to our tax system that will see over one million Australians no longer required to lodge a tax return.

The government understands there are a great many Australians who are concerned
about this policy, who are concerned to understand the impact of the Clean Energy Future package on their households and on their families, which is why the government has worked very hard to ensure that information is provided to the Australian people. This is also why the government has committed to extend— (Time expired)

**Senator JOYCE** (Queensland—Leader of The Nationals in the Senate) (15:21): It is interesting, isn't it, when you see those opposite reading speeches delivered to them straight from the local propaganda unit in the other place? It is just the biggest scam that this nation has ever seen concocted. This scam started out as global warming. That did not work so then it became climate change. That did not work so now it has become clean energy. If we hang around long enough, it will be 'Saving the pets'. Who knows where this will end up? The question that everybody has on their lips is: by how much will this change the temperature of the globe? Of course, it will not do anything. It is a mere gesture. It is a platitude of excuses to cover up for a gesture that is going to make people poorer. We are allowing the Australian Taxation Office to be the arbitrary collector of the spare cash in everybody's house, via every power point in every corner of every room. That is what is being forced on the Australian people.

It is so absurd and so naive and deceitful to say, 'It's the 500 biggest polluters.' Do you think they are going to absorb the cost? Do you think that Macquarie Generation will say, 'We'll absorb the costs or we'll shut down'? No; they will just push it off to the punter. They will push it off to the pensioner. They will push it up every street, into every weatherboard and every tile and brick. They are the ones who will pay the tax. They are the ones who will have to cough up the lolly to pay for this deceit of the Australian people as delivered by the Australian Labor Party when they went to the previous election and completely and utterly misrepresented what they were going to do.

Why are we doing this? Now we have this concocted, almost profane, type of approach to the Australian people. The debate has now been truncated in such a way as to get it through because Bob Brown has to go to Durban. Bob Brown is off to Durban. He is going surfing, so we all have to get this piece of legislation through. There will be the equivalent of about one minute per member of parliament for every piece of legislation that there is. This is where we have ended up and this is where the Australian people have ended up. But I can assure you: 'honour and homage, tribute tax and toll', as Tennyson would say. This is the honour and homage, tribute tax and toll to the Australian Greens.

Why are we doing this? There are so many things in this legislation that are so peculiar. By 2020, we will be sending $3.2 billion a year overseas, and it will end up in scams. It will end up in scams in the West African republic: 'If you would just send me your bank account details, I'll send you some carbon credits.' But, no, it does not end there. By 2050, so help me, $58 billion a year from Australia will be just wandering off into the ether, making the world cooler obviously. Think of the hips that would replace, the teeth that would fix, the pensioners that would pay for, the kids who could be lifted out of poverty and the Indigenous people we could help. But, no, we are just sending it off into the blue horizon, off into the haze.

The government say, 'We've got to fight climate change.' So I always refer to Professor John Christy, who is actually the lead scientist on the IPCC. He is actually an atmospheric scientist and he said, 'Yes, there is global warming, about one degree every hundred years.' There is absolutely nothing, in his words, that Australia can do about it. It
is going to happen, so this is a gesture. Why are we doing this to our people? Why do we live with this absurd belief that currently carbon is free? Obviously the government must believe that there is no pricing mechanism on power. It is free. They just give it to you with your fuel and your groceries. You just walk out and they hand it to you. You do not have to pay for it.

But there is a pricing mechanism and there are a lot of people now who cannot afford it. So they say, 'We'll compensate you.' You only get compensated when you have been injured, and that is what is about to happen to the Australian people. They are about to be injured by a government that has deceived them, that has let them down and that is continually changing the metaphor and glosses it over so that global warming is now climate change and climate change is now clean energy. No matter what it is, it is a lemon. It is a multibillion-dollar lemon and it is something the Australian people will not forgive you for. We actually know what happens to you next. It is what happened to us with IR and it is going to happen to you with this fraud on the Australian people. You will pay. Have a look at the polls and ask why. (Time expired)

Question agreed to.

Western Australian Offshore Constitutional Settlement

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:27): 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 Siewert today relating to the Western Australian Offshore Constitutional Settlement.

This is about the northern area of the North West Slope Trawl Fishery, which I believe has been caught up in a stoush between the Western Australian state government and the federal government over the Offshore Constitutional Settlement. This area was left off by mistake and, when that was recognised, there was an agreement between the state and federal governments that the area would no longer be open for trawling and a regulatory process was put in place so that the area was closed to trawling. Since that agreement expired at the end of last year, the industry has been self-regulating to ensure that the area is not fished.

But that self-regulation is about to come to an end. Our very deep concern here is that, once it does come to an end, the area will subsequently be accessible for trawling, and species that had been adequately managed prior to that and not subject to that sort of pressure will of course now be subject to pressure. Trawling is a very different type of fishing from the fishing that is up there at the moment. So the concern is that this ecologically sensitive area will be subject to trawling and that will have an impact on the benthos of the area and on some of the species that the area is renowned for.

I am deeply concerned that we will not only be subjecting an area that has been recovering to, we believe, inappropriate fishing pressure; the concern here is that this area is being sacrificed because the state and federal governments have not been able to reach an agreement on redrawing some of the boundaries for the Offshore Constitutional Settlement. Whilst the Western Australian government did at first, to give them their due, seem to be interested in making sure that this area was protected, it seems to have given up on it in the bigger tussle over where the boundaries should be, reaching an agreement on redrawing some of the boundaries for the Offshore Constitutional Settlement, and, therefore, this area is being sacrificed. We were told in question time by the minister that there are ongoing discussions and I was very pleased to hear that. But I would be
even more pleased if the government agreed that while this was going on the area would not in fact be re-opened and there would be ongoing protection for it, as the fishers in the Kimberley area are asking for. I am sure the minister is aware of it, because I am sure he has seen the letters coming from the fishers in that area. They are deeply concerned about the impact that trawling in this area will have on the ecosystem.

Given that the government is currently looking at how it is rolling out marine protected areas around the country, particularly in the north-west and across the north of Australia, it seems to me to be a bad sign that we cannot even reach agreement over an area on which there is a great deal of agreement on the need for some protection. The fishers are on board for protecting this area and yet the Western Australian government and the federal government cannot reach agreement.

The minister says that an ecological risk assessment is being done. I know that the local fishers are very concerned that this area is in fact going to be open and trawling will be allowed targeting species that still have not reached adequate population levels. As I said, the benthos of this area is going to be destroyed through trawling in areas that have not been subject to this level of pressure.

Just today I was at a launch for a new assessment of the values of the marine resources of this country, which are in the billions and billions of dollars. One of the things that this study by the Centre for Policy Development has highlighted is the value of marine protected areas—the value that these areas have in protecting our fish stocks. Essentially, this area, although it is not an official marine protected area, has been playing that role because it has been protecting these fish stocks. If you look globally at the state of the marine environment and the state of our fish stocks, this report highlights the absolutely essential nature of ensuring that we have our fish stocks protected. It also highlights the role that protecting our fish stocks plays and, in fact, the leading role that Australia has been playing in our sustainable fisheries management. We are very proud of that. I am sometimes critical of it but I am one of the first to acknowledge that we do play a lead around the globe in our approach to fisheries management.

I believe that this area plays a part in ensuring our sustainable fish stocks and fish resources. It is a shame that an area that has been protected through—(Time expired)

Question agreed to.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:

**Halal Islamic Food**

To the Honourable President and Members of the Senate in Parliament Assembled

This petition of certain citizens of Australia draws the attention of the Senate to the dramatic expansion of Halal Islamic food in Australia and the lack of choice for those citizens who do not wish to eat Halal certified food that has been dedicated to the Islamic deity “Allah” and certified by an Islamic Authority who charge a fee.

We therefore humbly request the Senate to ensure that Halal Islamic food does not become the norm in Australian shopping centres, schools or defence bases etc and to ensure all Halal Islamic food is clearly labelled with a legible description and that Australian customers always have the choice of Halal Islamic food or non-Halal Islamic food, as we oppose any imposition of Sharia Law on Australia.

And your petitioners, as in duty bound, will ever pray.

by **Senator Abetz** (from 8 citizens), and
by **Senator Cameron** (from 54 citizens)

Petitions received.
NOTICES

Withdrawal

Senator IAN MACDONALD (Queensland) (15:32): I withdraw general business notice of motion No. 401 standing in my name for today relating to Sam Stosur and the US Tennis Open Championship on the basis that there were a number of colleagues who wanted to be associated with that and I am part of a similar motion that will be dealt with later.

Presentation

Senator WILLIAMS: and Senator NASH: To move:
That the Senate—
(a) notes that:
(i) in Australia, people have a democratic right to protest peacefully; and
(ii) the carbon tax and 'Convoy of No Confidence' rallies held outside Parliament House, Canberra, in August 2011 were peaceful; and
(b) requests that the Leader of the Australian Greens (Senator Bob Brown) and the Leader of the Government in the Senate (Senator Evans) apologise on behalf of their parties for derogatory comments made such as 'Convoy of No Consequence', 'Convoy of Incontinence' and 'it's a general smorgasbord of whingers'.

Senator CROSSIN: To move:
That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 20 September 2011, from 4 pm.

Senator HEFFERNAN: To move:
That the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 September 2011, from 4.30 pm, to take evidence for the committee's inquiry into the live export trade, together with the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2].

Senator SIEWERT: To move:
That the time for the presentation of the report of the Community Affairs References Committee on the funding and administration of mental health services be extended to 20 October 2011.

Senator WATERS: To move—
That the Senate—
(a) notes that:
(i) 7 September was Threatened Species Day, and that this day in 2011 commemorated the 75th anniversary of the extinction of the thylacine (the Tasmanian tiger),
(ii) the global rate of species extinction is greater now than at any time in human history, and
(iii) Australia currently has 1,785 nationally threatened plant and animal species;
(b) agrees that:
(i) as one of the most biodiverse countries in the world, Australia has a special responsibility to protect our unique species, which are inherently precious and must be preserved for future generations, and
(ii) it is incumbent upon this generation to arrest the global decline of biodiversity; and
(c) calls on the Government to commit, in its upcoming reform package to the Environment Protection and Biodiversity Conservation Act 1999, to reverse the decline of Australia's biodiversity, including by strengthening the Act to preclude the Minister from granting any approval that would push a species to a higher level of endangerment.

Senator BOB BROWN: To move—
That the following bill be introduced: A Bill for an Act to amend the Telecommunications Act 1997 and the Australian Radiation Protection and Nuclear Safety Act 1998, and for related purposes. Telecommunications Amendment (Mobile Phone Towers) Bill 2011.

Senator LUDWIG: To move—
That—
(1) On Monday, 19 September 2011:
(a) the hours of meeting shall be 10 am to 6.30 pm and 7.30 pm to 11.10 pm; and
(b) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(2) On Tuesday, 20 September and 11 October 2011:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.10 pm;
(b) the routine of business from 7.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(3) Divisions may take place on:
(a) Monday, 19 September 2011, before 12.30 pm; and
(b) Thursday, 15 September and 22 September 2011, after 4.30 pm.

(4) The following bills shall be called on and be considered under a limitation of time and that the times allotted for all remaining stages be as follows:

Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011—commencing immediately until 11.30 am on 14 September 2011

Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Bill 2011—commencing immediately after the preceding item until 1.40 pm on 15 September 2011

Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011—commencing immediately after the preceding item until 11.30 am on 19 September 2011

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011—commencing immediately after the preceding item until 1.40 pm on 20 September 2011

Tobacco Plain Packaging Bill 2011 and a related bill—commencing immediately after the preceding item until 10.15 pm on 20 September 2011

Work Health and Safety Bill 2011 and a related bill—commencing immediately after the preceding item until 10.30 am on 21 September 2011

Australian Energy Market Amendment (National Energy Retail Law) Bill 2011—commencing immediately after the preceding item until 12.30 pm on 21 September 2011

Migration Amendment (Complementary Protection) Bill 2011—commencing immediately after the preceding item until 6.30 pm on 21 September 2011.

(5) An amendment or request for an amendment to a bill considered under this order shall not be considered in committee of the whole unless it was circulated before the commencement of the consideration of the order of the day on the first day it is called on under this order.

(6) Subject to paragraph (5), this order operate as an allocation of time under standing order 142.

Senator LUDWIG: To move—

That the government business orders of the day relating to the Customs Amendment (Anti-dumping Measures) Bill 2011 and the Customs Amendment (Anti-dumping Improvements) Bill 2011 may be taken together for their remaining stages.

Senator DI NATALE: To move—

That the Senate—

(a) condemns the personal invitation by Senator Bernardi to racist Dutch politician Geert Wilders to visit Australia; and
(b) calls on Senator Bernardi to withdraw that invitation, or, if not, for the Leader of the Opposition (Mr Abbott) to intervene.

Postponement

The following item of business was postponed:

Business of Senate notice No. 1 for 14 September to 21 Sept.

BUSINESS

Withdrawal

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate)  
(15:34): I move:

That general business order of the day no. 50 relating to the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010 be discharged from the Notice Paper.

Question agreed to.

BILLS

Constitutional Corporations (Farm Gate to Plate) Bill 2011

First Reading

Senator XENOPHON (South Australia)  
(15:35): I move:

That the following bill be introduced: A Bill for an Act to require constitutional corporations that are grocery retailers to display producer prices, and for related purposes. Constitutional Corporations (Farm Gate to Plate) Bill 2011.

Question agreed to.

Senator XENOPHON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON: I move:

That this bill be now read a second time

I seek leave to table an explanatory memorandum relating to the bill and to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

Constitutional Corporations (Farm Gate to Plate) Bill 2011

Second reading speech Senator Nick Xenophon

Australia has some of the highest grocery prices in the developed world.

In 2009, the OECD reported that grocery prices in Australia had increased by over 40 percent in the last ten years.

In comparison, prices in the US rose only 28.4 percent over the same time period.

But even though consumers are paying more than ever for fresh produce, more and more farmers and producers are struggling.

The gap between what farmers are paid and what shoppers are paying continues to grow.

Recent examples include apples, bought from growers at $2 per kilo and sold at $7 per kilo, and oranges, bought for 18 cents a kilo and sold for $3 a kilo.

When it comes to vegetables, things aren’t any better.

Growers sell potatoes for about 35 cents a kilo. Shoppers pay around $2 a kilo. And cabbage, which sells for $2.38 a kilo, earns only 55 cents a kilo for growers.

These margins seem pretty unfair.

Often, particularly in the recent drought years, producers have not been able to sell their produce at much more than the cost of growing it.

The aim of this bill is to require grocery retailers to display the farm gate price of fresh produce next to the retail price, so that consumers can see how much profit each retailer earns for each product.

In the same way that unit prices give customers an easy way of comparing savings, displaying the farm gate price will give consumers more information about what they’re buying.
These measures will increase transparency in the industry, and empower consumers with this level of information.

The bill applies to grocery retailers, defined as constitutional corporations that primarily sell food-based grocery items and have more than one thousand square metres of floor space.

These grocery retailers will also have to display the farm gate prices for products on their websites, so that consumers choosing to buy over the internet or browse before shopping are not disadvantaged.

For the purpose of the bill, the farm gate or producer price consists of the average price received by producers for a specific product over a 12 month period. This average will take into account seasonal fluctuations, as well as produce that may have been in storage before sale.

The bill also states that grocery retailers who do not provide the required information will be subject to an infringement notice or Court order from the Australian Competition and Consumer Commission.

The punishment for not abiding by these laws will be 600 penalty points.

Farmers and growers deserve to get fair prices for their produce, and consumers deserve to know what they're paying for.

I would also like to acknowledge the Member for Kennedy, the Hon Bob Katter MP, who has worked closely on this issue with me.

Mr Katter is an outspoken supporter of farmers and food producers, and we both agree that they get a raw deal when it comes to farm gate prices.

With Coles and Woolworths holding their cosy duopoly, many producers have little choice about where to sell their goods.

Using this market share, the two supermarkets have been able to push down farm gate prices and push up their profit margins with little opposition.

It is time for the major supermarkets to reveal to their customers the raw deal they are serving up to Australian food producers.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Public Accounts and Audit Committee

Meeting

Senator McEWEN: I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 11.15 am to 1 pm, on Wednesday, 14 September and Wednesday, 21 September 2011, to take evidence for the committee's inquiries into the review of Auditor-General's reports, and national funding agreements.

Question agreed to.

Electoral Matters Committee

Meeting

Senator McEWEN: I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 September 2011, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the funding of political parties and election campaigns.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee

Meeting

Senator McEWEN: I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 13 September 2011, from 5.30 pm, to take evidence for the committee's inquiry into the provisions of the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011.

Question agreed to.

National Capital and External Territories Committee

Meeting

Senator McEWEN: I move:

That the Joint Standing Committee on the National Capital and External Territories be
authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 September 2011, from 12.30 pm.

Question agreed to.

Treaties Committee Meeting

Senator McEWEN: I move:

That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 September 2011, from 10.30 am to 11.30 am.

Question agreed to.

Migration Committee Meeting

Senator McEWEN: I move:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 September 2011, from 10.30 am to noon.

Question agreed to.

National Broadband Network Committee Meeting

Senator McEWEN: I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 13 September 2011, from 6 pm.

Question agreed to.

Community Affairs Legislation Committee Meeting

Senator McEWEN: I move:

That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 13 September 2011, from 5.15 pm.

Question agreed to.

MOTIONS

Stosur, Ms Samantha

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:36): I, and also on behalf of Senators Bernardi, Arbib, Macdonald and Di Natale, seek leave to amend general business notice of motion No. 387.

Leave granted.

Senator WILLIAMS: I move the motion as amended:

That the Senate—

(a) congratulates Australian tennis player, Ms Samantha Stosur, from the Gold Coast in Queensland, on her magnificent win in the United States Open Women's Tennis Championship; and

(b) notes that:

(i) this is the first win by an Australian woman in this tournament since Ms Margaret Court Smith was successful in 1971 and the first Australian women's tennis Gram Slam win since Ms Evonne Goolagong Cawley won her second Wimbledon title in 1980,

(ii) she is a wonderful ambassador for Australia, and

(iii) it supports the Australian Government using this wonderful result to continue to promote tennis to all Australians.

Question agreed to.

COMMITTEES

Community Affairs References Committee Meeting

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

That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 13 September 2011, from 5 pm.

Question agreed to.
MOTIONS

Nystrom, Mr Stefan

Senator HANSON-YOUNG (South Australia) (15:38): I move:

That the Senate—

(a) notes:

(i) the recent decision by the United Nations Human Rights Committee, that found the decision by the former Minister for Immigration and Multicultural Affairs, Senator Vanstone, to deport Mr Stefan Nystrom to Sweden in 2006, was in breach of the International Covenant on Civil and Political Rights,

(ii) that Mr Nystrom speaks no Swedish and had no knowledge of any relatives there, and

(iii) that as a result of his treatment, Mr Nystrom is now an inmate in a psychiatric institution; and

(b) calls on the Government to immediately respond to the UN decision that found Australia had acted unlawfully in deporting Mr Nystrom.

Question put.

The Senate divided. [15:43]

(The President—Senator Hogg)

Ayes....................9
Noes....................40
Majority................31

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

NOES

Kroger, H
Lundy, KA
Madigan, JJ
McKenzie, B
Moore, CM
Parry, S
Pratt, LC
Scullion, NG
Stephens, U
Urquhart, AE

Kroger, H
Lundy, KA
Madigan, JJ
McKenzie, B
Moore, CM
Parry, S
Pratt, LC
Scullion, NG
Stephens, U
Urquhart, AE

Ludwig, JW
Macdonald, ID
McEwen, A (teller)
McLucas, J
Nash, F
Polley, H
Ryan, SM
Singh, LM
Thistlethwaite, M
Williams, JR

National Service 60th Anniversary

Senator IAN MACDONALD (Queensland) (15:46): I move:

That the Senate—

(a) notes the 60th anniversary of the establishment of national service in Australia in 1951;

(b) congratulates the organisers of the 60th anniversary celebrations held in Townsville from 8 September to 11 September 2011;

(c) acknowledges the contribution of Australia’s national servicemen who served the nation from 1951 to 1972; and

(d) recognises the exemplary service of the ‘Nashos’, alongside their regular army, navy and air force colleagues, during the Vietnam War and other conflicts.

Question agreed to.

North West Slope Trawl Fishery

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:46): I move:

That the Senate—

(a) notes that:

(i) trawling in the northeast area of the North West Slope Trawl Fishery off the Western Australian Kimberley coast was made possible due to an administrative error when the Western Australian and Federal Governments amended the Offshore Constitutional Settlement in 1998,

(ii) this error allows bottom trawling in areas shallower than 200 metres despite the fact that this is a critical habitat for goldband snapper
and other species and has been off-limits to trawlers since 1980,

(iii) the ecological sensitivity of this area has been acknowledged in the Australian Fisheries Management Authority's correspondence with permit holders,

(iv) legislative instruments have been introduced prohibiting all fishing in the northeast area, but the most recent instrument expired in December 2010,

(v) since that time, the closure has been maintained informally by industry self-regulation,

(vi) negotiations between the Western Australian and Federal Governments to fix this error have stalled and the trawling industry has threatened to resume trawling in September 2011, and

(vii) a resumption of trawling in this area would adversely impact the benthos and fish stocks of this region; and

(b) calls on the Federal Government to permanently close this area to trawling by amending the Fisheries Management Act 1991 to ban fishing in the northeast area of the North West Slope Trawl Fishery in Western Australia.

Senator COLBECK (Tasmania) (15:47):

Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator COLBECK: I do note that Senator Siewert asked a question about this in question time today, and the opposition does agree that it has taken too long to sort out this particular matter. In fact, we would agree with every single sentiment that Senator Siewert has written under item (a) of her motion. But under item (b) Senator Siewert calls on the government to amend the Fisheries Management Act 1991 to ban fishing in the north-east area of the North West Slope Trawl Fishery, and the opposition does not believe that banning fishing is the way to resolve this problem. We understand that there was a solution in place to deal with this at one point in time, which unfortunately has fallen over, but to ban all fishing in that area is simply not the way to deal with this. We understand that falls into line with the Greens' position of having no-take marine zones around the country's coastline, but the opposition cannot support a ban on fishing in those regions.

Question negatived.

Coal Seam Gas

Senator WATERS (Queensland) (15:49):

I move:

That the Senate calls on the Government to implement an immediate moratorium on any new coal seam gas approvals until the long-term impacts of the industry on our groundwater, agriculture, rural communities, threatened species, the climate and the Great Barrier Reef are known.

Question put.

The Senate divided. [15:50]

(The Deputy President—Senator Parry)

Ayes ...................... 9
Noes ...................... 41
Majority ................ 32

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

NOES

Abetz, E
Bernardi, C
Birmingham, SJ
Boswell, RLD
Brown, CL
Cash, MC
Cormann, M
Edwards, S
Farrell, D
Fifield, MP
Joyce, B
Ludwig, JW
Macdonald, ID

Back, CJ
Bilyk, CL
Bishop, TM
Boyce, SK
Cameron, DN
Colbeck, R
Crossin, P
Eggleston, A
Fawcett, DJ
Gallacher, AM
Groger, H (teller)
Lundy, KA
Madigan, JJ
Question negatived.

Israel

Senator BOSWELL (Queensland) (15:53): I seek leave to amend general business notice of motion No. 400 standing in my name for today by omitting paragraph (c) and substituting the following revised paragraph:

(c) agrees with the New South Wales Greens MP Jeremy Buckingham’s assertion ‘that the tone and the public perception of the Max Brenner protests may be counter-productive to the cause of peace and human rights in the Middle East’.

Leave granted.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:54): I seek leave to amend the motion by replacing the words after ‘condemns’ with:

(i) Senator Boswell’s unwarranted and cowardly comparison of the trade practices commissioner, Mr Rod Sims, with Pontius Pilate,

(ii) Senator Boswell’s rejection of the Victoria Police as doing their job,

(iii) Senator Boswell’s repugnant association of the Greens with events in Germany in 1939.

Leave not granted.

Senator BOSWELL (Queensland) (15:55): I move the motion as amended:

That the Senate

(a) condemns the intensification of the Global Boycott Divestments and Sanctions campaign being conducted against Max Brenner chocolate cafes;

(b) rejects this tactic as a way of promoting Palestinian rights; and

(c) agrees with the New South Wales Greens MP Mr Jeremy Buckingham’s assertion ‘that the tone and the public perception of the Max Brenner protests may be counter-productive to the cause of peace and human rights in the Middle East’.

Mr Deputy President, I seek leave to make a one-minute statement.

Leave not granted.

Question put.

The Senate divided. [15:56]

(The Deputy President—Senator Parry)

Ayes ...................... 40
Noes ...................... 9
Majority ................. 31

AYES

Abetz, E
Bernardi, C
Birmingham, SJ
Boswell, RLD
Brown, CL
Cash, MC
Cormann, M
Farrell, D
Fifield, MP
Johnston, D
Kroger, H
Lundy, KA
Madigan, JJ
McKenzie, B
Moore, CM
Parry, S
Pratt, LC
Scullion, NG
Stephens, U
Thistlethwaite, M
Urquhart, AE

NOES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

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

Question agreed to.
Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:59): I seek leave to move a motion condemning the Australian Greens and their leader for failing to condemn the vile boycott, divestment and sanctions, or BDS, campaign against Israel.

Leave not granted.

Suspension of Standing Orders

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (16:00): Pursuant to contingent notice of motion, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter—namely, a motion to give precedence to a motion condemning the Australian Greens and their leader for failing to condemn the vile boycott, divestment and sanctions, or BDS, campaign against Israel.

Australia rightly celebrates a robust and diverse democracy. That is healthy. What is not healthy and is indeed destructive for our democracy is when leaders failed to condemn that which is vile and detestable, when they fail to call that which is vile and detestable what it is—namely, vile and detestable. There is no description other than ‘vile and detestable’ for the BDS campaign against Israel, a campaign shamefully aided and abetted by the Australian Greens. That is why this Senate needs to bring the Australian Greens to account.

It is heart-warming to note that at least one Green in New South Wales has reservations about this vile and detestable campaign—and, if you were to believe Senator Bob Brown’s public utterances, you would believe that he does too. Indeed, Senator Brown is on record as saying he and his party do not support BDS. When asked by Ali Moore on Lateline:

Do you support the policy that New South Wales Greens have for a boycott—referring to the BDS—Senator Brown replied:

No, I don’t, and I’ve said this before publicly, Ali, that it was rejected by the Australian Greens Council last year.

A great answer but for one fact: alas, it was false on both counts. Today’s motion was as clear cut as any. It was a clear-cut invitation for Senator Brown and the Greens to be as good as his word in that interview—that you condemn the BDS. You see, Senator Brown has in his party senators willing to address rallies where the flag of Israel is disfigured; the Star of David is taken out and replaced by a swastika. He has senators that support the boycotting of Jewish businesses in Australia. When someone like Paul Kelly asked one of these senators, ‘You are prepared to target and boycott individual businesses?’ the senator responded:

… I see the value of that tactic as a way to promoting Palestinian human rights.

Further, the senator was asked:

Don’t you think that is very divisive, to actually do something like that given the history, don’t you think that’s an exceptionally divisive step?

The senator—no prizes for guessing Senator Rhiannon—said:

Not at all.

That was the shameful response. There you have it.

What is worse, the Greens leader himself sneaks onto the Notice Paper question No. 1095—yet this time without the fanfare of a media release. And what is the question asked of the Minister for Trade? Amongst other things, it is asking for a list of products imported into Australia from Israeli settlements in the occupied territories, so-called, and the list goes on. It is clear that Senator Bob Brown simply says one thing under the pressure of an interview and votes in the exact opposite manner on each and every occasion he is given the opportunity to
put his vote where his mouth is. He puts his vote where his questions on the Notice Paper are and where his heart actually lies in this matter. Today, in one of the most benign BDS motions, there is the opportunity for the Greens to actually support one of their own in condemning this vile, destructive, divisive campaign. But, no, the Greens could not bring themselves to do so.

This is a matter of urgency. This is a matter on which the Senate should move a motion to condemn the Australian Greens and their leader. Sure, Australia has a robust, vibrant democracy, but it should not tolerate the boycotting of businesses because their ownership is Jewish. I think we know enough about world history to never go down that track as a country. I commend the motion to the Senate.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (16:05): What we have just heard—Opposition senators: Is the truth.

Senator BOB BROWN: is hectoring, an untoward diatribe from the Leader of the Opposition in the Senate utilising a great concern around the world about its inability to settle the Middle East question, the travail of the Palestinian people and the security of the people of Israel.

Opposition senators interjecting—

Senator BOB BROWN: You will note, Mr Deputy President, that we listened to the bombast—

Opposition senators interjecting—

The DEPUTY PRESIDENT: Order! Just a moment, Senator Brown. Senators on my left: Senator Abetz was heard in silence and I think Senator Brown deserves the same courtesy.

Senator BOB BROWN: We listened to that bombast and disgraceful delivery to this Senate from Senator Abetz, who, of all people, should not be hectoring the Greens about their associations. I say to Senator Abetz: he is associated in this chamber with people whose behaviour means he himself needs to be put under scrutiny. Let me name, for one, Senator Boswell, who in this chamber yesterday, while you were not in the chair, Deputy President, said this—

Senator Ian Macdonald: Mr Deputy President, I raise a point of order. The Greens political party leader has been here long enough to know that this is a debate not on the substantive issue but on whether standing orders should be set aside, and how—

Senator Siewert: Oh, come on! What do you think Eric Abetz just did?

Senator Ian Macdonald: Well why didn't you take a point of order? I cannot see how, in any way, attacking Senator Boswell personally can contribute to the debate on whether standing orders should or should not be set aside.

The DEPUTY PRESIDENT: There is no point of order. It is traditional that debate on these types of motions be wide ranging.

Senator BOB BROWN: Senator Boswell said 'the Greens do not want to do the right thing'; 'the Greens want to intimidate Jewish business'; 'this is 1939 revisited'. Senator Milne took a point of order, which was not acted upon by the chair. I ask you, Mr Deputy President, to seek the judgement of the President on those three sentences and whether they ought to be allowed in this place. What we are seeing here is a totally disgraceful debasement of the way in which this house works—by innuendo, hatred, use of the word 'vile', inference across the chamber against honourable senators—and the diversion of a debate that is about the healing of wounds in the Middle East and about what we can do in this chamber to help see the Palestinians
have statehood in their own right and the Israelis, with their statehood, being able to live together with the Palestinians, instead of seeing, in Senator Abetz's own words, the vilest effort to introduce into this chamber a denigration of honourable members of the Senate.

The Greens take second place to none in moving in this chamber to have the issue of Palestine and Israel maturely debated. Time and time again these attempts are voted down by both the major parties. It is our job as senators to debate the issue of the Middle East, because it concerns the peace of the world. What we are getting in the motion that has just gone through the Senate and this motion from Senator Abetz is a tawdry descent into disgraceful calumny—unwarranted, unjustified and totally undignified—against fellow senators. They will not debate the substantive issue but they want to come in here with this sort of reprehensible bombast.

That is up to senators, but I want to ask, in the time available: what about Senator Boswell's reference to the ACCC yesterday, which answered a request from this chamber? Senator Boswell says that the ACCC should have taken action because the majority of this chamber put a reference to it. What Senator Boswell is saying is that politics should rule the outcome of the ACCC, not the ACCC's ability to divine what it should do itself. Then Senator Boswell went on to refer to the Chairman of the ACCC, Mr Sims, as wanting to act like Pontius Pilate. That is disgraceful and reprehensible calumny of somebody who is not even in the chamber, in the pursuit of a political point of view. It was reprehensible, disgusting and untoward behaviour in this chamber. 

(time expired)

The DEPUTY PRESIDENT: Senator Brown, the President will be made aware of the matters you raise and if he wishes to report back to the chamber he will.

Senator BOSWELL (Queensland) (16:11): The motion I moved was actually congratulating one of Senator Brown's members of parliament. How anyone can construe that as an unmitigated attack on the Greens is beyond comprehension. Senator Brown is floundering, and he is as guilty as sin on this. I have in my possession photographs taken with a swastika superimposed on a Jewish flag. I have here a Star of David superimposed over a pig on a placard. That is shameful from anyone's perspective. I know Senator Milne is terrified about this and worried about it. She is a decent woman and does not want to be associated with this. I do not blame her for one minute.

This matter has to be debated. We have to find out one way or the other whether Senator Brown and his party believe in a BDS—a sanction over all Israeli businesses and all trade with Israel and all sporting connections. Senator Brown says he does not but every time he is put to the test he goes down. Every time he is requested to make a decision in the Senate he votes against it. He voted against it again today. It is no good going out there and every time you meet the press saying you have pulled Senator Rhiannon into line and you have spoken harshly with her and you have had vigorous debates. She thumbs her nose at you continually. She has said there has never been a decision on the BDS in the Greens—it has never been voted on. If you do not have the guts to put a proposition to your own party, if you cannot go to your own party and put up a motion without fear of it being defeated, then you are not a leader's bootlace. You are a chameleon—you do not know whether you are for something or you are against something. You are being exposed as a great fraud.
The DEPUTY PRESIDENT: Senator Boswell, please address your remarks through the chair, not directly across the chamber.

Senator BOSWELL: I am sorry, Mr Deputy President. This has been an ongoing problem for this parliament and this chamber. Senator Brown attracts eight or nine per cent of the vote. What the people who support the Greens want to know is whether the Greens are an environment party, a green party, or whether they are an anti-Semitic, extreme Labor party—more than Labor; more than Dougie Cameron; he is to the left but the Greens are to the left of the left of the left of the Left. We have to know, and this is why this motion of censure has to be put to the Senate. It is going to be interesting to see where the Labor Party goes on this. I know they are going to be stuck between a rock and hard place. I hope they have the courage of their convictions and vote the same way as they voted in the last motion. I have warned the Labor Party time and time again. In fact the last time I warned them I said: 'Your vote is going down like a lift. You're on 34 per cent. It's time you stood up to the Greens. It's time you threw out the anchor. It's time to reclaim your own territory.' There was no acceptance of me warning them. Now their vote is down to 25 per cent or, if you take the Greens two per cent that has been transferred, it is 27 per cent. You are going down like a brick. You have been warned to disassociate yourselves from the Greens and you are paying the price now because you will not take any notice of the warning.

We need this motion to be determined by this parliament of whether the Greens should be censured for the racist, anti-Semitic carryings-on over the last six months when their members of parliament have addressed anti-Israel rallies. We want to know what the parliament wants and whether the parliament condemns them. I certainly condemn them. I believe the parliament should condemn them in the strongest possible terms.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery): Can I inject some sense into this debate? The Australian government has repeatedly condemned the boycotts, divestments and sanctions, all of which are referred to as the BDS campaign. We supported Senator Boswell's motion, as we have supported similar motions in this place previously. I think it is important to put that on record. We do, however, share some concerns that Senator Brown has raised regarding Senator Boswell's speech to this place yesterday afternoon. For the record it is worth saying that the government respects the role and the work of the Chairman of the Australian Competition and Consumer Commission, the government acknowledges that the Victorian Police have acted in a professional manner in handling these inappropriate protests and the government believes that Senator Boswell's characterisation, yesterday, of the Greens could be viewed as offensive by many.

In opposing the BDS campaign the government does not want our language or conduct, particularly in this place, to be lowered to that used in the BDS campaigns. From some of the language that is being used I am concerned that we are now entertaining a similar type of campaign in language that the BDS uses. I raise that as a caution.

The opposition are seeking to act without notice. It is the usual thing in this place to give people notice of their intention to suspend the business of parliament so that they can have a debate. That was not done in this instance. Of course, others who have not
had an opportunity of being present to listen to the issue being raised may want to contribute to the debate. But that is not the germane point.

We also have a situation where this government does have a legislative program to proceed with. It does want to continue with the bills on the program. The opposition have repeatedly frustrated the government in dealing with its legislative program. They have filibustered through a range of bills. They are now, without notice, seeking to claim that this matter should be dealt with today. The opposition do have an ability to bring this on for debate.

Opposition senators interjecting—

Senator LUDWIG: You can bring it on. You can give notice of this matter. You can then have it debated on Thursday, which is general business, which is the time available for you to have that debate. You could do it at that point. You know from the opposition's perspective that that is the opportunity you have to debate. But you have not taken that course. You have come into this chamber and without notice sought to disrupt the program with your own issue. That is why we will not support the motion.

What we are supposed to hear from the opposition, if they do want to suspend, is a cogent argument on the suspension rather than the substantive matter. All we got was the substantive and not a cogent reason. Senator Abetz used the term 'urgent'. This is not a requirement for an urgent motion. It is simply a suspension to have this motion dealt with. There is no requirement of urgency in respect of that. There is an opportunity to give notice and have the debate on Thursday with a general business notice.

The government will not be supporting a position to up-end this parliament when there are processes available for you to debate this matter. You have been throwing out the anchor yourselves, you do not want to debate the carbon price, you do not want to debate legislation in this chamber. You want to simply throw up any matter to debate other than the legislative program that this government has put in place. You have done it in such a way, today, which also denies other senators the ability to participate in the debate. If you are fair dinkum about this, why don't you put a notice of motion in and have it debated in general business on Thursday as you could do?

Opposition senators interjecting—

Senator LUDWIG: We have not heard the argument. Why don't you test the water? Because you do not want to test the water. (Time expired)

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate): Let us be absolutely clear: the BDS campaign is part of an orchestrated campaign to delegitimise the state of Israel. Senators, including Senator Brown, who refuse to condemn the BDS movement are well deserving of a motion that decries their incapacity to condemn the BDS movement. That is why a suspension of standing orders should be granted.

There is no human rights element to BDS. There is no high purpose or motivation behind the movement. It dresses itself up in the clothes of the anti-apartheid movement, that great and successful movement that sought to fight the abomination of separate racial development in South Africa. But in dressing itself up in the mantle of the anti-apartheid movement, it debases and devalues that noble campaign that was successful in ending apartheid in South Africa. There is no comparison and there can be no comparison between the state of Israel and apartheid era South Africa. Israel is a free and democratic state. The rule of law prevails. There is freedom of speech. There is freedom of
association. There is freedom of assembly. South Africa was a nation where citizens were not all equal before the law. The Middle East, in contrast, is a land where two peoples, Israelis and Palestinians, ultimately seek a two-state solution; they seek two states to live side by side in peace and security. Sanctions, boycotts and divestments will not help the creation of a two-state solution, a two-state solution which I support, a two-state solution which everyone on this side of the chamber supports. Neither will denying the legitimacy of the state of Israel help achieve the goal of a Palestinian state. The real goal of those who support BDS is not a two-state solution. The movement is not pro-peace, the movement is not pro-Palestinian, the movement is unequivocally and unashamedly anti-Israeli and anti-Jewish.

Although I think boycotts are misguided, people should feel free to buy or not buy whatever product they want. What must be condemned are secondary boycotts. What must be condemned is intimidation. What must be condemned is denigration of a people. What must be condemned are lies about a nation. What must be condemned are the shadows of anti-Semitism, which we see in the placards outside Max Brenner coffee shops around the world. What must be condemned is that shadow of anti-Semitism, which we hear in the chants and the cries of those who are protesting outside legitimate businesses that are simply trying to earn an income, make a living and employ people. In Australia we must stand against those who seek to prevent freedom of association. That is what they seek to do by these secondary boycotts. They seek to prevent people going into a shop of their choice. That is opposing freedom of association.

What astounds me about the response of the Australian Greens today is that the motion that Senator Boswell moved actually seeks to praise a member of the Australian Greens. I could not think of a more benign motion from the point of view of the Australian Greens. This is a motion that Senator Brown should have embraced. Senator Brown has sought to differentiate himself from the New South Wales Greens. He has sought to differentiate himself from Marrickville Council. He has sought to differentiate himself from the Greens candidate for the seat of Marrickville in the New South Wales state election. Today what he has done is line up fairly and squarely with Marrickville Council, with the Greens former candidate and with the BDS movement.

No nation is perfect. The nation of Israel is not perfect. It does not claim to be. But it is free and it is democratic. It deserves the support of the Australian nation. As a friend we can make criticisms, but we should stand by Israel and its right to exist.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (16:26): I rise today to note what is one of the lowest points of Senate debate since I took my Senate seat in 2005. I say it is one of the lowest moments because those of us who do have a memory of history, those of us who do know what happened in 1939, those of us who do know what happened with the Nazi atrocities in 1939 and thereafter during the Second World War find it absolutely despicable that people can stand up and barter that as if it were an appropriate way of condemning or commenting on another political party. I have stood in Pere-Lachaise Cemetery in Paris and I have seen where the Resistance were shot against a wall. I taught at Devonport High School with an elderly gentleman who lived through the Crystal Night. I have known those people and I have spoken with those people and looked at that over the years. I know precisely about the cruelty of the Nazis to the Jews in the
Second World War. I have witnessed and listened to those stories and I find it despicable in the extreme that every last one of you stand over there and try to point fingers about people in this parliament in this day and age, when the issue we should be debating is the question of Palestinian statehood and the two-state solution in the Middle East. That is the debate.

I am glad to hear that the coalition supports the two-state solution, because it is not in their policy platform. They have got a chance to prove it, as has the government, because there is a vote coming up in the United Nations next month on Palestinian statehood. If you believe in a two-state solution, you would be standing up saying yes. We have an opportunity as a nation in the United Nations to stand up and support that statehood next month. That is the debate we should be having right now, not the despicable behaviour we have witnessed from the Liberal Party.

The words 'boycott' and 'secondary boycott' have been thrown around here as if it is a matter of fact. I wish to remind the Senate that the letter from the ACCC states the absolute contrary. You might not like what the ACCC has to say, but the ACCC has come out with a very strong judgment saying it is not the boycott—

Senator Boswell interjecting—

Senator MILNE: and that is why Senator Boswell is disappointed and that is why he has spoken so disparagingly of the new Chairman of the ACCC, Rod Sims, because he does not like what the ACCC has had to say. But the letter of the ACCC says:

Section 45D of the Act relevantly prohibits a person in concert with a second person from engaging in conduct that hinders or prevents a third person from acquiring goods or services from a fourth person and that is engaged in for the purpose, and would have or be likely to have the effect, of causing substantial loss or damage to the business of the fourth person.

This is the relevant paragraph:

After a careful assessment the ACCC considers that the protest activity, while it may have physically hindered or prevented potential customers from entering a Max Brenner store and acquiring goods during the protest, is unlikely to have had the effect of causing substantial loss or damage to the business of Max Brenner such as to constitute a contravention of section 45D of the Act.

There is no secondary boycott. There is no boycott. There is an opportunity for the coalition to join with the Greens and urge the government to vote for statehood for the Palestinian people in the vote in the United Nations next month.

Senator Abetz interjecting—

Senator MILNE: I urge the coalition to abandon this depth that they have sunk to in trying to suggest that anybody in this parliament—anybody in this parliament, Senator Abetz—has any sympathy with the Nazis, because that is not the case and it is a grossly offensive way to treat the Senate chamber and the Australian people who elected us and who expect us to behave in a responsible manner. This is a very low point in the Senate. (Time expired)

Question put:

That the motion (Senator Abetz’s) be agreed to.

The Senate divided [16:36]

(The President: Senator the Hon. John Hogg)

Ayes .................... 29
Noes ..................... 34
Majority ............... 5

AYES

Abetz, E
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R

Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Cormann, M

CHAMBER
The PRESIDENT: You need leave.

Senator BOSWELL: I understand I do not leave under standing order 191.

The PRESIDENT: Well, I understand you do. Standing order 191 applies, I am told, only during the actual debate. The debate has terminated. I am suggesting, Senator Boswell, that you need to seek leave.

Senator BOSWELL: Mr President, I seek leave.

Leave not granted.

The PRESIDENT: Senator, 191 allows you to be heard in the debate for a second time.

Senator Ian Macdonald: Mr President, I rise on a point of order. Standing order 191 says this, and I will read it in full:

A senator who has spoken to a question may again be heard, to explain some material part of the senator’s speech which has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt any senator speaking, and no debatable matter shall be brought forward or debate arise ...

Ever since Senator Boswell was clearly misquoted by Senator Brown—and deliberately I suggest—there have been other people speaking. The words of the standing order clearly make no reference to speaking in the same debate. I am not sure quite where that comes from. It does not say it in the words of the standing order. If you are suggesting to me that there is some precedent that should be followed then I cannot see how any precedent could overcome the clear sense of the words there. Senator Boswell was not able to interrupt any other speaker speaking and ever since he was misquoted other speakers have been speaking and then there was a vote called and he was unable to do it then and he has done it at the very first time that he has possibly had the opportunity to do it. Mr President, I think procedural fairness requires that where Senator Boswell

**PERSONAL EXPLANATIONS**

Senator BOSWELL (Queensland) (16:39): Mr President, I refer to standing order 191. Part of my speech was misquoted or misunderstood by Senator Bob Brown and by Senator Ludwig and I seek permission to clarify it.
claims to have been misquoted—and I am sure he has been—he should be given the opportunity of putting it on the record.

Senator Bob Brown: On a point of order, Mr President, I ask that Senator Macdonald withdraw the comment that I deliberately misquoted somebody. I did not, and that is a reflection on another member of this place and should be withdrawn.

The PRESIDENT: That should be withdrawn.

Senator Ian Macdonald: I withdraw it, Mr President.

The PRESIDENT: I have sought the advice of the clerk at the table and I must say that on my reading of this, without going to _Odgers_ to look at the immediate precedent, I note it says:

A senator who has spoken to a question may again be heard ...

I am told that the word 'again' implies that is within the context of the debate and that the question has been disposed of by the vote that has just taken place. Secondly, Senator Boswell did seek—I presume under 190, 'Personal explanations'—

Senator BOSWELL: 191.

The PRESIDENT: Yes, but you then sought it by leave. I am interpreting it—say if I am interpreting wrongly—that if you are doing it under 191 leave was not granted. If you are doing it under standing order 190, 'Personal explanations', it says:

By leave of the Senate, a senator may explain matters of a personal nature, although there is no question before the Senate, ...

That is the point that is made in 190. It goes on:

but such matters may not be debated.

Say you had sought that under 190; 190 is by leave.

Senator BOSWELL: I seek leave under standing order 190.

The PRESIDENT: Is leave granted?

Senator Hanson-Young: No.

Senator Ian Macdonald: Mr President, I rise on a point of order. I disagree with your ruling but it is your ruling, although I would urge you not to get too attached to it. In the situation that Senator Boswell has found himself in, can you indicate whether the standing order requires that he cannot interrupt any other senator? In all of the instances in the time since Senator Boswell was misquoted there have been people speaking, so he has had no opportunity until now. There was a vote called and he could not do it then. As soon as the vote was over, he exercised his rights under 191 and was refused. How could anyone who has been misquoted possibly have remedies in this chamber?

The PRESIDENT: I will now assist by going to _Odgers_:

A senator who has spoken to a question before the Senate may explain, without leave, some part of the senator’s speech which has been misquoted or misunderstood, but may not interrupt a senator speaking or introduce any new or debatable matter (SO 191). This right to correct misquotations, misunderstandings and, in practice, misrepresentations of a senator’s words may be used only where a senator has spoken in a debate, and must be used during that debate or at the conclusion of the debate. It cannot be used to respond to matters in debates which have occurred at an earlier stage in the proceedings. It also cannot be used simply to respond to arguments raised in debate; to use the procedure a senator must claim to be misquoted, misunderstood or misrepresented.

That is the ruling of President Baker. I must say that I would still have to stick with what I had said, Senator Macdonald.

Senator Ian Macdonald: Mr President, you have just read out from _Odgers_ 'or at the conclusion of the debate'.

The PRESIDENT: Yes.
Senator Ian Macdonald: Isn't that now? The debate has been concluded. It has been voted upon and this is the very next opportunity.

The PRESIDENT: The conclusion of the debate is before the vote. I will go away and review that, but that is the best advice I have and my reading of it would warrant me—

Senator Ian Macdonald: How do you get that the debate has concluded?

The PRESIDENT: I am not going to enter into a debate. You have asked me to say what the situation is. I have made it clear what the situation is. The debate had concluded.

Senator Ian Macdonald: Yes, and this is the exact next moment.

The PRESIDENT: No, no. We are now debating the debate.

Senator BOSWELL: Pursuant to contingent notice of motion, I move:

That so much of the standing orders be suspended as would prevent me from making a personal explanation.

The PRESIDENT: Senator Boswell.

Senator BOSWELL: Thank you, Mr President. In Senator Brown's amendment to my notice of motion, he said 'Senator Boswell's rejection of the Victoria Police as doing their job'. What I said in the Senate was:

... Victoria Police might do it and they should do it and they have done it—and good luck to them. They have done it efficiently and effectively ... That is hardly condemning the Victoria Police. It is actually praising the Victoria Police. If Senator Brown had any decency, he would get up and apologise for misquoting me. Senator Ludwig did misquote me but he was going off Senator Brown. I will wait for your apology, too, Senator.

Senator Ludwig interjecting—

Senator BOSWELL: I suspect I will not, because you are dead wrong. My personal explanation is that I have been misrepresented. It will be on the record that I have criticised the Victorian police, when in actual fact I have praised the Victoria Police to high heaven.

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

The PRESIDENT: I have received a letter from Senator Fifield. Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion, namely:

The Gillard Government’s introduction of legislation to impose a carbon tax in breach of its election commitments not to do so.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

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

Senator CORMANN (Western Australia) (16:50): The introduction of the carbon tax legislation today formalises a massive deception of the Australian people by this Gillard Labor government. It is a massive deceit by the Prime Minister, and it is a massive deceit by every single Labor member and senator against the people of Australia. History is going to judge harshly every single Labor senator and member across Australia for the bad impact of their broken no-carbon-tax promise on Australia.
Yes, it is a broken promise, but it is also a bad tax based on a lie. The lie it is based on—the proposition that is put to us—is that somehow this carbon tax will stop floods, it will stop droughts, it will stop sea levels from rising, it will stop the climate from changing—it will stop every ill under the sun. Nothing could be further from the truth. The carbon tax will push up the cost of everything. It will increase the cost of living, make Australia less competitive internationally, hurt business and cost jobs—all of that without doing anything to help reduce global greenhouse gas emissions. In fact in the past we were led to believe that the carbon tax and the emissions trading scheme would help to reduce domestic emissions. It will not even do that. Emissions in Australia and emissions in the world will continue to rise even after the Australian Labor Party and the Greens have conspired to impose a carbon tax on the Australian people. This is a carbon tax that we were promised would never happen. It is a carbon tax which the Prime Minister, Julia Gillard, promised the Australian people would not happen under a government she leads.

So let us just reflect on what has happened in this parliament today. The government has introduced 19 pieces of legislation—963 pages of it. If those 963 pages are passed by the parliament, it will push up the cost of everything right across Australia. This will put jobs at risk without doing anything to help reduce global greenhouse gas emissions. Why would any sensible parliament do that? A sensible parliament, of course, would not. It is our job as parliamentarians—it is our job as senators and it is the job of members in the House of Representatives—to properly scrutinise what the government is proposing to do. It is our job to properly scrutinise the impact of the government's legislation on the cost of living, on the budget, on the economy and on jobs. It is our job to properly scrutinise whether the government's supposed objectives are likely to be achieved, such as the supposed objective of helping to reduce global greenhouse gas emissions.

Increasing the cost of living will not in itself help reduce global greenhouse gas emissions. Making Australian manufacturers less competitive is not going to help reduce greenhouse gas emissions. Making overseas manufacturers in countries where they do not face a carbon tax more competitive than even the most environmentally efficient business in Australia will not help reduce global greenhouse gas emissions. Helping emitting businesses in other parts of the world to become more competitive, helping them take market share away from businesses in Australia, will only see a shift in emissions to other parts of the world, arguably increasing emissions in those other parts of the world rather than reducing them.

Shifting emissions away from Australia to other parts of the world, shifting emissions to manufacturing businesses in China, the US, India and so on, will impose a sacrifice on businesses in Australia. Yes, it will result in reduced economic activity in Australia and, yes, it will result in lower emissions in Australia than there otherwise would be, but for no reduction in global emissions. That is not effective action on climate change. This is an act of economic self-harm. It is an act of unilateral economic disarmament, as a congressman in the US described it recently.

Quite offensively, in very Orwellian language, the Prime Minister continues to refer to the 500 biggest polluters. What the Prime Minister refers to as the 500 biggest polluters are 500 of our biggest employers. These are 500 of the biggest employers, who are employing Australians. People right across Australia work in those 500 businesses. These are businesses that, over
the last 20 years, have made significant efforts to reduce their emissions intensity, to become more energy efficient and to make sure that they are as energy efficient as they possibly can be because it actually makes sense. As Senator Joyce pointed out before, access to electricity is not free. You do not just get given electricity. There is actually a price on carbon in the economy now because you actually have to pay a price for accessing electricity. But what the government are proposing to do is artificially, through a government tax, push up that cost further. They will artificially impose an additional tax and then they are going to call it a market based solution. It is Orwellian language at its worst to call a government tax a market based mechanism. And people buy this? This is not a market based mechanism. It is what it is: it is a tax.

Our manufacturing industry is already under a lot of pressure. Yes, the carbon tax will be only one of many other pressures. We do have a high Australian dollar and we do have general economic uncertainty in significant parts of the world. There are a range of issues that together impose pressure on the manufacturing sector in Australia. But the carbon tax is a self-inflicted act of additional pressure that the people across Australia, the manufacturing businesses across Australia and the working families across Australia were promised would not happen. Every single one of the senators on the other side went to the last election supporting a Prime Minister who promised that there would be no carbon tax under a government she leads. History will judge every single one of those Labor senators and members harshly, and the reason is that, once this tax has been in place for a while, people will understand that it has not done anything to actually help reduce global greenhouse gas emissions.

Senator Thistlethwaite can smile, but I refer him to the modelling of his own government which shows that, even under their job-destroying, push-up-the-cost-of-living carbon tax, emissions in Australia will continue to go up, from 578 million tonnes of CO₂ to 621 million tonnes of CO₂. To really put it into perspective, you have to compare the Treasury modelling of 2008 with the Treasury modelling of 2011. In 2020, emissions in China will be 1.8 billion tonnes higher than Treasury thought they would be only three years ago. That is more than three times the annual emissions of Australia.

The terrible thing about all this is that this government is deceiving the Australian people. They are taking advantage of people's goodwill towards the environment. They are trying to make people believe that, somehow, imposing a tax will fix the climate and reduce emissions. It will not do that, and if you look at the fine print you will see that not even the government believe that it will. What do they then do? They say, 'Let's buy some permits in some non-existent international carbon pricing market. Let's send about $650 billion out of Australia into some unidentified locations overseas and buy permits.' They say this so that we can continue to have electricity, to keep the lights on and have businesses that run on electricity so that people can continue to enjoy an appropriate standard of living. They say, 'We are going to send $650 billion overseas. We are going to send $3 billion overseas very soon and about $57 billion, 1.5 per cent of GDP, overseas by 2050.'

This is just reckless. It is a bad tax based on a lie. We were promised that we would not get it. Every single Labor member and senator should be ashamed for supporting a Prime Minister who has so blatantly broken a promise and is now going to hurt the Australian people. (Time expired)
As a parent of two young children I naturally worry about their future. I am concerned about the world they will grow into as adults and whether they will have access to a decent education and jobs. I am concerned about the environment they will inherit from us as a generation of decision makers. It is in this context that I am dismayed. I cannot believe that we are debating this issue in the Senate this afternoon, because, like most Australians, I believe human induced climate change is real. I believe we need to take action to mitigate the effects of human induced climate change for the sake of our children and of generations to come.

Today, after years of studies, inquiries and consultations, the Gillard government is taking action. The Gillard government is delivering on its commitment to price carbon and to deal with the issue of human induced climate change in this country. We are delivering on a pledge that Labor made in 2007 to the people of Australia to take action on climate change, action that has been developed by a multiparty climate change committee, which those opposite in the coalition were invited to take part in. They were invited to be part of the consultation and the plan to deal with carbon pollution and our children's future in this country. They rejected that opportunity and would not participate. They stuck their heads in the sand when it came to this issue.

The Gillard government's actions have been overwhelmingly endorsed and supported by most economists, by scientists and by environmentalists, all of whom say that pricing carbon is the right approach to tackling one of the most important social and economic issues of our time. But it is also the least costly option—the option that will produce the least burden on taxpayers in Australia.

Labor's plan will protect our environment, create jobs and deliver assistance to households as they make the transition into a clean energy future from a polluting, carbon based industrial age. Our scheme will tax the 500 biggest emitters of carbon pollution in this country. We will ask them to pay for the privilege of pumping carbon pollution into our atmosphere and our environment. Most of the revenue raised from the scheme will go into supporting assistance to households and families to ensure they can make the transition into a clean energy future.

The other half of the revenue raised will go into assisting businesses to also make the transition into a clean-energy future. The Steel Transformation Plan, which is a plan to provide assistance for the steel industry, was opposed by those opposite. The jobs and competitiveness package, designed to ensure that we remain a competitive international trading partner and international first-class place to do business, was opposed by those opposite. The local support package was opposed by those opposite. The package for small business was opposed by those opposite. Support for community organisations to ensure that they can make the transition into a clean-energy future was opposed by those opposite. Our plan will ensure that our nation and our economy keep pace with the transformation that is occurring in the international economy in respect of carbon pollution. Our plan will ensure that our country moves from the industrial age into a renewable age.

When we read this matter of public importance this afternoon we get to the crux of the issue. What this debate is really all about is the politics of economic envy and cynical vote buying from those opposite. When it comes to the big economic reforms in our nation, when it comes to the reforms that generate investment and deliver growth for our economy, that create wealth and jobs
and deliver fairness for Australians, it always falls to Labor in government to deliver for the people of Australia. When it came to Medicare, what did those opposite do? They opposed it. The foundation of our health system, delivering fairness and efficiency in our health system, was opposed by those opposite. When it came to superannuation, $3 trillion worth of investment in our economy and our nation was opposed by those opposite. When it came to the economic reforms of the 1980s—reductions in tariffs, the floating of the dollar and the creation of an open, market based economy—those opposite were green with envy because, again, it came to Labor in government to deliver. Far be it from me to make these claims this afternoon. The best way to highlight what the government is doing in pricing carbon and the support we have in the wider community comes from those working in the industry and from businesses. I draw the Senate's attention to the evidence of Ms Bridget Ryan, senior policy manager with Pacific Hydro. Ms Ryan gave evidence to the Senate Select Committee on the Scrutiny of New Taxes, chaired by Senator Cormann, which is looking at Labor's plan to price carbon. On Thursday, 1 September 2011, she said:

Pacific Hydro is a wholly owned renewable energy company which has been successfully developing and operating renewable energy assets for 20 years—in this country. It is owned by approximately five million Australians. Five million Australians are shareholders in this company. They have investments worth $2 billion in Chile and Brazil. Ms Ryan said to that committee:

Importantly, the Clean Energy Future package announced recently by the federal government includes the continuation of the renewable energy target and direct funding initiatives such as those through the Clean Energy Finance Corporation and the Renewable Energy Agency, and, most importantly for this committee, the introduction of a price on carbon. This provides a best practice suite of measures to address climate change.

In the energy sector, there has been a lot of uncertainty regarding investment in the sector. What did Grant King, CEO of Origin Energy, say about Labor's plan? He said:

The particular arrangements the government has announced in respect of the electricity industry provide sufficient certainty for industry investment in power generation such that consumers can expect to enjoy a continued reliable supply of—

energy. What did David Cameron, the British Prime Minister say about our plan? He said:

I was delighted to hear of the ambitious package of climate change policy measures you announced on 10 July and wanted to congratulate you on taking this bold step.

But my favourite quote on this particular issue comes from a person who is well known to Australians, a person who, although he is not expert on carbon, certainly knows a lot about expelling hot air—none other than the Leader of the Opposition, Mr Abbott, who said some years ago:

If you want to put a price on carbon why not just do it with a simple tax?

A ringing endorsement from the Leader of the Opposition, no less, of what Labor is doing in attempting to price carbon:

A carbon tax is a part of our strategy—that is exactly what the Leader of the Opposition said—and then we will move to a market based mechanism—

another ringing endorsement of Labor's policy to deal with the issue and take action on climate change by the Leader of the Opposition. Then, all of a sudden, the Leader of the Opposition sees, in a cynical manner, a chance to buy votes on this issue and he...
changes his mind. Then we get the scare campaign aimed at terrifying households, aimed at stifling business opportunities, aimed at holding back our economy, ensuring that we do not make the transition into a renewable future. All we have from the opposition is a scare campaign—no reliable, effective, expert policy to deal with the greatest social and economic challenge of our generation. Labor's plan will deliver jobs and assistance to households and will ensure we make the transition to a renewable energy future.

Senator BIRMINGHAM (South Australia) (17:14): It is a pleasure to follow Senator Thistlethwaite, who is new to the Senate. I acknowledge his eloquent contribution to this very important matter of public importance:
The Gillard Government’s introduction of legislation to impose a carbon tax in breach of its election commitments not to do so.
I notice that Senator Thistlethwaite ignored completely the context of this matter of public importance debate, ignored completely the reality that the government of which he is a member promised explicitly at the election, in the most explicit terms in which a Prime Minister has ever made a promise prior to an election, not to do exactly that which it has done today, not to introduce a carbon tax. It was Prime Minister Julia Gillard who stared down the barrel of television cameras in that election campaign and said the immortal words:
There will be no carbon tax under a government I lead.
She made sure that the clear and direct impression she gave the Australian people was that she would not do exactly what the government has done today, which is to start the groundwork to debate what are apparently now some 19 pieces of legislation relating to the carbon tax. This is a never-ending feast. A few days ago we thought there would be 13 and then it sounded as though there would be 15. Yesterday Mr Albanese announced the process for handling 18 carbon tax related bills and when the motion was released late last night and we saw it in the light of day today we saw that apparently there are 19 carbon tax bills—more than 1,000 pages of legislation to be dealt with. And this government wants to rush all of that through. I will come back to some of those process issues shortly.
Let us have a look at what Senator Thistlethwaite said. He argued that this is important to make a difference to human induced climate change. That of course is the underlying argument. He brought in the emotive aspects of talking about his children and about the world we leave behind for them, and they are valid sentiments. The problem is he never managed to link those sentiments and the policy of the carbon tax with any evidence that demonstrates that global emissions will actually reduce. He never managed to demonstrate that Australian emissions will even—

Senator Thistlethwaite interjecting—

Senator BIRMINGHAM: Senator, you might like to read you own government's Treasury advice which demonstrates that in fact Australia's emissions will keep rising through the period to 2020 under the carbon tax. They will actually be more in 2020 than in the benchmark year. This is the fundamental problem with what the government are doing: they are living in some dream world scenario where they have
convinced themselves that the whole world is taking complementary action. I wish the whole world were taking complementary action, but the reality is that the world is not. Many countries are moving in exactly the opposite direction unfortunately and, as the Productivity Commission in their independent advice to the government so clearly put it, no other country has an economy wide carbon tax or an economy wide ETS in place—no other country; nobody else. Anybody who comes in here and cites the countries they claim are moving in that direction are, frankly, citing examples that are in no way comparable with what this Labor government are attempting to do.

The senator argued, in his three points, that this carbon tax would protect the environment, create jobs and compensate households. I would love to think it might protect the environment but for the reality that, as I indicated before, emissions in Australia will continue to go up under this carbon tax. We know from all of the modelling that is available that global emissions will continue to go up as India, China and other countries dramatically increase their emissions over the foreseeable future by an amount far in excess of any difference this carbon tax is going to make to Australia's emissions profile. So we know global emissions will go up and we know Australia's emissions will go up. It is pretty hard to see, in that context, how this meets the senator's criterion of it protecting the environment.

He argued that it would create jobs. Yet in question time today I highlighted the comments of the CEO of BHP Billiton, Marius Kloppers, who indicated very clearly: … if you increase the cost you will get less investment than you had before.

He described the carbon tax as:

… an economic dead weight cost because it's basically just an export tax, and those costs get discounted into investment decisions.

He said it 'is a tax which competing countries like Indonesia, South Africa, and so on, do not have'. They are pretty clear comments. An economic dead weight loss was how the CEO of one of Australia's largest companies, one of the largest companies to invest in Australia, described this carbon tax. What is the outcome of him viewing it that way? He says:

… if you increase the cost you will get less investment than you had before.

What is the outcome for Australia? Less investment will come to Australia because major competing countries, particularly in the minerals space, like Indonesia and South Africa, do not have a comparable tax; therefore it will be cheaper for investment to go to those countries. That will be the outcome we see.

Equally, the good senator argued that it would compensate households—that the government has a plan to compensate households. Firstly, we cannot get a straight answer out of the government as to how many millions of households will be worse off, but we know there will be many. We know there will be many millions of households worse off as a result of this carbon tax; the government just will not say precisely how many. And we know it will not just be households who will be worse off. Even those who are traditionally friends of the Labor government in the Australian Council of Social Services have highlighted problems with the carbon tax. In their statements and submissions to government they have said:

Many welfare service providers spend disproportionately on essential goods and services likely to be impacted by a carbon price, notably energy and food.
They went on to say this 'may lead to a reduction in the quantum or quality of services' that would be delivered to low-income, disadvantaged and vulnerable individuals and households. But guess what? There is no compensation for those charitable service providers. They miss out. Their only choice will ultimately be to reduce the services they provide or to pass on the increased cost of those services to those vulnerable individuals, households and families.

For the households themselves, even those who are lucky enough to get the compensation, there is absolutely no clarity from this government as to how on earth they are going to ensure the compensation keeps pace with the costs to the overall economy of this carbon tax. We know that by 2020 around $3½ billion per year will be sent overseas as Australian companies purchase international permits. They will still pass those costs on to Australian households and consumers, though; it is just that the government will not have the money to provide compensation. So either there will be a giant black hole or the compensation will not keep up with the costs that are passed on to Australian households and consumers—it is one or the other.

In closing, I highlight the rank hypocrisy of this government when it comes to the way in which this carbon tax is being considered. Back when the Howard government introduced the GST legislation, the Howard government agreed to have four Senate committees run concurrently to assess the vast array of legislation that comprised the package. Those Senate committees had four to five months in which to report. All of them had non-government majorities and a non-government senator, a Labor senator, as chair. And during that time debate on the GST was deferred. Instead, the Labor Party, now in government, want to have one committee, for about three weeks, assess these 19 bills with a Labor chair—with a government appointee as chair. They hectored the opposition today on how we erred in our judgment on Work Choices. Well, you are erring now. You are erring in your approach to the carbon tax. Just as you will pay a price for Ms Gillard's lie, you will pay a price for these mistakes as well.

**Senator STEPHENS** (New South Wales) (17:21): I am very pleased to follow Senator Birmingham and pick up on his final point, which is the issue of hypocrisy. I do not think I have heard anything more hypocritical than the contributions today from members of the opposition in this matters of public importance discussion on the carbon tax. I suppose the reason that that is all we are hearing today is that there is no alternative policy that makes any sense at all and therefore those opposite come into this chamber with a view to demolishing and continuing to demonise the whole Clean Energy Future package.

We know from all of the work that has been done—not just by this government but by the previous, conservative government—that there has been an extraordinary amount of consultation and an intensive period of policy development from governments of both persuasions over many, many years to bring forward an emissions trading scheme. Working on the basis of the preliminary work of the Howard government, we are here today to bring this into effect and that is a significant event for all of us. The basis, the foundation, is immutable. It is absolutely understood that even the climate change deniers have to acknowledge the science that underpins this package. We did not hear much about that today but we know that this work will fundamentally make a big difference.
So, first of all, the science is in and the science is right. Despite those people who deny climate change, we are already seeing the social, economic and environmental impacts of climate change. We have heard about the extent to which human activities trigger the changes that we are witnessing. We are seeing the severity of climate change, how it plays out across our continent and across the world.

These are the important things. These are the concerns that Senator Thistlethwaite was expressing for the future of his children—and all our grandchildren, I would hope. We know from all of the work from the Climate Commission, from the scientific agencies, from individual sciences, from all the work that has been done, that we have to tackle climate change by cutting carbon pollution in our own economy and by playing a very responsible role internationally. The idea that we can put some kind of border around ourselves and pretend that we do not belong to a global economy and a global environment is such a nonsense that it beggars belief. Yet this is the kind of argument that we hear from the opposition.

We know too that the way to cut carbon pollution in our economy is to put in cost-effective measures to achieve the necessary reforms. That way is through a market-based mechanism. Senator Cormann would like to deny that that is what this is all about but it is absolutely what the government has in mind. It is our clear objective.

A carbon price, as is being introduced through this package of bills, goes to the heart of the issues because it makes activities that cause the problem more expensive and activities that address the problem less expensive. That is, in a nutshell, what this is all about. It is not just us saying that. This is the conclusion of many, many people. It is the view shared by the OECD, by the IMF, by the World Bank, by the Stern review and by the review undertaken by the previous government—by Professor Peter Shergold. So this is not politically motivated; it is economically responsible and environmentally sustainable, if this is what it is all about. Senator Thistlethwaite went to the issues of green jobs and strongly growing employment and opportunities. We really have to take action now. That is what this is all about and that is why those bills were introduced this morning.

I would like to make some reflections on the public debate. I am very disappointed this afternoon to hear yet again the continuing tirades and the most absurd, inane, nonsensical arguments being put up by the opposition about this issue. Nobody has challenged the policy substance because it is undeniable. The policy substance underpins this work. All we have from the opposition is a response aimed at engendering fear and dumbing down the politics—frightening people with deceit and misrepresentation and distortion going to people's basest fears and insecurities. Thanks, but that is not the way we need to have public policy debated in Australia. It is pathetic.

What the Leader of the Opposition has been saying in this policy debate has been quite nonsensical. He changes his mind every time he opens his mouth. On one day he has never been in favour of a carbon tax or an emissions trading scheme. On another day he says the simplest solution is: why not introduce a tax? He says one thing to one audience and something else to a different audience. I recall he said one day that one tonne of carbon dioxide is weightless. That is a very scientific basis, isn't it? We had better send him back to school.

The issue that concerned me today, though—Senator Cormann raised it, as did Senator Birmingham in question time today
at the behest of the largest mining industry in Australia—was this nonsense that a carbon price is going to mean the ultimate death of the coal industry. That is such a furphy. We know that these industries and companies have been factoring in a price on carbon for quite a long time. We know that the coal industry has a sound future and we can see that in the investments happening around the country right now. Peabody's $4.7 billion investment in Macarthur Coal is an investment in the future of that industry. Rio Tinto and Mitsubishi's proposed buyout of Coal and Allied for $1.4 billion is another significant investment in industry here, along with Vale's approval just last month of an investment of about $870 million at Eagle Downs. This is not an industry that is falling over and going to disappear. This is an industry that is about investing in manufacturing and mining in ways that will continue into the long term.

We also hear time after time these tragic stories—as the opposition starts to use its carbon tax instruction package—about the worries of small businesses. It happened in my own community last week with Senator Abetz and the member for Hume, Alby Shultz, quoted yesterday in my local paper saying:

Both Wollondilly and Goulburn Mulwaree councils have grave concerns about the increasing in costs for ratepayers from the introduction of Labor's proposed carbon tax and are telling me they are going to have to make some tough decisions on spending.

Small businesses are already experiencing colossal increases in the cost of doing business.

A carbon tax will devastate the bottom line of many small and family run businesses who can’t keep up with the increase in electricity prices as it is.

This is at the same time that, under the opposition's own proposed package, they are saying: 'No, we're going to introduce this; we're going to reach the same targets, but there will be no cost to families, no new taxes and no rises in electricity prices.' But, at the same time, we have an extraordinary effort by state and territory governments around doing some of these things. To me, the frustrating thing is that such a scare campaign is not doing any one of us any good. It really is destructive in the current environment for people to be worried and driven down to this base level of debate.

Fundamentally, the critical issue is that former Prime Minister John Howard understood the whole rationale for an emissions trading scheme. I suppose there may be people who are quite disturbed by the fact that the New South Wales Liberal Party today endorsed Arthur Sinodinos for the Senate—and the expectation is that he will go straight to the front bench—because of course he guided Prime Minister Howard through some of those initial discussions, and he will try to be a voice of reason in all of this. There are some people on the front bench over there who I think would be very worried about their jobs.

So let us just think about how we conduct this debate. It needs to be one of reason and rationale and certainly not one of hysteria and what could be called a white carbon policy. That is the best that this opposition can do and, quite frankly, it is pathetic.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (17:31): Senator Stephens said that those on this side are hypocrites. Well, Senator Stephens—through you, Mr Acting Deputy President Cameron—what do you call it when the Prime Minister says to the Australian people, 'There will be no carbon tax under the government I lead'? What do you call that? Is that not hypocrisy? We have had all the leaks now from the old kitchen cabinet of four, where it was the now Prime
Minister, Ms Gillard, who told the former Prime Minister, Mr Rudd, to drop the emissions trading scheme, to get rid of it, that it was a bad egg, it was toxic—throw it away. But now we have Prime Minister Gillard saying, 'Yes, we will bring in a carbon tax.' Of course, it has been driven by the Greens and by Independent member for New England Tony Windsor, who stated in a media release a few months ago that one of his conditions for putting Ms Gillard into the Lodge was that she form a multiparty climate change committee and proceed along this road. So is not only the Greens but the member for New England as well.

But do not be alarmed, everyone, about the pamphlet that is now circulating Parliament House, sent to my office today, entitled *Hot earth: the case for planning and regulation to deal with climate crisis*, because who is it from? The Communist Party of Australia, September 2011. We now have the Communist Party out there supporting the government and supporting the Greens. They propose a carbon tax which will go to an emissions trading scheme in a few years time, when the bankers and brokers will be just popping champagne corks over a way to make money.

This proposed tax is especially a tax on regional Australia. Electricity prices are already higher in regional Australia. If you add 10 per cent, of course the rise is also going to be higher. Look at what is proposed for fuel. It is simply amazing: if the government are concerned about carbon emissions from fuel, why didn't they include petrol? Of course they would not include petrol; there would be too much backlash at the polling booth. Instead it is, 'We'll hold off till 1 July 2014 and we'll add a tax of nearly 7c a litre to our truckies'—the very people who carry our nation.

When Tony Sheldon, their representative, was giving evidence at the Senate Select Committee on the Scrutiny of New Taxes, he described it as a 'death tax'. They are the words of the National Secretary of the Transport Workers Union: the carbon tax is a death tax for those truckies, who will have to work longer and harder, sweat themselves and sweat their rigs. That is what the Transport Workers Union think of this $510 million tax on our truckies—the very people who work long and hard, often for little in return, especially owner-drivers, who carry our nation. That is how they describe it.

Keri Brown of Inverell Freighters was another of our witnesses. He has 25 prime movers and employs 40 people at Inverell and Parkes. He said:

... we are very thankful that the tax on diesel has been deferred for three years.

But then he makes the point that they are already paying the tax. They have the Euro 5 motors in many of their trucks which produce far less polluting emissions. But, because the Euro 5 motors are a much cleaner motor, they use 10 per cent more fuel, so they are already paying 10 per cent more. They are already paying their way in direct action to reduce emissions. That is what is happening to the transport industry.

Bindaree Beef, a business in Inverell of which I am extremely proud, employ more than 600 people. They have a huge electricity bill. When it goes up another 10 per cent—it will probably cost them $300,000 or $400,000 a year—how can they pass that on to their customers? They cannot, of course. They cannot pass it on. They are exporting, so they are exposed to the world market, where their competitors in America will not have these costs. Whether it be transport, electricity or other costs, they will not have to compete against those. Bindaree Beef have said that it will cost them up to
$2.74 million in the first year of the introduction of the carbon tax.

The government say the carbon tax is not on agriculture. How amazing, then, that Armidale business Superair, a crop-dusting business, with a 6c increase in tax on avgas for their aeroplanes, have an extra $30,000 to $40,000 a year to pay. Of course they will pass it on to the farmers. The farmers will then spread less fertiliser, have less stock in grates and have lower production of wool, mutton, beef, lamb—it is a tax on production in regional Australia, especially in the industries I just mentioned. The Regional Aviation Association of Australia have said:

... $11m/per annum will be added to the fuel bill of ... regional operators.

The Australian Dairy Industry Council estimates dairy farmers will be up for as much as $10,000 more a year to run their dairy farms. This is at a time when we have this price war of $1 a litre between Coles and Woolworths, and when dairy farmers are already doing it so tough, especially those in Queensland and Western Australia, where the cost of production is much higher. They are going to face an extra $10,000.

There is one thing I have grave concerns about in this whole proposal of a carbon tax, and I have raised it before. It is about the Constitution. We know that, in New South Wales, Queensland and Western Australia, the coal fired generators are owned by the states. However, the Constitution clearly states in section 114:

... nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

The generators are the property of the state, and the Constitution clearly says 'nor shall the Commonwealth impose any tax on property of any kind belonging to a State'. I will seek professional advice in the near future on this very issue. The Senate must address whether this tax on generators is in breach of the Constitution. The environment is the most important thing for us to protect for future generations.

Senator Singh: You wouldn't think so.

Senator WILLIAMS: I will take that interjection. I have spent most of my life on the land and I know that the most valuable asset in this country is our soil. That is what grows our food; that is what feeds our nation and many people around the world as well. But the government wants to tax those people out of existence. Look after your land—if you have healthy soil you will grow healthy food and have healthy people. It is as simple as that. If there is a lack of nutrition in the soil, how do you expect to have nutrition in your food? That is why the land is the most important issue here. Those in government seem to have little or no concern for the land.

I suggest that Senator Singh go and have a look at a map of Australia. Probably 50 per cent of this nation is in the hands of farmers and graziers. How can they be green when so many of them are so far in the red? Have a look at what the government did to the beef industry in recent times—the way they devastated the top end of Australia with the outrageous full suspension of beef exports. How do those people look after their properties when they do not have income? That is what this government is about—the destruction of the people who feed our nation and their asset. That is why it is most important that we look after those on the land, because they are the caretakers of the greatest asset this nation has. We need to look after it for future generations. That is why so many on the land have endorsed programs such as Landcare and have looked after the environment through extremely tough times, especially with the drought from 2002 through to 2010.
This is a tax we were never going to have under a government led by Julia Gillard. The people of Australia were deceitfully cheated prior to the last election. Of the 150 members of parliament in the other house, at least 145 went to the election not supporting a carbon tax. The government is now trying to spin its way out of why it has to do this. But don't be concerned—you have the Communist Party behind you as well. That will be of great assurance to the Australian people. This is what we are facing in the future. I was very pleased to hear Tony Abbott make it quite clear that if we are elected to government at the next election, this tax will go. If it needs a double dissolution, bring it on—it will go. This tax is bad for our nation, it does nothing for the environment.

Let us look at the Treasury figures that the government is basing its policy on. We are producing 578 million tonnes of CO₂ in Australia this year. Come 2020, after $72 billion of tax, we are going to produce 621 million tonnes—we are going to go up 43 million tonnes. But, don't worry, we will use billions of dollars to buy carbon credits from overseas. Just have a look at the fraudulent activities going on in Europe now. This opens up the whole trade around the world to fraud—fraudulent permits that we are going to be suckered into buying. Also be aware, from Treasury figures, that China is currently producing 10.3 billion tonnes of CO₂, and by 2020 it will be producing 17.9 billion tonnes. It is going to go up 7,600 million tonnes a year, and this government thinks that our going up by only 43 million tonnes will save the planet. It is an outrage. It is a deceitful tax and we will have a lot more to say about it in the very near future, after 12 October when the legislation finds its way to this chamber.

**Senator SINGH** (Tasmania) (17:41): I begin by thanking coalition senators for bringing this matter of public importance to the Senate. It provides an opportunity for those on this side of the chamber, government senators, to put on record the positive agenda that the Gillard Labor government has for a clean energy future. I particularly thank them for bringing on this MPI on this day because, as we know, this is a historic day for the nation and for this parliament. This is the day that we commenced the legislative process necessary to create a clean energy future. In the other place earlier today the Prime Minister spoke very passionately about the need for a clean energy future, about the fact that we cannot afford to wait any longer. The Minister for Climate Change and Energy Efficiency spoke with conviction about why and how we are approaching this issue and about the history-making conversation that continues and will be had in this place some time ahead.

Today we do take responsibility. We introduced the Clean Energy Future bills because it is the right thing to do. We believe in taking responsibility for our future and for our children's future. We have had decades of conversations about the need to act on climate change. We have talked about the science; we have talked about the various ways to tackle this important issue. And, yes, even John Howard in 2007 took to the election a commitment to price carbon—something that those opposite conveniently now try to forget. In fact, we know that amongst those opposite there are turncoats on this issue. I am still new to this place so I do not know exactly which ones of those opposite, although I am sure they would include Senator Birmingham, who spoke on this MPI earlier. They did support their former leader, Malcolm Turnbull, on the CPRS, and we now know that they are conveniently turning their backs on that decision and are now embracing, unlike the bills that have been presented to the
parliament today, a non-clean energy future. Yet those opposite are happy to get on their feet, bring this MPI into this place and speak against their children's future, against the responsibility that this nation needs to take, against the CPRS position that they held in the past. Today they are denying the opportunity that Australia has to ensure our future is a sustainable future, is a future where we can look at clean energy jobs and industry development while ensuring that we have a community that cares about the way we use energy and what that energy is made up of. Even John Howard took to the 2007 election a commitment to price carbon.

Now is the time for action. Just as state parliaments have taken action in the past, this is the time for the Australian parliament to take further action and debate this challenge facing our country. I would like to acknowledge the role the Tasmanian government took on climate change as one of the first states to legislate to reduce emissions, to 60 per cent below 1990 levels by 2020. At that time, I was the Minister Assisting the Premier on Climate Change. As a state that has most of its energy coming from renewable resources, Tasmania embraced very much the playing of its role as a state trying to lead the nation. As members opposite would know, Tasmania is a world leader in renewable energy generation. Liberal senators such as Senator Bushby, who is in this place at this time, are very aware of the positive benefits that we have experienced from hydro generation, which now continues into new renewable energy such as wind technology. Senator Bushby would also know of the job creation that has come about from wind technology. That will continue into the rest of Australia through the support of these clean energy bills. It is not too late, Senator Bushby, for you to stand up and support your state and this nation in job growth and in a clean energy future for your children and your children's children. It is not too late: you have a choice and you have a vote. You have the opportunity to show a bit of leadership and support the clean energy bills, which will be in front of you when the House of Representatives has finished debating them, to ensure that we have a strong sustainable future for the children of this nation.

Renewable energy is of course the future of energy generation across the globe. Renewable energy not only makes sense because it makes use of energy-producing technologies that produce fewer or no carbon emissions as an imperative, it makes sense economically, scientifically and environmentally because it uses natural resources that are so accessible and cannot be depleted.

The Labor government is taking a modern approach to the issue of climate change. We have consulted widely, we have received over 300 submissions on the draft bills, and have had direct conversations with business, NGOs and a wide range of stakeholders. We have used the very best scientists and examined the science time and time again. There are years of research behind our decisions. In fact, today I had the privilege of joining with Senator Cameron, Senator Bilyk and Senator Milne in meeting and having a short briefing with the Climate Commission delegation that came here. We heard first-hand from experts, namely our climate commissioners, Professor Flannery, Mr Roger Beale, Professor Lesley Hughes and Dr Susannah Elliott, their international visitors, who were here from the US, India and Denmark, and particularly Dr Daniel Kammen, from the World Bank, who shared with us information about clean energy activities in California, including the integrated grid and its opportunities, and also about biodiversity and land issues there. It was something that, perhaps, those opposite could have benefited from, if only they had
turned up. Similarly, they did not want to turn up and be part of the working group that has formed part of the bills that we introduced into parliament today. They continue to keep their heads in the sand, because they suppose it to be in their political interests to do so. It is not in the nation's interests and it is not in our children's interests.

The coalition will go down in history—on the wrong side of history—as those who opposed a future that ensured we had some structured stability on the issues that affect us each day, such as turning on the lights, driving our cars and, as Senator Williams pointed out, conducting our farming activities. That is why I would like to provide Senator Williams with a bit of detail about our package as it relates to the farming sector. This government, as Senator Williams would know, has excluded the agriculture and land sectors from the carbon price. Farmers, forestry operators and other land managers will not pay a price for carbon pollution from their activities. Importantly, farming, forestry and fisheries activities will not pay a carbon price for their off-road use of fuel or their on-road use of light vehicles. Senator Williams would be well aware of that, I am sure. He just chooses to come into this place and grandstand about issues relating to these clean energy bill which he knows little about.

Federal Labor is going to do what is best for Australia and for Australian families. We are going to do what is best for our future and future generations. We are acting on climate change, we will cut carbon pollution, we will build a clean energy future and we will create an industry that thrives on clean energy jobs. There are huge economic opportunities, as we provide the drive for a clean energy future. There is $440 million worth of projects in the pipeline across the country. We see continuous investment plans for a clean energy economy in this nation, which is needed for a clean energy future.

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

MINISTERIAL STATEMENTS

United States of America: Terrorist Attacks

Shipping

Senator FEENEY: I present two ministerial statements relating to, firstly, the 10th anniversary of the September 11 terrorist attacks and, secondly, reforms to the shipping industry.

Shipping

Senator IAN MACDONALD (Queensland) (17:51): by leave—I move:

That the Senate take note of the document.

On Friday Mr Albanese, the minister for transport, among other things, tabled a quite lengthy and comprehensive statement about Australia's shipping industry and where it is going into the future. Much of what Mr Albanese said looked good. But most ministerial statements by this government are made in big, bold announcements. They all look pretty good, but there is never ever any detail. Mr Albanese's statement yesterday is a case in point. A lot of the issues he raised do need to be raised in our nation. Unfortunately, whilst the statement looks pretty good, the detail is missing.

It is clear that Australia is a trading nation with a relatively small domestic market. Sea transport carries over 99 per cent of international cargo into and out of Australia by weight and about 75 per cent by value. Domestically, ships carry around 26 per cent of our freight. Many of us wonder at times why, in a nation that is so dependent upon long-distance transport, such a small part of our domestic transport and domestic freight
involves sea transport. Freight mainly comes by road, and some by rail.

The so-called reforms announced by Mr Albanese on Friday included little detail of how the proposed measures can deliver what is promised. Some of the industry groups that had a look at the statement made some comments. I will first quote Shipping Australia, who said:

Much will depend on the detail of how the reforms are enacted whether that objective will be achieved. The details of the criteria for the second register and the training packages as the result of the establishment of the forum to develop skills and training in the industry, are some of the issues on which we are waiting further detail.

The Australian Shipowners Association said:

The detail that sits behind these measures is critical and we look forward to seeing the draft legislation in the near future.

I am conscious of how the Labor Party is very beholden to the maritime union. One must treat any alleged reforms in the shipping area with just a little bit of suspicion until we see exactly what the detail is.

I am informed that a typical Australian container ship pays $4.06 million in crew costs per year, compared with just $1.65 million paid by a foreign ship. This is of particular interest to me, coming from North Queensland, which has a substantial sugar industry. The sugar industry employs a lot of people in the north and brings Australia a great deal of wealth. This year, international prices have remained agreeably high. Were it not for the fact that there was such a poor season last year, with a lot of cane left over in the fields because of weather at the end of the season, this would be a bumper year for the industry in North Queensland. Because a lot of the cane being harvested is what is called ‘standover’ from last year, the sugar content is not as good as it would normally have been. Notwithstanding that, the price is good. If the weather holds out, the industry in the north will get most of the crop off, and that will be very good for the Australian economy and for individual farmers, millworkers and others in the area.

Sugar is mainly an export crop for Australia, and most of the sugar exported from Australia goes by ship. Under the 6.21c per litre that has been slugged on coastal shipping fuel as part of the carbon tax regime, which we are told is going to be imposed on Australians despite strong opposition from the coalition, everything shipped by Australian vessels will be more expensive. That means there will be a real problem in transporting our sugar industry product overseas, particularly if it goes on Australian ships. The carbon tax will make it easier to import goods in general into Australia from foreign ships that do not pay the carbon tax on fuel, as opposed to Australian ships, which will of course pay it.

Mr Albanese spoke about a more generous income tax and depreciation arrangement, and I know that will be welcomed by seafarers and the Australian shipping industry. But it does raise the question of all those other Australian industries facing international tax disadvantages. Many of those industries may well say: 'If it's good enough for the shipping industry to not pay income tax and get better depreciation schedules, then why not car manufacturers, or the tourism industry or food producers? If seafarers' income earned offshore is tax free, why isn't the income for other overseas taxed workers?'

You may remember that in 2009 the Labor government changed the taxation arrangements for Australians working overseas for 91 days or more, to make these people pay income tax in Australia. Based on Mr Albanese's statement, the government is doing the exact opposite for seafarers. One
can only be suspicious. If you are going to give these tax concessions to the shipping industry then why not to Qantas or other Australian airlines? They face massive competition from airlines based in low-tax countries or countries with special government concessions or depreciation arrangements. For example, in Australia, the effective life of an aircraft for depreciation purposes is 10 years, but in the case of many foreign airlines the effective life is five years—or, in some cases, three years. Company tax rates for airlines in competitor countries like Singapore, Malaysia, and China are significantly lower than those faced by Australian carriers. In the case of the United Arab Emirates, which has two of our biggest competitors, there is no income tax payable at all.

Mr Albanese said that all of the measures that he has announced are fully costed, and they have been offset, but there has been no detail provided as to what the costs are or what the cuts are being proposed to fund these changes. So I am, if not suspicious, at least very interested to see the detail of how these so-called reforms announced by Mr Albanese are in fact enacted. We have grown used to this government making grand-scale announcements and then finding that there is no real substance to them—they are really just made to try and divert attention from all of the other many problems that this government currently has before it. So I look forward with interest to seeing what this so-called shipping reform is actually all about, and what the details of this announcement by the minister is, when those details are made available to the parliament.

Question agreed to.

COMMITTEES
Public Accounts and Audit Committee
Government Response to Report
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:02): I present the government’s response to the 419th report of the Joint Committee of Public Accounts and Audit on its inquiry into the Auditor-General Act 1997, and seek leave to have the document incorporated in Hansard.

Leave granted.
The documents read as follows—
GOVERNMENT RESPONSE TO JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT REPORT INQUIRY INTO THE AUDITOR-GENERAL ACT 1997 September 2011
INTRODUCTION
The Australian Government welcomes the report of the Joint Committee of Public Accounts and Audit (JCPAA) following its inquiry into the Auditor-General Act 1997 (the Act).

The report was tabled in the Parliament on 22 December 2010. On 28 February 2011, the Chair of the JCPAA, Mr Rob Oakeshott MP, introduced a Private Members Bill (the Auditor General Amendment Bill 2011) to give effect to the majority of the report’s recommendations. On 21 March 2011, the Deputy Chair of the JCPAA, Mrs Yvette D’Ath MP, informed the House of Representatives that the Australian Government broadly supported the intent of the bill but foreshadowed that the Government would be moving amendments to the bill to ensure that it would operate as intended by the JCPAA.

The Australian Government’s response to the report is, to a large extent, contained in the Auditor-General Amendment Bill 2011, as amended.
RESPONSE TO RECOMMENDATIONS

The Committee made thirteen recommendations.

Recommendation 1
That the Auditor-General Act 1997 be amended to provide the Auditor-General with explicit authority to conduct assurance engagements. In circumstances where such assurance engagements have been identified as priorities by the Parliament, they should be subject to the same information-gathering powers that pertain to performance audits undertaken by the Auditor-General. The Auditor-General should have the authority to determine arrangements, including reporting arrangements to the Parliament, to be followed in the conduct of these assurance engagements.

Response
Agreed.

In auditing terms, an assurance review involves an examination of one or more aspects of an agency’s activities to provide a level of assurance that is less than that provided by a financial statement or performance audit. In undertaking assurance reviews, the Auditor-General adopts the professional standards issued by the Australian Auditing and Assurance Board.

The Auditor-General Amendment Bill, as amended, would give the Auditor-General the power to conduct assurance reviews of all Commonwealth agencies, authorities and companies. As with the proposed arrangements for audits of Government Business Enterprises (GBEs) as outlined in response to recommendation 2, assurance reviews of GBEs would need to be requested by the JCPAA. Assurance reviews of any other Australian government agency, authority or company could be conducted at the Auditor-General’s initiative.

Recommendation 2
That the Act be amended to provide the Auditor-General with the authority to initiate performance audits of Commonwealth controlled Government Business Enterprises.

Response
Not agreed.

The Act currently provides that GBEs can only be audited by the Auditor-General if the audit is requested by the JCPAA, the Minister responsible for the GBE or the Finance Minister.

Successive governments have taken the view that the Auditor-General should not have the ability to audit GBEs of his own motion. GBEs are subject to competitive pressures and disciplines that do not apply to other Commonwealth bodies and, to the greatest extent possible, they should be subject to the same audit arrangements as their competitors.

The Government considers that audits of GBEs should be requested by the Parliament in response to genuine public interest concerns about aspects of their operations, rather than as an incidental part of an annual work program. The JCPAA, which comprises members from across the political spectrum and can conduct hearings in private, is the appropriate body to consider whether a particular GBE should be audited.

Accordingly, the Auditor-General Amendment Bill, as amended, would allow the JCPAA alone to request an audit of a GBE by the Auditor-General. As is currently the case, the Auditor-General could ask the JCPAA to request an audit of a particular GBE.

Recommendation 3
That the Act be amended as necessary to enable the Auditor-General to review an agency’s compliance with its responsibilities for a sub-set of performance indicators. Proposed performance indicators to be audited should be identified annually by the Auditor-General and forwarded to the Parliament, via the JCPAA for comment, in a manner similar to the annual performance audit work program for the ANAO.

The Auditor-General should be resourced appropriately to undertake this function.

Response
Agreed.

The Auditor-General Amendment Bill, as amended, would establish similar arrangements for the conduct of performance indicator audits of Australian Government agencies, authorities and companies, including GBEs, as would apply to assurance reviews, as described in the response to Recommendation 1. Resourcing for the function...
will be considered in the normal manner as part of the process for setting the ANAO’s annual appropriation.

**Recommendation 4**

That the Act be amended to make clear that claims of legal professional privilege do not override the Auditor-General’s information gathering powers. The Act should also be amended to make clear that access to documents upon which legal professional privilege is claimed does not amount to a waiver of such privilege.

**Response**

Agreed. The necessary amendments are included in the Auditor-General Amendment Bill, as amended.

**Recommendation 5**

That subject to consultation with affected bodies, consideration be given to amending the Act so that all statutory authorities or other bodies that fall outside the ambit of the CAC Act are liable to pay audit fees for financial statements.

**Response**

Agreed in principle.

Whether individual entities that fall outside the ambit of the CAC Act are subject to audit fees should be considered on a case-by-case basis in keeping with the entity’s governance arrangements. The Government considers that it is appropriate that some entities referred to in the report, such as the High Court, do not pay audit fees for financial statements. This is consistent with the position of Parliamentary Departments, Departments of State and other federal courts which are not required to pay such fees.

**Recommendation 6**

That section 21 of the Act be amended to reflect that the Auditor-General is able to audit any Commonwealth-controlled entity including Commonwealth-controlled companies and their subsidiaries.

**Response**

Agreed.

The necessary amendments are included in the Auditor-General Amendment Bill, as amended.

**Recommendation 7**

That the Act be amended to require the Auditor-General to set auditing and assurance standards.

**Response**

Agreed. The necessary amendments are included in the Auditor-General Amendment Bill, as amended.

**Recommendation 8**

That the Committee suggests that the Privileges Committee of both the Senate and the House of Representatives examine in more detail the application of parliamentary privilege to ANAO draft reports, extracts of draft reports and working papers, noting the Auditor-General’s status as an ‘independent officer of the Parliament’.

**Response**

Noted. The Australian Government also notes that the Solicitor-General advised on 1 June 2001 that draft reports and working papers created by the Auditor-General in the course of an audit under the Act attract parliamentary privilege.

**Recommendation 9**

That the Committee suggests that the Privileges Committee of both the Senate and the House of Representatives examine in more detail the application of parliamentary privilege to ANAO draft reports, extracts of draft reports and working papers, noting the Auditor-General’s status as an ‘independent officer of the Parliament’.

**Response**

Noted. The Australian Government also notes that the Solicitor-General advised on 1 June 2001 that draft reports and working papers created by the Auditor-General in the course of an audit under the Act attract parliamentary privilege.

**Recommendation 10**

That all funding agreements between the Commonwealth and other levels of Government include standard clauses providing the Auditor-General with access to all information and records, and a capacity to inspect work on all projects, relating to the use of Commonwealth funds under those agreements.

**Response**

Not agreed.
The Government considers that the inclusion of access clauses in funding agreements should be negotiated on a case by case basis. The Government also notes that the amendments to implement recommendations 11, 12 and 13 below will give the Auditor-General the power to access information and records held by state and territory entities relating to the use of Commonwealth funds provided under such funding agreements.

**Recommendation 11**

That the Act be amended as necessary so that the Auditor-General may conduct a performance audit to directly assess the performance of bodies that receive Commonwealth funding in circumstances where there is a corresponding or reciprocal responsibility to deliver specified outcomes in accordance with agreed arrangements if a Minister or the Joint Committee of Public Accounts and Audit requests the audit.

The Auditor-General may ask a Minister or the Joint Committee of Public Accounts and Audit to make such a request.

**Recommendation 12**

That the Act be amended so that the functions performed by entities including private contractors on behalf of the Commonwealth in the delivery of government programs can be subject to direct audit by the Auditor-General.

**Recommendation 13**

That the Act be amended to ensure that when a decision is made by the Auditor-General to conduct an audit of a non-Commonwealth body, the reasons for that decision should be disclosed in the publication of the report.

**Response to Recommendations 11, 12 and 13**

Agreed. The necessary amendments are included in the Auditor-General Amendment Bill, as amended.

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**Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011**

**In Committee**

Debate resumed.

The TEMPORARY CHAIRMAN (Senator Back): The Committee is considering the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011. The question is that opposition amendments (2) to (11) on sheet 7133, moved by Senator Birmingham, be agreed to.

Senator IAN MACDONALD (Queensland) (18:03): I want to speak in the committee stage again. I have been asking a number of questions of the minister. I must say I have not received a lot of answers. I know Senator Birmingham, who is dealing with this matter on behalf of the coalition, will be in the chamber shortly to take up where he left off. He was speaking, the Senate might recall, when the Senate adjourned for question time. It is important, because this has been a truncated debate, that we reiterate briefly what this is all about, for those who might be listening.

Senator Conroy: Listening for the third time!

Senator IAN MACDONALD: Senator Conroy interjects and says that nobody listens to this debate on the TV.

Senator Conroy: That is an outrageous assertion! I never said that!

Senator IAN MACDONALD: Senator Conroy, can I say to you: since I last spoke I have had a couple of very interesting emails—unfortunately, I have come from the other side of the building, or I would have brought this letter down, because I would have liked to have read it to the chamber. Suffice to say that a constituent—well, actually, not a constituent of mine; he is from
New South Wales—indicated that he had been listening. He was grateful that we were standing up for those people who work for the private contractors who are dealing with the greenfields sites that are going to be put out of business by this government's activities—yet more unemployment. He thanked me, and Senator Birmingham as well, for standing up for them and for putting the government through its paces and for trying to get the government to answer questions. He did say that he was disgusted that the Senate had to call quorums to make sure that the minister was in the chamber and listening to the questions and actually responding to them.

Senator Conroy: I was in the chamber at all times. You should stop telling lies in the chamber!

Senator IAN MACDONALD: Senator, we made it quite clear this morning that we expected you at least to listen to the questions and perhaps try to give answers. But of course there was a period when you just disappeared; you were up the other end, talking intently, and when we asked questions there was no-one here to even attempt to answer them.

Senator Conroy interjecting—

Senator IAN MACDONALD: This sort of thing, Senator Conroy, is a demonstration to those who do listen to these debates of the absolute arrogance of this government in dealing with the NBN and in dealing with the carbon tax. The government and the Greens in partnership, in alliance, in coalition in government, just ride rough and ram through any bit of legislation. We are going to see later this month and next month an absolute spectacle from the Greens political party, who have always pretended that they are bastions of free speech and have always said they want to allow full debate in the chamber, wanting issues like the spending of $55 billion of taxpayer money to be fully debated. With perhaps the biggest tax ever to be imposed upon the Australian public, what are the Greens political party going to do with all the great principles that they used to have about allowing free debate in this chamber? I read in the paper—of course it has not come to the chamber; who would expect the Greens and the Labor Party to follow the processes and do things through the democratically elected parliament?—that the Greens and the Labor Party are going to guillotine the debate on the biggest taxation imposition on Australia for many, many years.

It is a taxation imposition that will do absolutely nothing for carbon emissions from Australia. Indeed, we know from the government's own figures that at the end of 2020 the emissions of carbon from Australia will have increased. The only thing that will have happened is that Australians will have been slugged with a huge tax which we know will increase the cost of living and will make electricity, gas and transport dearer. That is what the Greens political party, in collusion with the Australian Labor Party, will do with that.

The way the government has dealt with this bill and the carbon tax bill shows the absolute arrogance of the Labor Party and the Greens when it comes to democratic institutions like the Senate of our national parliament. I asked a number of questions earlier. I am concerned, as I mentioned previously, about the cost of the National Broadband Network as proposed by the Australian Labor Party. In the 2007 election they promised a national broadband network that would cost the taxpayers $4.7 billion. We are here debating another bill which is part of the series of pieces of legislation that will impose a $55-plus billion National Broadband Network on Australia.
In answer to a previous question, Senator Conroy, the minister, said that the corporate plan had determined that the prices would come down. This is a document written as a corporate plan. It says, 'We propose this. Our plan looks forward and what we want to do is bring the prices of telecommunications down.' What we then find is that someone—and Senator Conroy was a bit reticent on who it was, but I think it was the NBN Co.—has actually made an application to the ACCC for a special access undertaking, which is lodged with the ACCC, that proposes yearly price rises of up to the CPI plus five per cent. Everywhere else in the world and here in the last 10 years prices of telecommunications have come down with competition, and Senator Conroy says, 'That is what the corporate plan says too—that prices are going to come down.' Yet if the prices are coming down, Senator Conroy, as proposed by the corporate plan, why was it that NBN Co. applied to the ACCC for special access undertakings which propose yearly price rises of CPI plus five per cent? Senator Conroy told us earlier, 'No, you're wrong because the corporate plan'—the bit of paper with a hope written on it, and that is all I can say the corporate plan is—'actually talks about prices going down.' But what actually happened last week is that NBN Co. applied to the ACCC for permission to increase prices not just by CPI to maintain equity but by CPI plus five per cent. We know that that is true because this financial white elephant cannot make money. The only way it can be propped up, as Senator Birmingham has mentioned several times before, is if the Labor Party uses various tricks of the trade like this fibre deployment bill that we are debating to try to shovel some revenue into the NBN Co. so that it will not make as big a loss as it is obviously facing in the future.

In this committee stage, I ask the minister again: if, as he indicated, the corporate plan says prices are to come down, if Australia's history with competition in the last 10 years has shown prices coming down and if telecommunications prices around the world are coming down because of competition, why is it then that NBN Co. has applied for yearly price increases of CPI plus five per cent?

Senator BIRMINGHAM (South Australia) (18:13): We clearly have a tactic being run by the minister present. That tactic is obviously to ignore all questions or comments that come from the opposition. He has made that clear for some period of time now. In the main, we have asked about the viability of greenfield operators; he was not interested in answering those questions. When asked about NBN Co.'s future pricing arrangements and, in particular, their application to the ACCC, he was not interested in answering those questions. So we are just not hearing from the minister in this regard. As I indicated in the earlier debate today, I am realistic now about these amendments. I would like to see the minister speak plainly and honestly to the Senate, to the Australian people, to the stakeholders in the communications industry and particularly to the people whose jobs and businesses are on the line as a result of this legislation about what the impact will be, but he appears to be unwilling to do that in this chamber, unwilling to provide the type of clarity that we think is warranted.

I am not going to keep the Senate going forever on this, because it is obvious that the minister is not going to come to the party in that regard. That is, as I said just prior to question time, symbolic of the approach that the government take and of the overall contempt and arrogance that they demonstrate towards this chamber, indeed to the entire parliament, on so many, many
fronts. Most recently, as I highlighted in an MPI speech, they have demonstrated great contempt with the way that the carbon tax bills will be treated in terms of parliamentary scrutiny, especially scrutiny by the committee systems of this parliament, compared with what happened with the GST.

I will turn now to one area of the amendments that I have moved that has not been explored in any great detail and that the government has not particularly addressed to date. Senator Ludlam earlier posed some questions in regard to this, and we had an exchange about it. It is the issue relating to the setting of minimum conditions for the installation of fibre, the process by which those minimum conditions are set and who actually sets those conditions. We see in the bill as it is presented, in clause 372B(2), the requirement that:

A person must not install a line in the project area, or any of the project areas, for a real estate development project, unless:

(a) the line is an optical fibre line; and
(b) the conditions (if any) specified in an instrument under subsection (4) are satisfied.

And in proposed subsection (4) it says:

The Minister may, by legislative instrument, specify conditions for the purposes of paragraph (2)(b).

That appears to give basically all power to the minister in terms of setting such conditions, with no particular restraint, condition or otherwise on the minister's activities in that regard. The opposition has proposed an additional subsection (4A), which states simply:

The Minister must consult the ACMA and relevant industry bodies before making an instrument under subsection (4).

This is reflected in the other relevant proposed subsection, namely 372C(4). We think that that is a pretty reasonable and sensible point to insert to ensure that there is a level of independent consultation that goes on in the development of these guidelines and this legislative instrument that will outline the conditions necessary to satisfy the installation of optical fibre in a real estate development.

The concern—and it has been expressed in numerous places and I have highlighted it here before—is that, without at least some type of independent oversight of the minister's decision-making powers in this regard, we will see a situation where the minister will presumably be acting on the advice, demands and needs of NBN Co. and of NBN Co. exclusively. That of course could provide another means to shut out whatever is left of those greenfields operators who may still manage to find some work under the other parts of this legislation.

So, Minister, I am attempting to bring you back to some of the detail of the legislation, noting that you will not give an answer about any of the other issues that Senator Macdonald or I have raised. Could you at least with these proposed sections outline how you envisage the conditions of such an instrument being developed, who you believe you would be obliged to consult with and why the government thinks that it is unreasonable to require in the legislation some degree of consultation with the relevant statutory body and other relevant stakeholders?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:20): As I have indicated a number of times, if you ask the same questions over and over again—whether it is you or Senator Macdonald—I will simply make the point that I have already answered them, no matter how many times you try and
rephrase them. Having said that, you have actually asked a new question. I am not sure if you have genuinely been misinformed about this or you have not had a chance to keep up with what is actually happening, but I have here in my hands—and I am happy to table it for you—the draft industry guideline, produced by the Communications Alliance Ltd, the industry standard-setting body. It says on the front page:

DRAFT INDUSTRY GUIDELINE
DR G645:2011
FIBRE READY PIT AND PIPE
SPECIFICATION FOR REAL ESTATE
DEVELOPMENT PROJECTS
DRAFT FOR PUBLIC COMMENT
Issued: 6 September 2011
Comments close: 29 September 2011

The recognised industry standard setters are drafting this up. Following public comments, they will put it forward as the industry code of practice. So the process which is being gone through is about as consultative as it is possible to be. These are codes being designed by the industry for the industry. We welcome this and we look forward to this being put forward as the industry code. Comments are now being sought before it is put forward as the industry code.

Senator BIRMINGHAM (South Australia) (18:21): I thank the minister for that. That is useful information for the chamber and indeed is an answer to at least part of the question. It is an answer to how at present he envisages such an instrument being developed and the conditions for such an instrument being developed. It does not answer why then he believes that all future ministers—as this legislation will apply to those who come after you, Senator Conroy, you will not be there forever; yes, even you will not be there forever—

Senator Conroy: Even I have to concede that.

Senator BIRMINGHAM: I am pleased to hear that. This legislation will apply to all future ministers but with no condition that any minister actually follows such industry standards, follows the consultative approach that you inform us of with these current guidelines. I assume from your statement that you would base the legislative instrument under this bill, if it passes, on these current guidelines. There is no requirement for ministers to follow that process. If there is, please point me to where in the legislation that requirement is, because I cannot see it at present in what appears to be a bill that gives the minister carte blanche to develop the legislative instrument as they see fit.

I look forward to being corrected if you can, but I think that is the secondary part of the issue that I was raising. You have addressed the primary part, at least in terms of how you as minister propose to apply this section of the legislation—that is, you would follow the industry consultative process that you just outlined and adopt the standards that it recommends as the conditions as the instrument within these clauses of the legislation. But what ensures, as a safety mechanism in this legislation, that all of your successors as ministers for communications will follow the same pathway?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:24): Among the objectives of the Telecommunications Act 1997 is the
promotion of the greatest practical use of industry self-regulation. Part 6 of the act outlines how industry self-regulation is to be achieved through industry initiated and developed codes of practice. Industry codes can be developed by industry bodies and associations that represent sections of the telco industry on any matter which relates to a telecommunications activity, which is defined very widely in section 109 of the act. Codes can be presented by industry bodies to the ACMA for registration and, where the ACMA is satisfied that the code meets stipulated criteria, it is obliged to include the code on a register of industry codes and a register of industry standards. Once the code is registered, the ACMA can direct any participant in a section of the telco industry which is breaching the code to comply with it whether they are a voluntary code signatory or not. Effectively, this is the industry standard-setting mechanism. It is how the system works under the existing act. I appreciate that you think there is something there, but there is actually not. You are just barking up the wrong tree on this one.

Senator BIRMINGHAM (South Australia) (18:25): I will bark a little longer. Minister, I appreciate your outlining the mechanism under the existing act and outlining the mechanism for the process of self-regulation. But this bill appears to provide you and future ministers with an unfettered capacity to impose government regulation on the industry in this space. You may choose not to go down that path. You may choose to simply apply the regulation developed by the industry through the mechanisms you have described. Or you or a future minister may choose under this bill to do whatever they want and to disregard that process for the application of self-regulation. My concern is not with how the current act works; my concern and my question are how this bill will work—and you can give us assurances at present about how you as minister will treat the matter, but as I said before you will not be the minister forever—

Senator Williams: Yes, that's for sure!

Senator BIRMINGHAM: Senator Williams has his eyes on the communications portfolio, you know, Senator Conroy!

Senator Conroy: God help the country!

Senator McEwen: We'll have carrier pigeons everywhere!

Senator BIRMINGHAM: That is right! Inverell is going to have a gold-plated service! To come back to the point: the question really is particular to this bill. If you have such confidence in the industry self-regulatory requirements that are there at present and they operate effectively to ensure that the industry has a good self-regulatory standard in place, why do you need in this bill the capacity to set the conditions and specify an instrument that is specified in clauses 372B(4) and 372C(4)? Why do you need those provisions if the self-regulatory standard that you outlined before works so effectively?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:28): These provisions provide a reserve power to fast-track the standardisation process if required, noting that normal standardisation can sometimes be time consuming and subject to gaming within the industry.

Senator BIRMINGHAM (South Australia) (18:28): Thank you, Minister. So they provide a reserve power to fast-track the standardisation process. That being the case, should there not be some limitation on that reserve power that ensures an obligation of the minister of the
day to consult with the relevant statutory body and with relevant industry groups? Why is it that this reserve power appears to be unfettered in its application in the legislation?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:29): It is a reserve power. I am not sure, genuinely, that there is much more I can add. If you want to be worried about what some future minister may do then that may be something you might want to take up with a future minister, Senator Birmingham. I am giving an indication that the standard-setting process is being followed acutely, and we do not see any need to intervene in any way with that.

Senator BIRMINGHAM (South Australia) (18:29): It is the height of arrogance from the executive, and executives of many different governments end up guilty of it, Senator Conroy, but it is the job of the parliament to worry about what a future minister may do. When we pass legislation through this place it is not passed just for the next six or 12 months, unless it has a sunset clause on it, or for any particular period of time. It is passed indefinitely until such time as the parliament changes it. It is passed in a manner that applies to all future ministers, equally to all of them, equally to you and to whoever comes after you. Senator Ludlam might come next if the Greens and Senator Brown get their way and manage to knock you guys off as the majority party on the left of Australian politics. I look forward to Senator Ludlam sitting there. I am not sure whether I would look forward to Senator Brown sitting down here, but I would look forward to Senator Ludlam sitting there and following you. I hope, of course, that it is Mr Turnbull who follows you as minister.

However, the point for the minister is that reserve powers need not necessarily, should not necessarily, be unfettered reserve powers. Reserve powers are simply powers to be used sparingly in exceptional circumstances, yes, but those powers still need limitations attached to them as well. I understand, obviously, the minister is not about to budge on the coalition’s amendments but I do think, in wrapping up the debate around these amendments, that it is important to understand that they seek to achieve two particular goals.

One goal is to ensure that, whoever the minister of the day is, they do not have an unfettered capacity to impose regulations and criteria on the industry for the laying of optical fibre in a manner that advantages NBN Co. and that disadvantages private operators. The second goal is critical to all of this. It is the overall objective of the opposition’s amendments to ensure that some choice, some competition, actually remains in the deployment of fibre in greenfield sites. I have argued this case many times before, so I am not going to go over it at length.

Senator Conroy interjecting—

Senator BIRMINGHAM: You know, Minister, that attitude diminishes the chance of votes. If you had listened to what I was saying you might have noted that I was attempting to provide some concluding remarks around these amendments and to sum up the opposition’s arguments for them. Perhaps that would lead to a vote. So, Minister, do not be too quick to jump to your judgment on these matters. In particular do not be too quick to provoke, because you never know where provocation may lead sometimes.

As I was saying, there are two key attributes to these amendments. One is providing some restriction on the executive power to put in place regulations that could
advantage NBN Co. and disadvantage private providers and private competitors in the optical fibre space. The second is to ensure that we have some level of competition in this space and that we do not have the ridiculous situation where you pretend developers have a choice between having fibre laid by a private provider or having fibre laid by the NBN Co. when in fact, commercially, there is no choice because a private provider will charge for the service and NBN Co. is going to be offering it for free in terms of direct costs. Quite clearly that is going to drive many, many private providers out of business. You will not admit that in the chamber but the opposition has heard the concerns, has acted on them and has presented these amendments.

I would hope and urge the chamber and in particular Senator Ludlam and the Greens to reconsider their opposition to these amendments. They will not stop fibre being laid in new developments around Australia. They will not impact, one iota, on who gets fibre or who does not. All they will do is ensure that people who have been innovators and done the right thing and gone into this space and built businesses for the purpose of laying fibre get the chance to continue to do so. That is all it is about. It is about a fair go for Australian businesses who have done the right thing and been pioneers in this space and who are going to be shut down as a result of the government’s legislation. I would urge the Senate to support the amendments.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:34): I make the obvious point that the minister’s power in the bill, as I said, is a reserve power, and for the record so that Senator Birmingham can sleep tonight—I would not want him to stay up at night worrying—any instruments are subject to consultation and disallowance as a matter of course under the Legislative Instruments Act. You could have saved yourself a good 15 minutes there.

Senator BIRMINGHAM (South Australia) (18:35): Thank you for the gratuitous comments at the end, Minister. Yes, legislative instruments are subject to disallowance. I was aware of that fact. I think everybody in the chamber is aware of that fact. There is a period of time, however, and in these amendments we have attempted to ensure that, in the drafting of such legislative instruments, there is a clear process that requires you or future ministers to consult and engage. So, do not come in here and tell us that it is a legislative instrument. As is not uncommon, we want to put in place a process that ensures you must talk to certain stakeholders and go through that process rather than purely rely upon the legislative process to fix an errant or wayward minister. That is the intent of those changes.

The TEMPORARY CHAIRMAN (Senator Mark Bishop): The committee is considering the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011. The question is that amendments (2) to (11) on sheet 7133 moved by Senator Birmingham be agreed to.

The committee divided. [18:41]

(The Chairman—Senator Parry)

Ayes ...................... 27
Noes ...................... 33
Majority .................. 6

AYES

Abetz, E
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R

Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Cormann, M
AYES
Edwards, S
Eggleston, A
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Johnston, D
Kroger, H
Macdonald, ID
McKenzie, B
Mason, B
Parry, S
Ronaldson, M
Ryan, SM
Scullion, NG
Williams, JR (teller)

NOES
Arbib, MV
Bilyk, CL
Bishop, TM
Brown, RJ
Cameron, DN
Collins, JMA
Conroy, SM
Crossin, P
Di Natale, R
Farrell, D
Faulkner, J
Feeney, D
Furner, ML
Gallacher, AM
Hanson-Young, SC
Hogg, JJ
Ludlam, S
Lundy, KA
Marshall, GM
McEwen, A (teller)
McLucas, J
Milne, C
Moore, CM
Pratt, LC
Rhiannon, L
Siewert, R
Singh, LM
Stephens, U
Thistledthwaite, M
Urquhart, AE
Waters, LJ
Wright, PL
Xenophon, N

PAIRS
Adams, J
Back, CJ
Bishop, TM
Fawcett, DJ
Fifield, MP
Fierravanti-Wells, C
Fifield, MP
Johnston, D
Kroger, H
Macdonald, ID
McKenzie, B
Mason, B
Parry, S
Ronaldson, M
Ryan, SM
Scullion, NG
Williams, JR (teller)

Senator Carr did not vote, to compensate for the vacancy caused by the resignation of Senator Coonan.

Question negatived.

Senator BIRMINGHAM (South Australia) (18:44); by leave—I move amendments (1) and (12) on sheet 7133:

(1) Clause 2, page 2 (at the end of the table), add:

4. Schedule 1, Part 3 The later of:
   (a) the day after this Act receives the Royal Assent; and
   (b) immediately after the commencement of Part 3 of Schedule 1 to the Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011.

[exemption from Parts 7 and 8 for networks operated by the original providers]

(12) Schedule 1, page 33 (after line 4), at the end of the Schedule, add:

Part 3—Amendments relating to Parts 7 and 8 of the Telecommunications Act 1997
Telecommunications Act 1997
17 After subsection 141(1)
Insert:
(1A) However, this section does not apply to a local access line that:
(a) was installed in a project area of a real estate development project after the commencement of Part 3 of Schedule 1 to the Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011; and
(b) was installed in compliance with any applicable provisions of Part 20A; and
(c) was installed by a person that is not Telstra or NBN Co; and
(d) is owned by that person, or by a body corporate related to that person; and
(e) is operated by that person, or by a body corporate related to that person; and
(f) is used only to supply carriage services to end-users in the project area.
18 Subsection 141(10) (after the definition of national broadband network)
Insert:
related, of bodies corporate, has the same meaning as in the Competition and Consumer Act 2010.
19 Section 142A (after the definition of rail corporation)
Insert:

related, of bodies corporate, has the same meaning as in the Competition and Consumer Act 2010.

20 After subsection 143(1) Insert:

(1A) However, this section does not apply to a local access line that:

(a) was installed in a project area of a real estate development project after the commencement of Part 3 of Schedule 1 to the Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011; and

(b) was installed in compliance with any applicable provisions of Part 20A; and

(c) was installed by a person that is not Telstra or NBN Co; and

(d) is owned by that person, or by a body corporate related to that person; and

(e) is operated by that person, or by a body corporate related to that person; and

(f) is used only to supply carriage services to end-users in the project area.

[exemption from Parts 7 and 8 for networks operated by the original providers]

I will speak very briefly to these amendments. Many of the substantive issues have been canvassed in regard to the previous amendments. Suffice it to say that these amendments seek to provide additional provisions to parts 7 and 8 of the Telecommunications Act that would exempt operators from these parts should those operators run a network that is not owned or operated by NBN Co or Telstra, that is installed in a new development under a contract between the network's owner and the developer, that the network is owned and operated by the same entity which built it and that the network delivers retail services only to persons who reside in the development.

We think this has the potential to preserve competition in the market for the provision of fibre infrastructure and would allow competitive greenfields operators to install and operate new fibre networks in new developments without the need to meet these parts of the act but still be subject to appropriate other conditions, including the right of other retailers to access their networks. This would preserve some competition not just in the delivery and build of networks but also in the provision of services over those networks. I commend the amendments to the chamber.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (18:46): The second set of amendments would undermine the level playing field arrangements in new developments. This would mean small providers would not have to offer a layer 2 bit stream service on a non-discriminatory basis or to operate on a wholesale only basis.

Vertical integration and the lack of wholesale services have been longstanding concerns in new developments. People have moved into new estates with fibre, only to find they have no choice of retail provider and are captive to the vertically integrated provider whose prices are high. The approach of the government means end users will enjoy NBN Co-like outcomes, regardless of the network provider—in other words, choice. First, the provider will need to provide a suitable low level layer 2 bit stream product that wholesale customers can use to provide higher level services; second, the layer 2 service will need to be provided on an open non-discriminatory basis; and, third, the provider will need to offer that service on a wholesale only basis. As such
they have been required to provide comparable outcomes to the NBN.

The arrangements also ensure that NBN Co. operates on a more level playing field, meaning it is better placed to provide faster broadband across 93 per cent of Australia, an open access platform for retail competition across Australia and uniform national wholesale pricing for the benefit of all Australians, including those in regional, rural and remote areas.

As such, these amendments should be seen as nothing more than an attack on the fundamental economics of the NBN. Do not be fooled by the smooth talking from those opposite. These amendments are a fundamental attack that would destroy the economics of the NBN, so do not believe the smooth talk from over there.

Senator LUDLAM (Western Australia) (18:48): For reasons that were outlined in previous stages of this debate, the Greens will not be supporting these amendments. I am sorry to extinguish the small spark of hope that obviously still lived on in Senator Birmingham, but we will not be supporting these amendments. We believe that they are misconceived in intent and unworkable in practice. I think the minister is probably overdoing it a bit. I do not think that this is a ram-raid attempt to sabotage the whole basis of the NBN, but we do not believe that they would actually work, even though I think the opposition has made an attempt to solve a genuine issue. I will leave it there.

Senator BIRMINGHAM (South Australia) (18:48): Senator Conroy is being very misleading in his comments there. It is not the case that this would prevent retail operators operating over these networks. It would just provide another wholesale competitor to NBN Co.

Question negatived.

Bill agreed to.

Third Reading

Senator CONROY: I move:
That this bill be now read a read time.

Question agreed to.

Bill read a third time.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Order! It being 6.50 pm we now turn to the consideration of government documents.

Consideration

The following orders of the day relating to government documents were considered:


Forestry

Debate resumed on the motion:

That the Senate take note of the document.

Senator COLBECK (Tasmania) (18:53): I would like to follow on from Senator
Abetz's presentation yesterday in response to Senator Bob Brown's motion in relation to the Tasmanian logging industry, which was passed in the chamber. The focus of Senator Brown's motion was to ask why the proceeds of the Tasmanian Community Forest Agreement, which was obviously a feature of the coalition's election package in 2004, had not prevented a reduction in markets in the Tasmanian forest sector. Of course, as is usual with the Greens, the intent of the motion actually does not deal with what the intent of the Tasmanian Community Forest Agreement was. It was not about creating or maintaining markets, and I will come to that later.

The Tasmanian Community Forest Agreement was a widely supported election commitment by the then Howard government, so much so that it is credited with being one of the reasons why the coalition won two lower house seats in the north of Tasmania, in particular Braddon and Bass. In some of the forestry communities, such as Circular Head, we saw close to 15 per cent swings in those particular seats because the Howard government was prepared to provide support to the forest industry. Unfortunately, that point in time when Mark Latham was the leader of the ALP was about the point in time when the previous bipartisan relationship and support for the forest industry in Tasmania started to fall apart. The Labor Party decided that they would go off and chase Green preferences and the rest of the industry were left to their own devices.

The funding uses for all of those elements of the Community Forest Agreement were and are actually on the public record, mostly because the Greens have FOI'd them all, so they know what the money was spent on, they know why it was spent and they know the focus of it. But they choose not to be honest in relation to how they represent that now. It is not because of the Tasmanian Community Forest Agreement that there are issues with markets in forestry in Tasmania; it is because of the Greens and the environmental groups that work with the Greens actually going out and destroying markets. The Greens are the only political party in this country that I know of that actually talk this country down. They talk the country down and they talk our industries down. Quite frankly, it is a disgrace that they would go into our international markets and talk down our local businesses. Quite frankly, it is a disgrace that they would go into our international markets and talk down our local businesses.

We have the government and senior union officials talking about a crisis in manufacturing yet here we have the Greens going into international markets talking down industry. We also have the NGOs and the Greens in Australian markets. I am sure members of the Wilderness Society would like to know what happened to some of the money that used to belong to the Wilderness Society and now appears to be turning up within an organisation by the name of Markets for Change. My information is something around the $7 million mark has been siphoned off out of the Wilderness Society into Markets for Change to actually campaign against the Tasmanian and Australian timber industry in Australian markets: people campaigning against Harvey Norman, for example, seeking a commitment from Harvey Norman that they will not buy any furniture built out of timber coming from Tasmania. This is the sort of campaign that is actually having the result that Senator Brown talked about, which is loss of markets. So you have environmental campaigns which were recently described, in one media article that I saw, as anti-logging activism morphing into extortion. That is effectively what they are doing. They are saying to companies like Harvey Norman, 'If you don't stop buying products from this particular market we will campaign in your stores and we will destroy...
your reputation, just like we have attempted to destroy the reputations of other people in the industry."

Senator Brandis interjecting—

Senator COLBECK: I will take your interjection on that, Senator Brandis. They have an exemption under the Competition and Consumer Act to do this sort of thing, which is something that I am very concerned about and perhaps I will talk to my learned colleague Senator Brandis about that again later. But it is the Greens and their activities that are destroying markets for the Tasmanian timber industry, so it is groups like them that are causing the fundamental job losses in the Tasmanian community and the rest of us should be standing— (Time expired)

Senator IAN MACDONALD (Queensland) (18:58): by leave—Once upon a time Australia was self-sufficient in timber and in forests. Nowadays we import a lot of our sawlogs. Much of them come from places around the world which have a very poor environmental record. The fact that a once-vibrant timber industry now no longer practically exists in Australia is thanks very much to the Greens political party. I had the honour for several years to be Australia's minister for forestry and I noticed then that Senator Bob Brown made his mark on society basically opposing logging of the Tasmanian forests. Mr Acting Deputy President, there are so many native forest trees in Tasmania, that if you started cutting them down today, you would not finish by the time anyone who is currently in this Senate would still be alive. There are enormous forests in Tasmania that are native old growth forests. Many of them are protected, because over the years the logging industry built fire breaks and tracks through the forest to ensure that any forest fires, which are the greatest cause of destruction of native forests in Australia, were easily accessed. Because the forest industry had a financial interest in the forests and because they were concerned about the destruction of these valuable assets for Australia, more often than not those fires were extinguished in a relatively short period of time.

Tasmania had an industry which it could be proud of. Many, many thousands of workers and their families depended upon the forest industry for their livelihood. Yet the Greens political party for no more than a political reason has opposed logging in Tasmania for decades, to the extent, as Senator Colbeck mentioned, where the forces of sense and support for workers and the industry in Tasmania have been giving ground at the behest of the Greens over many decades.

In 2004, after three years of working with the CFMEU, the Howard government came to an arrangement which was intended to be the finish of fights over the Tasmanian forests. We locked up a lot more forests in native reserves. We put a lot of money into it, which this motion vaguely relates to. We had agreement with the unions and agreement with the Tasmanian Labor government. It was almost a 'peace in our time' arrangement. John Howard appeared before workers in Tasmania—and members of the Labor Party will well remember this—to the adoration of the blue-collar workers, the hard-hat people, who cheered and applauded the Howard government's approach and its decisions in relation to Tasmanian forestry.

Senator Polley interjecting—

Senator IAN MACDONALD: I hear Senator Polley interjecting. I cannot hear what she is saying but I am sure she is agreeing with me, because, at the time, the Tasmanian state Labor government—not the federal Labor government that was under Latham—the federal Liberal government and
the CFMEU were all in total support. We had won a major victory for Tasmania, for the forest industries and for conservation. But the Greens never give up; they never give up. They will keep going until they destroy the forest industries right throughout Australia. They have almost succeeded and they will continue—not, I might say, for any conservation reason, because the forests are conserved and preserved and never to be in any other way. But there was a logging industry, there was work and there were manufacturing industries in Tasmania. The Greens were beaten at one stage but they have come back. They will not stop—mark my words—until the industry is fully destroyed.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Order! Senator Macdonald, your time has expired.

Senator IAN MACDONALD: I seek leave to continue my remarks later.

Leave granted.

Senator BOSWELL (Queensland) (10:03): I did not intend to come into this debate but I would like to say a few words about the Greens and forestry. As Senator Macdonald rightly said, it is a bit like the carbon tax. It is a case of: ‘We are going to stop manufacturing in Australia and we are going to import product that does not have a carbon tax on it to replace our clean industries.’ This has happened. I have seen it happen in my own state. I do not know whether Senator Macdonald is familiar with Proston and the big forests out there. That forest—I do not know how many millions of square acres it contained, but there were many, many millions acres of forest—used to provide hardwood for Australian homes. That was there in 1947.

Within that forest was a little town, a village, called Allies Creek. It supported something like 60-odd families. It had nice little houses—three bedroom homes, with wood and gas stoves. It was really well presented. It also had a single men's quarters, with dining rooms. It provided jobs for 60 people. It also provided a lot of Queensland's hardwood. And lo and behold, as Senator Macdonald said, the Greens never give up. They just keep charging; they keep going. They are funded by public donations, and the more forests they close the more public funds they get from people who are well-meaning but who do not understand them. The Greens wear it as a badge of honour that they have closed down these forests. Within that forest, there were probably 30 sawmills and all of them provided incomes for people who probably would find it very difficult to get a job if they did not work in a sawmill—low-paid workers, but they got a house with electricity. There was a little hall there. But along came the Greens and they closed it down—millions of acres of forestry.

Every couple of years those forests were chequer-burned. They would find a cold day and burn them. They would let the fire go against the wind and it would slowly burn and then burn out. They controlled the fire. They had fires in that area but they were crown fires; they controlled them. Now we have no-one in there. The people who had the jobs, which were skilled jobs, were proud of their jobs. They were proud of working at a sawmill. That was what they wanted to do. They have now gone out counting koalas. No-one worries whether they count them or they do not count them, but that is the job they have been given—a meaningless job counting koalas.

If the Labor Party are worried about why their vote is at 27 per cent, I say to them in all honesty: do not handcuff yourself to the Greens. You have done that for the last eight, nine or 10 years, and it has been productive because you have got Green preferences. But the blue-collar workers are in revolt. They
have woken up to you. You are going to get a divide out there now. The people who are sort of Green oriented are not going to vote Labor; they will vote for the Greens. And the conservative, family blue-collar worker is out. He has had enough of you. He has voted for you consistently but you have taken his job off him and made him count koalas. He does not like it. He wants a meaningful job. I saw it happen in Ravenshoe and I have seen it happen in Proston. We have closed this industry down and replaced it with imported products from Malaysia and places that do not have any conservation values at all. They just rip and burn. What is the point in that? There is no point, but the point I am trying to explain to the Labor Party is that the game is up. The blue-collar workers have had a gutful.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Order! Senator Boswell, your time has expired.

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

Leave granted; debate adjourned.

Australian Livestock Export Corporation

Senator IAN MACDONALD (Queensland) (19:09): I move:

That the Senate take note of the document.

Under the Acts Interpretation Act, where funds are provided by the research and development area of government, and under the Meat and Live-stock Industry Act, any new funding agreement between the government and LiveCorp has to be tabled in parliament within 14 days of its commencement on 1 July 2010. It should have been reported to parliament within 14 days after that or after parliament resuming. It was not. Therefore, the Acts Interpretation Act requires that the minister must explain to the Senate why it was late.

From documents tabled I notice that, on 22 July 2010, the department advised Senator Ludwig, the minister for LiveCorp, that he should have tabled this statutory funding agreement within 14 days of its commencement on 1 July 2010. On 22 July 2011, more than a year later, the advice had not been given to this parliament, in accordance with the accountability arrangements. So Senator Ludwig, the Minister for Agriculture, Fisheries and Forestry and the minister who has absolutely bungled the live export trade in Australia, wrote to the President on behalf of the Senate, saying, ‘Here's a letter explaining the delay,’ and he attached the letter from the deputy secretary. No other explanation is given. There is no apology and no explanation of why it has taken this government more than 13 months after the document should have been tabled to table it.

If you have a look at these two letters, Mr Acting Deputy President, you will see they are only very short. They are stuck away in amongst the myriad documents that are tabled in this chamber. Why would Minister Ludwig not have tabled this statutory funding agreement? This is the funding agreement through which the government gives LiveCorp money, which joins with money from the industry, to allow LiveCorp to do its work. If you have a look at the statutory funding agreement, which was eventually tabled 13 months late, you will see all through it a requirement for the minister to consult with LiveCorp and for LiveCorp to consult with the minister and for
LiveCorp to take instructions from the minister.

If you look through LiveCorp's website, and I encourage people to do that, you will see that, back in December last year and in January this year, LiveCorp were raising issues about dealing with cattle in Indonesia. They had implemented a number of programs and, as required by this agreement, they had clearly been discussing this with the minister. Time will not allow me to develop this so that people can fully understand but I will simply put it this way: the minister should have been aware of what was happening in Indonesia because LiveCorp was, and I am sure LiveCorp were telling the minister. But he did not do anything about it. He did not table these documents, and one would suspect that perhaps there was a reason why he did not want these documents tabled. Maybe he did not want parliament or the Australian general public to know how inefficient he had been as well as how stupid in his overall administration of the live export trade.

These documents are not a sufficient excuse. They beg the question as to why the minister did not table them in the last 13 months, and it leaves in the mind of many people a suspicion that perhaps he knew about all of this before the Four Corners program and that perhaps he might stand condemned for his inefficiency in not dealing with this matter properly.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Order! Senator Macdonald, your time has expired.

Senator IAN MACDONALD: I seek leave to continue my remarks later.

Leave granted; debate adjourned.
releases by LiveCorp back in May and before that in January dealing with all of the issues relating to the way animals are dealt with in Indonesian abattoirs. One might think that with all of that work by LiveCorp, with their requirement to regularly consult with the minister, why was the minister not aware of this before the Four Corners program? In fact I would suggest to you—and I would like to hear from the minister someday—that the minister was aware of it, but he chose not to action the work that LiveCorp had already done. It was only after the Four Corners program came on and Get Up! and the ultraleft wing of the Labor Party and the Greens political party all created this huge media ruction about the live export trade and the alleged cruelty that the minister suddenly took action.

When he took action he did the right thing, in the first instance. He did what LiveCorp had been asking him to do in their corporate plan, which he had received several months before that. He banned exports to those abattoirs that were proved to be killing Australian cattle wrongly. That was the right decision. I do not think anyone could object to that. But then five or six days later, under pressure from the left wing of the Labor Party, the Greens political party, GetUp! and all of the other people who want to shut down Australia’s industries, particularly the northern beef cattle industry, the minister then made this blanket ban and in so doing destroyed the lives and livelihoods of so many fellow Australians who had sunk their whole lives and their life savings into the industry.

I think there are some things in these documents and in the issues I have raised tonight that really do require an answer from the minister. People have lost hundreds of thousands of dollars, millions of dollars, as a result of his decision. It seems to me that they need have lost nothing had the minister taken action back before the Four Corners program when the minister knew or should have known about these issues. He should have taken some action at that time. I await the minister’s explanation. I seek leave to continue my remarks.

Leave granted; debate adjourned.

STATEMENT BY THE PRESIDENT

Standing Order 191

The PRESIDENT (19:19): I wish to make a statement in respect of standing order 191. Earlier today Senator Boswell sought to explain part of his speech on the suspension of standing orders moved by Senator Abetz. Senator Boswell claimed to have been misquoted, misrepresented or misunderstood by other speakers in the debate. As Senator Boswell did not seek to do this until after the question had been put and determined by division, I ruled that it was not open to Senator Boswell to use the procedures in standing order 191, but that he could seek leave to make a personal explanation under standing order 190. On a point of order, Senator Macdonald queried my ruling, which I reinforced by quoting from page 197 of Odgers’ Australian Senate Practice and a ruling of President Baker. The Annotated Standing Orders of the Australian Senate complements the explanation in Odgers by providing the following commentary on standing order 191:

The right of a senator to correct the misrepresentation of a speech is an exception to the rule in SO 188 that senators may speak only once on any question. It is a basic right in a debating forum and is not, therefore, dependent on leave being granted. The correction or explanation must occur within the same debate as the misrepresentation.

The Senate transacts its business largely on the basis of motions and decisions. Such motions may be debated—in other words,
spoken to. Normally senators may move amendments to the motion and may debate or speak to those amendments. When senators have concluded speaking—that is, finished debating the motion and any amendments—the necessary questions are put to determine the matter. The putting of the question indicates that the debate has concluded. I refer senators to standing order 84, entitled 'Putting of question', which provides as follows:

(1) When a motion has been moved, a question on it shall be proposed to the Senate by the President.

(2) Where the debate on a question is concluded, the President shall put the question to the Senate.

Debate is what occurs before the question is put. Consequently, any action pursuant to standing order 191 must occur before the question is put. The rationale for the standing order is to provide an opportunity to correct any misrepresentations or misunderstandings before a decision is taken. Explanations outside these parameters require leave. I hope this clarifies matters for senators.

ADJOURNMENT

The President: I propose the question:

That the Senate do now adjourn.

Australian Women's Land Army

Senator Faulkner (New South Wales) (19:22): This year, the Australian Women’s Army Service, the Women’s Auxiliary Australian Air Force and the Women’s Royal Australian Naval Service celebrated their 70th anniversaries and it is appropriate we honour their service. Tonight, however, I would like to draw the Senate's attention to a group of women who are not always remembered with other women's auxiliary services, the Australian Women's Land Army, which was active from 1942 to 1945. The 70th anniversary of the Australian Women's Land Army will be celebrated on 27 July 2012.

The Australian Women's Land Army reached its peak strength in December 1943 with 3,400 women, both permanent and auxiliary members. The women in the land army, some as young as 16, volunteered and were recruited to work on farms and in factories left empty by men at war. Their service and sacrifice ensured that production on the home front continued—it ensured the wheels kept turning.

The Women's Land Army functioned with military style and precision. The women were supervised by land army matrons. They wore uniforms, were rotated around a number of manual tasks, lived in dormitories, were assigned leave passes and were confined to barracks for undisciplined behaviour. An initial six-month probation period determined their capacity to manage often intensely physical tasks. These women never served overseas, nor were they required to wield a weapon, pen or thermometer, but their strenuous physical work was essential to the war effort. If our farms had failed, so too would have our fighting forces. These women made sure that Australians, in and out of uniform, continued to eat.

The stories of the Australian Women's Land Army are inspiring. Members of the land army believed it was their patriotic duty to feed the troops, a task more important than the sprained ankles, aching muscles, broken ribs and sheer exhaustion which resulted from their demanding physical labour. Land army work ranged from fruit picking, vegetable growing and packing, to wheat, sheep and dairy farming. The women, primarily from cities and towns, were never warned about snakes, dust storms, locusts and leeches. They endured hardships they never imagined for the sake of 'doing their
bit' for their country and its troops overseas. The women's stories detail wonderful camaraderie, strength, determination and, to be fair, fun.

In 1942, Prime Minister John Curtin recommended that the land army be recognised as the fourth service. 'Eddie' Ward, the Minister for Labour and National Service at the time, stated that the importance of the land army's contribution to the scheme of rural labour could not be overestimated. To ensure the success of the program, Ward recommended that the land army be accorded the same status, conditions and privileges as those experienced by other women's services. The war cabinet gave its approval in 1943, but unfortunately, the land army was not formally constituted under the national security regulations until 1945 and was never validated by parliament.

During the war, land army women received lower wages, fewer concessions and fewer medical benefits than the other women's services. Land army women were also refused entry into many service clubs and hostels. The end of the war brought demobilisation and the abandonment of the service recognition recommendation for land army women. In the years following the war, members of the Australian Women's Land Army campaigned long and hard for specific recognition of their efforts.

To date their struggles have gained, in 1985, the opportunity to march on Anzac Day; in 1991, the opportunity to join the RSL, and access to the Civilian Service Medal. And today former members of the land army are still campaigning for appropriate recognition. In 2010, the Australian Women's Land Army stalwarts appeared to have made some progress. A draft submission to the Minister for Defence was negotiated and finalised by Ms Maxine McKew, the then member for Bennelong, and Defence's Nature of Service Division and Honours and Awards Division. This submission detailed appropriate, separate recognition for the surviving members of the land army, in the form of the presentation of a formal certificate recognising the service of the Australian Women's Land Army; the presentation of a brooch, similar to that awarded to the United Kingdom Women's Land Army and Timber Corps, designed by Defence Honours and Awards in consultation with the Australian Women's Land Army; and, the development of a memorial history book or booklet including a nominal roll of all members of the Australian Women's Land Army. In my view, we must waste no more time in recognising the surviving land army women and those who have gone before them. It is long overdue that their service be recognised and honoured.

I note the answer to my question on notice—No. 56—in this year's budget estimates for the Prime Minister and Cabinet portfolio. It reads:

PM&C will engage with the Department of Defence on this issue to identify any further opportunities to recognise the members of the AWLA.

I hope that by the next estimates round both departments will be able to report significant progress.

I strongly believe that the government and the parliament should ensure that appropriate recognition of the Australian Women's Land Army is given on the occasion next year of its 70th anniversary, and I ask all parliamentarians to support this worthy objective.

**Australian Manufacturing**

Senator BOSWELL (Queensland) (19:31): I rise to associate myself with Senator Faulkner's remarks and to talk about an issue that is very important to the grocery
manufacturing industry in Australia. The proposed legislation on food labelling threatens to halt further innovation in our manufacturing industry. It also threatens the livelihoods of many Australians who are employed in the food manufacturing sector in regional and rural areas of Australia.

These new proposed changes to food labelling laws can be viewed as unnecessary window-dressing that only serves to confuse consumers and hurt manufacturers in Australia and as a move that is not supported globally. The Neal Blewett chaired Review of Food Labelling Law and Policy's report entitled Labelling logic recommends that a multiple traffic light labelling system be introduced on all Australian products. If implemented, this mandatory labelling system would threaten Australian jobs, manufacturing and innovation. It would confuse and even mislead consumers for no likely improvement in healthy food consumption.

A report by Food Standards Australia New Zealand, FSANZ, says that the recommendations in sections 51, 52 and 53 of the report on traffic light labelling go too far and would impact adversely on a number of industries in Australia. The recommendations suggest that a system of labelling be put in place which is complex and confusing and which uses symbolic 'stop' and 'go' traffic lights. Sections 20 and 21 of the report recommend that any company listing health benefits on its labelling be prevented from doing so. For instance, if a healthier, low-GI sugar were produced, the company that produced it could not say that the sugar was a healthier option for consumers than a regular brand of sugar. If a company could not inform the consumer of its brand's healthier options, the consumer could choose to buy a much unhealthier option. This in turn would mean that an effective incentive for manufacturing to develop more healthy and more innovative products would be lost as demand for such products died off. This could cause thousands of jobs to go as producers no longer found the need to expand and grow with the market. In fact, the figures supplied by the Australian Food and Grocery Council suggest that, if the proposed new mandatory traffic light labelling system were to be introduced, probably half of the 290,000 employees in regional and rural Australia in SPC, Golden Circle, the tomato canning industry and other areas would be threatened.

The manufacturing of food, beverages and groceries is Australia's fastest-moving consumer goods sector; it is Australia's largest and most important manufacturing industry. The food and grocery manufacturing industry is a vital contributor to the wealth and health of our nation. It represents 28 per cent of our total manufacturing turnover. This sector is comparable in size to the Australian mining sector and is more than four times larger than the automotive parts sector. The industry's products are in more than 24 million meals consumed by 22 million Australians every day of every week of every year. The food and grocery manufacturing sector employs more than 288,000 people, which represents about three per cent of all employed people in Australia, and it pays $13 billion a year in salaries and wages.

This growing and sustainable industry is made up of 38,000 businesses and accounts for $44 billion of the nation's international trade. The industry's total sales and service income in 2007-08 was $102 billion, and, with value added, that figure increases by nearly $27 billion. The industry spends about $3.8 billion a year on capital investment and over $500 million a year on research and development. At a time when manufacturing in every sector is faltering in Australia and jobs in rural areas especially are going, recommendations such as traffic light
systems only work to further threaten Australian jobs and confuse consumers.

SPC and Heinz have already started shedding jobs. If this labelling goes ahead, there will be more casualties. Under the traffic light system, products as diverse as low-GI sugar, tinned pears, tinned pineapple, fruit juice, chocolate and low-fat margarine will be required to impose bright traffic light symbols

Consumers could also be faced with a confusing situation where a product contains red lights, green lights and amber lights and if that is not confusing, I do not know what is. Faced with this confusing symbolism, the consumer may just opt to buy another brand that does not hold the traffic light system and gives clear information, such as a table, for instance.

So the system, far from helping, actually takes products that have been carefully developed to produce a much more healthy result from the consumer and reduces their marketability by creating a labelling system which is not only misdirected but also, in some cases, misleading, confusing and wrong. There is a real danger that the traffic light system, if placed on products, will cause the development of new and healthier types of products to stall. Not only that, but R&D funding for such products could be made nonexistent due to the perception that the products are unhealthy and not worthy of development.

The flow-on effect of implications of this could be devastating to local manufacturing. Once R&D stalls, products are lost, along with jobs and the share of the international export market, a result that does not bear thinking about, especially at a time when other manufacturing industries, such as the steel industry, are losing jobs to overseas markets and industries. For the most part, the Australian Grocery Council has made it clear that it supports the review's classification of food labelling, but traffic lights go too far and are unnecessary to educate the public on the sorts of food they are consuming. We have to ask: why are we penalising Australian companies for trying to produce more innovative and healthy products? This is an illogical recommendation given that no country in the world has introduced a mandatory multiple traffic light labelling system. As recently as June 2010 the European Union rejected a traffic light system.

An example of a product that will be hit hard by the new regulations is sugar. Queensland's largest agricultural crop and one of Australia's most important rural industries will be at risk if traffic light labelling is introduced. Sugar is a vital part of Queensland's and Australia's economy and supports over 4,000 growers. Under the report's recommendation, a mandatory traffic light, front-of-pack labelling system will be required on all sugar products, including low-GI sugar and lower calorie white and raw sugar blends, as well as products containing natural producing sugars. Fructose will be required to impose bright traffic light symbols. It is quite ridiculous that a two-kilo packet of sugar will contain a bright red label because the product contains sugar.

The traffic light system only shows in symbolic terms what health benefit or risk a product possesses, and this means that the interpretation of the labelling is, most of the time, left up to the consumer's own judgment and not actual factual information.

Mr Acting Deputy President, time will not permit me to finish the rest of my speech. Seeing that this is basically a non-political speech, I wonder whether the senator at the table will have the good grace to let me have
Senator Jacinta Collins: Let me have a look at it first.

Leave granted.

The remainder of the speech read as follows—

And so the proposed health traffic light system warning will only confuse and misinform the public. Consumers will not be able to differentiate between one product or the other at a time when the Australian sugar industry is creating more innovative and healthier products for Australian and overseas consumers. And as I have previously pointed out, no other country in the world is taking up this new form of labelling. Instead most go for a very clearly laid out table form of labelling. The Daily Intake Guide (DIG) is the labelling system preferred by the European Union. DIG front-of-pack labels outline the amount of energy, fat, saturated fat, sugar and salt in a standard portion of the food and how that translates to average daily intake.

Furthermore, public health issues are multi-factorial and complex. It is unrealistic to expect that these can be addressed through reforms to food labelling alone. For food labelling to be effective it must be part of a package of initiatives that addresses all the factors. And we must also consider the cost of changing these labelling laws, which will be substantial, and affect industry profoundly.

The use of the food labelling system to support public health initiatives will inevitably increase the regulatory burden and its related costs on industry and consumers. It is essential that if industry and consumers are to meet this burden that it will result in substantiated and sustainable benefits. And yet, many of the recommendations proposed by the report are not supported by evidence that this will be the outcome. The proposals might 'feel good', but it has not been established that any noticeable beneficial outcomes will be achieved.

Public health policy is rightly directed towards encouraging consumers to eat less energy-dense foods. However, ironically if traffic light labelling goes ahead an opportunity will be lost for products such as sugar to evolve into products that provide consumers with general level health benefits that support this goal if the nutritional profile eligibility criteria as proposed are implemented. We already know that that there is an increase in sales of CSR's 'Better for You' sugar variants such as LoGicane™ and SMART™. This is evidence that consumers want such products and that the market is growing.

The inability to make beneficial health claims will remove the incentive and purpose for the sugar industry to invest in research and development to provide improved products which the community desires. Such products provide a national benefit that will enable Australian grown sugar to be differentiated from competitor sugar abroad and at home.

This legislation is not only harmful but in view of the rest of the world's reluctance to put into place the same initiatives, and the fact that there is no real evidence to show these new systems and laws will be any more effective, why would we do it? Why would we stop manufacturers taking the initiative to develop better products that are healthier for the consumer, and why then would we stop them from informing the consumer so that the full benefit and potential of these newly created products could be realised?

The whole concept of the traffic light system seems to be moving Australia further and further in the direction of a nanny state, where we are told what to buy, what to eat. In an Australia that is suffering the effects of the high dollar and competitive overseas market place, we can ill afford to bring in these recommendations. They are not fair, they are not logical, and in the long run they will only hurt manufacturers and, ironically, the people the laws are supposed to protect—that is the consumers.

Human Trafficking

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (19:41): According to World Vision Australia, human trafficking is a significant global problem. In my opinion, this is simply not okay and, in fact, it is a crime against humanity. According to the United Nations Office on
Drugs and Crime, human trafficking is the act of:
  …recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means for the purpose of exploiting them.

They go on to say that:
Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims.

Human trafficking involves an act of recruiting, transporting, transferring, harbouring or receiving a person through use of force, coercion or other means for the purpose of exploiting them. Human trafficking is one of the world's most profitable crimes after arms and drugs. Human trafficking is transnational and highly organised, which leads to difficulties in putting a stop to this outrageous abuse of human rights. Human trafficking most often happens to vulnerable individuals. They may be vulnerable because of poverty or, as in the case of many women and girls around the world, they may be in a position of subservience. The extent of the problem of human trafficking is enormous. It is estimated that trafficking enslaves well over 27 million people around the globe and creates a profit of $32 billion for the traffickers.

There are many cases of human trafficking and the people it affects vary from children used for forced labour to women forced into prostitution. Australia is a destination country for victims of human trafficking. These victims come from many different countries, but particularly common in Australia are individuals from the People's Republic of China, the Republic of Korea and Thailand. As Christopher Craigie, Commonwealth Director of Public Prosecutions, stated:

It is now recognised that the Asia Pacific region is one 'hub' for human trafficking, particularly where that trafficking is for the purposes of sexual servitude. Plainly, as Australia is now a destination country and market for this type of offending, we carry a responsibility to address the problem vigorously.

The truly awful things about human trafficking is the deception and coercion that occurs. For example, I have read, as I am sure many in this chamber have, numbers of reports which detail individuals who may, at the first instance, have believed they were coming to a foreign country with a promise of employment and a good life, only to have arrived and been forced into unpaid labour, prostitution or slavery. Victims of human trafficking can be any age and any gender. However, a disproportionate number of women are involved in human trafficking, both as victims and as culprits. Females are more strongly represented in human trafficking due to that fact that often the only way out of a situation in which a woman has been a victim is to become a human trafficker and work for her captors.

Every single year, thousands of individuals—men, women and children—are forcibly removed from their homes and towns and taken elsewhere by human traffickers. Human trafficking is not just something that affects individuals; it has an incalculable negative effect on the families and their communities. The most commonly identified form of human trafficking is, disturbingly, for the purpose of sexual exploitation. This reason is behind 79 per cent of trafficking. This statistic also alerts us to the fact that it is more often women than men who are victims of human trafficking. Forced labour is another
significant reason for human trafficking, and often this includes the trafficking of children.

Asia is a region that is known for human trafficking and, according to World Vision, it is a point of not only origin but also transition and destination. Victims of human trafficking have been discovered in domestic servitude, forced agricultural labour, garment manufacturing, the fishing industry, construction and sex work. As you can see, this is not a limited problem. It has managed to infiltrate a vast number of industries in many different ways. As stipulated in article 1 of the Universal Declaration of Human Rights:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

I would like to turn for a moment to an organisation that is passionate about eliminating human trafficking and slavery in Australia. I recently met with the Australian Catholic Religious Against Trafficking in Humans here in Canberra. This is a group of men and women, over 8,000 of them, who are passionate about abolishing human trafficking. Their inspiration comes from article 4 of the United Nations Declaration of Human Rights, which states:

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

In other words, nobody has the right to treat you as his or her slave and you should not make anyone your slave. This organisation's primary concern is the wellbeing of individuals who have been trafficked into Australia—the victims. The organisation is working towards an improvement in services for these individuals, such as affordable housing, education and appropriate compensation as victims of human rights violations. For women who are brought to this country and then used in the sex trade to be able to create new lives for themselves, they need housing and the opportunity to be educated, and they should also be compensated as victims.

It is obvious that human trafficking remains a huge problem worldwide, and often problems of such magnitude can seem too big to fix. However, World Vision has suggested a number of steps we can all take to help decrease the negative impact of human trafficking. Being informed on this issue will better equip each and every one of us to become more positively involved in finding solutions to this horrific problem. I would encourage everyone in this chamber and those who are listening to keep informed about human trafficking, whether it be through research, reading or keeping a close eye on news and current affairs. This is a widespread problem and it is occurring everywhere.

With the relative affluence and high quality of rights we enjoy here in Australia, we are very privileged and it can be easy to forget that the life we enjoy here is not the reality for so many others around the world. I feel it is our duty to do all that we can to ensure that these crimes against humanity, such as human trafficking, slavery and forced labour, are stopped as quickly as possible. To paraphrase what has been said many times: the only thing necessary for the persistence of evil is for good people to do nothing.

We all often eat chocolate, some of us in this chamber more than others—and I confess that I eat probably too much of it! But that is a trade in which children have been forced into labour. They have fallen victim to unacceptable working conditions. That is why the campaign being run by World Vision in relation to the manufacturing and production of chocolate is so important. It seems like such a simple
thing to us here in Australia, but those of us who enjoy partaking of chocolate should be thinking about where it is grown, who harvests it and whether there are children involved.

I do not want it to be said that our generation allowed the continuation of the abhorrent crime of human trafficking. I believe each and every one of us in this chamber has a responsibility, as does each and every Australian, to do all that we can to ensure that we put an end to this devastation of human life. So I would encourage each and every one of us to start conversations today in our communities, to become informed, to educate others and to take action. I would like to conclude with the wise words of Aung San Suu Kyi, who said: Please use your liberty to promote ours.

Nippon Paper Group

Bushfires

Senator RHIANNON (New South Wales) (19:51): A Bega based forest activist's website has resulted in a woman facing a charge of international identity theft. This occurred in July this year and it raises questions about the power of business to control the use of domain names on the internet and about the ability of individuals with a mousepad to influence and irritate multinational companies.

Click on Harriett Swift's website nipponpaper.net and you will see a figure in a suit and hard hat furiously jumping up and down on a koala whose eyes squeeze shut apologetically with each impact. The figure is wearing sunglasses and a tag around his neck that reads 'Nippon Paper'. It is a one-dimensional, repetitive graphic, but the ferocity of the jumper makes it oddly compelling. The rest of the site consists of a few links and a couple of sentences about Japanese multinational Nippon Paper's harvesting of timber in New South Wales for pulp, and the impact that is having on vulnerable koala populations. It is a simple site, but it really got up Nippon Paper's nose; so much so that Nippon Paper appealed to the World Intellectual Property Organisation in Geneva, claiming Harriett Swift had committed identity theft. The spokesperson from Nippon's Eden woodchip company, South East Fibre Exports, Vince Phillips, accused Harriett Swift of using a false identity to deceive the public when he spoke to the ABC on 6 July this year. He said:

... identify fraud is probably one of the worst things about the Internet. I think everybody in the community believes that. There's a whole lot of criminal activity, and just unacceptable activity associated with identity fraud.

Nippon Paper is the owner of South East Fibre Exports, notorious for its destruction of native forests and animal habitat. The Forest Stewardship Council has identified the use of wood from Victoria's native forests as unacceptable. South East Fibre Exports operates the Eden woodchip mill, which uses wood sourced from forests that include koala habitats in New South Wales and Victoria. Forest campaigners believe that unsustainable forestry practices are putting increasing pressure on the area's koala populations, which are facing probable extinction.

Stung by the criticism Harriett Swift made of Nippon Paper and its alleged disregard for koala populations on her no-frills site, Nippon Paper commenced legal action. Australian Paper, also owned by Nippon Paper, is the manufacturer of Reflex paper products. Australian Paper has also come under public pressure for the company's continued use of pulpwood sourced from Victoria's native forests—despite plantation and recycled fibres being readily available. South-east Australia contains some of the most carbon-dense forests on Earth, which are home to a myriad of threatened
species including the critically endangered Leadbeater's possum. The 2009 fires burned almost 50 per cent of the tiny creature's habitat. Despite this damage, Australian Paper continues to source pulpwood from these areas. On 22 August 2011 Reflex paper lost its Forest Stewardship Council certification.

The woodchipping of Australian forests for export has received widespread attention in the traditional media over the last decade and is the subject of fierce criticism in a host of social media spaces. Why would Nippon Paper target an activist site created by a single campaigner in Bega, New South Wales, given the global scale of its operations and the iconic nature of its brands such as Reflex and Kleenex? Why would a multinational complain to WIPO in Geneva when the alleged offence involved a single webpage and a single individual in regional Australia? At issue is the site's name. It is a domain name more instantly and easily associated with the multinational entity known as Nippon Paper than the corporation's actual URL, np-g.com. Any Google search lists Harriett Swift's highly critical website just beneath the company's own online 'front door'.

Like many global corporations behind many products, Nippon Paper is the entity behind many of the paper products in Australian supermarkets. When we furnish our homes and offices we generally do not investigate the brands to discover the identity of the parent company behind them. It is the same when we buy a box of tissues or a ream of paper. Harriett Swift's website blows that association wide open. When NipponPaper.net turned up just beneath the official URL of the Japanese paper company, it presented an uncomfortably close link between the activities of woodchip mills in regional Australia and the global corporate entity which profits from their operation. The decision of the World Intellectual Property Organisation in this case was therefore important in terms of the ability of web-based activists to challenge the control of corporations over their online personality.

The result was unequivocal: Harriett Swift won. The judgment made it crystal clear that she had every right to use the domain name NipponPaper.net and commended her willingness to draw attention to the disputed nature of the site name. Even more significantly, the judgment gave substantial weight to the sincerity of Harriett Swift's views of Nippon Paper:

The Panel is also of the opinion that the Respondent genuinely believes in the criticisms that she is displaying on the Website, and that the Respondent is not operating the Website for any dishonest purpose.

In short, Harriett Swift's use of the similar domain name was given a ringing endorsement as a legitimate use of the internet to promote a passionately held belief—a win for an online activist, for online freedoms, and hopefully a win for the native forests of south-east New South Wales and north-east Victoria. I congratulate Harriett Swift for her energy, ingenuity and commitment to her cause.

An important forestry issue that needs to be rethought in Australia is the management of bushfire risks for the protection of life, property and the environment. Whenever a major bushfire occurs, people naturally seek answers and action in response to the natural disaster. The call invariably goes out for governments and industry to log our forests and to increase prescribed burning. In an emotionally charged environment, it is important that we do not shun evidence that contradicts the conventional wisdom. We need to meet the challenge of making decisions about the management of our forests based on fact, not fear.
Chris Taylor has authored an excellent report for the Victorian Bushfires Royal Commission entitled *The Victorian February fires—a report on driving influences and land tenures affected*. The report, which has been widely accepted, found evidence that the intensity and spread of fire is greater where vegetation has been modified or disturbed by logging activity. This is due in large part to the increased levels of fuel such activity creates, and the relative susceptibility of regenerating forests to wildfire when compared with their undisturbed and older counterparts. His findings are supported by prominent research both nationally and internationally, which has found that industrial logging makes a forest more prone to fire because it alters the forest's microclimates by increasing the drying of understory vegetation and the forest floor. Such research is only beginning to scratch the surface of what we know of our forest systems and how they interact with fire.

Climate change will continue to amplify bushfire hazards. The Taylor report concluded that climate change is likely to have a significant influence on droughts, maximum temperatures, the low moisture content of fuel, decreased humidity levels and was a contributing factor in the unprecedented maximum temperatures in the February 2009 fires. It also found the number of high, very high, extreme and catastrophic fire danger days is predicted to increase, thereby increasing the frequency and severity of extreme weather conditions such as those which led to the Victorian bushfires.

It is time that we started to examine the complex interactions between our forests and fire. Federal and state governments should support research into how forest systems across Australia are likely to respond to fire to help develop science based policy based on fact.

**Desalination in Western Australia**

*Senator FARRELL* (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (20:01): I recently spent several days in Perth where I attended three extremely important desalination events and met a few of Australia's top 'desalters'.

*Senator Polley interjecting—*

*Senator FARRELL:* You should not laugh at that, Senator Polley, if you do not mind. The first of these events was the official opening of the Southern Seawater Desalination Plant at Binningup south of Perth. I opened the plant on Friday, 2 September, along with the Western Australian Minister for Water, Bill Marmion. It is the second desalination plant and there has been some criticism from certain elements around the country about recent investment in desalination plants. That has particularly been the case since the flooding rains experienced last summer by much of the eastern part of Australia. But for those in the east it is easy to forget the issues faced by those in the west. Western Australia and particularly the Perth region has suffered one of its most severe, prolonged droughts in written history. Despite recent rains, water storage levels and inflows into dams in the area remain significantly lower than historical averages. The argument that desalination plants are not needed falls on deaf ears in the west, as I am sure Senator Birmingham would be familiar with.

The experience in Western Australia should serve as a lesson to those in the rest of the country. As we plan for water security in a future with less predictable rainfall and as we work to address the challenges of climate change, desalination provides a source of water that is completely independent of rainfall. In our land of droughts and flooding rains, which Senator Williams is very familiar with, desalination
plants provide an insurance policy against the next extended period of lower than average rainfall. They also ease the pressure on our catchments, river systems, waterways, ground water resources and their environments.

The Southern Seawater Desalination Plant will soon produce 50 gigalitres of water per year. I am sure Senator Edwards would love to see that in the Clare region. That will mean that more than 30 per cent of Western Australia's water supply will come from rainfall independent sources. The plant's production is already being expanded to 100 gigalitres a year, matching the water coming out of the South Australian desalination plant.

The Australian government's $18.4 million investment in the plant funded work including a second seawater intake tunnel, which I saw before it was opened. Our funding is assisting the expansion process to progress as efficiently and as cost effectively as possible. When the expansion is complete the proportion of the state's water supply that is independent of rainfall will increase to about 50 per cent.

The opening of this extremely important piece of water infrastructure was very timely because it came on the eve of two other important events. On Sunday, 4 September, I again joined the Western Australian minister to open the National Centre of Excellence in Desalination, a state-of-the-art research facility—matching and complementing the centre of excellence in your home state of Queensland, Mr Acting Deputy President Furner—and the Desal Discovery Centre at Murdoch University's Rockingham campus, which is in the heart of Gary Gray's electorate.

At that event I was pleased to announce $3.8 million in Australian government funding for 11 innovative, new desalination research projects across Australia. The outcomes of these world-leading Australian projects will stretch across the globe, creating a more sustainable desalination industry. The centre of excellence's new facility will enable projects to be scaled up towards full-scale commercial solutions. The Australian government's investment in desalination research is fostering the development of new ideas and solutions to problems. These inventions and innovations will be brought to life through the desalination industry. In Australia desalination is a growing industry and one in which there are many leading lights. One of those leading lights I am very proud to say—as I am sure Senators Birmingham and Edwards would agree—is a South Australian company called Osmoflo.

Senator Gallacher: And Gallacher.

Senator FARRELL: And Senator Gallacher, and of course Senator Williams, who also hails from South Australia.

Senator Bilyk: And Bilyk.

Senator FARRELL: You do not have a South Australia connection, unfortunately. I know you would like one, Senator Bilyk. We have got a disproportionate South Australian connection in this chamber right now. The company I want to particularly mention is called Osmoflo, which is a gold industry sponsor of the centre of excellence. Osmoflo has committed $100,000 over five years to provide support for ongoing operation of the Desal Discovery Centre. Along with four other gold industry sponsors, Osmoflo will provide significant industrial and operational presence in the centre. These sponsors will also have opportunities to assist with and participate in research projects, help guide research direction through periodic review of the Australian Desalination Research Roadmap and most importantly advise the centre's board on issues relating to the
I understand the centre is particularly looking forward to working with Osmoflo to develop research projects that will benefit rural and regional Australia. One of the centre's goals is to encourage young professionals and researchers to enter and remain in the desalination industry as desalters. With support from the centre, Osmoflo principal process engineer Mr Hiep Le was selected as the world's emerging young desalination leader at the International Desalination Association World Congress in Perth last week.

I recently had the pleasure of visiting Osmoflo's plant at Burton in Adelaide's north-eastern suburbs, which you would get to if you were heading out to the Clare Valley. Osmoflo's chairman, Graham Dooley, and managing director, Marc Fabig, were kind enough to show me around the site. Marc co-founded the company with his wife, Annie, in 1991 and it now employs more than 220 people around Australia. Osmoflo is the largest Australian owned desalination and water-recycling company and the Australian market leader in reverse osmosis desalination technology. The company has delivered 320 plants here and overseas. It also has 128 long-term operation and maintenance agreements, which are delivering 70 megalitres of water per day. This expertise has led to involvement in nine overseas projects and the opening of offices in Dubai, India and Chile. At home, in our vast country, many of Osmoflo's projects are in remote locations, which is a particular focus of our National Centre of Excellence in Desalination. Osmoflo is a great example from my home state of the global opportunities that exist in the desalination industry.

I have spoken already about the opening of the Southern Seawater Desalination Plant south of Perth and the opening of the National Centre of Excellence in Desalination facilities at Rockingham. The third event I mentioned is the opening of the International Desalination Association World Congress in Perth. This conference drew together the desalination industry's greatest thinkers and achievers, from leading scientists and researchers to end users, suppliers and manufacturers. Water policy makers and businesses from around the world recognise the importance of this particular conference.

Regional Development Australia Fund

Senator GALLACHER (South Australia) (20:11): I wish to speak tonight about the federal government's announcement of the successful regional South Australian projects that received federal grants under round 1 of the Regional Development Australia Fund. The first round of funds invested in 35 projects nationwide valued at $150 million. The Regional Development Australia Fund will account for $1 billion worth of funding over the next five years. This is part of the government's record $4.3 billion commitment towards regional investments, which will include health and hospitals, skills, higher education and infrastructure.

South Australia was a big winner out of the first round and I would like to thank Minister Simon Crean along with his staff, the department, and the independent panel for doing such a great job with these grants. All the projects were worthy of receiving funding. These are projects that make sense because they are focused on the economic and social future of regional areas. All of these projects will benefit the whole community. Not only will the community receive the infrastructure they have been asking for, but the community will benefit from an increase in local jobs. Funds like the Regional Development Australia Fund are
positive initiatives that this Labor government is continuing to engage in.

The beneficiaries of the projects specifically in my duty electorate of Grey, which covers most of the state, are the people from the Flinders Ranges, Port Lincoln, Port Pirie, Streaky Bay, and the far north west. I had the great privilege to speak to the CEOs of each of the organisations receiving a grant and all were ecstatic, highlighting the benefits for each of their respective communities.

I will start with the Flinders region of South Australia, which is north of Adelaide. They will receive a federal government grant of about $915,000 to purchase and install renewable solar power systems at 10 locations across the region. The grant funding will purchase 84 solar lights to be installed in local playgrounds, monuments, walking and bike trails, and sporting areas in Quorn, Hawker, Orroroo and Carrieton. For existing and potential new residents, this will add value to public precincts, making them safer, more attractive and more amenable to community pursuits. I understand this will encourage more community-run events and community networking. This is obviously significant in regional areas, where there is a very strong orientation in the community to participating in community events. Facilitating the strong community ethos with safer public facilities will encourage more use of those facilities. The project also showcases the region's commitment to environmental sustainability. Another beneficiary is the town of Port Lincoln, which is directly west of Adelaide with the Gulf of St Vincent, the Yorke Peninsula and the Spencer Gulf between the two. Port Lincoln will get a boost with a federal government grant of $4.5 million to construct a new purpose-built terminal at Port Lincoln Airport costing $12.66 million. Obviously this will facilitate more flights for this expanding town. The construction when completed will comprise a new purpose-built terminal building and car park with the terminal to initially cater for 220 people during peak periods. This will maintain a competitive airline environment. I believe it will increase the number of inbound passengers, which will have a flow-on benefit to many sectors including business, medical, government and tourism. It will also allow critical, time sensitive freight to be moved promptly.

There will also be a valuable social gain through better access to government services including health and education and links to leisure activities. The upgrade will support economic growth and employment for the region's economy and local industries such as agriculture, seafood, tourism and mining. Importantly, approximately 20 jobs will be directly created at the airport's handling passenger and baggage security area as well as six to 10 jobs within the cafeteria. We have seen many areas of Australia take advantage of such investments where their industries have been able to thrive and create differing outlets of opportunity, diversifying the regional make-up of the area.

On the Port Lincoln Times website, Mayor of the District Council of Lower Eyre Peninsula, Julie Low, stated, 'This $4.5 million is just absolutely wonderful.' The reception and the professionalism that the various councils put in for these grants are quite remarkable to see.

In Port Pirie, just north of Adelaide, the Men's Shed and Community Complex will be revamped to expand its services to the community. The complex will receive $1.1 million from the grant and the project is expected to be completed by mid-2012. This complex fills an important gap in the area as there are no other facilities to provide access to skills training and employment experience. Many disadvantaged people in
the region will have continued support, with the complex providing quality accredited training in retail, metal trades, hospitality and horticultural industries. It is my understanding that the construction of the complex and the fit-out will help train and employ job seekers. I congratulate Uniting Care Wesley Port Pirie Inc. for their great work in the community and the remarkable program they are continuing to provide.

CEO Anthea Pavy stated that 'the whole community is excited about this' and that 'the facility will be of great benefit to people's personal and professional development'. Ms Pavy added that 200 to 300 people go through the facility a week and the expansion will see a substantial increase but will retain a close community feel.

Streaky Bay, which is north-west of Port Lincoln, will receive government funding of $1.72 million towards the $2.85 million refurbishment of the Streaky Bay Oval Precinct to support participation in recreation and sporting activities. The expected completion date is mid-2013. The growth in the council district can be attributed to the lifestyle change that many Australians are seeking. The project will importantly support skilled workers in this area.

In the APY Lands, the arts community in far north-west South Australia will benefit from $2.84 million federal funding for the Ananguku Arts and Culture Aboriginal Corporation, an Aboriginal owned and governed peak body for the arts. Currently, some arts centres are prevented from taking on new artists because of limited painting space. The new centres are expected to increase investment by public and private institutions in Aboriginal fine arts as well as support increased tourism. This project will directly benefit more than 640 artists and their extended families that comprise the 3,000 local Indigenous people who live on the APY Lands, as well as an additional 500 non-local residents and workers. It is anticipated that income from paintings will increase by 10 per cent across the APY region of 102,502 square kilometres. This is a great outcome, as people will be able to reap the benefits from increased income and will be able to put that money back into their local economy.

Finally, I commend all organisations that were involved in the grant applications, along with the local communities who clearly had a very great interest and demand for these projects. Your hard work and activism was well worth the sometimes difficult nature of making an idea a reality. Going through all these valuable projects, it is quite apparent that successful grant applicants have a driving community behind them so that the community is entirely involved and drives the application forward.

Each project will add value to the communities through the social benefits that they provide. The simple equation is that local jobs will complete these projects, and the region will reap all the benefits from them, whether that is from direct or indirect employment or simply retaining or attracting people to live in the region. I once again offer my congratulations to recipients of the grants and their local communities. I look forward to visiting the projects on their completion. I know this Labor government will continue to work hard in the area of regional development, and all of regional Australia is especially looking forward to the next round of the grants. (Time expired)

**National Child Protection Week**

**Senator BILYK** (Tasmania) (20:21): Tonight I rise to speak about the issue of child protection and in particular the fact that between 4 and 11 September it was National Child Protection Week. The theme for National Child Protection Week this year
was 'Play Your Part'. As a parent, a former childcare worker and the co-convenor of Parliamentarians Against Child Abuse and Neglect, child protection and welfare is of the utmost importance to me. Every year in Australia, in excess of 30,000 children are abused and neglected. I know that is of great concern to many other senators present tonight on both sides of the chamber and, obviously, some that are not present. I know that other senators here tonight play an important role in helping reduce that number.

The Gillard government provided funding to the National Association for Prevention of Child Abuse and Neglect, or NAPCAN as it is well known, to host National Child Protection Week events and activities around Australia. As part of the week, NAPCAN and Google launched a YouTube channel. The channel showcases what people are doing to reduce the incidence of child abuse and neglect. I would encourage people to take the time to have a look at this site.

In 2009, NAPCAN conducted a survey of more than 21,000 people to help understand the level of awareness people have regarding child abuse and neglect and the actions they would take to protect a child they thought was being abused. I have spoken about that survey previously in this place but I want to remind people that the results found that less than half the Australian population would take appropriate action to ensure a child's safety when faced with clear indications of abuse and neglect. Many of the survey participants indicated that they wanted to help but they were not sure what action they should take.

This year, 2011, the focus is on educating people so that they can make a difference. As a parent you need to educate your own children about the importance of being safe and what they should do if they are feeling unsafe. It is also important to educate ourselves about the signs of abuse and neglect in order to give ourselves the best chance of spotting a problem that a child might have. Quite often a child can have loving and attentive parents but is being abused by someone else, and if a child does not understand that what is happening to them is wrong or if they are scared to speak up a parent may not always notice the problem.

It is also important that members of extended families take an active interest in the lives of their grandchildren, nieces and nephews, and brothers and sisters. This is because sometimes it may be the parents who are abusing or neglecting the child. They may be doing it deliberately, or perhaps they are struggling with being a parent and need some guidance to help them become better parents.

Another important role for adults to play in the lives of children is to be an attentive listener and provide emotional support because a fear of rejection and not being taken seriously may mean a child keeps quiet even if they know that what is happening to them is wrong. It is also important, obviously, for teachers, doctors and neighbours to be aware of the children they come into contact with and of what is normal behaviour for a particular child because a change in behaviour may well indicate a problem that needs attention.

Another important factor in providing a safe environment for children is the need for facilities that accommodate the parent-child relationship. This could mean, for example, flexible working hours for parents, restaurants that cater for children and schools that encourage parental involvement and participation. Effective communication between caregivers is also important. Parents need to have a strong relationship with the teachers, early childhood educators and
health professionals providing care for their children.

NAPCAN has a number of programs dealing with child welfare and I will mention just a few of them tonight. The LOVE BITES program was developed to educate young people about respectful relationships and to reduce the incidence of relationship violence in the community. The program is delivered in an interactive manner with workers engaging the young people through activities in every session. Its workshop ends with a creative afternoon session to consolidate the material learnt during the day. LOVE BITES is usually for young people between the ages of 14 and 16.

The KiDS CAN program focuses on the right for children and young people to participate fully in life, including building resilience, developing healthy relationships and breaking the cycle of abuse and neglect. The program helps children and young people build positive approaches towards challenges and potential conflict and works to develop a sense of belonging. Through KiDS CAN, children and young people are encouraged to have a voice on matters of concern to them and to make decisions and take responsibility for the operation and completion of a project.

Another NAPCAN program that I know about is SOSO, which focuses on keeping children safe while using the internet. As the Chair of the Joint Select Committee on Cyber-Safety, this is an issue of particular importance to me. Cybersafety continues to be a key concern for Australian parents, teachers and caregivers. I know that many of the school newsletters I receive cover cybersafety on a regular basis. It is really great to see schools taking that action. SOSO recognises the fact that keeping children safe online is a joint responsibility between parents, teachers, government, the wider community and the digital media industry. SOSO has been developed so that children and young people are communicated to in a way which they can understand and relate to.

SOSO's first campaign was focused on raising awareness about the dangers of online predators. An independent evaluation of this campaign found that it was delivered to 80 per cent of its target market and that it achieved significant shifts in awareness, attitude and intended behaviour. SOSO's second campaign focused on online bullying. This campaign seems to be making an impact with children, according to an external evaluation of the anti-cyberbullying campaign. The Cyber Bullying—Bystander Behaviour program uses a YouTube video and an educational game called Web Warriors. The evaluation shows that the program has had a significant impact on intended behaviour change. Over 80 per cent of online Australians between the ages of 10 and 15 have had the opportunity to see the SOSO campaign. Around nine in 10 of those who were involved thought that it had had an impact on how they felt about cyberbullying and that it had made them more aware of the effect of cyberbullying on others. The Cyber Bullying—Bystander Behaviour YouTube video has had about 79,000 clicks and the Web Warriors page has over 8,000 children registered to play the game. SOSO works because it operates within social networking sites and utilises the space, style and format traditionally reserved for commercial advertising. SOSO also has its own website where users can learn more and report suspicious behaviour.

Technology such as instant messaging, email, mobile phones and voice over internet protocol can all be used with the aim of compromising children's safety, either through bullying, predation or online grooming. The Australian government commissioned a national research audit to
examine research on child protection in Australia and to help target future research. The audit, conducted by the Australian Institute of Family Studies and the Social Policy Research Centre, was released on 5 August 2011. It provided directions and priorities to help determine future research, including the government's National Research Agenda for Protecting Children, which is to be finalised by the end of this year. It found that Australia needs more research into understanding the neglect and the emotional and physical abuse of children, as well as the impact that parental substance abuse and mental illness can have on child safety and wellbeing. Other areas that were identified included Indigenous-specific issues and solutions, kinship care, and the role of community education on child abuse and neglect. The risks to and abuse of children with disability and those from culturally and linguistically diverse backgrounds were also identified as being areas in need of research.

The National Research Agenda for Protecting Children is one of the key components under the National Framework for Protecting Australia's Children. The framework provides a national approach to ensuring the safety and wellbeing of Australian children. The Gillard government has made significant progress in the first two years of the framework, including: National Standards for Out of Home Care; eight new Communities for Children Plus sites across Australia for children at risk; increased payments for young people leaving care; and establishing a network of 25 grandparent peer support groups and another for other issues. The government continues to build on its progress through programs such as the new Family Support Program, with a more than $1 billion investment in support and services over the next three years, particularly for vulnerable and disadvantaged families.

The directions and priorities in the National Research Audit will be critical in helping build an evidence based approach to inform our thinking and actions to achieve better outcomes for children. The National Research Audit has been supplemented by an online register that will enable users to access the audit information more easily and to keep up to date with the latest research. The Protecting Australia's Children Research Audit is available online at the National Child Protection Clearinghouse.

This year, to mark National Child Protection Week, NAPCAN has partnered with the Australian Federal Police, state and territory police forces, Think U Know, Bravehearts, Kids Helpline, the Alannah and Madeline Foundation and Crime Stoppers to produce a poster. The poster puts it very simply: 'When a child is abused, the physical and mental pain can last a lifetime ... report it immediately.' (Time expired)

**Learn Earn Legend**

Senator **PRATT** (Western Australia) (20:31): Tonight I rise to speak about opportunities—providing opportunities and making the most of opportunities that open up before you. This week in parliament, I have been exceptionally fortunate to have had the opportunity to participate in the Learn. Earn. Legend! Work Experience in Government Program. This program has given 100 Indigenous secondary school students work experience for a week in the parliament and in Australia's government departments. This program is about providing opportunities to create experience in political offices and government offices in order to give young people opportunities to build their aspirations for the future.

The program was launched on Monday by my colleagues, the Minister for Families,
Housing, Community Services and Indigenous Affairs, Jenny Macklin, and the Minister for Indigenous Employment, Economic Development, Sport, Social Housing and Homelessness, Senator Mark Arbib. Now in its second year, this program has built on its great achievements of last year.

As Australian legend and program ambassador, the inspirational Evonne Goolagong said this week:

This program is a strong example of the Government's commitment to attract more Indigenous people into the public service. It is exactly the kind of work that our government needs to be doing. But it is also more than that: it is a strong example of the government's commitment to improving opportunities for young people.

One of those young people who stood ready to make the most of those opportunities was Charlie Cameron. Charlie was the student on placement with me this week, and I was pleased to provide Charlie with that opportunity. Charlie assisted me in writing this speech as part of his work experience activity program. Charlie currently lives in Newman, in my home state of Western Australia, and attends Marist College Ashgrove in Brisbane. He was born in Mount Isa and has moved around Australia, including living in Cairns, Darwin and Mornington Island. Charlie's people are from Mount Isa and Herberton, and he has English ancestry. His Aboriginal ancestry includes the Waanyi and Lardil people from North Queensland.

Charlie told me at the start of the program that he was looking forward to knowing about how the parliament works, how the people work and what it is like being a senator. He said that he was also looking forward to meeting new people who work here, in parliament. Well, I can say that Charlie has made the most of the opportunities presented to him through this program. Originally, Charlie had thought that being around Parliament House would be boring, but he has changed his mind about that now, which I am very pleased to know. He has enjoyed seeing how the place runs, and he thinks that question time is pretty funny. I think I mostly agree with Charlie. He has been a student at Marist Brothers Ashgrove for the last three years and reckons it has been the best choice he made in his life. I would like to congratulate Charlie on the fact that he has already made the most of the opportunities presented to him to continue at school.

For his young age, Charlie has already had a lot of life experiences. He thinks that, as a young Aboriginal person in 2011, he has had more opportunities than many in the past. He is pleased that he has the opportunity to go to school so that he can strive for his goals and that his school scholarship has helped him go further in life than otherwise might have been the case. Charlie says the motto for this program—the Learn Earn Legend—means: stay at school, get that job and be a legend! To me, after my experiences with Charlie, he is that legend.

Charlie's legends are Kathy Freeman and Preston Campbell. In Charlie's words:

Kathy Freeman is the first Aboriginal person ever to win the gold medal at the Olympics. Preston Campbell is another person that I look up to. He always thinks about Aboriginal people like trying to help them. He also made an event that was special for Aboriginal and Torres Strait people by making an Aboriginal All-Stars team to play against the NRL All-Stars.

Senator Williams: Well he comes from Inverell; he's got to be special.

Senator PRATT: Exactly. Charlie went on:
It is important just to close the gap between indigenous Australians and non-indigenous Australians.

I agree with Charlie: it is very important that we continue to close the gap in opportunity between Aboriginal and non-Aboriginal Australians—in health, in education and in work. My hope is that we have contributed in some way to doing just that this week through this very important work experience program. I congratulate Charlie and his friends for making the most of this opportunity. I wish Charlie all the best for the future, in that traineeship he is aiming for next year and wherever life takes him. I congratulate him for making the most of his experience this week and for contributing to the speech that I have made to the Senate. I also extend my best wishes to all the students who have participated in the program.

**Illawarra Local Government Elections**

Senator FIERRAVANTI-WELLS (New South Wales) (20:38): Madam Acting Deputy President, I seek leave to speak for 20 minutes.

Leave granted.

**Senator FIERRAVANTI-WELLS:** I rise this evening to place on the record the historic result for the Liberals in the Illawarra at the local government elections on Saturday, 3 September. Six years ago I established my office in the Illawarra, and I am thrilled that we have seen another very important step in more balanced representation for the Illawarra. The results show a massive swing against the Australian Labor Party in both Wollongong and Shellharbour. The Liberals have four of the 12 councillors on Wollongong council and two of the seven councillors on Shellharbour council. I would like to place on record my congratulations to John Dorahy and his team in Wollongong and Kellie Marsh and her team in Shellharbour.

Alongside John Dorahy will be Liberal councillors Michelle Blicavs, Leigh Colacino and Bede Crasnich. At Shellharbour, Paul Rankin has won a seat alongside Kellie Marsh. Not only have Kellie Marsh and Paul Rankin made history as the first Liberals elected to Shellharbour council but, in an amazing result, Kellie Marsh was earlier this evening elected Mayor of Shellharbour.

All these historic results need to be put into context. This swing was about two things: corruption and the carbon tax. Let me start on corruption. In March 2008 the Independent Commission Against Corruption delivered part 1 of its report on its investigation into allegations of corruption affecting Wollongong City Council. Part 1 of the report of Commissioner the Hon. Jerrold Cripps QC contains a recommendation, under section 74C(1) of the ICAC Act, that consideration be given to the making of a proclamation under the Local Government Act 1993 that all civic offices in relation to Wollongong City Council be declared vacant. He made the recommendation after receiving a submission from counsel assisting Noel Hemmings QC, who outlined several instances of corrupt activities by councillors and former staff involved in the sex and bribery scandal. Mr Hemmings told the inquiry that councillors and council staff had repeatedly breached the code of conduct, engaged in cosy relationships with developers, leaked confidential information and not declared the exchange of gifts. He said the actions of council planner Beth Morgan had contributed to that corrupt conduct. Beth Morgan told the inquiry she had had sex with three developers and received gifts from them while she was assessing their development proposals. Regrettably, all this brought shame and embarrassment to the people of the Illawarra.

On 4 March 2008 Wollongong council was sacked by the Governor, Marie Bashir.
Col Gellatly, Gabrielle Kibble and Robert McGregor were appointed as administrators. Part 2 of the ICAC report was released in May 2008 and part 3 in October 2008. The commission's investigations in this matter resulted from an anonymous complaint received in 2006 that Ms Morgan, a senior Wollongong City Council planning officer, had given favourable treatment to a developer named Frank Vella, from whom she had improperly accepted gifts and other benefits. The commission determined that it was in the public interest to conduct an investigation for the purpose of determining whether any corrupt conduct had occurred. As part of its investigation, the commission held a public inquiry, from 18 February to 4 March 2008, at which 14 people testified and around a thousand documents were tendered. ICAC Commissioner Jerrold Cripps said his urgent interim recommendation was driven by the conduct of four Australian Labor Party councillors who had been accused of soliciting bribes from developers. He stated:

Although all four councillors have taken leave of absence they would be able to return to their duties as councillors at any time. Given this fact … the Commission considers that prompt action is required in the public interest.

Further south, on 3 April 2008, the former New South Wales local government minister Paul Lynch ordered an inquiry into Shellharbour City Council. The council, south of Wollongong, was embroiled in an expensive Land and Environment Court case which exposed the inner workings of council relationships, with the council essentially suing itself over the leaking of confidential information. In his report of the Shellharbour City Council public inquiry, released on 4 July 2008, former Bankstown council general manager Richard Colley recommended that all civic offices on the council be declared vacant. The New South Wales state government legislated for elections to be held on 3 September 2011. The O'Farrell government wanted the people of the Illawarra to return to have their democratic say as soon as possible. Elections were for a one-off five-year term to avoid the cost of another election in 2012.

Wollongong council has organised ongoing professional development training for the lord mayor and councillors, including a series of skills training workshops. May Wollongong never witness another such disgraceful episode again. And one hopes that the Australian Labor Party and those who selected them—namely, the unions in the Illawarra—will learn a valuable lesson. Judging from recent allegations of union mismanagement, somehow I do not think they will.

I now turn to the second reason: the carbon tax. The Illawarra is the carbon tax capital of Australia. The area will feel its impact on the steel and coal industries hard. This is on top of current job losses—something the Prime Minister and the unions seem unable to stop. It is very clear that the carbon tax has played a big part in the local government elections, just as it did at the state election. I remind the Senate of the 18 to 19 per cent swings against the ALP in seats like Keira and Shellharbour at the last state election.

Let me return to Saturday, 3 September. Only days after Julia Gillard visited the Illawarra there were big swings in polling booths all over the Illawarra, including in previously strong ALP areas close to the steelworks. As I spoke to people at polling booths from Shell Cove in the south to Thirroul in the north the message was the same: anti Labor and anti carbon tax. I stood at one polling booth for about 10 minutes where a local member offering ALP 'how to votes' to passing voters was told 'no thanks'.
This was borne out by the Liberals overwhelmingly winning this booth.

Let us not forget that the Gillard government's proposed carbon tax will put 12,000 jobs in the Illawarra at risk. But the only job that local MP Stephen Jones is concerned about is his own. He has convened the so-called Labor Members Manufacturing Group—all too little too late, Mr Jones. You, Mr Jones, and your colleague Sharon Bird, the member for Cunningham, should have had the gumption to stand up to Julia Gillard and stand up for your constituents in the Illawarra and demand no carbon tax. Mr Jones called for special treatment for the steel industry, which was a desperate attempt to negate the effects of a toxic tax that will hit at the very heart of his electorate. Arguing over whether or not the steel industry is partly or fully exempt is just not good enough. The former member for Throsby, Jennie George, and AWU branch secretary Andy Gillespie have both publicly disagreed with Mr Jones. Mr Gillespie wanted the steel industry exempt and Ms George has said:

There is no compensation for a job that is lost and not replaced.

There would be no jobs lost to a carbon tax under a coalition government, because there would be no carbon tax.

And of course the workers have now been left to decide whether to take redundancy or be forced to leave. In the end the workers in the Illawarra steel and coal industries will have Stephen Jones and his colleague Sharon Bird to blame, when they lose their jobs because of the impost of this toxic tax.

This morning in Canberra the Prime Minister spoke to the Australian Steel Institute. She talked about 'clean energy jobs'. What is a clean energy job? She did not explain that, but apparently there will be many of them—opportunity for all. That is one that has obviously passed the focus groups. Speaking before introducing the carbon tax legislation in parliament the Prime Minister said: 'It is about the nation's future. That is what we are bringing to the people today. People will be able to work in clean energy industries.' They will not be able to work in steel manufacturing because these jobs are disappearing. But Ms Gillard did offer this platitude this morning:

Friends, I know today there are hundreds of steel workers facing a difficult future as they leave the industry. That is why as soon as BlueScope announced its plan we were immediately on the ground with $130 million in assistance, including $100 million as an advance facility of our $300 million Steel Transformation Plan.

This is money that has not even been collected. The legislation to create the Steel Transformation Plan is tacked onto the end of the carbon tax bills, which were introduced in the other place today. They are robbing Peter to pay Paul before Paul has had a chance to get his hand in your pocket.

As Tony Abbott said in his address to the Australian Steel Convention on 12 September:

There is no way on God’s earth that you can have a solar powered steel mill, just as there is no way on this earth you can have a wind powered manufacturing plant and anyone who thinks otherwise is delusional.

But this is only a stay of execution for steel in the Illawarra, and it is designed to keep one job. Let me explain. On 6 April 2011 Greg Combet and Paul Howes went to Port Kembla to address steel workers. I understand that Mr Howes began by telling workers there would be a carbon tax and they would just have to live with it. After lots of finger pointing and very heated discussions it was a different tune. All this is about and all the Steel Transformation Plan is about is just one job and one job only. Paul Howes realised at that meeting at Port Kembla 

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**CHAMBER**

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Kembla that his job is on the line and, potentially, his job in this place as a member of parliament is on the line. So this is the payback for Paul Howes helping the Prime Minister in her political assassination of Kevin Rudd. He helped install her as Prime Minister, not the Australian people. He handed her the knife that ended Kevin Rudd's prime ministership on 23 June.

Paul Howes then went down to the Illawarra on 1 September and talked to the 1,500 Port Kembla workers and tried to deflect blame for this onto the company. Where was the Australian Workers Union during the so-called alleged period of mismanagement that he is now accusing BlueScope of being involved in? He said:

For the company to deflect blame about this announcement simply to external macroeconomic conditions is simply bullshit. This company has played a major role in its downfall.

Well, I think the person with the animal dung problem is Mr Howes and the AWU rather than BlueScope. One only has to look at how the unions operate in New South Wales—with a stench. The member for Dobell, Craig Thomson, and of course Michael Williamson from the Health Services Union are the standard bearers for unions in New South Wales. That tells it all.

Ms Gillard announced details of the carbon tax in July and it was a few days later that I and my Senate colleague Senator Barnaby Joyce were subjected to loud protests in Wollongong from so-called 'steel workers', later revealed to be union officials, who insisted that the coalition should support the carbon tax. A month after warning unionists and protesters at that meeting in the mall in Wollongong of the dangers of the Gillard government's carbon tax, it was not surprising to hear that BlueScope was reviewing its Australian operations. I could have told them that a long time ago. I took no comfort from hearing this, but the members of the Socialist Alliance and the Greens who joined the union protests should immediately evaluate their support for the toxic carbon tax.

As I said, the carbon tax compensation package offered by the government was always a sop to the unions, a stay of execution. Of course the Illawarra will be one of the regions hardest hit. New South Wales cabinet documents have shown that there will be 7,000 fewer jobs created by the end of the decade. Ms Gillard lied to the Australian people before the 2010 election. This tax will bring no benefit to the Illawarra. It can bring no benefit to the people of Australia.

In turning back to the local government elections in the time left to me, I want to put these results on record. Let me share some of the results for the Lord Mayor's ballot. There were 62 polling places in Wollongong. John Dorahy, the Liberal Party's candidate for the lord mayoralty, got more votes than the ALP at 42 of the 62 polling places. In 68 per cent of polling places we beat the ALP and we are talking about polling booths in places like Austinmer, Bulli, Coalcliff, Coledale, Corrimal, Fairy Meadow, Farmborough Road, Figtree, Gwynneville, Helensburgh, Keiraville, Mount Brown, Mount Kembla, Mount Ousley, Unanderra, Wollongong, Thirroul, Towradgi and Woonona. Many of these have previously been strong ALP booths. It was a fantastic result. We have only ever had one other Liberal on Wollongong council. I am sure and I hope that Councillor Dorahy will be elected to the position of deputy mayor when that position is contested in the next few days. While the Reverend Gordon Bradbury secured 33 per cent of the total vote, the Liberal Party came in third with 22 per cent and the ALP came in second with 22 per cent and the ALP came in third with 18 per cent of the vote.
I move to the councillor vote. In ward 1, which is in the northern end of the Wollongong local government area, the Liberals did very well. Of the 30 polling places again we outpolled the ALP at 22—that is, 73 per cent of the polling places. I congratulate Councillor Leigh Colacino and his team, David McKenna, who just missed out by a few hundred votes, Lorraine Rodden and Jennie Colacino.

In ward 2 the result was even better. Of the 23 polling places we topped the vote and beat the ALP in all but two of the polling places. We secured 91 per cent of the polling places, with 37 per cent of the vote against the ALP's 23 per cent. I acknowledge and congratulate Councillor John Dorahy, Councillor Blicavs and their team Brendan Birmingham and James Foster.

In ward 3 the Liberal Party won booths such as Berkeley Community Centre, Farmborough Road public and Mt Brown public to secure about 28 per cent of the vote, with the Liberal vote level-pegging with the ALP in booths such as Dapto and Figtree. I congratulate Councillor Bede Crasnich and his team Jim Christensen, Hans Bradley and Danny Henley-Martin.

Let me turn to Shoalharbour Council where the Liberals elected two councillors, Labor two and there were three Independents. Labor's vote was reduced to 27 per cent. We beat the ALP in booths at Albion Park, Shell Cove and Shellharbour and level pegged at other booths such as Flinders, Lake Illawarra and Warilla, again previous ALP strongholds.

The Prime Minister said, 'There will be no carbon tax under a government I lead.' That is what she promised the Australian people before the 2010 election. It is a promise she is willing to break to cling to power in the Green-Labour-Independent alliance, a folly that is bringing this nation to its knees. When jobs are lost and the cost of living spirals up and up under a carbon tax, I will remind the people of the Illawarra about Paul Howse and all his union mates and their so-called 'concern' for the workers of the Illawarra. Those union officials have only ever been concerned about their own jobs. That is all it has ever been.

I was born and bred in the Illawarra. I have watched the unions absolutely screw workers in the Illawarra. All they have ever been concerned about is their power and their power base and now they will walk away. They will all get their cushy little jobs and the workers of the Illawarra, many of them migrant workers, will just be left to fend for themselves. So the people of the Illawarra have now had their say. They had their say at the state election. They had their say at the local government elections with absolutely massive swings against the Australian Labor Party. I hope and pray that when the federal election comes along those baseball bats will be out in equal force and we will see the same massive swings that we saw at the state election and at the local government election. The people of the Illawarra are telling the Australian Labor Party, 'Enough is enough. We have had enough of your corruption. We have had enough of you. It is time to go.'

Uranium Mining

Senator LUDLAM (Western Australia) (20:58): by leave—I rise to acknowledge that on Sunday we passed an important anniversary, the 10th anniversary of the horrific attacks on New York City and the aircraft that were flown into the twin towers and the Pentagon and one that crashed on its way to its intended target. We pause to reflect on the extraordinary violence unleashed on the people of the United States and on citizens from countries all around the world in those attacks. I also acknowledge
that 11 September this year was the six-
month anniversary of the disaster on the
Pacific coast of north-east Japan in which
one of the most powerful earthquakes in the
country's history, followed by a 15 metre
tsunami, caused horrific loss of life,
 wrecking the Fukushima Daiichi nuclear
power complex. This is an appropriate time
to pause and remember the extraordinary
loss of life and the ongoing disaster that has
been caused there.

I had the enormous good fortune before I
departed for Canberra to spend Sunday, 11
September at Seven Mile Camp on the
outskirts of Alice Springs at a meeting of the
Australian Nuclear Free Alliance—ANFA. It
was an appropriate place and such wonderful
company in which to spend that anniversary
and consider the violence unleashed in those
two events. I spent my time there in the
company of a number of people: Uncle
Kevin Buzzacott, who has spent the latter
part of his life fighting nuclear dispossession
of the land of his people by the Olympic
Dam uranium mine at Roxby Downs in
central South Australia; Mitch, whose sense
of humour and fierce wit and passion for her
people leave an indelible trace on the
memory of anybody who spends time with
her; the indestructible Barb Shaw, who has
unfortunately spent far too much of her time
having to fight the negative impacts of the
Northern Territory intervention that was so
unwisely carried forward by this
government; and Aunty Isabel and Bunny
Naparrula, who travelled down from Tennant
Creek to speak to that group of people about
this Commonwealth government's shameful
proposal to continue the Howard
government's radioactive dispossession of
their people with the proposed imposition of
a radioactive waste dump which would
collect the Commonwealth obligated nuclear
material which principally resides at the
moment at Lucas Heights in central South
Australia—though there is also a certain
amount at overseas reprocessing sites in
France. They do not want that material there,
and they have led an extraordinary
campaign, which I have been privileged to
be a part of, to prevent that material being
dumped in a shed on a cattle station on their
traditional land so that the Commonwealth
government can wash its hands of it and
walk away.

ANFA has been going since 1997. It was
formed in Alice Springs in response to the
Howard government's unleashing of the
uranium sector to vastly more disappointing
results than I imagine they were anticipating
and in particular in response to the challenge
of the proposed Jabiluka mine in Kakadu
National Park in the Northern Territory.
ANFA, which was formed as the Alliance
Against Uranium, has stayed very strong
since then. That ANFA meeting was an
amazing gathering of people whom you
might consider some of the most
marginalised and disadvantaged in the
country. Aboriginal communities, activists,
elders and some of the new leaders coming
through gather once a year—this is the fourth
one that I have had the extreme good fortune
to attend—to share their stories of
dispossession and of that campaigns that
they have waged and in many cases won
against foreign and domestic uranium mining
companies and against the extraordinarily
misguided ambitions of successive
Commonwealth governments in seeking to
leave this toxic time capsule of radioactive
waste on their country.

We were very fortunate to host at that
meeting a couple of guests from overseas—
people with quite intimate experiences of the
uranium industry and of uranium mining. One
of them was Ammon Russell, who is a
representative of the Navajo Nation in the
United States. They have had intimate
experience with uranium mining. The
Navajo Nation encompasses some parts of Arizona, New Mexico and Utah, and their area was a key target for uranium mining in the immediate aftermath of the Second World War, when there were more than 1,000 uranium mines on the Navajo lands alone. The Navajo people suffered the immediate impacts of unventilated mines and of the fact that there were then no occupational health and safety measures whatsoever. In fact, in 1962 the first publication of a statistical correlation between cancer and uranium mining was published by the US public health service as a result of the enormous impacts suffered by the Navajo people, particularly the miners and their families who were mining that material so that the United States government could produce the nuclear weapons that fuelled their part in the Cold War.

As of 2009, the federal government in the United States had funded nearly 22,000 people a sum of just under $1½ billion in reparations for the colossal harm that was caused. I do not know how you compensate people for the loss of the lives of families, for the children born sick or deformed and for the lives cut short. Nonetheless, the US government has been writing out cheques to the tune of $1.4 billion for the damage caused. In 2008, a five-year cleanup plan of the Navajo lands was proposed and implemented by the US EPA, which estimated that 30 per cent of all Navajo still lack uncontaminated drinking water. It is an experience that is familiar to Aboriginal people here in Australia. Ammon's words were keenly listened to by the people sitting around the campfire and around the circle at Seven Mile because the experience here, while it is different in some important respects, still bears a huge resemblance to what the Navajo suffered. The forced dispossession, the lies of the government who said that this activity was safe, the promise of jobs that either never eventuated or turned out to be lethal when they arrived and the walking away and the washing of the hands and the erasing of the history of the dispossession of these people seemed very similar.

It was wonderful to spend time in the company of Aboriginal people here in Australia who have given up their lives to fight the impacts of the actions of household industry names here. These companies include BHP Billiton, Rio Tinto, Cameco and Mitsubishi, which attempted to establish mines in Western Australia. Many Australians have shares in these companies, and many of us probably invest indirectly in them through our superannuation; but they have an extraordinarily dark story, and it is important that it be told. Another guest who we were very fortunate to host at Seven Mile was Andre Lariviere, of the French network to phase out the nuclear industry—a network of 900 groups in France. We tend to think of the French as being the happy atomic country or as Andre puts it, the nation of the happy atom. It is not the case. It has not been the case for a long period of time. A recent poll—I am quoting from a Reuters article of April this year—carried out in late March, subsequent to the earthquake and tsunami that hit Japan, found the 57 per cent of respondents were generally in favour of dropping nuclear energy, with 20 per cent strongly in favour of the idea. So the footprint of the nuclear industry in France has taken on this profoundly anti-democratic side in that most of us here in Australia probably think the French are pretty happy with their clean, green nuclear industry generating 70 or 80 per cent of their electricity. It is absolutely not the case.

The French government will ignore that poll, as polls here in Australia about nuclear power and uranium mining have been
ignored, because it is inconvenient. But the French have just suffered another accident, a blast at a reprocessing facility in the south of France that has killed one worker and put a number of others in hospital. There does not appear to have been a significant radioactive release, although you always have to take government officials' proclamations with a grain of salt. Nonetheless, an explosion at a reprocessing plant dealing with plutonium and some of the material that has now showered the north-east part of Japan is still a cause for serious concern. I suspect it will not improve the polling numbers the next time a poll is taken in France.

The French are absolutely not alone in opposing nuclear power by various margins. In Japan, 82 per cent of Japanese favoured building more plants in Japan, or maintaining existing ones. That was a poll that was taken in 2005. Subsequent to the Fukushima disaster, somewhere between 41 per cent and 54 per cent of the Japanese people now support scrapping or reducing the numbers of nuclear power plants. The outgoing Prime Minister Kan said he would abolish nuclear energy in Japan and that they would phase it out. That is a commitment that has been somewhat weakly endorsed by the incoming Prime Minister, Mr Noda. It will be very interesting to see how the democratic aspirations of the people of Japan now play out in the light of the permanent radioactive nightmare that has been unleashed in the Tohoku region of Japan.

If we take a very quick trip around the world, a Washington Post/ABC poll in April 2011 found that 64 per cent of Americans oppose the construction of new reactors, so there are no surprises why the industry is at an absolute standstill there. Support for nuclear power was similar or much lower in countries as varied as Chile at 12 per cent, Thailand at 16½ per cent, Australia at 34 per cent, and the United Kingdom at 35 per cent support. That, I think, is a problem that has dogged the nuclear industry right from the beginning but to read some of the things they say you would think perhaps they have an image problem. To the Australian Uranium Association, to the World Nuclear Association and to people active in the uranium industry who think that you will simply be able to sail on through this disaster and that the fundamentals of the industry are strong—as we often hear—my message is that you do not have an image problem, you do not have a messaging problem: you have a reality problem. You have a leukaemia problem and a lung cancer problem. It is not something that is going to be fixed with another glossy fact sheet. People do not like this industry, not because they misunderstand it but because they understand it perfectly well. That is going to be very difficult to fix with little video clips on websites and new fact sheets.

To quote some of the main spokespeople for the industry in the aftermath of the disaster on Fukushima—and some of the language certainly changed once it became apparent just how serious it was—the language ranged from a 'sideshow'—Mr John Borshoff from Paladin Energy, who is never short of a few things to say about the nuclear industry, called it a sideshow. Later he said that it was a 'kick in the teeth' for the industry but that the impact on the industry 'will be minimal' and it will 'make the technology even safer than its enviable record'. Even our Prime Minister Julia Gillard said:

What is happening in Japan doesn't have any impact on my thinking about uranium exports. We export uranium and we will continue to export uranium.

How bad does it need to get to shake this extraordinary faith? Mr Ian Hore-Lacy, formerly of the Uranium Institute in Australia—he now works for the World
Nuclear Association, WNA—says of the epic accident in a piece that he put up on 13 April:

The epic accident is certainly a scar on the public perception of nuclear power, especially in the short term.

'A scar on the public perception', as though we are just seeing it wrong and the industry has some kind of image problem—that all it needs to do is fix up people's perception of it and everything will be okay. It shows the magnitude of the disconnect, the dissonance, that exists in the minds of the strongest advocates of the industry. All they need to do is somehow just fix up the image of the industry and everything is going to be fine. I think we will be hearing a lot more of that on the part of the nuclear industry and its supporters in government. The Australian Uranium Association says more facts and better public education will help address nuclear fears that Fukushima has helped fan, as though that accident has somehow caused unnecessary alarm and some kind of radiation phobia.

Mr Zigmund Switkowski, even though he has been let off the hook and is no longer directly undermining Australian government policy while on the payroll—at least we are no longer paying him to undermine the Australian government's policy which, I think, may still be bipartisan policy that we should not have nuclear reactors in Australia—is still at it, still spruiking nuclear power, saying that with appropriate safeguards it should be considered a viable source of greenhouse-friendly baseload power for energy-hungry economies. There are all the myths there, condensed and rolled into one little sentence. That is handy. The markets, on the other hand, are taking a different tack and that is very interesting; although to people deeply embedded in the industry, there is probably no disaster severe enough to shake their faith. If the spectre of the fallout sprayed across Western Europe and right across the Northern Hemisphere in 1986 from Chernobyl did not shake the faith and if the depopulation of part of the Tohoku region with permanent radioactive contamination did not shake the faith, perhaps the faith of investors will be shaken, firstly, by the demolition of TEPCO's balance sheet and, secondly, by the fact that the world uranium price has crashed from its peaks in 2007. UBS said, in an April summary:

At Fukushima, four reactors have been out of control for weeks—

We will now call that six months—

... casting doubt on whether even an advanced economy can master nuclear safety. We believe the Fukushima accident was the most serious ever for the credibility of nuclear power.

The market of course is bearing that out. The uranium spot price on 6 September was back down to US$48.85 a pound, so prices have dropped by about a third. The Merrill Lynch uranium equity index was down 19 per cent over the past month—and this is well after the Fukushima disaster, when people have been given time to absorb the sheer magnitude of that disaster. Shares in ERA, one of Australia's most prominent uranium miners in Kakadu at Ranger, were down 13 per cent in the last month and 73 per cent in the last year.

So even though Mr Martin Ferguson, from the confines of his safe office way down in Melbourne—a long way from the impact areas of these mines—may think this is a fantastic idea, investors are deserting the sector. The company has posted a $122 million half-year net loss. This is a big uranium miner, backed by Rio Tinto with deep pockets, and they are taking an absolute bath. Cameco, Denison Mines and in particular Paladin, one of my favourites, are all suffering as a result of investors simply withdrawing funds from this industry.
This week we learnt that big European companies want to sell their stakes in Urenco, and the British government is also said to be thinking about selling its shares. The industry internationally has gone into something of a free-fall. The World Nuclear Industry Status Report—which I strongly commend as a fairly clear-eyed examination of who is building what around the world and who is closing what—shows that 438 reactors were operating this May in 30 countries, which is six fewer than the maximum of 444 in 2002. Fourteen countries are building nuclear power plants, but most of the sites are accumulating substantial and costly delays. Only three-quarters of those reactors are being built, in four countries only, and none of those countries has a history of transparency or reliable information about the status of their construction work.

The industry tends to think that China will save their fortunes. China gives me the greatest cause for concern. WikiLeaks cables released in UK newspapers now show that a Swedish political group revealed that US analysts are worried about the safety of new Chinese reactors. There is no independent regulatory authority there. There is no independent press. Activists or people like me who might raise their concerns in public forums end up carted away to re-education through labour camps, as Sun Xiaodi and his daughter were.

So I think the industry has a very serious problem. The disaster at Fukushima is vastly worse than we are being told. Parents in Fukushima City, a city of 300,000 people, 60 kilometres from the plant, have banded together to demand that the government do more to protect around 100,000 children who were living in areas that would have been evacuated if they had been within the impact area of the Chernobyl reactor. The Japanese government have been extraordinarily slow to respond. They have been very tight-fisted with information, and that has caused a great deal of harm and unnecessary alarm. It is unclear when those reactors will be brought back under control.

The impacts so much closer to home, as I mentioned at the beginning of my comments, are that sovereignty is denied while the radioactive contamination is the same. To the industry I say that we realise you are not for compromise, so of course neither will we be. We are in this to close you down, and I certainly will not rest until that has been achieved. (Time expired)

Asia-Pacific Region

Senator MOORE (Queensland) (21:19): by leave—This evening at the inaugural EMILY's List Oration, which was held in the theatrette upstairs, the Prime Minister, Julia Gillard—amongst other things—announced the appointment of Australia's first Global Ambassador for Women and Girls. Ms Penny Williams, a career public servant in the Department of Foreign Affairs and Trade, has taken on this appointment. Her role will be absolutely essential in the development of Australia's work for women and girls, not just at home but across the globe. The Prime Minister said that in her role Ms Williams will ensure that the needs of women and girls are properly represented in Australia's overseas development program and in foreign policy more broadly.

I have spoken many times in this place about the enormous need for the role of women to be acknowledged. We know that women make up two-thirds of the one billion people in the world who lack basic literacy skills, with almost 35 million girls worldwide not getting even basic primary-level education. The Millennium Development Goals, which are a commitment from all countries on this planet, are particularly focused on empowering women to ensure
that education levels are attained, that women have appropriate health services and that women are engaged in political decisions and their own lives.

It is extremely important that Ms Williams receives the support she will need to make sure these goals are reached not only here in our own nation but, most particularly, in the Asia-Pacific. The government has agreed that Ms Williams's role will focus particularly on the Asia-Pacific region. We know that this area—our own neighbours—was ranked lowest in the world by the United Nations Development Programme on a range of gender indicators, including access to education, employment and political participation. I congratulate Ms Williams on her appointment. It is a real challenge for her and our country, and it is important that we are there to support her in her role.

My major comments this evening, though, are around a focus we had in August, when Dr Sid Naing, Country Director from Marie Stopes International in Burma, along with the Parliamentary Group on Population and Development, hosted a parliamentary breakfast where many parliamentarians and people who work in this place, as well as those interested in international development issues, came together to find out more about some of the important work the Australian government supports in our region.

Marie Stopes International provides family planning and reproductive health services to some of the poorest men and women in over 42 countries around the world. Last year their services prevented over four million unintended pregnancies and over 13,000 maternal deaths—again, clear areas under which the MDGs are being assessed across the globe. Ninety-nine per cent of the health impact is directly for women and men in developing countries. It is estimated that these services will save healthcare systems in developing countries AU$650 million dollars. The economic benefits for families who are able to manage their family size is immeasurable. We know that this is the key to reducing the crippling effects of poverty and inequality, and for this reason our aid program has prioritised maternal health interventions in a number of priority countries.

At the parliamentary breakfast Dr Naing presented on some of the daily realities of delivering family planning and reproductive health services in Burma. Marie Stopes actually produces a factsheet on the issues around Burma, or Myanmar. One of the comments we did make was that you are going to offend some people no matter what you call the country. I will use Burma this evening. We got a quick snapshot of this wonderful, troubled and beautiful country. Burma's health indicators are among the worst in the Asia-Pacific region, and that has been established in the UN process. One woman dies for every 260 babies born—a rate 40 times higher than in developed countries. Only one in three women use any modern method of contraception, have access to it, know how to use it and can make decisions about their own health. Less than two per cent of GDP is spent on health care. There is no provision for family planning in the government's health budget and skilled healthcare professionals are extremely limited. An underfunded and underresourced public health system means that services delivered by non-government organisations are essential in order to create access to even basic healthcare. Marie Stopes International is one of the very few providers able to work in Burma, and since 1998 it has provided best practice integrated sexual and reproductive healthcare services to hundreds of thousands of people in the area.

Dr Sid Naing, who spoke with us, could talk from personal experience working in the
field. The challenges of reaching the poorest of the poor with essential reproductive and maternal health services are beyond the imagination of most of us. Most public health facilities lack adequate equipment and are without skilled staff to provide the services. There is currently no provision of family planning within the national health budget, meaning that without the support of organisations like Marie Stopes International more women and men will simply not access family planning and will resort to more unsafe abortions as a means of managing their family's size. Dr Naing and his team work with public providers by training them, refurbishing the site, making sure there is the necessary equipment and working side by side to deliver life-saving reproductive and maternal health services. They also deliver services through their 24 independent clinics and mobile teams. These different channels mean that they are able to reach the urban poor, the displaced, and remote communities. Many of these people are unable to get to a public facility. Last year alone the Marie Stopes team in Burma delivered 300,000 voluntary family planning and maternal health services to women and men. Dr Naing, a highly regarded doctor in his own country, came from the UN to work with Marie Stopes International after seeing his niece needlessly die after receiving a backyard abortion.

Stories like these remain a common feature of women's lives in Burma. Only 33 per cent of women are using contraception, yet 50 per cent say that they want no more children and another 20 per cent of women say they want a break before becoming pregnant again. It is no surprise that pregnancy related complications are the leading causes of death for women of reproductive age. Meeting the family planning revolution and eradicating unsafe abortion is achievable, and voluntary family planning is a 'best buy' in global health and development. Investment in reducing the rate of unintended pregnancy is the quickest, cheapest and most effective strategy to reduce maternal deaths.

The Australian government is an active member of the International Alliance for Reproductive, Maternal and Newborn Health. The purpose of this alliance is to ensure a harmonised approach to improving women and children's health outcomes and to make sure that important areas, such as increasing access to family planning, stay on the agenda. Membership of the alliance includes DFID—the UK aid agency—USAID and the Bill and Melinda Gates Foundation. Membership of this alliance reminds us that we are not alone. We do have allies and we also have evidence based policy that is up there with some of the best in the world. But we do need to stand up and continue to ensure that these high-level commitments translate into more services on the ground that will reduce the needless deaths of the poorest women in the world. This must be our challenge.

The Australian government has committed to investing $1.6 billion in maternal and child health in the countdown to the Millennium Development Goals 2015 deadline. We must ensure that women benefit from this funding, and we must ensure that this funding is fairly allocated and invested in preventing those unintended pregnancies that lead to maternal death and disability. We know, and I have said it many times in this place, that adequate investment in family planning and reproductive healthcare means that current initiatives—the things that work and can demonstrate impact—are scaled up to reach even more of those with an unmet need for family planning. We must show leadership in this area and meet our commitment to millennium development goal 5, which is to
improve maternal health, measure the impact and communicate that to everyone in our community.

Focusing on MDG5 is a priority. It is the most underperforming of all of the goals, yet maternal deaths are largely preventable. We have the knowledge and technology we need to prevent maternal deaths. There is evidence and agreement on what works. These are good, client centred, voluntary family planning programs that include access to long-term or permanent methods such as IUDs or vasectomies, skilled care for mothers and newborns, and access to immediate family planning methods to prevent further unintended pregnancies. If done well, these interventions will reach the poor, the young and the remote; they will strengthen health systems, and make the private and informal health systems better. Meeting MDG5 will positively influence every single goal. A mother's death has an impact on an infant's survival. Access to family planning—a vital MDG5 indicator—will see human rights realised, poverty alleviated, lives saved, women empowered and development efforts sustained. Women need choice and deserve safe, affordable, quality services in a service setting that suits their needs. This means working with public providers so they can deliver better services out of a government facility or out of an independent clinic, and it includes being able to cheaply access contraceptive methods such as pills and condoms at the community level from a trusted community member with good referral pathways to services for women and men.

In countries where there are simply not enough medical staff we need to think of alternatives. For example, in Cambodia after the genocide fewer than 25 doctors survived. If there are not enough doctors, can a midwife be trained to do this service? Of course they can. If there are not enough midwives, can a nurse be trained to provide this service? And what about a local health worker? For the types of services we are talking about the answer in many cases is 'yes'. If we are able to meet the needs of women and men and drastically reduce maternal deaths, innovation in healthcare delivery is essential. This is how pioneering organisations are able to meet women and men's family planning needs. In Cambodia and Timor Leste, Marie Stopes runs a Midwives on Motorbikes program, bringing contraception to the poorest women in the most remote villages. It is this kind of creative thinking and commitment to excellence, despite all barriers, that will complete the family planning revolution and eradicate unsafe abortion.

Recently Senator Trish Crossin and I had the opportunity to visit Timor Leste and meet with the Marie Stopes clinic in this area. I particularly want to acknowledge Mary and Mai who spent time with us and introduced us to their staff, who are local, committed midwives operating the program about which I spoke. They take services into the remote community and work with women and their families and they are there for their health services.

One of the stories we heard was about a woman called Marciana who is 38 years old and has eight children. She lives in a remote mountain village in Timor Leste about six hours drive from the nearest hospital. After miscarrying her ninth child she was worried about falling pregnant again so, when she heard that an outreach team was coming to a nearby village, she decided to find out about her options. Marciana had never had access to family planning before but, after discussing the different types of contraception available to her with a local trained midwife, she decided to have an IUD.
However, when Fernanda, a midwife from the Marie Stopes team, examined her, she immediately realised that Marciana needed emergency help because she had had complications from her recent miscarriage. If this had not been treated immediately, infection would have set in and Marciana would almost certainly have been another sad statistic. Fernanda, the local midwife, gave Marciana an injection to help stop her bleeding, safely inserted the IUD and gave her antibiotics. Then Marciana could go home to her own family and make sure that she continued to live her life. Doing this kind of work is not easy. It requires focus, adequate investment and talented individuals at the front line. We do not hear enough good stories like that of Marciana's and how the tireless efforts of field staff ensure that the good work continues in the most difficult settings in countries like Afghanistan, Sudan, Yemen and even closer to home in Papua New Guinea where Marie Stopes International is also active.

As a result of the recent independent review of aid effectiveness, AusAID is currently investing in improved monitoring of our aid program. We need to measure our impact and we need to share 'what works' far and wide. There are global, peer reviewed research tools available that can capture our impact so that all Australian non-government organisations implementing maternal health activities can demonstrate the outcomes of their effort, including working to MDG5 level, such as improving the contraceptive prevalence rate and responding to the unmet need for family planning. If we capture this data, we can then stand up and be counted alongside our global partners and say: 'We have done what we committed to. We promised that we would reach the MDG goals and we now can do that.'

We also must keep alert to any efforts to take the MDG5 off track. Restricting information and programming that goes against the international evidence and the MDG indicators, which we signed up for, must be monitored. We must speak out and just say that it is not good enough. This will not reduce maternal deaths and is not good for women. As Australians, we take for granted our right to manage our family size. But many of us sitting here today do not really know families in our current world that have nine, 10, 11 or even more children. We need to ensure that women have the right to choose and we need to know that they can be empowered to make that choice. We need to have that sense that the community is behind them and that we understand the service that can be provided to them.

We are on track to reach the Countdown to 2015 and we must have adequate investment and good quality reproductive and maternal health interventions and we must ensure that this progress will be protected. We now have a Global Ambassador for Women and Girls in our own structure. One of her jobs will be to ensure that MDGs are kept on the agenda and, in particular, that MDG5, 5A and 5B, which look at issues around reproductive health, will be on the agenda, that we will be able to ensure that women like Marciana in East Timor and so many other women across the globe will have safe health and that we, in Australia, have been part of the solution, not maintaining a problem.

South Australia: Catholic Church

The PRESIDENT: Before I call you, Senator Xenophon: are you continuing on the same theme as last night?

Senator Xenophon: I propose to do so, Mr President.

The PRESIDENT: I think I should draw the attention of the Senate to parliamentary privilege resolutions agreed to by the Senate on 25 February 1988, in particular resolution
9 which goes to the exercise of freedom of speech. It says:

(1) The Senate considers that, in speaking in the Senate or in a committee, senators should take the following matters into account:

(a) the need to exercise their valuable right of freedom of speech in a responsible manner;

(b) the damage that may be done by allegations made in Parliament to those who are the subject of such allegations and to the standing of Parliament;

(c) the limited opportunities for persons other than members of Parliament to respond to allegations made in Parliament;

(d) the need for senators, while fearlessly performing their duties, to have regard to the rights of others; and

(e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.

(2) The President, whenever the President considers that it is desirable to do so, may draw the attention of the Senate to the spirit and the letter of this resolution.

Senator XENOPHON (South Australia) (21:38): Thank you, Mr President. I am grateful to you for doing that. I also seek leave to speak for up to 20 minutes.

Leave granted.

Senator XENOPHON: I rise to follow up on my comments from last night regarding the Catholic Church in South Australia's mishandling of sexual abuse claims made by Archbishop John Hepworth. Last night I explained that John had been the victim of horrendous sexual assaults by members of the Catholic Church when he was a child and a young man. As I detailed last night, Mr Hepworth was repeatedly raped at various times over a 12-year period beginning when he was 15. The assaults involved two priests and a fellow seminary student who was later ordained. Two of the rapists, Ronald Pickering and John Stockdale, who raped John while he was under 18, are deceased. The third priest, who raped John from on or around the time he turned 18, is still alive.

Last night I expressed my concern that despite being told of the abuse in 2007 and receiving a detailed six-page statement in March 2008, Monsignor David Cappo from the Catholic Church in South Australia told John Hepworth this year that the investigation was still at 'a preliminary stage' because, incredibly, he claimed John had not lodged a formal complaint. I said last night I find this response to be both troubling and inadequate. Today my concerns about this response are even greater as it has been pointed out to me that under section 11 of South Australia's Children's Protection Act 1993 ministers of religion are required to report to police any physical, sexual, psychological or emotional abuse or neglect of a child, unless these abuses are disclosed in the confessional.

The response by the Catholic Church in South Australia does not compare well with the response from the Catholic Church in Melbourne, which through the Melbourne inquiry process has taken the crimes committed by Ronald Pickering against John Hepworth incredibly seriously. The independent commissioner under the Melbourne inquiry process, Peter O'Callaghan QC, took just 18 months to resolve the matter and allowed Archbishop Hepworth to speak openly about the abuse and the resolution process. Mr O'Callaghan QC also accepted in this report that John had suffered 'many other instances of sexual abuse by members of the clergy in South Australia'. The Catholic Church in Victoria has provided an apology and some financial compensation to John Hepworth. Yet more than four years later Archbishop Hepworth is still waiting for the Catholic Church of South Australia to take the appropriate steps needed to investigate this matter properly.
One of those steps would involve placing the priest John says raped him on administrative leave until the matter has been resolved, and I note John Hepworth has today said he would prefer this to happen rather than having the priest named. So would I, but that would require the Catholic Church in South Australia to agree to this. Make no mistake: I would much prefer for Archbishop Philip Wilson to be dealing with his own clergy appropriately rather than forcing this step to be taken. Currently this priest is still leading a parish in South Australia, a situation that would not occur in other jurisdictions given the serious nature of the allegations and the credibility of the man who is making them.

Last night I questioned the appropriateness of the appointment of Monsignor David Cappo to the federal government’s Mental Health Commission given his handling thus far of the issues surrounding the abuse of Archbishop Hepworth. I also call on the Catholic Church in South Australia to follow the protocols of other Catholic churches where in the ordinary course of events, if plausible accusations are made, the priest involved is stood down on administrative leave unless the allegation is demonstrably frivolous and the claims are investigated.

Having spoken at length to John and given his standing in the community and his credibility, I cannot believe anyone could argue these serious and detailed claims are demonstrably frivolous. Further persuading me of the merits of these allegations are the findings of Peter O’Callaghan QC that there were ‘many other instances of sexual abuse by members of the clergy in South Australia of which John was a victim’. Add to that the fact that the Catholic Church in South Australia has now retained a prominent Adelaide QC to investigate the issue and it becomes clear these allegations are very serious and warrant immediate and appropriate action.

In fact the status of that inquiry is also a point of considerable confusion. It has variously been reported in the past few days as having begun months ago, or having begun in February, or being only in the preliminary stages. Today I was told by lawyers acting for the church that the appointed QC had not actually begun considering evidence. As processes go, this seems fundamentally flawed or at least unacceptably haphazard. A proper process would include the immediate standing down of the priest in question but, as I said, this is something that the Catholic Church in South Australia, as conveyed to me through their lawyers today, are unwilling to do. Last night I made it clear that, if the Catholic Church in South Australia did not stand this person down as other jurisdictions would do under these circumstances, I would feel duty bound to name the priest involved in the Senate this evening.

In the process of discovering what went on in relation to John Hepworth, I have become aware of the name of the third person he says violently raped him. This creates a serious moral dilemma for me because it has put me, as a representative of the people of South Australia, in a situation where I have privileged information, and the problem with privileged information is that it can be misused to benefit only a select few. The question is: do the people who attend this priest's parish have a right to know that serious allegations of sexual assault have been levelled against their priest and that these allegations have stood unproven but also unchallenged for four years? Do these parishioners have a right to know what the leadership of the Catholic Church in South Australia has known for four years?
Perhaps the most important question is: if my family attended this church, and if church leadership had refused to stand the priest down pending a proper investigation, would I believe I had a right to know? Would I be angry that a few people knew that serious allegations had been made and they did nothing and said nothing?

As a lawyer I believe strongly in the presumption of innocence and, by revealing the name of the priest, I want to make it clear that these allegations remain allegations at this stage. I spoke to John Hepworth today and made it clear that, if the Catholic Church in South Australia refused to stand down this priest pending an appropriate investigation, I would identify the priest in the interests of the wider parish. John told me he understood this and he understood that this was my decision to make.

The allegations are serious. They are made by a man with credibility and they have not been appropriately acted upon by the Catholic Church in South Australia. The people of the Brighton parish have a right to know that for four years allegations have been outstanding that priest Ian Dempsey raped John Hepworth, and that church leadership has failed to make appropriate inquiries into this matter and that church leadership has failed to stand this priest down as a matter of course while inquiries take place.

Mr President, I do not provide this information to the Senate lightly. But ultimately I believe that, given the inaction of the Catholic Church in South Australia by not setting up a proper process or standing the priest down, they have created a situation where an appropriate duty of care has not been shown to the parish. This could have been avoided. In other jurisdictions, or even in other circumstances within the Catholic Church in South Australia, this would not have occurred because a priest would have been stood down as a matter of course pending an appropriate investigation.

I now call on the Catholic Church in South Australia to act with the fairness, certainty and sense of urgency that has been sadly lacking for the last four years. This issue needs to be resolved in the interests of John Hepworth and all victims of sexual abuse. Sexual abuse flourishes because people keep secrets. As a representative of South Australia, this was a secret that—in good conscience—I did not feel I could, or should, keep.

Senate adjourned at 21:48

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposals Nos—
15 of 2011—Programme for the International Assessment of Adult Competencies.

Australian Meat and Live-stock Industry Act—

Commissioner of Taxation—Public Rulings—
Class Ruling CR 2011/80.
Product Rulings—
Addendum—PR 2008/55.
PR 2011/16.
Taxation Determination—Addendum—TD 94/55.
Taxation Ruling (old series)—Notice of Withdrawal—IT 2617.
Taxation Ruling—Addendum—TR 92/11.
Export Control Act—Export Control Regulations—

Departmental and Agency Files
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 2011—
Statements of compliance—
Australian Taxation Office; Health and Ageing portfolio; Migration Review Tribunal; Refugee Review Tribunal; Resources, Energy and Tourism portfolio
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Housing Supply and Affordability Reform
(Question No. 593)

Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 12 April 2011:

Given that the department's brief to the incoming Government (the 'Red Book'), warned of Australia's worsening housing affordability, along with problems of low density living, declining amenity and growing congestion, stating that such issues resulted from fractured and ineffective governance arrangements, and that the department advised the incoming Government to enhance the effectiveness of funding to help Australians in terms of housing, to investigate taxation and planning reforms, and to expedite National Urban Policy Reform, which includes a Housing Supply and Affordability Reform agenda:

(1) How is the department:
   (a) investigating taxation and planning reforms;
   (b) expediting the National Urban Policy Reform; and
   (c) contributing to the Council of Australian Governments' Housing Supply and Affordability Reform agenda.

(2) What resources are devoted specifically to housing affordability, including full time equivalents and specific work units within the department.

(3) Given that sprawl costs an estimated $343 million extra per 1,000 lots, when compared to infill development, how is the department currently:
   (a) factoring in the costs of fringe development to the economy; and
   (b) working to determine whether land use and the construction industry are being utilised as efficiently as possible.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

The Department is working with the States and Territories as part of the Council of Australian Governments' (COAG's) Housing Supply and Affordability Reform (HSAR) agenda on an examination of zoning and planning processes and governance. The Department was also consulted in the Productivity Commission's preparation of its study on Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessment. The Department is engaged in the COAG Reform Council's work on planning under the Capital Cities Strategic Planning Systems.

The National Urban Policy was released by the Minister for Infrastructure and Transport, the Hon Anthony Albanese MP on 10 May 2011.

The Department chairs the HSAR Working Party that is preparing the final HSAR report to COAG later this year.

Mining Projects
(Question No. 723)

Senator Ludlam asked the Minister representing the Minister for Trade, upon notice, on 29 June 2011:
(1) Has the Export Finance and Insurance Corporation (EFIC) ever invested in any uranium mining or processing projects; if so, can details be provided for each of the loans, including the project's name, location, amount provided, terms of the loan and the date provided.

(2) Why was finance of $15 million provided to African Underground Mining Services Limited (AUMS) to purchase mining machinery for use in underground mining operations, including the Ahafo gold mine, classified as a Category B project (low to moderate impacts) rather than a Category A (significant impacts) under the EFIC Policy for environmental and social review of transactions.

(3) Has EFIC re-evaluated this finance decision in the wake of reports on the significant environmental and social impacts of the Ahafo gold mine.

(4) Why was finance of $50 million for an ammonium nitrate plant in Indonesia categorised as 'Category B' environmental impact, which is 'low to medium' level impact.

(5) Would underground mining operations and ammonium nitrate plants in Australia be classified similarly as low to medium level impact projects.

(6) Will EFIC establish a formal stakeholder forum to enable ongoing structured discussion of transparency and accountability issues in relation to its social and environmental policy.

**Senator Conroy:** The following answer has been provided by the Minister for Trade to the honourable senator's question:

(1) In December 2006, EFIC provided a USD 43 million direct loan for the construction of a copper project in Zambia by Lumwana Mining Company Limited (LMC). EFIC provided an additional loan of USD 9.45 million and Political Risk Insurance to commercial banks (USD 90 million) and to a hedge bank (USD 150 million) in relation to the project. As part of the copper ore mining process for this project, uranium was also extracted. Under the terms of the EFIC loan and PRI documentation, LMC was unable to exploit, process, sell, export, transfer or otherwise dispose of uranium bearing material without EFIC's consent. A request was made by LMC to the lenders and their insurers to seek approval to process the uranium. Prior to a response being given to the request, on 10 March 2010 the EFIC loans were repaid by LMC and PRI policies cancelled by the banks.

(2) The AUMS transactions were considered to be Category B transactions in line with the OECD Common Approaches and the Equator Principles. This transaction related to AUMS's provision of underground mining services to established and operating mining projects for periods of up to three years. EFIC categorised AUMS's provision of those services, it did not categorise the existing projects themselves.

As stated in the response to part 4 of QoN 345 of 13 December 2010 regarding EFIC's classification of the transaction as Category B, EFIC's assessment included a review of publicly available information on its client's customer, Newmont Ghana Gold Limited and its Ahafo Gold Mine Project. That information indicated that the project was assessed and funded by the commercial arm of the IFC and that the IFC financing of the project was subject to the mine operator meeting stringent environmental and social standards.

(3) No. EFIC understands that these issues are related to the operator and owner of the Ahafo Gold Mine, Newmont Ghana Gold Limited, and EFIC has no relationship with that company.

(4) As stated in the response to QoN 346, EFIC assessed the activity of its client using the IFC Performance Standards as the benchmark. EFIC's review concluded that the project's environmental and social impacts were effectively contained within the site boundaries. The project was also located within an existing industrial estate. As such, EFIC categorised the transaction as Category B.

(5) EFIC's assessments of potential transactions are done on a case-by-case basis. A project's environmental and social impacts are determined by many factors. It is therefore difficult to predict a particular classification for all underground mining operations or ammonium nitrate plants whether in Australia or elsewhere in the world.
(6) EFIC has had discussions on establishing a stakeholder forum with stakeholders on environmental and social issues (Jubilee Australia and Oxfam Australia). EFIC hopes to establish the forum and hold the first meeting later this year.

**Macquarie Island: Baiting Program**

(Question No. 832)

Senator Abetz asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 6 July 2011:

In regard to questions asked during the 2011-12 Budget estimates hearing of the Environment and Communications Legislation Committee regarding the baiting program that recommenced on Macquarie Island on 5 May 2011:

1. How many dead birds have been found.
2. What species of dead birds have been found, and for each species, how many were found dead.
3. What records have been kept on species of dead birds found since the commencement of the baiting program.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

As at 17 July 2011:

1. A total of 932 birds were found dead.
2. 48 Skua

   110 Ducks

   453 Kelp Gulls

   305 Northern Giant Petrels

   4 Southern Giant Petrels

   12 unknown Giant Petrels

3. The following information has been recorded for each bird found:
   (a) date and time;
   (b) location;
   (c) species;
   (d) who found it;
   (e) whether there was any scavenging of the carcass and, if scavenged, how much;
   (f) age class;
   (g) sex;
   (h) existence of a brood patch;
   (i) whether the bird had been banded; and, if relevant, the band number;
   (j) whether an autopsy was carried out;
   (k) likely cause of death;
   (l) whether a genetic sample was taken, and, if so, the sample's identification number;
   (m) whether a Brodifacoum (pesticide) sample was taken, and, if so, the sample's identification number; and
   (n) carcass disposal method.
Job Services Australia: Providers
(Question No. 899)

Senator Abetz asked the Minister for Employment Participation and Child Care, upon notice, on 1 August 2011:

(1) Has the department received any complaints concerning Job Services Australia provider MAX Employment; if so:
   (a) what was the nature of each complaint;
   (b) what further action was taken by the department; and
   (c) what was the outcome of each investigation.

(2) Have there been any audits undertaken of Job Services Australia provider MAX Employment; if so, what was the outcome of each audit.

(3) What measures are in place to ensure that taxpayer funds are being spent correctly by Job Services Australia providers.

Senator Chris Evans: The Minister for Employment Participation and Child Care has provided the following answer to the honourable senator’s question:

(1) The Department of Education, Employment and Workplace Relations (the department) has received feedback regarding MAX Employment Pty Ltd since the implementation of Job Services Australia (JSA) in 1 July 2009.

The specific details of individual complaints is a matter between the department, the job seeker and the provider.

The department assesses all complaints and depending on the specific nature of the complaint takes appropriate action including, liaising with providers to investigate the complaint, following up with the job seeker and where appropriate transferring job seekers to an alternate provider.

The specific details regarding the actions taken or outcomes of individual investigations cannot be provided without the consent of affected parties.

(2) The department undertakes regular auditing of JSA providers through its contract management of the Employment Services Deed 2009-2012 (the Deed). The nature of audit activity and the outcome varies in accordance with the profile of the Jobs Services Australia organisation and its sites.

The department measures the performance of JSA providers through an employment services performance framework and results are published every six months when Star Ratings are publicly released. Star Rating information is also available to job seekers to help inform their decision when selecting a provider.

(3) The department’s network of Contract Managers, based in State and Regional offices, undertake ongoing contract monitoring activities. Monitoring of contracts considers a range of information that includes regular review of performance information and other data available to ensure taxpayer funds are being spent in accordance with the Deed. In addition, performance is also monitored through formal performance feedback discussions, as well as other information gathered through day to day contact with providers, audit activities and the customer service line.

Member for Dobell
(Question No. 905)

Senator Ronaldson asked the Minister representing the Prime Minister, upon notice, on 9 August 2011:
Given the Prime Minister’s concern with the conduct of parliamentarians, as evidenced by her agreements with the Independents, and the Australian Greens, to develop a code of conduct for parliamentarians, has the Prime Minister satisfied herself that the Member for Dobell, Mr Craig Thomson, remains fit to serve as a Member of Parliament and as Chair of the House of Representatives Standing Committee on Economics; if so:

(1) Did Mr Thomson engage a handwriting expert to examine the signatures on credit card slips used to purchase services at a Sydney brothel; if so, who was that expert.

(2) Did Mr Thomson’s own handwriting expert find that Mr Thomson’s signature was on any credit card slips for these services.

(3) Was Mr Thomson advised by his lawyers, after considering the report from the handwriting expert, that his defamation action against Fairfax had no reasonable prospects of success.

(4) Has the Prime Minister seen the report of the handwriting expert.

(5) Has the Prime Minister seen any legal advice received by Mr Thomson from his lawyers concerning the merits of his case at this point.

(6) Has Mr Thomson explained how his mobile phone records show calls to the brothel on the same day a credit card slip was signed.

(7) Has Mr Thomson explained how his driver’s licence number came to be on the credit card slip, given that the escort agency in question says that it only accepts payment by credit cards from clients when photo identification is provided and checked.

(8) If Mr Thomson was not the person who paid for the services of the brothel, is the Prime Minister satisfied there is a reasonable explanation of why Mr Thomson then authorised payments of these credit card accounts as national secretary of the Health Services Union (HSU).

(9) Has Mr Thomson told Fair Work Australia that he authorised payment of these credit card bills; if not, why not.

(10) Is the Prime Minister satisfied that another person paid $15 000 back to the HSU for credit card misuse in relation to these matters, as alleged by Mr Thomson; if so, why should they not be named and/or referred to the New South Wales police.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator’s question:

On 2 March 2011 the Senate referred the following matter to the Senate Standing Committee of Senators’ Interests for inquiry and report:

The development of a draft code of conduct for senators, with particular reference to:

(a) the operation of codes of conduct in other parliaments;

(b) who could make a complaint in relation to breaches of a code and how those complaints might be considered;

(c) the role of the proposed Parliamentary Integrity Commissioner in upholding a code; and

(d) how a code might be enforced and what sanctions could be available to the parliament.

The committee is due to report on 28 November 2011.

This inquiry is being undertaken in parallel with a similar reference to the House of Representatives Privileges and Members’ Interests Committee.

The Government will respond in due course to the reports of these committees.

The honourable senator’s attention is drawn to the resignation of the Member for Dobell as chair of the House of Representatives Standing Committee on Economics on 23 August 2011.
Water Policy
(Question No. 919)

Senator Joyce asked the Minister representing the Treasurer, upon notice, on 17 August 2011:

In regard to the Australian Competition and Consumer Commission, can details be provided identifying the cost over the forward estimates of meeting its requirements under the Water Act 2007, separately identifying any other expenditure which relates to water policy, representing or regulation.

Senator Wong: The Treasurer has provided the following answer to the honourable senator’s question:


The 2011-12 total internal budget allocation for the Water Regulatory Branch, including the above new policy funding is $3.816 million. Future year internal allocations are subject to variation due to cessation or addition of new policy proposals and other adjustments in base cost estimates or efficiency impacts.

Australian Competition and Consumer Commission
(Question No. 983)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 18 August 2011:

(1) What was the total expenditure of the Australian Competition and Consumer Commission for the 2010-11 financial year in relation to:

(a) advertising;
(b) air travel within Australia in business class;
(c) air travel within Australia in economy class;
(d) air travel within Australia by charter flight;
(e) air travel outside Australia in first class;
(f) air travel outside Australia in business class;
(g) air travel outside Australia in economy class;
(h) air travel outside Australia by charter flight;
(i) hospitality and entertainment;
(j) information and communications technology (ICT) costs generally;
(k) ICT costs to external providers;
(l) external consultants generally;
(m) external accounting services;
(n) external auditing services;
(o) external legal services; and
(p) memberships or grants paid to affiliate organisations.

(2) In relation to each of the items referred to in question 1, what is the budgeted total expenditure for the 2011-12 financial year.
Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) (a) $178,810  
(b) $907,832  
(c) $1,067,783  
(d) Nil  
(e) $4,077  
(f) $265,473  
(g) $89,485  
(h) Nil  
(i) $9,363 in hospitality to visitors including delegations, committees  
(j) $10,750,194 operating and capital (excluding depreciation charges)  
(k) $3,206,657  
(l) $4,654,314  
(m) Nil  
(n) $71,000 ANAO external audit  
(o) $25,348,014  
(p) $21,000 OECD Product safety working group  

(2) (a) to (i), (p): The ACCC budgets at business unit level by aggregated cost group being: employee, travel, legal, consultancy and other costs. Managers then determine the specific priority usage to deliver outcomes for the allocated resources within those cost groups. As such travel is not budgeted by class of travel, nor specifically for hospitality, memberships expenditure nor advertising.

(j) $13,136,918 operating and capital (excluding depreciation charges)  
(k) $2,400,000  
(l) $6,397,441  
(m) Snil  
(n) $75,000 ANAO external audit  
(o) $22,593,000

Inspector General of Taxation
(Question No. 995)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 18 August 2011:

(1) What was the total expenditure of the Inspector General of Taxation for the 2010-11 financial year in relation to:

(a) advertising;  
(b) air travel within Australia in business class;  
(c) air travel within Australia in economy class;  
(d) air travel within Australia by charter flight;  
(e) air travel outside Australia in first class;  
(f) air travel outside Australia in business class;
(g) air travel outside Australia in economy class;
(h) air travel outside Australia by charter flight;
(i) hospitality and entertainment;
(j) information and communications technology (ICT) costs generally;
(k) ICT costs to external providers;
(l) external consultants generally;
(m) external accounting services;
(n) external auditing services;
(o) external legal services; and
(p) memberships or grants paid to affiliate organisations.

(2) In relation to each of the items referred to in question 1, what is the budgeted total expenditure for the 2011-12 financial year.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) (a) $37,473 (inc GST)
    (b) $31,306 (inc fees/taxes)
    (c) $12,992 (inc fees/taxes)
    (d) NIL
    (e) $15,920 (inc fees/taxes)
    (f) NIL
    (g) NIL
    (h) NIL
    (i) $5,816 (inc GST)
    (j) and (k) $74,665 (inc GST)
    (l) and (m) $174,120 (inc GST)
    (n) $22,000 (inc GST)
    (o) $16,911 (inc GST)
    (p) $3,184 (inc GST)

(2) Note that question (2) figures are projected (given that agency budgeting for 2011-12 is yet to be finalised).

    (a) $38,000 (inc GST)
    (b) $40,000 ((inc fees/taxes)
    (c) $30,000 (inc fees/taxes)
    (d) NIL
    (e) $15,000 (inc fees/taxes)
    (f) $10,000 (inc fees/taxes)
    (g) NIL
    (h) NIL
    (i) $7,000 (inc GST)
    (j) and (k) $80,000 (inc GST)
(l) and (m) $175,000 (inc GST)
(n) $22,000 (inc GST)
(o) $30,000 (inc GST)
(p) $5,070 (inc GST)

Inspector General of Taxation
(Question No. 1001)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 18 August 2011:

With reference to the Inspector General of Taxation:
(1) What is the actual location, including the full street address, of each premises occupied by the Inspector General of Taxation.
(2) In relation to each of the premises referred to in 1, are these premises:
(a) owned by the Commonwealth; or
(b) rented.
(3) What is the actual amount of space in square metres occupied by, or allocated to, the Inspector General of Taxation at each of the premises.
(4) What is the actual amount of space in square metres occupied by, or allocated to, the Commonwealth Government at each of the premises.
(5) For each of the premises that are owned by the Commonwealth:
(a) what was the total purchase price of these premises and what was the purchase date;
(b) what amount has been allocated as building depreciation from the date of purchase to the current date; and
(c) what is the estimated current market value of these premises and on what basis has this market value been calculated or derived.
(6) For each of the premises that are rented, what are the current lease terms including:
(a) the date the lease was entered into;
(b) the current expiry date of the lease;
(c) any further options available under the lease;
(d) the rental amount payable per square metre on an annual basis; and
(e) the total rental amount payable for the premises on an annual basis.
(7) When is the next rental review due and on what basis will any new rental be determined.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) What is the actual location, including the full street address, of each premises occupied by the Inspector General of Taxation.
IGT Response: Suite 2, Level 19, 50 Bridge Street, Sydney 2000
(2) In relation to each of the premises referred to in 1, are these premises:
(a) owned by the Commonwealth; or
(b) rented.
IGT Response: Rented
(3) What is the actual amount of space in square metres occupied by, or allocated to, the Inspector General of Taxation at each of the premises.

IGT Response: 255.4 square metres until 13 May 2011 then 310.4 square metres [55 square metres occupied by the Australian Reinsurance Pool Corporation until 13 May 2011]

(4) What is the actual amount of space in square metres occupied by, or allocated to, the Commonwealth Government at each of the premises.

IGT Response: 310.4 square metres

(5) For each of the premises that are owned by the Commonwealth:

(a) what was the total purchase price of these premises and what was the purchase date;
(b) what amount has been allocated as building depreciation from the date of purchase to the current date; and
(c) what is the estimated current market value of these premises and on what basis has this market value been calculated or derived.

IGT Response: Not applicable

(6) For each of the premises that are rented, what are the current lease terms including:

(a) the date the lease was entered into;
(b) the current expiry date of the lease;
(c) any further options available under the lease;
(d) the rental amount payable per square metre on an annual basis; and
(e) the total rental amount payable for the premises on an annual basis.

IGT Response:

(a) 1 February 2009
(b) 31 January 2013
(c) None
(d) $760.76 per square metre (GST exclusive, 4.25% fixed increase annually)
(e) $236,139.90 (GST exclusive, 4.25% fixed increase annually)

(7) When is the next rental review due and on what basis will any new rental be determined.

IGT Response: Not applicable

Prime Minister and Cabinet: Media Staffing
(Question No. 1028)

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 29 August 2011:

Given that the answer to question on notice no. 845 refers to the assignment of particular duties to individual staff members and not direction or advice, can the following information be provided:

(1) Has the Prime Minister or anyone in the Prime Ministers office offered any direction or advice to Ministers on how to structure their media staff:

(a) if so, who offered direction or advice and to which Ministers; and
(b) what advice was given.

(2) Is the Prime Minister or anyone in the Prime Ministers office aware of any direction or advice being given to Ministers on how to structure their media staff:

(a) if so, who offered direction or advice and to which Ministers; and
(b) what advice was given.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator’s question:

Please refer to the response provided in Senate Question on Notice 845.